CABINET 23 (36).

Meeting of the Cabinet to be held in the Prime Minister's Room, House of Commons, on THURSDAY, 19TH MARCH, 1936, at 10.0 p.m.

AGENDUM.

GERMANY AND THE LOCARNO TREATY.

Note by the Secretary of State for Foreign Affairs, covering text of proposals drawn up as a result of discussions between the Locarno Powers in London.

(C.P. 86 (36) - to be circulated).

(Signed) M.P.A. HANKEY,
Secretary to the Cabinet.

2, Whitehall Gardens, S.W.1,
19th March, 1936.
CONCLUSIONS of a Meeting of the Cabinet held in the Prime Minister's Room, House of Commons, on THURSDAY, 19th MARCH, 1936, at 10 p.m.

PRESENT:
The Right Hon. Stanley Baldwin, M.P., Prime Minister, (in the Chair).
The Right Hon. Neville Chamberlain, M.P., Chancellor of the Exchequer.
The Right Hon. Anthony Eden, M.C., M.P., Secretary of State for Foreign Affairs.
The Right Hon. A. Duff-Cooper, D.S.O., M.P., Secretary of State for War.
The Right Hon. The Viscount Swinton, G.B.E., M.C., Secretary of State for Air.
The Right Hon. J.H. Thomas, M.P., Secretary of State for the Colonies.
The Right Hon. The Viscount Monsell, G.B.E., First Lord of the Admiralty.
The Right Hon. Oliver Stanley, M.C., M.P., President of the Board of Education.
The Right Hon. Malcolm MacDonald, M.P., Secretary of State for Dominion Affairs.
Sir William Malkin, K.C.M.G., C.B., K.C., Legal Adviser, Foreign Office. (For part of Conclusion 1 to end).

THE FOLLOWING WERE ALSO PRESENT:

Sir Kingsley Wood, M.P., Minister of Health.
W. Ormsby-Gore, M.P. First Commissioner of Works.


* Present for part of Conclusion 1.
1. In accordance with the decision taken at the meeting earlier in the day referred to in the margin, the Cabinet met as a matter of urgency to consider the text of the Agreement reached by the Locarno Powers, other than Germany, (subject to reference to the respective Governments concerned) which had been put into shape by the Jurists of the said Powers in the interval between the two meetings.

Shortly before the meeting the text of the Agreement was circulated (C.P. 86 (36)).

The Secretary of State for Foreign Affairs reported that he and the Lord Privy Seal had seen the German representative, Herr von Ribbentrop, and had gone through the first draft of the document with him but without communicating a copy. Herr von Ribbentrop's reaction had not been bad. His main difficulties had been with the proposals for the International Force and the nonfortification of the Demilitarised Zone. The British Ministers had pointed out how large had been the concessions from the French side and the concessions made by His Majesty's Government on the subject of security, and had urged that Germany must now make some contribution to a settlement. Herr von Ribbentrop had not been especially interested in the proposed letter by the British and Italian Governments to the French and Belgian Governments which only provided for the case where the negotiations broke down. He had asked, however, whether there could be General Staff conversations between the British and Germans as well as between the British, French and Belgians. The answer was in the affirmative if they accepted the Agreement. The British Ministers had promised that if the document was approved by the Cabinet, a copy should be sent to Herr von Ribbentrop that night.
and the German representative had agreed to see the Secretary of State for Foreign Affairs on the morrow. The Secretary of State added that he was convinced that for the present it was important to adhere to the first alternative as regards the International Force, namely, that it should be only in the Demilitarised Zone. This would leave some margin for bargaining. He added that he had already seen the British Press and made a general statement to them in order to anticipate the danger of garbled reports being circulated by foreign delegations or in Paris. The statement to Parliament was already half drafted, and he hoped to make it at 3.30 p.m. on the following afternoon. He preferred this time to any earlier hour as M. Flandin was speaking in the French Chamber at 4.0 p.m.

(The President of the Board of Trade entered at this point but had to leave before the end of the meeting as he had business in the House of Commons).

The Cabinet then discussed C.P. 85 (36) section by section.

Sections I, II and III were adopted without much comment.

Sections IV and VII. The attention of the Cabinet was drawn to sections IV and VII which did not appear to carry out the intentions of the Locarno other than Germany, Powers as hitherto explained to the Cabinet.

The intention, it was understood, was that if the Germans should refuse to refer the Franco-Soviet Pact of Mutual Assistance to The Hague, or to accept as final the decision of the Court, nevertheless the negotiations should not be held up. The second sub-paragraph of Section VII, however, suggested that a proposal to the German Government to take part in negotiations would only take place.
"if that Government explicitly accepts the invitations addressed to it in pursuance of the preceding paragraphs."

"The preceding paragraphs" (viz. Sections V and VI) covered a considerable number of points and the invitation in Section IV covered in addition a reference to the Permanent Court of International Justice at The Hague. It appeared, therefore, that if the German Government refused any of the invitations (including the one in Section IV) the Locarno Powers, other than Germany, might refuse to propose to the German Government to take part in negotiations.

This point was discussed at considerable length and various suggestions were made for amendment, e.g. in Section IV, instead of "without prejudice to the operation of paragraph VII (2) below" to put "without prejudice to the operation of paragraph VII below" - i.e. omitting "(2)".

Sir William Malkin, the British member of the Committee of Jurists of the Locarno Powers, other than Germany, was sent for and remained until the end of the Cabinet, and after his arrival the question was further discussed.

The Cabinet were informed by the negotiating Ministers that there had been no doubt as to the intention of the Locarno Powers, other than Germany, which was that the proposal for the German Government to take part in the negotiations should not be withheld if they refused to refer the Franco-Soviet Pact to The Hague and to accept as final the decision of the Court.

Sir William Malkin thought that if there was no doubt about the intention, he could probably clear up the point with the French and Belgian Jurists.
Sir William Malkin was asked to look into the question on the morrow and advise what could be done to redraft either Section IV or Section VII or both to carry out the above intention.

It was suggested that in view of the fact that M. Plandin had already left for Paris and that there was no doubt about the intention of the Locarno Powers, other than Germany, it would be better not to attempt to redraft these Sections before presenting the proposals to Herr von Ribbentrop. If the German Government raised the point it would have to be set right.

The Cabinet agreed:

That no attempt should be made to amend Sections IV and VII before handing the document to Herr von Ribbentrop.

(See also remarks on Section VII below).

Section V. The comment was made that at the earlier meeting it had been understood that the French and Belgian Governments would agree not to make any new fortifications. It was explained that Section V applied only to provisional arrangements in the stage prior to negotiation. M. Flandin had talked to his Chief of the General Staff who had stated that it was impossible to drop fortification at this stage owing to continuing contracts. This was criticised as a mere matter of money, and the Secretary of State for Foreign Affairs thought that this was a point on which the French might have to make a concession.

Section V was approved.

Section VI. In reply to a question the Secretary of State for Foreign Affairs said that the last words of paragraph (1), viz: "this zone
being entirely reserved for occupation by the said international force" meant that the Germans would have to withdraw from the zone occupied by the international force.

It was suggested that this was likely to create a difficulty, and that some arrangement might have to be made with them.

The Secretary of State for Foreign Affairs, in reply to a question on VI (2), said that the Swedes or any other nation contributing to the international force would be included in the International Commission to "supervise the carrying out of the obligations undertaken by the Powers which have formed the above-mentioned force".

Section VI was approved.

Section VII. The Secretary of State for Foreign Affairs explained that the third sub-paragraph was intended to enable Great Britain and Italy to guarantee Belgium and France without guaranteeing each other.

The Lord Chancellor (without applying his remarks especially to this Section) pointed out that it would be very important in the course of the negotiations to exercise vigilance as to the case where France went to the aid of Soviet Russia in accordance with the Franco-Soviet Treaty. If Germany retaliated against France, we might be applied to for assistance. We must be careful to avoid a situation in which we should in effect be guaranteeing the French Eastern European Pacts.

Section VII was approved.

(See also above, remarks on Sections IV and VII)
Section VIII. This Section was criticised on the ground that it opened up a very wide field of questions which had hitherto proved extremely contentious. For example, our undertaking to support the introduction of

"1) Agreements organising on a precise and effective basis the system of collective security and paying attention to the definition of the conditions in which Article XVI of the Covenant of the League of Nations should be applied;"

appeared to involve our agreeing to define an aggressor which we had hitherto refused to do.

The Secretary of State for Foreign Affairs said that France wanted some reconstruction of Article XVI of the Covenant. M. Paul Boncour had been told that it would probably come to nothing, but the French Delegation wanted it included, possibly as window dressing.

Referring to Section VIII as a whole, the Lord President of the Council explained that the French had wanted to put in a programme of reconstruction to balance the subjects suggested by Herr Hitler.

The Secretary of State for Foreign Affairs pointed out that sub-paragraph (4) relegated to the end of the Agenda, among other things, the German proposals for a Colony. He said that the following words between (3) and (4) had been left in the draft through an error -

"Declare themselves also ready to examine, as far as they are concerned."

The Cabinet agreed:

That the following should be omitted from the copy communicated to Herr von Ribbentrop -

(a) The words which had been left in by mistake, quoted above;

(b) The alternative to paragraph (4).

Subject to the above Section VIII was approved.
Section IX was approved without discussion.

Draft Resolution to be Presented to the Council of the League of Nations.

The above was approved.

Letter to be addressed by the Representatives of the United Kingdom and Italy to the Representatives of Belgium and France.

The words at the end of the introductory paragraph, "His Majesty's Government in the United Kingdom", were criticised on the ground that they should refer to Italy as well as to the United Kingdom.

It was explained, however, that the Government of Italy would send a separate identical letter and that this letter was only a specimen applying to the United Kingdom.

The question was raised as to whether the Government of the United Kingdom would send a letter if Italy refused, and as to what answer would be given in Parliament if this question was raised.

It was explained that the whole of this document would be published as a draft ad referendum to the Governments; that His Majesty's Government in the United Kingdom had decided to support the proposals; that they were not yet aware of the decisions taken by other Governments; and that in the event of Italy's refusing to sign the letter, the question would be reconsidered.

It was generally realised, however, that His Majesty's Government could hardly refuse to sign the letter because Italy had not signed an identical letter.

The attention of the Cabinet was drawn to the first words of the letter -

"At the moment when the representatives of Belgium, France, Great Britain and Italy have just decided, as provided in to-day's arrangement, the common line of conduct of their respective Governments....."
The assurance given in the draft letter was provided for in these arrangements.

Some discussion took place in regard to paragraph 1 (c) -

"Will, in return for reciprocal assurances from your Government, take, in consultation with your Government, all practical measures available to His Majesty's Government for the purpose of ensuring the security of your country against unprovoked aggression".

It was suggested that although the phrase "all practical measures available" could not apply in our case to military action owing to the scantiness of our Forces, it might be held to involve economic sanctions.

It was suggested that economic sanctions would provoke a military attack by Germany, and it was pointed out that the fact of the Germans being in the Rhineland could not be interpreted as an unprovoked aggression.

Attention was drawn to the difference in language used at the end of paragraph 1 (c) -

"for the purpose of ensuring the security of your country against unprovoked aggression"

and the language used in Section III -

"in case of unprovoked aggression".

It was explained, however, that the two articles dealt with different circumstances. Section III provided that during the period of negotiation during which the Treaty of Locarno was still in force, the General Staffs should be instructed forthwith to enter into contact to make arrangements as to what should be done in case of an unprovoked aggression during that period. Paragraph 1 (c) of the letter, on the other hand, provided for the case where conciliation had failed and for some new arrangement (of a reciprocal character)
for the purpose of ensuring security against unprovoked aggression for the future. In the first case the General Staffs were to consider what was to be done after aggression had taken place. The second case was to provide a safeguard against an aggression taking place.

On the whole, it was thought better not to attempt at this late hour to secure identity of wording. As a matter of technical editing, however, it was pointed out that paragraph 1 (d) of the letter the phrase "paragraph III (2)" was inaccurate as the sub-paragraphs in paragraph III were not numbered. Some phrase should be used as "the second sub-paragraph of Section III".

The Cabinet agreed:

(a) To approve the documents attached to C.P. 86 (36) subject to the small alterations in Section VIII referred to above, and subject to any action that might be necessary subsequently to clear up the difficulty in Sections IV and VII.

(b) That the Secretary of State for Foreign Affairs should be authorised to communicate them the same evening to Herr von Ribbentrop.

(c) That a statement should be made in the House of Commons on the following afternoon, March 30th, at 3.30 p.m., and that the Secretary of State for Foreign Affairs should have authority to issue a White Paper.
2. The Secretary of State for Foreign Affairs said he was arranging to see Herr von Ribbentrop on the morrow. Herr von Ribbentrop had told him that he was anxious to discuss with the British Government the course of future negotiations generally, in order to clear the ground a little and see whether there was a prospect of success.

Until recently M. Flandin had rather desired that the Council of the League of Nations should disperse from London. Before leaving that afternoon, however, he had expressed the hope that the Council should remain, and had intimated that he himself would return next Monday. He understood that other members of the Council were prepared to remain in London.

The Cabinet agreed:

That it was very desirable that the Council of the League of Nations should remain in London.
3. The Secretary of State for Foreign Affairs said that a meeting of the Council of Thirteen had been arranged for the morrow, Friday, March 20th, but owing to great pressure on him in connection with the German negotiations he was asking for a postponement until Saturday, March 21st. When the Committee of Thirteen met he anticipated that there might be a strong move to raise the sanctions on Italy in return for a truce between Italy and Abyssinia, and he would like to know the view of his colleagues.

In the course of a short discussion the Cabinet were reminded that if sanctions were raised they could never be imposed again. A very awkward situation would arise if, after a short period of truce, Italy were to resume the war. The result of that would be that Italy would have freed herself from sanctions by merely agreeing to a short truce. As the main Italian object at the present time was, presumably, to improve their communications, a truce would do them no harm.

Doubts were expressed as to whether Abyssinia would agree to a truce if it meant the dropping of sanctions. There was little doubt that France wanted to drop sanctions and that we might be unable to secure their continuance. It seemed clear, however, that we could not withdraw them without some prospect of a settlement which went further than mere armistice.
One suggestion was that instead of withdrawing the sanctions now in operation the League might agree to postpone any further sanctions, e.g. the oil sanction, if Italy would agree to a truce.

The Secretary of State for Foreign Affairs said that he had in mind to suggest that the Chairman and Secretary-General should touch with both sides with a view to an armistice, if possible, on some basis of peace negotiations.

One suggestion was that this basis might amount to "preliminaries of peace".

The Secretary of State for Foreign Affairs said that all the Powers would want to know beforehand what our general attitude was. He thought that the proper reply should be that sanctions ought not to be taken off merely in return for a truce, and that we must be assured of peace being in sight.

The Chancellor of the Exchequer suggested that if sanctions were taken off before peace were in sight there would be political trouble in this country. The imposition of fresh sanctions, however, was a very different question.

The Secretary of State for Foreign Affairs agreed.

In reply to the Prime Minister the Secretary of State for Foreign Affairs stated
that he had sufficient material with which to go to the Council of Thirteen.

2, Whitehall Gardens, S.W.1.,
19th March, 1936.