

Count Ciano to Mostafa El Sadek Bey.

Il Ministro degli Affari Esteri.

Eccellenza,

Roma, 16 aprile 1938-XVI.

Ho l'onore d'informare l'Eccellenza Vostra che oggi è stata firmata dall'Ambasciatore di Sua Maestà Britannica a Roma e da me la seguente Dichiarazione relativa al Canale di Suez che costituisce l'Allegato 8 al Protocollo che Lord Perth ed io abbiamo pure firmato in data di oggi:

“Il Governo Italiano ed il Governo del Regno Unito riaffermano con la presente il loro proposito di sempre rispettare e uniformarsi alle disposizioni della Convenzione firmata a Costantinopoli il 29 ottobre 1888, che garantisce in tutti i tempi e per tutte le Potenze il libero uso del Canale di Suez.”

Ho l'onore di comunicare la Dichiarazione sopra trascritta all'Eccellenza Vostra quale Rappresentante della Potenza territoriale interessata.

Voglia gradire, &c.

CIANO.

Légation de S. M. le Roi d'Égypte a Rome,

Your Excellency,

April 16, 1938.

I HAVE the honour to acknowledge the receipt of Note of to-day's date in which Your Excellency informed me of the Declaration regarding the Suez Canal signed to-day by Your Excellency and His Majesty's Ambassador at Rome as Annex 8 to the Protocol which you and Lord Perth have also signed to-day.

I have the honour to inform Your Excellency that the Egyptian Government, as the territorial Power concerned, take note of the intention of the Italian Government and the Government of the United Kingdom and associate themselves therewith.

I avail, &c.

MOSTAFA EL SADEK.

Dokumente zur Politik der Nichteinmischung in Spanien *).

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*) Anmerkungen und Bibliographie von Dr. Hans Joachim v. Merkatz.

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I. Erklärungen über eine gemeinsame Haltung der Nichteinmischung in Spanien ¹⁾.

a) *Schreiben des französischen Außenministers an den britischen Botschafter in Paris, vom 15. August 1936* ²⁾.

Paris, le 15 Août 1936

Monsieur l'Ambassadeur,

Les négociations poursuivies entre le Gouvernement de la République française et le Gouvernement de Sa Majesté en Grande-Bretagne ayant permis de constater leur accord sur une attitude commune à observer au regard de la situation en Espagne, j'ai l'honneur, conformément à la proposition dont les autres Gouvernements européens ont été saisis, et en rappelant les initiatives déjà prises unilatéralement par le Gouvernement français, de faire à Votre Excellence la déclaration suivante:

Le Gouvernement de la République Française,
Déplorant les tragiques événements dont l'Espagne est le théâtre.
Décidé à s'abstenir rigoureusement de toute ingérence, directe ou indirecte, dans les affaires intérieures de ce pays.

Animé de la volonté d'éviter toute complication préjudiciable au maintien de bonnes relations entre les peuples,

Déclare ce qui suit:

1^o Le Gouvernement français interdit, en ce qui le concerne, l'exportation, directe ou indirecte, la réexportation et le transit, à destination de

¹⁾ Die von 27 europäischen Regierungen der französischen Regierung gegenüber abgegebenen Erklärungen, von denen hier nur die wichtigsten wiedergegeben sind, sind nach dem Beschluß des Nichteinmischungsausschusses in seiner Sitzung vom 9. 9. 1936 (La Documentation Internationale 1937, Nr. 32/33, S. 24) von der französischen Regierung in französischer Sprache veröffentlicht worden. Siehe die Zeitschrift »Europe Nouvelle Documentaire« Nr. 44 (26. 9. 1936) und Nr. 55 (13. 3. 1937), letztere auch unter Wiedergabe der vorangegangenen französischen Anregungen. Über die inhaltlichen Verschiedenheiten der einzelnen Noten sowie über die Rechtsnatur des sogenannten Nichteinmischungsabkommens vgl. insbesondere den oben angegebenen Aufsatz von Padelford sowie die Zusammenstellung in »La Documentation Internationale« 1937, Nr. 32/33, S. 20. Über den Gang der Verhandlungen siehe auch Eden im House of Commons, Parl. Deb. Vol. 316, S. 39—51, sowie über die Unterschiede in der Durchführung der vereinbarten Maßnahmen in den einzelnen Staaten den als Cmd. 5300 veröffentlichten Bericht Hemming an den Nichteinmischungsausschuß. — Der Protest des damaligen spanischen Botschafters in Paris gegen das Nichteinmischungsabkommen durch Noten vom 10. und 15. 8. 1936 (La Documentation Internationale a. a. O., S. 21) wurde von der französischen Regierung mit einer Note vom 20. 8. 1936 (ebenda wiedergegeben) beantwortet.

²⁾ La Documentation Internationale 1937, Nr. 32/33, S. 18.

l'Espagne, des possessions espagnoles ou de la zone espagnole du Maroc, de toutes armes, munitions et matériels de guerre, ainsi que de tous aéronefs, montés ou démontés, et de tous navires de guerre;

2° Cette interdiction s'applique aux contrats en cours d'exécution;

3° Le Gouvernement français tiendra les autres Gouvernements participant à cette entente, informés de toutes mesures prises par lui pour donner effet à la présente déclaration.

Le Gouvernement français, en ce qui le concerne, mettra cette déclaration en application dès que le Gouvernement de Sa Majesté britannique, le Gouvernement allemand, le Gouvernement italien, le Gouvernement de l'U. R. S. S. et le Gouvernement portugais y auront également adhéré.

Au fur et à mesure que lui parviendront les adhésions des autres Gouvernements saisis, le Gouvernement français aura soin de les communiquer au Gouvernement britannique ainsi qu'aux autres Gouvernements intéressés.

Veillez agréer, Monsieur l'Ambassadeur, etc. . . .

Signé: YVON DELBOS.

b) Schreiben des britischen Botschafters in Paris an den französischen Außenminister, vom 15. August 1936¹⁾.

Paris, le 15 août 1936.

Excellence,

Les négociations qui ont eu lieu entre le Gouvernement de Sa Majesté dans le Royaume-Uni et le Gouvernement français ayant abouti à un accord au sujet de l'attitude commune à observer touchant la situation en Espagne, j'ai l'honneur, conformément à la proposition dont les autres Gouvernements européens ont été informés, de faire à Votre Excellence les déclarations suivantes:

Le Gouvernement de Sa Majesté,

Déplorant les tragiques événements dont l'Espagne est le théâtre,

Décidé à s'abstenir rigoureusement de toute ingérence, directe ou indirecte, dans les affaires intérieures de ce pays.

Animé de la volonté d'éviter toute complication préjudiciable au maintien de bonnes relations entre les peuples,

Déclare ce qui suit:

1° Le Gouvernement de Sa Majesté interdit, en ce qui le concerne, l'exportation, directe ou indirecte, la réexportation et le transit, à destination de l'Espagne, des possessions espagnoles ou de la zone espagnole du Maroc, de toutes armes, munitions et matériels de guerre, ainsi que de tous aéronefs, montés ou démontés, et de tous navires de guerre, tels qu'ils sont énumérés dans l'ordre en conseil ci-joint de 1931.

2° Cette interdiction s'applique aux contrats en cours d'exécution.

3° Le Gouvernement de Sa Majesté tiendra les autres Gouvernements participant à cette entente informés de toutes mesures prises par lui pour donner effet à la présente déclaration.

Le Gouvernement de Sa Majesté, en ce qui le concerne, mettra cette déclaration en application dès que le Gouvernement français, le Gouverne-

¹⁾ La Documentation Internationale 1937 Nr. 32/33, S. 18.

ment allemand, le Gouvernement italien, le Gouvernement de l'U. R. S. S. et le Gouvernement portugais y auront également adhéré.

Au sujet de la question de la réexportation et du transit je dois informer Votre Excellence que des difficultés pratiques empêcheraient de mettre en application d'une manière complètement efficace dans ce pays une prohibition du transit des munitions et de matériel de guerre à travers le Royaume-Uni ou le transbordement de pareils articles dans les ports du Royaume, quoique le Gouvernement de Sa Majesté soit disposé à prendre telles mesures qui apparaîtront pratiques pour atteindre ce but. Mais il ne semble pas que la question du transit dans le Royaume-Uni puisse avoir, en pratique, des conséquences sérieuses, puisque la forme de transit qui vraisemblablement aura le plus d'importance en la matière sera sans doute le trafic terrestre à travers les Pays limitrophes de l'Espagne. En outre, on suppose que cette difficulté sera résolue du fait que l'accord envisagé sera accepté par un nombre plus grand de puissances.

Veillez agréer, etc. . . .

Signé: Georges CLERK.

c) *Schreiben des deutschen Außenministers an den französischen Botschafter in Berlin, vom 17. August 1936*

Berlin, den 17. August 1936.

Herr Botschafter!

Auf die mir von Euer Exzellenz heute übergebene Verbalnote vom 16. d. M., mit der Sie mir von der Vereinbarung zwischen der Französischen Regierung und der Königlich Britischen Regierung über die Haltung gegenüber den Vorgängen in Spanien Kenntnis gegeben haben, beehre ich mich, Ihnen namens der Deutschen Regierung folgendes mitzuteilen:

Die Deutsche Regierung ist entsprechend der Erklärung der Französischen Regierung, die in der Note des Französischen Herrn Außenministers an den Herrn Königlich Britischen Botschafter in Paris vom 15. d. M. enthalten ist, auch ihrerseits bereit,

1. die unmittelbare und mittelbare Ausfuhr, Wiederausfuhr und Durchfuhr von Waffen, Munition und Kriegsgerät, sowie von Luftfahrzeugen, zusammengesetzt oder zerlegt, und von Kriegsschiffen nach Spanien, den spanischen Besitzungen und der spanischen Zone in Marokko zu verbieten;
2. dieses Verbot auf alle in Ausführung befindlichen Verträge zur Anwendung zu bringen, und
3. die anderen beteiligten Regierungen von allen Maßnahmen, die sie zwecks Durchführung dieses Verbots trifft, in Kenntnis zu setzen.

Die Deutsche Regierung macht die Durchführung der vorstehend genannten Maßnahmen davon abhängig,

- a) daß das von der Spanischen Regierung noch in Madrid festgehaltene deutsche Transportflugzeug freigegeben wird, und
- b) daß außer den in der Note des Französischen Herrn Außenministers vom 15. d. M. erwähnten Regierungen auch die Regierungen der übrigen Staaten, die Industrien zur Herstellung der von dem Verbot betroffenen Gegenstände in nennenswertem Umfang besitzen, eine gleiche Verpflichtung übernehmen, und daß diese Verpflichtung auch die Lieferung durch private Firmen oder Personen mitumfaßt.

Um feststellen zu können, ob die vorstehend unter b) angeführte Voraussetzung erfüllt ist, wäre die Deutsche Regierung der Französischen Regierung dankbar für eine Mitteilung darüber, welche anderen Regierungen, außer der Königlich Britischen Regierung, sich der Erklärung der Französischen Regierung bereits angeschlossen haben oder noch anschließen.

Außerdem möchte die Deutsche Regierung darauf hinweisen, daß es ihrer Ansicht nach dringend erwünscht wäre, wenn die beteiligten Regierungen ihre Maßnahmen auf die Verhinderung der Ausreise von freiwilligen Teilnehmern an den Kämpfen in den in Rede stehenden Gebieten ausdehnen würden.

Genehmigen Sie, Herr Botschafter, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Freiherr von Neurath.

d) *Schreiben des Staatssekretärs im deutschen Auswärtigen Amt an den französischen Botschafter in Berlin, vom 24. August 1936.*

Berlin, den 24. August 1936.

Herr Botschafter!

Im Anschluß an das Schreiben, das der Herr Reichsminister des Auswärtigen Freiherr von Neurath am 17. d. M. wegen der Haltung gegenüber den Vorgängen in Spanien an Sie gerichtet hat, beehre ich mich, Eurer Exzellenz im Auftrage der Deutschen Regierung folgendes mitzuteilen:

Die Deutsche Regierung hat mit Befriedigung davon Kenntnis genommen, daß sich auch alle anderen in Frage kommenden Regierungen der von der Französischen Regierung vorgeschlagenen Erklärung angeschlossen haben. Sie hat beschlossen, die in dieser Erklärung vorgesehenen Maßnahmen für Deutschland nunmehr sofort in Kraft zu setzen. Wenn sie diesen Beschluß gefaßt hat, obwohl die Erörterungen mit der Spanischen Regierung über die Freigabe des deutschen Transportflugzeuges noch nicht haben abgeschlossen werden können, so hat sie sich dabei von dem Wunsche leiten lassen, zu ihrem Teil alles zu tun, was zur Beschleunigung des Zustandekommens der geplanten internationalen Vereinbarung beitragen kann. Sie gibt sich der Erwartung hin, daß jetzt auch die übrigen beteiligten Regierungen, soweit dies noch nicht geschehen ist, das Erforderliche veranlassen, um die verabredeten Maßnahmen wirksam zur Durchführung zu bringen.

Genehmigen Sie, Herr Botschafter, die Versicherung meiner ausgezeichnetsten Hochachtung.

Dieckhoff.

e) *Schreiben des italienischen Außenministers an den französischen Botschafter in Rom, vom 21. August 1936¹⁾.*

Rome, le 21 août 1936.

Monsieur l'Ambassadeur,

J'ai l'honneur de me référer aux conversations que j'ai eues avec Votre Excellence relatives à la question de la «non-intervention» dans les affaires espagnoles, de même qu'aux observations que j'ai faites au début au sujet de la portée et des limites que devrait avoir, d'extrême urgence, la «non-intervention» pour être vraiment efficace. A la suite de ces conversations et

¹⁾ La Documentation Internationale 1937 Nr. 32/33, S. 19; italienischer Text Giornale d'Italia vom 22. 8. 1936.

dans l'intention de faire, en ce qui concerne mon Gouvernement, tout ce qui est de nature à faciliter ou à hâter la conclusion d'un accord, j'ai l'honneur d'informer que le Gouvernement italien s'engage, conformément aux clauses proposées par le Gouvernement français:

1^o) à interdire, en ce qui le concerne, l'exportation directe ou indirecte, la réexportation ou le transit à destination de l'Espagne, des possessions espagnoles ou de la zone espagnole du Maroc, des armes, munitions et matériel de guerre ainsi que des aéronefs montés ou démontés et des bâtiments de guerre.

2^o) à appliquer cette interdiction à tous les contrats en cours d'exécution;

3^o) à se tenir en rapport avec les autres Etats intéressés pour communication réciproque de toutes les mesures prises en vue de donner effet à cette déclaration.

Pour sa part, le Gouvernement italien donnera effet à cette déclaration dès que les Gouvernements français, anglais, portugais, allemand et le Gouvernement d'U. R. S. S. y auront également adhéré.

Etant donné, toutefois, que dans la proposition française, il est également parlé d'«ingérence indirecte» sans spécifier de quoi il s'agit, le Gouvernement italien tient à préciser qu'il interprète cette «ingérence indirecte» dans le sens que ne sont pas admissibles dans les Pays adhérents à l'accord, des souscriptions publiques ou des enrôlements de volontaires en faveur de l'un ou de l'autre des partis en conflit. Le Gouvernement italien, en acceptant d'adhérer à la non-intervention «directe» a l'honneur, en conséquence, de maintenir ses observations en ce qui concerne la non-intervention «indirecte». En outre, étant donné qu'il existe, en Europe, d'autres Etats importants, producteurs d'armes, en plus de ceux auxquels se réfère le projet français, il semble essentiel au Gouvernement italien que l'engagement de «non-intervention» soit également pris par ces mêmes Etats.

Veillez agréer, Monsieur l'Ambassadeur, l'assurance de ma haute considération.

Ciano.

f) Schreiben des portugiesischen Außenministers an den französischen Gesandten in Lissabon, vom 21. August 1936¹⁾.

Lisbonne, le 21 août 1936.

Monsieur le Ministre,

Les Gouvernements de Sa Majesté britannique et de la République française ont affirmé au Gouvernement portugais que la conclusion d'un accord de non-intervention dans la guerre civile d'Espagne pourrait éviter de graves complications internationales et contribuer à abrégier la durée des hostilités. Prenant en considération l'importance de cette déclaration et ne voulant pas prendre la responsabilité de retarder ou d'empêcher la création d'un état de choses dont pouvaient advenir d'heureux résultats, le Gouvernement portugais a donné son adhésion de principe à l'idée qui avait présidé à la proposition qui lui était faite. La présente note a pour but de préciser les termes dans lesquels le Gouvernement portugais se croit obligé de réaliser la pensée de non-intervention.

2^o Le Gouvernement portugais déplore les événements qui se passent en Espagne et il blâme d'une manière formelle les procédés barbares dont les

¹⁾ La Documentation Internationale 1937, Nr. 32/33, S. 19.

milices communistes et anarchistes se servent contre les populations des zones où elles dominent.

3° Le Gouvernement portugais décide de s'abstenir de toute ingérence directe ou indirecte dans les affaires d'Espagne jusqu'au rétablissement des conditions normales d'autorité dans ce pays.

En ce qui touche cette décision, le Gouvernement portugais fait la réserve expresse que ne pourront être considérés comme ingérence directe ou indirecte les actes auxquels il pourra être forcé par les circonstances pour :

a) La défense de l'ordre public interne, la sécurité de la vie, des biens et de la liberté des citoyens portugais, la sauvegarde de l'intégrité territoriale et de la sécurité nationale;

b) L'application de conventions ou décisions internationales exigée par les circonstances de la guerre;

c) La médiation entre les partis en lutte, si un jour les conditions de celle-ci le permettaient;

d) La défense contre tous régimes de subversion sociale qui viendraient à s'établir en Espagne, si la nécessité de sauvegarder la civilisation occidentale réclamait une telle défense;

e) Le maintien de relations avec les autorités centrales et locales qui exercent en fait le gouvernement ou l'administration en territoire espagnol;

f) La reconnaissance de la belligérance des forces en lutte ou d'un nouveau gouvernement; la modification de conditions de représentation diplomatique ou consulaire.

4° Animé du désir d'éviter les complications internationales qui peuvent résulter de l'intervention dans la guerre civile entre les pays ou partis politiques étrangers le Gouvernement portugais s'engage à interdire en ce qui le concerne, l'exportation directe ou indirecte, la réexportation ou le transit à destination de l'Espagne, des possessions espagnoles ou de la zone espagnole du Maroc, d'armes, munitions et matériel de guerre, ainsi que d'aéronefs montés ou démontés et de navires de guerre.

5° Le Gouvernement portugais est d'avis que les décisions et les engagements antérieurs ne peuvent avoir intérêt que s'ils sont observés avec rigueur, tous les gouvernements donnant à cette fin leur concours dans la mesure du possible en ce qui concerne les obligations qui correspondent à chacun.

Dans le désir de contribuer à ce que cette exécution rigoureuse et impartiale soit assurée, le Gouvernement portugais s'engage à donner connaissance au gouvernement ou gouvernements intéressés de tous faits que l'un ou l'autre des partis en lutte lui présentent par la voie du Gouvernement de Madrid ou de la Junta de la défense nationale d'Espagne qui siège actuellement à Burgos (pourvu que ces faits soient accompagnés de preuves jugées suffisantes par le Gouvernement portugais) au sujet d'actes d'exportation ou de transit d'armes, munitions, aéronefs et navires qui puissent être considérés comme des violations des engagements assumés par les différents gouvernements dans la présente note.

6° Croyant pourtant que la surveillance mentionnée au paragraphe précédent est insuffisante, le Gouvernement portugais espère que le Gouvernement français qui a pris l'initiative du présent accord, étudiera et proposera des formules de contrôle plus actives, à établir sur les entreprises exportatrices d'armes, de munitions, d'aéronefs et de navires de guerre.

7° Il s'attend aussi de la part de tous les pays à l'action collective nécessaire pour éviter la violation par l'un ou l'autre des partis en lutte, des con-

ventions sur l'emploi des gaz asphyxiants signées par le Gouvernement espagnol.

8° Il reste entendu que, de la situation de guerre intérieure existante et de ces engagements, il ne résulte pas pour les bateaux de l'un ou de l'autre des partis des droits autres, ou plus étendus, que ceux qui appartiennent aux bateaux de guerre en temps de paix.

9° Le Gouvernement de la République portugaise communiquera aux autres gouvernements intéressés toutes les mesures prises pour l'application de la décision du n° 4 de cette note; il considérera cette décision comme étant en vigueur dès que l'Allemagne, l'Italie et les Gouvernements français, britannique et russe se tiendront pour obligés de l'appliquer et tant que tous l'observeront effectivement.

10° Le Gouvernement portugais tient pour contraire à l'esprit de la déclaration du n° 3 de cette note les deux faits suivants:

a) Le consentement à l'enrôlement de volontaires pour les forces en lutte, même si ces enrôlements se font d'une manière indirecte.

b) L'ouverture de souscriptions pour continuer la guerre ou l'envoi de sommes recueillies publiquement à cette fin.

Le consentement à la pratique d'un de ces actes par un des Gouvernements qui aura adhéré à la susdite déclaration libérera le Gouvernement portugais des obligations ci-dessus assumées.

Je profite, etc. . . .

Signé: Armindo MONTEIRO.

g) *Schreiben des Volkskommissars für Auswärtige Angelegenheiten der Sowjetunion an den französischen Geschäftsträger in Moskau, vom 23. August 1936* ¹⁾.

Moscou, le 23 août 1936.

Monsieur le Chargé d'Affaires,

Me référant aux conversations qui ont eu lieu au sujet de la ligne de conduite à adopter à l'égard de la situation en Espagne, j'ai l'honneur de vous communiquer ce qui suit:

Le Gouvernement de l'U. R. S. S. déplorant les tragiques événements dont l'Espagne est le théâtre,

Décidé de s'abstenir rigoureusement de toute ingérence directe ou indirecte dans les affaires intérieures de ce pays,

Animé de la volonté d'éviter toute complication préjudiciable au maintien de bonnes relations entre les peuples,

Déclare ce qui suit:

1° Le Gouvernement de l'U. R. S. S. interdit en ce qui le concerne l'exportation directe ou indirecte, la réexportation et le transit à destination de l'Espagne des possessions espagnoles ou de la zone espagnole du Maroc de toutes armes, munitions et matériel de guerre ainsi que de tous aéronefs montés ou démontés et de tous navires de guerre.

2° Cette interdiction s'applique aux contrats en cours d'exécution.

3° Le Gouvernement de l'U. R. S. S. tiendra les autres Gouvernements participant à cette entente informés de toutes mesures prises par lui pour donner effet à la présente déclaration.

Le Gouvernement de l'U. R. S. S. en ce qui le concerne mettra cette déclaration en vigueur à partir du moment où, en dehors des Gouvernements

¹⁾ La Documentation Internationale 1937 Nr. 32/33, S. 20.

français et britannique, qui, le 15 août de cette année, ont déjà échangé des notes à ce sujet, les Gouvernements italien, allemand et portugais auront également adhéré à cette déclaration.

Veillez agréer, etc. ...

Signé: LITVINOFF.

h) Schreiben des polnischen Außenministers an den französischen Botschafter in Warschau, vom 27. August 1936¹⁾.

Varsovie, le 27 Août 1936.

Monsieur l'Ambassadeur,

Me référant à l'aide-mémoire qui a été transmis à l'Ambassade de France, en date du 22 Août, j'ai l'honneur de vous confirmer ce qui suit: les dispositions que, dès le début des tragiques événements d'Espagne, le Gouvernement polonais a prises en vertu des pouvoirs que lui confère le paragraphe de l'Ordonnance du Président de la République du 27 Octobre 1932, relatif au contrôle du commerce des armes, munitions, etc... demeurant conformes aux points énumérés dans le projet de déclaration remis par l'Ambassade au Ministère des Affaires Etrangères, le 7 de ce mois, et qui stipulaient en l'espèce:

1^o) L'interdiction de l'exportation directe ou indirecte, de la réexportation et du transit à destination de l'Espagne, des possessions espagnoles ou de la zone espagnole du Maroc, de toutes armes, munitions et matériel de guerre, ainsi que de tous aéronefs montés ou démontés et de tous navires de guerre;

2^o) L'application de cette interdiction aux contrats en cours d'exécution;

3^o) L'entrée immédiate en application des mesures prises par les Gouvernements intéressés à cet effet.

Le Gouvernement polonais, bien qu'il ait, ainsi qu'il résulte de l'exposé ci-dessus, déjà pris spontanément les dispositions nécessaires, estime toutefois qu'il sera lié par les engagements découlant de la présente négociation dans la même mesure où le seront tous les autres Gouvernements intéressés. En ce qui concerne un échange de vue international sur les mesures de détail qui ont été prises dans ce sens, le Gouvernement polonais se déclare prêt à y participer, à condition que tous les autres Etats intéressés y prennent également part.

Je tiens, en outre, à déclarer que, dans l'opinion du Gouvernement polonais, la question dont il s'agit a trait à un cas exceptionnel qui ne saurait être considéré comme un précédent dans le domaine du droit international²⁾.

Veillez agréer, Monsieur l'Ambassadeur, l'assurance de ma considération très distinguée.

R. DEBICKI.

¹⁾ *Politika Narodów* Dok. Nr. 10 (1936).

²⁾ Einen ähnlichen Vorbehalt enthält die jugoslawische Erklärung vom 23. 8. 1936, der folgendermaßen lautet:

»Considérant que l'action du Gouvernement de la République, tendant à obtenir l'adhésion de tous les Gouvernements intéressés aux règles de conduite énoncées ci-dessus a été motivée par des circonstances exceptionnelles, le Gouvernement Royal tient à souligner que cette déclaration, elle aussi, possède un caractère exceptionnel et ne peut pas constituer un précédent d'où résulterait la reconnaissance, même implicite, du principe qu'un Gouvernement ne puisse prêter à un Gouverne-

II. Einsetzung und Verfahren des Nichteinmischungsausschusses¹⁾.

a) *Note der portugiesischen Regierung an die französische Regierung, vom 1. September 1936.*

Le Gouvernement portugais a examiné, avec toute l'attention, la demande qui lui avait été faite d'autoriser son représentant dans une capitale européenne à prendre part aux travaux d'un Comité chargé de réunir toutes les informations sur les mesures publiées par les Gouvernements pour rendre effectif l'Accord de Non-Intervention dans la guerre civile d'Espagne ainsi que pour examiner et résoudre dans la pratique les points particuliers qui ont trait à l'application des dispositions accordées.

2. Le Gouvernement portugais estime que l'organisation et le fonctionnement d'un organe avec de telles attributions ne découlent ni de la lettre ni de l'esprit de l'Accord de Non-Intervention précité. Dans cet accord fut établi que les Gouvernements se communiqueraient directement les mesures prises et non pas que le contact entre Gouvernements ait lieu par une autre forme quelconque; aucun État n'aliéna la faculté de pouvoir juger de la façon dont il accomplissait les obligations assumées; et encore moins acquiesça à que d'autres résolussent les points particuliers relatifs à l'application des décisions ou compromis pris. Le Gouvernement portugais ne donna son adhésion à l'Accord de Non-Intervention que sous des réserves et dans des conditions qu'il estime essentielles et auxquelles il ne renonce pas. La collaboration dans les termes qui lui sont proposés signifierait l'abandon d'un certain nombre de conditions auxquelles il subordonna son adhésion.

3. On ne doit pas oublier — parce que pour le cas présent ceci a la plus grande importance — que, selon la procédure suivie, l'Accord de Non-Intervention précité découle de la concordance d'un certain nombre de décisions indépendantes, prises séparément par chaque État sur des points communs et non pas de l'adhésion à un texte discuté et établi au préalable. Les adhésions se sont effectuées par des documents de caractère unilatéral, où chaque État a indiqué ses réserves et conditions. J'ai eu l'honneur, en temps utile, de signaler les inconvénients du système adopté. Je dois maintenant rappeler

ment légal, sur la demande de ce dernier, aide dans la lutte contre une rébellion.»

(La Documentation Internationale 1937 Nr. 32/33, S. 20/21.)

Sachlich gleiche Vorbehalte enthalten die Erklärungen Rumäniens vom 18. 8. und der Türkei vom 28. 8. 1936.

¹⁾ Gegen die Einsetzung des Nichteinmischungsausschusses (Comité international pour l'application de l'accord de non-intervention en Espagne — International Committee for the Application of the Agreement Regarding Non-Intervention in Spain) hatte die portugiesische Regierung Bedenken erhoben, die sich ihre in der Note vom 21. 8. 1936 (siehe oben Seite 309 unter e)) vorbehaltene Handlungsfreiheit wahren wollte. Die Stellungnahme der portugiesischen Regierung ist in der oben unter a) abgedruckten Note vom 1. 9. zusammengefaßt (vgl. auch Le Temps vom 26. 9. 1936 über einen Artikel von Salazar sowie die Verlautbarung der Berliner portugiesischen Gesandtschaft: Berliner Tageblatt vom 24. 9. 1936). Nach Verhandlungen zwischen Großbritannien und Portugal, sowie in den Ausschußsitzungen vom 9., 14., 21. und 28. 9. über das Verfahren des Ausschusses bei Verletzungen des Abkommens erklärte die portugiesische Regierung in einem Briefwechsel zwischen Monteiro und Morrison vom 27. 9. 1936 ihren Beitritt zu dem Ausschuß. Die vereinbarten Verfahrensregeln wurden in der Ausschußsitzung vom 28. 9. 1936 wiedergegeben.

que la position du Gouvernement portugais dans l'accord est uniquement réglée par sa lettre du 21 août dernier.

4. Il semble donc que le fonctionnement du Comité international mentionné n'a pas pour le moment de base juridique; et que par conséquent les États n'ont pas pour l'instant l'obligation de prendre en spéciale attention le résultat de ses examens, de donner exécution à ses résolutions ou même de lui adresser des communications. A aucune de ces obligations ne se croit pas engagé, pour sa part, le Gouvernement portugais.

5. Cependant, le Gouvernement portugais, qui a demandé au Gouvernement français d'étudier la forme d'établir un contrôle efficace sur l'accord réalisé, ne refusera pas sa collaboration à cette fin. Si on estime que la création d'un Comité international — destiné à réunir toutes les informations provenant des autorités responsables, à examiner les faits qui sembleraient dignes d'attention et à transmettre aux Gouvernements ses conclusions — peut contribuer pour que ce but soit atteint, le Gouvernement portugais lui en donnera son appui dès qu'il reconnaîtra:

- (a) que la compétence du Comité est délimitée d'une façon précise, tenant compte par rapport à chaque Gouvernement de ses réserves et conditions;
- (b) que le Comité a les moyens d'action exigés pour l'accomplissement de sa tâche;
- (c) et que l'impartialité de son activité sera entourée de garanties.

6. On ne doit pas oublier que la guerre civile d'Espagne a éveillé dans beaucoup de pays de grandes passions; on commence à comprendre qu'elle ne signifie pas la lutte pour des idéals appartenant au pays même, mais le heurt de la conception occidentale de la civilisation contre des formes d'action ou de dénégation sociale qui cherchent à s'établir par la terreur — vu que les traditions des peuples, les besoins du milieu et le caractère du peuple les repoussent. L'analyse désintéressée des événements montre que ce fut la destruction systématique, froide et impitoyable des valeurs humaines, économiques, historiques et artistiques sur lesquelles s'appuie la glorieuse civilisation espagnole qui apporta à cette guerre le caractère violent que tous lui reconnaissent.

7. Toutes ces importantes observations amènent le Gouvernement portugais à attirer l'attention du Gouvernement français sur la nécessité de déterminer avec toute rigueur la compétence du Comité dont il s'agit — afin que celui-ci ne puisse jamais sortir des limites de l'activité qui lui sera démarquée, et afin que les Gouvernements sachent avec précision leurs obligations et leurs droits. S'il n'était pas ainsi des accrocs pourraient survenir, ce que, dans les conditions actuelles de la vie internationale, on a tout intérêt à éviter. Le Gouvernement portugais, pour sa part, dès que les réserves et conditions de sa lettre du 21 août soient respectées, ne refusera pas la collaboration qui lui soit demandée.

8. Cependant le Gouvernement portugais désirerait aussi auparavant que l'indication exacte des moyens de travail du Comité fût faite avec précision. Il ne voudrait se trouver qu'en présence de formules d'information et d'examen sur lesquelles il aurait donné son acquiescement préalable et qui en réalité pourraient s'adapter aux conditions de la lutte et du milieu. Le Gouvernement portugais ne pourrait pas agréer, par exemple, l'acceptation ou l'étude d'informations provenant d'entités sans responsabilité gouvernementale ou non accompagnées de preuves. Le fonctionnement du Comité est une affaire

purement gouvernementale, dans laquelle on ne doit pas admettre l'intervention d'aucun parti ou institution privée.

9. Le Gouvernement portugais croit aussi nécessaire, pour que l'activité de l'organe dont il s'agit trouve l'appui de l'opinion publique, que son fonctionnement ne puisse pas être jugé partial. Il est indispensable qu'il donne les plus grandes garanties de neutralité — d'autant plus qu'il est destiné à rendre effectif un accord de non-intervention. Autrement ses efforts produiraient des résultats contraires, car ils viendraient à favoriser la prolongation du conflit et à créer possiblement des accroc internationaux.

10. Le Gouvernement portugais, par la position géographique de son territoire et par l'intérêt tout particulier qu'il a dans la vie politique de l'Espagne, est forcé, plus qu'aucun autre, à attirer l'attention des États sur les dangers de la situation présente. Il croit que l'intérêt sur le conflit qui d'une manière si violente se déroule en Espagne surpasse de beaucoup les limites de la Péninsule et qu'il en faudrait traiter des problèmes qui lui ont trait avec l'esprit de qu'il en vaut mieux prévoir et écarter des difficultés que d'en remédier. Tel est le fondement moral des observations précédentes.

b) Pressekommunique des Nichteinmischungsausschusses, vom 28. September 1936.

THE fourth meeting of the International Committee for the Application of the Agreement regarding non-intervention in Spain was held in the Locarno Room at the Foreign Office at 4 P. M. this afternoon.

The meeting was attended by representatives of the following countries:—

Albania.	Italy.
Austria.	Latvia.
Belgium.	Lithuania.
United Kingdom.	Netherlands.
Bulgaria.	Norway.
Czechoslovakia.	Poland.
Denmark.	Portugal.
Estonia.	Roumania.
Finland.	U. S. S. R.
France.	Sweden.
Germany.	Turkey.
Hungary.	Yugoslavia.
Irish Free State.	

The Chairman (the Earl of Plymouth) informed the Committee that he had summoned the present meeting in order to take the first possible opportunity of informing them of the decision of the Portuguese Government to nominate a representative to serve on the Committee and of welcoming to the Committee the representative of Portugal. Lord Plymouth explained that on Sunday, the 27th September, Mr. W. S. Morrison, Financial Secretary to the Treasury, who, prior to his departure to Geneva, had been elected Chairman of the Committee, had addressed a letter to Senhor Armindo Monteiro, the Portuguese Minister for Foreign Affairs, who was also at Geneva, in which he stated that the Committee had agreed upon the following conclusions as to the procedure to be adopted by them on the receipt of complaints respecting alleged breaches of the Agreement:—

- (a) It is much to be hoped that few, if any, complaints will be submitted to the Committee alleging that breaches of the Agreement for non-intervention in Spain have been committed by some country that is a party to the Agreement.
- (b) If such complaints are received it will, however, be the duty of the Committee to examine them with a view to ascertaining the facts.
- (c) It is important that the Committee should reach preliminary decisions on the question of procedure before any complaints are actually received as by doing so they will be able to avoid the delay which would otherwise be involved while they considered their procedure.
- (d) A complaint should not be taken into consideration by the Committee unless: —
 - (i) it is received from a responsible source; and unless
 - (ii) it is regarded by the Government preferring it as being of sufficient importance and as being founded on evidence of sufficient weight to afford a reasonable presumption that in fact some breach of the Agreement has occurred.
- (e) In order to secure the objects laid down in (d) above, the Committee agreed that they should at once lay it down as a matter of principle that complaints regarding alleged breaches of the Agreement will only be considered by them if the complaint is submitted to them on behalf of the Government of one or other of the countries that are parties to the Agreement.
- (f) The Committee are confident that no Government would take it upon itself to submit to them a complaint alleging that a breach of the Agreement had occurred unless it had taken such steps as appeared to it reasonable to ascertain that in fact there was some substance in the complaint and that the complaint was of sufficient importance to justify its being brought before the Committee, though it would clearly be impossible for such a Government to determine beyond all possible question whether or not a breach of the Agreement had been made.
- (g) The Committee agreed that all complaints should be addressed in writing to the Secretary to the Committee, who should immediately circulate copies to all members of the Committee.
- (h) The Committee agreed that upon the receipt of a complaint from the representative of one of the Governments that are parties to the Agreement the Chairman should communicate the complaint to the representative of the Government of the country against which it is levelled, with a request that that Government should supply the Committee "with such explanations as are necessary to establish the facts."
- (i) The Committee agreed that on receipt of the observations of the Government against which the complaint has been preferred the Committee should take such steps as may appear proper in each case to establish the facts.

Lord Plymouth continued that he had that morning been informed by Mr. Morrison that he had received a reply, dated the 27th September, from Senhor Monteiro in the following terms: —

"I have received your letter of to-day containing the account of the procedure adopted by the International Committee sitting in London to examine complaints relating to breaches of the Agreement on non-intervention in the civil war in Spain. As the rules of procedure adopted answer the doubts which I had formulated, I am happy to inform you that a representative of my country will take part in the next meeting of the Committee.

"On this occasion I wish to emphasise that the reserves or conditions, which, in the name of the Portuguese Government, I communicated to the Government of His Majesty and of the French Republic in my note of the 21st August last, are in no sense affected by the above-mentioned decision, and that my Government maintains them in their entirety, as well as the provisions of Decree Law No. 26,935 of the 27th August, 1936.

"I beg you to communicate this letter, which I consider public, to all the members of the Committee."

The Committee received with great satisfaction the information communicated to them by the Chairman regarding the decision of the Portuguese Government to nominate a representative to serve on the Committee. Following on this action by the Portuguese Government the composition of the Chairman's Sub-Committee has been enlarged by the addition thereto of the representative of Portugal.

Lord Plymouth informed the Committee that, since their last meeting, the Chairman's Sub-Committee had had under consideration a number of important matters connected with the enforcement of the Agreement for Non-Intervention. In some of these questions, particularly those which raised legal issues, the members of the Committee had, at their request, invited their respective Governments to furnish the Committee with statements setting out their views. A further meeting of the Sub-Committee had been called to meet that afternoon immediately after the Main Committee. At that meeting the questions referred to by the Chairman would be further considered. As soon as the Sub-Committee were in a position to do so, they would prepare a report on these questions for the consideration of the Committee.

The Committee were informed that since their last meeting good progress had been made with the preparation of the document summarising the legislative and other measures taken by the participating Governments to give effect to the Agreement for Non-Intervention.

III. Die Vereinbarungen über Einrichtung einer Land- und Seekontrolle und die Verhandlungen über das Freiwilligenverbot ¹⁾

i. Diplomatische Vorverhandlungen

a) *Telegramm des britischen Außenministers an die britischen Botschafter in Berlin, Rom, Lissabon und Moskau, vom 24. Dezember 1936.*

¹⁾ Da die sowjetrussische Regierung sich kurz nach der Errichtung des Nichteinmischungsausschusses die rotspanischen Beschwerden wegen angeblicher Verletzungen des Nichteinmischungsabkommens zu eigen machte, ergaben sich Schwierigkeiten im Nichteinmischungsausschuß, die das Nichteinmischungsabkommen zu gefährden drohten. (Vgl. zu der sowjetrussischen Initiative La Documentation Internationale 1937 Nr. 32/33, Seite 25, 26, 34, 35, 36; die rotspanischen Protestnoten in Journal des Nations vom 1., 2. und 3. 10. 1936; ferner die Rede von del Vayo vor der 17. Völkerbundsver-

For some time past His Majesty's Government in the United Kingdom have observed with growing concern the increasing number of foreigners entering Spain for the purpose of taking part in the civil war in that country. In their opinion this development constitutes a grave danger to the peace of Europe and they therefore consider that it is of the utmost importance that steps should be taken by the Governments represented on the Non-Intervention Committee to put an immediate stop to the departure from their respective countries of their nationals with a view to taking service with either of the parties in Spain.

At a meeting of the Non-Intervention Committee on December 4th, the United Kingdom representative made an appeal in this sense, as a result of which all representatives undertook on December 9th to ask their respective Governments to agree to the extension of the Non-Intervention Agreement to cover indirect as well as direct intervention and as a first step that this extension should cover the question of "volunteers".

From the start the German, Italian and Portuguese Governments have taken the line that the question of "volunteers" forms only a part of the more general one of indirect intervention and that all aspects of this latter question, especially the problem of financial assistance, should be dealt with together. It was, however, hoped that they might nevertheless agree to discuss the question of "volunteers" first on the understanding that the other aspects of the problem would also be examined as soon as possible.

At a meeting held on December 22nd Lord Plymouth again stressed the importance which His Majesty's Government attach to this question and the urgency with which they consider that it should be dealt with. He then proposed that in order to put a stop to the present situation, each Government should be asked to take itself the action necessary to prevent the departure

sammlung am 25. 3. 1936 in S. d. N., *Journal Officiel*, Suppl. Spécial Nr. 155, S. 47 ff. Die Noten wurden nicht in den Völkerbundsdrucksachen veröffentlicht und sind als sogenanntes Weißbuch in Genf von der spanischen Regierung herausgegeben worden). Von seiten der englischen und französischen Regierung wurde daraufhin die Bereitwilligkeit zu Verhandlungen über die Einrichtung einer Land- und Seekontrolle und ein Freiwilligenverbot erklärt. (Vgl. das Communiqué des Unterausschusses vom 2. 11. 1936 in *La Documentation Internationale a. a. O.*, S. 30 und 28 Anm. 1.) Nachdem früheren Anregungen der deutschen und italienischen Regierung (vgl. den letzten Absatz der deutschen Note vom 17. 8., oben S. 308, und die italienische Note vom 21. 8., oben S. 308) zunächst keine Folge gegeben worden war, wurde ein Freiwilligenverbot dann von englischer Seite in der Sitzung des Hauptausschusses vom 2. 12. 1936 (*La Documentation Internationale a. a. O.*, S. 43; siehe auch *Parl. Deb., House of Commons*, Vol. 318, Sp. 394, 822, 823, 1616, 1617) vorgeschlagen. Am 4. 12. 1936 erging außerhalb des Ausschusses eine erste Note der englischen und französischen Regierung an Deutschland, Italien, Portugal und Sowjetrußland (vgl. Monatshefte für Auswärtige Politik 1937, Heft 1, S. 17—23), ein zweiter Schritt erfolgte durch beide Regierungen am 24. 12. 1936 (vgl. *Europe Nouvelle Documentaire* Nr. 57), ein dritter wurde durch die Instruktionen der britischen Regierung vom 9. 1. 1937 an ihre diplomatischen Vertreter eingeleitet. Aus dem Notenwechsel auf Grund der beiden ersten Schritte werden als verfahrensrechtlich allgemeiner bedeutsam oben lediglich die deutsche und die italienische Antwort auf die britisch-französische Note vom 24. 12. 1936 sowie diese Note selbst wiedergegeben. Der Notenwechsel auf Grund der Instruktionen vom 9. 1. 1937, der dann zu dem Abkommen über die Land- und Seekontrolle führte, wird vollständig zum Abdruck gebracht.

of its nationals to take part in the war in Spain and that the date of the enforcement of the prohibition should be January 4th. In reply to this suggestion the representative of the U.S.S.R. said that he could not agree to any such prohibition until a system of control was actually in operation. This, as you will understand, would entail considerable further delay, and thus defer the opportunity which this proposal offers to the participating Governments of giving fresh proof of their determination to make the operation of the Non-Intervention Agreement more effective.

This step on the part of the Soviet representative made it possible for the German and Italian representatives to insist on the appointment of a technical sub-committee to examine the matter in further detail.

In these circumstances I have come to the conclusion that no further progress can be made in the Committee and I shall accordingly be glad if you will take the matter up immediately with the Government to which you are accredited.

You should stress once again the view already put forward by Lord Plymouth to the Committee that this question is by far the most important and urgent of all those arising out of the war in Spain with which the Governments are faced. The problem involved covers all forms of recruiting as well as volunteering for service in Spain whether by groups or individually. It is therefore in the opinion of His Majesty's Government vital, if serious international complications are to be avoided, that steps should be taken without further delay to put a stop to this increasing flow of foreign nationals to Spain. His Majesty's Government therefore earnestly hope that the Government will agree to take such legislative or other appropriate action as may be necessary to prevent their nationals leaving their territory in order to take service with either party in Spain. You should add that His Majesty's Government are confident that the Government will agree that such measures should be taken with the utmost possible speed and that they will be glad to learn whether the latter will be prepared to put the prohibition into effect on a date early in January to be fixed by agreement with the other participating Governments in order to ensure simultaneous action.

Your French colleague will receive similar instructions from his Government and you should concert with him as to the time and manner of your representations.

*Memorandum der deutschen Regierung vom 7. I. 1937*¹⁾.

I. Die Deutsche Regierung muß zunächst ihrem Befremden darüber Ausdruck geben, daß die Königlich Britische und die Französische Regierung es für nötig erachtet haben, neben dem Verfahren des Londoner Nichteinmischungs-Ausschusses zum zweiten Male einen besonderen direkten Appell an andere, in diesem Ausschuß vertretene Regierungen zu richten. Die den Gegenstand dieses Appells bildende Frage des Verbots der Teilnahme fremder Freiwilliger an den Kämpfen in Spanien steht zur Zeit in dem Londoner Ausschuß zur Beratung. Es ist nicht abzusehen, inwiefern diese Beratungen durch die Methode derartiger besonderer diplomatischer Aktionen einzelner Regierungen gefördert werden könnten. Hält man aber das Verfahren in dem Ausschuß für die Beratung der spanischen Fragen nicht für ausreichend

¹⁾ Völkerbund und Völkerrecht, 3, 715.

oder zweckmäßig, dann wäre es im Interesse der Klarheit und Einheitlichkeit der Behandlung dieser Fragen besser, auf eine Fortsetzung des Ausschußverfahrens überhaupt zu verzichten.

2. Die Deutsche Regierung muß sich dagegen verwahren, daß durch den neuen Schritt der Königlich Britischen und der Französischen Regierung der Eindruck erweckt wird, als ob das Problem der fremden Freiwilligen im spanischen Bürgerkriege von Deutschland verschuldet oder auch nur verkannt worden wäre. Sie stellt deshalb erneut fest, daß sie und die Königlich Italienische Regierung es waren, die von Anfang an die Verhinderung der Ausreise von freiwilligen Teilnehmern an den spanischen Kämpfen gefordert haben, und daß es andererseits die Königlich Britische und die Französische Regierung waren, die ein solches Verbot ablehnten.

3. Die anfängliche Haltung der Königlich Britischen und der Französischen Regierung in dieser Frage ließ sich nur so erklären, daß beide Regierungen in dem Zustrom von Freiwilligen keine unzulässige Einmischung in die spanischen Angelegenheiten sehen wollten. Wenn die beiden Regierungen jetzt einen andern Standpunkt einnehmen, so muß sich die Deutsche Regierung ernstlich fragen, ob das vorgeschlagene Verbot im gegenwärtigen Zeitpunkt nicht faktisch eine einseitige Begünstigung der die Nationale Spanische Regierung bekämpfenden Elemente zur Folge haben würde. Nach dem monatelang ungehinderten Zustrom bolschewistischer Elemente ist es in der Tat schwer, sich des Eindrucks zu erwehren, daß das Verbot jetzt allein der bolschewistischen Partei in Spanien zugutekommen würde, die offenbar hinreichend mit fremden Freiwilligen aufgefüllt ist.

4. Da aber die Deutsche Regierung von Anfang an für die Verhinderung des Zustroms von Freiwilligen nach Spanien eingetreten ist, ist sie auch jetzt noch bereit, alle diesem Ziele dienenden Maßnahmen zu unterstützen. Sie muß dabei jedoch die Erwartung aussprechen, daß nun aber auch alle Möglichkeiten für eine direkte oder indirekte Einmischung in die spanischen Kämpfe ein für allemal ausgeschlossen werden. Deshalb macht sie ihre Zustimmung von der Voraussetzung abhängig, daß

- a) die anderen beteiligten Staaten sich zu der gleichen Haltung entschließen,
- b) auch die Lösung der sonst noch mit der indirekten Einmischung zusammenhängenden Fragen unverzüglich in Angriff genommen wird, und
- c) alle beteiligten Regierungen einer unbedingt wirksamen, an Ort und Stelle durchzuführenden Kontrolle der zu vereinbarenden Verbote zustimmen.

Die Deutsche Regierung wird ihren Vertreter in dem Londoner Ausschuß anweisen, auf dieser Grundlage die weiteren Verhandlungen zu führen. Sollte über die Verhinderung der anderen Formen der indirekten Einmischung eine Einigung nicht zu erzielen sein, so müßte sich die Deutsche Regierung vorbehalten, auch ihre Stellungnahme zu der Frage der Freiwilligen erneut zu überprüfen.

Die beste Lösung des Freiwilligenproblems würde nach Ansicht der Deutschen Regierung erreicht werden, wenn es sich ermöglichen ließe, alle nichtspanischen Teilnehmer an den Kämpfen, und zwar einschließlich der politischen Agitatoren und Propagandisten, aus Spanien zu entfernen, um so den Zustand vom August v. J. wiederherzustellen. Die Deutsche Regierung würde es sehr begrüßen, wenn in dem Londoner Ausschuß sofort geprüft würde, in welcher Weise eine solche Maßnahme wirksam durchgeführt werden könnte. Sie ist ihrerseits bereit, hierbei in jeder Beziehung mitzuarbeiten.

c) *Note der italienischen Regierung an die britische Regierung,
vom 7. Januar 1937*¹⁾.

1. — Col Promemoria dell'Ambasciata britannica del 26 dicembre n. 147—178—36 e con la comunicazione verbale fatta dall'Ambasciata di Francia lo stesso giorno, i due Governi inglese e francese rivolgono uno speciale e diretto appello ai Governi per la questione dei volontari in Spagna.

Il Governo italiano ha esaminato con la maggior attenzione sia il Promemoria britannico sia la comunicazione francese. Innanzi di entrare nel merito, esso desidera tuttavia rilevare come la questione rientri nella competenza del Comitato di Londra pel non intervento, Comitato che per la volontà dei Governi che l'hanno costituito rappresenta appunto la sede di discussione naturale per tutto quanto concerne il non intervento in Spagna. Il Governo italiano pertanto non può fare a meno di osservare, quanto al metodo, che col sottrarre al Comitato di Londra le questioni più gravi mediante diretti appelli ai Governi, si rischia di menomare l'autorità e il prestigio del Comitato stesso e di pregiudicarne l'attività, facendo sorgere la questione — ove in tal metodo si continuasse — se convenga o meno di tenere in vita un organo che si verrebbe così progressivamente e rapidamente esautorando.

2. — I due Governi britannico e francese sottolineano la loro preoccupazione pel continuato afflusso di volontari stranieri in Spagna. Il Governo italiano condivide tanto più tale preoccupazione in quanto essa non è, per quel che lo concerne, di recente data.

Nelle conversazioni svoltesi a seguito della proposta francese pel «non intervento», il Governo italiano ebbe ripetutamente ed esplicitamente a mettere in evidenza fin dall'inizio, tanto presso il Governo francese, quanto presso quello inglese, che il «non intervento» non poteva limitarsi, sotto pena di restare pericolosamente inadeguato e inefficace, alle forme di ingerenza diretta, ma doveva altresì essere esteso anche all'apparenza «indiretta» e in particolare comprendere insieme con gli aiuti finanziari e con la propaganda, anche l'invio di volontari.

Nella conversazione del 5 agosto con l'Ambasciatore di Francia il Ministro degli Esteri conte Ciano si esprimeva così: «il Governo italiano domanda se la solidarietà morale con una delle parti in conflitto, solidarietà che si è espressa e si esprime attraverso manifestazioni, pubbliche, campagne di stampa, sottoscrizioni in denaro, arruolamento di volontari ecc. non costituisca già una clamorosa e pericolosa forma di intervento».

Il 10 agosto al «progetto di dichiarazione» rimessogli dall'Ambasciatore di Francia, il conte Ciano suggeriva l'aggiunta del seguente paragrafo: «Omissis . . . I Governi s'impegnano a non permettere nel loro territorio nè sottoscrizioni pubbliche nè reclutamento di volontari per le due parti in conflitto». Il Governo francese manteneva tuttavia integro il proprio progetto. Nè da parte francese nè da parte inglese si mostrò di accedere alla proposta italiana. Fu detto che la questione avrebbe potuto essere trattata più tardi e furono fatte premure per chè il Governo italiano non insistesse sulla propria richiesta. Il Governo italiano finì per accedere all'invito rivoltogli con la nota diretta il 21 agosto all'Ambasciatore francese. In tale nota il Conte Ciano ebbe tuttavia a mettere in evidenza quanto segue: «Poichè . . . nella proposta francese si parla anche di «ingerenza indiretta» senza specificare di che si tratta, il Governo italiano tiene a precisare che interpreta tale «ingerenza indiretta» nel senso

¹⁾ Deutsche Übersetzung in Völkerbund und Völkerrecht, 3, 717.

che non sono ammissibili, nei Paesi aderenti all'accordo, sottoscrizioni pubbliche o arruolamenti di volontari per l'una e per l'altra parte in conflitto. Il Governo italiano, nell'accettare di aderire al non intervento «diretto», ha l'onore pertanto di mantenere le sue osservazioni per quanto concerne il non intervento «indiretto».

Successivamente la questione dell'intervento indiretto fu sollevata, e anche questa volta dall'Italia, a mezzo del suo rappresentante nel Comitato stesso, e precisamente nella seduta del 14 settembre; e fu per sua iniziativa che la questione venne iscritta all'ordine del giorno della seduta del Sottocomitato che ebbe luogo il 15 dello stesso mese.

Lo stesso Ambasciatore d'Italia, nella seduta del 18 settembre, rimise al Sottocomitato una comunicazione nelle quale erano indicate le tre forme tipiche d'intervento indiretto, suscettibili di formare oggetto di comune accordo: il reclutamento di volontari, gli agitatori politici, i soccorsi finanziari. Ma la questione non poté essere presa in esame fino al 5 ottobre per l'opposizione di altre Delegazioni.

In questa sua azione il Governo italiano procedette sempre di comune accordo col Governo tedesco, e la posizione dei due rappresentanti italiano e tedesco in seno al Comitato di Londra si svolse sempre sulle stesse linee.

Nelle successive sedute del Comitato la discussione ebbe tuttavia a porre ormai in luce tale diversità di opinioni e di situazioni che, anche quando il rappresentante inglese, in un lodevole tentativo di superare le divergenze emerse, ebbe ad avanzare la proposta cui si riferisce il memorandum britannico, parve al rappresentante italiano che — al punto in cui si era giunti dopo tanto ritardo e le complicazioni sopraggiunte — la sola maniera di venire a capo di tali divergenze fosse quelle di affidarle a uno speciale Sottocomitato, ove le discussioni avrebbero potuto procedere più rapide e più spedite.

3. — I Governi britannico e francese, riprendendo la proposta del rappresentante britannico in seno al Comitato, chiedono che sia rapidamente fissata una data alla quale dovrebbe entrare in vigore nei rispettivi territori le misure necessarie per impedire il reclutamento e la partenza di persone che si recano in Spagna allo scopo di partecipare alla guerra civile.

I Governi britannico e francese non avevano considerato nei mesi scorsi che l'affluenza di volontari dovesse essere vietata come un atto di illecito intervento negli affari spagnoli. Essi adottano ora invece un diverso punto di vista, sottolineandone l'urgenza.

Il Governo italiano non può non rilevare che, date le circostanze di fatto attualmente esistenti e in considerazione dell'ingresso avvenuto nel frattempo di volontari stranieri in Spagna, il divieto proposto avrebbe come conseguenza di favorire unicamente la fazione ostile al Governo nazionale, ormai sufficientemente rifornita da elementi stranieri che hanno rafforzato i suoi ranghi.

4. — Il Governo italiano è tuttavia disposto ad accettare che la questione dei volontari formi oggetto — come richiesto — di un Accordo speciale che ne proibisca il reclutamento e la partenza a una prossima data. Il Governo italiano assume che l'accordo proposto dal Governo britannico debba avere carattere generale, cioè essere accettato da tutti i Governi ed essere sottoposto inoltre a un efficace controllo perchè non possano sorgere dubbi sulla sua piena e completa applicazione; controllo che per evidenti ragioni esso ritiene sia inteso che debba avvenire nei porti e punti di accesso della Spagna. Esso è pronto pertanto a impartire istruzioni nel senso indicato al proprio

rappresentante nel Comitato di Londra perchè siano dallo stesso Comitato presi gli accordi necessari allo scopo.

Se oggi, come già nell'agosto scorso, il Governo italiano, animato da spirito di larga collaborazione, si induce a venire incontro di nuovo alle proposte franco-britanniche, esso non può nascondere che il metodo con cui i Governi interessati hanno fin qui trattato e continuano a trattare la questione del non intervento in Spagna, metodo cioè saltuario, limitato e parziale non potrà mai, a suo avviso, dare altro che risultati inadeguati, incerti e pericolosi.

Il Governo italiano conferma anche in questa occasione la sua convinzione sull'efficacia del metodo che ha sostenuto fin dall'inizio: essere cioè più che mai necessaria una trattazione integrale e totalitaria del problema del non intervento sia nelle sue forme dirette che indirette. Se all'accordo sui volontari non dovesse rapidamente seguire quello su tutte le altre forme di ingerenza indiretta e (particolarmente sulla propaganda e sugli aiuti finanziari e in un modo che fornisca garanzie sufficienti della loro esecuzione), tale circostanza non potrebbe non avere ripercussioni e il Governo italiano si vedrebbe costretto a riesaminare la questione.

Il Governo italiano desidera sottolineare queste sue osservazioni anche nell'intento di stimolare e affrettare l'adozione delle misure dalle quali soltanto può sperarsi il conseguimento di quei fini di ordine e di normalizzazione che è suo scopo — ed esso non dubita anche degli altri Governi — di raggiungere.

A questo proposito, e ispirandosi a tale concetto, il Governo italiano ha l'onore di osservare da ultimo che qualora si volesse poi riportare la questione nei termini in cui essa era nell'agosto scorso, qualora cioè i Governi si accordassero sull'opportunità di allontanare dal territorio spagnuolo tutti i non spagnuoli, combattenti, volontari politici, propagandisti e agitatori, il Governo italiano sarebbe pronto a dare il suo appoggio a tale iniziativa, che la Commissione del non intervento a Londra dovrebbe immediatamente esaminare.

d) *Telegramm des britischen Außenministers an die britischen Botschafter in Paris, Rom, Berlin, Lissabon und Moskau, vom 9. Januar 1937*¹⁾.

1. From the tenor of the replies now received to their communication to the Governments of Germany, Italy, Portugal and the U.S.S.R. of December 24th last, His Majesty's Government in the United Kingdom are happy to note that there is in principle general agreement among the Powers mainly concerned that immediate measures should be taken to stop the inflow of foreign volunteers into Spain. Indeed some of the replies indicate that certain Governments would have been ready to take such action at an earlier stage. It is now generally stipulated that these measures should be simultaneously taken by all participating Governments, that the whole problem of dealing with indirect forms of intervention in Spain is also actively pursued forthwith, and that there is established an efficient and effective system of control.

2. As regards the establishment of a system of control, the Governments are aware that the Non-Intervention Committee has elaborated a detailed scheme for supervision at the Spanish ports and in the land frontiers of Spain, and that this scheme is at present being considered by the two parties in Spain. It appears to His Majesty's Government that this scheme could without difficulty be extended to cover the arrival in Spain both by

¹⁾ vgl. The Times vom 11. I. 1937.

land and by sea of volunteers and military personnel as well as of war material. Such an extension might, indeed, render the scheme more acceptable to the two parties in Spain than it may be in its present limited form.

3. His Majesty's Government recognise that this scheme, which provides for supervision, can only be made into a satisfactory guarantee of the genuine application of the agreement provided that all the participating Governments are willing loyally and wholeheartedly to carry out their undertakings. They are encouraged by the reception which their previous communication has met with to believe that these conditions will in fact prevail, and that consequently the Non-Intervention Committee's present scheme, suitably adapted, may be sufficient for the purposes envisaged. Nevertheless they note that the Governments, in their replies, refer in various terms to the establishment of a system of rigid control over supplies to Spain. They would be glad to learn whether the Governments have in mind any particular methods or forms of control other than that described above. They are ready to consider with the utmost urgency any suggestions which may be put forward to this end. They would also be glad to consider any detailed proposals for the control of other forms of indirect intervention and would be ready for an early discussion by the Committee of any such proposals submitted to it.

4. In the meanwhile His Majesty's Government are themselves of opinion that the general desire expressed in the replies received from the other Government for the exclusion of foreign volunteers and military personnel from Spain would warrant the immediate adoption by each Government within their own territories of the prohibitory measures required for that purpose, even in advance of the establishment of a complete system of control for Spain.

5. As evidence of their sincere desire to reach international agreement at once on this aspect of indirect intervention in Spain, His Majesty's Government are, spontaneously and without further delay, issuing a public notice in which attention is drawn to the fact that it is an offence punishable under the Foreign Enlistment Act for British Subjects to accept or agree to accept any commission or engagement in the forces of either side or for any person to recruit volunteers in the United Kingdom for service in Spain.

6. It is in the hope of receiving a favourable response to the above suggestion that His Majesty's Government propose to communicate to the London Committee on Non-Intervention the exchanges of views which have taken place since their communication of December 24th last with the replies of the Government to which you are accredited and other Governments to their present communication, with the request that, in the event of these replies expressing agreement to this suggestion, the Committee would then fix a date on which the prohibitory measures referred to above should be simultaneously put into operation.

7. His Majesty's Government desire in this connexion to explain that in addressing their communication of December 24th last on the subject of the inflow of foreign volunteers into Spain direct to the Governments of Germany, Portugal, Italy and the Soviet Union His Majesty's Government in the United Kingdom were impressed by the gravity of the situation which had developed and were convinced that it was, in the general interest, imperative that immediate decisions should be taken by the Powers mainly concerned to concert remedial measures.

8. In taking this step His Majesty's Government had no wish or intention

to interfere with the activities of the Committee on Non-Intervention established in London. On the contrary it was from a desire to facilitate and expedite the task of that Committee that they addressed themselves to the four Powers direct, in the hope that by taking a lead on the particular issues raised by the Governments, mainly concerned they might assist the other Governments represented on the Committee to arrive at speedier conclusions.

9. Please communicate immediately with the Government to which you are accredited in the above sense and ask for a very early reply.

e) *Note des französischen Außenministers an den britischen Botschafter in Paris, vom 13. Januar 1937*¹⁾.

Paris, le 13 janvier 1937.

Monsieur l'Ambassadeur,

Par Sa Lettre en date du 10 Janvier, Votre Excellence a bien voulu me faire tenir une communication de Son Gouvernement concernant les mesures à prendre pour arrêter l'afflux de volontaires étrangers en Espagne.

Considérant que, dans les réponses reçues par lui à la suite de la communication franco-anglaise du 24 décembre, se trouve exprimé le désir général de voir interdire l'accès de l'Espagne aux volontaires et aux militaires étrangers, le Gouvernement britannique se prononce pour l'adoption immédiate par chaque Gouvernement, sur son territoire propre, et sans attendre l'établissement d'un système complet de contrôle, des mesures devant permettre d'obtenir le résultat cherché. Pour sa part, et soucieux de fournir un témoignage de son sincère désir de voir réaliser un accord international sur cet aspect du problème de l'intervention indirecte, il rappelle dès maintenant, par un avis rendu public, les dispositions du »Foreign Enlistment Act« qui interdisent sous peine de sanctions tout enrôlement de sujet britannique dans les forces en présence et tout recrutement dans le Royaume-Uni de volontaires pour l'Espagne.

Espérant une réponse favorable aux suggestions énoncées par lui, le Gouvernement de Sa Majesté dans le Royaume-Uni propose enfin de porter à la connaissance du Comité de non-intervention siégeant à Londres, les échanges de vues qui ont eu lieu depuis la démarche franco-britannique du 24 décembre en y joignant les réponses qui seront faites à la présente communication et en priant le Comité — si ces réponses sont favorables — de fixer la date à laquelle l'interdiction ci-dessus visée devrait entrer simultanément en vigueur.

En formulant ces propositions, le Gouvernement britannique ne pouvait douter de l'accueil sympathique qu'elles trouveraient auprès du Gouvernement de la République, non moins préoccupé qu'il l'est lui-même des dangers que comporte pour la paix de l'Europe, la prolongation de l'état de choses actuel. Aussi bien, M. le Sous-Secrétaire d'Etat aux Affaires Etrangères s'est-il déjà trouvé en mesure de Vous faire part oralement de l'assentiment du Gouvernement de la République.

Je suis donc heureux de vous confirmer que le Gouvernement de la République a décidé de demander au Parlement les pouvoirs qui lui permettront de prendre toutes les mesures qui pourraient lui paraître nécessaires pour empêcher les enrôlements et le recrutement à destination de l'Espagne. Le Gouvernement sera dès lors prêt, pour sa part, à appliquer ces mesures

¹⁾ Le Temps vom 19. I. 1937.

sans autre délai, à la condition que les autres Gouvernements intéressés prennent, de leur côté, les mêmes engagements qui devront être appliqués simultanément.

Le Gouvernement Français est ainsi d'accord avec le Gouvernement de Sa Majesté dans le Royaume-Uni pour que les mesures d'interdiction une fois décidées soient appliquées sans attendre l'établissement d'un système complet de contrôle concernant les envois d'armes et de matériel de guerre en Espagne. Mais, après les expériences déjà faites, il n'est que trop évident qu'en l'absence d'un tel système, les mesures d'interdiction risquent d'être inopérantes et ce n'est qu'à titre provisoire que, dans ces conditions, leur application peut être envisagée.

Si, par conséquent, dans un délai raisonnable à dater de la mise à exécution des mesures d'interdiction, l'impossibilité est constatée de mettre en oeuvre, avec le consentement général, un plan efficace de contrôle, le Gouvernement de la République devra réserver toute sa liberté d'action, soit pour dénoncer les engagements contractés, soit pour organiser, malgré les difficultés rencontrées, la coopération internationale qui permettrait un contrôle effectif.

Veillez agréer, Monsieur l'Ambassadeur, les assurances de ma haute considération.

(Signé) YVON DELBOS.

f) *Note der portugiesischen Regierung an die britische Regierung, vom 13. Januar 1937*¹⁾.

Le mémorandum en date du 11 janvier remis au ministère des affaires étrangères par l'ambassadeur britannique concernant les questions découlant de la lutte en Espagne a été immédiatement soumis à la considération attentive du gouvernement portugais, afin de satisfaire au désir exprimé d'obtenir une réponse urgente.

Dans les communications du 11 décembre et du 2 janvier ainsi que dans la note adressée le 19 décembre à lord Plymouth par le délégué du Portugal au comité de Londres, le gouvernement portugais, a défini nettement son opinion sur les points qui sont maintenant traités à nouveau. Dans l'espoir que les autres puissances agiront pareillement, le gouvernement portugais est disposé à donner son accord à la proposition du gouvernement britannique que celui-ci déclare inspirée par la gravité de la situation.

Il accompagnera de mesures pareilles les mesures plus restrictives qui seront promulguées par les différentes puissances afin d'empêcher l'enrôlement sur son territoire ou le transit par celui-ci d'individus destinés aux forces en lutte en Espagne, mais ainsi qu'il l'a déjà déclaré, il attendra que ces mesures soient promulguées en d'autres pays afin de s'en inspirer. Ceci ne retardera pas son adhésion, car la Constitution portugaise permet au gouvernement la promulgation des mesures nécessaires pour atteindre le but proposé si l'urgence est telle qu'elles ne pourraient pas être votées en temps utile par l'Assemblée nationale qui d'ailleurs siège actuellement.

Sauf cette restriction, le gouvernement ne fait aucune difficulté à s'engager de faire entrer en vigueur ces mesures, à toute date fixée, entre tous,

¹⁾ Französische Übersetzung aus dem von dem Staatlichen Propagandasekretariat in Lissabon herausgegebenen Bulletin de renseignements politiques, économiques et littéraires »Portugal« vom 31. I. 1937, S. 7.

pour tous. C'est cependant une condition essentielle que lesdites mesures soient effectivement mises en vigueur dès la date convenue, dans tous les pays participant à l'accord, et que celles-ci comprennent non seulement les nationaux de chaque pays, mais aussi les étrangers habitant ou en transit dans les territoires respectifs.

Dans une question qui touche de si près aux intérêts vitaux du Portugal, le gouvernement ne peut pas manquer d'établir comme condition expresse de la mise en vigueur de sa loi l'accomplissement rigoureux des engagements pris par les autres.

Le gouvernement portugais croit avoir répondu par cette déclaration au point que le mémorandum britannique du 28 décembre 1936 déclarait être «de beaucoup le plus important et le plus urgent entre tous ceux découlant de la guerre civile en Espagne»: la question des volontaires. Mais le gouvernement portugais ne désire pas que l'accord que cette déclaration traduit puisse être interprété comme l'expression d'un jugement selon lequel toutes les autres formes d'ingérence directe ou indirecte dans les événements d'Espagne auraient une importance moindre.

Le gouvernement britannique demande encore dans son mémorandum si le gouvernement portugais envisage quelque méthode spéciale de contrôle, différente de celles qui furent examinées. Le gouvernement de la République, soit par l'intermédiaire de son délégué au comité de Londres, soit expressément dans les paragraphes 5 et 6, alinéa b) et 7 de sa note du 11 décembre, a déjà défini son attitude en cette matière.

Chaque jour le confirme davantage dans la croyance que la condition essentielle d'efficacité de l'accord de non-intervention ne tient pas dans les diplômes publiés, dans les textes souscrits, ni dans les méthodes de contrôle, mais plutôt dans ce que le mémorandum britannique signale avec une admirable précision dans son troisième paragraphe comme un facteur indispensable:

«Elle réside dans la résolution des gouvernements contractants d'exécuter d'une façon loyale, entièrement et sincèrement les engagements pris».

La conviction intime que tout sera facile quand cette position aura été atteinte et que, sans elle, tout continuera d'être inutile, voire contraire aux buts poursuivis, a orienté et ne cessera d'orienter l'attitude du gouvernement portugais. C'est pourquoi la question du contrôle ne l'intéresse pas et qu'il n'a rien à proposer à ce sujet.

g) *Note des Volkskommissars für Auswärtige Angelegenheiten der Sowjetunion an den britischen Botschafter in Moskau, vom 15. Januar 1937*¹⁾.

»Indem ich den Empfang Ihrer Note vom 9. d. M. bestätige, gestatte ich mir, mich auf die folgenden zwei Dokumente zu berufen.

1. Das Schreiben vom 4. Dezember 1936 des Vertreters der Sowjetregierung im Internationalen Komitee für die Anwendung des Abkommens über die Nichteinmischung in die spanischen Angelegenheiten an den Vorsitzenden des genannten Komitees, in dem vorgeschlagen wurde, die Verpflichtung über die Nichteinmischung auf die Entsendung von Freiwilligen nach Spanien auszudehnen und die Kontrolle für die Einhaltung dieser Verpflichtung den-

¹⁾ Übersetzung aus »Deutsche Zentralzeitung« (Moskau) vom 18. 1. 1937. Vgl. auch *Le Temps* vom 19. 1. 1937.

selben Bevollmächtigten zu übergeben, denen die Aufsicht über das in Spanien eintreffende Kriegsmaterial zu übertragen vorgeschlagen wird.

2. Das Memorandum vom 29. Dezember v. Js., in dem von neuem die Übereinstimmung der Sowjetregierung zum Abschluß eines Abkommens unter den interessierten Mächten über das Verbot der Entsendung von Freiwilligen nach Spanien und, selbstverständlich von militärischen Kontingenten, bestätigt und der Wunsch ausgedrückt wurde, ein möglichst frühes Datum für das Inkrafttreten des erwähnten Abkommens und die Organisierung einer wirksamen Kontrolle festzusetzen.

Mir scheint auf diese Weise, daß die erwähnten Dokumente eine Antwort auf die in Ihrer Note enthaltenen Vorschläge, und insbesondere auf die Ausdehnung des vom Londoner Komitee ausgearbeiteten Kontrollschemas auf die Freiwilligen und die militärischen Kontingente, erteilen.

Da der Vertreter der spanischen Aufrührer keine prinzipielle Zustimmung zu dem oben erwähnten Kontrollschema, auch nicht für die Anwendung auf Kriegsmaterial, gab, schlug die Sowjetregierung in dem oben erwähnten Memorandum vor, eine Kontrolle vorzusehen, die auch ohne eine solche Zustimmung verwirklicht werden könnte. Die Sowjetregierung denkt sich eine solche Kontrolle in der Form von entsprechenden Maßnahmen, die von den Seestreitkräften einiger oder aller Länder, die am Londoner Komitee teilnehmen, angewendet werden.

In Anbetracht dessen, daß für die Feststellung einer beliebigen Kontrollart wahrscheinlich nicht weniger als 10 Tage erforderlich sind, äußert die Sowjetregierung von neuem den Wunsch, daß die Teilnehmer des Abkommens sofort ihre Agenten und Kriegsschiffe in Spanien beauftragen, das mögliche Eintreffen von Freiwilligen oder militärischen Kontingenten in Spanien zu überwachen und über solche Fälle zum Zwecke der Veröffentlichung, zu allgemeiner Kenntnisnahme Mitteilung zu machen.

Zum Schluß erachte ich es für nötig, zu bemerken, daß nach Meinung der Sowjetregierung einseitige Verbotsmaßnahmen von seiten einiger Teilnehmer am Londoner Komitee, während die anderen Teilnehmer nicht nur frei von Verpflichtungen sind, sondern auch faktisch fortfahren, militärische Kontingente nach Spanien zu senden, nicht nur das gewünschte Ziel nicht erreichen, sondern auch auf die Einmischung zugunsten der Aufrührer hinauslaufen.

Es ist zu befürchten, daß ähnliche individuelle Maßnahmen, die fernere internationale Zusammenarbeit, sowie auch die Verwirklichung des vom Londoner Komitee entworfenen Kontrollschemas erschweren werden. Solche Maßnahmen erscheinen als besonders verfrüht, wenn man in Betracht zieht, daß die Aufrührer bisher nicht einmal eine prinzipielle Zustimmung zur Festsetzung irgendeiner Kontrolle gegeben haben, während die sie unterstützenden Regierungen eine klare und bedingungslose Zustimmung weder zur Festsetzung einer Kontrolle noch zur Einstellung der unter der Bezeichnung von Freiwilligen nach Spanien erfolgenden Entsendung von Truppenkontingenten gegeben haben. Von diesen Erwägungen ausgehend, erachtet es die Sowjetregierung, obwohl sie gegenwärtig die Entsendung von Freiwilligenabteilungen nicht praktiziert, nicht für zweckmäßig, den Weg einseitiger Maßnahmen zu beschreiten.

Empfangen Sie usw. . . .

M. M. Litwinow.

h) *Italienisches Memorandum an den britischen Botschafter in Rom, vom 24. Januar 1937¹⁾*.

Il Governo italiano ha accuratamente esaminato il Memorandum dell'Ambasciata Britannica dell' 11 gennaio corrente relativo alla questione del non intervento, e più particolarmente alla questione dei volontari.

2. Il Governo britannico esprime l'avviso che le Potenze maggiormente interessate siano ormai concordi nel ritenere necessaria l'adozione di immediate misure per arrestare l'afflusso di volontari stranieri in Spagna, a condizione che tali misure siano adottate simultaneamente da tutti i Governi; che sia proseguito attivamente l'esame delle altre forme di ingerenza indiretta; che, infine, sia posto in atto un effettivo e adeguato sistema di controllo.

Il Governo italiano è lieto di avere un'ulteriore occasione di riconfermare che, per quanto lo riguarda, questi sono appunto tra i fini principali che si propone di raggiungere. Essi sono indicati come tali nel paragrafo IV della sua nota del 7 gennaio corrente.

Il Governo italiano è pronto in conseguenza ad adottare i provvedimenti legislativi necessari ad impedire sul suo territorio il reclutamento, la partenza e il transito di persone che si rechino in Spagna allo scopo di partecipare al presente conflitto. Tali provvedimenti, già in corso di preparazione saranno applicati appena tutti gli altri Governi abbiano accettato di adottare provvedimenti analoghi; siano d'accordo sulle linee generali di un adeguato sistema di controllo; abbiano infine fissato, per il tramite del Comitato di Londra, una data per la loro simultanea entrata in vigore.

3. Nel suo Memorandum il Governo britannico ricorda che il Comitato di non intervento ha già elaborato uno schema di controllo dei porti e delle frontiere terrestri della Spagna e che tale schema, convenientemente adattato, ed esteso in modo da coprire oltre al materiale bellico, anche l'ingresso di volontari in Spagna per terra e per mare, potrebbe ritenersi sufficiente a raggiungere gli scopi da conseguire. Al riguardo il Governo britannico chiede di conoscere se e quali altri metodi e forme di controllo, oltre quelli esposti nei progetti del Comitato, il Governo italiano abbia eventualmente allo studio e si dichiara disposto a procedere alla loro discussione ed esame con la maggiore sollecitudine.

Il Governo italiano ha l'onore di dichiarare che ha pressochè ultimato l'esame dei vari progetti del Comitato, e precisamente: progetto di controllo terrestre e marittimo; schema per l'estensione di tale controllo ai volontari; progetto di controllo aereo; progetti, alcuni dei quali sono in suo possesso soltanto da qualche giorno. Esso si riserva di far pervenire al Comitato di Londra, tra breve, indicazioni precise in proposito anche per quanto riguarda il controllo aereo.

4. Il Governo italiano ha l'onore di ricordare che, oltre alle varie idee e proposte messe innanzi fin qui nell'intento di assicurare una efficace politica di non intervento, è stata avanzata anche quella di allontanare dal territorio spagnolo tutti i non spagnoli combattenti, volontari politici, propagandisti ed agitatori che attualmente vi si trovano, affine di riportare la questione nei termini in cui essa era nell'agosto scorso. Esso si riferisce al riguardo al suo Memorandum del 7 gennaio.

¹⁾ Vgl. Giornale d'Italia vom 26. I. 1937. Deutsche Übersetzung in Hamburger Monatshefte f. Ausw. Pol. 1937, S. 93.

Il Governo italiano sarebbe lieto se il Governo britannico potesse fargli conoscere le sue osservazioni ed il suo avviso in proposito. Per parte sua esso si riserva di presentare ed appoggiare proposte concrete in tal senso in seno al Comitato di non intervento. Il Governo italiano non può intanto non rilevare a questo riguardo che, qualora le notizie pubblicate in questi giorni della stampa dei vari paesi circa una sedicente naturalizzazione in massa degli stranieri che sono affluiti, nei ranghi di una delle due parti in conflitto, risultassero esatte, un siffatto provvedimento sarebbe indubbiamente contrario a qualunque autentica politica di non intervento. Tale atto arbitrario e unilaterale di una delle parti in conflitto non potrebbe in nessun caso costituire un valido impedimento ed ostacolo all'esame e all'attuazione di quelle proposte che saranno presentate al Comitato di Londra in materia di evacuazione totale dalla Spagna dei volontari di guerra e politici, proposte che rischierebbero altrimenti di essere frustrate anche prima di essere esaminate e discusse. Esso rivela comunque quale effettivamente sia stato l'apporto di volontari stranieri alle forze di una delle parti in conflitto e quale decisiva importanza esso vi annetta.

5. Il Governo italiano si rende perfettamente conto e apprezza le intenzioni che hanno mosso il Governo britannico ad adottare di sua iniziativa le misure necessarie a rendere a termini di legge punibili, sul suo territorio, il reclutamento e la partenza dei volontari.

Esso non dubita che il Governo britannico apprezzerà dal suo canto i motivi che ispirano la presente nota e le sue precedenti comunicazioni: appoggio ed accettazione di ogni proposta intesa ad assicurare un'autentica e generale politica di non intervento ed una sua rigorosa, effettiva, intergrale applicazione nell'interesse del popolo spagnuolo e delle supreme ragioni della pace e della civiltà.

i) Note des Reichsministers des Auswärtigen an den britischen Botschafter in Berlin, vom 25. Januar 1937¹⁾.

Memorandum.

Der Reichsminister des Auswärtigen beehrt sich, Seiner Exzellenz dem Königlich Britischen Herrn Botschafter auf die Note vom 10. Januar im Namen der Deutschen Regierung folgendes zu erwidern.

1. Die Deutsche Regierung hat mit Genugtuung davon Kenntnis genommen, daß nach Ansicht der Königlich Britischen Regierung die hauptbeteiligten Mächte nunmehr über die Notwendigkeit sofortiger Maßnahmen zur Verhinderung des Zustroms von Freiwilligen nach Spanien einig sind, und daß ferner auch grundsätzliches Einverständnis darüber besteht, daß diese Maßnahmen von allen beteiligten Regierungen gleichzeitig getroffen werden, daß das Gesamtproblem der indirekten Formen der Einmischung in Spanien eine aktive Behandlung erfährt, und daß ein wirksames Kontrollsystem eingeführt wird. Damit würden die Voraussetzungen erfüllt sein, von denen die Deutsche Regierung in der Note vom 7. Januar ihre Bereitwilligkeit zur Anordnung der von ihr zu treffenden Maßnahmen abhängig gemacht hat.

2. Unter diesen Umständen hat die Deutsche Regierung bereits ein Gesetz vorbereitet, das die Einreise von deutschen Staatsangehörigen nach Spanien zur Teilnahme am Bürgerkrieg, sowie die Anwerbung von Per-

¹⁾ Vgl. auch Hamburger Monatshefte f. Ausw. Politik 1937, S. 91.

sonen zu diesem Zweck unter Strafandrohung verbieten und ferner die notwendigen Verwaltungsmaßnahmen in Aussicht nehmen würde, um die Ausreise und Durchreise aller Personen zu verhindern, die sich zur Teilnahme am Bürgerkrieg nach Spanien begeben wollen. Es wird sich empfehlen, daß der Londoner Nichteinmischungsausschuß sofort die Übereinstimmung aller beteiligten Regierungen über den wesentlichen Inhalt der von ihnen zu treffenden Maßnahmen, über den Zeitpunkt ihrer Inkraftsetzung, sowie endlich über die Grundlinien des einzuführenden Kontrollsystems feststellt. Sobald diese Feststellung erfolgt ist, wird die Deutsche Regierung unverzüglich das Erforderliche wegen der von ihr zu treffenden Maßnahmen veranlassen.

3. Was die Durchführung der Kontrolle anlangt, so liegen der Deutschen Regierung, und zwar zum Teil erst seit wenigen Tagen, eine Reihe von Entwürfen des Londoner Ausschusses vor, deren Prüfung sie möglichst beschleunigen wird. Sie behält sich vor, durch ihren Vertreter dem Londoner Ausschuß das Ergebnis dieser Prüfung sobald als möglich mitzuteilen und dabei gegebenenfalls auch ergänzende Vorschläge zu machen.

4. Die Königlich Britische Regierung hat sich bisher leider noch nicht zu dem in der Note vom 7. Januar gemachten Vorschlag der Deutschen Regierung geäußert, alle nicht-spanischen Teilnehmer an den Kämpfen in Spanien, einschließlich der politischen Agitatoren und Propagandisten, aus Spanien zu entfernen, um so den Zustand vom August v. J. wiederherzustellen. Die Deutsche Regierung legt auf diesen Vorschlag nach wie vor besonderen Wert. Sie hat die ernste Befürchtung, daß es nach der ganzen, bereits in der Note vom 7. Januar geschilderten Entwicklung der Dinge zu einer einseitigen, dem Sinn der Nichteinmischungspolitik zuwiderlaufenden Begünstigung der der nationalen spanischen Regierung im Kampf gegenüberstehenden Elemente führen würde, wenn die Mächte den Zustrom von Freiwilligen nur für die Zukunft verhindern, sich aber damit abfinden, die bereits in Spanien befindlichen landfremden Teilnehmer am Bürgerkrieg dort zu belassen. Es erscheint der Deutschen Regierung als das Gebot der Stunde, daß alle beteiligten Mächte jetzt endlich Ernst damit machen, jede Möglichkeit einer Einmischung in Spanien zu unterbinden. Wenn sie dazu entschlossen sind, werden sie auch Mittel und Wege finden, um den erwähnten Vorschlag der Deutschen Regierung zu verwirklichen.

Berlin, den 25. Januar 1937.

2. Die Beschlüsse im Nichteinmischungsausschuss vom 16. Februar 1937.

Pressekommunique vom 16. Februar 1937.

The fifteenth meeting of the Committee was held at the Foreign Office to-day at 3. 30 p. m.

2. The Committee had before them recommendations submitted by the Representatives of the United Kingdom, Belgium, Czechoslovakia, France, Germany, Italy, Sweden and the U. S. S. R. on behalf of their respective Governments for the adoption of the following agreement:—

- (a) as from midnight, 20th/21st February, 1937, to extend the Non-Intervention Agreement to cover the recruitment in, the transit through, or the departure from, their respective countries of persons

of non-Spanish nationality proposing to proceed to Spain or the Spanish Dependencies for the purpose of taking service in the present war;

- (b) to furnish the International Committee as soon as possible with particulars regarding the measures taken by their respective Governments to give effect to the extension of the Non-Intervention Agreement indicated in (a) above;
- (c) as from the date mentioned in (a) above, to adopt the system of supervision prepared by their Technical Advisory Sub-Committee, subject to the final adjustment of outstanding questions connected therewith;
- (d) to bring into operation the scheme of supervision referred to (c) above as from midnight, 6th/7th March, 1937.

3. The Chairman said that yesterday the Representatives on the Chairman's Sub-Committee of eight countries had reached very important decisions in regard to the future work of the Committee. He hoped that these decisions would mark a turning point in their proceedings. He paid a high tribute to the spirit shown by all members of the Chairman's Sub-Committee in reaching these decisions, which were the result of the spontaneous desire of the Governments concerned to put an end to an increasingly dangerous situation. It was very important that action should be taken as rapidly as possible, and he hoped therefore that all the Representatives on the Committee would endorse the decisions which had been reached. He realised that certain technical difficulties might still arise in view of the special position of certain countries, but he hoped that all the Representatives would co-operate to secure unanimity, and thus demonstrate their determination to solve the problems with which they were faced.

4. The German Representative then made a statement the text of which is attached hereto as Annex 1.

5. The Italian Representative made a communication to the Committee the text of which is annexed hereto as Annex 2.

6. The French Representative said that no Government was more gratified than the French Government at yesterday's decisions, for it was on their initiative that the Agreement had been reached in August last. Since then they had always shown a keen desire to give effective co-operation to the Committee. Since December when the United Kingdom Government had raised the question of volunteers an equivocal situation had developed which the French Government regarded as intolerable. At yesterday's meeting of the Chairman's Sub-Committee when working on the plan, a highly conciliatory desire to co-operate had been shown by all the Representatives, and to this spirit he paid a high tribute. Any Agreement must be a general one amongst the Powers concerned. It was to this co-operation that the French Government had always appealed. The French Government had given indisputable proofs of good faith and sincerity. In this connection he recalled that they had accepted the proposal for the establishment on their territory of an organisation of control to verify the loyal execution of the Agreement. No one could deny the gravity of this decision, and in this connection the Committee would remember the hesitations of other Governments in a similar position. Today a position had arisen in which the French Government felt justified in asking all Governments represented on the Committee to appreciate the gravity of the present situation and to make an effort, even if it

involved difficulties for certain of those Governments, in order to secure the unanimous adoption of yesterday's decisions. If the Committee did this, they would have achieved real progress, which would show that they had reached a stage of solidarity which the French Government had always considered as an essential condition of European peace.

7. The U.S.S.R. Representative then made a statement the text of which is attached hereto as Annex 3.

8. The Portuguese Representative said that under the Non-Intervention Agreement the Portuguese Government had undertaken certain obligations which they had strictly observed. The position of Portugal was however particularly difficult. The Committee must remember that the Red Menace threatened Portugal very especially, and that the dangers of the misery and destruction confronting Spain were a direct menace also to public order in Portugal and to the independence and integrity of the country. Notwithstanding these dangers, Portugal had put aside their anxieties and had accepted the Non-Intervention Agreement. As the Italian Representative had stated, Portugal had seen from the outset the danger of indirect intervention, especially the danger of the entry into Spain of volunteers and the dangers arising from the grant of financial aid to the two parties. The observance of an International Agreement must depend for its efficacy on the good faith of the Governments concerned. It was in this spirit that at the meeting held the previous day the Portuguese Government had agreed to sections (a) and (b) (relating to the imposition of a ban on volunteers). For the moment he must reserve the position of the Portuguese Government as regards the scheme of supervision.

9. At the conclusion of the discussion the Chairman said that it appeared that all Representatives present were prepared to give general approval to the four recommendations submitted by the Chairman's Sub-Committee, subject, in the case of Portugal, to the reservation indicated in regard to the scheme of supervision. He hoped that all Representatives would forward the recommendations of the Chairman's Sub-Committee to their respective Governments and would at the same time convey to them the general sense of the discussion at today's meeting. He realised that for technical reasons some Governments might not be able to give full effect to these recommendations on the exact date suggested, but he hoped that all Representatives would notify to the International Committee at the earliest possible moment the date and manner in which their respective Governments would be able to apply the necessary measures.

10. The Representatives on the Committee assented to the Chairman's summing up of the discussion, and agreed to communicate with their respective Governments in the sense suggested.

ANNEX I.

Statement by the German Ambassador.

I would like to begin the statement which I am going to make on behalf of the German Government by the saying: "Late you come, but better late than never!"

The recommendations which the Chairman's Main Sub-committee are to-day putting before us is most certainly a good step forward in the direction of a real non-intervention in Spain. It might prove even to be a turning point.

In view of the various comments in to-day's newspapers which are liable to create quite a wrong impression in the minds of public opinion as to the attitude of my government regarding the last development in the question of the influx of volunteers to Spain I think it necessary to emphasize the following:

During the last months the German Government endeavoured to the utmost as well in this Committee as by direct getting into touch with the governments most interested to promote a scheme of non-intervention in the Spanish Civil War which should prove to be really effective, and helpful to putting an end to the disastrous situation prevailing in this unhappy country, in order to avoid its complete devastation.

At the very beginning of the Spanish Civil War Germany realised that only a complete non-intervention scheme would be effective, and she therefore proposed the prevention of volunteers from foreign countries taking part in the Spanish Civil War. This first German proposal which was brought forward which coincided a similar Italian proposal dates as far back as the 17th August 1936. Unfortunately, our proposal at that time did not find the approval which it would have deserved, and was accordingly for a long time put aside. I do not want to go into the reasons for this attitude. It could only be interpreted as meaning that these governments did not consider the influx of volunteers into Spain as an inadmissible intervention as was pointed out in the German Memorandum of the 7th January.

In the memorandum I just mentioned Germany, on the contrary, expressed her earnest desire to see drastic measures of non-intervention accepted, and she proposed the evacuation of all non-Spanish volunteers from Spain.

I am glad to see that the German point of view about the stopping of foreign volunteers from going to Spain has now been adopted by other governments. I want to express my sincere satisfaction about this development which has always been urged by the German and Italian Governments in the past.

At the point we have reached now, ways and means should, no doubt, be found to overcome these minor difficulties which may still lie in the road of the Committee's work in order to fulfil effectively the great task for which we are collaborating here. I would like to add that we hope our Portuguese friends will also find a way to collaborate with us so that a practical scheme of supervision, which forms an inseparable part of our work, may finally be adopted.

To-day I am in a position to make the statement on behalf of Germany that she is prepared to contribute anew towards the immediate putting into operation of the land and sea control. In spite of the well known transfer difficulties of Germany my Government is willing to make the requested advance payment of £ 2000 in English currency so as to speed up the immediate application of the control. I hope that you will appreciate this gesture of the German Government.

Much remains for us to be done during the coming weeks. I would like to remind you again that the German Government consider for instance that the question of financial support including the question of the gold of the Bank of Spain as a very important part of our task. For a war you need not only men and war material, but above all money. Therefore I want on my part to appeal to all governments to give due consideration, more than has been done before, to this question. I would not like to see a situation arise

again that a proposal originally emanating from Germany is put aside and then brought forward again by other powers as their proposal when they consider the time appropriate.

Finally I would like to stress that all we do here, all we may decide upon will prove entirely useless if the right spirit of non-intervention does not prevail.

The spirit in which this scheme of supervision is carried out is indeed essential to its effectiveness.

I sincerely hope that all countries will now rise to the situation and become conscious of the great responsibility which our big task lays upon us.

ANNEX 2.

Statement by the Italian Ambassador.

Mr. Chairman,

The Italian Government has welcomed with great satisfaction the decisions reached by the Powers represented at the Chairman's Sub-Committee at the meeting of yesterday, and sincerely hopes that these decisions will be met to-day with the general approval of the countries adhering to the Agreement on Non-Intervention.

The Italian Government, ever since the conclusion of the Agreement on Non-Intervention, and even before, in the course of the preliminary conversations with the French Government, have always borne in mind and made frankly an unequivocally clear two fundamental points:

(1) the necessity of including within the Agreement, the banning of all and any form of indirect intervention, first of which the recruiting and despatch of volunteers;

(2) the necessity of instituting a system of effective control of the application of the Agreement.

Following precise instructions from my Government, I formally raised at the Committee meeting of September 14th, these two questions, and, on Italian initiative, supported by the German Representative, the problem of indirect intervention was placed on the agenda of the first meeting of the Sub-Committee of September 15th, in the form set out in the Note of August 21st of the Italian Government.

On the 18th September the Italian Government furnished unquestionable proofs of the most flagrant forms of indirect intervention, placing first in importance the recruiting, despatch and transit of volunteers.

The members of this Committee who do not sit on the Chairman's Sub-Committee cannot easily realise the trend of the discussions which followed the Italian initiative and which were uselessly protracted for long months.

In the course of interminable meetings, and while the word press was full of the doings of the International Red Brigade, I have vainly as representative of Italy endeavoured to persuade some of the delegations to agree, even if on principle, to discuss this very essential problem. One delegation went so far as to deny, for a long time, the competence of the Committee to deal with the question of volunteers. Another Delegation made an effort to interpret the words "indirect intervention" as meaning the private supply of arms as against government supply, which was taken as direct intervention. By just mentioning this type of argument that went on, the Committee can gather an idea of the difficulties in which the representatives of Italy, Germany and Portugal, found themselves when they endeavoured to get the

Committee to reach a quick decision which, had it been taken at the very beginning of the Spanish conflict, would have eliminated a problem, the gravity of which other Powers seem to have realised only at the eleventh hour.

It is not my intention to recall the press reports of the landing of volunteers in Spain which lead to a different attitude being taken up on the problem of volunteers, by some of the members of the Committee. Whatever the origin of this change of opinion, it has been very welcome to the Fascist Government who have always wished for, and to-day want more than ever, concrete measures to be adopted as regards indirect intervention, together with an adequate control system.

This was confirmed in Count Ciano's Note of January 7th¹⁾. In this Note the Italian Government emphasised once more the necessity of providing efficient measures so as to stop indirect intervention in all its forms. This is still, to-day the point of view of the Italian Government who wishes to emphasize that they expect from the Committee a willing effort to reach as soon as possible an agreement on the other forms of indirect intervention to complement those that are contemplated in the Agreement of to-day. In this connection particularly urgent is the question of financial assistance.

In order to give a further proof of good-will, and to lead the Committee towards concrete decisions, my Government, replying under date 25th January, to a friendly inquiry by the British Government, agreed to adhere immediately to the banning of volunteers and the application of control.

This adherence to partial measures — far beneath those that the Italian Government consider urgent and necessary — was given in the firm hope of thus contributing to the cause of European co-operation.

Allow me now, Mr. Chairman, to refer briefly to the succession of events which have led to the understandings approved yesterday, and which will, no doubt, be generally adopted to-day.

The discussions which have taken place at the Chairman's Sub-Committee between the 1st and 10th February have shown that, if at long last a certain measure of agreement on principle had been reached, obstacles anything but negligible still existed to the application of the ban on volunteers and of the control plan. Obstacles as regards the land frontiers, obstacles in connection with the appointment of the Agents and of the Supervising Officers, obstacles in the way of naval supervision being applied, obstacles in respect of financing the plan of supervision.

Some few days ago, the Italian Government, in striking a balance of the work of the Committee, have, therefore, reached the conclusion that this liability must be squared without further delay if all possibility of agreement is not to be imperilled for ever.

The Italian Government since last week instructed me to call on the Chairman of our Committee and make him some urgent communications. Our Chairman will allow me briefly to summarise what I had the honour to tell him on behalf of my Government in our conversation of Monday morning.

I said to Lord Plymouth that the Italian Government were of opinion that the discussions in the Sub-Committee on volunteers and on the control plan could not possibly be prolonged. The position created by the Portuguese reply was undoubtedly a grave one. But it was necessary to bear in mind the fact that of all the countries adhering to the Agreement on Non-Intervention, Portugal, closed in as she is between a sea and a country where a civil war is raging, is in the most delicate and difficult position.

¹⁾ Vgl. oben S. 321.

Further, this was not the only difficulty. It was necessary to eliminate all the conditions, proposals and reservation submitted by various countries, and which still barred the way. As far as the Italian Government were concerned, they had submitted one proposal and one reservation: the proposal was intended to strengthen the powers of the Supervising Officers in order to render the control more efficient. The reservation referred to the transfer of currency. As the discussions in the Sub-Committee showed that this proposal and this reservation were likely to prolong our debates, the Italian Government, so long as this would lead to an early fixing of the dates for the ban on volunteers and the enforcement of the control, were prepared not to insist. The Italian Government asked, on the other hand, that similar proofs of goodwill be given by other Powers, and more especially that the reservation regarding the appointment of the Agents, and the opposition to the zone system of naval supervision be withdrawn.

At yesterday's meeting, I have repeated these statements and I was able to see, to my great satisfactions, that the French Government shared the anxiety of the Italian Government to see a date fixed without further delay for the ban on volunteers and the enforcement of control.

By the unanimous statements of the Delegates present at yesterday's meeting — in an atmosphere of collaboration and common knowledge of the gravity of the moment — final conclusions and decisions were reached.

All the Governments gave yesterday an encouraging proof of their willingness to co-operate seriously and spontaneously towards immediate practical results.

I have made this long statement not in an argumentative spirit but as a duty towards sincerity and truth.

This is all the more necessary as certain organs of the international press spread this morning false, misleading and mischievous comments on what took place yesterday at the Chairman's Sub-Committee. Such comments can only endanger the moral and political effects created by the agreement loyally reached yesterday, after such lengthy efforts, in a new atmosphere of general goodwill. For instance, one newspaper has published this morning that "Germany and Italy yield to democracies" and further on "a sudden stiffening of the attitude of the Democratic Powers, France in particular, was responsible for the decision reached last night".

Another newspaper even writes: "It was widely believed last night that beneath the French Ambassador's diplomatic language was concealed a threat to march two French divisions into Spain and finish the civil war in a fortnight unless the other Powers stopped interfering".

The French Representative on the Committee — to whom I want to pay my most sincere tribute for the precious contribution he has always given to our work — I am sure must have been the first to be disagreeably surprised at such an absurd and misleading comment. No threat and no pressure have even been made by anybody to anybody, and it is superfluous for me to add that, as far as my country is concerned, when they embrace a just cause, not one, not twenty, not two hundred divisions could compel them to alter their course.

I feel sure that the Chairman of our Committee and the Committee themselves will share my view in deploring such publications in the press, which are in open contrast with the spirit of spontaneous co-operation which everybody gave proof of at our meeting of yesterday, and which our Chairman has just recalled to the Committee.

As for the importance of the Agreement, I wish, in the name of my Government, to endorse in the fullest possible manner the words just spoken by our Chairman and the German Representative. May I be allowed to express the hope that the Agreement reached to-day will mark the effective beginning of a loyal and fruitful co-operation amongst us all.

ANNEX 3.

Statement by the U.S.S.R. Ambassador.

At our meeting on December 9th — when our Committee had been in existence for three months — I surveyed its accomplishments during that period, and I am afraid it was a rather gloomy summary.

It is true that just then we were entering upon a new phase of activity — extending the Agreement to cover the question of so-called “volunteers” in Spain — and I ventured then to hope that we should have greater success in this question of “volunteers” than we had had with the original matters covered by the Agreement, but you may remember, Mr. Chairman, that I referred to some suspicious symptoms which were already manifesting themselves.

My pessimistic forebodings have been all-too-well justified by ensuing events. More than two months have gone by since the idea of including “volunteers” was incorporated in our discussions, and all kinds of stumbling blocks inside and outside the Committee have so far prevented any progress from being made in banning foreign nationals from participating in the Spanish conflict or in establishing a scheme of control — an indispensable part of the Committee’s work.

But last night, on the Sub-Committee, a number of the most interested powers were at last able — no doubt from varying motives — to agree on the questions of “volunteers” and control, and dates were fixed for the introduction of both — “volunteers” 20th February; control March 6th.

On behalf of my Government I welcome this agreement, and assure you that for their part the Soviet Government will be ready to assist the adoption of these measures — even at this eleventh hour. As an earnest of their goodwill in this matter they are prepared to modify their attitude in regard to some points in the scheme of control. But although at the present moment the situation seems a little brighter than it was, past experience even now should make us all cautious in estimating the prospects of success. Although most of the difficulties seem to be overcome there are still some points which have to be satisfactorily cleared up before we can consider the scheme of control fairly launched.

In particular I would point out that the Committee does not yet know the attitude of Portugal to this scheme. The Sub-Committee has been in difficulty on that point for some time, the Portuguese Government having refused to associate itself with the control scheme elaborated by the Committee. I understand that the Portuguese Government is now reconsidering the situation and will reply very shortly. Let us hope it will be a favourable reply and will not jeopardize the whole structure of the scheme.

In conclusion I would like to underline that the success of last night’s decisions is dependent upon two conditions: First that a satisfactory solution of the difficulties raised by the Portuguese attitude towards the scheme of control is found — a solution which maintains the complete efficacy of that scheme.

And secondly, that the whole-hearted co-operation of all the powers, members of the Committee, is assured, on the basis, of course, of full equality among the members in shaping and carrying out the decisions of the Committee.

It is my most sincere hope that this solution and this co-operation will be achieved, and that the Soviet Government will not be forced into a position of having to reconsider its attitude.

3. Beschluß des Nichteinmischungsausschusses über die Kontrolle der spanischen Grenzen zu Lande und zur See vom 8. März 1937¹⁾.

Resolution Relating to the Scheme of Observation of the Spanish Frontiers by Land and Sea Adopted by the International Committee for the Application of the Agreement Regarding Non-Intervention in Spain at a Plenary Session Held on Monday, March 8, 1937²⁾.

THE Governments represented on the International Committee for the application of the Agreement regarding Non-Intervention in Spain having approved the resolution passed on the 16th February, 1937, by the Committee to the effect that the Agreement should be extended as from midnight the 20th-21st February, 1937, to cover the recruitment in the transit through, or the departure from, their respective countries of persons of non-Spanish nationality proposing to proceed to Spain, Spanish Possessions or the Spanish Zone of Morocco for the purpose of taking part in the present conflict; and

(2) Having deemed it expedient to establish a system of observation round the frontiers of Spain, the Spanish Possessions and the Spanish Zone of Morocco for the purpose of ascertaining whether the Agreement is being observed; and

(3) His Majesty's Government in the United Kingdom having accepted an invitation by the Portuguese Government to observe the carrying out of the Agreement in Portugal, and for this purpose to appoint British observers to be attached to His Majesty's Embassy in Lisbon; and

(4) His Majesty's Government in the United Kingdom having informed the Committee that they are satisfied that the agreement reached between them and the Portuguese Government as a result of this invitation is fully adequate from every point of view to enable His Majesty's Government to discharge the responsibilities which they have agreed to assume, and that they will communicate to the International Committee any information which may be reported to them by His Majesty's Ambassador at Lisbon regarding infringements of the Non-Intervention Agreement; and

¹⁾ Nach der prinzipiellen Annahme des Kontrollsystems am 16. 2. 1937 (s. o. S. 331) kam es zur Annahme der obenstehenden Resolution, nachdem Sowjetrußland auf Teilnahme an der Seekontrolle verzichtet hatte (Erklärung im Unterausschuß vom 26. 2. 1937: Documentation Internationale 1937 Nr. 40, S. 135) und eine Sondervereinbarung über eine Kontrolle der spanisch-portugiesischen Grenze getroffen worden war (Verlautbarung der portugiesischen Regierung vom 20. 2. 1937. Vgl. Monatshefte für auswärtige Politik 1937, Heft 3, S. 145/46 und das Kommuniké über die Unterausschußsitzung vom 22. 2. 1937 in La Documentation Internationale 1937 Nr. 40, S. 135). Das Kontrollsystem wurde ab 19. 4. 1937 teilweise und ab 30. 4. 1937 vollständig in Kraft gesetzt. (Vgl. Unterausschuß vom 15. 4. und 5. 5. 1937 (L'Europe Nouvelle Doc. No. 58 u. 69).

²⁾ Cmd 5399.

(5) the Committee being fully confident in the discharge by His Majesty's Government in the United Kingdom of these responsibilities in regard to the Portuguese frontiers, in collaboration with the Portuguese Government, agrees on behalf of the Government represented thereon, that the system of observation on the Franco-Spanish frontier, the frontier between Spain and Gibraltar, and the maritime frontiers of Spain, the Spanish Possessions, and the Spanish Zone in Morocco, shall be carried out in the manner indicated in the Annex attached hereto unless otherwise amended or determined.

ANNEX.

I.—The Organisation of the System of Observation.

Establishment of the "International Board for Non-Intervention in Spain".

1. The system of observation will be administered on behalf of the participating Governments by a Board to be known as the "International Board for Non-Intervention in Spain", and hereinafter referred to as the Board, consisting of a Chairman, to be appointed by the International Committee, and of five members nominated by the Representatives of the Governments of the United Kingdom, France, Germany, Italy and the U.S.S.R.

The functions of the Board.

2. The Board will have power to decide all questions relating to the administration of the scheme, but it will be the duty of the Board to submit all matters raising questions of principle to the International Committee for decision by that body on behalf of the participating Governments.

II.—The Establishment of a System of Observation on the Spanish Land Frontiers.

The establishment of observation on the Spanish land frontiers.

3. In view of the fact that a special arrangement has been reached between the United Kingdom and Portuguese Governments, as referred to in paragraphs 3 and 4 of the foregoing Resolution, regarding the Portuguese frontiers, there shall be stationed on the French side of the Franco-Spanish frontier and on the British side of the Gibraltar-Spanish frontier an international staff charged with the observation of the enforcement of the Non-Intervention Agreement.

The régime to be established on the frontiers.

4. For the purposes of the scheme, the Franco-Spanish frontier will be divided into zones, each of which will be in the charge of an "Administrator" who will be responsible for the system of observation to be established in that zone to the "Chief Administrator" who will be responsible for the whole frontier. Part of the international staff will be stationed at railway and road crossings over the frontier, and part will be equipped on a mobile basis. These officials will work in close collaboration with the appropriate French authorities. As there is only one crossing from Gibraltar into Spain, the necessary observation will be carried out by one "Administrator" with a small staff of subordinate rank.

The facilities to be accorded to, and the duties of, Administrators under the land observation scheme.

5. The facilities to be accorded to, and the duties of, the Administrators have been defined as follows:—

(1) The Chief Administrator, Administrators, and their subordinates shall enjoy the immunities normally accorded to diplomatic officers, and the Chief Administrator shall have the right of free communication with the Board. Further, the Chief Administrator and the Administrators and their subordinates shall be granted by the Governments of the countries concerned full facilities to enable them to exercise the rights and to discharge the duties assigned to them, and, in particular, those rights and duties enumerated in Sections (2) and (3) below.

(2) These facilities will include—

(a) the right of free entry at any time into railway establishments, and similar premises;

(b) the right, in accordance with (3) below, of making such inspections as they may think proper in the premises referred to in (a) above, for the purpose of establishing whether any arms or war material are being exported into Spain or whether foreign nationals are entering that country for the purpose of taking service in the present conflict, in contravention of the Agreement for Non-Intervention;

(c) the right (i) to call upon the responsible authorities for documents relating to the nature of particular consignments of goods, and (ii) to examine the passports of persons proceeding to Spain;

(d) the grant of the same priority for telephone and telegraph services as are accorded to diplomatic officers stationed in, or national officials of, the country in question.

(3) It will be the duty of the Chief Administrator in France and of the Administrator at Gibraltar—

(a) when called upon by the Board, to investigate, and to report on, any particular case in respect of which a complaint has been submitted to the Committee by the Representative of a Government which is a party to the Non-Intervention Agreement;

(b) whenever, as the result of investigations carried out by the international staff, on their own initiative, he has satisfied himself that a consignment of arms or war material (including aircraft) has been exported into Spain or that foreign nationals have entered Spain for the purpose of taking service in the present conflict, in contravention of the Agreement, to submit forthwith identical reports in regard thereto—

(i) to the Board;

(ii) to an official nominated for the purpose by the Government of the country in which he is stationed.

(4) In addition to the rights and duties set out above, the Chief Administrator in France and the Administrator on Gibraltar will have the right at all times to communicate direct with the Board on any matter connected with the discharge of their duties.

III.—The Establishment of a System of Observation of Ships having the Right to Fly the Flags of the Participating Countries, proceeding to the Ports of Spain or the Spanish Dependencies.

The general character of the scheme for sea observation.

6. All ships having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement (other than naval vessels) pro-

ceeding to Spain or to one of the Spanish Possessions, or to the Spanish Zone in Morocco, will—

- (a) subject to such exceptions as are set out in the following paragraphs in this chapter, embark at one of the ports specified in paragraph 12 below two or more "Observing Officers" appointed by the International Committee whose duty it will be to observe the unloading of the ship in Spanish ports, or
- (b) at the discretion of the Administrator or Deputy Administrator in charge of the Observation Port in question, embark one Observing Officer in the case of small ships, ships carrying cargo in bulk, or ships in ballast,

the Governments concerned taking such steps as are necessary to require the owners and masters of ships having the right to fly their respective flags to comply with the provisions set out in the following paragraphs.

The duties of the Chief Administrator.

7. The general organisation of the system of observation described in paragraph 6 above will be entrusted to a "Chief Administrator". It will be the duty of the Chief Administrator to determine the allocation of the "Observing Officers" as between one Observation Port and another in the light of the day to day requirements of each port. Subject to the general direction of the Board, the Chief Administrator will be responsible for all questions relating to the discipline and posting of the international staff employed at the Observation Ports.

The duties of the Administrators and Deputy Administrators.

8. At each of the Observation Ports enumerated in paragraph 12 below, an "Administrator" or "Deputy Administrator" will, subject to the general direction of the Chief Administrator referred to in paragraph 7 above, be responsible for the organisation of the observation scheme in that port, and in particular for arranging for the embarkation of Observing Officers on, and their disembarkation from, ships having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement, proceeding to Spanish ports that have called at the Observation Port in question for the purpose of complying with the scheme of observation.

9. It will be the duty of each Administrator or Deputy Administrator in charge of an Observation Port—

- (a) to determine in the light of actual conditions how many Observing Officers should be embarked in each vessel calling at the port for the purpose of submitting to observation;
- (b) to notify to the Board the names of all vessels bound from his port for Spanish ports which had embarked Observing Officers and the names of those officers, it being the duty of the Board to communicate this information to the Governments taking part in the naval observation scheme;
- (c) to submit a report to the Board, for transmission to the International Committee whenever one of the Observing Officers reports to him that he has witnessed in a Spanish port either the unloading of arms or war material, or the disembarkation of foreign nationals entering

that country, in contravention of the Non-Intervention Agreement, for the purpose of taking service in the present conflict from a vessel in which he was stationed;

- (d) to submit to the Chief Administrator, for the information of the Board, periodical reports in regard to all vessels on which Observing Officers have been embarked and from which no cargo or passengers have been landed in Spanish ports in contravention of the Non-Intervention Agreement.

The duties to be imposed on the masters of ships, the facilities to be granted to, and the duties of, the Observing Officers.

10. The duties to be imposed on the masters of ships having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement, and the facilities to be granted to, and the duties of, the Observing Officers will be as follows:—

- (a) the participating Governments will instruct the masters of all ships having the right to fly the flags of their respective countries, before proceeding to a Spanish port, to call at one of the Observation Ports specified in paragraph 12 below for the purpose of embarking Observing Officers, and, having done so, to give all necessary facilities to those officers to enable them to discharge the duties set out in (c) below, and to disembark such officers at another port indicated by the Administrator or Deputy Administrator in accordance with paragraph 18 below, these facilities to include the right—
- (i) at any convenient time during the voyage to obtain all necessary information from the master as to the cargo carried which is consigned to Spanish ports, and to inspect papers relating thereto;
 - (ii) at any convenient time during the voyage to obtain all necessary information from the master, and, in his presence, or in that of an officer nominated by him for the purpose, to interrogate passengers, officers and crew, proceeding to Spanish ports and to examine the passports of passengers and the identity papers of the officers and crew;
 - (iii) to be present at the unloading of any goods or disembarkation of any persons in a Spanish port, and to require the master to have opened for inspection any package which is being unloaded, and which the Observing Officer has reasonable grounds for suspecting to contain war material sent in contravention of the Non-Intervention Agreement, and to require the master to have any necessary unpacking, repacking and sealing-up done;
- (b) the Chief Administrator, Administrators, and Deputy Administrators and their subordinates will be granted by the participating Governments the immunities normally accorded to diplomatic and consular officers; the right of free communication with the Board will be granted to the Chief Administrator, and to Administrators, and to Deputy Administrators, subject to any directions issued by the Board or (in the two last-named cases) by the Chief Administrator; and the Chief Administrator, Administrators and Deputy Administrators and their subordinate staff will be granted full facilities to enable them to exercise the rights and to discharge the duties assigned

to them, and, in particular, these officers will be granted the same priority for telephone and telegraph services as are accorded to diplomatic officers stationed in, or to the national officials of, the country in question; and the Observing Officers, when engaged on duty at sea, will be granted the same priority for telephone and telegraph services as are granted to the service messages of the master of the vessel on which they have been embarked;

- (c) The duties of the Observing Officers, when on board vessels in Spanish ports, will be to take, within the limit of the facilities accorded to them under (a) above, all steps which they may consider necessary to satisfy themselves:—
- (i) whether any arms or war material of the classes covered by the Non-Intervention Agreement are being unloaded; and
 - (ii) whether, in contravention of the Non-Intervention Agreement, any foreign nationals intending to take service in the present conflict are being disembarked;
 - (iii) on leaving any Spanish port that no passenger or member of the crew, who may have left the ship while in port, has failed to return in contravention of the Non-Intervention Agreement;
- (d) The participating Governments will issue any instructions which may be necessary to require any owners and masters of vessels having the right to fly flags of their respective countries to take all steps in their power to prevent the landing in a Spanish port, in contravention of the Non-Intervention Agreement, of any arms or war material or passengers which or who the Observing Officers may ascertain are being carried by the vessel in question;
- (e) The Observing Officers, on their disembarkation, will immediately submit to the Administrator or Deputy Administrator in charge of the nearest Observation Port a report in writing, stating either that no offence against the Non-Intervention Agreement has been committed by the ship in which they had been stationed, or, if such an offence has been committed, what is the nature of the offence;
- (f) The participating Governments will take such legal or other proceedings as may be found appropriate against the owners or masters of vessels in cases indicated in (e) above, and in due course will submit a report to the Board regarding any penalties inflicted.

The Observation Ports.

11. It is an essential part of the scheme that the Observation Ports at which the ships having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement will embark Observing Officers should be determined in accordance with definite rules, though, in particular cases, or particular classes of case, the Administrators in charge of any of the principal Observation Ports referred to in paragraph 13 below will have the right to make special arrangements for the embarkation of Observing Officers at other ports to suit, as far as possible, the convenience of the shipping concerned from the commercial point of view, subject to the general provisions contained in paragraph 6 above.

12. At the outset of the scheme, the obligation to be laid on merchant ships proceeding to Spanish ports (other than the Canary Islands, which are dealt with in paragraph 14 below), will be in accordance with the following rules:—

- (a) If the ship is passing in either direction through the Straits of Gibraltar before calling at any Spanish port she will call at Gibraltar, it being understood that *this rule overrides all the following rules, which therefore only apply to vessels which do not come within its scope.*
- (b) If the ship is passing through the English Channel on her way to a Spanish port from a port lying to the north of Dover, she will call either at Dover or at the Downs;
- (c) If the ship (not being a ship covered by (b) above) proceeds to a Spanish port from a Channel port south of Dover, she will call at Cherbourg, unless the ship is proceeding from a port between Cherbourg and Brest, in which case she will be dealt with under (d) below;
- (d) If the ship is proceeding from the Irish Free State or from Northern Ireland or from the Irish and Bristol Channels, or from a port between Cherbourg and Brest, she will call at Brest;
- (e) If the ship (not being a ship covered by (b) above) proceeds to a Spanish port from a French Atlantic or Biscayan port south of Brest, she will call at Le Verdon;
- (f) If the ship is approaching westward through the Mediterranean or from a port in the Mediterranean, East of Longitude 12° East, she shall call at Palermo, unless for commercial reasons, she is in any case proceeding to Marseilles, in which case it shall be permitted to embark Observing Officers at that port;
- (g) If the ship (not being a ship covered by (f) above) proceeds to a Spanish port from a North African port West of Longitude 12° East, she will call at Oran;
- (h) If the ship (not being a ship covered by (f) above) proceeds to a Spanish port from a port on the French or Italian Coast between Marseilles and Longitude 12° East, or from Corsica or Sardinia, she will call at Marseilles;
- (i) If the ship (not being a ship covered by (f) above) proceeds to a Spanish port from a French Mediterranean port west of Marseilles, she will call at Cette;
- (k) If the ship is approaching from the West of Longitude 15° West, or is approaching in the Atlantic from the southward of Latitude 28° N., she will call at one of the following ports, viz., Madeira, or Gibraltar, or Lisbon;
- (l) If the ship is coming from a port on the Atlantic seaboard of Morocco, she will call at Gibraltar, or, in the case of ships proceeding to Spanish ports north of Portugal, at Lisbon;
- (m) If the ship is coming from a Portuguese port, she will call at Lisbon.

Definition of principal Observation Ports.

13. The Observation Ports which are to be regarded as principal Observation Ports at the outset of the scheme are the following:—

The Downs (or Dover).
Cherbourg.
Lisbon.

Gibraltar.
Marseilles.
Palermo.
Madeira.

Special provisions in relation to the Canary Islands.

14. The Committee accepts the principle that observation shall be applied with equal efficiency to all parts of Spanish territory. The method of applying observation in the case of the Canary Islands presents special difficulty, but a system of observation will be determined by the International Committee not later than the 31st March, 1937, and will be brought into operation at the earliest possible date thereafter.

The provision of accommodation at sea for Observing Officers.

15. The owners of vessels having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement, proceeding to Spanish ports, will be under an obligation to provide accommodation for the Observing Officers equivalent to that normally provided in corresponding vessels belonging to the same nation, for officers such as mates or, in a passenger ship (*i.e.*, a ship having accommodation for more than twelve passengers), for first-class passengers. In cases where there is no accommodation classed as first class, the accommodation to be provided will be of the highest class in the ship.

16. Shipowners will be placed under an obligation to provide messing similar to that provided for the masters of the ships concerned or for first-class passengers, for which payment will be made from the International Fund referred to in paragraph 52 below at a standard rate or rates to be approved by the International Committee on the recommendation of the Board.

17. The Observing Officers will be carried on the same conditions with regard to liability for life and property as are passengers on the vessel in question.

The disembarkation of Observing officers.

18. Subject to the approval of the Chief Administrator referred to in paragraph 7 above, the Administrator or Deputy Administrator in charge of each Observation Port will have the right to require the master of a ship which has embarked Observing Officers to disembark them at any port which would not entail an unreasonable deviation after the vessel has finally quitted Spanish waters. To this end the master of such a ship will be put under an obligation to disembark the Observing Officers (at the discretion of the Administrator or Deputy Administrator at the port of embarkation) either at the Observation Port nearest to the route that the master intends to follow after leaving Spanish waters, or at any other port which does not entail more than 50 sea miles' additional steaming.

Special arrangements for regular trades.

19. Shipowners engaged in regular trade with Spanish ports will be permitted, should they so desire, to arrange with the Board for Observing Officers to be stationed continuously on board their vessels, the additional expenditure involved being defrayed by the shipowner concerned. It will be the duty of the Board to arrange for such Observing Officers to be changed at reasonably frequent intervals.

No liability in respect of delay or diversion of ships.

20. No payment will be made from the International Fund referred to in paragraph 52 below to shipowners in respect of delay or diversion occasioned by the necessity to embark or disembark Observing Officers, provided either—

- (a) that the Administrator or Deputy Administrator in charge of the Observation port concerned embarks the Observing Officer or Officers at the earliest possible moment, and, in any case, not later than four hours after the master or agent of the ship shall have reported its arrival to the Administrator or Deputy Administrator in charge of the port; or
- (b) that the provisions in (a) above will not apply in those cases where the special arrangements indicated in paragraph 11 above have been brought into operation; or
- (c) that, if the Administrator or Deputy Administrator is unable to comply with (a) above, he will hand to the master of the ship a document certifying that he called at the port in order to comply with the scheme and that no Observing Officers were available to be embarked in his ship, the Administrator or Deputy Administrator in all such cases reporting the circumstances immediately to the Board.

Exemption of ships from dues in certain cases.

21. The Representatives of the Governments of the countries in which the Observation Ports are situated will consult with one another with a view to reaching agreement, on behalf of their respective Governments, (a) for the exemption, on a mutual basis, of ships calling at those ports merely for the purpose of embarking and disembarking Observing Officers, from dues and other charges (excluding pilotage) normally paid by ships entering those ports, or, (b) if this is not possible, for the reduction of these charges to an equal extent in each of the countries concerned. In so far as such exemptions or reductions cannot be secured, the expenditure involved, together with expenditure incurred on pilotage, except in those cases in which the ship would in any case for commercial reasons have called at the port in question, will be defrayed from the International Fund referred to in paragraph 52 below.

22. The Administrators and Deputy Administrators in charge of Observation Ports will arrange, wherever possible, for Observing Officers to be embarked in such positions as will not necessitate the ships in question incurring either pilotage or dues.

IV.—The Establishment of a System of Naval Observation of the Coasts of Spain and the Spanish Dependencies.

The general character of the scheme for naval observation.

23. In order to ensure that the procedure, prescribed in paragraph 6 above and subsequent paragraphs, in regard to the scheme for sea observation is duly observed, a system of naval observation will be established around the Spanish coasts.

The Powers by which naval observation will be exercised.

24. The duty of naval observation will be undertaken by the Governments of the United Kingdom, France, Germany and Italy.

The establishment of Observation Zones.

25. For the purpose of naval observation the Spanish coasts will be divided into zones, and the responsibility for observation within each zone will rest exclusively upon the Naval Power exercising observation in that zone.

The delimitation of the Observation Zones.

26. At the outset of the scheme, for the purposes indicated in paragraph 25 above, the Spanish coasts will be divided into the following zones:—

- A. On the North Coast of Spain from the French frontier to Cape Busto.
- B. On the North-West Coast of Spain from Cape Busto to the Portuguese frontier.
- C. On the South Coast of Spain from the Portuguese frontier to Cape De Gata.
- D. On the South-East Coast of Spain from Cape De Gata to Cape Oropesa.
- E. On the East Coast of Spain from Cape Oropesa to the French frontier.
- F. The Spanish-Moroccan Coast.
- G. The Islands of Iviza and Majorca.
- H. The Island of Minorca ¹⁾

27. The duties of naval observation within each zone will only be exercised within a distance of ten sea miles from any point on the Spanish coast.

The allocation of the Observation Zones among the naval Powers concerned.

28. At the outset of the scheme responsibility for the observation zones will be allocated as follows:—

- A. United Kingdom.
- B. France.
- C. United Kingdom.
- D. Germany.
- E. Italy.
- F. France.
- G. France.
- H. Italy.

The establishment of a special regime in the territorial waters of the countries adjacent to Spain.

29. In order to avoid the risk of ships escaping observation by entering Spanish territorial waters direct from the territorial waters of one of the adjacent countries, the Governments of the adjacent countries will themselves exercise observation over ships passing through these waters. The Governments of the adjacent countries will in due course notify to the International Committee the steps which they have severally taken to give effect to this arrangement, and will communicate to the Committee particulars regarding any infringements of the Non-Intervention Agreement which may be detected in this manner.

¹⁾ The question of the establishment of naval observation around the Canary Islands will be dealt with in accordance with the principles set out in paragraph 14 above.

Duties of the Powers undertaking naval observation.

30. Each of the Governments exercising naval observation will —
- (a) report immediately to the International Committee the arrival in any Spanish port in one of the zones for which it is responsible of any ship the name of which has not been notified as having submitted to observation, and will notify to the International Committee the name of any ship which refuses to submit to observation, when the need for such observation has been pointed out to it in the manner prescribed in paragraph 38 below.
 - (b) submit periodical reports to the International Committee, giving full particulars regarding the arrival of all ships entering Spanish ports within the zones for which it is responsible.

The method of observation to be adopted

31. The actual method by which observation will be exercised in each zone will be left to the discretion of the Government to whom responsibility for that zone is allotted, subject to the qualification that, if any Government desires to make special arrangements to control the movements of ships in a manner such as that indicated in paragraph 36 below, it shall first obtain the consent of the International Committee.

Distance from coast at which naval observation will be conducted.

32. Ships having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement, proceeding to Spanish ports will only be liable to the system of naval observation prescribed in paragraph 23 above when they are not more than ten sea miles from the nearest point on the Spanish coast. Further such ships will only be subject to naval observation by the naval vessels of the particular Power which has accepted responsibility for observation in the zone in question.

The use of special flags in connection with the scheme.

33. The naval vessels, while actually engaged in the task of naval observation, will fly the pennant which has already been adopted under the terms of the North Sea Fisheries Convention. Ships which have the right to fly the flags of the countries which are parties to the Non-Intervention Agreement will, when proceeding to Spanish ports, after having embarked Observing Officers at one of the Observation Ports, or having, in lieu thereof, been granted a certificate in the manner prescribed in paragraph 20 above, fly also a specially agreed pennant to indicate that they have complied with the procedure laid down in the paragraph referred to above.

34. The mere fact that a ship having the right to fly the flag of any of the countries which are parties to the Non-Intervention Agreement, when approaching a Spanish port, is flying the specially agreed pennant referred to in paragraph 33 above, will not be regarded by the vessels engaged in naval observation as affording evidence that the ship in question is in fact carrying Observing Officers, and the naval vessels concerned will take all necessary steps, as laid down in paragraph 37 below, to verify the character of the ship in question.

35. Severe penalties will be imposed by the participating Governments on the masters of ships, having the right to fly their respective flags who fly

on their ships the specially agreed pennant referred to in paragraph 33 above, if there are no Observing Officers on board their vessels, or unless they have been furnished with a certificate in accordance with paragraph 20 (c) above.

The establishment of focal areas in certain cases.

36. In order to simplify the work of naval observation, the Powers undertaking that observation may establish in the approaches to some or all of the zones focal areas through which all ships having the right to fly the flag of the countries which are parties to the Non-Intervention Agreement, proceeding to ports within those zones would be required to pass, but, as stated in paragraph 31 above, such focal areas will not be established without the prior approval of the International Committee.

The duties and rights of officers commanding vessels taking part in the scheme.

37. The Governments which are parties to the Non-Intervention Agreement will take such steps as are necessary to confer upon the officers in command of the naval vessels engaged in naval observation the right, within the area laid down in paragraph 32 above :—

- (a) To verify the identity of any ship, having the right to fly the flag of any of the participating countries that may be thought to be proceeding towards any port in Spain or in the Spanish Dependencies; and for this purpose, when necessary, to order such ships to stop, to board them and to examine their certificates of registry and clearance documents, and to ascertain whether there are Observing Officers on board;
- (b) To ascertain whether the ship has called at one of the Observation Ports enumerated in paragraph 12 above, and has taken on board Observing Officers, or has been furnished with a document by the Administrator or Deputy Administrator in charge of an Observation Port, certifying that the vessel had called at the port in accordance with paragraph 20 (c) above;
- (c) if and when a special plan has been submitted to, and approved by, the International Committee, to establish focal areas in the approaches to each zone, and to require all ships having the right to fly the flag of any of the participating countries to pass through the areas so established, when entering the zone.

38. No right of search will be accorded to the naval vessels engaged in naval observation, but whenever a ship fails to comply with the instructions of a naval vessel engaged in naval observation, given in accordance with the provisions laid down in paragraph 37 above, or whenever the officer in command of a naval vessel ascertains that the master of a ship has not complied with the procedure laid down in paragraph 12 above, or has improperly flown the special pennant referred to in paragraph 33 above, he will draw the attention of the master to his obligations under the Non-Intervention Agreement to which the Government of his country is a party, and will point out that he would therefore be committing an offence against the laws of his own country unless he submits to observation before reaching a Spanish port. Non-compliance by a particular ship with the procedure here laid down will be regarded as *prima facie* evidence that the ship has committed a breach of the Non-Intervention Agreement, and will entail the consequences indicated in paragraph 39 below.

39. In the circumstances outlined in paragraph 38 above, the officer in command of the naval vessels will submit a report to his Government, so that that Government may report the matter both to the International Committee and to the Government of the country to which the vessel in question belongs, in order that legal proceedings can be taken in the courts of that country. Any necessary evidence of the officers or crew of the naval vessel or of the Administrators and Deputy Administrators or their subordinate staff will, wherever possible, be taken upon commission in the method prescribed in the country concerned, in order to avoid the necessity of these witnesses having to proceed to the country in which the trial takes place.

Reports to be submitted by participating Governments in certain cases.

40. In the event of the master of any ship having the right to fly the flag of any of the countries which are parties to the Non-Intervention Agreement, being detected by a naval vessel engaged in naval observation, while attempting to commit a breach of the Non-Intervention Agreement in the manner indicated in paragraph 39 above, the Government of the country in which the ship so detected is registered will submit a full report to the International Committee regarding the circumstances of the case and, later, regarding the legal or other penalties inflicted upon the owner or master of the ship in question as the case may be.

V.—The International Staff required for the Observation Scheme.

41. One of the most difficult tasks in the course of the preparation of the observation scheme has been to decide the number of international officials whom it will be necessary to employ to ensure the efficient operation of the scheme.

42. In this task careful consideration has been given to estimates which have been prepared by Technical Advisory Sub-Committees composed of experts nominated by the Representatives of those countries which are members of the Chairman's Sub-Committee of the International Committee. These estimates have been accepted as the most-reliable which in existing circumstances it is possible to obtain. Nevertheless, it is impossible at this stage to determine with certainty how many officials will be required for the proper discharge of each part of the scheme. The arrangements which have been agreed upon for the staffing of this organisation must thus be regarded as tentative only, and as liable to revision in one direction or another in the light of experience gained in the actual operation of the scheme.

43. It is an essential feature of the scheme that it will be brought into operation in a series of stages.

44. The first stage will begin when the Chief Administrators, Administrators and Deputy Administrators and their personal staffs have been appointed and have taken up their respective posts. These officials will at once enter into the closest relations with the national officials of the countries in which they are stationed and will make all arrangements necessary to bring the next stage into operation. In this same period arrangements will be made for the recruitment of the subordinate officials who will be required.

45. The second stage will begin when a sufficient number of subordinate officials have been recruited and despatched to their posts, to enable the supervision scheme to be brought into operation on a skeleton basis. During this stage, it is envisaged that the Board will exercise their discretion as to

the interim arrangements necessary until it is possible to bring the full scheme into operation.

46. The third and final stage will be reached when the full complement of officials for each branch of the scheme has been recruited and they have been despatched to their posts.

47. It is anticipated that considerable practical experience regarding the number of officials required for each part of the scheme will have been gained during the period in which the scheme will have been in operation on a skeleton basis. It has been agreed, therefore, that at the end of the second stage referred to in paragraph 45 above the officers in charge of the main divisions of the scheme should be instructed to prepare for submission to the Board interim reports describing the working of the portions of the scheme for which they are severally responsible, and setting out their recommendations in regard to staff requirements.

48. If either of the Chief Administrators or the Administrator at Gibraltar is of the opinion that, even with the full staff provided in the scheme now agreed upon, he would not have at his disposal a sufficient number of officials for the proper discharge of his duties, the International Committee will take such steps as may be found, on examination, to be necessary to ensure the efficient operation of the portion of the scheme in question.

49. In the light of the foregoing considerations, it has been agreed to recruit the staffs shown below for each of the principal portions of the scheme.

- (a) *For the Franco-Spanish frontier.*
130 Observing Officers and Assistant Observing Officers.
- (b) *For the Gibraltar-Spanish frontier.*
5 Observing Officers and Assistant Observing Officers.
- (c) *For the sea observation scheme.*
550 Observing Officers and Assistant Observing Officers.

50. The figures given above are in each case exclusive of the Chief Administrators, Administrators, and Deputy Administrators, and their personal and administrative staffs.

VI.—The Cost of the Scheme.

The cost of the schemes of land and sea observation.

51. The cost of the scheme as set out in Chapters II and III of the present Annex is estimated at £ 834,000 if it were to continue in operation for a full period of twelve months¹).

Establishment of an International Fund.

52. In order to provide the funds required, it has been agreed to establish an International Fund to which the several Governments will contribute on agreed scales.

¹) His Majesty's Government in the United Kingdom have made themselves directly responsible for the payment of 80 per cent, of the cost of the special arrangements in Portugal, the remaining 20 per cent, being paid by the Portuguese Government themselves. This liability is estimated at £ 64,000, and a corresponding adjustment of the percentages will be made to ensure a fair distribution of financial liabilities. This adjustment will not entail any changes in the sums paid to the International Fund by the respective Governments, except in the case of His Majesty's Government in the United Kingdom.

The administration of the International Fund.

53. The International Fund established in accordance with paragraph 52 above will be administered by the Board.

The cost of the scheme of naval observation.

54. Each of the Naval Powers participating in the scheme of naval observation (paragraphs 23 to 40 above) will defray the cost of observation which it has itself agreed to undertake.

VII.—The Date on which the Scheme shall come into Operation.

Date of appointment of the Board.

55. The Board will come into existence as from the date of the adoption of the present Agreement, *i. e.*, as from the 8th March, 1937.

The first task of the Board.

56. The Board will organise the scheme for land and sea observation with the greatest possible despatch, and will report to the International Committee immediately they have made arrangements which would enable the two parts of the scheme to be brought into operation on a skeleton basis.

Arrangements to be brought into force forthwith.

57. Immediate arrangements are being made for the appointment of the Chairman of the Board, the Chief Administrator under the Sea Observation Scheme, the Chief Administrator in France, and the Administrator at Gibraltar, who will take up their respective duties immediately upon appointment.

58. The Naval Powers which have agreed to undertake the duty of naval observation have notified the International Committee that they will be in a position to begin the duties which they have agreed to undertake on Saturday, the 13th March, 1937.

IV. Das Ausscheiden Deutschlands und Italiens aus der Seeüberwachung ¹⁾.

a) Die Londoner Beschlüsse der vier Mächte vom 12. Juni 1937.

Meetings have taken place between the Secretary of State for Foreign Affairs and the French, German and Italian Ambassadors of June 11th and 12th at the Foreign Office for the purpose of discussing the steps which should be taken to ensure the safety of foreign warships engaged in the work of naval patrol in Spanish waters under the non-intervention observation scheme.

¹⁾ Nach dem Luftüberfall auf das Panzerschiff »Deutschland« am 29. 5. 1937 zogen sich die Reichsregierung und die italienische Regierung von den Beratungen im Nichteinmischungsausschuß und von dem Kontrollsystem zurück, solange nicht Gewähr gegen eine Wiederholung derartiger Vorkommnisse gegeben sei (vgl. Monatshefte für Auswärtige Politik 1937 Heft 6, S. 349, 350; Times vom 1. 6. 1937). Nach den Beschlüssen der vier Mächte vom 12. 6. 1937 (siehe oben unter a)) nahmen die deutsche und die italienische Regierung die Mitarbeit zunächst wieder auf (Monatshefte für Auswärtige Politik 1937 Heft 6, S. 352). Nach den Angriffen auf den Kreuzer »Leipzig« am 15. und 18. 6. 1937 verlangte die deutsche Regierung eine Flottendemonstration vor Valencia, die jedoch abgelehnt wurde (vgl. hierzu Eden im Unterhaus, Parl. Deb. 1936/37, Vol. 325, Sp. 1029, ferner das

It was agreed that a communication in the following terms should be addressed to the two parties in Spain:

“a) That the two parties should be asked to give a specific assurance that they will respect foreign warships on the high seas and elsewhere and will take steps to see that their naval and air forces give effect to this assurance;

b) that in order to avoid accidental attacks on or damage to foreign warships participating in the patrol when lying in the parts of either party the two parties should be asked to come to an agreement with the four powers upon a list of Spanish ports to be made available for use as bases for their patrol ships and upon a definition of the safety zones which should be established in those ports;

c) that the two parties should be informed that any infraction of the aforesaid assurances or any attack upon foreign warships responsible for the naval patrol will be regarded by the four powers participating in the control as a matter of common concern and that the four powers irrespective of any immediate measures of selfdefence considered necessary by the forces of the power actually attacked will immediately seek agreement among themselves concerning steps to be taken in concert, taking into consideration the views which the government concerned is naturally entitled to express as to further appropriate measures.

In agreeing to the text of the communication to the two Spanish parties it was generally understood under § (c) that the four powers undertook to meet as quickly as possible for the purpose of consultation in regard to the appropriate steps to be taken to meet the situation. It was also generally

Kommuniqué über die Vier-Mächtebesprechung vom 22. 6. 1937; Monatshefte für Auswärtige Politik 1937 Heft 7, S. 421). Die deutsche und die italienische Regierung zogen sich daraufhin endgültig aus der Seekontrolle zurück (siehe oben unter b; siehe auch die Rede des Botschafters von Ribbentrop im Nichteinmischungsausschuß vom 9. 7. 1937, Monatshefte für Auswärtige Politik 1937 Heft 8, S. 493, 496). In einem in der Sitzung des Nichteinmischungsausschusses vom 29. 6. 1937 von der englischen und französischen Regierung unterbreiteten Vermittlungsvorschlag erklärten diese beiden Regierungen sich bereit, »die Verantwortung für die Durchführung des Flottenüberwachungsschemas für die Gesamtheit der Küsten Spaniens zu übernehmen«. Sie erklärten sich grundsätzlich mit der Ernennung neutraler Beobachter einverstanden, die auf den Überwachungsschiffen stationiert werden sollen.

»Die Vorschläge besagten, daß die englische Regierung die Verantwortung tragen sollte für die Flottenüberwachung derjenigen Teile der spanischen Küste, die sich in den Händen des Valencia-Ausschusses befänden, und daß die französische Regierung und die englische Regierung die Verantwortung für die Überwachung derjenigen Abschnitte der spanischen Küsten sich teilen sollten, die jetzt in den Händen von General Franco seien, und zwar in einer Weise, die zwischen den beiden Regierungen zu vereinbaren ist. Bei weitem der größere Teil der zuletzt genannten Küsten würde unvermeidlich der französischen Zone zugeteilt werden« (DNB. vom 29. 6. 1937, Mon. f. Ausw. Pol. 1937 Heft 7, S. 430).

Die deutsch-italienischen Gegenvorschläge in der Sitzung vom 2. 7. 1937 (siehe unten unter c); dazu die Erläuterung durch Botschafter von Ribbentrop im Nichteinmischungsausschuß vom 9. 7. 1937, Monatshefte für Auswärtige Politik 1937 Heft 8, S. 493—502) wurden ebenfalls abgelehnt. Die britische Regierung erhielt daraufhin vom Nichteinmischungsausschuß den Auftrag, einen Kompromißplan auszuarbeiten (siehe unten unter VI).

agreed that every effort would be made by all the four powers to reach a satisfactory agreement as a result of such consultations. In the event however of failure to reach agreement within a space of time appropriate to the circumstances of each case, it was understood that a new situation would be created for each of the four powers concerned in regard to which they must reserve their respective attitudes; the four powers further agreed that it was their joint objective to create the maximum international confidence, both in the efficacy and in the impartiality of the patrol system, they desired to emphasize its neutral and international character, they accordingly declared themselves ready to submit without delay for the examination of the Non-Intervention Committees practical proposals to realise this objective."

These decisions of the Four Powers have been notified to the Chairman of the Non-Intervention Committee in London, with the request that they may be made known to the other members of the Non-Intervention Committee.

b) *Note der Reichsregierung an den britischen Staatssekretär für Auswärtige Angelegenheiten, vom 23. Juni 1937*¹⁾.

London, den 23. Juni 1937.

Herr Staatssekretär,

Euer Exzellenz beehre ich mich, im Auftrage meiner Regierung folgendes mitzuteilen:

Die Reichsregierung hat nach Bekanntwerden der Angriffe auf den Kreuzer »Leipzig« am 15. und 18. Juni d. J. alsbald den anderen an der Seekontrolle in den spanischen Gewässern beteiligten Mächten mitgeteilt, daß sie nicht gewillt sei, ihre mit einer internationalen Aufgabe betrauten Seestreitkräfte weiteren Schießversuchen Rotspaniens auszusetzen. Sie hat sich hinsichtlich der von ihr zu fordernden Garantien für die Sicherheit ihrer Schiffe auf ein Minimum beschränkt, nämlich auf eine sofort auszuführende Flottendemonstration der vier Kontrollmächte, um auf diese Weise eine deutlich sichtbare solidarische Warnung zum Ausdruck zu bringen. Da die Englische und die Französische Regierung sich nicht einmal zu dieser Minimalforderung haben bereitfinden lassen, muß die Deutsche Regierung zu ihrem Bedauern feststellen, daß es an derjenigen Solidarität der Kontrollmächte fehlt, die für die Durchführung der gemeinsam übernommenen internationalen Aufgabe die unerläßliche Voraussetzung bildet. Die Reichsregierung hat deshalb beschlossen sich endgültig aus dem Kontrollsystem zurückzuziehen.

Mit der ausgezeichnetsten Hochachtung habe ich die Ehre zu sein Euer Exzellenz ergebenster

(gez.) von Ribbentrop

c) *Deutsch-Italienische Vorschläge vom 2. Juli 1937.*

(Auszug aus dem Pressecommuniqué über die 56. und 57. Sitzung des Unterausschusses des Nichteinmischungsausschusses am 2. Juli 1937 vormittags und nachmittags).

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4. The German Representative then made the following joint statement containing the proposals of the German and Italian Governments for the reconstruction of the supervision scheme.

¹⁾ Zum Ausscheiden Italiens vgl. Monatshefte f. Ausw. Politik 1937 Heft 7, S. 427.

The German and the Italian Governments have been in consultation these last days on the actual situation of Non-Intervention in Spain. They are firmly resolved to maintain the principle of Non-Intervention.

The proposal put forward in the statement which our Chairman made on behalf of the British and the French Governments on Tuesday, June 29th, cannot be considered by the German and the Italian Governments as a satisfactory solution of this problem for the reasons which have already been given in our previous meeting. The main reason is that the equality of treatment to the two parties in Spain which was granted under the four Powers' scheme has been disturbed in the favour of one party in Spain.

The two Governments are conscious of the real difficulties of the situation and think that all the more it is the duty of all to seek new ways and methods to make non-intervention as effective as possible.

With this main idea they have agreed to submit to this Committee the following new constructive suggestions:

- 1) All interested Powers agree to grant to the two parties in Spain belligerent rights. Such a decision would have the immediate effect of strengthening the policy of non-intervention, as in fact all the European Powers would add to their obligations as signatories of the non-intervention Agreement the duties incumbent on neutral States according to the principles of international law adapted to the special situation in Spain. The proposed measure would ensure, moreover, the following advantages:

Firstly, by conferring an international status to the two parties in Spain, the latter would assume towards the neutral States full responsibility for the conduct of warfare in the air, on land and on the sea.

Secondly, the patrol system by the Four Powers, which has utterly failed, as well as any other form of patrol would be unnecessary.

Thirdly, the serious loopholes existing in the former system would be eliminated, inasmuch as the ships flying either the Spanish flag or the flag of non-European countries would be submitted by the two Parties to an effective form of control.

- 2) With the exception of the patrols system which, as already pointed out, has proved an entire failure and can therefore not be continued, the present supervision system already approved by the Committee should still be maintained. The German and the Italian Governments accordingly suggest that the observation of the land frontiers of Spain as well as the system of supervision both in the ports and with the observers embarked on board of the ships flying the flag of the non-intervention countries, should be maintained.
 - 3) The German and the Italian Governments would welcome any further suggestions on these lines.
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V. Die Vorschläge der britischen Regierung vom 14. 7. 1937¹⁾.

PROPOSALS SUBMITTED BY THE UNITED KINGDOM GOVERNMENT TO THE INTERNATIONAL COMMITTEE FOR THE APPLICATION OF THE AGREEMENT REGARDING NON-INTERVENTION IN SPAIN.

The Secretary of State for Foreign Affairs to the Chairman of the Committee.
My Lord, *Foreign Office, July 14, 1937.*

I HAVE the honour to transmit to your Lordship herewith proposals prepared by His Majesty's Government in the United Kingdom in response to the unanimous request made by the Non-Intervention Committee at their meeting of the 9th July.

2. I have to request that you will circulate these proposals to the members of the Committee forthwith, informing them that it is the intention of His Majesty's Government to publish the proposals on Thursday morning, the 15th July.

I have, &c.

ANTHONY EDEN.

NON-INTERVENTION IN SPAIN.

STATEMENT BY THE UNITED KINGDOM GOVERNMENT.

At the last meeting of the Non-Intervention Committee, held on the 9th July, His Majesty's Government in the United Kingdom were entrusted by their colleagues on the Committee with the task of drawing up proposals which should aim at closing the present gap in the control scheme and enable the policy of non-intervention to be continued. This task has been no easy one. For any proposals which can be put forward with any hope of success must not only harmonize the widely divergent views which have been expressed, but must also give promise of an effective system of non-intervention.

His Majesty's Government have, however, bent their best endeavours to their task, and have evolved a scheme which they herewith submit to other Governments represented on the Committee, in the hope that it may lead to an agreed solution of the present difficulties. In submitting it, they would, however, make one observation. It is admittedly a compromise between varying points of view; it can only be successful if it is accepted by the Governments concerned in a spirit of compromise. All the nations represented on the Committee have repeatedly expressed the view that they wish non-intervention in the Spanish conflict to continue. They have now an opportunity to give to that wish practical effect. Unless a greater spirit of international co-operation is

¹⁾ Cmd. 5521. Dieser sogenannte britische Plan vom 14. 7. 1937 (vgl. auch oben S. 353 Anm. 1) wurde vom Nichteinmischungsausschuß am 16. 7. 1937 als Diskussionsgrundlage angenommen (vgl. L'Europe Nouvelle Documentaire Nr. 70 und die Rede des Botschafters von Ribbentrop, Monatshefte für Auswärtige Politik 1937 Heft 8, S. 507). Die folgende Diskussion bezog sich insbesondere auf die Reihenfolge, in der die vorgeschlagenen Maßnahmen ergriffen werden sollten (vgl. die Ausführungen des Botschafters von Ribbentrop am 30. 7. 1937, Monatshefte für Auswärtige Politik 1937 Heft 8, S. 510 bis 514). Die Verhandlungen scheiterten in der Sitzung vom 26. 7. 1937 infolge der Weigerung der Sowjetunion, der Regierung Franco die Rechte als kriegführende Partei zuzuerkennen. (Vgl. die Erklärungen des sowjetrussischen Vertreters, Le Temps vom 28. 7. 1937.) An dem durch den britischen Plan bezeichneten Stand der Verhandlungen hat sich seitdem Wesentliches nicht geändert.

evident than has been achieved in the past, this scheme will fail, and the nations of Europe will be faced with a new and infinitely more dangerous situation. His Majesty's Government in the United Kingdom therefore urge other nations represented on the Non-Intervention Committee to give to these proposals their immediate consideration, and in the event of their being accepted, to devote a real spirit of international collaboration to their practical application.

OUTLINE OF PROPOSALS.

(A) *Reconstruction of the System of Supervision.*

Supervision of traffic entering Spain by sea.

1.—(a) The system of placing observerson ships visiting Spanish ports to be continued.

(b) The naval patrol system to be discontinued and replaced by the establishment, with the consent of both parties, of international officers in Spanish ports under proper safeguards. These officers would perform the functions hitherto carried out by the naval patrol, *i.e.*, ascertaining that the requirements of the scheme as regards carrying observers on board are complied with.

Supervision of traffic entering Spain by land.

2. The system of supervision on the land frontiers to be restored at once.

(B) *Further Measures for Meeting the Present Situation and for Filling certain Gaps in the Supervision System.*

3. With a view to the more effective application of the policy of non-intervention, all Governments parties to the Non-Intervention Agreement to recognize the two parties in Spain as possessing a status which justifies them in exercising belligerent rights at sea, in accordance with the rules governing such exercise, but subject to the following special conditions:—

(a) That the contraband lists adopted by the belligerents shall be identical with the list of prohibited goods adopted by the Non-Intervention Committee. In other words, the Powers will recognize limited contraband lists only. This, however, will not preclude them from adding certain goods to those regarded as contraband under the Non-Intervention Agreement. Such additions will be a subject of negotiation between the Committee as a whole and the two belligerents.

(b) That as a corollary to (a) the two parties will agree, in the exercise of belligerent rights at sea, to allow the unmolested passage of ships carrying observers and flying the flag of the Non-Intervention Committee. This, however, will not apply where the ship is engaged in unneutral service (such as the carriage of troops or the transmission of intelligence) or breach of a blockade which has been duly notified and is effectively maintained.

(c) That since international shipping between countries other than Spain is obliged in certain areas to pass near the Spanish coast, no steps shall be taken by either party to impede or interfere with the passage of neutral shipping not engaged in traffic with Spain.

(d) A Government which is a party to the Non-Intervention Agreement will be entitled to protect ships flying its flag against the exercise of belligerent rights in cases where the conditions laid down in (a), (b) or (c) are not being complied with.

4. In order to preclude the carriage of arms on ships which are entitled to have observers on board, the Non-Intervention Agreement to be extended so as to prohibit the carriage to Spain, from any port, by ships entitled to fly the flag of any of the parties to the Agreement, of goods on the prohibited list.

5. The Committee to inform non-member Powers of their intention to recognize the belligerent status of the two parties on the above terms and to invite their co-operation with a view to making the policy of non-intervention more effective. Any Governments which are prepared to become parties to the Non-Intervention Agreement and to recognize the belligerent status of the two parties on the above terms to be invited to avail themselves, for ships flying their flag, of the facilities for taking on board observers at the established "control" ports.

6. The Committee to consider further the question of the employment by the two parties of foreign aircraft which enter Spain under their own power, and to examine in particular the possibility of requesting the two parties to accept foreign observers in specified aerodromes in Spain.

(C) *Withdrawal of Foreign Nationals.*

7.—(a) The Committee to pass a unanimous resolution in favour of the withdrawal from Spain of all persons whose evacuation is recommended in the Report of the Technical Sub-Committee (N.I.S. (36) 525).

(b) A Commission to be sent out to either party in Spain to make arrangements for and to supervise the withdrawal of the persons in question as soon as possible.

(c) All Governments to undertake to collaborate in such practical measures as may be found necessary for effecting these withdrawals.

(D) *Execution of above Programme.*

8. His Majesty's Government propose that the above programme should be carried out in the following stages:—

- (i) Establishment of officers in Spanish ports, and withdrawal of naval patrol, as soon as possible;
- (ii) Establishment of commissions to make arrangements for and supervise the withdrawal of foreign nationals, and extension of the Non-Intervention Agreement as proposed in paragraph 5, to follow (i) as quickly as possible;
- (iii) Recognition of belligerent rights to become effective when the Non-Intervention Committee place on record their opinion that the arrangements for the withdrawal of foreign nationals are working satisfactorily and that this withdrawal has in fact made substantial progress.

(E) *Immediate Action by His Majesty's Government to be Authorized by the Committee.*

9. His Majesty's Government to be authorized by the Committee to enter immediately into discussions with the two parties in Spain on the following points:—

- (1) The establishment of officers in Spanish ports (paragraph 1 (b) above).
- (2) Withdrawal of foreign volunteers (paragraph 7 above), including the establishment of the Commissions in Spain.
- (3) The conditions on which belligerent rights are to be granted (paragraph 3 above).