

Société; il sera ratifié et les ratifications seront déposées aussitôt que possible au Secrétariat de la Société.

Il entrera en vigueur conformément aux dispositions de l'article 26 du Pacte.

Une copie certifiée conforme du présent Protocole sera transmise par le Secrétaire général à tous les Membres de la Société.

FAIT à Genève, le trente septembre mil neuf cent trente-huit en un seul exemplaire dont les textes français et anglais feront également foi et qui restera déposé dans les archives du Secrétariat de la Société.

*Le Président de la dix-neuvième session de l'Assemblée:*

*Le Secrétaire général:*

of the League; it shall be ratified and the ratifications shall be deposited as soon as possible with the Secretariat of the League.

It shall come into force in accordance with the provisions of Article 26 of the Covenant.

A certified copy of the present Protocol shall be transmitted by the Secretary-General to all Members of the League.

DONE at Geneva, on the thirtieth day of September, one thousand nine hundred and thirty-eight, in a single copy, of which the French and English texts are both authentic and which shall be kept in the archives of the Secretariat of the League.

*The President of the nineteenth session of the Assembly:*

*Eamon de Valéra.*

*The Secretary-General:*

*J. Avenol.*

[Es folgen die Unterschriften der Delegierten von 33 Mitgliedstaaten.]

## Die britische und die französische Erklärung vom 13. Februar 1939 zur Genfer Generalakte vom 26. September 1928

### 1. Schreiben des britischen Auswärtigen Amtes an den Generalsekretär des Völkerbunds vom 13. Februar 1939<sup>1)</sup>

*Foreign Office,*

Sir,

*London, February 13, 1939.*

I AM directed by Viscount Halifax to inform you that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have had under consideration the fact that under Article 45 (1) and (2) of the General Act for the Pacific Settlement of International Disputes drawn up at Geneva on the 26th September, 1928, the next period of five years for which the Act runs, in the absence of denunciation, commences on the 16th August next.

2. His Majesty's Government in the United Kingdom remain firmly attached to the principle of the pacific settlement of international disputes, and they would be most unwilling to make use of their right to terminate their participation in the General Act as from next August. They recall, however, that in the Memorandum on the proposed accession of His Majesty's Govern-

<sup>1)</sup> Cmd. 5947. Miscellaneous No. 2 (1939).

ment in the United Kingdom to the General Act, which was issued on the 23rd February, 1931, by the Secretary of State for Foreign Affairs — the late Mr. Arthur Henderson — it was stated as follows: —

“ The initial currency of the General Act is a period of five years from the first accessions. Since these took effect in 1929 the General Act will be binding upon those who now accede to it up to 1934, when it may be either continued in its present form, or revised in the light of experience and of changes in public opinion.”

It was thus made clear by His Majesty's Government at the time of their accession that the General Act might require revision in the light of experience.

3. The time has now come for His Majesty's Government to decide whether, and if so under what conditions, they are prepared to continue to be bound by the General Act for a further period of five years.

4. So far as concerns the settlement of disputes arising in peacetime, His Majesty's Government are ready to subscribe fully to the General Act.

5. But His Majesty's Government are bound also to bear in mind that the General Act, though aimed at securing the pacific determination of disputes between nations, is by its present terms applicable also in the possible event of disputes arising during war. In particular, they cannot exclude from consideration the changes which have occurred in regard to the League of Nations, and the position of its members in relation to their obligations under the Covenant.

6. His Majesty's Government in the United Kingdom have therefore reached the conclusion that in the unhappy event of their finding themselves at war at any time in the future they could not continue to be bound by the Act as regards disputes arising in such conditions.

7. His Majesty's Government would be ready to consider any proposals which might seem likely to secure general acceptance for the revision of the Act so as to bring it into conformity with present conditions.

8. I am therefore directed to notify you that, availing themselves of the provisions of Article 45 (4) and Article 39 of the General Act, His Majesty's Government in the United Kingdom will continue, after the 16th August, 1939, to participate in the General Act for the Pacific Settlement of International Disputes subject to the reservation that, as from that date, the participation of His Majesty's Government in the United Kingdom in the General Act will not, should they unfortunately find themselves involved in hostilities, cover disputes arising out of events occurring during the war. This reservation applies also to the procedure of conciliation.

9. I am to add that the participation of His Majesty's Government in the United Kingdom in the General Act after the 16th August, 1939, will continue, as heretofore, to be subject to the reservations set forth in their instrument of accession.

I am, &c.

GEORGE MOUNSEY.

**2. Schreiben des französischen Aussenministers an den Generalsekretär des Völkerbunds vom 13. Februar 1939<sup>1)</sup>**

Monsieur le secrétaire général,

J'ai l'honneur de porter à votre connaissance que le gouvernement de la République française, au moment où l'acte général d'arbitrage est sur le point

<sup>1)</sup> Temps v. 5. 3. 1939.

d'entrer dans une nouvelle période de 5 ans, conformément à l'article 45 dudit acte, a pris en considération la situation telle qu'elle se présente pour lui à cet égard.

Le gouvernement de la République entend maintenir l'adhésion qu'il a donnée audit acte. Il lui faut toutefois tenir compte de la situation nouvelle qui résulte, tant de la sortie de certains Etats de la Société des Nations que de l'interprétation que certains membres de la Société ont donnée de leurs obligations résultant du pacte.

D'autre part, il ne saurait perdre de vue que, selon le principe admis par les conventions de la Haye, les Etats belligérants doivent, en temps de guerre, être tous soumis aux mêmes règles.

En raison de ces considérations, et me référant aux articles 39, alinéa 2, et 45, alinéa 4, dudit acte, j'ai l'honneur de vous adresser la déclaration suivante:

«Le gouvernement de la République française déclare ajouter à l'instrument d'adhésion à l'acte général d'arbitrage, déposé en son nom le 21 mai 1931, la réserve que désormais ladite adhésion ne s'étendra pas aux différends relatifs à des événements qui viendraient à se produire au cours d'une guerre dans laquelle il serait impliqué.»