

The German Government assume that a pact of the nature designed by the United States Government would not place in doubt the sovereign right of each individual State to defend itself. It is self-evident that if one State breaks the pact the other contracting parties recover liberty of action as against that State. A State, therefore, which is affected by the violation of the pact on the part of another State is not prevented from using armed force to protect itself against the disturber of the peace. The German Government do not, however, consider it necessary in a pact of this nature to make express provision for the event of its violation.

In agreement with the Government of the United States and with the French Government, the German Government are of opinion that the ultimate aim should be to render the new pact universally applicable. The draft prepared by the United States Government could leave open a door whereby this universal applicability could be secured. When the States primarily regarded as signatory Powers have concluded the pact, then it can be expected that other States will quickly make use of a right accorded to them without limitation or condition to adhere to the pact.

The German Government are thus able to declare that they are ready to conclude a pact in accordance with the proposal of the United States Government, and for this purpose to participate in the necessary negotiations with the interested Governments. The German Government, however [*sic*], accompany this declaration with the definite expectation that the conclusion of a pact of so wide a scope will not fail to make its influence rapidly felt on the state of international relations. In this way this new guarantee for the preservation of peace must give an effective impulse to the efforts which are being made to introduce general disarmament. Apart from this, however, the renunciation of war must, as a necessary counterpart, create conditions in which existing or future differences between national interests can in a peaceful manner be brought to arbitration.

Please accept, &c.,

STRESEMANN.

No. 4.

Sir Austen Chamberlain to Mr. Houghton.

YOUR EXCELLENCY,

Foreign Office, 19th May, 1928.

Your note of the 13th April, containing the text of a draft treaty for the renunciation of war, together with copies of the correspondence between the United States and French Governments on the subject of this treaty, has been receiving sympathetic consideration at the hands of His Majesty's Government in Great Britain. A note has also been received from the French Government, containing certain suggestions for discussion in connection with the proposed treaty, and the German Government were good enough to send me a copy of the reply which has been made by them to the proposals of the United States Government.

2. The suggestion for the conclusion of a treaty for the renunciation of war as an instrument of national policy has evoked widespread interest in this country, and His Majesty's Government will support the movement to the utmost of their power.

3. After making a careful study of the text contained in Your Excellency's note and of the amended text suggested in the French note, His Majesty's Government feel convinced that there is no serious divergence between the effect of these two drafts. This impression is confirmed by a study of the text of the speech by the Secretary of State of the United States to which Your Excellency drew my attention, and which he delivered before the American Society of International Law on the 28th April. The aim of the United States Government, as I understand it, is to embody in a treaty a broad statement of principle, to proclaim without restriction or qualification that war shall not be used as an instrument of policy. With this aim His Majesty's Government are wholly in accord. The French proposals, equally imbued with the same purpose, have merely added an indication of certain exceptional circumstances in which the violation of that principle by one party may oblige the others to take action seeming at first sight to be inconsistent with the terms of the proposed pact. His Majesty's Government appreciate the scruples which have prompted these suggestions by the French Government. The exact fulfilment of treaty engagements is a matter which affects the national honour; precision as to the scope of such engagements is, therefore, of importance. Each of the suggestions made by the French Government has been carefully considered from this point of view.

4. After studying the wording of Article 1 of the United States draft, His Majesty's Government do not think that its terms exclude action which a State may be forced to take in self-defence. Mr. Kellogg has made it clear in the speech to which I have referred above that he regards the right of self-defence as inalienable, and His Majesty's Government are disposed to think that on this question no addition to the text is necessary.

5. As regards the text of Article 2, no appreciable difference is found between the American and the French proposals. His Majesty's Government are, therefore, content to accept the former if, as they understand to be the case, a dispute "among the high contracting parties" is a phrase wide enough to cover a dispute between any two of them.

6. The French note suggests the addition of an article providing that violation of the treaty by one of the parties should release the remainder from their obligations under the treaty towards that party. His Majesty's Government are not satisfied that, if the treaty stood alone, the addition of some such provision would not be necessary. Mr. Kellogg's speech, however, shows that he put forward for acceptance the text of the proposed treaty upon the understanding that violation of the undertaking by one party would free the remaining parties from the obligation to observe its terms in respect of the treaty-breaking State.