MEMORANDUM

On

President Wilson's Speeches as a basis of Negotiation.

2. In a previous paper (General 001) were printed the essential documents bearing on the situation created by the Note of October 4 from the German Government to the President of the United States. In this memorandum we attempt to analyse the situation which would be created if the German Government answered President Wilson's question in the affirmative and declared itself ready to accept his statements as a basis for negotiation in the sense that negotiations would be concerned merely with the interpretation and the application of the principles that he has laid down.

2. The position is unusual, and probably unprecedented; the accepted basis would be not a single formal statement but a general reference to a number of speeches, not accurately defined, and it must be noted that these speeches are not confined to formal statements, but contain general discussions of principles. The speeches appear to be six in number, but in addition to them we have two important statements issued by Mr. Lansing on behalf of the Government of the United States, dealing with the Czecho Slovaks and the Slovene peoples of Austria; it may be assumed that in President Wilson's mind these statements would be included; this however is a point which would have to be determined.
3. For practical purposes it may be taken that the reference could not be to the speeches as a whole, but to the formal and categorical enumeration of points contained in some of them. These are the Fourteen Points of January 8, the Four Points of February 11, the Four Points of July 4, and the Five Points of September 27. These points to a large extent cover the same ground and deal with the same subjects, but there are differences in their wording.

4. In comparing these several statements with one another one point of some importance emerges. The Fourteen Points of January 8 deal in more or less definite and precise language with the immediate settlement of the problems created by the war; the later statements tend more and more to be the enunciation of general principles governing reconstruction after the war, and in them concrete points and definite cases are scrupulously avoided. For our immediate purpose this distinction is of great importance.

5. The actual negotiations would necessarily be divided into two parts: (1) the war settlement with Germany and her allies, (2) the determination of the principles and machinery for the reconstruction of international relations which President Wilson has so much in mind. Germany, as already pointed out, will probably desire to fuse the two and so far as is possible, to merge the consideration of the war terms that the Allies would wish to impose upon her in the fuller discussion as to the permanent settlement. It will presumably be the object of the Allies to insist that the terms imposed upon the Central Powers, whether for the cession of territory or other kinds, should receive a clear and definite solution before the fuller discussion was entered on. It will also depend upon whether
A satisfactory arrangement has been made as to these Preliminaries whether Germany and her Allies will be enabled to take their place in the final Conference on the same terms as the other States, as full and equal members of the family of nations.

6. It will be desirable therefore first of all to enquire what help President Wilson gives with regard to what we may call the Preliminaries.

7. They may be discussed under the following headings:

(i) **BELGIUM:**

The Fourteen Points contain the following:

"Belgium . . . . must be evacuated and restored without any attempt to limit the sovereignty which she enjoys in common with all other Free Nations".

Nothing is said on this point in later statements.

It may be assumed that the word "restored" includes material restoration of all buildings, works, etc. which have been destroyed or injured and the restoration of all machinery and property of all kinds which has been destroyed or removed.

This clause is insufficient in as much as no mention is made of reparation for injuries done to individuals apart from damage to property; it does not include, and therefore it tacitly excludes, indemnity for such acts as the institution of forced labour, the deportation of Belgians to Germany, or physical injury done to individuals during the course of the military operations.

8. (ii) **FRENCH TERRITORY:**

"All French territory should be freed and the invaded portions restored".

Here again "restored" must be interpreted to mean restoration of material damage, but here again the clause is insufficient in as much as it excludes indemnities for damage other than that done to property.
9. (iii) **Alsace Lorraine.**

"The wrong done to France by Prussia in 1871 in the matter of Alsace Lorraine... should be righted."

It is difficult to give any interpretation to this clause except that Alsace Lorraine is to be restored to France absolutely; if this is the meaning, the point of view appears to be inconsistent, as will be shown later, with the general principles laid down for the final settlement, for these lay stress not on the rights and claims of states as a whole, but on the interest and benefit of the population concerned. The mere restoration of Alsace Lorraine to France might be regarded as inconsistent with the clause that "peoples and provinces are not to be bartered about from sovereignty to sovereignty". The later statements seem in fact to require definite consultation of the people of Alsace Lorraine itself as to their future allegiance.

In carrying out this clause it would probably eventually be necessary to put it in the form that Alsace Lorraine is to be evacuated by the Germans; they are to renounce all claim to sovereignty over the provinces conferred on them by the Treaty of Frankfurt and the ultimate destination of the provinces is to be determined at the Conference.

10. (iv) **The Territories comprised in the former Russian Empire.**

"The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy".

The latter part of this clause is very unsatisfactory in that it treats these territories merely from the point of view of Russia and no mention is made of them as districts, the population of which has a claim to consideration quite apart from their former position as part of the Russian Empire. This
statement, which was issued before the Treaties of Brest Litovsk, would therefore require thorough revision; but for the purpose of the Preliminaries all that is necessary is the evacuation of these territories by the Germans; their future organisation and international status would be reserved for the full Conference, and no details as to this need be mentioned in the Peace settlement with Germany.

11. (v) THE COLONIES:

The clause dealing with this is obscure:

"A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principles that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined".

It must be assumed that this is to be interpreted as implying only the claims made to the colonial possessions of Germany which have been occupied by the Allies during the war; it would mean then that the claims of Germany to receive back her colonies, as to other nations to have them transferred to them, would receive "free, open-minded and absolutely impartial consideration".

In this connection it is to be expected that the Germans would attempt to give rather a wider interpretation to this clause and would attempt under it to get a revision of all colonial possessions, in connection with a general settlement of all colonial questions and large exchanges, or at any rate they would argue that Egypt would come up for consideration under this clause on the ground that it has altered its status during the war. If the clause as it stood were made the basis of negotiations, it would be very difficult to maintain that in the case of German Colonies, such as Samoa, as to which criminal charges of mal-administration are not made against Germany, she had, on the ground of mis-govern-
merit alone, forfeited the right to receive back these Colonies; and if, on the grounds of geographical proximity, the claim of the Dominions to succeed to the German Colonies in the Pacific were recognised, it would be very difficult to resist a claim on the part of Germany to be recompensed by other colonies elsewhere.

The contention to be put forward by the British Government apparently is that the record of the government of the German Colonies is so bad that on principle she would be trusted with no colonies in the future. Bad as the charges against Germany are, it is very doubtful whether on the strictly "impartial" consideration, which President Wilson demands, it would be possible to establish a case against Germany so that she lost all her Colonies, while Portugal, Belgium and France retained all of theirs. It must also be observed that if, as it is to be assumed would be the case, negotiations are carried on with a German Government which satisfies President Wilson's very far-reaching demands for internal reform, it would be possible for them to press the point that if there was culpable mal-administration, the blame must attach to the militarist character of Germany in recent years; the opposition, both Catholic and Socialist, had tried to ameliorate matters; now that Germany has been reformed, the pretext for refusing to restore any of the Colonies would fall to the ground, for the Liberal Parties would see to it that matters were differently managed in the future.

These considerations seem to show that there would be great difficulty in maintaining the popular English case as to the German Colonies. Meanwhile, for the immediate purposes of the Preliminaries, all that seems to be required is a clause that the future of the German Colonies shall be reserved for the Peace Conference; Germany would doubtless insist on adding that the present occupation of the Colonies
by the English or their Allies gives no claim to permanent possession.

12. These are all the territorial points which specifically affect Germany.

12. The statement will probably be considered, from the point of view of the Allies, as seriously unsatisfactory in that it includes no reference to reparation; this, as has been pointed out, is omitted in dealing with Belgium and France, it is also omitted in dealing with Poland, where it would be of the greatest importance, and there is no reference either to reparation or to punishment for illegal acts such as those committed in submarine warfare, to the treatment of the prisoners, or to acts such as the execution of Captain Fryatt. The whole matter of the navy, the blockade and maritime affairs is ignored, except as for the very unsatisfactory clause as to the Freedom of the Seas. It will probably be considered desirable to include in the Preliminaries clauses dealing with these matters; for this reason it is difficult to accept President Wilson's statements as by themselves a sufficient basis for negotiations.

13. It seems probable that negotiations would break down on the question of reparations; Germany would first contend that acceptance of President Wilson's Points as a basis of negotiations did not include reparation other than so far as is specifically mentioned in these Points, and even if she waived this, it is improbable that she would accept any proposals that would satisfy the Allies so long at least as she had an army in being and that her territory was not actually under military occupation. It is to be presumed that the departments responsible for this matter have
already drafted in more precise language than has been used in the public and popular controversy, demands that would be made upon Germany, and that some definite scheme is already prepared for determining how the demands are to be apprised and in what form the reparation required from Germany is to be given.

14 With regard to the first point, it is to be remembered that Germany will certainly make counter claims against the Allies such as compensation for the illegal treatment of German Nationals resident in England, and for the ill treatment of German prisoners in France. Claims against Germany for damages caused by illegal methods of warfare arising out of air-raids in England, will have to be excluded from any demand owing to the fact that the Allies have resorted to retaliation, and retaliation would necessarily act as a bar to any legal claim for damages.

15. Apart from the question of reparation is that of the establishment of definite criminal charges against individuals, whether against those who have been personally guilty of illegal acts, or against those under whose instructions they were acting. Material on this matter has already doubtless been prepared by the legal authorities. One observation may be made; it is necessary that a limited and specified number of cases should be put forward; they should not be too large in number and should be limited to those cases in which full evidence is obtainable and the illegality of the acts can be fully demonstrated.
16. So far we have been dealing with Germany; the situation with regard to Austria is obscure; the Austrian Government have apparently addressed a note to President Wilson in terms almost identical with that of the German Government, but so far it appears that no answer has been given.

17. The references to questions especially concerning Austria-Hungary in the Fourteen Points are very unsatisfactory. The words employed are:

"The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development."

It is not clear to whom the word "whose" refers; the most natural interpretation would be that it refers to Austria-Hungary. The clause anyhow does not go beyond asking for the peoples of Austria-Hungary the "freest opportunity of autonomous development". The word "autonomous" is, in dealing with Austria-Hungary, always taken to mean autonomy within the bounds of the Empire and to exclude international independence.

18. All that is asked for Rumania and Serbia is restoration and for Serbia access to the sea. This, read in conjunction with the previous clause, obviously excludes the union of Serbia with the Jugo-Slav territories of Austria-Hungary and the extension of Rumania to include the Rumanian districts of Hungary.

19. This has been modified by the later statements issued by Mr. Lansing. These are as follows:

May 29th:

"The nationalistic aspirations of the Czecho-Slovaks and the Jugo-Slavs for freedom have the earnest sympathy of the United States Government".
June 28th.

"Since the issuance by this Government on May 28th of a statement regarding the nationalistic aspirations for freedom of the Czechoslovaks and the Yugo-Slavs, German and Austrian officials and sympathisers have sought to misinterpret and distort its manifest interpretation. In order, therefore, that there may be no misunderstanding concerning the meaning of this statement, the Secretary of State today further announces the position of the United States Government to be that all branches of the Slav race should be completely freed from German and Austrian rule."

This is satisfactory except in so far as it contains no reference to the claims of the Rumanian districts incorporated in Hungary to be attached to the Kingdom of Rumania.

20. Turkish problems are dealt with as follows:

"The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an unchallenged security of life and an absolutely un molested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees."

21. From the point of view of the present discussion, viz: Preliminaries, an important point arises with regard to the Austro-Hungarian and to the Turkish Empire. A satisfactory solution of the Preliminaries would leave Germany as one of the Great Powers of Europe, qualified to take her place in the discussion of the final settlement. This does not apply either to Austria-Hungary or to Turkey. The demands made by Mr. Lansing, which are in fact the programme of the Allies, would involve the dissolution of these two States; it appears therefore that the procedure with them would necessarily differ from that adopted with Germany and that the Preliminaries would be confined, first to unconditional military surrender, and secondly, to a formal recognition that the future status of the different provinces composing these Empires would be settled by the full Conference. It would follow from this that there
would be no Treaty of Peace made with either of these Empires, and that they would not have any claim to be represented at the Conference among the Powers with a right to a vote and to take part in the deliberations. It would not be until the Conference had concluded its deliberations that it would be known in what form the territories comprising these two Empires would be organised. If this view is correct, no offer of negotiations from either State should be entertained.