APPENDIX

An article appeared in The Labour Leader in February, 1915, which contained the following article and notes taken from the Pall Mall Gazette of February 4th and 5th, 1887. At that time Mr. W. T. Stead was the editor of the paper.

ENGLAND AND BELGIUM.
ARE WE BOUND TO INTERVENE?
THERE IS NO GUARANTEE.

The Standard this morning gives special prominence to a letter signed "Diplomaticus" on the neutrality of Belgium. It also devotes its first leading article to the subject. The gist of these utterances may be summed up in two propositions: (1) England is under a treaty of obligation to defend the neutrality of Belgium; (2) But circumstances have altered since the contraction of the said obligation, and as against Germany, at any rate, England must pocket its pledges, and allow France to be invaded through Belgium without protesting or interfering.

Considerable importance is likely to be attributed to these conclusions abroad owing to its being understood that The Standard is at present the Governmental Salisburian organ. Each of the propositions laid down by our contemporary is, it will be seen, likely to be taken hold of. Germany might read the
second as an invitation to invade France through Belgium; France might read the first as an admission of our obligation to prevent, or rather to punish, such an infringement of neutral territory, if we dared.

It becomes important, therefore, to point out that The Standard's argument rests on a false assumption. We do not for the present argue whether in the contingencies contemplated it would be England's interest to intervene by declaring war against whichever belligerent might violate the neutrality of Belgium; we confine ourselves to the preliminary statement essential for clearing up the case — that it is not England's obligation to do so.

The origin of the mistaken views prevailing on the question is undoubtedly a confusion between the Special Treaty of 1831 and 1839 which it temporarily superseded. By the treaty of 1870 the obligation of England was, of course, clear and specific. Here is the pledge which was given in the identical treaties concluded mutatis mutandis with both France and Prussia:

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland declares that if during the said hostilities the armies of France (or Prussia) should violate the neutrality of Belgium, she will be prepared to co-operate with his Prussian Majesty (or the Emperor of the French) for the defence of the same in such a manner as may be mutually agreed upon, employing for that purpose her naval and military forces to ensure its observance."

There could be no doubt about that pledge; but then it expired twelve months after the conclusion of peace. At the expiration of that period, so the treaty continued:
"The independence and neutrality of Belgium will, so far as the High Contracting Parties are respectively concerned, continue to rest as heretofore on the first article of the Quintuple Treaty of the 19th of April, 1839."

Now, what some people do is to read this treaty of 1839 by the light of the more specific treaty of 1870, and to deduce from the former the same obligation on the part of England to intervene against any infringement of Belgium's neutrality as was contained in the 1870 treaty.

This, however, is a completely untenable proceeding. The treaty of 1839 must stand on its own legs, and these, it will be seen, are by no means very strong. The following are the terms of its second article:

"His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the French, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of Prussia, and His Majesty the Emperor of all the Russias, declare that the articles hereby annexed to the treaty concluded this day between His Majesty the King of the Belgians and His Majesty the King of the Netherlands, Grand Duke of Luxembourg, are considered as having the same force and value as if they were textually inserted in the present act, and that they are thus placed under the guarantee of their Majesties."

Here, then, we are sent off from the treaty between the Great Powers to the treaty between Belgium and the Netherlands. The seventh article of this treaty (which is identical with the same article of the 1831 treaty) runs:

"Belgium will form, within the limits indicated in 1, 2 and 4, an independent and perpetually neutral State. She will be bound to observe this same neutrality toward all other States."
In this treaty it will be seen there is nothing about any guarantee; all that can be elicited from it, and from the one cited as referring to it, is this, that this clause is placed under the guarantee of "their said Majesties," that is, England, Austria, France, Germany and Russia.

But that is not all. This constructive guarantee must be considered in relation to the party to whom it was given — namely to the Netherlands. For the treaty of 1839 was one between the five Powers on the one hand and the Netherlands on the other; and what the five Powers did was to guarantee to the Netherlands the treaty contracted between it and Belgium, one clause of which treaty said that Belgium should form, "an independent and perpetually neutral State" and should "be bound to observe such neutrality toward all other States."

In the treaty of 1831, it is true, there was a further article guaranteeing the execution of all preceding articles (including, therefore, the one just cited in similar terms from the 1839 treaty) to the King of the Belgians, but in the 1839 treaty, on which the independence of Belgium is now said to rest, Lord Palmerston omitted any such guarantee.

There is, therefore, no English guarantee to Belgium. It is possible, perhaps, to "construct" such a guarantee; but the case may be summed up as follows: (1) England is under no guarantee whatever except such as is common to Austria, France, Russia, and Germany; (2) that guarantee is not specifically of the neutrality of Belgium at all; and (3) is given not to Belgium but to the Netherlands.
OCCASIONAL NOTES

The attempt of the Morning Post to prove that this country is under a guarantee to Belgium to defend its neutrality is highly unsuccessful. "The treaty of the 15th of November, 1831," it says, "was cancelled by treaties of the 19th of April, 1839, but the provisions regarding the neutrality of Belgium remained intact." This, as we pointed out yesterday, is not the case. The treaty of 1831 was with Belgium, and the execution of its articles (including one which provided for the neutrality of Belgium) was guaranteed to the King of the Belgians. But in the treaty of 1839, though the article asserting the neutrality of Belgium remains, the guarantee disappears. It is the more surprising that the Morning Post should be at such pains to prove that there is still a guarantee, since the only action it would in any case recommend being taken on is a platonic protest. To construe a non-existent guarantee in order to have the privilege of uttering an unavailing protest is surely the very superfluity of futility.

But the line taken by the Morning Post is perhaps not quite so absurd as that which The Standard yesterday suggested, and a correspondent repeats this morning. We are to construct the guarantee and are then to declare our obligation to defend the neutrality of Belgium against all comers. But when any particular comer infringes that neutrality we are to grant him a special dispensation. The Standard and its correspondent speak only of giving this dispensation to Germany; what is to be allowed to Germany could not be denied to France. Our defence of the neutrality of Belgium would thus be never to-day but always every other day; it would be as-
asserted against any one in general, but withdrawn against any one in particular. With such absurdities staring them in the face, it is surprising that our contemporaries do not take the trouble to ascertain that the guarantee which they are so ingeniously but unheroically whittling down does not in fact exist at all.

The Spectator, February 5, 1887. . . . The general idea is that England will be kept out of this war. . . . That she will try to do so we do not doubt, but there is the Belgian difficulty ahead. Our guarantee for her is not a solitary one, and would not bind us to fight alone: but there are general interests to be considered. The probability is that we shall insist on her not becoming a theatre of war but shall not bar — as indeed we cannot bar — the traversing of her soil.
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