

*v. Janson*¹⁾ and that in his view it was difficult to understand how any ordinary person could regard the state of things here existing as other than a state of war.

He thought that the parties intended the word "war" in this clause to have the meaning which ordinary commercial men, or, say, the captain of a tramp steamer, would give to it. They meant that, if an armed conflict broke out between Japan and some other nation, that would justify putting an end to the charter. The parties did not intend to become involved in the nice distinctions drawn by writers on international law, writing long ago when conditions were different, between reprisals, intervention, peaceful blockade, peaceful penetration, and war. He decided the case . . . on the ground that in a document used by business men for business purposes the language used must be given the meaning which would be given to it by ordinary persons rather than the meaning to which it might be extended by writers on international law.

Moltke.

Völkerrechtliche Urkunden

Britisch-polnischer Vertrag über gegenseitigen Beistand vom 25. August 1939²⁾

The Government of the United Kingdom of Great Britain and Northern Ireland and the Polish Government:

Desiring to place on a permanent basis the collaboration between their respective countries resulting from the assurances of mutual assistance of a defensive character which they have already exchanged;

Have resolved to conclude an Agreement for that purpose and have appointed as their Plenipotentiaries:

The Government of the United Kingdom of Great Britain and Northern Ireland:

The Rt. Hon. Viscount Halifax, K.G., G.C.S.I., G.C.I.E., Principal Secretary of State for Foreign Affairs;

The Polish Government:

His Excellency Count Edward Raczynski, Ambassador Extraordinary and Plenipotentiary of the Polish Republic in London;

Who, having exchanged their Full Powers, found in good and due form, have agreed on the following provisions:—

Article 1.

Should one of the Contracting Parties become engaged in hostilities with a European Power in consequence of aggression by the latter against that Contracting Party, the other Contracting Party will at once give the Contracting Party engaged in hostilities all the support and assistance in its power.

Article 2.

(1) The provisions of Article 1 will also apply in the event of any action by a European Power which clearly threatened, directly or indirectly, the

¹⁾ 16 T. L. R. 438; (1900) 2 Q. B. 339.

²⁾ Cmd. 6144 Treaty Series No. 58 (1939).

independence of one of the Contracting Parties, and was of such a nature that the Party in question considered it vital to resist it with its armed forces.

(2) Should one of the Contracting Parties become engaged in hostilities with a European Power in consequence of action by that Power which threatened the independence or neutrality of another European State in such a way as to constitute a clear menace to the security of that Contracting Party, the provisions of Article 1 will apply, without prejudice, however, to the rights of the other European State concerned.

Article 3.

Should a European Power attempt to undermine the independence of one of the Contracting Parties by processes of economic penetration or in any other way, the Contracting Parties will support each other in resistance to such attempts. Should the European Power concerned thereupon embark on hostilities against one of the Contracting Parties, the provisions of Article 1 will apply.

Article 4.

The methods of applying the undertakings of mutual assistance provided for by the present Agreement are established between the competent naval, military and air authorities of the Contracting Parties.

Article 5.

Without prejudice to the foregoing undertakings of the Contracting Parties to give each other mutual support and assistance immediately on the outbreak of hostilities, they will exchange complete and speedy information concerning any development which might threaten their independence and, in particular, concerning any development which threatened to call the said undertakings into operation.

Article 6.

(1) The Contracting Parties will communicate to each other the terms of any undertakings of assistance against aggression which they have already given or may in future give to other States.

(2) Should either of the Contracting Parties intend to give such an undertaking after the coming into force of the present Agreement, the other Contracting Party shall, in order to ensure the proper functioning of the Agreement, be informed thereof.

(3) Any new undertaking which the Contracting Parties may enter into in future shall neither limit their obligations under the present Agreement nor indirectly create new obligations between the Contracting Party not participating in these undertakings and the third State concerned.

Article 7.

Should the Contracting Parties be engaged in hostilities in consequence of the application of the present Agreement, they will not conclude an armistice or treaty of peace except by mutual agreement.

Article 8.

(1) The present Agreement shall remain in force for a period of five years.

(2) Unless denounced six months before the expiry of this period it shall

continue in force, each Contracting Party having thereafter the right to denounce it at any time by giving six months' notice to that effect.

(3) The present Agreement shall come into force on signature.

In faith whereof the above-named Plenipotentiaries have signed the present Agreement and have affixed thereto their seals.

Done in English in duplicate, at London, the 25th August, 1939. A Polish text shall subsequently be agreed upon between the Contracting Parties and both texts will then be authentic.

HALIFAX.

EDWARD RACZYŃSKI.

Französisch-polnisches Protokoll über gegenseitigen Beistand vom 4. September 1939¹⁾

Le gouvernement français et le gouvernement polonais,

Voulant assurer la pleine efficacité de l'alliance franco-polonaise et tenant en particulier compte de la situation actuelle de la Société des Nations.

Sont tombés d'accord pour confirmer que leurs obligations mutuelles d'assistance en cas d'une agression de la part d'une puissance tierce continuent de se fonder sur les accords d'alliance existants.

En même temps, ils déclarent entendre désormais lesdits accords comme comportant les obligations suivantes:

Article premier. — L'engagement des deux parties contractantes de se prêter mutuellement toute aide et assistance en leur pouvoir sur-le-champ et dès le moment du déclenchement des hostilités entre l'une des parties contractantes et une puissance européenne à la suite de l'agression de celle-ci contre ladite partie contractante, s'applique également au cas d'une action quelconque d'une puissance européenne qui menacerait manifestement directement ou indirectement, l'indépendance de l'une des parties contractantes et qui serait de telle nature que celle-ci considérerait comme vital d'y résister par ses forces armées.

Si l'une des parties contractantes se trouve engagée dans des hostilités avec une puissance européenne à la suite d'une action de celle-ci qui menacerait l'indépendance ou la neutralité d'un autre Etat européen, de façon à constituer une menace manifeste pour la sécurité de ladite partie contractante, les dispositions de cet article premier s'appliqueront, sans préjudice cependant des droits de l'autre Etat européen ainsi menacé.

Article 2. — Les modalités d'application des engagements d'assistance mutuelle prévus au présent accord sont établies entre les autorités compétentes militaires, navales et aériennes des parties contractantes.

Article 3. — 1) Les parties contractantes se communiqueront mutuellement les textes des engagements d'assistance contre une agression qu'elles ont contractés ou contracteraient à l'avenir à l'égard d'autres Etats.

2) Au cas où l'une des parties contractantes aurait l'intention de contracter un engagement de ce genre après l'entrée en vigueur du présent accord, elle devra, afin d'assurer le bon fonctionnement de celui-ci, en informer l'autre partie contractante.

3) Les engagements nouveaux que les parties contractantes pourraient contracter à l'avenir ne pourront ni restreindre leurs obligations mutuelles

¹⁾ Nach amtlicher Mitteilung.