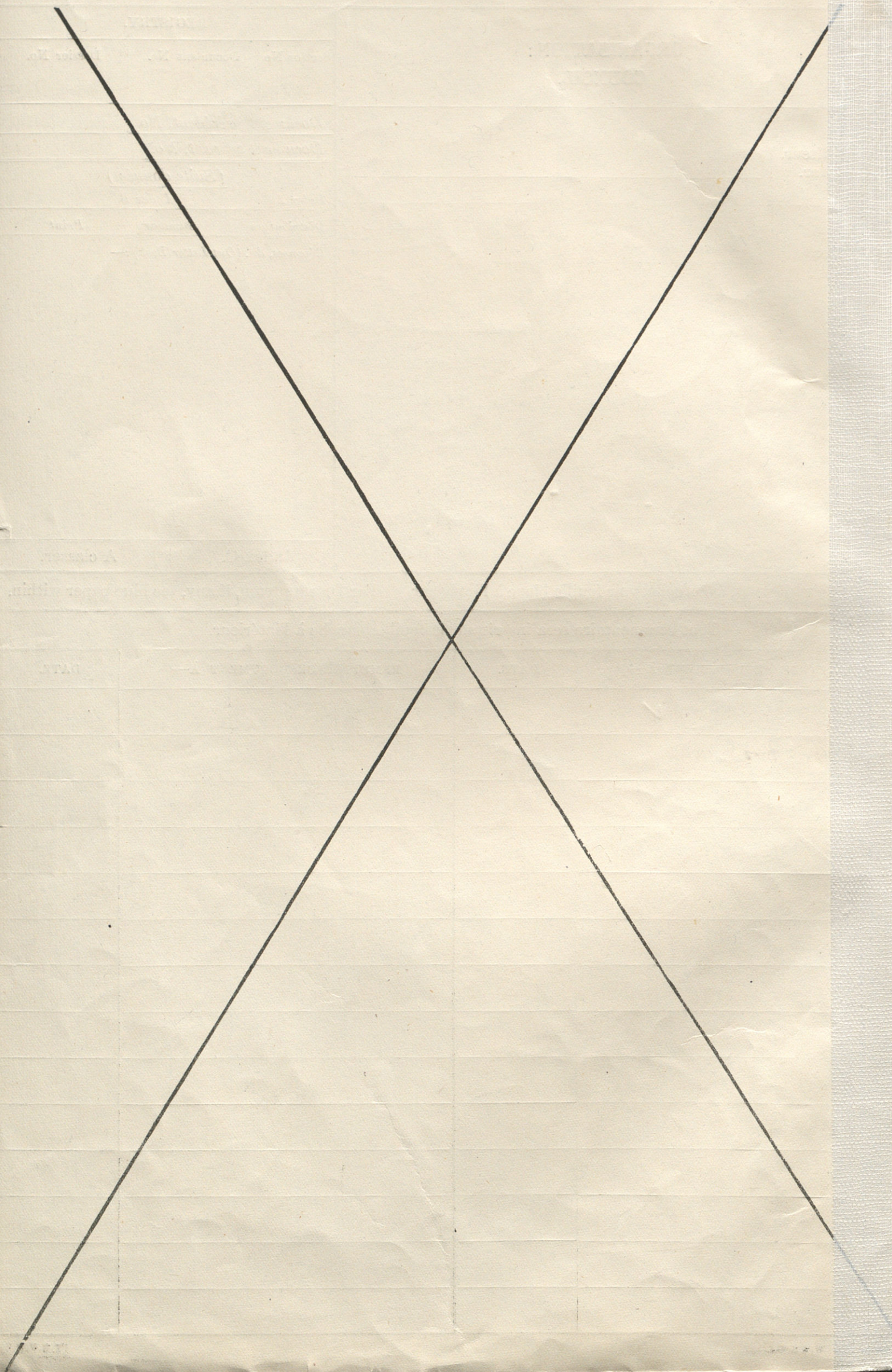
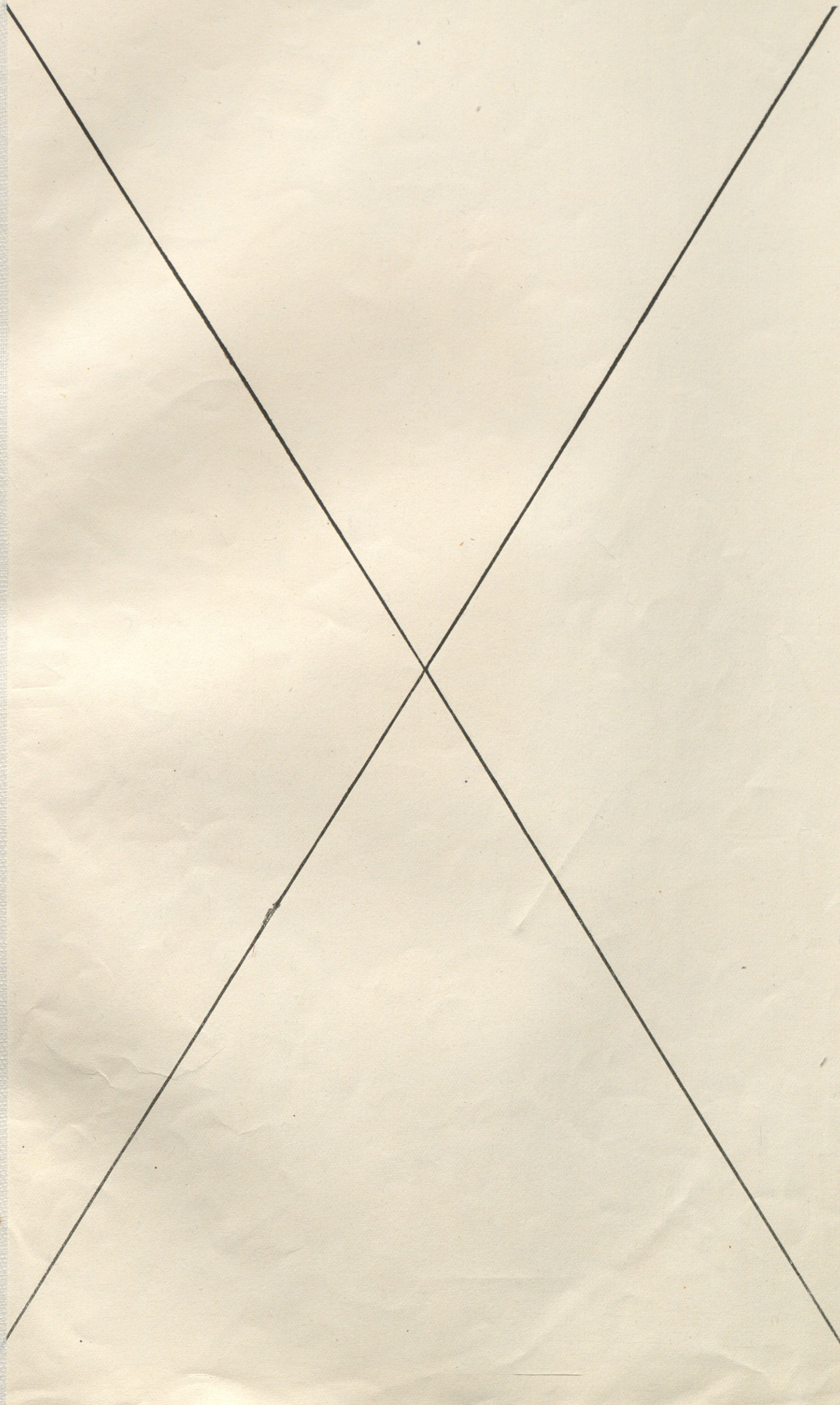


Prière de laisser cette feuille en blanc.



Prière de laisser cette feuille en blanc.



I prepared this memorandum for a cable to the President, so that we could get a definite answer on the ^{single} question whether he meant to summon a Council as soon as the Treaty came into force or not.

However I understood that the question had been already raised by Mr. Polk & we decided to suspend our cable.

The President's remarks have been misquoted. He did not say "in any sense" but "in a true sense" which is perfectly correct.

M. Norset ✓

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27. 8 19

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887

MEMORANDUM.

The British Press of August 22nd credit the President with the following statement:-

"It was questionable whether it could be said that the League of Nations was in any sense created by the association of only 3 of the Allied and Associated Governments."

We have not, unfortunately, the exact terms either of the question or of the President's answer, but the statement as quoted raises points of the utmost importance, affecting immediately both the work of the League and of the Conference in Paris. The International Secretariat has proceeded on the view that as soon as the Treaty of Peace came into force, the President would convoke a meeting of the Council, probably either in London or in Paris. There are certain duties that it is incumbent on the Council under the Treaty of Peace with Germany to perform immediately, and, according to legal opinion here, the Council can be validly constituted whether all States, Members of the Council, are represented or not.

The Covenant is part of the Treaty, and comes into force with the rest of the Treaty in respect of signatories who have ratified. Signatories who have ratified are immediately bound by the duties of the Covenant towards each other; and the parts of the Treaty, the execution of which is entrusted to the League, must likewise be carried out by the signatories who have ratified, irrespective of the non-ratification of other signatories. Thus the Council of the League must immediately carry out the duties assigned to it by the Treaty, with the cooperation of those signatories who have ratified, and of any others who are willing to act on the strength of their unratified signature. Any other interpretation than this would make the coming into force of the Covenant, and therefore the existence of the League, dependent on the will of one signatory, which is impossible

impossible.

Assuming, therefore, that the President convokes a meeting of the Council, the Acting Secretary General would invite the Governments of the States represented on the Council to attend a meeting at as early a date as possible, and it would be for each Government to decide whether they would send representatives to the meeting, and, if so, whether they would attend as full Members, or purely in an advisory capacity.

Of course, it is clearly true that no State would be legally bound by any part of the Treaty until it has ratified it. Therefore, when the Treaty first comes into force, it might be represented by only 3 of the States legally Members of the League, and bound by the obligations of the Covenant.

It could hardly be maintained that the League of Nations had come into full being when it had only 3 legal Members. Moreover, the fulfilment of duties by any 1 signatory of the Covenant cannot be claimed until that signatory has itself ratified the Treaty.

(E.D.)

August 25th, 1919.

Copy.

Duplicate.

27/887

British Delegation,
PARIS.

c Mr. Fosdick.

I discussed with Lord R. Cecil the answer made by President Wilson to a written question about when the League of Nations comes into existence, which was reported in the "Times" of 22.8.19, and to which you called attention.

Lord R. Cecil thinks it is important to find out from Washington the exact terms of the question and of the answer which President Wilson made to it.

He also suggests that, subject to the approval of the Secretary General, a telegram should be sent to Washington explaining the view which is taken at Sunderland House of the important points involved. In one sense he is in entire agreement with the President's answer, as it is reported in the "Times". No State will be legally bound by any part of the Treaty until it has ratified it. Therefore when the Treaty first comes into force, there will be only three States which are legally members of the League, or which are bound by the obligations of the Covenant. It would be difficult to argue that an "Association" of nations had come into full being when it had only three legal members. Moreover, there will be no "Association" which can claim the fulfilment of duties by any one of the Signatories of the Covenant, until that Signatory has itself ratified. In this sense, the President's answer, as reported, is perfectly right.

On the other hand, the Covenant is part of the Treaty, and comes into force with the rest of the Treaty in respect of Signatories who have ratified. Signatories who have ratified are immediately bound by the duties of the Covenant towards each other; and the parts of the Treaty, the execution of which is entrusted to the League, must likewise be carried

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Any other interpretation than this would make the coming into force of the Covenant, and therefore the existence of the League, dependent on the will of any one Signatory - which is impossible.

(Signed) P. J. BAKER.

23.8.19.

(answered) *used*
See memo of August 25th in which I have ~~answered~~ these arguments.

(Initialled) E. D.

25.8.19.

3 copies

See memo. of Aug 25th.
in which I have
and then arguments

27/887

BRITISH DELEGATION,
PARIS.



25. 8. 19

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BRITISH DELEGATION,
PARIS.

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Any other interpretation than this would make the coming into force of the Covenant, & therefore the existence of the League, dependent on the will of any one Signatory - which is impossible.

P. J. Baker

August 22, 1919.

PRESIDENT WILSON BEFORE THE SENATE.

Memorandum for the Secretary General:

I am much disturbed over this clipping in the Times this morning. It seems to run counter to our theory. Had you seen it?

1 enc.

R. B. F.

You & have been equally worried by it. Could we ascertain privately what the President means to do about summoning a meeting of the Council as soon as 3 Powers have ratified the Treaty. This is really the test question & all our designs depend on the reply.

LD
25. 8. 19

See memo of August 25. a copy of which has been given to Mr. Fosdick for action.

LD
25. 8. 19

NO PEACE WITHOUT
RATIFICATION.

887

FORMER GERMAN COLONIES.

WASHINGTON, Aug. 21.—President Wilson, replying to one of 20 written questions regarding the Peace Treaty and the League of Nations submitted to him at the close of his recent conference with the Senate Foreign Relations Committee, stated that he had not the power to declare peace by proclamation nor could he consent in any circumstances to take such a course before the ratification of the formal Treaty of Peace by the Senate.

Referring to another question, the President stated that the provision by which the Treaty would come into force, after its ratification by Germany and three of the principal Allied and Associated Powers, operated merely to establish peace between those ratifying powers. It was questionable whether it could be said that the League of Nations was in any sense created by the association of only three of the Allied and Associated Governments.

With reference to the distribution of Germany's possessions, the President said that the arrangements in the Treaty conveyed no title to the Allied and Associated Powers, but merely entrusted the territory in question to their decision. Germany's renunciation in favour of the principal Allied and Associated Powers of her right and title over her oversea possessions was meant simply to operate as vesting in those Powers the trusteeship with respect to their final disposition and government.

The President further stated there had been a provisional agreement regarding the disposition of those oversea possessions, confirmation as to the execution of which was dependent on the approval of the League of Nations and the United States, as a party to it. Mr. Wilson added that the only agreement between Great Britain and France regarding African territory of which he was cognisant concerned the redistribution of rights already possessed by those countries on that continent.—Reuter.

"The Times"
August 22.

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