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C A B I N E T.

THE PROPOSED MEDITERRANEAN CONFERENCE.

The attached record of a Meeting held at the Foreign Office on September 6th, 1937, is circulated by direction of the Secretary of State for Foreign Affairs for consideration at the Meeting of the Cabinet to be held on Wednesday, September 8th, 1937.

(Signed) R.B. HOWORTH,

Deputy Secretary to the Cabinet.

2, Whitehall Gardens, S.W.1.,

8th September, 1937.

PROPOSED MEDITERRANEAN CONFERENCE.RECORD OF A MEETING HELD ON 6TH SEPTEMBER, 1937.

A meeting was held on 6th September in Sir R. Vansittart's room to discuss the proposals to be put forward by His Majesty's Government at the forthcoming Mediterranean Conference.

The meeting considered the tentative proposals communicated by the Secretary of State to the French Government on 3rd September, particulars of which are given in the attached despatch to Mr. Lloyd Thomas together with the comments of the French Government thereon.

Rear-Admiral Cunningham explained that the views which he was about to put forward on behalf of the Admiralty had not yet been referred to the Chief of the Naval Staff and must be understood to represent the provisional conclusions reached by the Admiralty and subject to the Commander-in-Chief of the Mediterranean Stations' concurrence.

Verification of Flag.

Admiral Cunningham explained that the Italian Government would, most probably, argue at the Conference that the action of submarines to which exception was now taken had been forced on the Spanish parties owing to the refusal of other countries to accord them belligerent rights. It would be essential to meet this argument and the simplest solution would, of course, be to accord belligerent rights. If, however, as he supposed, such a solution was politically impossible, the argument would be to some extent met if we proposed that the same rights should now be granted to the warships of both parties in Spain as we proposed to grant to Japan, i.e. that we should raise no objection to the Spanish parties verifying the

right of a ship to fly the British flag, provided that after verification the ship is allowed to proceed, and provided also that if a British warship is present she shall undertake, on request, the duty of verification.

It was agreed that His Majesty's Government should resist any attempt to introduce the subject of belligerent rights at the Conference but that if the above mentioned argument were raised, the Cabinet should be recommended to agree to a proposal in the above sense.

Scope of proposed defensive measures.

The proposal made to the French Government last week was that defensive measures should be limited to attacks by submarines. The French Government proposed that these measures should cover attacks by surface vessels and aircraft as well as submarine and the laying of mines.

It was agreed that the proposal should be resisted and that the discussions should be limited at any rate in the first instance to attacks by submarines. This could be defended on the ground (1) that it was the abuse of international law by submarines which had given rise to the present situation, and not by other arms, and that submarines rather than surface vessels or aircraft had caused most of the damage to merchant shipping, and (2) that aircraft, which operate both on land and at sea must be treated differently from submarines.

It was, however, agreed that provided agreement could first be reached in regard to submarines, we should raise no objection

to a discussion, at a subsequent meeting, of the other points mentioned by the French. In view of the refusal of the French in the past to agree to the differentiation of submarines and surface vessels from the point of view of the risks to merchant shipping, it seems that a good deal of opposition is to be expected from the French on this point and it was recommended that the earliest possible opportunity should be used to induce the French Government to come into line.

A further reason for limiting the discussion to submarines lies in the fact that if no international agreement is reached at the proposed conference, the counter measures which it is proposed that this country shall adopt against attacks on merchant shipping can, if restricted to submarines, be undertaken with far less risk of hostilities with Italy than if they were extended to surface vessels and aircraft. It is obvious that so long as the attacker is a submarine the risk of its identity being established is comparatively small.

Measures to be undertaken by the two parties in Spain.

It was agreed that since the risks to shipping would continue if submarines were allowed to operate on the surface it would be necessary to ensure that they should not operate either submerged or on the surface and that communication in this sense should be made to the two parties in Spain. The Admiralty representative proposed that the two parties should be informed that their submarines must be confined to port and should not be moved without prior notification to the Powers concerned. Failure to carry out

these measures, would render the submarines liable to be sunk. Objection was raised to the sinking of submarines inside Spanish territorial waters and it was agreed that it might be necessary to amend the proposal in the sense that they should be allowed freedom of action inside territorial waters.

Proposed general prohibition of the use of submarines.

The preceding proposal can be justified on the ground that the conduct of the two parties in Spain in resorting to piracy has caused them to forfeit the rights normally enjoyed by independent States, and that therefore they must submit to a restriction upon the movements of their submarines. Since the high seas are free to all warships it is possible that a warship belonging to a participating Power might in error sink a submarine belonging to a friendly Power if found in the Mediterranean. The Admiralty therefore propose that the whole of the Mediterranean Sea shall be closed to all submarines of whatever nationality with the exception of limited areas necessary for exercises off the naval port of the Powers concerned. Such areas would for instance in the case of Italy include the whole of the Adriatic Sea and a specified area round such ports as Spezia.

All merchant ships would be notified of the above areas and would be instructed to keep outside them. The use of submarines in territorial waters should also be prohibited. This point, however, was not considered to be of primary importance and it was agreed that if necessary territorial waters might be exempted. In order to forestall demands to move submarines from one international port to

another, it was agreed that each Power should have the right to do so, subject to prior notification to the other countries and to the submarine or submarines proceeding on the surface and accompanied by surface vessels.

It was agreed to recommend that the proposal to deny the use of the Mediterranean to the submarines of Powers other than Spain would follow logically upon a similar prohibition in respect of Spanish submarines and not vice versa as suggested by the French Government.

Abuse of Flag and change of nationality.

French Government proposed that measures should be considered for preventing abuse of the flag and change of the nationality of shipping. It was agreed that this was a question for the Board of Trade, but that it would seem to be covered by the right of verification which it is proposed shall be accorded to the two parties in Spain.

Organisation of preventive measures.

French Government propose that these measures shall be organised on a collective basis and involve mutual assistance against attacks. The Admiralty representative urged most strongly that there should be no division into national areas, the warships of each Power remaining free to operate throughout the Mediterranean and retaining the right individually to sink any submarine found. Any attempt to divide the Mediterranean into zones to be patrolled individually by the warships of each of the Powers concerned would defeat the object of the proposal. If such zones were adopted, the Italian Government, having selected a particular area, would be free to continue sinking ships inside that

area, at the same time protesting that they were doing their best to prevent such occurrences.

Accession of Powers not attending the Conference.

It was agreed that the question of inviting other Powers in addition to those already invited to attend the Conference would be left open, but that in any case accession to any agreement reached at the Conference should be open to all. In the event of the submarine of a non-participating Power wishing to enter the Mediterranean, it was proposed that that Power should give prior notification to the participating Powers of the proposed visit.

Duration of proposed agreement.

It was agreed that provided that agreement could be reached on the proposals set out above, the question of the duration of any agreement in which they might be incorporated was one of minor importance. At the same time, the meeting was in favour of a provision being included of this nature and it was suggested that a preliminary period of three months might be selected or alternatively that no definite period should be laid down, but that the agreement should be subject to revision at one month's notice.

Action in the event of no agreement being reached.

Admiral Cunningham suggested that His Majesty's Government should announce, in the event of failure to reach agreement, that our warships would be instructed to hunt any submarines which had attacked any merchant ship. The above action would be more limited, in extent, than the steps which it is proposed that the Powers should take by agreement, but which it would be very difficult for His Majesty's Government

to enforce alone or at most with the co-operation of the French Government. The action proposed above would be similar to that which the Commander-in-Chief of the Mediterranean Fleet has already received orders to carry out in accordance with the recent announcements but it would cover attacks on foreign as well as British merchant ships. Such action would be justified on the ground that it was the duty of each naval Power to put down piracy no matter whether the attacks are against its own ships or those of another Power.

Foreign Office,

6th September, 1937.

ANNEX

Foreign Office, S.W.1.
3rd September, 1937.

Sir,

The French Charge d'Affaires came to see me this afternoon when he began by saying that he had spoken to M. Delbos on the telephone on the subject of the list of countries to whom invitations were to be addressed for the Mediterranean Conference at Geneva. If the Valencia Government were not to be invited, M. Delbos insisted that the Black Sea Powers should be invited. I replied that I really did not like this extension of the list of invitations; I felt sure that in the first instance the list should be limited strictly to the Mediterranean Powers who were those most intimately concerned, and who were alone those able to take action to meet the situation - i.e. Great Britain, France, Italy, Yugoslavia, Albania, Greece, Turkey and Egypt.

2. I then explained to M. Cambon the proposals that we had in mind. At the Geneva meeting we should do our best to secure agreement for a joint approach to the two parties in Spain in which we should tell them that, since the use of the submarine in the present civil war had resulted in the grossest abuse and flagrant breaches of international law, we must request the two parties in Spain to take steps to ensure that their submarines did not operate submerged outside their own territorial waters. If they did so they would be liable to be sunk.

3. Second, the neutral Mediterranean Powers should enter into an understanding between themselves for a self-denying ordinance; by its terms these Powers would agree that their submarines would not

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&c., &c., &c.,
British Embassy, Paris.

be submerged outside certain fixed limits which at no point would probably exceed 10 miles from the coast. It followed from this that, if a submarine were found submerged outside these clearly defined limits, it would be liable to be sunk. These proposals might, in the first instance, be put into force for three months, with power to extend the period if desired.

4. M. Cambon said that he himself liked the proposals, which seemed to be essentially practical and technical; they would avoid a lot of political controversy which would lead nowhere. He would submit them to his Government to-night and let me have their response, he hoped to-morrow. I explained that we desired to issue the invitations with the least possible delay; I thought that they should go out in our joint names, if possible to-morrow, and that the invitations should be to discuss the security of shipping in the Mediterranean, or some such general phrase. This also M. Cambon said that he would submit.

I am, &c.

(signed) ANTHONY EDEN.