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Locarno and British Interests

Author(s): Wickham Steed

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LOCARNO AND BRITISH INTERESTS

(Address given on November 3rd, 1925.)

To understand the Locarno settlement it must be viewed in perspective; and by "perspective" I mean both retrospect and prospect. The documents initialled and signed at Locarno may be "taken as read." Yet no reading of them will avail to bring out their meaning unless they are placed in their proper setting. Before criticising them it may, too, be wholesome for us to think of what the position might have been had the Locarno Conference failed; and it is from this standpoint that I shall start this evening.

Towards the middle of September, at Geneva, I spent the greater part of a day and some hours of a night in discussing with prominent Germans the prospects of the European security negotiations which were successfully concluded a month later at Locarno. The visits of Tchicherin, the Bolshevist Commissary for Foreign Affairs, to Warsaw and Berlin, had just been announced. Doubt was felt whether Italy would "play the game," for the tendencies of her Fascist Government seemed to be not essentially different from those of the Bolshevists. The opposition of the German Nationalists was considered, as was the determination of the British Government not to extend its guarantee of security beyond the Rhineland. Another drawback was seen to lie in the ignorance and isolation of German public opinion, which, for more than ten years, had been out of touch with the opinions and feelings of other European countries. Coldly considered, the chances of a Locarno agreement seemed poor. Then one of the Germans said "Yes, that is all very true; but have any of us thought of the consequences of failure at Locarno? The position would be appalling." Briefly and dramatically he outlined the consequences for Germany and made it clear that, in his view, Locarno would either be the beginning of a swift descent into a European hell, or the effective end of the War and a chance for the peoples of Europe to climb upwards towards a comparative heaven of assured peace.

When the news came on October 16th that the Locarno Treaties had been concluded and initialled, I thought of this German's reasoning and applied it to the position of Great Britain. Even then some British newspapers and, doubtless,

not a few individual Englishmen, were bemoaning or preparing to bemoan the "dangerous commitments" into which this country had entered and to wonder—with a strong tendency to answer in the negative—whether Mr. Austen Chamberlain had been justified in accepting responsibilities that might one day "drag us into war." So I fell to thinking of what the consequences of failure to conclude the Locarno Pact or Pacts might have been for this country; and my mind reverted to a passage in Lord Grey's book in which he describes the certain consequences of a failure on our part to take the action we took in August 1914. Then, also, some Englishmen of the hyper-insular sort, and some whose conception of British interests and outlook was far too international, were urging that we ought to "keep out of it." Lord Grey makes two things quite plain—first, that our timely intervention in 1914 was not due to any general comprehension by the people of this country of the dangers to which we were exposed, but to the blunder of Germany in raising, by the invasion of Belgium, an issue which we could not evade; and, second, that had we not intervened then, Germany would have triumphed. Then, he adds:

"France and Russia would not have loved Germany after the war, but in one thing they would have been ready to join with her, and this would have been in a policy directed against Britain, who had stood aside while they suffered. In Germany, militarism and navalism would have been supreme. Germany would have wielded the whole diplomatic strength of the Continent. For a time we might have struggled on ingloriously, squeezed and thwarted everywhere. . . . Finally, when the German Fleet was ready, war would have been forced on us and we should have been found dispirited, half beaten before the war began. By that time, the full range of the big guns, the extended use of the submarine would have been known, the French shores would have been in unfriendly hands and the Channel would have been closed to us. Can anyone say that this picture is remote from possibility?"

This picture is certainly not remote from possibility. Now let us consider what the consequences of failure at Locarno might have been. At the Paris Peace Conference of 1919 we had agreed, jointly with the United States, to guarantee France against unprovoked German attack in future; and, in return, the French had moderated some of their claims for security. The United States went back on their part of the guarantee, and we took advantage of our legal right to go back on ours. Thus

we placed France in the position of having paid for goods which we had not delivered, and we forfeited our power to exercise a moderating influence upon French policy. Upon French opinion the effect of our withdrawal was twofold. On the one hand, it engendered a feeling of betrayal which took the form of fear and nervousness, coupled, of course, with resentment against us. On the other hand, it caused many Frenchmen of the Nationalist persuasion to rejoice. They saw that we had liberated France from our restraining influence and, even while they animadverted upon our faithlessness, they welcomed the prospect that France, with her big army, would henceforth be able to deal with Europe much as she might wish. To the growth of this second tendency must be attributed the overthrow of M. Briand at the Cannes Conference in January 1922 and the development of the policy associated with the name of M. Poincaré which led to the occupation of the Ruhr in January 1923 and continued, practically unchanged, until the downfall of the Poincaré Government in May 1924. Finally, after the advent of the Left under M. Herriot, the Poincaré policy was reversed, if not finally buried, by the London Agreement of August 1924.

I have stated more than once the reasons why I was opposed to the occupation of the Ruhr, not only after but before it took place; and I stated them publicly both in this country, where it was easy, and in Belgium and in France, where it was less easy. They were that, in the long run, the policy of which the occupation of the Ruhr was a symbol rather than the essence, would lead to an economico-political coalition between France and Germany in which France would not always be the predominant partner; that this coalition would presently extend to Russia, if not also to Japan, and that its tendency would be necessarily and essentially anti-British. This country, burdened by debt, open to attack by air and to submarine blockade, would therefore be in an extremely dangerous predicament and might not be able to remedy in time the errors of its statesmen.

Good fortune, on which we seem to reckon somewhat largely, came again to our aid. The occupation of the Ruhr, which we deplored, and rightly deplored, though it was in part a consequence of our own action in going back on our part of the Anglo-American guarantee to France, had a psychological effect in Germany which we did not foresee. It convinced the Germans that they had really been beaten in the War. At the same time, its failure to fulfil the promises held out to the French people by its authors turned the French electorate against the Poincaré

Government and led to the triumph of the more liberal tendencies associated with the French Left. With these tendencies it was possible for us, and especially for the British Labour Government then in office, to act harmoniously. Hence the London Agreement on the Dawes Scheme and its sequel, the Geneva Protocol of September 1924.

There has been much cheap criticism of the haste in which the Geneva Protocol was drawn up, and much more criticism of its actual provisions. Few of the critics have paused to think that had not the Anglo-French Resolution, the basis of the Protocol, been agreed upon and adopted at the beginning of the Fifth Assembly of the League of Nations—and there were something less than twenty-four hours in which to conceive, draft and agree upon the Resolution—the Fifth Assembly, instead of adopting the Protocol and sanctioning its immediate object, a disarmament conference, would have been marked by so fundamental a divergence between French and British views as to have imperilled the London Agreement of the previous August, if not to have rendered it and the Dawes Scheme entirely unworkable. After the fall of the Labour Government, the British Conservative Government decided to reject the Protocol, as its predecessor had rejected the Draft Treaty of Mutual Assistance. Thus it placed this country before three possible alternatives. One was to seek a substitute for the Protocol in the hope of making good to some extent the loss of security which this country had inflicted upon France and upon Europe by its withdrawal from the Anglo-American Guarantee of 1919. Another was to turn its back upon Europe and to seek British prosperity and security solely by the strengthening of the ties between the various parts of the British Empire and to some extent between them and the United States. A third alternative was to muddle along without any definite policy. Very wisely in the circumstances the Government chose the first of these alternatives. It or its representatives are believed to have prompted the German offer of a Western Security Pact which was officially made on February 9th last. But, hardly had this offer been made, when the British Government denounced the Geneva Protocol with an energy that seemed superfluous, and ran the risk of estranging some of the statesmen and some of the countries upon whose goodwill the conclusion of a Security Pact would depend. It wagered heavily upon the chance of concluding a Security Pact, while at the same time it seemed to load the dice against itself. Personal intercourse between Mr. Austen Chamberlain and some

of the statesmen upon whose co-operation his success must depend helped, however, to undo the mischief which had been potentially done; and it enabled him also to perceive how real was the desire for security in Europe and how damaging it would be to the position of this country were that desire to be thwarted for lack of British help, or should it be satisfied without or against Great Britain. In a less extreme form but substantially in the same way there would have grown up against us in Europe a position analogous to that which Lord Grey has outlined as the inevitable consequence of any failure on our part to intervene promptly in August 1914.

From this danger the Locarno Pacts have, or may have, saved us. The work done by the conference of legal experts in London at the beginning of September and pursued during the Sixth Assembly of the League of Nations at Geneva rendered success possible. Moreover, the work of the Sixth Assembly, which hall-marked in advance the Security Pact negotiations as consonant with the Covenant of the League and with the principles of the Protocol "Arbitration, Security, Disarmament," obviated the danger that success at Locarno might be achieved at the expense of the League and might accredit a belief that the League itself was impotent to promote European security. Indeed, the preliminary conversations and negotiations at Geneva between most of the principal delegates to the Locarno Conference enhanced the chances of success to a point at which the prospect of failure became more remote.

There is a tendency in this country to look upon the Locarno Pacts as something in the nature of a gift from Great Britain to Europe. In a sense, this view is not unfounded, though it is inadequate and one-sided. Only those who imagine that, quite apart from her obligations under the Covenant of the League, Great Britain could hold aloof from any future European conflagration are entitled to entertain it. Those who, on the contrary, hold what I believe to be the sound view—that the chances of our being able to remain neutral in any great European war are so small as to be negligible—must recognise that, in acting up to the spirit of the Anglo-American guarantee to France of 1919, albeit in a larger and probably in a more beneficent form, this country has not made a gift to Europe, but has paid a debt and has in consequence increased its own credit, enhanced its own security and promoted its own welfare. If we have undertaken obligations more precise, though not necessarily more onerous, than those which we assumed when we signed the

Covenant of the League of Nations and Articles 42, 43, and 44 of the Treaty of Versailles, Europe has also given a gift to us in the form of making provision for her own and our security, and for the probable advancement of her own welfare, with which our welfare is inseparably bound up.

Turning from these general considerations to the actual position created by the Locarno Treaties, we find that, as far as this country is concerned, it is governed almost entirely by the Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain and Italy. The other Treaties of Arbitration between Germany and Belgium and Germany and France, like those between Germany and Poland and Germany and Czechoslovakia, define procedure for the pacific settlement of disputes rather than the merit of any question. The agreements between Poland and France and France and Czechoslovakia which provide for mutual assistance in case of armed violation of the engagements entered into by Germany, merely safeguard in practice the rights of the contracting parties under Article 16 and the seventh paragraph of Article 15 of the Covenant of the League. They do not involve this country, explicitly or by implication, in any new engagement other than the engagements it has already entered into under the Covenant of the League; though, in principle, it is doubtless understood, as Mr. Austen Chamberlain recognised in his letter to M. Briand last June, that no country shall be deemed an aggressor if it acts in accordance with its rights under the Peace Treaties and the Covenant. The question of British commitments turns, therefore, upon the terms of the Western Treaty of Guarantee or, as it will probably be called, the Rhenish Security Pact.

Taking this Pact clause by clause, its signatories guarantee, severally and jointly, the maintenance of the territorial *status quo* established by the frontiers between Germany and France and Germany and Belgium as laid down in the Treaty of Versailles; and also, severally and jointly, the Articles 42 and 43 of the Treaty of Versailles concerning the demilitarised zone on both banks of the Rhine. It may be claimed that this joint and several guarantee goes beyond the Versailles Treaty, which declares, in Article 44, that any violation of the demilitarised zone by Germany would be regarded "as a hostile act towards the signatory powers and as seeking to disturb the peace of the world"—the significance and consequence of the "hostile act" being undetermined. It may at once be admitted that this is a

binding definition of a British engagement, and that it removes Articles 42 and 43 of the Treaty of Versailles from the category of collective engagements, such as existed before the War in regard to Luxemburg, and places them in the category of definite individual commitments to which the former British guarantee of Belgian neutrality belonged. Without pausing to consider whether British public opinion would ever be likely to tolerate an unprovoked German violation of the demilitarised zone, it may be noted that the Locarno Treaty guarantees Germany also against an unprovoked French violation of the zone, and that Article 2 of the Treaty contains an express undertaking by Germany that she will not make war on either France or Belgium, and a similar undertaking by France and Belgium that they will not make war upon Germany.

This is something quite new. It is an important departure from old traditions and principles. It mitigates any danger to this country that may be involved in the transformation of the undefined collective effect of Article 44 of the Treaty of Versailles into an individual obligation. The second article of the Locarno Treaty contains, further, a limitation of the right of members of the League to go to war in the event of failure on the part of the Council of the League to come to a decision on any dispute. By Article 2, France, Belgium and Germany agree that they would only make use of this eventual right against a State which should already have made an attack. Therefore it eliminates the likelihood of "preventive" war, even should the Council of the League fail to agree upon the merits of a given dispute. In fact, it reduces the prospect of war to cases in which the Council or the Assembly of the League may call upon one or more of its members to take armed action.

Article 3 provides for the pacific settlement, as between France, Belgium and Germany, "of all questions of every sort that may divide them, and that shall not have proved susceptible of solution by ordinary diplomatic methods." This strengthens the provisions of Article 2.

But it is Article 4 which particularly affects Great Britain; though even here it does not affect her directly or alone except in so far as she may herself determine. If any contracting party believes that the Locarno Treaty itself, or Article 42 or 43 of the Treaty of Versailles, has been violated it must report the matter at once to the Council of the League, which, on agreeing unanimously (with the exception of the parties to the dispute), shall call upon all signatories immediately to come to the aid

of the aggrieved party. In urgent cases, in which action may be necessary before the Council of the League can decide, each signatory Power undertakes to lend its aid to the aggrieved party as soon as each signatory Power (not the aggrieved party) shall have satisfied itself that an unprovoked act of aggression has been committed. Thus the British Government would be entitled to take immediate action on behalf of Germany, Belgium or France, if it were satisfied that either of them had been exposed to unwarranted attack, without waiting for the Council of the League; though, even in this case, the Council of the League would continue its work, and signatory States which should already have taken action, in accordance with their own judgment and in pursuance of the guarantee they have given, would be bound to comply with the Council's findings.

Thus, in Article 4 of the Rhenish Security Pact, the only curtailment of British freedom of decision lies in the engagement that this country, like the other signatories, will immediately lend its aid to the Power which the Council of the League shall have designated as the victim of aggression. This may be considered a transformation of obligations hitherto general and more or less vague into a definite and binding obligation towards the Council of the League. On the other hand, Article 4 increases British freedom of action by allowing this country to act in defence of its interests in the security of Western Europe without waiting for an appeal or a summons from the Council of the League. Circumstances are conceivable in which this right might be extremely valuable as a deterrent to an intending aggressor.

Article 5 contains the guarantee of the arbitration Treaties between Germany, Belgium and France, though a distinction is drawn between cases in which failure to observe the procedure laid down in the Arbitration Treaties is accompanied by acts of war and those in which it is not. In the former case, all the other signatories of the Rhenish Security Pact, except the aggressor, come to the help of the victim in accordance with the terms of Article 4. In the latter case the Council of the League will decide what action should be taken to secure compliance with the Arbitration Treaty, and the guarantors of the Rhenish Pact undertake to carry out the Council's proposals.

Neither Article 6, 7, nor 8 affects Great Britain especially. Article 6 upholds the rights of the signatories under the Treaty of Versailles and under arrangements complementary to it, including the London Agreement of August 1924. Article 7

makes it clear that the Treaty of Locarno does not override in any respect the Covenant of the League or its authority, but, on the contrary, strengthens them; and Article 8 contemplates the termination of the Locarno Treaty when at least two-thirds of the Council of the League shall recognise that the League itself is strong enough to guarantee security.

Article 9 contains the important reservation that the Rhenish Pact shall impose no obligation on the British Dominions or India unless their Governments adhere to the Pact. Thus it distinguishes between the special engagements of Great Britain in Western Europe, and the general engagements of India and the self-governing Dominions overseas under the Covenant and the Peace Treaties.

Article 10 makes the validity of the Treaty contingent upon the entry of Germany into the League, though German obligations under the Covenant are defined in a letter written to the German delegation by the other signatories of the Locarno Treaties, including Poland and Czechoslovakia. This letter expresses the view that no member of the League shall be called upon to take action under Article 16 of the Covenant except in the degree compatible with its military and geographical position.

These are the chief provisions of the main treaty concluded and initialled at Locarno. Others equally, if not more, important are to be found in the covering document or Final Protocol of the Locarno Conference which was not merely initialled but signed by all parties. The concluding paragraph of this document runs :

The representatives of the Governments here represented declare it to be their firm conviction that the coming into force of these Treaties and Conventions will contribute greatly to bring about moral appeasement among the nations, that it will powerfully aid in the solution of many political and economic problems in conformity with the interests and feelings of peoples, and that, by strengthening peace and security in Europe, it will effectively hasten the disarmament foreshadowed by Article 8 of the Covenant of the League of Nations.

They undertake sincerely to help in the work already begun by the League of Nations in relation to disarmament and to seek to carry it out by a general agreement.

Nevertheless it is legitimate to inquire whether the prospects of peace and goodwill in Europe and beyond Europe have really been improved by the Locarno Treaties. Will these Pacts have, in themselves, any greater virtue or validity than the virtue

assigned to the Covenant of the League which has not sufficed hitherto to give a complete feeling of security? To these questions the answer is, I think, in the affirmative—on one condition. The condition is that we should no more put our whole trust in paper arrangements, no matter how solemnly initialled, signed, sealed and ratified they may be, than we should place it in armies, navies and aircraft, and that the Locarno arrangements should be looked upon as a basis of operations for the progressive conquest of peace by the constant pursuit of an active peace policy and by the development of a constructive peace spirit. As Lord Grey said excellently at Swansea on October 22 :

There is more than one thing which I consider belongs to the greater aspects of what has happened at Locarno. In the first place, there is something which is not in the Treaty at all, and that is the new spirit of it. Do we realise that this is the first Conference since the Peace in which France, Germany and ourselves have met without there being any question as to the negotiations being between victor and vanquished? Germany at Locarno has come into the comity of Europe on equal terms. The negotiations at Locarno have been carried on between the representatives of the different nations as though they were nations which had never been at war with each other at all. That marks a great step forward. There is more than that. They began at Locarno dealing in Conference as equals, but, as the Conference went on, they took to dealing with each other as friends.

In other words, Locarno may mean the end of the Great War. It may also mean the emergence of Germany, for the first time since August 1914, from political and psychological isolation. The effect of this emergence upon the German people themselves can only be estimated by those whom intercourse with Germans during recent years has taught how singularly Germany has lost her bearings in post-war Europe. The contribution of Germany to the League of Nations will doubtless transform the quality of that organisation—possibly in ways that we may not like. But work in the League of Nations may also transform the quality of current German political thought and modify profoundly the German outlook on the world. From whatever angle it be regarded, the Locarno settlement cuts athwart the notion, so sedulously instilled into German minds that the Peace Treaties are essentially intolerable. The tone, at least, of German propaganda on the subject of war guilt or, as

the latest formula runs, against the attribution to Germany of the sole responsibility for the war, may undergo a change, since the chief object of that propaganda—the upsetting of Article 231 of the Treaty of Versailles and its declaration that Germany and her allies are responsible for the damage consequent upon their aggression—is unlikely now to be attained by the methods hitherto favoured. Further, if the idea of military revenge is replaced in the minds of the German people by the idea of seeking to realise German aims through international understanding and persuasion, the spirit of German militarism, in its various forms, may gradually be counteracted, if not entirely exorcised. The purpose of German policy towards Russia, as indicated in the Russo-German alliance concluded at Rapallo during the Genoa Conference of April 1922, may be enfeebled or transformed; though, should the Russian Soviet Government seek to imitate the German example, and to “bolt into the League,” the ghost of this purpose may presently haunt the new League buildings at Geneva. On the whole, it seems not extravagant to imagine that the Locarno settlement may have a profoundly educative effect upon the German people and that it may ultimately enable the more liberal non-Prussian elements in German thought to gain an influence over German national life such as they have not possessed since 1863.

It might be premature, at this moment of financial and political crisis, to forecast the effects of the Locarno settlement upon France. They should, however, tend to preclude any revival of militant nationalism and to convince the French people that, since their external security will henceforth be safeguarded as fully as it is ever likely to be by international agreement, their main task is now to set their own house in order and to influence Europe by the force of their intelligence and their power of thrift and work. A plausible, perhaps more than a plausible, case could be made out for the plea which the *Temps* has recently put forward—that the conception underlying the Locarno Pact is, in substance, identical with that which M. Briand, immediately after his return from the Washington Conference in December 1921, laid before Mr. Lloyd George as the basis for the Cannes Conference of January 1922. To examine this plea in detail would lead us too far and might raise controversial issues; but it would perhaps be a fair subject for psychological speculation to inquire how far Mr. Austen Chamberlain’s knowledge of M. Briand’s ideas at that moment facilitated the confident co-operation between the French and British Foreign

Ministers which was the real basis of the Locarno settlement as it must remain the chief pledge of its fertility.

Nor should it be forgotten that a further pledge of the fruitfulness of the Locarno Pacts, both as regards France and as regards the countries immediately concerned, lies in the conclusion of the arbitration treaties between Germany, Poland and Czechoslovakia. This moral stabilisation of Central Europe, this tacit recognition that the new order established by the Peace Treaties on the eastern and south-eastern borders of Germany is not an artificial creation of hasty and ignorant statesmen blundering at the Paris Peace Conference, but is, in all its main aspects, a permanent expression of real and ancient ethnic and political forces, is an achievement over which the German people themselves may one day see cause to rejoice, just as Great Britain, no less than France, has cause to rejoice over it to-day. However sound may be the principle that Great Britain could not and cannot undertake specific guarantees in Europe outside the Rhenish region, and quite apart from our eventual obligations under the Covenant of the League, it can never be a matter of indifference to this country that the position in East Central Europe should remain unconsolidated or should continue to be what Mr. Stanley Baldwin called the whole of Europe last March, a "quaking bog" ready to engulf the peoples living on its borders. We, too, live on the borders of Europe; and the more morasses in West and East are drained or filled up, the greater satisfaction shall we have reason to feel.

Beyond Europe, the chief though not the only quarter in which the influence of Locarno is likely to be wholesome is in the United States. It is axiomatic that the desire of America to co-operate with Europe depends largely upon the degree in which European peoples can, by harmonious agreement, help themselves and even, in case of need, show a united front. Into the question of war debts this is not the place to enter, nor would any discussion of the possibility or the expediency of what is called "an economic Locarno" be altogether germane to the present position. There may be many minor "Locarnos," but it is not well to count chickens before they can be hatched. It can only be predicted that, if the spirit of Locarno can be preserved and strengthened, it will assuredly seek expression in a movement towards freer trade and the co-ordination of economic intercourse between European peoples.

I have said "if the spirit of Locarno can be preserved and strengthened"; for it would be foolish to close our eyes to the

fact that this spirit is unwelcome in some quarters, or to forget that it may arouse positive opposition as it extends and develops. I am not referring only to the disarmament question, which there is a tendency in some minds to think ripe for immediate handling. That tendency may be dangerous. Nations must be given a little time to assimilate the present dose of Locarno physic before they are called upon to swallow further doses. Especially is it needful to heed a pertinent warning given the other day in a French semi-official organ that "if there is to be a Disarmament Conference it must be held at Geneva." As long as war debts are unsettled, proposals for another Washington Conference will be at a heavy discount, as far as the continent of Europe is concerned.

But opposition, secret rather than open, to the spirit of Locarno may arise from other motives than those directly inspired by reluctance to undertake terrestrial disarmament. Locarno is a great, possibly a decisive victory over the idea of violence as a means of settling great issues between nations. The establishment of the League of Nations was a first great victory, but it was a sort of battle of the Marne that has been followed by long years of trench warfare. At Locarno this deadlock was ended by something better than an armistice, something inspired by a positive spirit of peace. Is it conceivable that this spirit, this spontaneous recognition of the superiority of law over force, will not affect domestic politics throughout Europe? Will not the defeat of the international doctrine of violence react upon public feeling in countries where the doctrine of domestic violence has been enthroned as the overriding "reason of State"? It is no accident that the Locarno settlement has been and is decried chiefly in Bolshevist Russia, Fascist Italy and among Nationalist Germans. Locarno strikes at the roots of Bolshevism, Fascism and lawless Nationalism everywhere. It is not to be expected that these political growths will resign themselves to wither without a struggle, for they are utterly incompatible, in philosophy and in practice, with the Locarno spirit.

For us in this country the meaning of Locarno seems plain. Great Britain has made the largest contribution to European security that it is in her present power to make. In return for this sacrifice of theoretical insularity, she has acquired a living interest in the welfare of the European body politic, to which she is inseparably attached, though she may not wholly belong to it. She has repudiated parochialism in her foreign policy, recognising that this country is not in the position of a wealthy

investor who puts a few hundreds into a speculative gamble and does not much care whether he "makes a bit" or has to "get out" at a loss. We are not in a position to "cut our losses" in the almost unlimited European Liability Company. We have a permanent seat on the Board and are not far from being its chairman. It is to our interest, as it is our duty, to see that the Company's affairs are well managed and that peace dividends are reasonably good and are regularly paid. Now that the Memorandum and Articles of Association have been drawn up and initialled, the work of administration and control must go forward with vigour and zealous vigilance. In our present representative on the Board we have every reason to feel confidence. Without his undeviating straightforwardness and devotion, the work in which he joined, if he did not actually help to initiate it, could never have been so efficiently done. By the trust which his character inspired in his foreign colleagues, he aided in the liquidation of a very dubious past and in turning some bad liabilities into potential assets. To him, in the first place, the thanks of his fellow countrymen are due; and not a few of them will perhaps be moved to hope that he may long exercise the Directorship for which he has proved himself to be so abundantly qualified.

WICKHAM STEED.

Summary of the Discussion following the above address :

PROFESSOR A. PEARCE HIGGINS, in giving an explanation of the legal aspects of the Pact, said: The four Arbitration Conventions made by Germany with Belgium, France, Czechoslovakia and Poland respectively contain the machinery for determining the methods by which a peaceful solution shall be obtained of all questions which cannot be settled amicably between them. The operative contents of all four treaties are identical; the preambles of those between Germany and France and Belgium and between Germany and Czechoslovakia and Poland are different. The French and Belgian treaties refer merely to their being in fulfilment of the provisions of the Security Pact, the Czechoslovakian and Polish refer to the desire of the parties to maintain peace by assuring the peaceful settlement of differences, and declare that respect for rights established by treaties or resulting from the law of nations is obligatory on international tribunals, and they agree that the rights of a State cannot be modified save with its consent. They further state that they consider that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which may become the cause of division among States, and they have decided to embody in a treaty their common intentions in this respect. This language

doubtless covers and conceals the difficulties which on both sides were felt. Germany was prepared to accept the territorial *status quo* resulting from her Western frontiers; she has entered into no such guarantee on the East. The Polish corridor and the Silesian boundary are by no means acceptable to Germany, and it is the more remarkable that she and her Eastern neighbours have agreed that the best way of settling their differences is in the peaceful methods indicated in the treaties. The Czechoslovakian and Polish treaties are in all other respects verbatim the same as the French and Belgian Arbitration Conventions; the former, however, contain an additional article which was rendered unnecessary in the case of the latter, as its provisions were embodied in the Security Pact. This Article provides that the rights and obligations of the parties as members of the League of Nations remain unaffected by the treaty, whose terms are not to be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world. The Franco-Belgian set taken in conjunction with the Security Pact reveals the fact that whereas Germany, France and Belgium respectively guarantee the Rhineland Settlement, and the parties agree not to attack each other, there is no such undertaking in the Polish-Czechoslovakian treaties. Both sets of treaties contain the undertaking to refer all matters in dispute to peaceful solution, and this would appear to go as far as possible.

The methods adopted in all these treaties come under one or other of the following heads: Arbitration Tribunals, the Permanent Court of International Justice, Permanent Conciliation Commission, the Council of the League of Nations.

1. All disputes of every kind between the parties as to their respective *rights* are, failing settlement by ordinary diplomatic methods, to be submitted to either an arbitral tribunal or to the Permanent Court of International Justice.

2. All other questions which are found to be insoluble either by diplomacy, arbitration or reference to the Permanent Court are to be submitted to a Permanent Conciliation Commission. If the parties fail to agree within one month after the report of the Conciliation Commission, the question is, at the request of either party, to be brought before the Council of the League in accordance with Article 15 of the Covenant.

1. The meaning of the term, the "rights" of the parties, is not specially defined, but it is agreed that they include in particular those mentioned in Article 13 of the Covenant. The four matters which are declared by this Article as generally suitable for submission to arbitration or judicial settlement are disputes as to: (1) the interpretation of a treaty; (2) any question of international law; (3) as to the existence of any fact which if established would constitute a breach of any international obligation; (4) as to the extent and nature of the reparation to be made for any such breach.

The Article leaves the parties to decide, after they have failed to

settle a dispute by diplomatic means, what other question if any they will remit to arbitration or the Permanent Court. The four examples given are not meant to be exhaustive, and it is certain that any question may become "justiciable," to use the term of the Covenant, which the parties choose to make so, so long as the question is put in a form to which a judicial answer can be given.

This procedure is not applicable to disputes anterior to the Convention, nor to those for which any other form of special procedure is laid down by convention between the parties.

The parties may even as regards questions of a justiciable character agree to remit them to the Conciliation Commission. Moreover, where a question is one which by the municipal law of one of the parties falls within the competence of its national courts, it cannot be referred to arbitration or judicial determination or the Conciliation Commission until the national court has adjudicated. When it has done so the question will then arise as to whether there has been a denial of justice.

The Permanent Conciliation Commission established by these treaties is not a new idea; the Bryan Treaties had something like it, namely, a compulsory inquiry, so that these treaties were popularly called "cooling-off treaties." It may be recalled that in the Swiss, Scandinavian and German schemes for a League of Nations an international conciliation or mediation body formed part of the machinery; the Scandinavian scheme is more nearly akin to that adopted by these treaties and was modelled on the Bryan Treaties. The idea of a Permanent Conciliation Commission commended itself to the Third Assembly of the League in 1922, and has been used by many States in treaties negotiated between them since then. The Permanent Conciliation Commission under the treaties under examination is composed of five members, one nominated by each of the two States; the other three, who are all to be of different nationalities, are to be nominated by common accord, and the President is to be appointed by the two Governments from among the three. The Commission is to be appointed within three months after the Convention comes into operation, and if the nomination of the three Commissioners is not made within this time or within three months after a vacancy has occurred, the President of the Swiss Confederation, in the absence of other arrangements, is to make the nomination. The details of the work of this Conciliation Commission need not be pursued, but it is provided that its task shall be to elucidate questions in dispute, to collect with that object all necessary information, and to endeavour to bring the parties to an agreement. It may inform the parties as to the terms of the settlement which it considers suitable, and give a period within which they are to make their decision. It must finish its work within six months from the date when the dispute has been notified to it, and at the end of its work it draws up a report stating either (*a*) that the parties had come to an agreement, and if necessary the terms, or (*b*) that no settlement has been effected. Its proceedings are not public without the consent of the parties.

2. We have so far been considering the treatment of disputes as to legal questions—rights. *All other questions* are to go to the Permanent Conciliation Commission, and if the two parties have not reached an agreement within a month from the termination of its labours, the question shall at the request of either party go before the Council of the League under Article 15, as being a dispute likely to lead to a rupture. The Council can then take the steps indicated, which means that it can either keep the matter in its own hands, submit the question to the Permanent Court, take judicial opinion on special points, or refer the matter to a specially appointed committee or to the Assembly.

If all these methods fail, then the parties are left face to face, and that will probably mean war. It may be, however, that the publicity provided for in the public statements to be made either by the Council, or by any member of the League represented on it, may have the effect of bringing public opinion to bear on the dispute so effectively that the parties may even at such an advanced stage deem it advisable to compromise their difference.

There is a general provision relating to all kinds of disputes under which either the Conciliation Commission or the Permanent Court or the Council of the League, as the case may be, is to lay down within the shortest time provisional methods to be adopted. Something in the nature of an interlocutory injunction may be ordered, and the parties agree to accept such measures and to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or arrangements proposed, and from any sort of action which may aggravate or extend the dispute.

These are the methods proposed whereby disputes arising between Germany and France, Belgium, Poland or Czechoslovakia respectively shall be dealt with. They appear to embody everything necessary to enable the parties to reach a pacific settlement if they honestly desire to do so.

The scheme is not completely water-tight in excluding every possibility of war. As in the Covenant, so here its possibility is envisaged when in the last resource the League fails to deal with the matter in dispute.

The problem sought to be solved is that of international conciliation between States for a long time very far apart from each other in friendly feelings. They have shown a willingness to adopt a scheme whereby justice shall be done to each by peaceful methods.

No document, however solemn, however perfectly drawn (and we may render homage here to the draftsmen), can produce a condition of permanent peace between States. If the parties to a dispute both have the will to peace, peace will be preserved.

MR. WILSON HARRIS, while deprecating academic discussions as to whether a Germany actuated by bad faith could or could not drive holes through the Pact, regarded the Pact as welcome evidence of a new spirit in Europe, and pointed out that the proposals were initiated by Germany, who was therefore under an obligation of honour to carry

them through. But even this was not enough without a new spirit in other parts of Europe, and the Pact must therefore be regarded not as an end but as a beginning. It did not solve all problems, even the arbitration clauses left some ambiguity. In the speaker's opinion, the entry of Germany into the League was worth all the rest of the treaties, for it involved a continuing test of Germany's good faith and established a permanent system of co-operation between her and the rest of Europe.

CAPTAIN WALTER ELLIOT remarked that the essential point of Locarno was "back to the Covenant," as opposed to that of the Protocol, which in its preoccupation with machinery made a false step. The spirit was everything, as was shown by the general agreement that the real advance would be the entry of Germany into the League. The rejection of the Protocol by Great Britain was therefore not an act of bad faith on our part, as was at one time felt at Geneva.

MR. A. L. KENNEDY pointed out that the provisions for arbitration contained in the Pact were based on a model originating in Scandinavia. He emphasised the extraordinary change of opinion in regard to the Pact which had taken place in several countries since the idea was first mooted.

MRS. SWANWICK regarded the question of disarmament as still urgent.

MR. JOHN SANDERSON, explaining the Australian standpoint, said that there was in Australia very little educated opinion in regard to foreign politics. He had heard the Pact described as the "thin end of the white elephant," a phrase which perhaps aptly conveyed the prevailing confusion of thought. Australia objected to dealing with such a big hypothetical question as her action in the event of Great Britain being involved in war. If a hostile force were landed in Australia, would the parties to the dispute have to appear at Geneva?

The Chairman, MAJOR-GENERAL SIR NEILL MALCOLM, felt that good fortune had been guiding Europe through the last seven years. The breakdown of the Anglo-American Guarantee had led to the occupation of the Ruhr and the failure of the Poincaré policy, and out of this had sprung the first proposals for the Pact. The Pact marked a great advance; but no doubt must be allowed to arise as to the good faith of the signatories. The 1839 Treaty guaranteeing the integrity of Belgium was exactly on the same lines as Locarno, *i.e.* a joint and an individual undertaking. Nevertheless, doubts had arisen as to whether we really meant to honour our promises.