The New Naval Agreement

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THE NEW NAVAL AGREEMENT

By Norman H. Davis

Few international conferences can ever have met under less auspicious circumstances and with less promise of success than did the London Naval Conference of 1935. The system of naval limitation established by the Washington Treaty of 1922 and the London Treaty of 1930 had immensely benefited all the naval powers and injured none of them. Notwithstanding this fact, it became apparent as the date for the recent conference approached that it would be most difficult — indeed that it probably would be impossible — to agree upon a renewal of the existing treaties or a continuance of naval limitation on the old basis.

Preliminary bilateral discussions had been begun in London in June 1934, on the initiative of the British Government, in the effort to find a satisfactory basis on which formal negotiations might be undertaken with some promise of eventual agreement. The result of these preliminary conversations was not encouraging. But the terms of the Washington and London Treaties, which expire December 31, 1936, made it obligatory that a conference be held in 1935. It was also felt that, in spite of the apparent difficulties, no stone should be left unturned in the effort to negotiate a treaty which would at least preserve the principle of naval limitation and avoid the chaotic situation that would result if upon the expiration of the two existing treaties there should be no agreement whatever to take their place.

The conference convened, then, in London on December 9. Almost before it had settled down to its work, the Japanese delegates advanced (virtually as a sine qua non to agreement) a proposal for a so-called “common upper limit” which, in effect, meant the complete scrapping of the basis on which the existing system of naval limitation rests.

In substance, what Japan proposed was to change the existing ratio of 5–5–3 for the United States, Great Britain and Japan respectively, to a ratio of 3–3–3 or 5–5–5. The Japanese delegates preferred that this naval parity be achieved by a scrapping of American and British ships until the navies of these two Powers had been brought down to the size of the Japanese; alternatively, they suggested that Japan increase its fleet to the level of the other two. They admitted that different nations had varying degrees of
vulnerability and varying needs, and that naval parity and equal security are not synonymous. But they argued that the acceptance of their proposal would help to equalize vulnerability, and added that in any case, as a matter of national prestige, they could not agree to negotiate a new naval treaty on any other basis.

During the ensuring thorough and frank discussion of the Japanese proposal, lasting over the Christmas recess and until the middle of January, evidence accumulated that it could not be accepted as a practical basis for negotiation or agreement. The United States and Great Britain agreed that Japan was entitled to equal security. But they pointed out that this had in fact been achieved under the Washington and London Treaties. They also explained that on account of their geographical situation, their extensive coast lines, and their distant outlying possessions, they required larger navies than Japan in order to maintain equal security. They could not, therefore, agree to naval parity for Japan, the effect of which would be to give her naval superiority, i.e. superiority of attack and defense. France and Italy likewise rejected the Japanese proposal. Admiral Nagano and his colleagues thereupon withdrew from the conference, leaving observers to follow its progress.

Although the Japanese withdrawal increased the difficulties in the way of negotiating any kind of agreement, the representatives of the other Powers at the conference decided to remain in London and endeavor to work out some sort of solution of the problem confronting them. The results justified the decision, for in spite of the Japanese withdrawal we succeeded, after considerable time and effort, in negotiating a treaty which not only preserves the principle of naval limitation, although on a new basis, but also contains important new provisions which we believe will be beneficial.

The new Treaty was signed in London on March 25, 1936. It differs in substance from the two previous naval treaties in that it contains no provision for the direct quantitative limitation of naval armaments. Desirable as a continuation of quantitative limitation might have been, it did not lie within the realm of the possible. It is not possible to limit aggregate naval tonnage without fixing ratios; and the two earlier treaties are about to lapse because, with the exception of Great Britain and the United States, none of the parties thereto were willing to be bound any longer by ratios. Furthermore, the liking of Britain and America
for ratios arises in no small measure from the fact that they have the highest ratio and accept the principle of parity as between themselves.

The many technical features of the new Treaty, inevitable in a document dealing with such matters, may tend to obscure, for the casual reader, its important substantive provisions. On the positive side, it is designed to accomplish two main things: first, to devise an acceptable and workable method for preserving the principle of naval limitation; second, to prevent a naval race, this to be accomplished by limiting, reducing, and standardizing the size of ships and the caliber of guns and providing for the exchange of full information as to all projected and actual naval construction.

Since the new Treaty establishes no quantitative limitations, each Power has equal rights to build as many or as few ships as it chooses. There are, however, very definite and important limitations as to the type of ship which may be built and the caliber of guns which may be carried.

Even apart from the political difficulties of reaching a quantitative agreement, there is much to be said for a purely qualitative limitation. As soon as there is any question of fixing a top limit for the various Powers, a tendency develops on the part of each Power to make it a high limit; and afterwards there is a tendency to build up to that limit out of reasons of prestige. The fixing of a top limit also means fixing a ratio, and we have seen that ratios inevitably raise questions of national pride. Qualitative limitation, on the other hand, raises no question of national pride or prestige. In combination with a full exchange of information, it should prove to be an effective way of preventing competitive naval construction.

Nations, like individuals, are inclined to clamor to do what they are told they cannot do, whether or not there is any real reason to do it. If left to themselves to decide how many ships they require, many countries may find that their naval needs are relatively modest.

In the new Treaty the maximum size of battleships is left at 35,000 tons, as established by the previous treaties. But the caliber of guns on future battleships is to be reduced from 16 to 14 inches, provided all the Powers which signed the Washington Treaty enter into a previous agreement to that effect. The age limit of battleships has been increased by six years (from 20 to 26
years) in order to prolong their life, thus effecting substantial replacement savings.

A new feature is what is called the "zone of non-construction" between the battleship and cruiser classes. The signatories agree not to construct battleships between 8,000 and 17,500 tons; nor may battleships mount a gun less than 10" in caliber. This provision is inserted to prevent the sudden introduction of a "surprise type" of ship, like the German pocket battleship, which by definition would be a capital ship but in reality would be a cruiser, thus upsetting the present limits and creating a new and most dangerous form of competition.

Aircraft carriers are to be reduced from 27,000 to 23,000 tons; and the maximum size for submarines has been placed at 2,000 tons.

Light surface craft, which includes cruisers and destroyers, are divided into the following three categories: "A." Vessels which carry a gun in excess of 6" but not exceeding 8" caliber, and which do not exceed 10,000 tons displacement. "B." Vessels which carry a gun of 6.1" or less and which do not exceed 10,000 tons. "C." Vessels which carry a gun of 6.1" or less and which do not exceed 8,000 tons. With a view to effecting as much limitation as is possible under existing circumstances, the American delegates agreed, upon certain conditions, that there should be no increase in the existing numbers of "A" Cruisers and "B" Cruisers in excess of 8,000 tons during the next six years. In accepting this so-called holiday in construction we did not sacrifice any American principle or agree to anything detrimental to our national security. In so far as the United States is concerned we now possess, either built or building, all of the 10,000 ton cruisers which we were permitted to have under the London Treaty; and we have no desire or need to increase this type of cruiser except in case of an excessive increase in the construction of cruisers by some other Power or Powers. In that event we have the right under the Treaty to terminate the cruiser holiday and to construct additional 10,000 ton cruisers if we deem it necessary.

One of the most important chapters of the new Treaty is that which provides for exchange of information between the contracting Powers or others which may later adhere. Under the two former naval treaties, provision was made for information to be given only after construction had been started and completed. Under the new arrangement, no construction is to be put into
effect and no keel is to be laid without four months' notice to the other parties to the Treaty. This is a great improvement over the Washington and London Treaties. To the layman it may seem unimportant; but to naval experts or those conversant with the naval problem the removal of uncertainty is a feature of considerable importance. It provides against any sudden development of naval building, both as to type and quantity, which would seriously disturb the relative naval security of the Powers parties to the Treaty. It reduces suspicion and the incentive to try to get the lead in naval construction or to start a naval race.

In view of the fact that some of the principal naval Powers did not sign the Treaty, we thought it necessary to provide for an escape under certain contingencies. Obviously the contracting states could not afford to restrict themselves unduly in case the naval construction of states outside the scope of the treaty should menace their national security. While these escape clauses are so drafted as to give each Power ample assurance of being able to meet unforeseen contingencies, it is not contemplated that the whole structure of the Treaty will be destroyed by a simple non-compliance with the letter or the spirit of its provisions. Only in case a country should consider that the requirements of its national security are seriously affected by the actions of a non-contracting party or other change in circumstances, will it undertake to put into operation the machinery to release it from its treaty obligations. "Escape clauses" are not new; and experience has shown in the case of other naval treaties that they are not lightly called into use. A Power which wishes to avail itself of the right to be let out must set forth in detail its reasons and justify its action to the other treaty Powers.

The present signatories of the new Treaty are Great Britain, Australia, Canada, New Zealand, France and the United States. Although the treaty has not been signed by two of the Washington Treaty powers, namely Japan and Italy, it has been left open for their future adherence. The Italian delegates collaborated throughout in the formulation of the Treaty and it is expected that Italy will sign at a later date. Also, Japanese observers remained to follow the work of the conference and it is hoped that Japan will see fit later on to adhere. It is furthermore expected that Germany and Russia will adhere to the principles of the Treaty through bilateral treaties with Great Britain.

As three of the Principal naval Powers — the United States,
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Great Britain and France — have agreed upon a limitation as to the types of vessels which may be built, there is reason to expect the non-contracting naval Powers to adhere to the types established, unless they wish to assume the responsibility and onus of starting a naval race. I do not believe this will be the case.

Although no limits have been placed on the size of their fleets, England and America have agreed that as between themselves there shall be no competitive naval construction. In an exchange of letters between Mr. Eden, the British Foreign Secretary, and myself, as Chairman of the American Delegation, this point of fundamental importance was recognized. These letters reaffirmed the understanding that the principle of parity between the fleets of the United States and of the British Commonwealth of Nations, which was established in the Washington and London Treaties and which has become a well-established principle acceptable to the British and American peoples, shall continue to govern their naval policies. The assurance that there shall be no naval race between the two leading naval Powers should have a stabilizing effect in these uncertain days.

In view of the difficulties which stood in the way, we considered that we were fortunate in being able to negotiate a treaty at all, especially one which not only preserves the principle of naval limitation but which has important advantages, notably in that it is less rigid and less restrictive than previous naval treaties and hence may prove more enduring and more practical. Of course, some things are not in the Treaty which we should have liked to see there. There is nothing in it, however, which the United States does not want. There is nothing which is unfair or injurious to any naval Power. And there is much in it which will be of benefit to all the naval Powers if accepted and lived up to by them. Thus one may hope that those states which have not yet signed the Treaty will see fit to accept and adhere to its provisions.

In contrast to the low spirits with which the conference began, its participants separated feeling that they had negotiated a treaty which did not prejudice the interests or wound the susceptibilities of any nation. They felt, too, that they had demonstrated that with patience and perseverance it is still possible to contribute positively, even under adverse circumstances and in a time of extreme international stress, to the cause of world security and peace.