

152843

N° 1292.

ALLEMAGNE,
BELGIQUE, FRANCE,
GRANDE-BRETAGNE
ET ITALIE

Traité de garantie mutuelle fait à Locarno, le 16 octobre 1925, protocole final de la Conférence de Locarno de la même date et note collective à l'Allemagne en date, à Londres, du 1^{er} décembre 1925, concernant l'article 16 du Pacte de la Société des Nations.

GERMANY, BELGIUM,
FRANCE, GREAT BRITAIN
AND ITALY

Treaty of Mutual Guarantee, done at Locarno, October 16, 1925, Final Protocol of the Locarno Conference of the same Date and Collective Note to Germany dated London, December 1, 1925, regarding Article 16 of the Covenant of the League of Nations.

¹ TRADUCTION. — TRANSLATION.No. 1292. — TREATY OF MUTUAL GUARANTEE² BETWEEN GERMANY, BELGIUM, FRANCE, GREAT BRITAIN AND ITALY, DONE AT LOCARNO, OCTOBER 16, 1925.

Official text in French. This Treaty was registered with the Secretariat, in accordance with its Article 10, on September 14, 1926, the date of its entry into force.

THE PRESIDENT OF THE GERMAN REICH, HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE FRENCH REPUBLIC, HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, HIS MAJESTY THE KING OF ITALY ;

Anxious to satisfy the desire for security and protection which animates the peoples upon whom fell the scourge of the war of 1914-18 ;

Taking note of the abrogation of the treaties for the neutralisation of Belgium, and conscious of the necessity of ensuring peace in the area which has so frequently been the scene of European conflicts ;

Animated also with the sincere desire of giving to all the signatory Powers concerned supplementary guarantees within the framework of the Covenant of the League of Nations and the treaties in force between them ;

Have determined to conclude a treaty with these objects, and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN EMPIRE :

Dr. Hans LUTHER, Chancellor of the Empire ;
Dr. Gustav STRESEMANN, Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE BELGIANS :

M. Emile VANDERVELDE, Minister for Foreign Affairs ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Aristide BRIAND, Prime Minister and Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

The Right Honourable Stanley BALDWIN, M.P., First Lord of the Treasury and Prime Minister ;

The Right Honourable Joseph Austen CHAMBERLAIN, M.P., Principal Secretary of State for Foreign Affairs ;

HIS MAJESTY THE KING OF ITALY :

The Honourable Vittorio SCIALOJA, Senator of the Kingdom ;

¹ Communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique.

¹ Communicated by His Britannic Majesty's Foreign Office.

² The ratifications were deposited at Geneva, September 14, 1926.

Who, having communicated their full powers, found in good and due form have agreed as follows :

Article 1.

The High Contracting Parties collectively and severally guarantee, in the manner provided in the following Articles, the maintenance of the territorial *status quo* resulting from the frontiers between Germany and Belgium and between Germany and France, and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on June 28, 1919, and also the observance of the stipulations of Articles 42 and 43 of the said Treaty concerning the demilitarised zone.

Article 2.

Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of :

- (1) The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph or to a flagrant breach of Articles 42 or 43 of the said Treaty of Versailles, if such breach constitutes an unprovoked act of aggression and by reason of the assembly of armed forces in the demilitarised zone, immediate action is necessary ;
- (2) Action in pursuance of Article 16 of the Covenant of the League of Nations ;
- (3) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 3.

In view of the undertakings entered into in Article 2 of the present Treaty, Germany and Belgium, and Germany and France, undertake to settle by peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy :

Any question with regard to which the Parties are in conflict as to their respective rights shall be submitted to judicial decision, and the Parties undertake to comply with such decision.

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two Parties, the question shall be brought before the Council of the League of Nations, which will deal with it in accordance with Article 15 of the Covenant of the League.

The detailed arrangements for effecting such peaceful settlement are the subject of special Agreements signed this day.

Article 4.

(1) If one of the High Contracting Parties alleges that a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

(2) As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its finding without delay to the Powers signatory of the present

Treaty, who severally agree that in such case they will each of them come immediately to the assistance of the Power against whom the act complained of is directed.

(3) In case of a flagrant violation of Article 2 of the present Treaty or of a flagrant breach of Articles 42 or 43 of the Treaty of Versailles by one of the High Contracting Parties, each of the other Contracting Parties hereby undertakes immediately to come to the help of the Party against whom such a violation or breach has been directed as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarised zone immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this Article, will issue its findings, and the High Contracting Parties undertake to act in accordance with the recommendations of the Council, provided that they are concurred in by all the Members other than the representatives of the Parties which have engaged in hostilities.

Article 5.

The provisions of Article 3 of the present Treaty are placed under the guarantee of the High Contracting Parties as provided by the following stipulations :

If one of the Powers referred to in Article 3 refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision and commits a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles, the provisions of Article 4 of the present Treaty shall apply.

Where one of the Powers referred to in Article 3, without committing a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles, refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision, the other Party shall bring the matter before the Council of the League of Nations, and the Council shall propose what steps shall be taken ; the High Contracting Parties shall comply with these proposals.

Article 6.

The provisions of the present Treaty do not affect the rights and obligations of the High Contracting Parties under the Treaty of Versailles or under arrangements supplementary thereto, including the Agreements signed in London on August 30, 1924¹.

Article 7.

The present Treaty, which is designed to ensure the maintenance of peace, and is in conformity with the Covenant of the League of Nations, shall not 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.

Article 8.

The present Treaty shall be registered at the League of Nations in accordance with the Covenant of the League. It shall remain in force until the Council, acting on a request of one or other of the High Contracting Parties notified to the other signatory Powers three months in advance, and voting at least by a two-thirds' majority, decides that the League of Nations ensures sufficient protection to the High Contracting Parties; the Treaty shall cease to have effect on the expiration of a period of one year from such decision.

¹ Vol. XXX. pages 63, 75, 89 and 97, of this Series.

Article 9.

The present Treaty shall impose no obligation upon any of the British dominions, or upon India, unless the Government of such dominion, or of India, signifies its acceptance thereof.

Article 10.

The present Treaty shall be ratified and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall enter into force as soon as all the ratifications have been deposited and Germany has become a Member of the League of Nations.

The present Treaty, done in a single copy, will be deposited in the archives of the League of Nations, and the Secretary-General will be requested to transmit certified copies to each of the High Contracting Parties.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Treaty.

Done at Locarno, October 16, 1925.

(L. S.) (Signed) Hans LUTHER.
 (L. S.) (Signed) Gustav STRESEMANN.
 (L. S.) (Signed) Emile VANDERVELDE.
 (L. S.) (Signed) Aristide BRIAND.
 (L. S.) (Signed) Stanley BALDWIN.
 (L. S.) (Signed) Austen CHAMBERLAIN.
 (L. S.) (Signed) Vittorio SCIALOJA.

FINAL PROTOCOL OF THE LOCARNO CONFERENCE.

The representatives of the German, Belgian, British, French, Italian, Polish and Czechoslovak Governments, who have met at Locarno from October 5 to 16, 1925, in order to seek by common agreement means for preserving their respective nations from the scourge of war and for providing for the peaceful settlement of disputes of every nature which might eventually arise between them,

Have given their approval to the draft Treaties and Conventions which respectively affect them and which, framed in the course of the present Conference, are mutually interdependent :

Treaty¹ between Germany, Belgium, France, Great Britain and Italy (Annex A).

Arbitration¹ Convention between Germany and Belgium (Annex B).

Arbitration¹ Convention between Germany and France (Annex C).

Arbitration¹ Treaty between Germany and Poland (Annex D).

Arbitration¹ Treaty between Germany and Czechoslovakia (Annex E).

These instruments, hereby initialled *ne varietur*, will bear to-day's date, the representatives of the interested Parties agreeing to meet in London on December 1 next, to proceed during the course of a single meeting to the formality of the signature of the instruments which affect them.

¹ See International Engagements Nos. 1292 to 1298, of this Volume.

The Minister for Foreign Affairs of France states that as a result of the draft arbitration treaties mentioned above, France, Poland and Czechoslovakia have also concluded at Locarno draft agreements in order reciprocally to assure to themselves the benefit of the said treaties. These agreements will be duly deposited at the League of Nations, but M. Briand holds copies forthwith at the disposal of the Powers represented here.

The Secretary of State for Foreign Affairs of Great Britain proposes that, in reply to certain requests for explanations concerning Article 16 of the Covenant of the League of Nations presented by the Chancellor and the Minister for Foreign Affairs of Germany, a letter, of which the draft is similarly attached (Annex F) should be addressed to them at the same time as the formality of signature of the above-mentioned instruments takes place. This proposal is agreed to.

The representatives of the Governments represented here declare their firm conviction that the entry into force of these treaties and conventions will contribute greatly in bringing about a moral relaxation of the tension between nations, that it will help powerfully towards the solution of many political or economic problems in accordance with the interests and sentiments of peoples, and that, in strengthening peace and security in Europe, it will hasten on effectively the disarmament provided for in Article 8 of the Covenant of the League of Nations.

They undertake to give their sincere co-operation to the work relating to disarmament already undertaken by the League of Nations and to seek the realisation thereof in a general agreement.

Done at Locarno, October 16, 1925.

Dr. LUTHER.
STRESEMANN.
Emile VANDERVELDE.
Aristide BRIAND.
Austen CHAMBERLAIN.
Benito MUSSOLINI.
Al. SKRZYNSKI.
Eduard BENEŠ.

¹ TRADUCTION. — TRANSLATION.

COLLECTIVE NOTE TO GERMANY REGARDING ARTICLE 16 OF THE COVENANT OF THE LEAGUE OF NATIONS.

LONDON, *December 1, 1926.*

YOUR EXCELLENCIES,

The German Delegation has requested certain explanations in regard to Article 16 of the Covenant of the League of Nations.

We are not in a position to speak in the name of the League, but in view of the discussions which have already taken place in the Assembly and in the Commissions of the League of Nations, and after the explanations which have been exchanged between ourselves, we do not hesitate to inform you of the interpretation which, in so far as we are concerned, we place upon Article 16.

¹ Communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique.

¹ Communicated by His Britannic Majesty's Foreign Office.

In accordance with that interpretation, the obligations resulting from the said Article on the Members of the League must be understood to mean that each State Member of the League is bound to co-operate loyally and effectively in support of the Covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and which takes its geographical position into account.

We have the honour, etc.

Emile VANDERVELDE.
Aristide BRIAND.
Stanley BALDWIN.
Austen CHAMBERLAIN.
Vittorio SCIALOJA.
Alexandre SKRZYNSKI.
Dr. Eduard BENEŠ.