

International Law Studies—Volume 41

INTERNATIONAL LAW DOCUMENTS

1941

U.S. Naval War College (Editor)

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S.

Government, the U.S. Department of the Navy or the Naval War College.

Realizing the need for coordinating their common efforts the Government of the United States perceives every advantage in centralizing the discussion of those matters relating to the prosecution of the war with the French National Committee in London. An essential part of the policy of the Government of the United States for war collaboration is assistance to the military and naval forces of Free France, which is being extended under the terms of the President's statement of November 11, 1941, that the defense of those French territories under the control of Free French forces is vital to the defense of the United States.

In harmony with the foregoing observations the Government of the United States is prepared to appoint representatives in London for purposes of consultation.

DEPARTMENT OF STATE,
Washington.

LII. FRENCH SHIPS AT ALEXANDRIA, EGYPT

(Dept. of State Bulletin, Vol. VII, No. 160, July 18, 1942)

In his press conference on July 14, Under Secretary of State Welles outlined statements which the United States Government has made to the French Government at Vichy with regard to French warships at Alexandria. He pointed out at the outset that these French warships at Alexandria are understood by the United States Government as being outside the provisions of the Armistice agreement entered into between the French Government at Vichy and Germany. Mr. Welles said that these warships were in Alexandria at the time of the

Armistice signature and were there in accordance with naval understandings between the French Government and its then ally, Great Britain. The Under Secretary said that, on July 3, in view of the situation which existed at that time in North Africa, President Roosevelt made the following proposal to the French Government at Vichy. The President made it clear that he hoped that the French ships at Alexandria could be placed in the protective custody of the United States, to include passage of the French ships through the Suez Canal, thence to a secure and remote part of this hemisphere for the duration of the war, either in a port of the United States or in some neutral port, with a guaranty of the return of these ships to France at the end of the war. The President said, Mr. Welles added, that he felt that this proposal was in the interest of France; he stated further that if this offer on behalf of the United States was not accepted by the French Government, the British, knowing of this offer, would of course be properly and wholly justified in ordering the French ships through the Suez Canal, and, if the order was not obeyed, they would be wholly justified in destroying the ships to prevent them from falling into the hands of the enemy. Mr. Welles said the offer made at that time by the President was rejected by the French Government. On July 9, the Under Secretary continued, the President made a further proposal to the French Government. He proposed that if the French Government agreed that the French naval units now at Alexandria be withdrawn by way of the Suez Canal, the Government of the United States by agreement with the

British Government would grant safe passage to Martinique, where they would not be used by either of the two belligerent Governments, namely, the United States and Great Britain, but where they would be immobilized for the duration of the war on the same basis as other French warships now at Martinique, with the assurance that at the end of the war they would be restored to the French people. The two Governments would further agree, Mr. Welles said, to periodical relief and repatriation of the crews after they had reached Martinique, on the same basis which would have obtained had they remained at Alexandria. The President made this proposal in view of his belief that no matter what military situation might develop in North Africa, these French ships would be in imminent danger because of the possibility of enemy attack, and said specifically that in the opinion of this Government, since these ships have from the beginning occupied a special, and are now in a precarious, situation, they are not within the operative provisions of the Armistice agreement, and hence the arrangement proposed by the President would not violate the said agreement, Mr. Welles added. The Under Secretary said he was sorry to say that that offer of the President has also been refused by the French Government at Vichy, which is insisting that the French ships proceed to a nearby French port. In other words, Mr. Welles said, the French Government at Vichy is refusing the proposal solely on the ground that the French port suggested by the President is not nearby, and apparently not sufficiently close to German and Italian hands. The Under Secretary

said that he felt certain that the French people themselves will regard this offer made by the President as very much in their interest, since it would have assured the safety of the crews of those vessels and would have assured the French people themselves that at the end of the war these French naval vessels would have been returned to them.

LIII. STATUS OF AUSTRIA

(Dept. of State Bulletin, Vol. VII, No. 162, Aug. 1, 1942)

At the Secretary's press conference on July 27 a correspondent stated that there appeared to be some confusion with respect to the view of this country as to the present status of Austria and asked for clarification on this point. The Secretary replied:

"It is probable that such confusion, if it exists, has arisen from administrative steps which may have been taken by this Government in pursuance of its own laws designed to afford adequate protection to this country's interests in dealing with the situation presented by the imposition of military control over Austria and residents of Austria by Germany. This Government very clearly made known its opinions as to the manner in which the seizure of Austria took place and the relation of that seizure to this Government's well-known policy toward the taking of territory by force. This Government has never taken the position that Austria was legally absorbed into the German Reich."