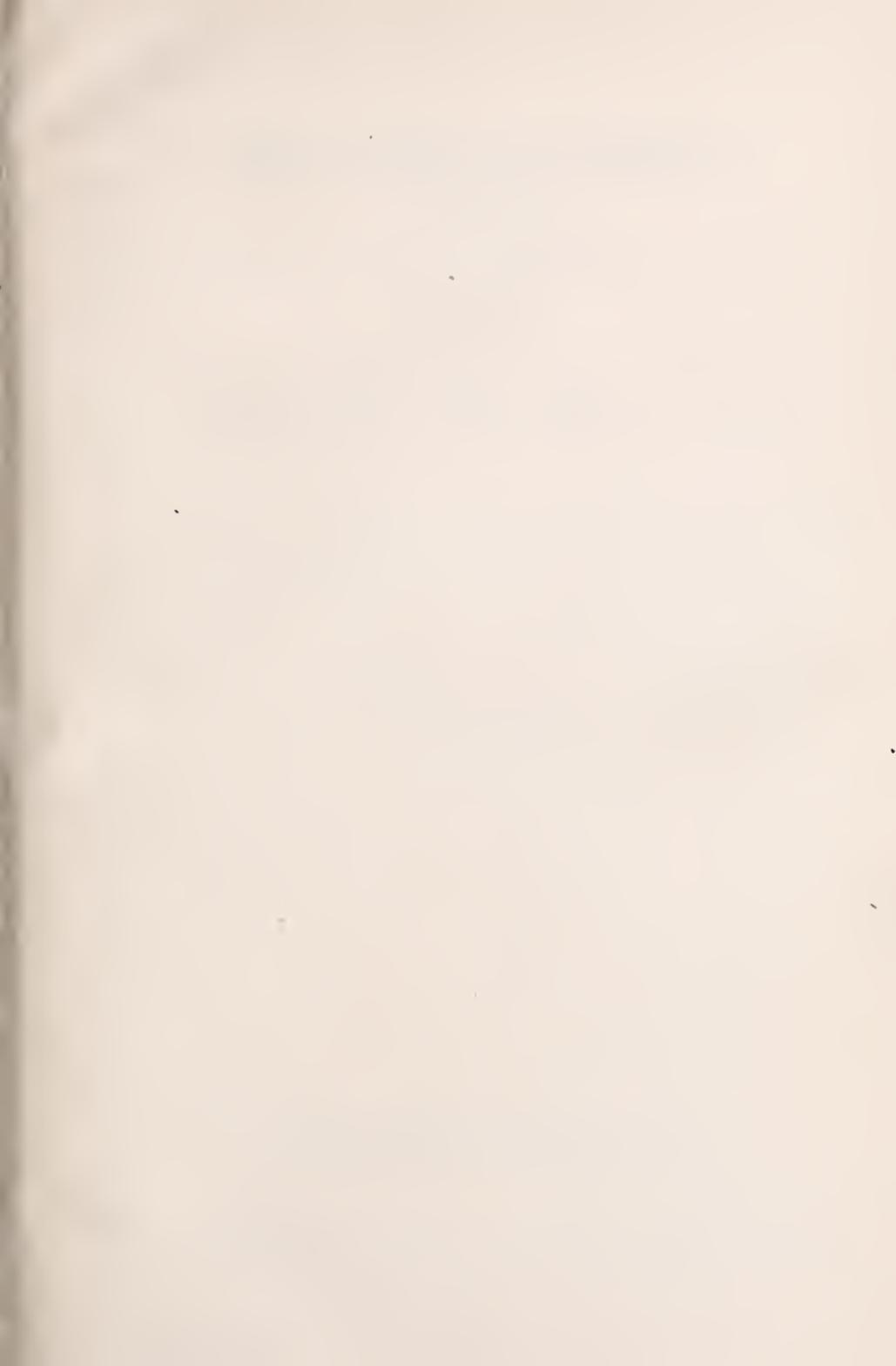




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World Peace Foundation

LEAGUE OF NATIONS

VOLUME IV
1921

WORLD PEACE FOUNDATION
40 MT. VERNON STREET, BOSTON

World Peace Foundation

Boston, Massachusetts

FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

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PREFACE

Said Léon Bourgeois in the debate on mandates at the 30th plenary meeting of the Assembly of the League of Nations on December 18, 1920:

“Let us not be skeptical and let us not be impatient. Remember that the League of Nations is a new-born child and wants time in order to acquire strength for the tasks of the future. . . . There are many men in the world who are looking upon this Assembly and looking upon us now with a hypercritical view so that not a single point of difference of opinion between any of the Members is missed by those men. As soon as they suspect any little difference of opinion they immediately start to write to the world's press and distribute hundreds of telegrams to the various countries saying that the League of Nations is in danger and that it is in process of dissolution. I say that the League of Nations is not in process of dissolution. On the other hand, these writers, when they are faced with a unanimous vote, make little count of it, and they much prefer to emphasize our tiny, insignificant points of difference. Let the skeptics smile; but let us be sure that the fruit of our deliberations will soon be placed before the public, and then the number of people that have confidence in us will increase.”

This publication, quite independently of the distinguished Frenchman's knowledge, aims to do what he anticipated. It gives an adequate account of the problems before the first Assembly of the League of Nations and the substance of the more important debates. Every effort, consistent with clearness, has been made to present the facts as nearly as possible in the actual words of the participants. All resolutions and recommendations of the Assembly—complimentary ones omitted—are given textually, being printed in solid 10-point type, as distinguished from the leaded 10-point type of the regular text and the leaded 9-point employed for quotations.

Aside from the narrative necessary to bind the discussion together or to summarize it, the entire work is taken exclusively

from official sources. There have been used in its preparation 267 Assembly Documents, referred to by the abbreviation A.D.; the Provisional Verbatim Report of the 31 plenary meetings; the 21 numbers of the Procès-Verbaux of the Committees; and the 36 numbers of the Journal of the First Assembly. The permanent Record has not yet reached us, and on that account references are omitted. The material has, however, been carefully assigned to its proper session, to facilitate finding the original passage in the permanent print, should the reader have occasion to do so.

THE FIRST ASSEMBLY OF THE LEAGUE OF NATIONS

I. INTRODUCTION

The first Assembly of the League of Nations was held at Geneva November 15 to December 18, 1920. Since May, 1919, the League had been in being under the auspices of an Organization Committee of the Paris Peace Conference; and since January 10, 1920, it had been in legal existence by virtue of the entrance into force of the treaty of Versailles. The Council had met ten times and together with the Secretariat had organized the League so far as possible. In addition, the Council had done a great amount of work within its competence.

The Assembly had before it the task of completing the organization of the League, making itself a reality along parliamentary lines and of handling various questions within its competence and incident to the world situation. The meeting of the Assembly was the first gathering of nations under a permanent agreement made in advance; it was the first direct contact of the majority of the member states with the League which they had joined. The work outlined for the Assembly was, consequently, to depend upon how 41 states—big and little—would work together; and the question thus brought forward was of importance because the bulk of the Assembly's work was the building of the structural framework within which the League would develop in the future. How many rights would states intrust to the League; would big and little states harmonize their interests for the general good?

The answer was satisfactory; the framework, as set up, left each state its right to decide essential questions, but at the same time built for the general interest. Africa, the Americas, Asia and Europe met in the common forum and produced, with a minimum of friction, decisions which made the League of Nations an all but universal instrument "to promote international co-operation and to achieve international peace and security" by organic means agreeable to them all.

But let the Assembly speak for itself. Paul Hymans of Belgium presided at the first meeting and then voiced the purposes of the Assembly and of the League:

“Our aim is in the first place to establish frequent and friendly intercourse between independent states and to form ties which will lead to mutual understanding and sympathy.

“By the good offices of the Council and the Assembly, by arbitration and conciliation, and by the establishment of a regular and permanent international jurisdiction, by a series of organizations within which, as it were in laboratories, financial, economic and commercial problems, the conditions of labor and questions of health will be subjected to an impartial and objective investigation, the League of Nations will be able to play a powerful part in preventing dangerous crises, in the settlement of disputes which, if prolonged, run the risk of becoming more bitter and more acute, and in improving the moral and material lot of the peoples by wise co-operation.

The Common Life of Nations

“In a word, our ambition is to create by degrees within ever widening spheres a certain common life of nations, ruled by the principles of justice, swayed by good faith and loyalty, and inspired by an international spirit. By an international spirit I mean the spirit which places general interests above individual interests, the spirit of fraternity which strives to alleviate the sufferings of peoples and the difficulties under which the Governments labor, to co-ordinate their action and to appease the hates and rivalries which sometimes suddenly give rise to those great outbursts of madness which shake the world to its foundations and threaten to ruin the work of centuries.

“Thus it is that we are not working together for the accomplishment of a work of practical utility only, but we are pursuing a lofty ideal to which our hearts and thoughts aspire.

“In spite of criticism—sometimes very severe criticism, which comes from far away and precisely from that quarter from which we hoped and continue to hope for fruitful collaboration—we have the conviction that the League of Nations responds to a need and an appeal which comes from the soul of the peoples

after the frightful drama from which we have just emerged, an appeal and a need for justice, harmony and peace.

"In every national entity morality imposes upon each individual duties toward others and duties toward the nation as a whole. There is a moral law for nations as for individuals, and nations, like individuals, have necessarily relations one with another. They have their mutual duties as well as their mutual rights, and they also have their duties to the whole of human society.

"Without destroying the features which distinguish our nationalities and our races, without denying or attempting to diminish the individual character of the different peoples, their special gifts and vocations, let us endeavor to insure their collaboration in the work for the common good. Working together, let us seek to prepare and step by step to achieve the reign, so long awaited, of international morality and human right."

"It Works; It Acts; It Lives"

Mr. Hyman in his closing address as President of the First Assembly summed up its work in words continually applauded by the representatives of 45 states. Among apt tributes to place and personnel, to work done and foundations laid, he gave voice to many general verdicts, of which the following are notable:

"It was said five weeks ago, at the opening of this session, that we were making a great experiment. To-day I think I can say that the experiment has succeeded. The League of Nations has found itself; it works; it acts; it lives, and it has the will to live. For five weeks now we have been engaged in work and discussion. The Assembly has been divided into numerous committees, and into even more numerous subcommittees. In these committees, in which all the states were represented, and in the subcommittees, care was taken to secure the presence of all the most expert and competent men. The work undertaken by these bodies has been painstaking, thorough, conscientious; and all the questions considered have been submitted to the most searching investigation. Let me quote only one instance, that of the committee intrusted with the scheme for an International Court of Justice. This committee held 22 meetings.

"It is well to recall these facts, when we reflect, Gentlemen,

that when we met we were to some extent in an inorganic state. . . . Our methods of discussion, our means of action, were all uncertain. With a promptitude which does it credit, and which has certainly surprised many parliamentarians and perhaps many Parliaments, the Assembly determined its rules of procedure in two sittings, it determined clearly its relations with the Council, it fixed its budget. It was wise enough—if I may express an opinion now that my presidency is terminating—it was wise enough to decide not to revise the Covenant immediately. It wished to put it to the test, to set it in motion; it wished to let time pass, so that it might allow the schemes to mature, rejecting nothing, being ready to examine all, to discuss all, and submitting to a commission to be nominated by the Council the carefully studied schemes dictated by experience, so that in the fullness of time, after a year, the Assembly may at length give its decisions and modify, if it thinks fit, the original plan.

“Built the Temple of Right”

“But we share one hope and one purpose—Peace. And there is no one who desires it more than we do; we upon whom a glorious destiny laid the duty of fighting for the right and liberty of the world. The greatest task of this Assembly, and its principal achievement for Peace was the constitution of the International Court of Justice. This idea has been germinating for many years. To-day we see its fruition. Jurists, who were among the most eminent in the world, prepared the draft scheme at The Hague; the Council investigated and considered it thoroughly and at length. After the Council came Committee No. 3, then a subcommittee of specialists, and finally we have been privileged to witness that after a long day of important deliberations, in which the most eminent members of this Assembly took part, the proposed resolutions were unanimously adopted.

“We have built for you, Gentlemen, what I may call the Temple of Right, the Palace of Peace. In this draft, now submitted to the Governments, is a clause to which I wish to draw the attention of public opinion. It is this new clause of Article 36, permitting the states by a simple unilateral declaration, with whatever methods or reservations they prefer, to admit its

obligatory competence for all disputes of a juridical nature. Here, Gentlemen, we have made a considerable step forward. The progress we have made will leave its mark on the history of Right: it is opening the road to obligatory arbitration.

“I think I may say that a spirit of fraternity and sincerity has dominated our personal relations. One of the characteristics of this great Assembly, where so many men hitherto unknown to each other have met together, has been the cordiality of their relations, and this is to be explained not only by their character and their sociability, but also by a profound uniformity of thought. . . . There have been differences of opinion, but we have always felt agreed upon our aim, and in truth, we have been divided merely by shades of opinion and not by principles. How could it have been otherwise? How could we avoid divergences between men assembled from all corners of the world; men from the north whose outlook is colder, men from the south of more ardent and spontaneous temper, men from Africa, Asia, America, representatives of young states and representatives of old civilizations. But, I repeat, on our aims, on the ideal which led us, on the desire for justice and peace, on these points there was no disagreement; we felt ourselves united all the time.

Equality of States Re-established

“One of the features of this Assembly has been the recognition of the equality of states. It is a feature to which we must draw attention, the more particularly because we are emerging from a period which is still very recent when a strange and artificial distinction was still drawn between the states which were called states with limited interests, and those which were called states with general interests. The interest of humanity and the interest of the world is a general interest. The small states, whatever the size of their territory and whatever their population, have the same interest as large states in the safety of humanity. *Nihil humani a me alienum puto*. . . .

“I will not say that we are all old, but many of us are already the men of yesterday; some of us can still claim to be the men of to-day; but I appeal to the men of to-morrow. It is upon them that the great burden is laid, on youth, on the youth of all the

countries in the world, and especially on the youth which has fought and shed its blood, which has garnered the glories of the war and witnessed its horrors; it is to youth that I appeal to construct the new moral world which is indispensable to the full growth of the League of Nations. We must persevere in our task and proceed upon our way. Proud in our hope and the consciousness of our lofty duty, we must persevere in our path to our glorious destiny."

II. COMMITTEES, ELECTIONS AND PUBLICITY

After the provisional adoption of rules of procedure at the second plenary meeting on November 15, President Hymans said "it will be obvious that the Assembly can never reach the successful end of its labors if it does not distribute the work between its members. On the other hand it has been thought advisable to insure to every state an equal share in the preparation of the final decision. Therefore, these two ideas have led us to suggest that your study of these questions should be divided among six commissions, it being understood that all the states are entitled to be represented on every one of those commissions. In deciding how the subjects should be divided among the various commissions, we have decided to group together questions which are connected with each other and which present a logical whole." He continued by describing the proposed division of work, which resulted in a motion to constitute the following committees:

1. General organization.
2. Technical organization.
3. Creation of a Permanent Court of International Justice.
4. Secretariat and budget.
5. Examination of applications for new admissions.
6. Reduction of armaments, economic weapon, and mandates.

The division of work makes apparent the extent to which the Assembly was engaged merely in setting up the framework of the League. Of the six committees, the first five were occupied with preliminary preparations which in the future should occupy scarcely the time of a single committee.

ELECTION OF OFFICERS

The presiding officer for the first plenary meeting had been designated as the president of the Council, who at the time happened to be Paul Hymans of Belgium. He was immediately, and practically unanimously, elected permanent president by the delegations.

At the third meeting on November 16, after considerable discussion, the Assembly resolved that:

- There shall be 12 vice-presidents of the Assembly;
- Each committee shall elect its own chairman;
- These chairmen shall be vice-presidents of the Assembly;
- The Assembly will elect by ballot six other vice-presidents.

Balloting for the six vice-presidents occurred at the sixth plenary meeting. Before the vote, on motion of M. Tittoni (Italy), M. Motta, President of the Swiss Confederation, was unanimously chosen honorary president of the Assembly as a tribute to a democracy which more than any other "has understood how to combine liberty and equality of her citizens with respect for law." On the first ballot, 39 states voting, the following were elected by a clear majority (A.D. 104):

Viscount Ishii, 32; Jhr. van Karnebeek, 31; M. Pueyrredon, 28; Dr. Benes, 26; Sir George Foster, 22. The other figures were: M. Octavio, 18; M. da Cunha, 8; Sir Saiyid Ali Imam, 8; Dr. Nansen, 8; Lord Robert Cecil, 8; and sundry other votes of lesser amounts.

On the second ballot the poll was: M. Octavio, 22; Lord Robert Cecil, 6; Sir Ali Imam, 5; Dr. Nansen, 3; M. da Cunha, 2; M. Viviani, 1.

The chairmen of the committees were announced at the same meeting and the General Committee was therefore declared to be constituted as follows:

Giuseppe Motta, Switzerland, honorary president; Paul Hyman, Belgium, president; Mr. Balfour, Great Britain, chairman of First Committee; Mr. Tittoni, Italy, chairman of Second Committee; M. Bourgeois, France, chairman of Third Committee; M. Quiñones de León, Spain, chairman of Fourth Committee; M. Huneeus, Chile, chairman of Fifth Committee; M. Branting, Sweden, chairman of Sixth Committee; Viscount Ishii, Japan; M. Karnebeek, Netherlands; M. Pueyrredon,¹ Argentine Republic; M. Benes, Czecho-Slovakia; Sir G. Foster, Canada; M. Octavio, Brazil.

¹The resignation of Honorio Pueyrredon was received on December 8, as a consequence of the withdrawal of the Argentine delegation. The ballot to elect a vice-president to fill the vacancy was taken on December 11. Thirty-seven states voted, majority 19. M. Blanco, delegate of Uruguay, received 24 votes, and was therefore elected. Other votes were given for Prince Charoon, M. Jonescu, Dr. Nansen, Mr. Rowell, M. Spalaikovich, Mr. Wellington Koo, M. Zahle, and Zoka ed Dowleh.

PUBLICITY

The question of publicity elicited a great deal of interest in and out of the Assembly because it was supposed to have a bearing upon "secret" diplomacy. There had already been a certain amount of criticism in Europe respecting the practice of the Council's holding its discussions in private, and only rendering its decisions at public meetings. There has never been any question in the League as to the publicity of decisions arrived at, and it is really very difficult to decide whether publicity of all stages of discussion is an aid or a deterrent to public understanding. The League's practice has been to subject a matter to study first by the Secretariat, the results being set forth in a memorandum. This memorandum has gone to the Council or to the Assembly as a basis of discussion. Eventually a report and a resolution are prepared by a rapporteur and adopted by the appropriate body. As a matter of fact, the reports made and the decisions reached in all of the League's activities have accurately summarized the discussions.

The question of publicity was raised before the Assembly respecting the committees, respecting the Council and respecting the very complicated dispute pending with the Council between Poland and Lithuania. At Geneva from the outset it was apparently taken for granted that the proceedings of the Assembly should all be public.

In the course of the third plenary meeting, Lord Robert Cecil inquired "at what stage should the delegation of South Africa bring up a proposal as to the publicity of the proceedings of the committees." The President ruled that the question would be in order after two items on the agenda had been disposed of. M. Viviani (France) rose to say that this suggestion proposed that the meetings of the committees should be public, "which is a proposal contrary to custom up to now." On behalf of the French delegation he emphatically insisted upon the discussion of the proposal immediately.

Lord Robert Cecil replied that "Article 15 of the provisional rules, reading: 'unless the committees decide otherwise, their meetings shall be held in private and no minutes shall be kept of their discussions,'" was unworkable in practice. "Minutes must

be kept of discussions," he said, "because it is impossible that every member should be present at every meeting." English parliamentary practice, unlike the French, called for public committee meetings. "The only way you can secure the support of the public opinion of the world is by taking the world into your confidence as often and as freely as possible." He continued: "I concede, every one must concede, that a committee be entitled to sit in private, because evidently there must be many discussions which can only take place in private, but the rule, I venture to submit, should be that the discussions should be held in public and that only when there is good reason should the public be excluded." He moved:

Each Committee shall decide what portions of its deliberations shall be held in private, the general rule being that the sittings shall be in public unless there is a special decision to the contrary. Full minutes shall be kept of the proceedings of the public sittings, and such minutes of the proceedings at the private sittings as each committee shall direct.

M. Tittoni (Italy) wanted to be liberal, but would point out, "that the committees are going to present reports to this Assembly, and their reports will be published. We should be guided by the consideration that we need not prolong our discussion indefinitely." He was afraid they might have too many public discussions, leading to undue prolongation of the sessions so that people would become tired. M. Viviani (France) proposed a compromise amendment:

The Committees shall keep a register of their discussions and minutes, which shall be published, and which shall always be accessible to any member of the Assembly.

He stated that he would have raised the question if Lord Robert Cecil had not. Sir James Allen (New Zealand) supported and seconded the Cecil motion. Mr. Fisher (Great Britain) felt that M. Viviani's proposal was in the right direction. He believed that full minutes should be kept and given to the public. On the other hand he felt that "the Assembly would be judged not by its words but by its achievements." Lord Robert Cecil stated that he was willing to accept M. Viviani's proposal, with-

drawing his own, if the French delegate would insert the words "as soon as possible" after the word "published." M. Viviani accepted this change and the motion was agreed to.¹

Practice of the Committees

The resolution, of course, controlled the practice of the committees, for which a special publication was issued, carrying the extended minutes of meetings as soon as they had been approved for publication. The degree to which the press was to be allowed to attend the committee meetings was discussed in three of those bodies, the others following the procedure outlined without further consideration of the matter.

In the course of the first meeting of the Sixth Committee, Reduction of Armaments, Economic Weapon and Mandates, Mr. Fisher proposed that the sessions dealing with general topics should be held in public, details being considered afterward in private by subcommittees. The Chairman (M. Branting) expressed his agreement with the suggestion as being in accordance with the true spirit of the League. The press reporters were, therefore, frequently present during the actual meetings of that very important committee.

At the first meeting of the Second Committee, Technical Organization, the Canadian delegate (Mr. Rowell) proposed that representatives of the press should be admitted to the meetings, unless in particular cases the committee should otherwise decide. The Chairman (M. Tittoni) replied that this proposal was contrary to the spirit of the decision already taken in the Assembly. He added that the final report of the committee would be publicly discussed by the Assembly. He therefore saw no reason for adopting the Canadian delegate's proposal, which, it seemed to him, would render the committee's discussions longer and more difficult. He put the question to the committee, and the proposal was rejected.

In the Fourth Committee, Secretariat and Budget, on November 23, Mr. Barnes (Great Britain) said he was more than ever convinced of the advantage of not admitting the press to the meetings of the committee and asked that a final decision be taken on this

¹The resolution in its final form is Rule 14, 6, of the rules of procedure, page —, above.

question. Sir James Allen (New Zealand) favored giving the press a summary of the proceedings. The Chairman (Señor Quiñones de León) informed the committee that, in view of the delicate character of the questions to be dealt with, he was of opinion that it was impossible to admit the press to the debates, but that the minutes would be communicated to the press as soon as they had been adopted. No one opposing this recommendation, it was decided that the press would not be admitted to the meetings of the committee.

Meetings of the Council

Another phase of publicity which attracted attention in the Assembly was with reference to the Council's practice. The Council, of course, makes its own rules of procedure, but the Assembly met with the feeling that it was in reality paramount to that body on account of its complete representation of states Members of the League, and that as a consequence it was quite within its competence to express its opinion of any practice of the Council.

Lord Robert Cecil (South Africa) raised the point in a speech during the fifth plenary meeting of the Assembly on the Secretary-General's report on the work of the Council. He then suggested "that the arrangements for publicity made by the Council have not been in practice adequate and workable," and asked the Council "to consider very carefully whether some at any rate of their actual working sessions should be held in public." In the words of M. Tittoni: "It is upon the confidence of the world that the power of the League depends." He introduced a motion. Lord Robert, speaking to this motion at the tenth meeting of the Assembly, said:

I understand that I am fortunate enough to have obtained the assent of the Council to this proposition, and that they are prepared to accept the suggestion that they should consider what steps can be taken to insure greater publicity for their proceedings. I am sure that the Council, in assenting to that motion, have taken a very wise action. I have had an opportunity of hearing from many sources during the past few months complaints of the difficulty of knowing what is going on in the Council. I quite recognize the immense difficulties and even dangers of the situation, but I will venture very respectfully to urge upon the states which compose the Council that it is very desirable indeed that their proceedings, which in many respects must be, for the greater part of the year, the most important actions of the League, should be given the utmost pub-

licity. . . . I am sufficiently bold and revolutionary to trust that the Council will even consider the possibility of having some of their real debates held in public—as many as possible—so that the peoples of the world can watch what is actually going on.

The President observed that “Lord Robert Cecil has correctly stated that the Council is entirely willing and ready to discuss the matter which he has raised. As there are no remarks, I conclude that there are no objections.”

The following motion was therefore declared to be adopted:

That the Council be requested to take into consideration the means for securing greater publicity for their discussions and decisions.

Polish-Lithuanian Dispute

The third phase of the publicity question established a precedent of great importance respecting the peaceful settlement of international disputes by the League. On September 5, 1920, the Polish Government had requested the intervention of the Council to prevent war between Poland and Lithuania on account of the parlous and highly complicated situation in the vicinity of their boundary territory. The Council acceded, and since then had been conducting extensive negotiations with both parties, while having its own mission on the ground. The developments from day to day were much discussed in the news and several decisions of the Council regarding current happenings had been published. In general, however, the Council was following the customary practice of holding the documents for publication as a whole after a settlement had been reached. Governments, in cases of dispute, have usually given out carefully selected documents with a view to misinforming the public in their own favor, but have regularly withheld the complete dossier. The Council's practice differed only in the fact that published documents were not intended to influence public opinion one way or the other.

Referring to this dispute as summarized in the report of the Secretary-General on the work of the Council, Lord Robert Cecil in the fifth plenary meeting of the Assembly said it was a “matter of great importance that the Assembly should know in full what had happened,” and cited Article 15 of the Covenant to support

the contention that publicity should be given to the documents already exchanged between the disputants and the Council. He hoped that the Council would see no objection to the full publication of these.

At the tenth meeting of the Assembly, Lord Robert Cecil brought up the motion, which he did not consider it necessary to discuss since he had been informed that the Council saw no objection to it. But he would like to draw the Council's attention

to the various statements that have recently appeared in the press to the effect that very large forces, apparently belonging to one of the disputants, have been moved into the country of the other, that the forces are equipped with aeroplanes and cannon and I know not what. I ask the Council whether they could in the course of their statement as to documents let us know what is really going on. I understand that they have representatives in that part of the world, and I think the Assembly would be glad to know what are the reports on the subject of these alleged hostilities which have been made by the representatives of the Council. It is an exceedingly serious matter, because if it should turn out that there has been a breach of Article 16, as the Assembly are aware, the penalties provided by the article automatically come into force.

President Hymans, who was also president of the Council, stated on its behalf:

The Council has already considered the question and a certain number of documents concerning the conflict have already been circulated. I am allowed to tell the Assembly that the Council entirely agrees that every document shall be circulated. In addition, the Council is now examining in substance the position of the conflict between Poland and Lithuania, and we expect to meet again here, in Geneva, and any communications with the delegates of Poland and Lithuania will be duly made known. Lord Robert Cecil may be sure that, in the broadest manner possible, his wishes will be met.

Lord Robert declared himself as fully satisfied with this statement and the motion was immediately seconded by M. Askenazy for Poland. "Poland wishes to hide nothing," he said. The resolution was adopted without objection:

That any statements of their case made by Poland and Lithuania, together with all the relevant facts and papers be forthwith published.

The application of the resolution was a surprising incident to most of the delegates to the Assembly. The question at issue between Poland and Lithuania during the days immediately following the passage of the resolution was at white heat and both delegates and newspaper correspondents were very anxious to get the latest facts concerning it. As soon as possible after the Assembly's action the Secretariat announced that the documents would be published in a special number of the Official Journal as soon as possible, their bulk and the congestion of available printing plants being reasons for delay. The Secretary-General announced, however, "that five complete sets of the papers had been placed in the Library of the Secretariat where they will be available for the use of all delegations." (A.D. 147.) A list of the documents so posted was carried in the Journal of December 1. Notwithstanding these announcements, both delegates and correspondents spent a great deal of time prying about in search of private and exclusive information. It became rather a joke around the Secretariat to refer these confidential inquirers to a pile of documents about a foot high already placed at their free disposal.

Report on the Work of the Council

Another publicity precedent set in the first Assembly was the report of the Secretary-General on the work of the Council.¹ This document gave the delegates of Members of the League an opportunity to discuss what the Council had accomplished, and also gave rise to the resolutions discussed above and others. The debate on the report lasted several days, resulting in suggestions of which a single striking selection is here given.

Speaking of the work of the Council Mr. Hagerup (Norway) at the fifth Assembly meeting suggested that in the future "the minutes of the meetings of the Council should be circulated among the Members of the League in time to enable the Governments to study them to give their delegates [to the Assembly] the instructions which seemed necessary." He also thought that the general report for the future should be submitted to a committee of the Assembly for examination.

Lord Robert Cecil (South Africa) shared the Norwegian's

¹For text see *League of Nations*, III, No. 6, December, 1920.

view. He thought that the report "forms a complete reply to those who have said in some countries that the League of Nations is dead. The report shows that the League of Nations is very much alive." The manner and form, arrangement and clearness of the report "reflect the very greatest possible credit upon the Secretariat." He mentioned that the main divisions of work had been between the work of organization and the political and other constructive activities of the Council. He regarded it as inevitable that during the first months of a great association such as the League, the great part of its energy must be devoted to matters of organization, which had been "of the greatest possible excellence." It does not, however, make a great appeal to popular sympathy. He believed that the League must get its machinery in order before it can cope with the vast problems which will come before it and believed that this stage was now practically completed, leaving the way open for constructive activities. And he concluded:

We have an English proverb—Well begun is half done. That is a proverb which we may apply to the labors of the League of Nations with confidence and with hope. Undoubtedly we have begun well. . . .

I am here to represent South Africa because the prime minister of South Africa was good enough to think that I could more adequately than any one else present to the Assembly the views which he held. . . . General Smuts, not so many years ago, was one of the most redoubtable and successful commanders of the forces of the Boer Nation when they were in arms against the British Empire, and I was the son of the prime minister who conducted the war on behalf of the British Empire. And yet it now comes about that the general of the Boers goes to the son of the British prime minister and asks him to appear before the League of Nations as the best exponent of the general's views on international subjects. How has that result come about? Not by timidity, not by shrinking from a bold action, but by a great act of trust in the Boer people, an act which . . . has more than justified itself by its results. Surely that is an example to us. Do not let us be afraid.

Registration of Treaties

Dr. van Karnebeek (Netherlands) raised the question of the legal interpretation of Article 18 at the seventh meeting of the Assembly while the report on the Council's work was under discussion. He stated the problem:

You will remember that the registration of treaties and international engagements is referred to in the report and it was also the subject of a memorandum of the Council at Rome, in which there is much useful information.¹ Here the principle of the question is treated rather from the point of view of publicity and also from the administrative point of view; but there is another side to the question which is not there referred to, namely: What are the judicial effects of its dispositions? The article says: "No treaty shall be binding until it is registered." That seems clear enough, and yet questions arise. Does it mean that states are not bound until the registration is completed, that is to say, that states between the time of signing and the time of registration might consider themselves not bound by the treaty; or, secondly, does it mean that states are so bound, but that the parties can not demand execution before registration; or, thirdly, does it mean that the treaty can be executed but that the parties can not rely upon the treaty in making their appeal to the League of Nations? There then are the three points of view. You may say that one or other of them is not justified. I think the most rigorous application of all is the one which is best. The English text says that no such treaty shall be binding until it is registered. I ask, should we not have the exact interpretation of this determined by the Assembly?

The Dutch delegate spoke to his resolution again at the tenth meeting of the Assembly at the request of the President. He added some points needing to be cleared up, saying in part:

For instance, difficulties might arise in the case of treaties between states which are Members and states which are not Members of the League of Nations. I think if the Assembly does not adopt a most rigorous interpretation of the Covenant, that is to say, that the parties are not bound until the registration is completed (which is the strict text of the Covenant) then perhaps the Covenant will have to be modified. Again, as M. Tittoni asked the other day, what is to happen if the parties are bound, the treaty is capable of being put into execution, yet is not recognized by the League of Nations? What does that mean? If the treaty is executable, what do the parties gain by registration? My answer is that the whole object of Article 18 is to secure publicity. It is the commandment of publicity I may say, and if you take away from states the interest to publish their treaties you strike at what is one of the most important articles of the Covenant.

The motion was finally passed in the following form:

That the Council should be called upon to intrust the examination of the scope of Article 18 of the Covenant from a legal point

¹Cf. Treaties Series, I, 8-13.

of view to a special committee, which would prepare for the Council all relevant proposals. The Council would then report on the question to the next General Assembly, and place before it the proposals of the special committee.

A Chinese Declaration

The first Chinese delegate made this announcement at the 30th plenary meeting of the Assembly:

I have the honor to inform the Assembly that there are several subjects of vital interest to China, affecting international relations, which, under the provisions of the Covenant of the League of Nations, the Republic of China intends to bring to the attention of the Assembly or of the Council. In view, however, of the fact that at this first session of the Assembly its time has been devoted, and rightly so, in the opinion of the Chinese delegation, to perfecting the organization of the League, and its rights and duties as set forward in the Covenant, the Chinese delegation will not bring these subjects before the Assembly at the present session. . . . I reserve full right of the Republic of China, as a Member of the League, to present the subjects to the Assembly or the Council at a more appropriate time in the future. We do not waive any right to which we may be entitled.

Effort to Favor Esperanto

At the 19th plenary meeting the following proposal (A. D. 194) was made by MM. Octavio, Restrepo, Doret, La Fontaine, Huneeus, Wellington Koo, Lord Robert Cecil, Schanzer, the Maharaja of Nawanagar, Benes and the Emir Zoka ed Dowleh, and referred to the Second Committee:

The League of Nations, well aware of the language difficulties that prevent a direct intercourse between the peoples and of the urgent need of finding some practical means to remove this obstacle and help the good understanding of nations, follows with interest the experiments of official teaching of the international language Esperanto in the public schools of some members of the League, hopes to see that teaching made more general in the whole world, so that the children of all countries may know at least two languages, their mother-tongue and an easy means of international communication, and asks the Secretary-General to prepare for the next Assembly a report on the results reached in this respect.

At the final meeting of the Assembly the previous question was moved by M. Hanotaux and carried, so that the motion was defeated.

III. GENERAL ORGANIZATION

RULES OF PROCEDURE

The first duty of a deliberative body is the passage of rules of procedure. In preparation for the Assembly, the Secretariat-General prepared provisional rules which had been printed and circulated as Assembly Document 1, and had been subjected to some discussion in the Council. At the afternoon session on November 15, after complimentary resolutions had been passed, the President reverted to the rules with a comment that "they would require a thorough and careful study." The question would have to be referred to a special committee which would be requested to report the final rules as quickly as possible. However, it seemed very difficult to await the report of the committee before having any rules; "therefore until they are ready I take the liberty," said President Hymans, "that only provisionally and just temporarily we should pass as a whole the rules of procedure suggested provisionally by the Secretariat-General." After some discussion this was done.

The First Committee, General Organization, immediately set to work studying the permanent rules under the chairmanship of Arthur J. Balfour, with Mr. Wellington Koo acting as vice-chairman.¹

Dr. Maggiorino Ferraris read the report from the First Committee at the 11th plenary meeting. The rapporteur began by naming the subcommittee which had prepared the draft: France (M. Viviani, Chairman); South Africa (Sir Reginald Blankenberg); Brazil (Dr. Rodrigo Octavio Langaard de Menezes); Japan (Viscount Ishii); Sweden (Baron Marks de Wurtemberg); Uruguay (Dr. Juan Carlos Blanco); and Italy (Dr. Maggiorino Ferraris, rapporteur).

¹ The First Committee held meetings as follows: 1, November 19; 2, November 22; 3, November 24; 4, November 26; 5, November 27; 6, November 28; 7, December 2; 8, December 7; 9, December 8.

The draft provisions had been examined by the First Committee, and almost all had been adopted either unanimously or by large majorities. The draft was principally based upon the following:

1, The Covenant; 2, the provisions of the rules of procedure of the Council, adopted at Rome, on May 17, 1920 (*Official Journal*, No. 5, July-August, 1920); 3, the provisional rules of procedure, which were distributed at the beginning of the session; 4, the provisions of rules in force in several Parliaments; 5, the draft amendments submitted by the Delegations of Sweden, Switzerland, Australia, Portugal, and China, and by the Hon. N. W. Rowell, Delegate of Canada. M. Ferraris continued in substance:

It is only by experience that future Assemblies will learn what improvements are required in their rules of procedure. What we need to-day, is to draw up rules of procedure of an almost definite character, which may serve as a guide both for our discussions and for the work of future Assemblies.

Another object which we have endeavored to attain is the immediate definition of the respective positions and powers of the Members of the League, of the delegates who represent them, of the Council of the League, and of the Secretariat-General. Our guiding principle throughout has been, that the Members of the League are the origin and the source of the whole organization; that the Assembly is the sovereign but intermittent power of the League; that the Council is the permanent power; that the Secretariat-General is its permanent executive organ.

Powers of the Organs

Hence, from these data, it is a majority of the Members of the League, which can at any time summon a session of the Assembly, settle the place of its meeting, propose the questions to be placed on its agenda, and name their representatives and their substitutes in the Assembly (Rules 1 and 5); but, once the Members of the League have exercised this power, the Assembly, according to our draft scheme, enters into the supreme exercise of its sovereignty. Thus, it is stated (Rule 1), that the Assembly shall meet by right once a year on the first Monday of September; that it shall be able to designate its place of meeting (Rule 2); that it shall choose its president and vice-presidents (Rule 7); that it alone is competent to verify the credentials of its representatives (Rule 5); and that it shall draw up its agenda as it wishes, as well as the composition

and work of the committees (Rule 14). To the president, who is raised by the Assembly to this unique position, and who will feel all the responsibility and all the authority which his high position confers upon him, will fall the task of expressing and realizing the powers of the Assembly, the rules of procedure giving him the necessary means (Rules 8, 15 and 19). With respect to the direction and the management of the work intrusted to the president and to the various officers, the rules of procedure have been inspired by the principles which are in force in different countries of the world and which have in their favor the experience of centuries. . . .

During the time in which the Assembly is not sitting there falls to the Council the task of performing these functions, above all, that of carrying out the results of these deliberations. It is the Council which may convene the Assembly (Rule 1), which summons it (Rule 3), which approves the agenda prepared by the Secretary-General (Rule 4), which presents its reports to the Assembly (Rule 4), and which can always intervene in the debate through one of its members in order to make an explanatory statement (Rule 15).

Finally, the Secretary-General, as an executive officer, has to collect the opinions of the Members of the League with regard to the summoning of an extraordinary session of the Assembly (Rule 1). It is he who has to communicate the order convening the session to the different Members (Rule 3), who has to prepare the agenda (Rule 4), who has to register the names of the representatives and of their substitutes (Rule 5), and who has to present his report to the Assembly and to execute the decisions taken either by the Assembly or by the Council (Rules 9 and 10). We have promptly complied with the desire expressed by our colleagues of trans-oceanic countries, that for any urgent or important question the cable should be employed. . . .

Language Question

A very delicate and important question has been raised with reference to the languages used by the League.¹ Our Spanish-speaking colleagues both in Europe and America are justifiably proud of the intellectual and economic expansion of their race throughout both continents, and have requested that their tongue should be used on equal terms with French

¹At the eighth meeting of the Assembly, the delegates of Spain, Cuba, Venezuela, Colombia, Nicaragua, Argentina, Denmark, Chile, Haiti, Great Britain, Switzerland, Belgium, Uruguay, Panama, Bolivia, Salvador, Guatemala and Paraguay concerted in presenting the following motion:

"The undersigned delegates have the honor to propose to the Assembly to decide that the Spanish language should be considered as one of the official lan-

and English, which are now in use in the League. No one can raise any objection to their wishes or hopes except in so far as they bring us face to face with practical difficulties which to us seem very serious. . . . Your committee, being animated by the principle of absolute impartiality, has, however, felt the force of practical requirements, and has recognized that its duty was to provide the Members of the Assembly with the requisite means of understanding one another, of discussion and of deliberation. From this standpoint no one can gainsay that there are two languages in the world which are in general use in intellectual and economic intercourse between nations, languages which obtained official recognition from the fact that the Covenant and the treaty of Versailles were drafted in French and English. . . .

In every society, the noblest and highest expression of union and fraternity is the sacrifice of particular interests and of our dearest ambitions to the common good and for the interests of all. In this relation your committee is sure that it faithfully expresses the unanimous sentiment of the Assembly in presenting its profound acknowledgments to the representatives of Spanish-speaking countries, who, in a spirit of self-sacrifice and devotion to the common welfare, have agreed not to insist on their proposal at this session, although making reservation with respect to the future.

It is, however, our duty to remember that, at one of the most recent meetings of the Assembly, one of the most distinguished Spanish-speaking representatives told us (in the purest French) that some of his colleagues would be better able to express their thoughts in their native tongue, and, as the same possibility might arise in the case of other nationalities, we have decided, in accordance with the provisions of the provisional rules of

gauges of the Assembly, and that the General Organization Committee should be intrusted with the practical application of this principle."

The proposal came on the agenda of the 8th meeting. Mr. Tittoni objected to its consideration, to which Señor Quiñones de León (Spain) replied with an argument respecting procedure. M. Branting (Sweden) hoped that the official languages would not be increased and that the matter would be investigated by the committee. Señor Aguero (Cuba), speaking in French so precisely and fluently as to be congratulated by the President, supported the motion most heartily. He urged that the proposition was intended not merely to flatter fifteen Spanish-speaking nations constituting 36 per cent of the League members. It was put forward to insure greater co-operation between the various countries and to secure the greatest possible understanding between them. He said that Spanish-speaking delegates sometimes had difficulty in making use of other tongues. They only suggested that they have the full right to make use of the Spanish language in addressing the Assembly without requiring minute and constant translation. On motion of Señor Blanco (Uruguay), the matter was referred to the committee, in view of the fact pointed out by the President that the rules made it permissible to speak Spanish in the Assembly.

procedure, to allow every representative to speak in whatever language he may prefer, furnishing either a French or an English translation.

In addition, each country may circulate the documents published by the League in its own language. The rules of procedure provide for these two contingencies, and, by the adoption of a system of absolute equality and impartiality, enable all Members of the League to publish the documents of the League in any language they think fit. For obvious reasons of convenience and expense, however, each representative or Member of the League must provide for the translation and publication (Rule 16).

Some delegates have expressed a wish that the various nationalities should be taken into account in the choice of vice-presidents and members of committees. This principle has, however, been applied with such complete impartiality at this session of the Assembly, and is inspired by motives which find expression so naturally, that we thought it superfluous to mention it in the rules of procedure, being convinced that the Assembly will always take a pride in applying this principle in its labors.

Mr. Balfour (Great Britain) spoke as chairman of the First Committee, appealing to the Assembly not to deal with questions of detail in any controversial spirit and emphasizing both the care of the committee and its support of the subcommittee conclusions by votes for the most part unanimous. He paid tribute "to the admirable taste, temper, ability and eloquence, which marked the debates on" the very difficult question of a third language, and concluded:

I hope you will adopt the proposals we have laid before you; I hope you will remember they are the product of careful thought, and long and arduous labor, and I trust they will be adopted with little modification and will long serve to regulate our proceedings. I now propose the resolution, which will ask your assent to these draft rules of procedure.

Japan to Raise Equality Issue Later

Viscount Ishii (Japan) followed, beginning with felicitations to the Assembly on having before it the first product of its labors; and then turning to a point on which "we have to differ from our colleagues, although the matter in question is not so much one of principle as a question of material feasibility," he said:

I shall succinctly state the case before the general meeting, so that

Japan's standpoint may be elucidated, and incidentally I shall be able to renew to you in the name of my country the assurance of her profound belief in the League of Nations and of her very sincere solicitude to play her proper share in bringing the unprecedented organization of peace to the consummation devoutly wished for. It is the question of the fourth article of the draft regulations, which orders the holding of the Assembly once every year. In principle Japan is in full accord with that proposal, but in actual practice she has difficulties which are perhaps undreamed of by many of my colleagues in this Assembly. Even in these days of steam and electricity Japan is a far cry from the seat of the League of Nations. A voyage through the China Sea, the Indian Ocean and the Mediterranean Sea will take us more than seven weeks. We must count at least four months for the trip from Japan to Geneva and back through the most convenient route in these days. If we add one month for the duration of the Assembly, the Japanese representatives must be prepared to be away from their country for five months in the most favorable circumstances. . . . In view of the physical infeasibility of sending Japanese representatives from the far country, it may often be necessary to elect our delegates from among those who may be staying at the time in Europe or its vicinity. I desire to take this opportunity to anticipate by requesting that any such eventuality should not be considered as a mark of scanty interest on the part of the Japanese Government in the work of the world parliament. Nothing is, and will ever be, farther from the thought of Japan and her people.

Japan has a firm determination, and has often shown it by action, that she would always abide loyally by her international engagements. In her enthusiastic efforts to carry out, in co-operation with her sister-members, the sublime spirit embodied in the Covenant, she is prepared to make all necessary sacrifices and offerings, being firmly convinced that the promotion of the cause of this League of Nations is the most effective of endeavors in ushering in an age of enduring peace. . . .

Japan had an opportunity, when the Covenant of the League of Nations was originally formulated, to declare her firm belief that equality before the law should be assured to all men irrespective of their nationality, race or religion. . . . It was to the poignant regret of the Japanese Government and people that the original framers of the Covenant found themselves unable to accept the Japanese proposal in this matter, and the Japanese delegates declared that they would continue in their insistence for the adoption of their just demand by the League in the future. In view, however, of the present circumstances, Japan is strongly persuaded that the League is as yet in a stage where the consolidation of its organization and its actual working based upon the present Covenant should

be accorded greater attention and deeper deliberations than the questions relating to the fundamental principle which might involve the revision of the Covenant and the deliberation of which should be deferred for some time yet. From that point of view, Japan is refraining from making any concrete proposal at this Assembly as to the question of equal opportunity and treatment, and will patiently bide her time until the opportune moment will present itself.

Rules Adopted

After remarks by Señor Garay (Panama), Mr. Rowell (Canada), Senator Millen (Australia), Lord Robert Cecil (South Africa) and a few others some amendments were effected in the text of the draft rules and Mr. Balfour's resolution was put and carried in the following form (A. D. 151):

The Assembly of the League of Nations, having examined the draft rules of procedure presented by the First Committee, and having heard the report made by the rapporteur of the committee, Signor Ferraris, representative of Italy, resolves that the draft rules of procedure, as amended by the Assembly, be hereby adopted as the rules of procedure of the Assembly of the League of Nations.

RULES OF PROCEDURE OF THE ASSEMBLY¹

RULE 1. 1. The Assembly shall meet every year, at the seat of the League of Nations, commencing on the first Monday in September.

2. Sessions may also be held at such times as the Assembly at a previous meeting decides, and at such times as the Council, by a majority vote, decides.

3. If a Member of the League considers a Session to be desirable, it may request the Secretary-General to summon a Special Session of the Assembly. The Secretary-General shall thereupon inform the other Members of the League of the request, and inquire whether they concur in it.² If within a period of one month from the date of such communication of the Secretary-General, a majority of the Members concur in the request, a Special Session shall be summoned.

¹Revised to accord with 20/48/143 of January 6, 1921.

²Notification by telegram, if necessary (Procès-verba. of First Committee, fifth meeting).

RULE 2. The Sessions of the Assembly shall be held at the seat of the League, or, in exceptional circumstances, at such other place as is designated by the Assembly or by a majority of the Council, or by a majority of the Members of the League.

RULE 3. 1. The Sessions of the Assembly shall be summoned by the President of the Council, acting through the Secretary-General.

2. The summons shall be addressed to the Members of the League not less than four months before the date fixed for the opening of the Session. In exceptional circumstances, however, the Council, by a majority vote, may sanction a shorter period.

3. Nothing contained in paragraph 2 of this Rule shall affect the provisions concerning special cases contained in the Covenant.

RULE 4. 1. The agenda shall be drawn up by the Secretary-General with the approval of the President of the Council. The complete agenda shall be circulated as nearly as possible four months before the date fixed for the opening of the Session.

2. The agenda of a General Session shall include:

a. A report upon the work of the Council since the last Session;
b. A report by the Secretary-General upon the work of the Secretariat and upon the measures taken to execute the decisions of the Assembly;

c. All items whose inclusion has been ordered by the Assembly at a previous session;

d. All items proposed by the Council;

e. All items proposed by any Member of the League; and

f. The budget for the next fiscal period and the report on the accounts of the last fiscal period.

3. Any Member of the League may, at least one month before the date fixed for the opening of the Session, request the inclusion of additional items in the agenda. Such items shall be placed on a supplementary list, which shall be circulated to the Members of the League at least three weeks before the date fixed for the opening of the Session. The Assembly shall decide whether items on the supplementary list shall be included in the agenda of the Session.

4. The Assembly may in exceptional circumstances place additional items on the agenda; but all consideration of such items shall, unless otherwise ordered by a two-thirds majority of the Assembly, be postponed until four days after they have been placed on the agenda, and until a committee has reported upon them.

RULE 5. 1. Each Member shall communicate to the Secretary-General, if possible before the opening of the Session, the names of its Representatives, of whom there shall be not more than three. The names of Substitute-Representatives may be added.

2. Each Representative shall, as soon as possible, and preferably before the opening of the Session, present his credentials to the Secretary-General.

3. A committee of eight members for the examination of the credentials shall be elected by the Assembly by secret ballot. The committee shall report without delay.

4. Any Representative to whose admission objection has been made shall sit provisionally, with the same rights as other Representatives unless the Assembly decides otherwise.

RULE 6. 1. In addition to the Substitute-Representatives mentioned in paragraph 1 of Rule 5, the Representatives of a Member of the League attending the Assembly, acting together as a Delegation, may appoint substitutes. Any such appointment shall be communicated in writing to the President.

2. A Substitute-Representative appointed by a Member of the League may take the place of a Representative without having been nominated by the Representatives.

3. A Substitute-Representative or substitute may take the place of a Representative who is absent from a meeting of the Assembly, or is temporarily prevented from taking part in its deliberations, but if the Representative is present at the meeting the Substitute-Representative or substitute is only entitled to assist him.

4. A Delegation may appoint for service on a committee a deputy or technical adviser other than those referred to in the above paragraphs of this Rule; but a deputy or adviser so appointed shall not be eligible for appointment as Chairman or Rapporteur, or for a seat in the Assembly.

RULE 7. 1. The officers of the Assembly shall consist of a President and of six Vice-Presidents, together with the Chairmen of the main Committees of the Assembly, who shall be *ex-officio* Vice-Presidents of the Assembly. These officers shall form the General Committee.

2. The President and the six Vice-Presidents shall be elected at the beginning of each Session.

3. Until the election of the President, the President of the Council shall act as President of the Assembly.

RULE 8. 1. The President shall announce the opening, suspension and adjournment of the meetings of the Assembly, direct the work of the

Assembly, insure the observance of the Rules of Procedure, accord the right to address the Assembly, declare the debates to be closed, put questions to the vote, and announce the result of the voting.

2. In the general direction of the work of the Assembly, in the constitution of such committees as the Assembly decides to create, in deciding on the communications to be made to the Assembly,¹ in the framing of the agenda for each meeting, and in the determination of the order of priority for its various items, the President shall be assisted by the General Committee.

RULE 9. 1. The Secretary-General shall be responsible for the organization of the Secretariat of the Assembly and of the Secretariat of any committees set up by the Assembly.

2. The Secretary-General may be assisted or replaced at the meetings of the Assembly by a deputy or deputies. The Secretary-General, or one of his deputies, may at any time, on the invitation of the President, bring before the Assembly reports concerning any question which is being considered by the Assembly, and may be invited by the President to make verbal communications concerning any question under consideration.

RULE 10. 1. It shall be the duty of the Secretariat, *inter alia*, to receive, print, circulate and translate documents, reports and resolutions; to translate speeches made at the meetings; to draft, print and circulate the Minutes of the Session; to have the custody and proper preservation of the documents in the archives of the Assembly; to publish the reports of the meetings; and, generally, to perform all other work which the Assembly thinks fit to intrust to it.

2. All documents emanating from the Assembly shall be circulated to the Governments of the Members of the League.

RULE 11. 1. The public shall be admitted to the plenary meetings of the Assembly, by cards distributed by the Secretary-General.

2. The Assembly may decide that particular meetings shall be private.

3. All decisions of the Assembly upon items on the agenda, which have been taken at a private meeting, shall be announced at a public meeting of the Assembly.

RULE 12. A list of the attendance at each meeting of the Assembly shall be kept by the Secretariat.

RULE 13. At the beginning of each meeting the President shall

¹Drafting of important communications to be by the President and General Committee (Procès-verbal of First Committee, fifth meeting).

present¹ to the Assembly all communications addressed to the Assembly or to the League, the importance of which appears to him to warrant such action.

RULE 14. 1. The Assembly shall establish such committees as it thinks fit for the consideration of the items on the agenda. Items of the same nature will be referred to the committee.

2. The Assembly shall not decide items on the agenda in full meeting until the report of a committee upon them has been presented and circulated, unless the Assembly itself, by a two-thirds majority, determines otherwise.

3. Each Delegation may designate one member, and may nominate technical advisers for each committee.²

4. Each committee shall appoint its Chairman and Rapporteur.

5. Each committee may appoint subcommittees, which shall elect their own officers.

6. Each committee shall meet in private unless it decides otherwise. It shall keep a Register of its discussions, and Minutes, which shall be published at the earliest possible date, but not until they have been approved by the committee. They may at any time be consulted by any member of the Assembly.

7. Every Representative shall have the right to place before any committee any communication which he considers should be made to it, but no Representative may, without special leave from the Chairman, speak at a meeting of any committee of which he is not a member.

8. The Secretary-General or his deputies may make to any committee or subcommittee any report or verbal communication which he or they may consider desirable.

RULE 15. 1. No Representative may address the Assembly without having previously obtained the permission of the President.

2. Speakers shall be called upon in the order in which they have signified their desire to speak. The Chairman and the Rapporteur of a committee may be accorded precedence for the purpose of defending or explaining the conclusions arrived at by their committee. The same principle shall apply to any member of the Council.

3. The President may call a speaker to order if his remarks are not

¹"The mere circulation of documents to individual Members of the Assembly did not constitute presentation. Documents must be formally brought to the attention of the Assembly."—Procès-verbal of First Committee, fifth meeting.

²Military advisers may be included, according to the opinion of the drafting subcommittee given in response to a question by M. Viviani at the 11th plenary meeting of the Assembly.

relevant to the subject under discussion. If necessary he may direct the speaker to resume his seat.

4. When a motion is under discussion, a Representative may rise to a point of order, and such point of order shall be immediately decided by the President in accordance with the Rules of Procedure.

5. The Assembly may limit the time allowed to each speaker.

RULE 16. 1. Speeches in French shall be summarized in English, and *vice versa*, by an interpreter belonging to the Secretariat.

2. A Representative speaking in another language shall provide for the translation of his speech into one of these two languages.

3. All documents, resolutions and reports circulated by the President or the Secretariat shall be rendered in both French and English.

4. Any Representative may have documents circulated in a language other than French and English, but the Secretariat will not be responsible for their translation or printing.

5. Any Member of the League or any group of Members, may require that all documents and publications of the League shall be regularly translated into and printed and circulated in a language other than French or English; but shall in such case defray all the necessary expenses.

RULE 17. 1. Resolutions, amendments and motions must be introduced in writing and handed to the President. The President shall cause copies to be distributed to the Representatives.

2. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Assembly unless copies of it have been circulated to all Representatives not later than the day preceding the meeting.

3. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, without previous circulation of copies.

RULE 18. 1. During the discussion of any question, any Representative may move the previous question or the adjournment. Any such motion shall have priority in the debate. In addition to the proposer of the motion, two Representatives may speak in favor of, and two against, the motion.

2. Parts of a proposal shall be voted on separately, if a Representative requests that the proposal be divided.

3. A Representative may at any time move the closure of the debate whether any other Representative has signified his wish to speak or not. If application is made for permission to speak against the closure, it may be accorded only to not more than two speakers.

4. The President shall take the sense of the Assembly on a motion for

closure. If the Assembly decides in favor of the closure, the President shall declare the closure of the debate.

5. When a number of proposals are before the Assembly, the proposal furthest removed in substance from the principal one shall be voted on first.

6. If an amendment striking out part of a proposal is moved, the Assembly shall first vote on whether the words in question shall stand part of the proposal. If the decision is in the negative, the amendment shall then be put to the vote.

7. When an amendment adds to a proposal, it shall be voted on first, and if it is adopted the amended proposal shall then be voted on.

RULE 19. 1. Except where otherwise expressly provided in the Covenant or by the terms of a treaty, decisions of the Assembly shall be taken by a unanimous vote of the Members of the League represented at the meeting.

2. All matters of procedure at a meeting of the Assembly, including the appointment of committees to investigate particular matters, shall be decided by a majority of the Members of the League represented at the meeting.

3. All decisions taken in virtue of these Rules shall be considered as matters of procedure.

4. A majority decision requires the affirmative votes of more than half of the Members of the League represented at the meeting.

5. For the purposes of this Rule, Representatives who abstain from voting shall be considered as not present.

RULE 20. The Assembly shall vote by "Appel Nominal," except when the Members of the League represented at the meeting agree that the method of voting shall be by heads of Delegations rising in their seats, and except in the cases provided for in Rule 21. The "Appel Nominal" shall be taken in the following manner:

The Delegation of each Member of the League represented at the meeting shall be provided with two voting tickets, on which the name of the country is written, one red and one blue, the former being "Aye," the latter "No." The voting tickets shall be deposited in an urn placed near the President's platform. When all the votes have been collected, the President shall declare the ballot closed and the General Committee shall proceed to count the votes. The individual votes shall be communicated to the Assembly and the result shall be announced by the President.

RULE 21. 1. All decisions relating to individuals shall be taken by a secret ballot.

2. If, when one person only is to be elected, no one person obtains at the first ballot an absolute majority of votes, an entirely new ballot shall be taken; but on this occasion the voting shall be confined to the two candidates who obtained the largest number of votes at the first ballot. If there is at this ballot an equality of votes for the two candidates, the elder candidate shall be declared elected.

3. When a number of elective places of the same nature are to be filled at one time, those persons who obtain an absolute majority at the first ballot shall be elected. If the number of persons obtaining such majority is less than the number of persons to be elected, there shall be a second ballot to fill the remaining places, the voting being restricted to the unsuccessful candidates who obtained the greatest number of votes at the first ballot, not more than double in number the places remaining to be filled. Those candidates, to the number required to be elected, who receive the greatest number of votes at the second ballot shall be declared elected.

RULE 22. In case of equality in any voting other than that referred to in Rule 21, in which a majority is required, a second vote shall be taken in the course of the next meeting; this meeting shall be held within 48 hours from the date on which the first vote was taken, and it shall be expressly mentioned on the agenda that a second vote will be taken on the matter in question. Unless there is at this subsequent meeting a majority in favor of the proposal, it shall be considered as lost.

RULE 23. 1. The President may declare a meeting to be adjourned or suspended, if a proposal for adjournment or suspension made by him does not meet with objection from the Assembly.

2. The President shall declare an adjournment or suspension of the meeting upon a vote to this effect by the Assembly.

RULE 24. The General Committee, in cases where it deems it necessary, may revise the resolutions adopted by the Assembly, changing their form but not their substance. Any such changes shall be reported to the Assembly.

RULE 25. The verbatim report of each meeting shall be drawn up by the Secretariat and submitted to the Assembly after approval by the President.

RULE 26. The resolutions adopted by the Assembly shall be circulated by the Secretary-General to the Members of the League within fifteen days after the termination of the Session.

RULE 27. These Rules of Procedure shall apply to the proceedings of committees of the Assembly.

RULE 28. These Rules of Procedure may be altered by a decision of the Assembly; but no such alteration shall be made except upon a majority vote of the Assembly taken after a committee has reported upon the proposed alteration.

RELATIONS BETWEEN THE COUNCIL AND ASSEMBLY

The relations between the Council and Assembly of the League were the subject of the third meeting of the First Committee. Mr. Rowell (Canada) thought that the legal statement on the competence of the Council and the Assembly which had been presented to the Assembly by the Secretary-General and the report on the same subject by Mr. Balfour showed that certain principles were pretty clearly established and could probably be accepted without much controversy. He proposed that the committee's report to the Assembly should recommend the recognition of six principles taken from the documents, with the exception of one:

Under the Covenant the members of the Council exercise their functions as such members as the representatives of their respective states, and they have no standing on the Council except as such representatives.

This was intended to fix upon the states represented upon the Council the responsibility for the action of that body. In his opinion it was of vital importance for the future of the League that the states represented on the Council should be held accountable, not the individual delegates. In the view of M. Viviani (France), a representative could not have any opinion different from that of his Government, for one must either agree to represent one's Government or refuse to do so. A person who agreed to act as a representative must obey the instructions given in his mandate.

M. Usteri (Switzerland) put forward amendments providing for continuance of committees appointed by the Assembly to the next session of the Assembly.

The Chairman pointed out that a question of great difficulty and importance had been raised. The League of Nations acted

through three organs: the Council which was permanent, the Assembly which was a temporary body, and the committees nominated by the Assembly. According to the Swiss proposal these committees would continue to sit in the interval between sessions of the Assembly. He considered that this suggestion constituted so complete a change in the machinery of the League that it must be most seriously examined.

Neither Parliament nor Government

M. Viviani agreed with the Chairman. It must be decided whether the League of Nations was a parliament and the Council a government. If this were the case, permanent committees would be admissible; but it was not the case. Until that had happened representatives were the representatives of their respective Governments, and in the absence of formal instructions could take no decision without previous reference to their Governments. The Council was the executive organ when the Assembly was not in session. If a permanent committee of the Assembly was established, there was danger of its coming into conflict with the Council. If such conflict arose, the question would have to be referred to the Assembly, which would mean that the Governments would meet to find a mediator. What was being done at the moment was to democratize the ambassadorial system; representatives came with appropriate powers; but it would be wrong to establish permanent committees which might exercise authority over the Council. If the Assembly desired, it might nominate Members to sit with the Council for discussion of the budget.

M. Usteri (Switzerland) in reply admitted that the Assembly was not a parliament, but contended that his proposal would assist the conduct of business during the interval between two Assemblies, facilitate the work of the opening meeting of the next session, and permit the committees to continue a task intrusted to them, which could not be completed in the time available during a session of the Assembly. The Swiss proposal did not conflict with M. Viviani's view that it would be wrong to establish permanent committees in the proper sense of the word, but merely meant that committees which had commenced their task should carry it to its conclusion, even if the Assembly came to an end in the interval.

Delegates of the Argentine Republic, Brazil and Cuba developed the propositions that a permanent committee would deprive the Council of executive authority; that a representative attending the Assembly could not depart from the instructions which he had received; and that it was impossible to understand how members of a committee could continue to consider themselves as delegates after the Assembly had risen, seeing that their mandate terminated with the session of the Assembly. In their opinion, if a committee had not concluded its work during the Assembly, it was for the Council, which was permanently in session, to complete the work.

The Chairman considered that the question appropriately be referred to a rapporteur, and proposed that M. Viviani and Mr. Rowell should be asked to draw up a report. At the sixth meeting of the committee, the rapporteurs read their report, which was highly commended and unanimously adopted.

This report was read at the 14th plenary meeting of the Assembly and extensively discussed.

Competence of Each Discussed

Sir William Meyer (India) proposed that "where a subject, which the Council would otherwise be efficient and competent to deal with, has been referred by the Council to the Assembly, the latter thereby obtains competence to suggest, if need be, alterations in any scheme submitted by the Council." Sir Ali Imam urged the same point in a detailed argument after Mr. Rowell had replied to the Indian's colleague and Sir William Meyer withdrew his motion on the understanding expressed in Mr. Rowell's second explanation that "if the Council submits a matter to the Assembly, the Assembly has a perfect right to suggest whatever in its judgment would be the right and the wise course to take, and that as a matter of sound public policy the Council should act upon it."

M. Politis (Greece) proposed an amendment to the report to this effect: "That during the session of the Assembly the Council should not begin to deal with any matter belonging to the common competence of the Assembly and the Council without first referring the matter to the Assembly." But he withdrew it on

the strength of M. Viviani's argument that "the proposal would practically mean an amendment to the Covenant."

The report was adopted with the exception of a single point.

The Greek delegate had proposed the following change: "The Assembly has no power to reverse or modify a decision which falls within the *exclusive* competence of the Council." The significance of the proposal was well stated by Mr. Doherty (Canada) in the course of the debate:

With that word used, the Assembly is asked to declare that it has no power to reverse or modify decisions which fall within the exclusive competence of the Council. By striking out the word "exclusive," we are asked to declare that the Assembly has no power to reverse or modify a decision which falls within the competence of the Council, and that statement will come, following on a report which establishes that there are matters which are within the competence of both bodies. It therefore follows, if we adopt this amendment, this Assembly will have declared that wherever a matter is to be dealt with by both bodies, the action of one shall be final, and we shall be committed to this position, that in a matter in which jurisdiction is conferred upon both these bodies, the Assembly may find itself absolutely impotent as the Council had acted first.

The decision reached at the 15th plenary meeting after the rapporteurs had examined with Mr. Balfour, the Chairman of the First Committee, whether it was possible to find a formula conciliating all opinions, to suggest to the Assembly the suppression of Paragraph (b) from Article 10 of the report. The rapporteurs thought that it expressed the same principle as the preceding Paragraph (a), and that its suppression would not modify the substance of the report. This left the whole matter of concurrent jurisdiction open, and the report was adopted without a formal vote.

The report (Assembly Document 159/20/48/159/1) was as follows:

I. We propose to seek in the Covenant the rights and duties attributed to the Council and the Assembly respectively. Before proceeding to this analysis, and in order to throw light upon it, we will attempt to take account, from the constitutional point of view, of the legal position of the League of Nations. We can not

attain a definite opinion until we have eliminated from the discussion certain hypotheses on which we must dwell for a moment.

a. It is impossible to consider the Assembly as a Chamber of Deputies and the Council as an Upper Chamber. The objections to this view are that, while in certain matters the Council and the Assembly have identical rights, in others they have each their special rights; and that the two bodies are not called upon to discuss and decide exactly the same points. If the Assembly was the Chamber of Deputies and the Council a sort of Upper Chamber, the same subjects would come first before the one and then before the other body.

b. It is equally impossible to consider the Council as invested with the executive and the Assembly with the legislative power. The conclusive objection to this view is that the Assembly possesses executive prerogatives.

The truth is that the League of Nations has no analogy in ordinary constitutional law. Article 2 of the Covenant provides that the action of the League shall be effected through the instrumentality of an Assembly and a Council. It follows that the League is a single organism which has at its disposal two organs, whose distinct or similar attributes must now be considered.

II. Competence of the Council.—The Council has rights and duties which are special to it; for example, those mentioned in Article 4 of the Covenant.¹ The Council has the approval of the appointments made by the Secretary-General (Article 6) and may decide that the seat of the League shall be elsewhere than at Geneva (Article 7). The Council shall formulate plans for the reduction of armaments and must give its consent to armaments exceeding those limitations (Article 8). It shall advise as to the evil effects attendant upon manufacture of arms by private enterprise (Article 8). The Council shall advise, in case of aggression (Article 10). It must formulate and submit proposals for the establishment of a Permanent Court of Justice (Article 14), and it may act as a Council of Mediation (Article 15). It must make recommendations to the Governments as to military contribution to the armed forces to be used to protect the covenants of the League (Article 16). It will define the conditions of the mandates if they have not been previously agreed upon by the Members of the League (Article 22, paragraph 8). Its consent is required for the co-operation of the Secretariat with international bureaus and commissions (Article 24, paragraph 2).

¹Inserted in the Assembly on motion of Serb-Croat-Slovene State.

The Council furthermore derives clearly defined functions from the peace treaties (see Article 48, Article 50, Annex 17, Article 213 of the treaty of Versailles; Article 159 of the treaty with Austria, Article 104 of the treaty with Bulgaria, etc.).

III. Competence of the Assembly.—The Assembly also has duties and rights which are peculiar to it; for example, admission of new Members (Article 1); election of representatives on the Council (Article 4); approval of additional members on the Council (Article 4); approval of the Council's nomination for the office of Secretary-General (Article 6); hearing of disputes referred from the Council to the Assembly, etc., etc. We find that on these very important matters the final decision rests with the Assembly and not with the Council.

IV. While, as we have seen, the Council and the Assembly have each their distinctive rights and duties, there are matters the decision of which is left to the League of Nations without it being specified to which organ of the League the right of decision belongs (Articles 23 and 24 of the Covenant; Articles 103, 336, 338, 376 of the treaty of Versailles).

V. Finally our account of the provisions of the Covenant in regard to the powers of the Council and the Assembly should be completed by setting out the relevant provisions of Articles 3 and 4. The former provides:

“The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.”

The latter article provides:

“The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.”

No Need to Define Functions Now

VI. In the opinion of the Committee it would not seem to be desirable or necessary to formulate in explicit language at the present time what are the precise functions which the Council and the Assembly are respectively expected to perform. In the report presented by Mr. Balfour and approved by the Council the following conclusion is reached:

“The moral I would draw from these broad considerations is that the less we attempt to formulate in explicit language the precise functions which the Council and the Assembly are respectively expected to perform, the better for the future of the League. . . .

“Let us substitute for any such formalism of our respective duties a resolve to deal with any difficulties between the Assembly and the Council, not according to prearranged rules, but according to the dictates of tact and common sense, treating each case as it arises on its merits.”

The Committee recommend the Assembly to accept and act upon this conclusion.

VII. In the report by Mr. Balfour already referred to, a proposal is made for the appointment of mixed committees to determine questions of doubtful competence between the Council and Assembly. While appreciating the purpose of this proposal, we think it is not necessary at the present time to decide this question.

VIII. It remains to solve a very important question: What is the nature of the executive effect of decisions of the Council and the Assembly? In our opinion the Assembly and the Council should be considered to have complete authority in all matters which the Covenant or the treaties have committed to them for decision. There are, however, matters referred to in the Covenant which are not within the competence of these organs, but require the concurrence and action of the Governments concerned in the form of international conventions, such as the serious questions contemplated by Article 23, paragraphs *a, b, e, f*. In these matters one must not forget that the responsibility of the Governments represented at the Assembly, which is external to the Assembly, can not be engaged. The action of the Assembly should accordingly take the form of a recommendation or invitation leading up to agreement between the Governments.

Principles Rejected and Those Adopted

IX. Two further questions were discussed in the committee.

a. The first question was whether a member of the Council, in rendering his decisions on the Council, represented the Member of the League which appointed him or acted in an independent capacity. Representatives on the Council and the Assembly are responsible to their own Governments and to those Governments alone. The Assembly has no right to interfere with the choice which a Member of the League may make of persons to represent it, nor to prevent a representative from saying what he pleases; but it is essential that it should be thoroughly understood that, when a representative votes, the vote is that of the Member which he represents, whether the vote be cast in the Council or the Assembly. (*See Article 5.*)

b. The idea was suggested not of permanent committees continuing to function after the Assembly had risen, but of allowing committees which have failed to complete their labors in the course of a session of the Assembly to retain their mandates until their discussions are completed. The Committee is unable to accept this proposal. Practical reasons render it unrealizable. As each committee consists of one representative from each state, it would be impossible to keep the members of a committee in Geneva after the Assembly session was over.

X. At the close of this purely juridical discussion, and as an assistance toward reaching a working basis for the time being, the Committee suggests the adoption of the following principles, which it has framed after close examination of the investigations upon the subject in question already made by the Secretary-General and Mr. Balfour:

a. The Council and the Assembly are each invested with particular powers and duties. Neither body has jurisdiction to render a decision in a matter which, by the treaties or the Covenant, has been expressly committed to the other organ of the League. Either body may discuss and examine any matter which is within the competence of the League.¹

b. Under the Covenant representatives sitting on the Council and the Assembly render their decisions as the representatives of their respective states, and in rendering such decisions they have no standing except as such representatives.

c. The Council will present each year to the Assembly a report on the work performed by it.

NONPERMANENT MEMBERS OF THE COUNCIL

No question before the Assembly was given more careful or serious attention than that relating to the selection of the four Members of the League which, with the great powers, make up the Council. An equitable scheme of apportioning four places on the Council among ten times that number of Members, of determining lengths of service, of properly distributing representation geographically, etc., in effect raised the same problem which has proved a difficulty in international organizations from the outset. The Assembly, while not committing itself to decisions of principle on its first examination of the question, successfully passed

¹Added at the 14th plenary meeting of the Assembly on the motion of Lord Robert Cecil (South Africa).

resolutions fulfilling its duty to make appointments, and thereby created precedents which will facilitate the later establishment of principles acceptable to all states.

The First Committee studied the problem in all its details during several meetings in which all the debatable questions were put to a record vote. These were all close. They resulted in a series of five draft resolutions which were presented to the 19th plenary meeting of the Assembly in a report (172B) by Mr. Balfour, chairman of the First Committee, who explained that all the important proposals were the subject of very sharp discussion and marked differences of opinion, with votes showing no very substantial majority. "All the important differences that declared themselves among the members of the committee," he said, "really turned on this—whether we should endeavor to lay down rules with regard, for example, to nonre-eligibility." The report related succinctly what had passed in committee, and stated:

II. . . . The French text of Article 4, paragraph 1, lays down that the four nonpermanent Members of the Council *sont désignés librement par l'Assemblée et aux époques qu'il lui plaît de choisir*, while the English text reads: "shall be selected by the Assembly from time to time *in its discretion*."

Part of the Committee was of opinion that this provision should be understood as follows: The plenary Assembly should remain free to choose as Members of the Council those Members of the League whom, at the time the selection is made, it considers best fitted to carry out their duties as such, that is to say, to watch over the interests intrusted to the Council. The selection of the four Members is, therefore, to be free and not subject to any regulations on the part of the Assembly, either in respect of apportionment of seats or of the progressive limitation of choice. Such regulations are alone admissible as are confined to the method of selection and the duration of the mandates or are intended to guarantee freedom of choice. In other words, only regulations exclusively affecting the actual procedure of selection can be considered as compatible with the Covenant.

On the other hand, however, other members of the Committee are of opinion that Article 4 gives the Assembly of the League absolute liberty not only to regulate at will the method of election and the duration of mandates, but also to introduce any system of apportionment of seats or of rotation calculated to increase the prestige of the Council and to

enable it to watch over the common interests of the whole world in the best possible manner.

Obligatory Rotation Rejected

III. Part of the Committee was of opinion that the fundamental principle to which the Assembly should always adhere in selecting the nonpermanent Members of the Council, is that those Members should be chosen who are best fitted to carry out, in conjunction with the permanent Members, the duties intrusted to the Council; the election must always be a selection. With this object in view, especial consideration should among other things be given to international political, economic, social and financial relations of every sort, as well as to the respective situations of the various states at the time of the election.

Other Members consider that, in order to insure that the composition of the Council is satisfactory, it is essential to guarantee to Members of the League the certainty of obtaining a seat in turn, since without this certainty there would be a risk that they would gradually cease to take an interest in the work of the Council, and that the spirit of cooperation would be weakened. For these reasons, they proposed that the duration of the mandate of nonpermanent Members of the Council should be reduced to a short period—for example, two years—in order to accelerate the rotation as much as possible, and to require that a Member who had sat on the Council should not be re-elected until all the other Members had also sat on the Council. This system has been called the system of obligatory rotation.

Part of the Committee believes that this is incompatible with Article 4 of the Covenant. The system of free selection provided for in this article would thus be replaced by the system of obligatory rotation. The latitude of choice would be restricted from year to year, and would indeed finish by disappearing altogether, because the Assembly would ultimately only be able to appoint to the Council those Members who had not yet been elected.

It was urged that justice, as well as expediency, requires that all the Members of the League of Nations should in turn obtain a seat on the Council, in order to be able to represent their views on matters of international policy, and to utilize their special knowledge concerning the actual situation in different parts of the world. The majority, however, considers that the appreciation of these elements should always be left to the Assembly. The latter can not therefore adopt a rigid system, which is foreign to the Covenant, nor can it be bound by any such principle as that of obligatory rotation. The Committee has accordingly not adopted this system.

IV. In order to insure a wiser apportionment and a more enlightened choice at the election, the Committee preferred the system of voting for one name at a time to the "scrutin de liste," and although the election is one of states and not of persons, the Committee unanimously declared itself in favor of a secret ballot.

V. As regards the duration of the mandates, part of the Committee is in favor of as short a period as possible, in order to give the Members of the League the greatest possible chance of being represented on the Council within a reasonable time. Another part of the Committee, however, considers that the four nonpermanent Members of the Council will not be able to exercise an appreciable influence by the side of the permanent Members, unless they sit for a sufficiently long period to enable them to become familiar with the course of business. They, therefore, proposed four years as the period of the mandates. The Committee decided by 14 votes to 13 in favor of the period of two years, 15 members being absent or abstaining from voting.

VI. The Committee further declared itself in favor of partial renewals of the nonpermanent Members and fixed upon two as the number of Members to be selected each year. Any system involving the simultaneous renewal of the four seats was rejected.

VII. The Committee was further of the opinion that a system of qualified nonre-eligibility should be adopted with a view to preventing the growth of a species of customary right to re-election. The majority thought that it would be possible to allow a Member, who had held his seat upon the Council for two years, to be selected for a further two years, but felt the necessity of stipulating that, subsequently, retiring Members should be ineligible for a period of four years. Even when a Member was not re-elected after sitting for two years, he should not be able to sit again on the Council until a period of four years had expired.

Distribution of Council Membership

VIII. The Committee proposes, firstly, that two of the four Members should be selected at each annual meeting of the Assembly, and, secondly, that all four Members should be selected during the present session. As a temporary measure, therefore, the Committee suggests that two of the mandates should be for one year and two for two years. The respective length of the mandates could be decided at the election, but the Committee prefers that this question should be decided by drawing lots, after the selection of the Members.

A proposal to distribute the four nonpermanent seats upon the following geographical basis—three seats to the European and American

Members of the League, and one seat to the Members from Asia and the other parts of the world—was thoroughly discussed by the Committee.

On the one hand, it was urged in support of this idea that—due regard being given to the main branches of humanity, the great currents of civilization, the principal sources of wealth, and the commercial arteries of the world: (1) The Members of the League of Nations who are not permanently represented on the Council naturally fall into three groups: the European Group, the American Group, and a third group including Asia and the other parts of the world; (2) These three groups of Members of the League with their respective problems, conditions and capabilities should all be represented on the Council, the permanent embodiment of the spirit of the League, inasmuch as universal co-operation is essential for the effective maintenance of world peace and the advancement of the common interests of humanity; (3) The proposed system of apportionment is equitable and is designed to obviate the preponderance of any one part of the world, to the exclusion of other parts, with regard to nonpermanent representation, a preponderance which would be possible in the absence of any system of apportionment; (4) The nonrepresentation of any one of these three groups of Members might jeopardize friendly relations between them, and even weaken the League itself, since the nonrepresented group would gradually lose interest in the League; (5) Such a system of apportionment is desirable, since it would tend to enhance the prestige of the Council and to inspire confidence in its deliberations and decisions among all the Members of the League; (6) An equitable system of this kind is entirely in harmony with the spirit of the Covenant and does not constitute a restriction on the discretionary power conferred upon the Assembly, by the Covenant, but is rather an enlightened use of that power.

On the other hand, it was urged that any hard and fast system of apportionment would be contrary to the Covenant since it would involve restriction of the freedom of the Assembly by introducing a system of representation foreign to the Covenant, as has been already explained; that neither the Asia-Africa-Oceania group nor even Asia or Africa separately can be considered from any point of view entities sufficiently homogeneous to supply a legal basis for representation on the Council; that the universal co-operation necessary for the effective maintenance of world peace and for the advancement of the common interests of humanity must be achieved by the Assembly of the League rather than by the Council; that in order to obtain equitable representation, and to avoid the undue preponderance of any part of the world, among the nonpermanent representatives of the Council, we must rely rather on the spirit that animates the League than on any predetermined regula-

tions; that Europe is at present in the throes of a crisis, and that in consequence the composition of the Council must offer guaranties which will meet the requirements of this situation; that later on a crisis may develop in some other part of the world, creating new requirements; and that at any rate until peace has been finally re-established, there can be no restriction of the freedom of choice of the Assembly as regards the selection of the four nonpermanent Members of the Council.

A motion proposing to adopt experimentally at the election in the present session of 1920 the system of distribution of seats mentioned above was accepted by 13 votes to 12, two Members abstaining from voting, and 15 being absent.

IX. The Committee finally considered whether the regulations which it recommends are or are not matters of procedure within the meaning of Article 5, paragraph 2, of the Covenant. Certain Members of the Committee urged that at least Resolution IV could not be regarded as a question of procedure, but was a question of substance. The Committee, however, adopted by a majority the view that all the resolutions proposed deal with matters of procedure.

How Should Vote Be Held?

After the debate had proceeded for some time, M. Aguero (Cuba) proposed that voting should take place on the resolutions in order. This plan was about to be followed when M. Urrutia (Colombia) suggested that the question of whether the vote was to require unanimity or only a majority, as a matter of procedure, should be previously decided. Mr. Millen (Australia) objected that this would "trespass upon the sovereign rights of the sovereign states." Mr. Balfour supported the Colombian suggestion. Signor Schanzer (Italy) urged that deciding what was a question of procedure was a question of substance, for which unanimity was required. As to the proposed resolutions, he felt that, for instance, No. 2 could be decided by majority vote but No. 4 required unanimity.

M. Benes (Czecho-Slovakia) agreed with the Italian and therefore proposed this motion:

That we proceed this year with the selection of the nonpermanent Members of the Council only for the duration of one year, without any restrictions at all, that the different proposals and the resolutions which the committee has worked out be referred to the Committee on Amendments to the Covenant to report to the Council.

This brought both opposition and support, but the debate was brought to a close by Mr. Balfour proposing his resolutions, amended to conform to this suggestion. M. Benes expressed approval and Mr. Wellington Koo seconded the Balfour motion, which was put to a vote item by item. All votes were without objection, except that the recommendation vote stood 27 to 4. The text as passed follows (A. D. 218):

1. The mandates of Belgium, Brazil, Spain and Greece as Members of the Council, as provisionally conferred by Article 4, paragraph 1, sentence 3, of the Covenant, shall expire on December 31, 1920.

2. In execution of Article 4, paragraph 1, sentence 2, of the Covenant, the nonpermanent Members of the Council shall, at the present session of the Assembly, be selected one at a time and by secret ballot for a period of one year. If no Member obtains at the first ballot an absolute majority of votes, a new ballot shall be taken, but on this occasion the voting shall be confined to the two Members who obtained the largest number of votes at the first ballot. If at this ballot the two Members obtain an equal number of votes, the President shall decide by lot.

3. The various proposals considered by the First Committee on this subject shall be sent to the Committee to be constituted by the Council for studying amendments to the Covenant, which shall report on them to the next Assembly.

Recommendation

The Assembly is recommended to vote for the four nonpermanent Members to be selected by the Assembly in 1920 so that three shall be selected from among the Members of the League in Europe and the two American Continents and one selected from among the members in Asia and the remaining parts of the world.

ELECT MEMBERS OF COUNCIL

In accordance with these resolutions, balloting for the four nonpermanent Members of the Council took place at the 25th plenary meeting. Ballots resulted as follows:

39 states voting, Honduras and Liberia not voting.

1. Thirty-five in favor of SPAIN; 2 in favor of Brazil, and 2 in favor of China. Spain designated as a Member of the Council.

2. Thirty-three in favor of BRAZIL, 3 for Portugal, 2 for China and 1 for Sweden. Brazil declared the second nonpermanent Member of the Council.

3. Nineteen voted for China, 16 for Belgium, 1 for Holland, 1 for Sweden, 1 for Czecho-Slovakia and 1 for Portugal. According to the rules, a second ballot between the two states at the head of the ballot, China and Belgium, was necessary.

4. BELGIUM 24 votes, China 14, and Rumania 1. Belgium declared the third nonpermanent Member of the Council.

5. CHINA received 21 votes, Rumania 7, Sweden 5, Czecho-Slovakia 2, Portugal 1, Greece 1, Switzerland 1 and the Serb-Croat-Slovene State 1. China proclaimed a nonpermanent Member of the Council.

IV. AMENDMENTS TO THE COVENANT

The First Committee's discussion of amendments to the Covenant began at its first meeting. On motion of M. Politis (Greece) that the question should not be taken up until a subcommittee had first examined it, the meeting adjourned. At the second meeting the amendments proposed by the Danish, Norwegian and Swedish Governments were before the committee. These, with the exception of a lengthy proposed procedure for commissions of inquiry,¹ were in substance identical with the Danish suggestions, which read:

Art. 3, par. 2. The Assembly shall meet *each year at the time fixed by its rules of procedure* and from time to time, as occasion may require, at the seat of the League, or at such other place as may be decided upon. *On the demand of ten members of the League, the Secretary-General shall immediately summon a meeting of the Assembly at the seat of the League.*

Art. 4, par. 1. The Council shall consist of representatives of *the United States of America, the British Empire, France, Italy and Japan*, together with representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly *at its annual meetings, by a majority of the Members of the League represented at the meeting, and for a period of four years dating from the first of January of the following year. A member who has been appointed for one period may not be appointed for the following period. On the occasion of the first appointment, the four members shall be appointed respectively for periods of three, four, five and six years.*

Art. 13, par. 2. Omit the word "generally."

Art. 16, add after par. 1. *At the request of a Member for whom the application of the above provisions might entail serious danger, the Council may authorize this Member to maintain intercourse, in such measure as the Council shall decide, with the covenant-breaking state.*

Baron Marks von Wurtemberg (Sweden), introducing the amendments, referred to the careful study which had been given to the question of a League of Nations by the Scandinavian

¹For full text see *Official Journal*, No. 6, 353-357; Assembly Document 10.

Governments, both before and since the framing of the Covenant. He urged that the Covenant inevitably contained defects and obscurities; and while he recognized that important changes must raise questions of great delicacy and ought not unduly to be pressed at the present moment, he considered that the Scandinavian amendments were immediately necessary.

Sir Ali Imam (India) thought the committee should lay down the principle that they would not consider any amendments inconsistent with the explicit terms of the Covenant. M. Viviani (France) proposed that the committee should, on principle, refuse to consider any amendment of the Covenant. The first Assembly of the League must not take any action which could appear to reverse the provisions of the treaty of Versailles. He thought, moreover, that the committee were not competent to deal with amendments to the Covenant.

Committee Is Suggested

M. Lange (Norway) urged that the committee had a mandate to deal with the amendments. The purpose of the amendments was merely to render explicit the provisions in the Covenant and fill up its lacunae. They were in no way contrary to the provisions of the treaty of Versailles. The Assembly must not take a formalistic view and fall short of what was demanded by public opinion. He proposed, as a subsidiary measure, the appointment of a committee of jurists to report on the amendments at the next session of the Assembly. M. Struycken (Netherlands) considered that the committee should discuss the first two Scandinavian amendments, reserve the third until Assembly Committee No. 3 had presented its report, and refuse to discuss the remaining amendments which touched the substance of the Covenant.

Viscount Ishii (Japan), referring to the safeguards against ill-considered amendments in the constitutions of most states, was strongly of opinion that any proposal to amend the Covenant was premature. The Chairman agreed that amendment of the Covenant at this moment would be premature. There was as yet hardly any experience of its working as originally drafted. He recognized that the Scandinavian amendments did not go to the

root of the Covenant or conflict with its essential principles, and that the Covenant would one day require amendment, but he thought that a little delay was advisable.

The representatives of Norway and Denmark again appealed to the committee to discuss the principle of the amendments, or to take steps to secure appointment of a committee to report upon them to the next Assembly. M. Spalaikovich (Serb-Croat-Slovene State) and M. Jonsescu (Rumania) appealed to the committee to do nothing to invalidate the treaty of Versailles, which was the charter of their national freedom.

Vote Not to Consider Amendments

The Chairman proposed a vote upon whether the amendments should be considered. M. de Alvear (Argentina) rose to support the appointment of a special committee to consider amendments. After an exchange of views between the representatives of France, Norway, China and Argentina, the Chairman said that the question of such a committee would arise if it was decided to consider the amendments. The Chairman then put the following question: "Whether the amendments referred to the committee should at this moment be taken into consideration by the Assembly or not."

The committee, by 20 votes to 8, decided against consideration of the amendments.

The following countries voted with the majority: South Africa, Australia, Belgium, Brazil, British Empire, Canada, China, Czecho-Slovakia, France, Guatemala, Haiti, India, Italy, Japan, Poland, Rumania, Salvador, Serb-Croat-Slovene State, Spain, Switzerland.

The following countries voted in the minority: Argentina, Cuba, Denmark, Netherlands, Norway, Panama, Siam, Sweden.

Three countries did not vote.

At the fourth meeting of the First Committee, the Chairman announced that the Netherlands proposed that the Council be invited by the Assembly to appoint a committee to study the amendments to the Covenant presented to the Assembly. The committee shall report to the Council, which shall in its turn place their conclusions before the Assembly at the next meeting. He thought that this proposal was perfectly consistent with

the general scheme of the League and would give great satisfaction to the Scandinavian countries and Switzerland, and probably form a useful precedent. If it was accepted, he did not think the Council would be hostile to the proposal. On the recommendation being voted on, it was carried, 18 states voting for and none against.

Mr. Balfour (Great Britain), Chairman of the First Committee, acted as rapporteur at the 12th plenary meeting of the Assembly. He said in part:

“After some discussion we decided that the moment was inopportune for making any amendment at all, and I should like briefly to explain our reasons for the course we then adopted. Let me say in the first place that one reason was not that we thought the Covenant inspired from Heaven, immutable, perfect in all its parts, never to be changed, modified or improved. No such idea entered into the mind of any member of the committee. We know perfectly well the extreme difficulties under which the Covenant was drawn up. It was drawn up in Paris in the year 1919 by statesmen of the greatest eminence, but who were at that moment overwhelmed with responsible work; it was carried through with marvellous unanimity and rapidity. . . . Admirable as is the Covenant, we all recognize that certainly in details, and possibly as time goes on even in matters which can not be described as matters of detail, changes will be desirable, and will indeed be inevitable. Our view was, and is, that those changes must come, and ought to come, but they ought not and properly can not come at the present moment. If our first reason for deferring amendments was not because we think the Covenant perfect, neither was it because we think the amendments proposed by the Scandinavian countries were not in themselves worthy of the most careful consideration, and indeed showed the utmost industry, skill and ingenuity on the part of those who drew them up. That is not our view. . . .

Postponement Discussed

“Our motive was twofold, and the first motive was this: If you change the Covenant, you change the treaty of Versailles. The Covenant . . . is an integral part of the treaty, and we thought

it very undesirable at this moment and in the circumstances in which we find ourselves, that the Assembly should set to work to pull to pieces that great international instrument which gave a seal to the peace of the world. . . . Our second motive was this. We remembered that the League of Nations is yet very young, that it has been in existence less than a year, less, indeed, than eleven months, that its experience and the experience of its Members is necessarily imperfect because it has been inevitably short, and we thought, and still think, that before beginning to amend the instrument which has brought us into being, and by which we exist and work, we ought to have behind us somewhat more experience than could have been afforded us by ten months' working of the Council, and a fortnight's work of the Assembly.

"These reasons which I have briefly indicated were sufficient to convince the committee that the work of amending the Covenant was one which, though inevitable, ought to be somewhat deferred. The question then remains, granting that broad principle is accepted, how are we to deal with the carefully thought-out amendments which have been laid before us by the Scandinavian countries?"

The speaker read his resolution and ended with this comment:

You will observe that the amendments are not withdrawn from the Assembly, or indefinitely shelved or put on one side, but that they are handed over to a committee which will carefully and maturely consider their provisions, and after such careful and mature consideration report to the Council, who will in their turn report to the next Assembly. Therefore, when in September next the Assembly comes together again in this town, they will be in a position fully to consider and finally to decide whether those amendments shall be accepted.

Dr. F. Hagerup (Norway): I wish to express my thanks to the President of the First Commission for the kindly terms in which he has referred to the resolutions of the Scandinavian countries. Also I desire to express my satisfaction with the resolution which he has proposed to the Assembly. I wish to emphasize the point that the amendments have not been rejected, but are to be submitted to a special examination. That is exactly what we desire.

The Swedish and Danish delegates expressed themselves in the same sense. The Dutch delegate spoke much to the same effect. M. Affonso Costa (Portugal) next spoke:

I am one of those members who consider that the question of amendments to the Covenant could be carried out at this Assembly. I feel very much that the Covenant is not perfect. . . . The Covenant is not in itself the treaty of Versailles, and it can be modified by Article 26 according to necessity. But the First Committee decided that it would be premature to effect any amendment now. There will be another Assembly of the League on September 5 next, and the time between now and then is not too long for us to study these questions and even to present other amendments. Perhaps between now and then other states will have become Members of the League and we want to have those states here before we start any modifications of the Covenant. I accept the short delay in making any modifications to the Covenant. But, with regard to the second part of the motion, I propose to add words to this effect: That the committee will study the Scandinavian proposals and also such proposals as shall be submitted to it within a period which the Council shall determine.

He then read out certain amendments to the Covenant which the Portuguese Government wished to propose for the consideration of this committee.

Mr. Balfour, in reply to a question by Mr. Rowell, stated that the resolution about to be voted upon did not cover the method of allocating financial quotas.¹ He added that it seemed to him desirable, as the delegate of Portugal had suggested, that amendments might be with advantage submitted to and considered by that committee, so that "when we meet next year, we shall meet with a considered opinion on the merits of the various proposals for changing the text of the Covenant. My own advice would be to accept, not merely the resolution in the form I read it out, but also the amendment which the representative for Portugal desires to add to it."

Eventually, the Balfour motion as amended by M. Costa was put to a standing vote as a whole.

MM. Pueyrredon (Argentina) and Velasquez (Paraguay) rose against the proposal. The President suggested that a vote by

¹See page 124.

ballot would satisfy the dissidents. M. Pueyrredon replied that he had voted against because the proposal prevented consideration of amendments at the present session. M. Viviani rose to the point of order that this was a question of procedure capable of decision by a majority. The President so ruled. "I agree," said M. Pueyrredon. "Under these conditions the proposal is adopted," declared the President, and the meeting, assenting, adjourned. The resolutions as adopted follow (A. D. 158):

The Assembly of the League of Nations resolves:

a. That the amendments to the Covenant proposed by the Danish, Norwegian and Swedish Governments shall, at this moment, not be taken into consideration by the Assembly; and

b. That the Council be invited to appoint a committee to study the said proposals of amendment, together with any which may be submitted by a Member of the League within a period to be fixed by the Council.¹

This committee shall report to the Council, which shall place the conclusions before the Assembly at its next session.

ARGENTINA'S WITHDRAWAL

The President opened the 14th plenary meeting by reading correspondence, which follows in part:

ARGENTINE DELEGATION,

ASSEMBLY OF THE LEAGUE OF NATIONS, GENEVA.

December 4, 1920.

SIR,

In the course of the Plenary Session of the 2nd instant, the Assembly was notified of a motion proposing to adjourn the discussion of amendments to the Covenant by various nations until the next session of the League. . . .

We should have consented to the postponement of questions of secondary importance, but we can not do so in the case of important motions capable of completing and strengthening the institution which is the fruit of the Covenant

¹At the final session of the Assembly it was announced that the Council had fixed March 31, 1921, as the date at which the proposals for amendments to the Covenant should be sent in to the Secretariat, in order to be examined in time by the committee.

We are ready to respect the opinions which are represented in the vote which we are discussing, though they are at variance with our own. We recognize that these opinions are inspired by the desire to help forward the noble aims pursued by the League of Nations; but we should be lacking in consistency if, after having firmly upheld the same principles in our declarations and in the committees, we failed to adopt the only course which appears to us to be reconcilable with the convictions which induced the adhesion of our Government to the great idea of a League of Nations.

The chief aim of the Argentine Government in sending the Delegation, of which I have the honor to be head, was to co-operate in the work of drawing up the charter by means of amendments to the Covenant, in which we hoped that it would be possible to embody the ideals and principles which Argentina has always upheld in international affairs, and from which she will never deviate.

When once this aim has disappeared, owing to the postponement of the amendments, the moment has arrived for Argentina's co-operation in the work to cease. The adoption or rejection of the lofty principles contained in the amendments which have been presented to the League would have served to demonstrate to our country, and to public opinion, by what permanent rules of conduct the League of Nations was likely to be guided.

For the above reasons, and in accordance with the instructions received from my Government, I have the honor to inform the President, and through him the Assembly, that the Argentine Delegation considers its mission at an end.

I beg you, Sir, to be so good as to accept and to transmit to the eminent representatives of the states composing the Assembly our most respectful greetings.

The President read his reply expressing regret on behalf of the Assembly at the action of the Argentine Delegation. He then accorded the floor to Lord Robert Cecil who after a graceful tribute to the personality of Señor Pueyrredon said that the latter's "proposals were never discussed here. I hoped they would have been discussed, and had the Argentine Delegation remained, they would undoubtedly have had full opportunity of discussion, and after that discussion we could all have made up our minds as to the value and opportuneness of those proposals." And he added:

But I am bound to add this, for fear of misunderstanding—that if every Member of the Assembly were to take the line which the Argentine

Delegation has taken, no progress would have been possible. No Assembly can exist; no Assembly can function, if, because some decision as to the procedure on a particular resolution is arrived at, the author of that resolution withdraws all his assistance from the deliberations of the Assembly, and I can not help feeling that our Scandinavian colleagues have shown a much higher appreciation of what is required when they have co-operated in the decisions of the Assembly, even though the effect of them was to postpone the adoption of the proposals they have laid before us. In any case, the attitude of the Assembly and the League is unchanging; wherever criticism may come from, the League will continue to discharge its duties. No one who has had the privilege of taking part in this Assembly can fail to realize the gigantic step forward which has been made in international co-operation.

PROPOSAL TO ELIMINATE ARTICLE 10

The Assembly next turned to amendments proposed by the Argentine delegation and by Charles J. Doherty (Canada). It is worthy of note that the Argentine amendment bore the same date as the letter of withdrawal.¹ The Canadian motion follows:

That Article 10 of the Covenant of the League of Nations be and is hereby struck out.

M. Branting (Sweden): "As the representative of one of the countries which suggested changes in the Covenant, I now ask that the Assembly should deal with the proposals before them in the same way that they dealt with the Scandinavian proposals."

Mr. Doherty began by recognizing the desirability of applying the same principle in all perfectly analogous cases, but argued

¹The Argentine proposal read:

"The strength of the League of Nations depends on its including the greatest possible number of states; the fewer the states outside it the greater will be the number of the Members pledged to carry out its discipline and to perform the duties which it imposes. The non-admission of a number of states might lead to dangerous antagonisms, be the cause of the formation of a league of states outside the League in rivalry to it, and lead to constant anxiety for the peace of the world.

"The Argentine Delegation therefore proposes:

"That the sovereign states recognized by the community of nations be admitted to join the League of Nations in such a manner that if they do not become Members of the League, this can only be the result of a voluntary decision on their part."

such analogy did not follow from the fact that motions were amendatory of the Covenant. He continued:

Our hope has been that the motion of which we gave notice might be referred to the Second Committee, in order that opportunities might be given for considering what would be the best method of dealing with it.

I understand, however, through our representative on the Bureau, that the suggestion made by M. Branting expresses the unanimous view of the Bureau as to the manner in which the motion which I have the honor to submit should be dealt with. . . . Our proposal, which, for reasons that need not be gone into here, did not come before this Assembly in its opening days, is not the result of any afterthought on the part of Canada or her representatives. It represents the view which Canada entertained at the time the Covenant was under discussion, and which she endeavored to cause to prevail. That view, however, did not then prevail; but Canada, notwithstanding that, in view of the great importance of the League being brought into being, accepted the Covenant as it stood with this clause. She did so in the hope and expectation of opportunity for amendment of the Covenant, which the Covenant itself provides for, and she looked forward to having that opportunity to make her best endeavors, at all events, to bring about this improvement. We fully recognize that the motion is one of importance, and that there is much to be said in support of the view that there should be the most careful consideration. We further realize that no action upon it, favorable to the view we entertain, can be taken and be effective without the co-operation of both Council and Assembly. That being so, and in view of the fact that it is the view of the Bureau that we could not expect to obtain unanimity upon this question of the best method of procedure, we feel we have no other course open to us than to yield as gracefully as may be, to the inevitable.

The two amendments were referred to the committee to be appointed by the Council.

V. TECHNICAL ORGANIZATIONS

The Second Committee, Technical Organization, met for its first meeting¹ on November 19, with M. Tittoni (Italy) presiding. The Chairman stated that "in conformity with the letter and the spirit of the Covenant, and, even more, in view of the general purposes for which the League was established, the latter is called upon to perform a number of duties of an international character, which, from their nature, may be called duties of a technical order—such as those dealing with health, transit and communications, economic and financial questions. These duties are of importance, not merely because they form an integral part of those other duties which appear at first to appertain more particularly to the League, such as its political duties and those which aim at securing international justice, but also because it is by means of these technical functions that the League of Nations, in this the initial stage of its existence, will be able to consolidate its structure and do justice to the importance of its mission. It is precisely in the field of these questions, more even than in the political field, that states may now be more disposed to renounce the individualistic point of view and more inclined to act in the general interest, since the results are more immediate. The International Labor Office, which was the first technical organization established by the League, has in this way increased the credit of the League by being a practical and vital institution, that has secured the aid of that public opinion which undoubtedly constitutes the most powerful support of the League itself.

"The war, which divided the majority of the states into two groups, has made it clear that common dangers demand common action. It is evident that many questions, if they are regarded and treated in an individualistic manner, may disturb international harmony, and, on the other hand, if they are approached

¹Meetings were held as follows: 1, November 19; 2, November 20; 3, November 22; 4, November 24; 5, November 26; 6, November 29; 7, December 1; 8, December 3; 9, December 6; 10, December 8; 11, December 10; 12, December 16.

from the point of view of common interest, may contribute to the peace of the world. A great number, indeed, of these questions, which up to a few years ago bore a purely national aspect, have now crossed the frontiers and assumed a definite international aspect. In view of this phenomenon, brought into contact with our own time by the internationalization of ideas and conditions, we must guide our conduct by the endeavor to secure collective effort and the co-ordinated action of the greatest number of those interested.

“It is precisely in the consideration of universal points of view in the search for a basis of equilibrium, and in the adoption of an average international opinion, that the League of Nations, without becoming in any way a superstate may fulfil its functions. To a certain degree the League must proceed to analyze conflicting opinions in every field, and to apply tests to discover how far the time is ripe for proposed reforms. By establishing contact with technical experts in all countries and utilizing their aid, the League must hasten to establish the organizations necessary for uniform and sanitary action in the general interest. The activities of these technical organizations should be closely co-ordinated with the work of the Council, and on this point the Council is submitting to the Assembly the draft resolution which it passed at its meeting in Rome.”

The ten subjects on the agenda of the Assembly which had been referred to the committee for study were assigned to its members for special reports at the first meeting, M. Tittoni taking the first which dealt with relations between technical organizations and the Council and Assembly.

This important subject was much debated when the statement respecting it was brought before the third meeting of the committee, a proposal regarding the permanent committees for each subject occupying the bulk of attention. The committee finally decided to set up only organizations advisory in character, except in the case of health, which was already the subject of an international convention. The decision as to permanency was therefore left to the Governments of states.

RELATION TO ASSEMBLY AND COUNCIL

M. Hanotaux read the committee's report (A. D. 171) at the 16th plenary meeting of the Assembly. After describing the organization of the committee's work and the previous action of the Council and after referring to Articles 23, 24 and 25 of the Covenant, he said that the foundations had been established and that the decision as to permanent procedure was due.

The second chapter of the report dealt with relations between the technical organizations and the Council and Assembly. After a brief introduction, it contained the following self-explanatory resolution:

With a view to defining the relations between the Technical Organizations of the League of Nations and the Council and the Assembly of the League, the Assembly, after having noted the resolution of the Council of the League of Nations, dated May 19, 1920, submitted to it by the Council, adopts the following resolution. The resolution will be forwarded to the secretariat of all technical organizations, and those secretariats must in all cases be administered by the Secretary-General of the League.

The technical organizations of the League now in process of formation are established for the purpose of facilitating the task of the Assembly and the Council by the setting up of technical sections on the one hand and on the other to assist Members of the League, by establishing direct contact between their technical representatives in the various spheres, to fulfil their international duties.

With this double object, they must keep enough independence and flexibility to make them effectively useful to the Members of the League, and yet they must remain under the control of the responsible organizations which conduct the general business of the League, with a view to verifying whether the proposals are in conformity with the principles and spirit of the Covenant, in accordance with Articles 19 and 20.

The two following principles will serve as a guide:

a. The interior working of the various organizations should be independent.

They will prepare their own agenda, and communicate it to the Council of the League before discussion thereon takes place.

In exceptional cases in which it is necessary to add to the agenda during the progress of a conference of a technical organization, and time does not admit of the communication of the addi-

tional item to the Council, any decision arrived at thereon shall be provisional only until the Council has had an opportunity of exercising its control.

b. Their relations with the Members of the League should be under control.

Before any communication of the results or proposals of the technical organizations is made to the Members, and before any action concerning a Member is taken, the Council of the League must be immediately informed in order that they may be able to exercise their power of control, if necessary. In this case, the Council may decide that the communication or action in question shall be postponed and request the technical organization concerned either to withdraw the question from its agenda or to submit it to further consideration.

The technical organization may, however, request that the decision taken by the Council shall be discussed at the next meeting of the Assembly.

The Assembly of the League should be informed of all questions dealt with in the interval between its meetings by the Council in the exercise of its power of control defined above. It may either be informed of such questions by the Council on its own initiative, or on the proposal of any one of its Members, or at the request of one of the technical organizations of the League.

A debate on these declarations of principle followed. Dr. Nansen thought that it was "very important that it shall be expressly stated that it would be desirable to draw in the aid and co-operation of non-Members of the League," especially in scientific and humanitarian fields. Mr. Rowell (Canada) cited Article 23 of the Covenant and held that "the setting up of the organization itself should be a matter covered by the international convention in which the Governments themselves are entitled to express their opinion through the action they would take by agreeing to an international convention." He objected to the multiplication of international conferences on the scores of expense and the difficulty of non-Europeans attending them. Mr. Millen (Australia) ratified these remarks, especially with reference to the expense involved.¹ M. Ador appealed to Mr. Rowell to

¹The total indicated expense of such activities for 1921 is almost \$400,000 for 48 states!

approach these important and vital questions in a spirit of cordial understanding and Lord Robert Cecil, in a conciliatory move, proposed to adjourn the discussion to permit of friendly consultation.

Mr. Rowell accepted this suggestion as in accord with his own desire in a speech in which he said:

It is because I have such confidence in the League as a means of international co-operation, and such faith in its possibilities to avert the catastrophes through which we have been passing, that I do not wish the League to make what I believe would be a very serious mistake and imperil its usefulness for the future. It is in the spirit of international co-operation and with a view of making the League the most effective instrument possible that I have approached the consideration of the question. That is the whole attitude of Canada. . . . Conferences may be held, various actions may be taken, but this League and the Council are quite competent to form the conferences. It is not necessary to set up an international organization, a new organization, in order to call conferences. This League is quite competent to call conferences to consider any of these matters. Let us do everything that is necessary to meet the situation in the spirit of co-operation. Do not let us tie our hands for the future before we have had sufficient experience to know what is the wisest course to take.

After an explanation by M. Hanotaux and a compromise proposal by M. da Cunha (Brazil), the session adjourned. At the 17th plenary meeting, M. Hanotaux announced "that an agreement has been come to in a conciliatory spirit," the formula involving "not a question of principle, but one of definition of terms," which related principally to the Economic and Financial Organization, under which head they are set forth in detail.¹ He accordingly suggested the adoption of the resolution, which was unanimously adopted in the terms given above.

"Once these principles of our internal administration had been established, the Second Committee considered the creation of the technical organizations which have just been referred to," continued M. Hanotaux's report.

"In connection with all these subjects the League of Nations must be acquainted with the needs and wishes of the peoples, and the scientific treatment of various subjects; it must prepare

¹See page 71, below.

the text of any agreements or conventions which may be necessary or useful; it must approach its labors with the assistance of those concerned, whether Governments or groups of Governments, or even individuals; in a word, it must keep in constant touch with laboring humanity, and by holding aloof from all special points of view and private interests, it must strive to unite, to conciliate, and to pacify them so that, their claim as far as possible satisfied, they may thus by their voluntary adherence contribute to the general pacification and to universal well-being.

“It thus proposes to set up three technical organizations which are immediately necessary—an Economic and Financial Organization, an Organization for Communications and Transit, and an Organization of International Health.”

ECONOMIC AND FINANCIAL ORGANIZATION

M. Ador (Switzerland) made a statement on the Economic and Financial Organization, which had been proposed, at the third meeting of the Second Committee. After having recalled the work of the Brussels Financial Conference, he expressed the view that the Assembly should not only establish the basis of an economic and financial organization, but should also express its approval of the proposals of the Brussels Conference, particularly the proposal relating to the necessity for states to restrict such of their expenses as are not productive in character.

As a consequence, he proposed the adoption of the following resolution:

In view of the resolutions of the Brussels Financial Conference¹ and the decisions of the Council of the League for their execution, the Assembly recognizes the necessity of constituting a Permanent Economic and Financial Committee.

The duties of this committee shall include, among others:

The preparation of a general Economic and Financial Conference in 1921.

The examination of the institution of a Credit Organization.

And, on the basis of the principles set forth in Article 23 of the Covenant, which assures to all states equitable treatment, the examination of measures for preventing monopolies of raw materials and of the means of controlling distribution of raw materials.

¹See League of Nations, III, No. 5, October, 1920.

The Assembly insists on the urgent necessity of employing all natural wealth in strictly productive channels, and as a consequence it invites all Governments to make a considerable reduction in their expenses incurred by armaments and in preparations for war, in accordance with the provisions of Article 8 of the Covenant.

Mr. Millen (Australia) and Sir William Meyer (India) did not agree with M. Ador's interpretation of the resolutions of the Brussels Conference. Sir William Meyer maintained also that the terms of Article 23 of the Covenant could not be extended to raw materials. The Chairman (M. Tittoni) replied that the "equitable treatment for the commerce of all Members" provided in Article 23 of the Covenant could not be reconciled with monopolies of raw materials. Sir William Meyer (India) then asked that M. Ador should distinguish between resolutions which were textual reproductions of the decisions of the general conference and those which rested on his own inferences.

M. Ador presented three resolutions at the fourth meeting, the first of which concerned the resolution of the Council submitted for the approval of the Assembly, on which the committee was called upon to pronounce an opinion, and after some discussion of textual corrections, there was adopted a resolution in which "the Assembly recognizes and proclaims the urgent necessity of a permanent economic and financial organization," and in which it was provided that "the Council of the League of Nations shall summon, during 1921, a first Economic and Financial Conference, one of the duties of which shall be the organization of a Permanent Economic and Financial Committee."

M. Ferraris raised the question of whether the conference would present a report, and, if so, would it be sent to the Council or to the Assembly. The committee decided to refer this question to the Council.

The resolution formed the subject of Chapter III of M. Hanotaux's report to the Assembly, to which he stated that "important agreements are in course of preparation in respect of the international organization of credit" as a result of the Brussels conference.

Referring to the compromise which had taken place between the

16th and 17th meetings in regard to the general resolution respecting technical organizations he added in substance:

It was said that the organizations would incur large expenditure, and that their setting up would open the door to formidable expense. The Second Committee had not had time to go thoroughly into this matter, but it took into consideration yesterday amended estimates submitted by the Secretariat for expenditure for these organizations, and the amendment of Sir William Meyer was adopted and has been forwarded to the Fourth Committee, which deals with the budget. The general trend of that amendment is to limit the total maximum yearly expenditure of the organizations in question to 2,000,000 gold francs, with power to transfer such sums from one organization to another as it may seem necessary and desirable.

There was a second difficulty. A certain anxiety was demonstrated concerning the activities of the organizations which it was proposed to set up, the so-called "Standing Committees"—the "Comité Permanent." There was a sort of apprehension lest it might gradually evolve into a super-world wide ministry of the finances and economics of all nations. It was therefore necessary clearly to establish that each Government, under the terms of the present report, in the organizations which would be set up would retain its full right and independence to accept or reject such proposals as might be put forward. In point of fact, it has always been understood that these organizations, or so-called "Standing Committees," never were intended to have anything but an advisory power. It was never intended that they should have an executive power.

Discussion as to Raw Materials

The question of raw materials and their control was raised by M. Ador's second resolution. This subject had not been discussed by the International Financial Conference, but had been referred to in a resolution brought forward by the representative of Italy on the Council which, after a postponement, had passed a resolution at its Brussels meeting, which read as follows:

The Council has fully considered the difficulties experienced by numerous countries in assuring the import of raw materials essential to their welfare and even to their existence, and has requested the Economic Section of the Economic and Financial Committee to study:

- (a) The extent and nature of their requirements.
- (b) The causes of those difficulties (other than those arising from the lack of credit or fluctuation in the rate of exchange, which have already

been considered by the Brussels Financial Conference); the effects of the existence of monopolies will be very specially considered.

The Council invites the committee to submit to it at the earliest possible moment a report on the results of its inquiry—a report which is indispensable for the further deliberations of the International Economic and Financial Conference.

This matter was the occasion for a marked difference of opinion at the eighth plenary meeting of the Assembly, while the report on the work of the Council was under discussion. In his address then, Henri La Fontaine (Belgium) made a statement which attracted attention at the time in cable dispatches and which is accordingly given in full:

I am anxious to say how I and my friends look upon this most important question. We consider that the earth is a vast territory, unique in its entirety, from which humanity as a whole must derive full profit and advantage in equal manner. But this territory does not find itself dowered in every part with the same resources, and with the same amount of resources, and raw materials will be found in certain parts that are not found in other parts. Certain nations have the advantage of possessing these raw materials, others have not; and, in my opinion and in the opinion of my friends, I think some arrangement should be come to by which no one nation should have a prior right to these materials, nor that they should have any priority over the rest of humanity at large, but that those materials should be equally disposed of among all the nations for their mutual benefit.

The economic question is not only one of raw material *per se* but also of its transformation, circulation and distribution. Transformation has been taken in hand by the Labor Organization; circulation by the Committee on Circulation and Transit, and distribution is to be taken up by the special committee, the formation of which has been requested.

Newton W. Rowell (Canada), who emphasized the importance of distinguishing between the primary and secondary functions of the League, urged that they should not seek to promote proposals which were unrealizable because of being outside the scope of the Covenant. "If," he said, "there is one idea held more tenaciously than another on our side of the Atlantic it is that we must retain control of our own internal affairs. You can never expect the great nation south of Canada to become a party to this League so long as there is any suggestion or contention that

you are going to interfere with the domestic affairs of that country. Therefore, I think it is unfortunate to throw out to this Assembly and to the public any proposal to the effect that the Covenant of the League covers the question of raw materials. I submit, with respect, it is clear beyond peradventure that it does not. It is a question of tremendous importance to all the nations of the world. Everyone recognizes that. But to introduce it here and obscure the primary function of the League is only to militate against its efficiency and impair the position it should hold in the public estimation of the world."

Referring to this Canadian *non possumus*, M. Tittoni, who as the Italian representative on the Council, had first raised the economic question, said:

I should have liked the Canadian representative to have expressed himself in a less categorical manner and in a manner which did not immediately shut the door to all possibility of discussion and arrangement. We must all be inspired with the conciliatory spirit and allow the supreme interests of justice and of humanity to have precedence over the interests of our individual states. In my opinion, on the solution of this economic question depends the future of peace or war. The relationship between the different states has become much more difficult since the war than it was before, all the more so, because all kinds of barriers have been raised up between states from an economic standpoint since the war, and if this is persisted in and these barriers maintained and increased they will inevitably lead to tremendous economic war, and eventually to war itself. I do not intend to propose any method of solving these tremendous problems. I only appeal to those powers who are the fortunate possessors of raw materials, to those powers who are rich, not to wait for the request from the poorer powers and the powers who are dependent on them, but to come before this Assembly and say that they will waive their national interests and national egoisms in the general interests of humanity, justice and equality.

M. Ador at the fourth meeting of the Second Committee thought that the Assembly would wish to indorse the efforts made by the Council to obtain the most complete information possible on the question of raw materials. For this reason he asked the committee to adopt his resolution, which did not involve the question of principle, and had no other object but the recommendation of the most complete examination possible

of the problem. The delegate of India (Sir William Meyer) expressed the view that the Council's resolution was not within the terms of the agenda. The committee was only called upon to pronounce on the creation of permanent and temporary financial and economic organizations. In any case, he questioned the extensive interpretation given by M. Ador to Article 23 of the Covenant, which, in his view, no more referred to raw materials or tariff questions than to the injustices of nature. As a consequence, he proposed the rejection of M. Ador's motion, which he regarded as quite useless. M. Ador maintained that his resolution did not involve any question of principle, but merely asked for an exhaustive inquiry into the questions which the Council had already considered.

The delegate of Canada (Sir George Foster) feared that the terms of the Council's resolution might cause apprehension in the countries which disposed of raw materials, such as Canada and the United States. The resolution did, in fact, appear to introduce a new economic doctrine, which permitted interference in the free disposal of the natural wealth of the various nations. In his view Article 23 of the Covenant did not refer to raw materials.

No Resolution Reported

The Chairman (M. Tittoni) asked the committee to return to the question at issue. They were, in fact, merely concerned with the ratification of the establishment of a committee of inquiry, which the Council had already established. The delegate of Italy (M. Ferraris) said the committee was not called upon to pronounce on principles, but simply to associate itself with the program fixed by the Council for the provisional Economic and Finance Committee. The delegate of Sweden (M. Trygger) supported the Delegate of Italy. In his view, if the provisions of Article 23 of the Covenant concerning equitable treatment of commerce were not observed commercial wars would be inevitable, and these in their turn would lead to other wars.

The delegate of Colombia (M. Restrepo) declared that the discussion which had just taken place involved political and moral principles as well as political economy. He regretted that the representatives of the British Dominions appeared to abandon

the principles of economic liberalism which had been the basis of the greatness of the United Kingdom and the development of the British Empire. Free trade was a guaranty of international peace. The delegate of France (M. Hanotaux) appealed to the committee to abandon discussions of principle, and remember the countries which had been devastated and exhausted by the war.

In spite of the efforts to secure a vote on the question of raw materials, the committee confined itself to passing a resolution referring the Council pronouncement to the proposed conference, adding an interpretative paragraph to secure unanimity.

What Italy Sought

At the 17th meeting of the Assembly, while the report was under discussion, M. Ador in summarizing the work of the financial conference made a brief reference to the matter and exhorted the Assembly not to discuss it. M. Schanzer (Italy), having in mind the passage at arms in an earlier meeting of the Assembly between the Belgian, Italian and Canadian delegates, made this explanation of his country's attitude:

We have no intention of intervening in any way in the internal affairs of any nation, nor do we intend to correct nature or to correct geography. But, on the other hand, we ask for liberty and justice in economic policy, in the same way as liberty and justice are found in all the other principles which inspire the Covenant. What we ask is that artificial barriers and differential prices should not be set up. What we do not want is an economic system which will necessarily lead to reaction, and necessarily lead, in the end, to the most terrible conflicts that have ever occurred. Further, how can the working classes be raised to a higher social standard if industries are not enabled to live?

Mr. Rowell (Canada) referring to M. Ador's remarks on the economic crisis said:

I am sure everyone will agree that for the future of Europe and of the world it is of the utmost importance that expenditure for military purposes should be reduced to the lowest possible point at the earliest date practicable, and that men should learn that this war can not be paid for except by work and increased production. We can not have a world-wide war and not expect to pay the penalty in years of labor. For years we will

earn bread by the sweat of our brow because of the luxury of a great war, and that should make us appreciate the League of Nations all the more.

The speaker made reference to the raw materials resolution which was not passed by the committee, but, on inquiry, stated that he accepted the second resolution then under discussion. This resolution did not refer to raw materials, but authorized the Economic and Financial Organization to consider the resolution of the Council already referred to it by the latter body.

M. Ador's third resolution was read at the sixth meeting of the Second Committee when he stated that he was ready to omit a last paragraph concerning the reduction of armaments, as this question had been allocated to Committee No. 6. After discussion it was agreed that the paragraph should be omitted from the final text, but on the proposal of the delegate of Poland (M. A. Doerman) it was decided that the committee should inform Committee No. 6 that it considered the reduction of armaments to be indispensable from the point of view of the economic rehabilitation of the world.

M. Ador's third draft resolution was adopted unanimously. It brought forth no discussion in the Assembly.

Resolutions as Adopted

The three resolutions were unanimously adopted at the 17th plenary meeting of the Assembly in the following form (A. D. 171 and 171 A):

First Resolution.—The Assembly recognizes the necessity of an advisory economic and financial committee, and adopts as a consequence the following resolution:

In order that the League of Nations may proceed without interruption with the working out of measures of an economic and financial nature which have been submitted for adoption by Members of the League in accordance with the Covenant of the League, an advisory economic and financial committee shall be constituted. As soon as this committee is constituted, it shall replace the provisional technical economic and financial committee appointed by the Council.

The Council of the League of Nations may summon an economic and financial conference to consider economic and financial

problems as circumstances may require, with power to constitute the advisory economic and financial committee above referred to.

In the regulations to be prepared by the Council for the holding of the conference, due regard shall be paid to the general principles governing the relations between the technical organizations of the League and the Council, and also to the general provisions that may be adopted for the other organizations, at the same time making such modifications as may be required in view of the object for which the conference is being called.

Second Resolution.—The Assembly having noted the resolution taken by the Council at its meeting in Brussels, October 27 last, considers it indispensable that the Economic and Financial Committee should continue its work without delay in the manner indicated by the Council.

It is understood that this resolution is voted as an interpretative clause to Annex 1A of the report of the International Financial Conference presented by M. Bourgeois to the Council at Brussels.

ANNEX 1A

Resolution with regard to the Provisional Committee

Pending the coming into operation of a definite organization for the preparation of which some time will be necessary, it is essential that the Council should immediately form a limited Provisional Committee to advise it:

- a. In considering the immediate application of the recommendations of the Brussels Conference;
- b. In preparing the agenda for the next General Economic and Financial Conference;
- c. In examining the economic and financial problems submitted to it by the Council. For this purpose a committee should at once be appointed by the Council.

Third Resolution.—The Assembly associates itself with the opinion expressed by the Council in its note addressed to all the Governments following on the Brussels Conference; it considers, in fact, that in the present conditions of Europe, there is urgent need for the different Governments to apply the principles laid down by the Brussels Conference as completely as possible within each of their countries. The Assembly particularly

emphasizes the urgent necessity, unanimously expressed by the Brussels Conference, that all national wealth should be employed in strictly productive channels.

COMMUNICATIONS AND TRANSIT

The question of freedom of transit was the subject of a report by M. Loudon (Netherlands) at the seventh meeting of the committee. The rapporteur said that the question has its origin in Article 23 of the Covenant, which states that Members of the League will make provision to secure and maintain freedom of communications and of transit. He recalled the work of the committee which, at the invitation of France, met last autumn in Paris to study the manner in which the League of Nations could execute these duties. This committee was an examining committee, composed of delegates of the same powers which were represented on the Committee of Ports, Waterways and Railways of the Peace Conference and of certain others more particularly interested in questions of communication and transit.

On February 13 last, the Council of the League of Nations formally invited the committee to present to it proposals for the establishment within the League of a permanent organization, and to prepare the advance drafts of general international agreements on transit, waterways, ports, and, if possible, railways. The Council further invited the committee, pending the establishment of the organization, to inform it on questions relating to ports, waterways, railways, at its discretion. On March 17, the committee accepted this invitation. At the request of the Council it immediately established itself as a "Provisional Committee on Communications and Transit." Soon after, it presented to the Council its report and the documents which it had prepared, which recommended the establishment of a double organization: an assembly to be called "a general conference," and a "permanent committee."

The "general conference" was to include representatives of *all* states Members of the League of Nations, that is, from all quarters of the world. Such an assembly should possess the quality of adaptability essential for a body which has to establish a practical system of liaison between the various states in all

matters concerning communications and transit. This conference would have to prepare international agreements, recommendations suitable for embodiment in the form of national laws, and draft resolutions to be submitted to the Assembly.

The report contemplates in addition a smaller organization which would always be available. This body, the permanent committee, would also act both as a permanent bureau for the general conference, and would have the task of preparing the work for the conference in the intervals between the sessions, and of supervising the results following upon its resolutions. It would be a technical advisory body. It would assist the Council of the League. It would call attention to anything which it thought necessary to insure freedom of communications by means of proposals or recommendations. It would exchange all requisite information with the appropriate technical ministries of Members of the League. It would try to find a solution for budding technical disputes, and to prevent such disputes from becoming embittered, or assuming a political character. In this way it is more than probable that many disputes would be settled before it had become necessary to have recourse to the compulsory jurisdiction provided for in the treaties of peace and in the draft conventions prepared by the examining committee.

The Council's resolution of May 19 last laid it down that the rules and regulations of the conference must be adopted by the representatives of the Members of the League represented on the Council, and by two-thirds of the other Members of the League. The question here arises as to whether it would not be preferable to decide that this two-thirds majority should include *all* representatives on the general conference, instead of making a distinction which would have for a consequence that the veto of any one of the countries represented on the Council would be sufficient to nullify the draft regulations.

In view of the draft resolution presented by the delegate of the Argentine Republic relating to the composition of permanent committees of all technical organizations, it would seem preferable to reserve consideration of this subject until the general principle has been formulated, and consequently not to allude to it in a resolution referring to the constitution of one only of the technical organizations.

Duties of Conference and Committee

It was decided to vote on the resolution in detail and after some amendments were accepted, the resolution was adopted in this form:

I.—The Members of the League of Nations are hereby invited to send special representatives to a general conference on freedom of communications and transit to meet at Barcelona¹ as soon as possible after the meeting of the Assembly. This conference shall be invited to:

1. Draw up, under conditions laid down in the resolution regarding the relations between the Technical Organizations and the Council and the Assembly of the League of Nations, the measures which may be taken by the Members of the League in fulfilment of that part of Article 23, *e*, of the Covenant which concerns freedom of communications and transit, as well as the general conventions on the international régime of transit, of ports, of waterways, and of railways referred to in Articles 338 and 379 of the treaty of Versailles.

2. Determine under the same conditions whether the measures which it elaborates shall take the form of draft conventions to be ratified by the Members of the League or of "recommendations" to the various Governments, or of draft resolutions, to be adopted by the Assembly of the League.

3. Regulate its own procedure, and make suitable arrangements for any subsequent meetings which may be called by the Council, by means of special rules and regulations to be adopted by two-thirds of the representatives of the Members of the League, including two-thirds of the representatives of the Members of the League represented on the Council.²

4. Hold its subsequent meetings convened by the Council of the League of Nations at Geneva unless the Council of the League decides otherwise, for special and exceptional reasons.³

II.—The conference shall likewise be invited to organize an advisory and technical committee, the headquarters of which shall be in Geneva. This committee shall be a consultative and technical body to consider and propose measures calculated to

¹On motion of M. Loudon.

²Last clause on motion of M. Loudon, as a compromise.

³On motion of the French and Indian delegates. The Italian delegate proposed the reference to the Council.

insure freedom of communications and transit at all times, and to assist the Council and the Assembly of the League in discharging the functions intrusted to the League by Article 24 of the Covenant, and by Articles 342, 377 and 378 of the treaty of Versailles, and the corresponding articles in the other treaties.

The committee may arrange for any future conference and prepare its agenda; it will exchange all requisite information concerning communications and transit with the appropriate technical ministries of the Members of the League; it will be intrusted with the investigation of any disputes which may be referred to the League under Articles 336, 376 and 386 of the treaty of Versailles, and corresponding articles in the other treaties of peace, and will endeavor to adjust such disputes whenever possible by conciliation between the parties; in the event of such disputes being brought before the Permanent Court of International Justice, the committee may be called upon to assist the court.

The committee will be composed of members appointed by the Members of the League represented permanently on the Council, one representative for each of those Members, together with Members to be appointed as determined by the conference, taking into account as far as possible technical interests and geographical representation. The total number of members of the committee shall not exceed one-third of the Members of the League of Nations.¹

III.—The Secretary-General of the League of Nations will render every possible assistance to the general conference and to the committee; he will, with the assistance of the existing committee of inquiry on freedom of communications and transit, take the necessary measures for the meetings of the conference, and he will designate members of the International Secretariat to act as secretaries of the conference and of the advisory and technical committee.

IV.—The general expenses of the conference and of the committee, and the traveling and subsistence allowance of the members of the committee only, shall be defrayed out of the general funds of the League.

¹This paragraph was voted on separately on the proposal of M. Hanotaux, who accepted an amendment by the Chilean delegation to it, after which it was passed without objection. The Chilean motion provided for eight members to be appointed by the conference (A. D. 189).

The delegate of Great Britain (Mr. Barnes) proposed an addition which it was decided should figure in the minutes as a recommendation to the committee for the organization of the conference, as follows:

I, 2 (a). Take such steps, if any, as it may think expedient to consult with representatives of any state which, though not a Member of the League of Nations, will be directly affected by any conventions that may eventually be adopted.

The report containing the resolution was read at the 17th plenary meeting of the Assembly and adopted, *nem. con.* with the changes indicated.

JUDICIAL FUNCTIONS RESPECTING TRANSIT

A little later in the same session of the committee, M. Loudon read a report on the judicial functions of the League as regards transit, resulting in the adoption of this resolution:

All disputes brought before the League of Nations, under Articles 336, 337, 376 and 386 of the treaty of Versailles, and under analogous articles of the other treaties of peace, which are not settled by the procedure provided in the resolution relating to the organization of transit, shall be brought before the Permanent Court of International Justice. Until the Permanent Court of International Justice is in a position to deal with such disputes, they shall be brought before a court of arbitration of three members, appointed as follows:

One member appointed by the plaintiff or plaintiffs, one member appointed by the defendant or defendants, one member appointed by the Council of the League of Nations, who shall act as president of the court.

The resolution was adopted without discussion or objection at the 17th plenary meeting of the Assembly.

INTERNATIONAL HEALTH ORGANIZATION

The Second Committee did not find it necessary to formulate decisions concerning the health organization, being already provided with elaborate reports. Special commissions had met on July 29-30, 1919, and April 13, 1920, in connection with the already established International Office of Public Health (1907),

and the report of the second, accepted by the Council, had been passed on to the Assembly (A. D. 14 and 14 A). Mr. Barnes (Great Britain) acted as rapporteur on the subject at the 18th plenary meeting of the Assembly. He began by saying:

We are now dealing with a matter which has already been the subject of international organization. An organization actually exists, and we propose now to continue it and to strengthen it under the auspices of the League. The aim of this organization is the prevention of epidemic disease and the preservation of public health, or where disease exists the aim is to combat it with the very best medical knowledge and skill, aided and supported by the very wisest administrative experience. It will continue to be the aim of the organization now under the League to link up and co-ordinate the separate efforts that are now being made in different countries. All countries are now recognizing the importance of health and vitality. All nations are realizing that life must be maintained at its fullest efficiency and vitality. Some countries are organizing public ministries of health and for some years these have been more or less in contact with each other. Administrative projects have been prepared to combat epidemics and to arrange proper safeguards to deal with diseases, to exterminate verminous matter carried on ships, so as to prevent diseases spreading from country to country, but there is still an absence of proper co-operation, and it is for the purpose of better co-operation between nations that it is now proposed that the existing office at Paris should be strengthened and brought under the League, and its personnel added to by setting up a secretariat here at Geneva.

Amendments having been made to make the resolution conform to the decision taken at the 16th plenary meeting to avoid setting up permanent organizations, and a Chilean amendment respecting the composition of the committee having been withdrawn, the establishment of an International Health Organization was finally decreed by the Assembly at its 19th plenary meeting under the following essential conditions:

In pursuance of the Covenant of the League of Nations, and in order to facilitate the discharge by the League of Nations of the responsibilities which may be placed upon it by provisions of the various treaties of peace, the Assembly of the League of Nations resolves as follows:

That in accordance with the provisions of Article 24 of the Covenant, the Assembly approves of the Office International

d'Hygiène Publique being placed under the direction of the League of Nations, and that an International Health Organization as hereinafter provided (of which the Office International d'Hygiène Publique shall be the foundation) shall carry out the provisions of the international agreement signed at Rome, December 9, 1907, and also advise the League of Nations on all questions arising out of Articles 23, f, and 25 of the Covenant of the League.

Duties of the Organization

It will be the task of the organization to deal with such matters as affect individual countries only in their relation to other countries.

The main functions of the organization may be summarized under the headings which follow, and their exercise shall be determined by the Standing Committee:

- a. To advise the League of Nations in matters affecting health.
- b. To bring Administrative Health Authorities in different countries into closer relationship with each other.
- c. To organize means of more rapid interchange of information on matters where immediate precautions against disease may be required (*e. g.* epidemics) and to simplify methods for acting rapidly on such information where it affects more than one country.
- d. To furnish a ready organization for securing or revising necessary international agreements for administrative action in matters of health, and more particularly for examining those subjects which it is proposed to bring before the Standing and General Committees, with a view to international conventions.
- e. In regard to measures for the protection of the worker against sickness, disease and injury arising out of his employment which fall within the province of the International Labor Organization, the International Health Organization will co-operate with and assist the International Labor Organization, it being understood that the International Labor Organization will on its side act in consultation with the International Health Organization in regard to all health matters.
- f. To confer and co-operate with International Red Cross Societies and other similar societies under the provisions of Article 25 of the Covenant.
- g. To advise, when requested, other voluntary organizations in health matters of international concern.

h. To organize missions in connection with matters of health at the request of the Council of the League of Nations and with the concurrence of the countries affected to the extent authorized in subsection (a) or under the international convention signed at Rome, December 9, 1907.

The International Health Organization shall consist of: (1) The Office International d'Hygiène Publique, which, with certain additions set out below, will become the General Committee; (2) a Standing Committee; and (3) an International Health Bureau. In carrying out its duties the organization shall conform to the general principles laid down in the resolution of the Council, as to the relations between the technical organizations and the Council and the Assembly of the League of Nations, passed at Rome, May 19, 1920.

The Office International d'Hygiène Publique

The Office International d'Hygiène Publique changed as indicated below shall, subject to the approval of the Governments signatory to the international agreement signed at Rome, December 9, 1907, form the foundation of the International Health Organization. The headquarters of the Office International d'Hygiène Publique shall remain in Paris.

Members of the General and Standing Committees and of the staff of the International Health Bureau shall have the right to use the Library of the Office International d'Hygiène Publique, and its rooms in Paris shall be available for special meetings if required.

The Office International d'Hygiène Publique shall undertake such duties of a technical character as may be assigned to it by the Standing Committee, in accordance with the resolution agreed to by the Committee of the Office International d'Hygiène Publique at the meeting held in Paris on October 30, 1919.

The Office International d'Hygiène Publique will, subject to the consent of the Governments signatory to the international agreement signed at Rome, December 9, 1907, agree to such alterations as may be found necessary in the "Statuts Organiques" of the Rome Convention of 1907 (especially Article 15) and in the rules governing the internal administration of the office, especially Article 8 of Part I of these rules, but no alteration shall be made in Part II with regard to the "Caisses de Retraite et de Secours," which is prejudicial to any person entitled to benefit therefrom.

The General Committee

The General Committee shall consist of the Delegates to the Office International d'Hygiène Publique now holding appointments in accordance with the international agreement signed at Rome, December 9, 1907, or who may hereafter be so appointed by any country party to that agreement, together with delegates appointed by countries not parties to the agreement of 1907 but Members of the League of Nations. . . .

The Standing Committee

The Standing Committee shall consist of Delegates of the states permanently represented on the Council of the League of Nations, of five members elected by the General Committee—having regard to their scientific attainments and to geographical representation,—of the President of the General Committee, a representative of the League of Red Cross Societies and of a representative chosen by the Governing Body of the Labor Conference. . . .

The International Health Bureau or Personnel of the Standing Committee at the seat of the League of Nations

This shall consist of: (a) a Medical Secretary; (b) personnel. . . .

Subject to the approval of the Council of the League, the personnel of the International Health Bureau at the seat of the League of Nations shall be appointed by the Standing Committee in consultation with the Medical Secretary, and, as far as possible with due regard to the efficiency of the work of the office, shall consist of persons of different nationalities.

The headquarters of the International Health Bureau shall be at the seat of the League of Nations.

Conventions

The Standing Committee shall be empowered to draw up and draft new conventions or revise existing ones.

These conventions must, however, be submitted to the General Committee for consideration and approval, and a majority of two-thirds of the votes of the General Committee will be required on the final vote for the adopting of the draft convention.

In framing any convention, the committee shall in all cases consult with the Economic and Transit Organizations of the League of Nations where the matter is in any way likely to affect

international commerce, communications or transit. If it be decided that the draft convention shall be adopted, it shall be signed by the President of the General Committee and the Medical Secretary of the International Health Bureau, and then be deposited with the Secretary-General.

This draft convention will be submitted by the Council of the League of Nations to the Governments concerned with an invitation that if they approve the convention, the convention should, within as short a time as possible and without further examination, be signed by plenipotentiaries.

Each country will be invited to ratify a draft convention thus signed and deposited before one year has passed, or to signify to the Secretary-General, before the expiration of that period, the reasons for its decision not to ratify, and each Member of the General Committee will be invited to keep the question of the draft convention before the authority within whose competence the matter lies, with the object of obtaining a decision as soon as possible from the country which he represents.

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the country which ratifies it.

Each member of the General Committee agrees to make special or annual reports on the measures the country he represents has taken to give effect to the promises of the convention to which it is a party, and these reports shall be made when and in such form as the Standing Committee may prescribe. Similar reports shall be requested from countries not signatory to the convention concerned on matters affecting the subject-matter of the convention.

These reports shall be circulated to all members of the General Committee, and shall in addition be given publicity in the press if necessary.

Expenses

The expenses of the International Health Organization not provided for by the international convention of Rome (1907) shall be paid from the funds of the League. . . .

Until otherwise determined, the expenses of the Office International d'Hygiène Publique shall be paid as at present by contributions according to the apportionment of the international agreement signed at Rome, December 9, 1907. . . .

The Secretary-General of the League of Nations shall render all possible assistance to the International Health Organization.

TRAFFIC IN WOMEN AND CHILDREN

At the 24th plenary meeting of the Assembly, M. Jonescu (Rumania) acted as rapporteur regarding traffic in women and children. Repression of this nefarious traffic was begun in Europe by international co-operation in 1899. A conference was held in 1902 and on May 18, 1904, a convention was signed at Paris establishing an official system for tracing and returning to their native countries women and girls who were victims of criminal traffic. The United States did not participate in the earlier moves in controlling this immoral business, but eventually adhered to the convention of Paris, this action obligating it to pass the so-called Mann White Slave Act. A second conference was held at Paris on April 18 to May 4, 1910, which resulted in an additional convention, to which the United States is not a party. A third conference was held at Brussels, October 21 to 24, 1912. Private organizations held a conference in London in 1913 and additional plans for improving the system of control were about to be made effective by the participating nations when the outbreak of the war interfered. The general supervision over the execution of these and subsequent agreements on the subject is intrusted to the League of Nations by Article 23 of the Covenant. The Council on May 15, 1920, had passed a resolution appointing a special officer respecting this subject:

The Council of the League of Nations having examined the memorandum by the Secretary-General on the suppression of the traffic in women and children, and the report by his Excellency M. da Cunha, the Brazilian representative, agrees to the appointment of an officer, attached to the Secretariat, whose special duty it will be to keep in touch with all matters relative to the white slave traffic. No immediate steps will therefore be taken by the League till the recommendations of the international conference for the suppression of the white slave traffic have been submitted.

Mlle. Henni Forchhammer (Denmark) expressed her great satisfaction that the League was assuming responsibility in this very grave question. She proposed the insertion of the word "especially" in the resolution so as to provide for aid to "the women who have been deported during the War, especially the Armenian women, but also Greek women, Syrian women and women of other nationalities have been in captivity since 1915."

In reply M. Jonsescu explained that, "This point was raised in the committee. The reason the inquiry was limited to Asia Minor and Armenia was that under the treaty of peace with Turkey we have the right to institute an inquiry in Asia Minor and Armenia, but in other countries we have not the right to do so. Therefore the inquiry was limited to those countries where it was expressly authorized by treaty."

Prince Zoka ed Dowleh (Persia) made a plea for the inclusion of his country, and eventually the rapporteur accepted a phraseology suggested by Sir George Foster to meet the issue.

Interested Governments Only to Attend

Dr. Nansen proposed that "all recognized Governments" be invited to be represented in the contemplated conference. "I think," he said, "it is quite clear that those who have not signed the conventions of 1904 and 1910 should be asked to attend, because it is very important to convince them of the necessity for action in the matter. . . . I do not think it would be fair to send a questionnaire to all Governments, and afterward not invite some of them to be present at the conference where these questions are going to be discussed." The rapporteur in reply stated:

The reason the present text was inserted was that we wished to be certain we should get a reply, and that we should get representatives from the countries we asked. The countries which signed those agreements have shown their interest in the matter. Other countries have not as yet shown that interest. Therefore we wish at present to limit the first conference to those countries which have already shown their goodwill and desire to participate in this matter. After we have made a beginning, other countries can come in.

Dr. Nansen withdrew his motion.

The resolution was carried without objection in the following form (A. D. 239):

The Assembly resolves that:

1. The Secretariat of the League of Nations shall issue a questionnaire and the Assembly shall authorize the Secretariat to send this questionnaire to all Governments. The Govern-

ments shall be asked what legislative measures have been taken by them to combat the traffic, and especially what additional measures they are proposing to take in the future.

Also that the Governments signatory to the 1904 and 1910 conventions be immediately urged to put such conventions into operation.

The Assembly shall request the Council to invite the countries signatory or adherent to the international conventions of 1904 and 1910 to send representatives to an international conference to be held before the next Assembly.

This conference would co-ordinate the replies to the questionnaire received by the Secretariat and would endeavor to secure a common understanding between the various Governments with a view to future united action.

2. The Council be invited to constitute a committee of inquiry with a view to informing the Council as to the present situation in Armenia, in Asia Minor, in Turkey and in the territories adjoining these countries, regarding deported women and children.

This committee should be composed of three members selected from among the persons best qualified residing in the districts in question. At least one member shall be a woman.

The expenses of this inquiry will be borne by the League of Nations.

The Secretariat shall receive, in addition to the information furnished by this committee, all relative information from other countries.

The Council will report to the Assembly.

TRAFFIC IN OPIUM

In reporting the proposals of the Second Committee on the control of the traffic in opium, Sir William Meyer (India) discussed the current status of the question. The Hague convention of 1911-12 sifted and expanded the preliminary conclusions that had been arrived at at Shanghai in 1909, and formulated them in definite and carefully conceived terms, marking a great step in advance. It indicated the precious principle of international co-operation, which is specially necessary in regard to opium and kindred drugs, since these, being of small compass and great value, can be very easily smuggled. The country, therefore, which desires to keep out opium, for example, must obtain the assistance of those countries where opium is produced.

This has been laid down definitely by Article 3 of the Hague convention, which says that where a country has forbidden the import of opium, opium-producing countries shall not permit the export of opium to that country. Similarly, too, if a country, though not absolutely forbidding the import of opium, only allows it under very severe restrictions, the producing countries, in allowing their opium to be exported, are bound to see that these restrictions are complied with.

The entire convention marked an enormous step in advance, but as the conference that drew it up, which had been summoned by the United States Government, contained representatives of only 12 powers, in order to make the arrangements which it had approved really effective, it was necessary to obtain a world assent. By Article 295 of the treaty of Versailles and the corresponding articles in other treaties, signatories which had not already adhered to the convention undertook the obligation to do so, thus practically solving the difficulty of world co-operation, the only powers still outside being Soviet Russia and other states which have arisen from the ruins of the old Russian Empire.

As to the best method for the League to carry out its functions in controlling the traffic, Sir William Meyer said there are two alternatives: (1) That it should work through the Council and the Secretariat; (2) That the Council and the Secretariat should be assisted by an advisory committee, consisting of the Members most closely interested in the opium traffic. After full discussion in No. 2 Committee, the latter alternative was adopted.

China Seconds Resolution

Mr. Wellington Koo dwelt upon the fact that "China has, within the comparatively short period of 10 years, succeeded in eliminating the opium habit from among her people," and seconded the resolution, which was passed without objection in the following form (A. D. 240):

That having regard to the duty placed on the League by Article 23 of the Covenant to supervise the execution of arrangements with regard to the traffic in opium and other dangerous drugs, the Assembly concurs with the Netherlands Government in its view that it will be preferable for the League to undertake

the duties placed upon the Netherlands Government by the opium convention with regard to the collection of data and dealing with disputes:

That for this purpose and for the purpose of enabling the League to exercise its general supervision over the execution of arrangements with regard to this traffic, the Secretariat of the League is intrusted with the duty of collecting information as to the arrangements made in the various countries for carrying out the opium convention, the production, distribution and consumption of the drugs, and other necessary data.

That in order to secure the fullest possible co-operation between the various countries in regard to the matter, and to assist and advise the Council in dealing with any questions that may arise, an Advisory Committee be appointed by the Council which shall include representatives of the countries chiefly concerned, in particular Holland, Great Britain, France, India, Japan, China, Siam, Portugal, and shall, subject to the general directions of the Council, meet at such times as may be found desirable.

That in view of the importance of the co-operation of states which have ratified or may hereafter ratify the opium convention, but which are not yet Members of the League, the Netherlands Government be requested to invite their concurrence and co-operation in the arrangements indicated above, and that in the event of such concurrence being given, the Council be authorized to add to the Advisory Committee in the capacity of member or assessor, a representative of any such country which is specially concerned in the traffic, and that a special invitation be addressed to the United States of America.

That the Council be authorized, if and when they think it necessary, to add as assessors to the committee not more than three persons not representatives of Governments, having special knowledge of the question; and that the traveling expenses and allowances of such members shall be paid out of the funds of the League.

That the Advisory Committee shall, three months before the beginning of every session of the Assembly, present to the Council for submission to the Assembly a report on all matters regarding the execution of agreements with regard to the traffic in opium and other dangerous drugs.

That the Assembly welcomes the action of the Netherlands Government in endeavoring to secure the signature and ratification

of the opium convention by countries which have not yet done so, and invites it to inform the Secretariat of the League of the results of its action.

CO-OPERATION WITH INTELLECTUAL LABOR

At the 21st plenary meeting of the Assembly, a motion with regard to the international organization of intellectual labor was introduced by Messrs. Negulesco, Rumania, Poulet, Belgium, and Ferraris, Italy.

This proposition was referred to the Second Committee whose report (A. D. 254) was presented at the final meeting of the Assembly. The rapporteur, M. La Fontaine, one of the founders of the Union of International Associations, discussed the purpose of the motion:

“The Council has already shown marked sympathy with the efforts of the world for the collaboration of thinkers and investigators in the progress of humanity, and in the forwarding of the advancement of civilization by creating bonds of union between all thinkers. Great progress has been made during the past 75 years. While nations have been striving one with another, thinkers have been crossing the frontiers of their various countries and meeting one another in conferences, and since 1840 a real and extraordinary development of international relations has been apparent. From 1840 to 1850, there were only 10 international conferences called, but between 1900 and 1910, there were no less than 1,600 such conferences, and during the four years preceding the war there were 500.

“These were conferences of all kinds, dealing with matters of every nature, and the men taking part in them came from all parts of the world. This movement should be assisted and coordinated and rendered more effective. Groups of international bodies have already been united into 400 international associations, and an International Union of 230 associations of various kinds has been formed or rather already formed just before the war. The object was to give more precision and method to the formidable work carried out by those who labored with their heads and not with their hands. To-day we ask the League of Nations to do for these workers the same as they have already done for

manual workers. An International Labor Office has been established for manual workers, and a budget was recently voted for that office of 7,000,000 gold francs. We ask that the same may be done for the intellectual workers but we do not ask for the same amount of money; we shall not even ask for many hundred thousand francs to complete the work of such an organization. The resolution, therefore, which I wish to put before you is as follows:"

Passes After Discussion

The Assembly of the League of Nations, approving the assistance which the Council has given to works, having for their object the development of international co-operation in the domain of intellectual activity, and especially the moral and material support given to the Union of International Associations on the occasion of the inaugural session of the International University and of the publication of the list of Recommendations and Resolutions of the International Congresses:¹

Recommends that the Council should continue its efforts in this direction, and should associate itself as closely as possible with all methods tending to bring about the international organization of intellectual work.

The Assembly further invites the Council to regard favorably the efforts which are already in progress to this end, to place them under its august protection if it be possible, and to present to the Assembly during its next session a detailed report on the educational influence which it is their duty to exert with a view to developing a liberal spirit of goodwill and world-wide co-operation, and to report on the advisability of giving them shape in a technical organization attached to the League of Nations.

The English labor leader opposed the motion, moving the previous question for various reasons:

I am opposed to it in the first place because of the form in which it has been put before you. It is here said that 7,000,000 gold francs have already been given to manual labor, and we are asked, therefore, to give our support in gold francs to intellectual labor. I think that is a very unfortunate way of putting it. Moreover, I think it is very unfortunate that a distinction should be drawn between manual and intellectual

¹Cf. Report on the Work of the Council, IV.

labor at all. For my part, I think that the technical organizations are the best part, or one of the best parts, of the League of Nations. I believe that they will, to a large extent, attract the mass of mankind to the League, and strengthen the League in many respects. But you can have too much of a good thing. If and when the time may come when intellectual labor has to be assisted, if and when the time comes there is still a difference between one and the other, then I suggest that that will be the time for considering the natural and logical development of the activities of the Labor Office. I object to it, also, from a practical point of view. Everyone knows that there has been a great deal done already to assist intellectual labor in many phases of its activity, and if it gets abroad that the League of Nations is going to enter the field and subsidize intellectual labor, there is at least a chance, I think it is more than probable, that other sources will dry up. Lastly, why encourage intellectual labor to come begging at all? It seems to me that the proper course is for intellectual labor to assert itself, as manual labor has done.

The President called on M. La Fontaine to reply and he said:

I think my friend, Mr. Barnes, who, like myself, represents the working classes here, has not understood the exact intention of this proposal. The organization of manual labor specially aims at solving problems where conflicts arise between capital and labor. The function of the labor organization is to examine questions of hours and conditions of work for the worker; but the intellectual organization which I desire to see established is rather for providing the means whereby men of learning of every nation can collaborate, and by which the results of their work can be collected and published. It is quite possible that the intellectual workers of the world might wish to organize themselves in the same way as the manual workers have done, and such a matter would be the concern of the International Labor Office, but what we want here, and what I propose, is to give more force and more power to human thought.

Mr. Barnes insisted on the previous question, which motion was lost. The committee's motion was then put and carried, amid applause.

CHILDREN AFFECTED BY THE WAR

The Swiss Delegation submitted a resolution on behalf of the children affected by the war on December 2 (A. D. 160) which at

the 13th plenary meeting was read and held over under the rules governing the inclusion of new items in the agenda. The resolution, which was accompanied by an explanatory memorandum, follows:

The Assembly of the League of Nations, bearing in mind the misery and hardships endured by children in the countries affected by the war and the efforts made by both American and European organizations to come to their assistance, invites the Council of the League to appoint a high commissioner who shall be instructed to consider the best means of furthering and assisting, in collaboration with existing international organizations, all charitable work undertaken on behalf of these children.

The motion was referred for report to the Second Committee at the 15th plenary meeting. M. Loudon (the Netherlands) read the report at the final meeting of the Assembly. M. Viviani expressed himself in favor of the motion; Sir James Allen told in detail of New Zealand's charitable gifts; M. Ador spoke gratefully on behalf of the Red Cross, explaining that "the reason we did not ask for the nomination of a high commissioner was that, like M. Viviani, we feared lest there might be some confusion in the minds of certain people and they might think that the League of Nations was taking over the whole of this work from those at present occupying themselves with it." The resolution was carried in the following form:

The Assembly, being desirous of giving its support to the urgent work of rescuing children in the countries affected by the war, invites the Council to consider as soon as possible the means by which the moral authority of the League of Nations might best assist this work which is being done in the cause of humanity.

CAMPAIGN AGAINST TYPHUS

Typhus in Poland¹ was the subject of a statement by the delegate of the Argentine at the second meeting of the Second Committee, which on his motion voted to await the return of the Typhus Committee from Poland. This body of medical experts was heard in a public meeting, and the committee considered the resulting report presented by the delegate of Canada (Sir George

¹Cf. Report on the work of the Council, III, 1.

Foster) in the course of its sixth meeting. The report stated that the subcommittee had heard the report¹ of the medical mission on November 24 and 26, from which it appeared

1. That the epidemic condition of typhus in Poland and Galicia is very grave and constitutes a distinct menace especially to Eastern Europe and in general to the world at large.

2. That the resources of mechanical and medical equipment of Poland, though hitherto employed in an excellent manner, are altogether insufficient to successfully cope with the conditions in Poland itself.

3. That the infection of typhus is widely distributed in Russia and other countries adjoining Poland and opportunities for its distribution are constant and continually increasing.

4. That urgent necessity exists for an immediate and adequate effort, participated in by the nations of the world, to successfully combat a menace which is international and world-wide.

After relating the results of the Council's efforts to raise funds, the report² concluded with two recommendations, which on motion of Sir George Foster, were adopted at the seventh meeting of the committee for presentation to the Assembly.

Sir George Foster discussed the report at the 15th plenary meeting of the Assembly. After paying tribute to Poland's own efforts to fight the plague, of which there were 3,600,000 reported cases in Russia alone and 300,000 deaths annually in Poland, he said:

The world is interested as well as Poland. Not only neighboring countries, but countries which are more distant are interested, and it is with reference to them that I make the appeal to the Assembly this morning. Infection knows no national boundaries. Insidiously, silently, remorselessly, it creeps from man to man, from family to family, from village to village, from country to country. It passes all boundaries, and makes its way, carrying desolation and distress to neighboring countries which are still more distant. So we are called upon in a world capacity to contribute our resources to the aid of the resources of Poland itself. What is lacking? Almost everything. The food which is necessary to sustain and invigorate the bodies of those who may become the victims of disease; resources for the sanitary and medical equipment which are necessary in order to fight the disease. Hope itself, which grows lax and faint if it be not supported from without, when the difficulties are

¹Assembly Document 124.

²Assembly Document 152.

so great, has overpowered this country, and I make my appeal therefore to you on three grounds:

First, I appeal for sympathy for Poland itself. . . . Peace must be restored in those parts of Europe before peace can be made certain for the world, and peace can not be fully restored in those sections of Europe unless it has been cleansed of the virus of infection, and until the mental malady has been held, until the moral *malaise* has been remedied and chased away, by hope that comes springing from the distant nations of the earth to help those spirits which are sadly drooping in these sections themselves.

These two interests appeal to this Assembly and to the world, and I am sure will not be unanswered. But there is something higher than that. The spirit of humanity itself appeals to the great mass of mankind the world over for the helping hand and the guiding spirit toward the renovation of this portion of the world's afflicted community. Was not this war fought for humanity's sake? Was it fought simply for Belgium, for France, for Britain, for Italy or for Poland? No! If it had been simply for these, the sacrifice would have been too great. War was but the agent of humanity, working to free humanity, to give it peace and to give it a future when justice should prevail and when liberty should be predominant. Now that the agency of war has been laid aside humanity is still there, and its appeal from every afflicted community comes strong and clear and vibrant, and will not be denied.

Political Effect of Epidemics

The Maharajah of Nawanagar warmly supported the Canadian and made a plea for action in one of the most notable speeches of the Assembly. In part he said:

I beseech you to rise again now in aid, not of one people alone, but of many peoples attacked or in danger of being attacked by a more terrible and more destructive foe than a rebellious brigand, attacked by a fell pestilence and by all the train of social and economic perils which accompany such a pestilence. Let us not be under any misconception. It is not a matter alone of the disease and death of unhappy men, women and children in a central plague spot in Europe. It is a matter of grave and enduring social unrest and economic disruption in the very corridor of Europe, a region vital to the peace of Europe and of the world. Let me emphasize this social and economic danger. As I have said before, India is disinterested in this matter, but India is by no means ignorant of its bearings and its consequences. My country, nearly equal to all Europe in area, with its 315,000,000 inhabitants, with its 100,000,000

of laborers and industrials, with its scores of great and populous cities, has had terrible experiences of the social and economic consequences of plague and pestilence. . . . I know the aftermath of political, social and economic dangers and difficulties. Famine and pestilence are close allies, and both of them are bosom friends of political turmoil. India in the past has had many experiences of such dangers and difficulties, but we have countered and overcome them. Prompt, energetic and skillful action has always conquered.

Dr. Nansen, asserting that "whatever work the League takes up must be a success, proposed a motion to appoint a committee on financing the campaign." M. Hanotaux for France stated that the conditions had been removed from her original gift and a bill was now pending for an appropriation of a million francs. Mr. Balfour for Great Britain announced the removal of restrictions from her gift; Zoka ed Dowleh (Persia) offered £2,000; the Netherlands made her gift unconditional; China contributed £2,000, and Spain £40,000. Rumania, herself beset by typhus, promised aid. The meeting closed with the unanimous passage of this resolution (A. D. 186):

The Assembly resolves:

1. That it will address an urgent and immediate appeal to all the countries of the world for an adequate fund for prosecuting an effective campaign against epidemic disease in eastern Europe, beginning with Poland as a center, and that the Office International d'Hygiène Publique, the Comité International de la Croix-Rouge and the League of Red Cross Societies,¹ be earnestly asked to co-operate in the matter.

2. That the President be empowered to nominate a committee of not more than three Delegates of the Assembly to examine the question of the funds necessary for the campaign against typhus, and to take any steps possible before the end of the session of the Assembly to secure these funds.

3. The Assembly approves of the action taken by the Council and the reports submitted by the various committees and sub-committees of the Assembly which have considered the subject, and, pending the result of the appeal feels that it is imperatively necessary to make at once such a beginning of the campaign as may be possible within the limits of the funds already promised.

¹Cf. resolution of 27 of the 31 societies belonging to the League, Assembly Document 212.

Sir George Foster (Canada), M. Loudon (Netherlands) and M. Restrepo (Colombia) were appointed as the committee on finance. Sir George Foster's report for this committee was read and adopted without discussion or objection at the final meeting of the Assembly, embodying the following conclusions:

Mr. President, the committee appointed by the President on the authority of the resolution passed by the Assembly on December 7, 1920, in respect of the Campaign against Typhus and kindred epidemics in Eastern Europe, beg to report as follows:

1. They have made the fullest inquiry possible and are of the opinion that the sum of £2,000,000 should be asked for as a contribution to the war against epidemics in eastern Europe, in addition to whatever may be raised by the League of Red Cross Societies, and that the organization of the work should be left with the Council of the League, working through the media of the chief medical commissioner of the Typhus Campaign of the League of Nations, and of the corporation of the above-mentioned society. The telegram of the Assembly has been presented with the signatures of the chairman and the three members of the committee to the Governments of all nations of the world.¹

¹The text of the telegram follows:

"At the meeting of General Assembly of League of Nations, the Assembly resolved to address urgent and immediate appeal to all countries of the world for adequate funds for prosecuting effective campaign against typhus epidemic disease in Eastern Europe beginning Poland as center. Assembly in addition invited League of Red Cross to continue to give its invaluable assistance, and requested certain other International Red Cross and Health organizations to co-operate in this work. Assembly empowered President to nominate committee of three delegates to examine question of funds necessary and to take any steps possible before end of session of Assembly to procure these funds. Assembly approved action taken by Council and reports submitted by Assembly committees and subcommittees, which have considered subject, and, pending the result of appeal, feel it is imperatively necessary to make at once such a beginning of campaign as may be possible within limits of funds already promised. We therefore urge in view of these resolutions and in name of General Assembly that

Government may make every possible effort to contribute generously and immediately to fund in order that the two million pounds required irrespective of money raised by voluntary organizations may be forthcoming. Contributions payable to League of Nations Typhus Commission Account, Lloyds Bank, Westminster House, Millbank, London.

HYMANS, President,

General Assembly League of Nations.

Sir GEORGE FOSTER, Canada.

J. LOUDON, Holland.

RESTROPO, Colombia.

Delegates'

2. A copy of this telegram, together with the letter signed by the committee, has been placed in the possession of the heads of all the delegations represented at the League, asking them to present the same to their Governments on their return to their respective countries, and to urge upon their Governments a speedy and favorable reply.

3. An appeal in more extended form has been prepared and will be at once forwarded to the Governments of all the nations presenting the pertinent facts of the case and the urgent necessity of generous and immediate contributions.

4. An interview was held with Dr. Norman White, chief medical commissioner of the Typhus Campaign of the League of Nations, and his views were ascertained as to the work to be immediately undertaken and the general plan of the campaign to be adopted with extensions as necessary funds are made available.

5. Measures have been taken to procure from the press of the world a sympathetic and wide publicity to the end that popular sentiment may be enlisted in the prosecution of a great world effort to eliminate the epidemic from among the malign forces of world disintegration.

PASSPORTS

On the invitation of the Council, the Secretary-General submitted to the Provisional Committee for Communications and Transit a memorandum on the question of the application of passport formalities to the officials of the League with reference to the provisions of Article 7 of the Covenant which lays down that officials of the League shall enjoy diplomatic immunities and seems to imply that the officials of the League should hold passports of a diplomatic character. The Secretary-General pointed out that the issue, in the usual form, of diplomatic passports by the various states to officials of the League is attended by serious disadvantages both of a practical and a general nature. From a practical point of view, the necessity for officials of the League—who often have to undertake at short notice journeys to different countries on special missions with which they are intrusted—for obtaining a diplomatic visa on every occasion would have a detrimental effect upon the normal working of the Secretariat, and especially now, since the League of Nations has been installed at Geneva. On the other hand, it would be contrary

to the spirit of a purely international institution such as the Secretariat of the League of Nations, if the fact that these officials were intrusted with missions of an international character should imply the consent—in the form of passports—of the state to which the members belonged.

With this memorandum before them, the Conference on Passports, Customs Formalities and Through Tickets, decided in October last to accept the conclusions of the memorandum and to propose that the Secretary-General should be delegated by states Members of the League to issue special passports to members of the Secretariat and to officials of the League.

At the second meeting of the Second Committee, Ladislav Polich (Serb-Croat-Slovene State) expressed the opinion that officials of the League on duty ought, doubtless, to enjoy diplomatic privileges and immunities, in conformity with Article 7 of the Covenant, but that the proposal, as it stood, could, if not modified, raise some legal and political difficulties. After discussion, a subcommittee consisting of the delegates of France, Serb-Croat-Slovene State, Spain and Uruguay was appointed by resolution to submit a definite proposal to the committee. The final draft was unanimously adopted at the sixth meeting of the committee.

M. Polich read the report at the 24th plenary meeting of the Assembly. He said the formula proposed by the communications committee presented difficulties of both a practical and legal nature, continuing:

From the legal point of view the issue of a passport is an administrative act, an act of sovereignty and authority. Now, it is evident that the League of Nations is not a state possessing sovereignty of its own, as it is obvious that there can be no "national" of the Secretary-General. On the other hand, it is not possible for states to delegate one of their rights of sovereignty to the Secretary-General by means of a resolution passed by the Assembly; this would necessitate a new international agreement which would have to be submitted for ratification by the Governments concerned.

The Assembly adopted without objection the following resolution (A. D. 245) proposed by the committee:

The Secretary-General of the League of Nations shall deliver to members of the Secretariat and officials of the League an

identity card certifying the identity of the holder and the nature of his official duties. On presentation of this card and at the request of the Secretary-General, the Government of which the holder is a national shall deliver or cause to be delivered by any of its diplomatic representatives or by its consular agent at Geneva, a diplomatic passport permitting the official to carry out the mission with which he is intrusted with the benefit of all privileges and immunities provided for in Article 7 of the Covenant, and valid for the duration of such mission in the limits indicated by the Secretary-General.

Diplomatic visas will be given gratuitously—whenever necessary—on the request of the Secretary-General of the League of Nations by the diplomatic or consular agents of the powers in whose territory the official will be traveling in accomplishment of his mission.

INDIA AND THE INTERNATIONAL LABOR ORGANIZATION

The claim of India to be represented on the Governing Body of the International Labor Office as one of the states of "chief industrial importance" was on the Assembly agenda. By Article 393 of the treaty of Versailles any question on this point is to be decided by the Council. The Second Committee of the Assembly during its second meeting heard a report on the matter and adopted a resolution expressing the opinion "that the Assembly is not competent to deal with India's claim." The report from that committee read at the 24th plenary meeting of the Assembly recorded that fact. Sir William Meyer for India at that time voiced a protest against the inclusion of Belgium and Switzerland among the eight states of chief industrial importance entitled to representation on the Governing Body and reviewed the reasons given by the Council for its decision not to overrule the selection made by the Washington labor conference, which did not select India for the Governing Body. No resolution was reported to the Assembly.

VI. PERMANENT COURT OF INTERNATIONAL JUSTICE

At the 20th plenary meeting of the Assembly the report of the Third Committee¹ was presented for consideration. M. Bourgeois made a preliminary statement:

“In February last the Council, whose duty it was in accordance with Article 14 of the Covenant to consider the proposal for a Court of International Justice, decided to constitute a Committee of Jurists, and it selected the most eminent jurists in the world to prepare a Draft Scheme. I am happy to say that a certain number of these jurists are here among us to-day, in particular, M. Hagerup. This committee met at The Hague, because it was thought that it should be pointed out we had not forgotten the memories of 1899 and 1907. It was considered both just and useful not to break the connection between The Hague and the League of Nations. The two works, the work of the Hague tribunal and the work of the Court of the League of Nations, are continuous one with the other. Our jurists at The Hague examined the whole problem and drew up a unanimous report, which is a work of considerable importance, and which succeeded in solving certain difficulties which, up till then, it had been impossible to solve, and it produced a proposal which was an organic whole. This was forwarded to the Council, and the Council considered this Draft Scheme in the following way.

“The Council did not consider itself to be a second committee of jurists; it did not pretend to possess the same scientific and judicial knowledge, and all it did was to mark certain points which might give rise possibly to a general discussion and to add certain finishing touches to the scheme, in particular that relating to the compulsory jurisdiction of the court. The Council then approved the scheme with certain modifications; then it came

¹Meetings were held as follows: 1, November 22; 2, November 24; 3, November 26; 4, December 8; 5, December 9; 6, December 10; 7, December 17. Other meetings were held by the committee on December 1, 7, 11, 14, 15 and 16.

before the Assembly and it was given to the Third Committee for consideration. The Third Committee also considered that the Hague proposal was the fundamental basis for this discussion, and it nominated a subcommittee of ten members, five of whom had previously served on the committee at The Hague, and five eminent jurists who had not served on that committee. This subcommittee of ten we thus see provided means for close collaboration between those who were present at The Hague and those who were not. By the same good fortune unanimous conclusions were reached. Certain points were discussed by the whole committee, in particular again the question of compulsory jurisdiction, and we reached agreement.

Essential Task of League

“The constitution of the court is an essential task of the League of Nations. A complete scheme is now for the first time placed before the world. All previous difficulties have been successively overcome—the organization, the permanence of the court, the duration of the period of office of judges, the form of procedure, the competence and the method of nominating the judges. A successful solution has been found for all those problems, and the result is a tribunal which is above and outside political influences. A permanent court will now be established in the world, with absolute independence. As regards the connection between the court and the League of Nations, this is very simple. The League of Nations establishes the court and draws up the rules which constitute it, but once established and so far as not modified by the Assembly, the Court is independent, and to it all those whose rights and privileges have been violated, all those weak states who fear the power of the strong, can refer for assistance, and the method of obtaining international justice conceived by the Covenant is now open to all.”

M. Hagerup (Norway) as rapporteur introduced the subject by calling attention to the solutions of the problems connected with the court as presented to the Assembly. He remarked:

The first point refers to the system of nominating judges. There hitherto all previous attempts at establishing a Permanent Court have failed. In 1907 when the question was discussed no unanimity was reached owing to an irreconcilable divergence of views between the

great and the small powers. The system which we propose is to use the organization of the League of Nations, giving to the Council and the Assembly the right and the duty to elect conjointly and on the same footing of equality the judges. Here the Hague proposal, the modifications introduced by the Council and our own scheme all agree. But I would point out that it is thanks to the League of Nations that we are on the eve of at length realizing this great idea, and this is a great tribute to pay to the League of Nations. . . .

There was a difference of opinion here as to whether it should be the Governments who should nominate or others. It was decided not to leave the nomination to the Governments, because we wanted to avoid political considerations as much as possible, and also because the Governments are going to vote here for the judges. If they also nominated them the delegates would arrive here with their hands already tied to the nominations already made. Therefore it was decided to leave the nominations to the national groups of the Hague Court of Arbitration already existing. There was a small difficulty which arose here because certain Members of the League are not signatories of the arbitration convention at The Hague. We therefore decided to give them the faculty of forming the same groups of persons under the same conditions, . . . and those national groups, when formed by the nations, would nominate in the same way as the other national groups.

In the former proposal the Third Committee has modified the scheme in so far that in submitting the proposals there were only two candidates to be included in each group. We have increased the number to four so that each group might represent not only its own nationals, but foreigners of well-known reputation and confidence, and these might make a plebiscite for the appointment of the most suitable candidates.

As regards my second point, there was a difference of view between the Brussels scheme of the Council and the scheme as presented now. It refers to the incompatibility of the judges, that is to say, the fact that it is not admissible for a judge to hold certain other employment beside his position as judge. . . . The present scheme says that persons who exercise administrative or political functions shall be ineligible, or that the position of judge should be incompatible with the holding or exercising of political or ministerial functions.

The third alteration made by the latest scheme refers to disputes of a special technical nature which may arise—in the first place disputes in connection with labor questions. There are certain special international functions regulating labor, and therefore on the proposal of the International Labor Office and the British Delegation, we have made certain provisions. It is essential in these cases that the court should have the

assistance of special technical assessors, who are not to be merely experts, but who are to sit with the judges and take part in discussions of the case, and in fact to have exactly the same power as the judges, except that they will not actually give a vote in deciding a case, but will give the judges the benefit of their expert knowledge right up to the last moment.

Solution Respecting Competence

I now come to the last and most essential point of difference, which refers to the competence of the court. We thought that we should not radically modify the alteration introduced by the Council, which restricted the jurisdiction of the court to cases where it was accepted by both parties, thus excluding for the most part compulsory jurisdiction. We have slightly modified the article in order to make the idea clearer, but we have introduced no essential alterations, though we have made a very important addition to which I would draw special attention. If we were obliged to exclude a general compulsory jurisdiction, we thought we might leave open to such states as were inclined to accept such a system, the method of admitting a larger measure of compulsion in the jurisdiction of the court; and we therefore have adopted, on a proposal of the Brazilian Delegate, M. Fernandez, a scheme which was advocated by the Swiss delegate at The Hague in 1907. It consists in enumerating in the article concerning competence the cases to which compulsory jurisdiction may be applied. . . . It has not been possible thus to establish compulsory jurisdiction for all for the moment, but we have established compulsory jurisdiction for all those who are disposed to accept it.

An important question I must mention is that of the form under which this statute should be adopted by the Assembly. There was a difference of opinion on this point. Some, among whom I myself must be included, maintained that in accordance with Article 14 of the Covenant the statute establishing the court could be adopted here by a unanimous vote of the Assembly, and thus come definitely into existence. Others, however, maintained that in accordance with the terms of Article 14 of the Covenant a vote of the Assembly was not sufficient, and that a special protocol must be signed by the Governments, and their signatures must be ratified. In order to obtain the necessary unanimity, we have here presented a resolution which gives satisfaction to both opinions. We propose a resolution which gives approval to the scheme which we have submitted, and secondly we state that the statute composing the court will be speedily submitted to the Members for due ratification, and that the Council shall deal with the execution of this plan.

The fourth point of this resolution, to which I would refer, is that the protocol remains open to the signature of all states mentioned in the

Annex to the Covenant. In this way it will be possible for the United States of America to enter the court eventually if it so desires. You will remember that a representative of the United States, Mr. Root, took part in the discussion of the scheme at The Hague. If that party in the United States which will soon come into power has not accepted the League of Nations, at any rate it has said it could accept the Court of Justice, and this in itself would be a very desirable result for the League of Nations to obtain.

South American Point of View

M. Loder (Netherlands) followed with an eloquent eulogy of the ideal now so near realization. M. La Fontaine (Belgium) delivered an impassioned appeal to the nations to accept the compulsory jurisdiction protocol. Dr. Blanco (Uruguay) said in part:

My country agrees with this scheme, and in that is in accord with most of the South American states. But I must make one reservation, and express one wish. I thank the eminent statesmen who have worked out this scheme, and in the present situation it is difficult for them to go further than they have done, but I think the organization is capable of elaboration in the future, and herein I hope that all the countries of the world will join. I am sure that is the wish of South America as a whole. In South America we have an important tradition as far as compulsory arbitration without reserve is concerned, and I am in favor of a system of arbitration with no reservations. . . . We vote for the proposal as it is, but we intend to try and better it, and herein we hope we shall have the co-operation of both the great and small states of the world.

Raoul Fernandez (Brazil): "I wish to point out that a satisfactory solution of the main problem involved in the establishment of the Court of Justice has not yet been reached, because compulsory jurisdiction has been denied to the court. On the other hand, in accordance with the Covenant, the Council has compulsory jurisdiction in matters where vital interests of countries are concerned. The states who signed the Covenant have thereby surrendered their interests in matters of vital importance to the Council. I am not sure that the Council is qualified to give judicial decisions on certain matters; there will always be an element of politics in its decisions, an element which will tend

to dominate over the claims of justice. This is a great danger, especially now that we have established provisions for enforcing decisions such as the arrangements for blockade. We have done that, and yet we have not established the best method possible of preventing conflicts and preventing the necessity for the use of such blockade. Furthermore, we have established a system of financial co-operation between nations, and we have agreed to a system of compulsory jurisdiction in matters concerning labor disputes, and yet we refuse the same compulsion in the case of matters which are still more grave; that is to say, questions where the interests of nations are vitally concerned."

M. Negulesco (Rumania) spoke to the same effect, and Dr. Arias (Panama), referring "to the lack of any sanction in regard to a state which refuses to comply with the decisions of the court," proposed a new article, to read: "In the event of any failure to carry out the decrees, the Court shall propose what steps should be taken to give effect thereto"; but this was subsequently withdrawn.

M. Zolger (Serb-Croat-Slovene State) at the 21st plenary meeting regretted the form the statute of the court was to take, desiring to see the draft made effective by the vote of the Assembly. M. Urrutia (Colombia) said:

The statute does not fully answer to the aspirations of the American countries, who wished very much to go further. The principle of compulsory arbitration is not only a principle of international justice, but it is also a democratic principle, for it comes from the juridical equality of all states. It is deeply rooted in the history, traditions, and the institutions of the American peoples. . . . In spite of these observations, I must acknowledge that some very great progress has been accomplished. That progress is the juridical equality of states, now recognized officially. We hope it may be followed by further steps until we reach the real ideal of the League of Nations.

"To-morrow We Shall Go Further"

Mr. Wellington Koo (China) wished to associate himself with those voicing the sentiment in favor of compulsory jurisdiction. M. Politis (Greece) paid tribute to the spirit which had marked the elaboration of the draft; sacrifices had been made, but "it is

only a question of time before the desires of the more advanced party will be realized." M. Cornejo (Peru) thought progress had been slow, but "we must only hope that to-morrow we shall go further." M. Schanzer (Italy) expressed the hope that the court would be speedily accepted, and added:

If, as it is not possible to doubt, this court will rapidly acquire by the wisdom and impartiality of its decisions universal authority and the confidence of all peoples, in such a case, I am convinced, we shall rapidly achieve the complete object to which we aspire, and transform the competence of the court into one of absolute obligations to refer to its decision.

M. Costa recalled that Portugal had always supported the principle of compulsory jurisdiction. He expressed doubt as to the efficacy of the protocol on that subject, but "I have confidence in the amendments to the Covenant which are proposed and which are to be studied—the amendments to Articles 12 and 13 proposed by the Scandinavian Government, and the amendments to Articles 12, 13 and 15 proposed by my own Government—and it is my hope that these amendments may be the means of the principle of compulsory jurisdiction being introduced. That is my wish, and in this sense I accept the resolution of the committee."

Mr. Balfour (Great Britain) replied to the proponents of immediate compulsory jurisdiction:

It is quite true that we are ardent supporters of the idea of an International Court of Justice. It is quite true that we desire to see the applications to that Court made voluntarily and not compulsorily. That is not because we desire to discourage the movement in which we have taken part, not because we desire to check its extension to the furthest practicable fields, but because we are convinced . . . that if these things are to be successful they must be allowed to grow. If they are to achieve all that their framers desire for them, they must be allowed to pursue that natural development which is the secret of all permanent success in human affairs, and not least in that part of human affairs which deals with politics. Remember that this Court is set up to administer a system of international law. International law itself is a changing and a growing subject. There is no provision—fortunately, perhaps—within the limits of the Covenant, for changing and reforming international law, and this Court is brought into existence not to change it or to reform it, but simply

to administer it. Therefore you may find yourselves, or some nation in the course of time may find itself, in the position that a rigid interpretation of what may be an antiquated system of international law, which would never be accepted or embodied in any authoritative code or authoritative work if all the circumstances were understood, nevertheless has to be administered by a Court which, in administering it with strict regard to the laws with which it has to deal, but without any power of achieving that larger vision which is sometimes given to statesmen and politicians, may involve interests so profoundly affecting the very existence of that state, that your whole machine will be destroyed rather than that state should submit itself voluntarily to legal destruction. I do not think such cases are likely, but who among you will venture to say that they are impossible? . . . More and more you will find that as this court gains the public confidence, the confidence of nations in all parts of the earth, more and more classes of cases will be brought within its jurisdiction; more and more readily will the various countries of the world be glad to put their disputes before it, whereas if in a spirit too hasty and too impetuous you try and force into this mold, as yet imperfectly framed, the whole fabric of what you conceive to be a completed and perfect system, the result will be that the mold itself will break under the stress of new circumstances and changing conditions. So far from having served the interests of international justice, you will have inflicted what may prove to be a fatal blow upon the greatest instrument which the world has ever yet been able to contrive for seeing that international justice is being carried out.

Statute Voted Marks Gains

M. Motta (Switzerland) made three points: The project proclaims the great principle of equality of states. As to Article 36, which was the best possible solution, "we had two systems before. One was to make the agreement that all states should be obliged to have recourse to the international tribunal. This idea is not yet possible. We can not do it. The second alternative was a system which has been followed up to now by certain states, namely, to have recourse by their own conventions to obligatory arbitration. We had to choose an intermediate solution, . . . by protocols between these states that enabled them to declare themselves ready to submit to obligatory arbitration." Third, the commission decided that it was necessary that the principle of ratification should be embodied and safeguarded in the project.

M. Hagerup, the rapporteur, himself a supporter of compulsory

jurisdiction, pointed out that "the amendment introduced by the Council into the scheme of The Hague prevents the application of the principle of compulsory jurisdiction":

Article 37 you will note points out that "when a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal." Already a certain number of general conventions have been provided for the submission to arbitration of certain questions, questions relating to the interpretation of a treaty, or the rights of minorities, labor questions or questions with regard to communications and transport. . . . There are many conventions existing already between states, and we recognize here the great part played by South America. . . . Several states, even some of the great powers, have already entered into treaties involving compulsory settlement of disputes. I would point out, however, that it will not be possible to substitute this proposed Court for a Court of Arbitration without entering into some new convention providing for this. . . . It is therefore important that states which have such treaties should amend them in favor of the new Court to be constituted, and this will extend the obligatory jurisdiction of the Court.

After a speech by M. Bourgeois, the President put the first resolution, which read:

The Assembly unanimously declares its approval of the Draft Statute of the Permanent Court of International Justice, as amended by the Assembly, which was prepared by the Council under Article 14 of the Covenant, and submitted to the Assembly for its approval.

The procedure was to adopt in advance the text chapter by chapter. Only one amendment was made. The President then said:

If there is no objection on the part of the Assembly, I will proclaim as being passed the first of the Draft Resolutions proposed by the Committee.

M. Hagerup: I suggest, considering the importance of this matter, that it would be advisable to proceed to take a vote by a roll call.

The President: I am quite ready to proceed with the roll call, but that is a somewhat lengthy procedure. The resolution itself states "the Assembly unanimously declares its approval," and I think we can consider that as being a vote solemnly and unanimously expressed by the Assembly.

Applause confirmed this opinion.

The other resolutions were immediately and unanimously passed:

2. In view of the special wording of Article 14 the Statute of the Court shall be submitted within the shortest possible time to the Members of the League of Nations for adoption in the form of a protocol duly ratified and declaring their recognition of this Statute. It shall be the duty of the Council to submit the Statute to the Members.

3. As soon as this protocol has been ratified by the majority of the Members of the League, the Statute of the Court shall come into force and the Court shall be called upon to sit in conformity with the said Statute in all disputes between the Members or states which have ratified, as well as between the other states, to which the Court is open under Article 35, paragraph 2, of the said Statute.

4. The said protocol shall likewise remain open for signature by the states mentioned in the Annex to the Covenant.

INDEPENDENT PROPOSALS OF JURISTS

The Advisory Committee of Jurists, in addition to working out the draft scheme for the Permanent Court of International Justice, which they were commissioned to do, drew up at the suggestion of certain members four recommendations which were, under the circumstances, sympathetically considered by the Council and transmitted to the Assembly for its decision. The Third Committee, according to the statement by M. La Fontaine at the final meeting of the Assembly, disposed of three of the recommendations by adverse decisions. He said:

As to the fourth recommendation, the Committee were of opinion that this question has been settled by Article 36, which refers to the establishment of compulsory jurisdiction.

The third recommendation asks the Assembly to provide for the establishment of an Academy of International Law, but the view of the Committee is that this is a private association, and that it is not necessary for the Assembly to intervene; that it is quite sufficient for the Assembly to acknowledge the existence of the Academy of International Law, in which the Carnegie Foundation has taken the initiative.

The second recommendation was with regard to the establishment of a high court of criminal justice, but the opinion of the Committee is that such a court is not required apart from a Court of International Justice.

Therefore, there is only one recommendation left, and that is of considerable interest. For a long time international jurists have been asking for an international code which would bring together all the conventions arrived at between the states, but some jurists want to go further, and desire the establishment of a real international law, codified in order to unite their relations as to one another. The Committee of Jurists desired that such a body should be re-established at The Hague to carry on the work which was initiated in 1899 and 1907 in the Hague Peace Conference. The Committee think now that such a body would be useless. Besides, it is the Assembly of the League of Nations whose business it is to deal with this matter. The Committee, however, retained the suggestion that the more important Institutes of International Law—for instance, the Union Juridique Internationale, the American Institute of International Law, the Institut de Droit International and the International Law Association—should be asked to point out how far they could collaborate in the preparation of an international code, and in this respect I consider that the recommendation of the Committee of Jurists may be voted by this Assembly.

The proposed motion read:

The Assembly of the League of Nations invites the Council to address to the most authoritative of the institutions which are devoted to the study of international law a request to consider what would be the best method of co-operative work to adopt for the more precise definition and more complete co-ordination of the rules of international law which are applied to the relations of states.

Lord Robert Cecil (South Africa) took the floor in opposition. "To my mind," he said, "we have not got to a stage yet where it is desirable to consider the codification of international law. This is really the first step toward codification. It is a request, unless I have misunderstood it, to a variety of learned societies to devote their attention to the codification of international law. I think that a very dangerous project at this stage in the world's history. I hope that we shall not proceed with it at the fag end of this Assembly, or without very much more consideration. I beg to move the previous question."

On this motion being put, it was adopted, so that the recommendation was lost.

VII. SECRETARIAT AND BUDGET

The Fourth Committee, Señor Quiñones de Leon, chairman, dealt with the organization of the Secretariat and the budget in 12 meetings which were quite the most lengthy gatherings of the Assembly. Nothing much happened as a result of interminably critical discussions and cross questionings of Sir Eric Drummond and Sir Herbert Ames, chief of the Financial Section. The real accomplishments of the committee were, first, the request to the Council to appoint a committee of experts for preparing a thorough report on the organization of the Secretariat; and, second, the preparations toward establishing an equitable method of apportioning financial quotas. For the rest, after much detailed discussion, the committee voted the obvious and perfectly proper recommendations made by the Council on the suggestion of the Secretariat.

The attitude which has been described was confined to the representatives of comparatively few Members of the League and was chiefly manifested respecting the budget, on which the discussion was characteristically captious. The third financial period called for an expenditure of about \$4,100,000, divided into quotas ranging from some \$8,040 to nearly \$201,000 according to the classification of the paying state. Yet states spending millions on armaments without thought of an apology to a tax-payer solemnly introduced motions reducing the entire budget by \$100,000 on the allegation that the peace machine was costing too much.

When the organization of the Secretariat was under discussion, the salary of the Secretary-General of the League of Nations, an international officer receiving the stipend of a second-class ambassador of a principal power, was the biggest game stalked by the economy hunters, who eventually gave up the chase.

Speaking of the work of the Fourth Committee at the 28th plenary meeting of the Assembly, when its reports first came before that body, Señor Quiñones de Leon (Spain), chairman of the committee, said:

The task intrusted to us was of a very delicate and complex nature. It referred entirely to the organization and the administrative life of the

League of Nations and the organization and functions of the budget. The provisions of the Covenant placed us under the obligation of creating, or of defining all these various organizations without our being able to rely on any constitutional indications in carrying out this most important task. Over and above this we had the obligation laid upon us of defining very clearly the relationship which exists on various points between the League of Nations and the International Labor Bureau. There is silence on the part of the Covenant on all points relating to these questions and therefore we were deprived of any definite indications as to how to solve these problems. More than once we have found ourselves in a difficulty, especially when we have tackled questions in connection with the relations between these two organizations and that of the subdivision of expenses between the various Members of the League, as well as certain fiscal questions. We found isolated precepts, which, without establishing complete solutions, have impeded us in deciding freely. The discussions have sometimes been extremely long, but I am glad to be able to state that all of us, without in any way surrendering our convictions and without in any way giving way to other points of view, which were often quite opposite and distinct, have found that we were inspired with a great spirit of conciliation when it was a matter of arriving at definite solutions, even when entirely different interests were involved.

STAFF AND ORGANIZATION

Introducing the report on the staff and organization of the Secretariat, Sir James Allen (New Zealand), who as rapporteur had been one of the most critical members of the committee, commented:

I suggested in my original report that an independent inquiry should be held in order to ascertain whether the staff was properly paid, whether there were sufficient members, and whether it was efficient. At that time the Committee did not think it wise to adopt this suggestion; but later on, after further examination of the facts, the Committee did come to the conclusion that it was essential that a body of experts should be set up to inquire into the organization and pay and allowances, and so on. . . . It has, practically speaking, been replaced in the report on the budget.

The other portion which was excised dealt with the question of pensions. I believe that it is most important that this League should conserve, if it can, any pension rights that any of its officers have earned during their previous service, whether in other Governments or elsewhere, in order that when they retire from the service of the League they may retire with something in the way of a competence. . . . The Committee did

not see their way to adopt this proposal; but I am quite certain that later on it will be necessary for the League to consider retiring or pension allowances for their servants. It is to my mind essential that no one should come into the service of the League without feeling that either he himself is able or that we are able and willing to make some provision for him when he retires because of old age after long service. There are only, of Government civil servants in the employment of the League, some twenty-eight, nineteen in the Secretariat and nine in the Labor Office. It seems to me that in the course of time these numbers will increase, that the numbers drawn from civil services in other countries will grow, and that therefore the question of pension rights will become a more prominent one.

The question of nationalities was raised during the course of the debate. I desire here to congratulate the staff, the directors, and the Secretary-General and the Director of the Labor Office upon the extraordinary way in which they have been able to secure the services of so many members of different nationalities. There are no less than eighteen nationalities represented in the Secretariat, and there are sixteen different nationalities represented in the Labor Office. I think that this is a very great result to achieve. Indeed the whole organization is a magnificent piece of work both on the part of the Secretary-General and on the part of the Director of the Labor Office. I do not say that it is by any means perfect. We shall know more about that after the experts have reported.

With regard to the cost of living, the cost of living is higher in Geneva, so far as I have been able to ascertain, by some 35 per cent than it is in London. In that cost of living there is included not only rents and rates, but food, lighting, heating and cooking and certain miscellaneous things like pleasure and traveling.

The rapporteur suggested an amendment to his fourth clause, making it read as follows:

Members of the staff of the Secretariat and the staff of the International Labor Office, and certain temporary employees, shall be appointed for a period not exceeding five years; at the termination of each employment period, they may be appointed for a further period not exceeding five years, due regard being given to efficiency, and to the retention of sufficient officers to enable the work of the League and of the International Labor Office to be effectively maintained.

Discuss Tenure of Office

Mr. Millen (Australia) suggested that this should be dropped because the recommendations respecting the budget now

contained a proposal for a committee to inquire into all matters relating to the Secretariat. The rapporteur accepted the suggestion and withdrew the motion.

This was pleasing to Mr. Barnes (Great Britain) who, however, criticized the first resolution on the ground that it referred to appointments for a period of five years. "I want," he said, "in the staff a promotion of international solidarity. I want the promotion of a spirit of internationality. You will not get it by this. On the contrary, the men whom you take on for five years will have in their minds all the time that at the end of that five years they may have to go back to the offices of their own particular national, and during the five years they are with you they will have the interest of their own country at heart rather than the interests of the League of Nations. It is for these reasons that I think we ought to delete all reference to the question of termination of office and really begin to build up a staff which will be attached to the League of Nations and which will feel that they have here a life office, if they like to stop at it, providing always they are efficient."

Sir James Allen had previously presented the other view:

There is good reason for appointing officers in the first instance for five years, and making subsequent appointments for five years, because it is essential that the idea should not be allowed to grow up on the part of officers that they are there for a life-time, an evil which exists in the civil service and in the offices of many Governments, and also that there should be an opportunity for officers, if they wish, to dispose of their services elsewhere; also, which is a very important thing, it would enable us to get rid from the civil service of any inefficient officer.

Sir William Meyer (India) satisfied Mr. Barnes by securing the consent of the committee to making the phrase in the first resolution read "for a period of five years or more." He also obtained acceptance of the suggestion that the three resolutions should apply to the International Labor Office. The resolutions were then passed, Australia opposing the first, in the following form (A. D. 260):

1. That all members of the Secretariat and of the International Labor Office appointed for a period of five years or more by the Secretary-General or the Director of the International Labor

Office shall, in the case of dismissal, have the right of appeal to the Council or to the Governing Body of the International Labor Office, as the case may be.

2. That a list of the staff of the Secretariat and of the International Labor Office, showing nationalities and salaries and allowances by classes be published yearly, with the addition to the first and second issues of a list containing an account of the previous services of certain of the higher officials; and that a further list be prepared and attached to the annual budget, showing the nationality, salary and allowances of each individual member of the staff, and containing a schedule showing the traveling allowances for each class with the amounts paid.

3. That information regarding vacancies on the staff of the Secretariat and of the International Labor Office be made as public as possible and that, in filling the various posts, while having special regard for efficiency, at the same time consideration be given to the international character of the League.

BUDGET

Sir George Foster (Canada) acted as sole rapporteur on the budget, owing to the absence of M. Van Eysinga (Netherlands), at the 29th plenary meeting of the Assembly. His discussion of a difficult and much-debated problem was so lucid that it gives a better idea of the questions involved than the debates in the Fourth Committee, which were both fragmentary and characterized by many pointless inquiries. Sir George said in part:

In the first place, with reference to the financial foundation of the League of Nations, everyone will agree that this financial foundation is a very important element, and, in fact, is the main factor as a moving power in the operations. It is a different financial basis from that of Governments; it has some advantages; it has very many disadvantages. It is, in fact, a contribution allocated on a certain basis to the different nations who are Members of the League. That allocation becomes in the end a voluntary contribution to be voted under the auspices of the Governments by the legislatures to which these Governments are responsible. It is therefore of the utmost importance that the Members of the League, from the very start, should consider that this contribution which is asked should be promptly and loyally paid at the very earliest possible moment. It constitutes the only fund that the League has at its disposal for its operations. If the contributions come

in tardily, funds are not there at the time they are required, and consequently banking operations have to be undertaken and interest has to be paid, and in that way those who are prompt in their payments have to bear the proportion of the burdens of those who are lax. It is therefore of primary importance, or should be, in this League of Nations, that the contributions which are distributed should be promptly paid and loyally given. I am convinced that as this League progresses in its work, that will come to be the opinion of its Members, and that in a short time difficulties due to tardiness of payment will entirely disappear.

With reference to the allocations paid for the first period, all have been paid except for three countries. Paraguay has not yet had her allocation received by the League, but it is on the way at the present time. Salvador has not yet paid hers, but that has arisen from certain defects in communication. These have been made right, and her contribution is expected in a very short time. There remains one country which has not yet paid any of the first allocation, and that is the Argentine. Argentina is being communicated with, and has received through her Government four different applications. She acknowledged one of them in April last. She has acknowledged no application for payment from that time until the present, and her quota remains still unpaid for this first period.

For the second period the accounts stand in this way, that whereas about 10 millions of gold francs, in round numbers, were allocated, only about $4\frac{1}{2}$ millions have as yet been paid in. That leaves $5\frac{1}{2}$ millions still to be paid. Of the Members of the League 7 have paid all their subscriptions; 8 have paid part of their subscriptions; 28 have as yet paid none of their subscriptions. That makes up a total of 43 Members, the whole of the League. The Council having been advised of this, it seems to me it is necessary for the Council to take such steps as are required to establish a rule which shall hold with regard to Members of the League who are lax in their payment of the allocations made to them, and it is the opinion of the rapporteurs that the matter should be left in that way.

Problem of Fair Payments

Having established the principle that the funds of the League are to be made up by allocations and votes of the different Governments of the states Members of the League, it becomes of the first importance that the basis of allocation should be a fair and just one. For whatever reason the present existing basis of apportionment was chosen, it is acknowledged generally, I think, to be an unreasonable and an unfair one. We will never have accordant and prompt payments until we get a basis of allocation which is generally acknowledged to be a fair and reasonable basis. . . . At present, under Article 6 of the Covenant,

the basis of allocation is that which has been adopted by the Universal Postal Union. We seem to be tied to that unless there is an amendment to the Covenant. The mode which is proposed in the report is that a committee of five be appointed, that this committee pursue the negotiations already initiated with the Universal Postal Union, that they prepare a schedule for the approval of the Council, and that that schedule be passed on to the Universal Postal Union with a request that they should adopt it as the basis of allocation for their expenses. If they do, and the matter is finished by July 1 next, then it becomes the basis of allocation for next year. If it is not perfected by July 1 next, or if any Members of the League object to the proposal, which shall have been distributed to all the Members of the League previously, then the whole matter will be placed on the agenda of the Assembly for the year 1921, and will be there authoritatively settled.

The Committee and the rapporteurs were up against an organization already formed, an organization formed outside of the will or the mandate of the Assembly, in actual operation. It was absolutely impossible for that Committee or the rapporteurs to make themselves absolutely and certainly acquainted with all the workings of the Secretariat and of the Labor Organization under the system which already obtains. Consequently, after having arranged that these controls should be established for the future, it is recommended that a small committee of experts shall make a thorough examination into the organization, methods of work, the efficiency, the number, the salaries and allowances and the general expenses at the Secretariat and Labor Organization and report to the Council, and that this report shall be in the hands of the Members of the League by June 1, 1921. And in the opinion of the Committee the Assembly should reserve its perfect, uncontrolled right to make such changes as may be deemed necessary in accordance with and after the reception of the report of these experts upon the various operations of the Secretariat and of the Labor Organization. Mind you, Gentlemen, in making this recommendation there was no effort and no thought of passing a vote of censure upon the work which has already been carried out under either the Secretariat or the Labor Organization. But it was felt that the Assembly had a perfect right, and must insist on that right, to have a thorough examination made by these experts into the working of the whole machine in order that if there were weaknesses they might be detected, and that if there were better methods which might be applied such methods might then be put into operation.

Swedish and South African delegates urged the importance of changing the scheme for allocating expenses, and Sir James Allen

announced his intention of opposing the system by his vote, beside launching an attack for the third time at the salary of the Secretary-General. Mr. Balfour closed a defense of this salary with these words: "I venture to say that those criticisms are ill-founded, and it will be a very evil day for this Assembly if they pronounce to the world that the salary it gives its chief official is too high, though it is far lower than that which great firms, great men of business, give to the brains which make those businesses profitable."

The Maharajah of Nawanagar in a speech read at the previous session by Sir Ali Imam had proposed treasury officers appointed by the Assembly to supervise expenditures. Sir William Meyer, also of the Indian delegation, had introduced seven amendments to the committee's report which he now proceeded to discuss.

He withdrew his first inquiring for information respecting 1,725,000 gold francs allocated "for the creation of working capital or reserve" in the latter part of 1920, and being applied to other objects because of the statement of the rapporteur that the tardiness of receipts from the Members of the League really explained what took place with reference to that amount.

He postponed till the next Assembly the proposal embodying the idea of the Maharajah of Nawanagar. Another reducing the budget by 500,000 gold francs in respect both of the Secretariat and of the Labor Organization was retired in view of the contemplated appointment of a committee and the Assembly's reservation of the right to cut the budget.¹ The fifth related to

¹The Fourth Committee voted down at its eighth meeting a proposal by Sir James Allen, Delegate of New Zealand, "That the budget estimate of expenditure, 20,955,000 gold francs be reduced by 500,000 gold francs as an indication that (a) the salaries, wages and allowances of the higher paid members of the staff of the Secretariat and of the International Labor Office should be reduced; and (b) the expenditure of the International Labor Office on publication is too great." Voted for: India and New Zealand; abstained: Australia, South Africa, Panama and Siam; voted against: Belgium, Brazil, Canada, China, Colombia, Czecho-Slovakia, Denmark, France, Italy, Japan, Netherlands, Nicaragua, Norway, Serb-Croat-Slovene State, Spain, Sweden, Switzerland, Uruguay and Venezuela.

Also, after much discussion of detail, the committee defeated a motion by the Maharajah of Nawanagar: "That the Committee is of opinion that the total expenses of the Secretariat are too high and can be usefully reduced." Voted for: South Africa, Australia, India and New Zealand; abstained: Siam; voted against: Belgium, Brazil, Canada, China, Colombia, Czecho-Slovakia, Denmark, France, Italy, Japan, Netherlands, Nicaragua, Norway, Panama, Serb-Croat-Slovene State, Spain, Sweden, Switzerland, Uruguay, Venezuela.

the expenses of technical organizations, stipulating that they should not exceed 2,000,000 gold francs altogether. On Sir George Foster's assurance that this would not occur, the Indian proposal was withdrawn.

The committee accepted Sir William Meyer's amendment to its first recommendation respecting measures regarding states dilatory about paying quotas.

The last Indian amendment came to a vote and was lost:

That the special committee appointed to consider amendments to the Covenant shall also consider an amendment to Article 6 which shall make future contributions of states to the League expenditure depend not on the quotas adopted for the purpose of the Universal Postal Union but on some independent principle such as net revenue.

If this had passed it would have superseded Article 13 of the committee's resolution. The question of allocation had been discussed at the International Financial Conference at the request of the Council and had been the subject of studied resolutions (A. D. 41). The principles there laid down were applied in a memorandum (D. 18) by the Secretary-General to the allocations, and this document had been much discussed in committee. Sir Reginald Blankenberg (South Africa) now moved as amendment to the committee's Article 13:

The demands for the year 1921 should be based as a provisional measure on Document No. 18.

The motion was lost and the whole report was then carried without objection, except for Sir Reginald Blankenberg's adverse vote on Article 13, in the following form:

FIRST RESOLUTION

The Assembly of the League of Nations hereby adopts the general budget of the League for the first financial period ending June 30, 1920, together with the budget for the second financial period ending December 31, 1920.

SECOND RESOLUTION

The Assembly of the League of Nations hereby adopts the annexed general budget for the year 1921.¹

RECOMMENDATION 1

The Assembly of the League of Nations requests the Members of the League to take the necessary measures to insure that their contribution should be paid at the earliest possible date. Each Member should in any case inform the Secretariat on January 1, 1921, on what date it may expect payment to be made.

The special committee to be appointed to consider modifications in the Covenant should also consider what steps should be taken with reference to states which have not paid their quotas within a specified period.

RECOMMENDATION 2

The Assembly of the League of Nations requests the Council to be guided by the principles embodied in the following articles in regard to the financial administration of the League, and, if experience proves that this could be strengthened and improved, to prepare a draft resolution upon this subject for the annual session of the Assembly of 1921.

Article 1. Three months at least before the annual session of the Assembly, the Secretary-General shall submit to the Council a general draft budget of the League for the following year (expenditure and income), as provided for in Article 399 of the treaty of Versailles, and this shall be at once communicated to each Member of the League.

Article 2. Draft budgets for the Labor Office and for other organizations, offices and commissions, etc., of the League, and also detailed explanations, lists of officials, their salaries, allowances, and nationalities shall be attached to the general budget as annexes. The Secretary-General shall notify the organizations, offices and commissions, etc., referred to, of the date in each year on which these data are to be received.

¹Sir George Foster (Canada) moved the approval of the 1921 budget at the eighth meeting of the Fourth Committee, the motion prevailing by the following vote: Voted for: Belgium, Brazil, Canada, China, Colombia, Czecho-Slovakia, Denmark, France, Italy, Japan, Netherlands, Nicaragua, Norway, Panama, Siam, Serb-Croat-Slovene State, Spain, Sweden, Switzerland, Uruguay, Venezuela; abstained: South Africa and Australia; voted against: India and New Zealand.

Article 3. The Council shall see that the budget, as approved by it, with detailed explanations, shall be in the hands of the Members of the League of Nations at least one month before the annual session of the Assembly.

Article 4. Upon the adoption of the budget by the Assembly, with or without amendment, the budget shall be operative up to the limit of each appropriation for the purposes and services, and for the period specified therein.

Article 5. Supplementary estimates, which may become necessary from any cause, shall be submitted with explanations and lists, as provided for in Article 2, at the earliest practicable moment to the Assembly, which during the session then current, shall consider and approve the same, subject to such amendment and alteration as it deems proper.

Article 6. Expenditure can only be incurred by virtue of a warrant signed by the Secretary-General or one of his deputies, duly authorized thereto. This warrant shall mention the fiscal period and the appropriation to which the expenditure is charged. Unforeseen expenditure can only be incurred under the last item of the second Chapter (item 27) if it is authorized by a special resolution of the Council, which must be immediately communicated to all the Members of the League of Nations.

During the year 1921, transfers from one item to another of the same Chapter can be effected by virtue of a special resolution of the Council, which must be immediately communicated to all the Members of the League of Nations. This action is not to be taken as establishing a precedent.

Article 7. Except as regards recoverable advances, expenditure which has not been provided for in the general budget can not be paid from the special working capital fund.

Article 8. At the beginning of each year, the Council shall engage the services of the auditors of a Government chosen by it from the Members of the League.

Article 9. The Secretary-General, or in the case of the Labor Organization, the Director of the International Labor Office, shall, at the latest three months after the close of the budgetary period, submit to the auditors all documents necessary for their reports.

Article 10. Three months at least before the annual session of the Assembly, the auditors shall present to the Council, or in the case of the Labor Organization to the Governing Body, a report on the correctness of the accounts and of the bookkeeping. These reports shall be circulated to all the Members of the League.

Article 11. The Director of the International Labor Office shall transmit the audited statement of his accounts, together with a copy of the

auditors' report, to the Secretary-General of the League (Art. 399 of the Versailles treaty), who will submit this, together with the accounts of the Secretariat, to the Assembly.

Article 12. The Assembly shall finally pass the accounts for expenditure and income.

Article 13. *a.* While the existing allocation must from a juridical point of view be observed for the year 1921, the Assembly recommends to the Council the immediate appointment of a special committee of five members, including the Swiss delegate to the Universal Postal Union, to investigate the question of the allocation of the expenditure of the League, with a view to an equitable scheme of allocation being devised.

b. The committee shall at the earliest possible moment, and in any case not later than March 31, 1921, report to the Council the scheme of allocation which it recommends. The Secretary-General shall, as soon as possible, transmit a copy thereof to each Member of the League.

c. The committee shall place itself in communication with the authorities of the Universal Postal Union, in order to bring into force at the earliest possible date the scheme of allocation which, with the approval of the Council, it recommends.

d. If the scheme of allocation recommended by the committee is not adopted by the Universal Postal Union prior to the 1st July next, or if any of the Members of the League express disagreement with it, the question of the allocation of expenditure shall be placed on the agenda of the Assembly of 1921.

e. The allocation for 1922 shall be so arranged by the Assembly of 1921 that Members, who shall have contributed in 1921 more than they would have done if the new scheme had been in force, will in 1922, pay a corresponding amount less than their quota, and *vice versa*.

RECOMMENDATION 3

The Assembly of the League of Nations requests the Council to take the necessary steps to appoint, as soon as possible, a small committee of experts to consider all factors connected with the organization, methods of work, efficiency, number, salaries, and allowances of the staff, and with the general expenditure of the whole organization, as well as with all other points necessary to enable the Assembly to form a fair judgment in respect thereto, both as regards the Secretariat and the International Labor Office. The report of this commission should be in possession of the Members of the League by June 1, 1921.

AUDITED ACCOUNT FOR THE FIRST FISCAL PERIOD

(May 5, 1919—June 30, 1920; Doc. 20/31/81, p. 11)

EXPENDITURE

<i>Direct:</i>	£	s.	d.
To salaries, wages and allowances.....	90,978	2	9½
To traveling expenses.....	10,850	10	6½
Meetings of Council.....	388	9	10
To maintenance account in London.....	6,499	13	11½
To office expenses.....	3,822	16	10
To Official Gazette.....	104	14	6
To unforeseen expenses.....	522	0	11
Loan interest charges, bank charges, check books, etc.....	286	3	0
To depreciation.....	219	9	2
 <i>Indirect:</i>			
To advances:			
International Labor Office.....	60,305	19	2
International Financial Conference.....	1,244	14	5
Russian Commission of Investigation.....	602	2	11
International Health Conference expenses.....	53	17	10
International Court of Justice expenses.....	59	9	9
Commission for the Repatriation of Prisoners of War.....	868	18	6
To balance, being excess of income over expendi- ture for the first fiscal period ended June 30, 1920.....	114,271	11	8½
	£291,078	15	10

INCOME

<i>By contributions received:</i>	£	£	s.	d.
Class I (25)—Canada, France (£5,000), Great Britain, India, Italy, Japan, Poland, South Africa.....	16,234	each 118,638	0	0
Class II (20)—Spain.....	12,988	“ 12,988	0	0
Class III (15)—Belgium, Brazil.....	9,740	“ 19,480	0	0
Class IV (10)—Denmark, Norway.....	6,494	“ 12,988	0	0
Class V (5)—Chile, Peru.....	3,247	“ 6,494	0	0
Class VI (3)—Bolivia, New Zealand, Siam, Uruguay.....	1,948	“ 7,792	0	0
Class VII (1)—Liberia.....	648	“ 648	0	0
Total contributions received.....	£179,028		0	0

<i>By contributions receivable:</i>		£	s.	d.
Class I (25)—Australia, France (£11,234)	16,234 each	27,468	0	0
Class III (15)—Netherlands, Rumania, Sweden, Switzerland	9,740 “	38,960	0	0
Class IV (10)—Czecho-Slovakia, Portugal, Serb-Croat-Slovene State	6,494 “	19,482	0	0
Class V (5)—Argentine Republic, Colombia, Greece	3,247 “	9,741	0	0
Class VI (3)—Cuba, Ecuador, Guatemala, Panama, Paraguay, Persia, Salvador, Venezuela	1,948 “	15,584	0	0
Class VII (1)—Hedjaz	648 “	648	0	0
Total contributions receivable		£111,883	0	0
To bank interest to date		167	15	10
		£291,078	15	10

BUDGET FOR THE SECOND FISCAL PERIOD

(April 1¹—December 31, 1920; Doc. 20/48/83)

EXPENDITURE

	Gold francs
I. <i>Direct:</i>	
1. Salaries, wages and allowances	1,600,000
2. Traveling expenses of League officials:	
a. Ordinary	80,000
b. Attendance at Council meetings	160,000—240,000
3. Expenses of Council sessions	15,000
4. Meeting of Assembly	500,000
5. Property Account:	
a. Installation at permanent seat (nonrecurring)	100,000
b. Maintenance at temporary seat	150,000
c. Furniture and fittings	200,000

¹The Council of the League decided at the Rome meeting on May 19, 1920, that “the first or preliminary period of the work of the Secretariat should be regarded as having ended on March 31, 1920.” Thereafter it was determined to make the fiscal year of the League of Nations coincide with the calendar year, as this is the practice followed by the majority of the Members. Consequently the budget for the second fiscal period covers the period from April 1 to December 31, 1920.

Owing to the delays in the coming into force of the treaty of Versailles, less money was spent up to March 31 than was anticipated when the first budget was prepared, and it was decided to add to the budget for the organization period an estimate covering the first three months of the second period. The expenses of these three months were incorporated in the second budget, and this procedure will enable the League to carry forward a certain sum of money from year to year. This was believed to be very necessary, as states are often not in a position, owing to unavoidable delays in passing a vote of credit through Parliament, to make their contribution immediately when the request is received.

	Gold francs
6. Branch office, Paris.....	50,000
7. Removal to permanent seat.....	50,000
8. Office expenses, printing, stationery and small stores....	160,000
9. Library account, books, periodicals, etc.....	70,000
10. Official Gazette: Publication and distribution.....	30,000
11. Interest charges.....	10,000
12. Unforeseen expenses of the Secretariat.....	100,000
	<hr/>
Total direct expenditure.....	3,275,000

II. *Indirect, Under Control:*

1. Administrative commissions and minorities questions (advances reimbursable).....	200,000
2. Commission of inquiry to Russia.....	5,000
3. General Conference on Freedom of Communications and Transit: Preliminary action.....	80,000
4. International bureaus and commissions (Art. 24).....	80,000
5. International Financial Conference and subsequent action	575,000
6. International Statistical Commission: Preliminary action.	100,000
7. Permanent Advisory Commission for Military, Naval and Air questions: Secretariat and meetings of commission.	100,000
8. General bureau for the regulation of the arms traffic....	25,000
9. Permanent Court of International Justice: Hague advisory committee and subsequent action.....	150,000
10. Permanent International Health Organization: Executive committee and secretariat.....	40,000
11. Permanent Mandates Commission: Secretariat, cost of meetings of commission.....	50,000
12. Repatriation of prisoners of war: Expenses of Dr. Nansen, etc.....	75,000
13. Campaign against typhus in Poland: Organization expenses (reimbursable).....	20,000
14. Unforeseen expenses.....	250,000
	<hr/>
Total indirect expenditure.....	1,750,000

III. *International Labor Office:*

Total of advances to be made by Secretariat to International Labor Office.....	3,250,000
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IV. *Working Capital:*

Amount required for reserve.....	1,725,000
	<hr/>
Total budget.....	10,000,000

INCOME RECEIVABLE

(478 units of 20,920 gold francs each, or 9,999,760 gold francs)

	Gold francs
Class I (25)—British Empire, Canada, Australia, South Africa, British India, China, France, Italy, Japan and Poland.....	523,000 each
Class II (20)—Spain.....	418,400 “
Class III (15)—Belgium, Brazil, Czecho-Slovakia, Netherlands, Rumania, Sweden and Switzerland..	313,800 “
Class IV (10)—Denmark, Norway, Portugal, Serb-Croat-Slovene State.....	209,200 “
Class V (5)—Argentine Republic, Chile, Colombia, Greece, Peru.....	104,600 “
Class VI (3)—Bolivia, Cuba, Guatemala, Haiti, New Zealand, Panama, Paraguay, Persia, Salvador, Siam, Uruguay, Venezuela.....	62,760 “
Class VII (1)—Liberia and Hedjaz.....	20,920 “

THIRD BUDGET

(Annex to Assembly report; Assembly Document 213)

I. *Direct expenditure of the Secretariat:*

	Gold francs
1. Salaries, wages and allowances:	
a. Secretariat.....	4,200,000
b. Household staff.....	200,000
2. Traveling expenses of officials of the League.....	150,000
3. Meeting of Assembly at Geneva.....	750,000
4. Property account:	
a. Installation at permanent seat of League.....	25,000
b. Maintenance.....	219,420
c. Expenses of offices in London and Paris.....	100,000
5. Traveling and subsistence expenses of auditors.....	5,000
6. Further removal expenses (nonrecurring).....	25,000
7. Publication department.....	100,000
8. Office expenses, printing, stationery, cablegrams, telegrams, postage, etc.....	550,000
9. Official Journal: Publication and distribution.....	100,000
10. Interest charges.....	75,000
11. Unforeseen expenses of the Secretariat.....	55,580
12. Inquiry as to the organization of the Secretariat ½ of 20,000	10,000
Total of Chapter I.....	6,565,000

II. *Indirect expenditure under the control of the League of Nations:*

Gold francs

13. Administrative commissions and minorities questions (recoverable).....	
14. Freedom of Communications and Transit Organization: General conference at Barcelona and subsequent expenses arising therefrom.....	500,000
15. International bureaus and commissions.....	100,000
16. International Financial and Economic Organization.....	760,000
17. Permanent Advisory Commission for Military, Naval and Air Questions.....	200,000
18. Central Bureau for the Regulation of Arms Traffic.....	50,000
19. Permanent Court of International Justice.....	650,000
20. Permanent International Health Organization.....	400,000
21. Permanent Mandates Commission: Cost of meetings of commission.....	100,000
22. Repatriation of prisoners of war: Expenses of Dr. Nansen, etc.....	150,000
23. Organization for the supervision of the opium traffic.....	50,000
24. International Blockade Commission.....	75,000
a. Armaments.....	100,000
b. International co-operation on traffic in women and children.....	100,000
c. Commission of inquiry as to the situation in Armenia.....	50,000
25. Unforeseen expenses: Special commissions of inquiry, etc. (subject to special vote of Council).....	500,000
	<hr/>
Total of Chapter II.....	3,785,000

III. *Capital Expenditure:*

Swiss francs

26. Payment on account of balance of purchase price of Hotel National, Geneva.....	1,332,000
27. Payments to maintain the options on adjoining Properties ¹	21,667
28. Furniture.....	500,000
29. Library installation.....	235,000
30. Printing office (if installed by League).....	250,000
31. Additional installations of permanent character.....	48,477
Total in Swiss Francs.....	2,387,144=2,000,000

¹This amount to be deducted from price should it be decided to buy within 3 years.

IV. <i>Balance:</i>	Gold francs
32. Balance required for special working capital fund....	1,890,000
V. <i>Labor Organization:</i>	
33. Estimated expenditure for 1921 according to budget passed by International Labor Office (resolution of October 7, 1920).....	7,000,000
34. Expenses for inquiry ($\frac{1}{2}$ of 20,000).....	10,000
Total gold francs.....	21,250,000

INCOME RECEIVABLE

[510 units of 41,666 $\frac{2}{3}$ gold francs (\$8,039.72) each, or 21,249,996 $\frac{2}{3}$ gold francs (\$4,100,262.20).]

	Gold francs	Dollars
Class I (25)—South Africa, Australia, British Empire, Canada, China, France, British India, Italy, Japan, Poland.....	1,041,666 each	200,993.00
Class II (20)—Spain.....	833,334	160,794.40
Class III (15)—Belgium, Brazil, Netherlands, Rumania, Sweden, Switzerland, Czechoslovakia.....	625,000	120,595.80
Class IV (10)—Denmark, Finland, Norway, Portugal, Serb-Croat-Slovene State.....	416,666	80,397.20
Class V (5)—Argentine Republic, Austria, Bulgaria, Chile, Colombia, Greece, Peru.....	208,333	40,198.60
Class VI (3)—Bolivia, Costa Rica, Cuba, Guatemala, Haiti, Honduras, Luxembourg, New Zealand, Nicaragua, Panama, Paraguay, Persia, Salvador, Siam, Uruguay, Venezuela.....	125,000	24,119.16
Class VII (1)—Albania, Liberia.....	41,666 $\frac{2}{3}$	8,039.72

VIII. ADMISSION OF NEW STATES

The chairman of the Fifth Committee, Señor Huneeus of Chile, prefaced the Assembly's discussion of admission of new states with a summary statement:

"In their work, the Committee was imbued with the spirit that all further states which offered adequate guaranties and determination to observe international obligations should be admitted. It is fundamental principles which enable the League to grow and not to weaken, and this is the true spirit in which the Committee has worked and which it has applied to the application of every state, whether ex-enemy state or otherwise. We have not been arrested in our work by purely juridical conditions, but we have taken the widest outlook in every possible way in each consideration and decision we have taken.

"We commend to the Assembly the admission of five states, and in this connection, the Assembly will have to establish a date from which these states are to be considered Members of the League. I do not think it will be creating a precedent if we proceed in this manner. We then refer to a certain number of states, the admission of which the Committee thinks the Assembly should postpone, because certain of those states do not appear to have reached their full maturity and full personality, and we feel we can not admit them now. But on the other hand we feel very strongly that we must not, by rejecting or postponing them, discourage them in any way, and bring about perhaps a discouragement of their ideals. Therefore the Committee suggest and recommend to the Assembly that it should express in some form our sympathy with them.

"We have also taken into account the question of minorities and their rights.

"Let me say that in all our work we have been inspired by the loftiest motives and by the greatest of ideals; further, that our debates have always been of the most cordial nature, and I may say that most of our resolutions were practically carried unanimously. . . . Let me say in closing that all our

decisions have been inspired by principles of right and principles of humanity.”

M. Benes (Czecho-Slovakia) supplemented these remarks with a detailed discussion of which the significant portion was that devoted to ex-enemy states. In that connection, he said:

We investigated the matter to try and find a fundamental criterion that might help us in this work, and we arrived at two fundamental factors: (a) Had they complied with their obligations; and (b) had they since the armistice shown any sincere desire to comply with them? It is very difficult in this connection to have a really objective criterion. We were able to verify that certain states had a really sincere intention of complying with their obligations. In order not to multiply instances, or make the discussion too lengthy, let me just take the example of Austria. Czecho-Slovakia was interested in seeing in what measure Austria had complied with her obligations. We were on the whole disposed to favor her admission, and yet certain obligations, such as those inherent to the rights of minorities, had not been fully honored.

In spite of this, we think that the admission carries with it, on the other hand, a responsibility for the state which is admitted, and, further, that the atmosphere of the League and of the Assembly and of the committees will naturally weigh upon the shoulders of any state that is admitted. This is a very important factor to be taken into account. There are also, in our opinion, other reasons why ex-enemy states should be admitted, reasons which are inherent to their positions and the relationships, especially their economic relationships, with neighboring countries. There are, of course, certain risks in admitting a state, but we must look upon the other side of the picture and see what the risks are, or would be, if the state were not admitted, and we must weigh the arguments for and against, and see in which direction the general interest lies. Having so weighed these various points, we have decided to recommend the admission of certain ex-enemy states, and I would advise the Assembly to adopt the report which is submitted to it by the Committee.

Sir Reginald Blankenberg (South Africa) reviewed the makeup of his country's population, and concluded: "We strongly feel, however, that the League must not rest until every state is fully represented in this body and we hope that the Assembly will give the most sympathetic consideration to Germany and also to other states who are capable of assuming membership when they submit their applications to this Assembly."

Prince Zoka ed Dowleh (Persia) pleaded for the admission of

additional states, especially Azerbaijan, which was part Persian, and closed with this declaration:

I wish to declare in the name of my Delegation that I will vote for the admission of the various states which have been recommended to us, and I would vote for many others, and I wish that next year I could welcome the representatives of all the states of the world.

MINORITIES IN STATES ADMITTED

Before the actual balloting a motion (A. D. 204) first proposed by Lord Robert Cecil at the 18th plenary meeting respecting guaranties for minorities was considered. This motion had been referred to the Fifth Committee, which had adopted a formula (A. D. 233). The author of the idea explained its purpose at the 25th plenary meeting:

As far back at any rate as 1878 at the Congress of Berlin it was laid down that before any new state could be recognized by the comity of nations or the selection of them that was assembled at the Congress of Berlin and before any existing state received any considerable accession of territory, they were to enter into obligations to respect the linguistic, religious and racial minorities in their states. I take a personal interest in that proposition because it was laid down on the suggestion of the late Lord Salisbury. It was supported by M. Waddington for France and by M. de Launay for Italy and in fact by Prince Bismarck for Germany. That principle was fully recognized at the recent Peace Conference. Obligations to protect minorities were agreed upon with the following states: Czecho-Slovakia, Serbia, Poland, Rumania, Greece, Armenia, and also Austria and Bulgaria. It seemed to the Committee that it was desirable not to make any break in that policy if it could be avoided and although they were not prepared to impose any new condition of admission, thinking that that would be of doubtful legality under the Covenant, and not advisable as a matter of policy, yet they were prepared to express a recommendation to any state that applied for admission to this League that they should enter into the same kind of obligation as had been entered into by the states whose names I have just read out. That was passed, not indeed absolutely unanimously, but by a very large majority in the Fifth Committee.

The recommendation (A. D. 244/1) was carried without objection, as follows:

In the event of Albania, the Baltic and Caucasian states

being admitted to the League, the Assembly requests that they should take the necessary measures to enforce the principles of the minorities treaties, and that they should arrange with the Council the details required to carry this object into effect.

New admissions of states occupied the full time of the Fifth Committee, of which Señor Huneeus of Chile was chairman. The committee began work with a general discussion of the problem of admission, resulting in a decision upon the tests to be applied and the division of work among subcommittees. The following subcommittees were appointed:

Subcommittee No. 1. The requests for admission of Finland, Estonia, Latvia, Lithuania, Luxemburg.

Chairman: M. Poulet. Members: Mr. Fisher, M. Max Huber, Baron Hayashi, M. van Karnebeek, M. Octavio, M. Zahle.

Subcommittee No. 2. The requests for admission of Austria, Bulgaria, Albania, Liechtenstein.

Chairman: Lord Robert Cecil. Members: M. Branting, Sir George Foster, M. Osusky, M. Pagliani, M. Viviani, M. Winiarski.

Subcommittee No. 3. The requests for admission of Georgia, Armenia, Azerbaijan, Ukraine, Costa Rica.

Chairman: Dr. Nansen. Members: M. Jonescu, Mr Millen, M. Palacios, M. Politis, M. Spalaikovich, M. Tang-Tsai-Fu.

The following were the questions in respect of each applicant which the subcommittees must investigate:

- (a) Is its application for admission to the League in order?
- (b) Is the Government applying for admission recognized *de jure* or *de facto* and by which states?
- (c) Is the applicant a nation with a stable government and settled frontiers? What are its size and its population?
- (d) Is it fully self-governing?
- (e) What has been its conduct, including both acts and assurances, with regard to (i) its international obligations; (ii) the prescriptions of the League as to armaments?

ADMISSIONS GRANTED

a. Austria

At the second meeting of the committee, Lord Robert Cecil (South Africa) read the report of subcommittee B dealing with

Austria. The application¹ was in order, and the Austrian Government was recognized *de jure* by the other Governments almost without exception. It was a stable government established within well-defined frontiers. Austria had a free system of government; she had expressed her desire to observe her international obligations, and declared that she had given proof of this by her conduct. The neighboring Governments did not question her good faith. Her military forces had been reduced below the limits laid down by the treaty of St. Germain. The subcommittee had been informed of the motion put forward by M. Motta, proposing that the Vorarlberg, in the event of Austria being admitted to the League of Nations, should have the right "to determine freely its own future if at any time the Austrian state should undergo a fundamental transformation." The subcommittee considered that the admission of Austria into the League would not affect this question in any way. If the opposite view were taken it would imply a false interpretation of Article 10. It had to be remembered that Article 10 does not guarantee the territorial integrity of any Member of the League; it limits itself to condemning any foreign aggression upon the territorial integrity, or political independence, of a Member of the League, while making it incumbent upon the Council to recommend means for resisting such aggression.

M. Spalaikovich (Serb-Croat-Slovene State) drew attention to the widespread desire to see the abolition of the traces left by the War, and of the universal mistrust which the War had caused. In spite of the existence of feelings, the strength of which it was necessary to realize, the time had come, as far as Austria was concerned, to blot out the past. Even though her former Government had been responsible for terrible misfortunes, her present Government was doing all in its power to carry out the treaty. The Serb-Croat-Slovene State, for its part, had endeavored to assist the Austrian peoples, and looked forward to maintaining neighborly relations with them in the future. He would vote in favor of admission.

M. Benes (Czecho-Slovakia). Czecho-Slovakia was the country most concerned with the present situation of Austria in view of

¹Assembly Document 20/48/53. Letter from the ministry of foreign affairs of the Austrian Republic, November 9, 1920.

the strife which had separated the two countries in the past. Having embarked upon a policy of reconstruction in Central Europe, the Czecho-Slovak Government had endeavored to lend economic and financial aid to Austria. A series of agreements signed in the preceding year with the Chancellor Renner had enabled them to send food and coal to Vienna, and partially to revive her trade, and by means of a private understanding they had forestalled the decisions of the Reparation Commission. To-day no rivalry existed between Austria and the Czecho-Slovak State. Austria had not yet begun to fulfil her obligations with regard to the treatment of minorities, but it was impossible to ignore the existence of real material difficulties. Moreover, in the interests of the minorities themselves, it was preferable that Austria should enter the League of Nations, as this would provide her with additional reason for respecting her engagements. M. Benes added that he only mentioned this point for purposes of information, and that he would vote for the admission of Austria in the interests of the pacification and consolation of Central Europe.

M. Zoka ed Dowleh (Persia) said the Persian Government associated itself with the opinions which had been expressed. The new Austria did not deserve to be treated as if she was responsible for the former misdeeds of that country. The Persian representative welcomed the mutual desire to extinguish old hatreds as an earnest of the advent of perpetual peace.

M. Motta (Switzerland) explained his point of view with regard to the Vorarlberg. He was quite satisfied with the declaration contained in Lord Robert Cecil's report with regard to Article 10. Switzerland wished to see the present Austrian state maintained, but they must not lose sight of the disagreeable possibility that its integrity might be endangered. The Vorarlberg immediately after the war expressed its desire of union with Switzerland in a plebiscite showing a majority of 80 per cent in favor of union. Switzerland had been touched by this result, although, if the Swiss people had been consulted by a referendum, it would undoubtedly have shown a majority against admitting the Vorarlberg into the Confederation. He only desired to insert a reservation with regard to the future of the Vorarlberg in case Austria underwent some fundamental

transformation. The interpretation given by Lord Robert Cecil to Article 10 of the Covenant was sufficient to insure that its future should not be prejudiced.

At the third meeting of the committee, Mr. Rowell (Canada) observed that according to the terms of the treaty of Versailles the Members of the League of Nations and of the International Labor Organization must be the same and that at the Labor Conference held last year at Washington,¹ Austria had been admitted, on the understanding that this admission was merely in anticipation of her admission to the League of Nations. Had Austria, he asked, fulfilled the conditions necessary for admission to the League of Nations? The subcommittee has replied in the affirmative. In consequence of the latter's report and of the decision taken at Washington, it appeared right to admit Austria at once. Mr. Rowell emphasized the importance of the declaration contained in the report with regard to Article 10 of the Covenant, which had been so incorrectly interpreted in America. It was clear that Article 10 did not guarantee the territorial integrity of all the states Members of the League, but that it merely promised them the assistance of the League in case of external aggression in the manner provided for by the Covenant.

M. Pagliano (Italy) said that the Italian Government felt bound to point out that Austria had not entirely fulfilled the military and aerial clauses of the treaty of St. Germain; nevertheless, the Italian Government considered that by her request for admission to the League of Nations, Austria was making a fresh promise to fulfil completely and promptly the engagements which she had undertaken in consequence of the treaty; and also that one of the clauses of this treaty, namely, *that relating to demobilization*, which from a political point of view appeared to

¹The resolution of this conference of October 30, 1919, reads in part:

"The International Labor Conference, acting in full agreement with the decisions of the Allied and Associated Powers,

"Resolves that in anticipation of their admission into the League of Nations and in consideration of their clearly expressed desire to collaborate in the work of the International Organization of Labor, Germany and Austria shall at once be admitted as Members of the International Labor Organization, with the same rights and obligations as those which arise for the other Members of this Organization from the provisions of the treaties of peace signed at Versailles on June 28, 1919, and at St. Germain-en-Laye on September 10, 1919."

be one of the most important, and which was at the same time one of the fundamental conditions for admission into the League of Nations, was now being completely carried out. For these reasons the Italian Government felt sure that the Government of the Austrian Republic would issue the necessary orders to the authorities concerned, to insure that the clauses of the treaty of St. Germain should be carried out in their entirety. The Italian Delegation asked that the League of Nations would be good enough to communicate to Austria these observations. Subject to this reservation, the Italian Delegation declared itself willing to vote in favor of the admission of Austria.

M. Jonsescu (Rumania). The essential difference between Austria of to-day and the ancient empire of the Hapsburgs was that Austria was now separated from Hungary, which had been the evil genius of the monarchy.

Mr. Millen (Australia) said the favorable testimony of the neighbors and former enemies of Austria had convinced him; but he would like to make one reservation; Germany appeared inclined to put forward claims to the Pacific Islands, which should, according to the treaty, be placed under an Australian mandate. Australia, who did not wish to take the risk of having enemies established at her door, would like to know what would be the attitude of Austria toward this question once she was admitted to the League. Subject to this reservation, Australia was entirely favorable to the admission of Austria.

M. Winiarski (Poland) said that Poland would vote for the admission of Austria and begged to point out that the reservations which certain members had made were expressions of individual opinion. M. Benes had complained of the failure to execute the minorities treaty; in their opinion that treaty did not apply to recent immigrants.

Before the motion was put, M. Benes (Czecho-Slovakia) asked that the reservations made by Czecho-Slovakia, Italy and Australia should be annexed to the text of the resolution or transmitted to Austria by the Secretariat. The Chairman expressed the view that, except where reservations were formulated as motions, they would be sufficiently recorded by inclusion in the minutes. M. Benes stated that he would be satisfied if an opportunity were given him of stating before the Assembly the reserva-

tion which he had made, so that public opinion in his country should be informed.

The following resolution, proposed by Mr. Fisher (Great Britain) and generally seconded, was unanimously adopted:

The committee, having received and noted the report of the subcommittee on Austria's request for admission to the League of Nations, refers this request to the Assembly, expressing itself at the same time in favor of this admission.

This recommendation, with a full report (A. D. 174), was placed before the Assembly at the 25th plenary meeting.

President Motta of the Swiss Republic in an eloquent speech found that the interpretation of Article 1 had been broad-minded and noted that the imminent admission of Austria did not prejudice the question of Vorarlberg. He also said:

We must be fearless; we must recognize that there are points which have not been quite met in the Covenant. The fact that the United States, Russia and Germany are not Members of the League is significant in this respect, and I trust that in a few months' time some measures will be found, some conciliations made and concessions arrived at, in order that these nations, or rather, especially, that opulent and great democracy the United States of America, should become a Member of our League. . . . As for Germany, Germany asked at the Peace Conference to be admitted, but the conference did not see its way to agree to this request. Let me say with all sincerity that if we understood the point of view that was adopted we did not agree with it. To-day we limit ourselves to expressing the hope that soon the moment may come when those most important questions will be considered in all equity. The League must be universal, and if it is not universal it will bear within itself the seed of slow but sure disintegration.

In an impassioned reply, M. Viviani said:

Is it possible that the United States shall not join the League of Nations? All will agree that the United States must eventually join the League of Nations. We appeal to the United States. We appealed before, and the United States came into the battle, and in their disinterested position raised the standard of Right. . . . We will give the United States any explanations which she may desire to enable her to come in. The United States represented force in the cause of right, and all her history shows it. . . . With regard to Germany, M. Motta spoke with great courage. As I have said before, in the eyes of France the League of Nations must be

universal. But let us be strictly accurate. The position of the League of Nations to Germany may be best defined by a legal parallel. We are the defendants and Germany is the plaintiff. It is Germany's duty to show that she is fit to come in, that she will comply with the terms of Article 1. That is for her to prove. She must have a free Government. She must be able to give guaranties of her sincere intentions of respecting her international obligations. How wise was Article 1? It not only demands sincere intentions—for who can prove those? It also demands effective guaranties. Germany will enter the League when she has given effective guaranties of her intentions.

The ballot resulted: 35 states voted; 35 states voted *aye*; 7 abstentions.

b. Bulgaria

The subcommittee's report on Bulgaria, read at the third meeting of the committee, included the following observations:

Bulgaria's request is found to be in order. Her Government is recognized *de jure* by all the Governments. She has a stable Government and well-defined frontiers. Her near neighbors appear to entertain doubts as to her willingness to abide by her international undertakings, but the representatives of Bulgaria insist on the complete change of policy which has taken place in their country, the head of the Government, M. Stamboluski, having been imprisoned throughout the war on account of his opposition to the policy of King Ferdinand. Serbia complains of the non-execution of the reparation clauses and also of the clauses referring to punishment for crimes. Rumania complains of cruelty to prisoners. The Bulgarians reply that they have commenced to make reparations and to punish the guilty. The subcommittee is of opinion that Bulgaria is disposed to abide by her undertakings. Similar comments have been made with regard to the military clauses, but from information received from the Italian, French and English war ministers, and from the Conference of Ambassadors, it appears that Bulgaria is making every effort to execute the disarmament clauses loyally.

Mention should be made of the fact that according to the statement made by the Representatives of Rumania and Jugo-Slavia, opinion in these countries is unanimously against the admission of Bulgaria.

Recollections of the War should not cause us to deviate from the path of strict justice, which imposes upon us a duty to act as though we were judges intrusted with the task of administering the text of the Covenant. Naturally, indignation against the acts of cruelty committed by the Bulgarian armies or the treachery of their king, should not alter our

judgment. The subcommittee is unanimously agreed upon the facts which form the subject of this report.

Mr. Fisher said that the British Government had considered with great care the application of Bulgaria, a state which had fought against the Allies. As a result his Government was inclined to favor the application for the reasons given in the report. He regretted the attitude taken by Serbia and Rumania, though it did not surprise him. Regarding the matter impartially, they must acknowledge the good faith of the new Bulgarian Government. The admission of Bulgaria would be in the interests of general peace. M. Zoka ed Dowleh (Persia) thought that Bulgaria, having got a democratic Government and having given good evidence of a change of heart, ought to be admitted to the League. Baron Hayashi (Japan) said that he would vote for the admission of Bulgaria.

M. Branting (Sweden) thought that Bulgaria fulfilled the required conditions. He hoped that the League would open its doors to a state which possessed the elements of peace and stability. Mr. Millen (Australia) regretted that he was again in opposition to what would most likely be a majority of the committee, but he was unable to vote for admission. The evidence collected by the subcommittee regarding the present attitude of the Bulgarian Government was not sufficient to show that the spirit of the people had changed.

At the fifth meeting of the committee, M. Spalaikovich (Serb-Croat-Slovene State) observed that the League of Nations ought to include all the nations of the world as soon as possible, and that the subcommittee had been guided by this view in its examination of Bulgaria's application. He was anxious not to bring up any accusations against the old Bulgaria, but asked the League of Nations to see that Article 1 of the Covenant was strictly carried out. He would have been glad to have taken the initiative in proposing the admission of Bulgaria, and he would vote for her admission as soon as he considered it possible; but the moment had not yet arrived. Out of the four questions which the Committee had to answer only two, in his opinion, should be answered in the affirmative. Bulgaria had a recognized Government, and she also had clearly defined frontiers. He considered it pre-

mature to say that Bulgaria had shown that she had given proofs of her sincere intention of fulfilling her international engagements.

With regard to this point, he was of opinion that the League should not be satisfied with declarations or evidence of a personal nature, but should appoint a committee of inquiry to carry out complete and detailed investigations. He regretted that the application for admission should have been received too late to permit them to collect the data necessary for a serious examination of the question. He, himself, was going to bring forward arguments against admission, but he did not ask the Committee to accept them on his word.

M. Spalaikovich urged his colleagues to be cautious. They had not yet had time to satisfy themselves as to the intentions and the good faith of Bulgaria, and the time for her admission to the League of Nations had not yet arrived. On behalf of his Government M. Spalaikovich asked the committee not to take a decision which would prejudice Serbia both materially and morally, and recommended that the Council of the League of Nations should be instructed to carry out investigations on the spot, at Sofia, and at the capitals of the neighboring states.

M. Politis (Greece), while paying homage to the impartiality of the subcommittee's report, thought it his duty to point out that it had been incorrectly informed. He therefore supported the motion of M. Spalaikovich. He maintained that Bulgaria had not given the guaranties provided for in Article I of the Covenant.

Dr. Nansen (Norway) protested that it was unjust to bring accusations without giving a hearing to the person against whom they were brought. If those states which had ill-treated their prisoners were to be excluded from the League of Nations, there were at the present time certain Members of the League to whom this act of exclusion would apply. The assertions made by M. Politis regarding the 300 children were correct, but these children would be sent back to their native land before the winter. The delay ought not to be imputed to any unwillingness on the part of the Bulgarian Government, but to its lack of efficient administration.

Dr. Nansen added that several accusations brought against the Bulgarian Government appeared to him unconvincing.

M. Stamboluski had been accused of being opposed to the war only because he was a Socialist, and not on account of his sympathies with the Allies. In his opinion, it would be preferable that M. Stamboluski should be opposed to war on principle. If Bulgaria were to be excluded for the reasons just put forward, the result would be deplorable as regards the prestige of the League. They should encourage Bulgaria to keep on in the right path: by acting thus, the League would exert a good influence on that country.

M. Jonsescu (Rumania) declared that not a single Member of the League of Nations was animated by a spirit of hatred toward the vanquished. It was for quite other reasons that certain of his fellow-countrymen had asked that Bulgaria should not be immediately admitted to the League.

Lord Robert Cecil (South Africa) desired formally to support the admission of Bulgaria to the League. It had been proposed that the question be postponed, and that a committee of inquiry should be appointed to undertake fresh investigations. It would be preferable to refuse admission quite frankly, and to allow Bulgaria to re-submit her application. M. Politis reproached them for not having requested the inter-Allied military authorities to supply the information required; they had done so. The answer of the Conference of Ambassadors was as follows: "The Government so far appears to have co-operated loyally with the committees."

It was not possible to form any opinion from the study of details, but only by a general consideration of Bulgaria's intentions. The subcommittee was convinced that Bulgaria intended to carry out her international engagements. France was of the same opinion, as also was Great Britain. If Bulgaria did not carry out her engagements the League could always expel her. It was an undoubted fact that the Balkans had been a hotbed of turmoil in Europe for half a century, and he would ask the committee to facilitate the process of pacification. He called upon neighboring countries to aid in this pacification, and to make what was for them an undoubted sacrifice, by voting for the admission of Bulgaria.

M. Viviani (France) said that a system of jurisprudence was beginning to grow up with regard to the admission of states to

the League of Nations. The League was a new organism and its rules had yet to be drawn up. A nation could not be admitted regardless of its past history. It had been said that a state would be less dangerous in the League than outside it; the adoption of this point of view would create the following situation: at every session there would be interminable discussions between plaintiffs and defendants—to use legal language—instead of a united effort to reorganize the world on a basis of justice, and to safeguard the nations from the recurrence of the acts of violence of the past. Has Bulgaria given effective guaranties of her sincere intention? He admitted that on this point the situation was most confused.

Would it be possible to obtain accurate information during the present session? The speaker hoped to be able to come to an agreement with Lord Robert Cecil on this point: he did not ask that the matter should be adjourned until September.

The Chairman said that the committee had two proposals before it: First, the one presented by Lord Robert Cecil which contemplated admission; the second, presented by MM. Spalaikovich, Jonescu and Politis, read as follows:

The committee, having considered the conflicting arguments which have been presented to it regarding the fulfilment by Bulgaria of her international obligations, feels that it ought to obtain more complete information on this point by means of an inquiry which should be carried out under the authority of the Council of the League of Nations.

The Chairman proposed to vote first on the motion of MM. Spalaikovich, Jonescu and Politis.

The following motion, proposed by Lord Robert Cecil, was finally adopted unanimously:

The decision on this point is adjourned in order to allow the subcommittee to receive further evidence and to submit a report before the end of the present sitting of the Assembly.

At the seventh meeting of the Committee a memorandum was read stating that the subcommittee had received further information from the Conference of Ambassadors and the Interallied Military Council;¹ in the unanimous opinion of the subcommittee this information in no way affected the conclusions previously

¹ The documents are published in Assembly Document 205.

arrived at by the subcommittee as regards the sincerity of Bulgaria's intention to carry out her international obligations.

M. Politis (Greece) stated that he had agreed with his Serbian and Rumanian colleagues in demanding a further inquiry as regards the admission of Bulgaria; the three Delegates had declared that they would abide by the decision of the Interallied Military Council and the Conference of Ambassadors. On its own responsibility the Interallied Military Council declared that Bulgaria had shown no bad faith, that the cases of non-execution were due to *force majeure* such as the difficulties of communication, etc. Moreover from the Council's reply, they had learned what they did not previously know, namely, that the period of three months laid down by Article 65 of the treaty of Neuilly had been extended for another period of three months.

Further, the Allied Council had declared "that it was only right to recognize that up to the present time and except for some purely local attempts at fraud, the Bulgarian Government had afforded every assistance to the investigations of the commissions of control."

Under these circumstances they were satisfied that they could regard Article 1 of the Covenant as having been applied.

In these conditions they had the honor to propose the motion to the Committee.

M. Viviani (France) recalled his suggestion that it might perhaps be preferable to wait a little and to adjourn the question for ten months, which, after a war of five years, would seem but a small matter; but they must keep their word. He was only speaking in order to explain his vote. He was obliged to refrain from voting. The documents which had been produced did not seem to him of such a nature as to remove his doubts.

No other members of the Committee wishing to speak, the motion of M. Politis was unanimously adopted by all the delegations present, with the exception of the French delegation, who abstained.

The Greek motion came before the Assembly as the recommendation of the Committee at the 27th plenary meeting in the following form:

The Committee after a very full inquiry as to the execution of the treaty of Neuilly by Bulgaria is of opinion that she has given effective guaranties of her sincere intention of observing her

international engagements. Being in addition of opinion that these guaranties can but become more binding by the admission of Bulgaria into the League of Nations, the Committee expresses itself in favor of this admission.

The ballot resulted: 35 states voted; 35 states voted *aye*; 0 states voted *no*; 7 abstentions.

M. Viviani (France) abstained, being "not sufficiently enlightened on the matter." M. Jonescu (Rumania), had he been present, would have voted *aye*.

c. *Costa Rica*

Dr. Nansen (Norway) read his report upon the application submitted by the Republic of Costa Rica at the fourth meeting of the committee. The committee reported in favor of admission. Lord Robert Cecil (South Africa) recommended that Costa Rica should be admitted under the conditions which had been stipulated in the case of the admission of the Austrian Republic. He was supported by the Delegates of Great Britain, Brazil, Nicaragua, and Norway.

The proposal was unanimously adopted.

During the 27th plenary meeting of the Assembly Dr. Restrepo (Colombia) explained why the applicant country, which was a belligerent, had not signed the treaty of Versailles. He said:

Costa Rica was then governed by Señor Alfredo Gonzalez, an eminent statesman, who named General Tinoco chief of police. General Tinoco took advantage of this position to effect a *coup d'état*—a thing common in other countries and other continents also. In that way Costa Rica became the victim of this *coup d'état*, and the United States of America, under the influence of President Wilson, ruled that they would not recognize *de facto* any revolutionary Government in South America. The consequence was that Costa Rica found itself with no international status and therefore could not ask to be admitted to the League of Nations. General Tinoco, upon this, in a true patriotic spirit, withdrew and recommended general elections and the setting up of a proper constitutional Government. We should, therefore, admire this country, which has, after a revolutionary condition of affairs, returned to a proper and well-governed order, and has complied and does comply with the requirements laid down for admission to the League of Nations.

The ballot resulted: 38 states voted; 38 states voted *aye*; 0 states voted *no*; 4 abstentions.

d. Finland

M. Octavio (Brazil), rapporteur of the first subcommittee, read the conclusions of its report to the sixth meeting of the committee. Finland presented all the characteristics of an independent state with a free government and with historic frontiers confirmed by recent treaties with its neighbors. She fulfilled, therefore, the general conditions for admission. Finally, he submitted a proposal favoring the admission of Finland.

Mr. Fisher submitted the following resolution:

The committee having taken cognizance of the report of the subcommittee as to the admission of Finland, recommends to the Assembly the admission of this country to the League of Nations, without prejudice to the decision which the Council may take concerning the question of the Aaland Islands.

Dr. Nansen (Norway) supported this resolution, which was unanimously adopted.

M. Poulet (Belgium) as rapporteur at the 26th plenary meeting made a short statement in requesting hearty support for Finland's admission. His important point was the recommendation adopted by the Assembly with regard to the guaranties of the rights of minorities. "Finland accepts this and agrees to give these guaranties, and she has put it on record in a letter which the Finnish Delegation has addressed to Lord Robert Cecil. The important passage of that letter reads: 'In requesting to be admitted as a Member of the League of Nations, Finland desires to collaborate effectively and most sincerely in the realization of the lofty objects that the League has in view, and therefore in regard to the principles which are generally recognized by the League for the protection of minorities.'"

The ballot resulted: 39 states voted; 39 states voted *aye*; 0 states voted *no*.

e. Luxemburg

Senhor Octavio (Brazil) read the report on Luxemburg at the sixth meeting of the committee. He found that the request for admission was in order and concluded by making certain observations in favor of the admission of Luxemburg.

Mr. Fisher (Great Britain) asked whether the small size of

Luxemburg did not raise an objection to the unconditional admission of the Grand-Duchy. He proposed to postpone the admission and to refer the consideration of this special case to the Council. He concluded by moving that the question should be referred to the next session of the Assembly, in order that in the meantime the Council may be in a position to consider the question whether a minimum should be laid down with regard to the extent and population of states to be admitted to the League of Nations, and to present a report to the Assembly.

MM. Poulet (Belgium), Van Karnebeek (Netherlands), Politis (Greece), and Lord Robert Cecil (South Africa), opposed the resolution brought forward by Mr. Fisher, and proposed to recommend to the Assembly the admission of Luxemburg. They pointed out that this state had played an important part with regard to the equilibrium of Europe, that Luxemburg had participated on a footing of equality with the other states at the Peace Conference at The Hague in 1907. The admission of Luxemburg could not create a precedent which could affect any decision which might be taken concerning area and minimum population as a condition for admitting states.

Mr. Fisher having withdrawn his proposal, the Chairman, after consultation with the committee, declared it to be unanimously in favor of recommending to the Assembly the admission of Luxemburg.

M. Poulet (Belgium) introduced the application of Luxemburg at the 26th plenary meeting of the Assembly. After referring to its stability as a small state, he added (*cf.* A. D. 179):

The original request made by Luxemburg contained a reservation concerning her neutrality. This neutrality is of a twofold nature. It exists by international law and by internal legislation. Internationally it was recognized by the treaty of 1867. The treaty of Versailles altered the dispositions of that condition, but Luxemburg still retained its neutrality in virtue of its internal legislation. The case is different from that of Swiss neutrality, because Swiss neutrality is an armed neutrality, and one, therefore, which Switzerland is enabled to defend. In the case of Luxemburg the condition is entirely different. There is no army, and therefore Luxemburg would not be in a position to defend its neutrality. However, Article 16 of the Covenant provides for the passage of troops through territories if ordered by the League of Nations. This passage

of troops through a neutral country is incompatible with the idea of neutrality. Luxemburg, however, has agreed to this condition, and it has accepted the obligations which fall on every Member of the League under Article 16 of the Covenant. The original reservation has been withdrawn in a letter which was addressed to the Committee, and, further, the Luxemburg Delegation undertake to see that the internal legislation will be altered to bring it into line with the requirements of the Covenant, and in particular with the requirements of Article 20 of the Covenant.

The ballot resulted: 38¹ states voted; 38¹ states voted *aye*; 0 states voted *no*; 4¹ abstentions.

f. Albania

At the sixth meeting of the committee, Lord Robert Cecil read the report of the subcommittee on Albania's application for admission. The international status of that country resulted from the treaty of London in 1913, and from the decisions arrived at by the conferences held in London and Florence in 1914. Albania received recognition *de jure* at that time, but under the Government of the Prince of Wied. This status appeared to have been modified by the secret treaty of London in 1915, which contained certain provisional agreements, by the terms of which the sovereignty of Albania would have ceased to exist; but the Italian Government had entirely renounced its claims on Albania, and the future status of that country had not yet been determined by the powers. It appeared, therefore, that the Albanian Government now in power had not been recognized *de jure* or *de facto* by any of the powers. Lord Robert Cecil was in favor of the admission of Albania.

M. Viviani (France) observed that the situation was a delicate one. As the belligerent powers had not yet decided on the status of Albania, the Assembly in coming to an immediate decision would risk running counter to the will of the great powers. He moved the following resolution:

That the committee after having examined the report of the subcommittee should postpone the admission of Albania to the League of Nations until such time as the international status of Albania should

¹The figure 38 is given in the detailed vote as published in Journal 34 and A.D. 251. The President of the Assembly announced the vote as 39.

have been decided upon by an agreement replacing the agreements drawn up in 1913 and 1914, which agreements have now lapsed.

M. Pagliano (Italy) agreed with the proposal submitted by M. Viviani, since it does not amount to a refusal of the request and since it really sums up the matter in a suspension proposal. He desired to make this publicly known, in order to contradict affirmations that Italy is opposed to the admission of Albania. On the contrary, as he had occasion to state before the subcommittee, Italy wishes to pursue in this matter a clear line of conduct with a very liberal program in conformity with ideas of international justice. Italy considers that the admission of these states will encourage the democratic development of their institutions, and assure a more thorough performance of their international engagements.

M. Tang-Tsai-Fu (China) would welcome the admission of Albania to the League, but it did not seem possible to admit a state not recognized *de jure*, whose frontiers were not defined, and whose territories were still occupied in parts by foreign troops. M. Spalaikovich (Serbia) would gladly welcome the development of Albania, but, as she was as yet only in the embryonic stage, he would agree to the motion for postponement.

Lord Robert Cecil declared that M. Viviani's motion did not appear to him to be acceptable in its present form. The Assembly could not admit that its decision should be subordinated to those of a group of powers.

Mr. Rowell explained the reasons which induced him to vote in favor. The country possessed frontiers which had been fixed by an international convention. Neither the secret treaty of London nor the occupation of Albanian territory had been able to deprive it of its position as an independent state.

Mr. Fisher recognized that they were confronted by a *de facto* situation. Albania had not been recognized by the powers; neither the committee nor the Assembly could anticipate the decision of the powers in this matter.

M. Viviani's motion was put to the vote and carried by 13 votes to 8.

Following this inconclusive vote, Lord Robert Cecil asked M. Viviani if he would agree to the suppression of the last part of

his motion, that the final decision should be referred to the great powers. M. Viviani consented, on condition that the postponement should be retained. He had mentioned the great powers to put them in a position to take a speedy decision.

The Chairman endeavored to obtain unanimity, but was unable to succeed. Lord Robert Cecil stated that he wished to reserve liberty of action, in order to be able to raise the question in the Assembly. He remarked that during the vote only 21 members of the committee had been present.

The Chairman then read M. Viviani's motion in its definite form:

The committee after having examined the report of the subcommittee on Albania, is of opinion that the admission of this state should be postponed until the international status of Albania has been definitely fixed.

At the 28th plenary meeting of the Assembly, Lord Robert Cecil, who had introduced a motion¹ admitting Albania, spoke as rapporteur. He said that a different view had prevailed in the committee owing to misunderstanding. In substance he argued:

Two difficulties were raised. There was, of course, the difficulty raised by Article 10. That, however, was not much relied on, and for very good reasons. In each of the cases we were considering yesterday there were states, or territories rather, on the borders of the applicant state who were not Members of the League and not amenable to the influence of the League—Bolshevist Russia, Azerbaijan, and so on. But that, of course, is not the case with Albania. Her neighbors are Serbia, whom I am sure we can rely upon to carry out the wishes of the League, and Greece, about whom the same may certainly be said. It was said that Albania was not recognized. There are two kinds of recognition. When you recognize the Government of a state for the first time, you do bring it into the comity of nations, and thereafter that state exists, unless it is extinguished by general consent or by conquest. The Governments

¹ The Cecil motion (A. D. 196) was:

"After consideration of the report of Committee V as to the admission of Albania to the League, the Assembly.

"1. Declares that nationalities like those of Albania have a right to national existence if they so desire it;

"2. Is of opinion that Albania is a state within the meaning of Article I of the Covenant and has complied with the other conditions of that article;

"3. Decides to admit Albania as a Member of the League."

may or may not be recognized from time to time, but the state remains, and that is the case even with some states here; they are recognized as states though the Government of them does not happen to be recognized as yet. Now I apply all that to Albania. Albania was fully constituted by the six great powers in 1914 and recognized *de jure* by practically the whole of the civilized European states. That was the position when the war broke out. In the course of the war Albania was occupied by armies, not by hostile armies, for Albania was not, as far as I know, a belligerent in the war, but she was occupied. I do not think there is anyone here who will suggest that the occupation of the territory of a state puts an end to that state unless she is also conquered, of which there was no trace in the case of Albania, for she was not even a belligerent. It would be a disastrous thing for the representatives of Belgium and of Serbia present in this Assembly if we were to suggest that occupation by foreign armies put an end to the existence of a state. Various transactions took place among the Allied Powers as to the settlement of Europe, and it was suggested in the course of those transactions that some new arrangement of Albania should be made. That was a mere suggestion. It was never carried out, and I venture to submit with some confidence to the Assembly that a suggestion made by a certain section of powers can not juridically be admitted for a moment to upset a solemn treaty entered into by a number of other powers besides those powers themselves. If we gave any kind of countenance to such a doctrine we should cut at the very foundations of international law.

Mr. Rowell (Canada) in supporting the motion dilated upon the latter point referring to the so-called secret treaty of London.¹ On this point he commented:

If the treaty of London had been executed, if Albania had been partitioned, then Albania might cease to exist as a state, but as the treaty was not executed, Albania continues to exist. . . . Since that time, it is quite true, a proposal was made for the partitioning of Albania in order to adjust difficulties between Italy and Jugo-Slavia. That was not executed either. Therefore Albania continues in the condition which she held so far as any effect of this treaty is concerned. I should, however, add this one fact, that the Government of Italy has publicly and expressly disclaimed all right to a protectorate over Albania, which was suggested under the convention of London, and in a declaration made by the present prime minister of Italy in the Chamber of Deputies at Rome, he declared himself in favor of the independence of Albania.

¹For text see British Parliamentary Papers, Miscellaneous No. 7 (1920). Cmd. 671.

H. A. L. Fisher (Great Britain), speaking as one of the majority in the committee, stated: "The British delegation has very carefully reviewed the situation since the report of the committee was presented to the Assembly, and we are now prepared to accept the suggestion of Lord Robert Cecil, and to vote for the admission of Albania."

Sir Saiyid Ali Imam (India), in support, made a significant point:

Albania is a country in which the population is divided between the two great religions of the world—Christianity and Mohammedanism. Mohammedans are perhaps in a considerable majority there. It is one of the happiest signs of the time that this petition of Albania to be admitted into the League of Nations is supported by the whole population of the country, Mohammedans and Christians alike. . . . I hope and trust that this unique exhibition of the joining of the Cross and the Crescent in this Assembly will receive every possible encouragement. The inclusion of Albania in the Assembly will produce a great impression in quarters where perhaps the League, in time to come, will require to produce more and more impression in order to make it a world-league.

France, Italy and Rumania announced the intention of voting for admission. The ballot resulted: 35 states voted; 35 states voted *aye*; 0 states voted *no*; 7 abstentions.

ADMISSION TO TECHNICAL ORGANIZATIONS

"We now come," said the President to the 26th plenary meeting of the Assembly, "to the group of states whose admission as Members is not proposed, but who may be admitted to take part in the technical organizations of the League. These states are five in number: Armenia, Esthonia, Georgia, Latvia, and Lithuania."

In the committee the proper disposition of these states had resulted in a general discussion resulting in decisions applicable to all of them as being formerly parts of the Russian Empire.

The requests for admission of the Baltic states, Lithuania, Esthonia, and Latvia, were discussed at the sixth meeting of the committee. M. Octavio read the report of the subcommittee. Without wishing to anticipate a decision, the report concluded by suggesting to the committee that it would be necessary to

arrive at a decision on the general question as to whether states not recognized *de jure* by the Members of the League of Nations can be admitted. M. Octavio added that he had endeavored in formulating his conclusions not to make any observation which might discourage candidates, so as to leave the committee absolutely free to form an opinion.

M. Benes (Czecho-Slovakia) drew attention to the fact that the unstable elements in the situation of the states under consideration resulted from the proximity of Soviet Russia. If it were to admit these states at once the League of Nations would run the risk of finding itself confronted with a very difficult problem. Lord Robert Cecil proposed the following motion, which would equally apply to the Baltic and Caucasian states:

In view of the fact that these states have on their borders territories occupied by populations in a condition of disorder and not amenable to the influence of the League, the Assembly declares that in the discharge of the obligations of Members of the League under Article 10, regard must be had to this circumstance. Subject to this declaration, the Assembly admits Esthonia, Latvia, Lithuania, Georgia, and Armenia to the League.

M. Benes replied that the motion raised the legal question of the conditional admission of states. Did the Covenant allow of an admission of this nature? He made the following motion:

The Committee, without wishing to express final conclusions on the admission or non-admission of the Baltic states in the present political situation of Eastern Europe, suggests to the Assembly that those states might be invited to take a part in certain technical organizations, so that as soon as general political conditions will allow it, they may be formally considered as Members *pleno jure* of the League of Nations.

Mr. Rowell (Canada) shared the opposition expressed by Messrs. Benes, Branting, and Van Karnebeek to conditional admission. Mr. Fisher proposed a compromise. The representatives of the Netherlands, Bolivia, and Cuba supported this proposal. M. Huneus, Chairman, proposed discussion of the following motion by Mr. Fisher:

That the subcommittee which has reported on the Baltic states be asked to consider the suggestions made by Lord Robert Cecil, Mr. Rowell and Dr. Benes in the course of this discussion and to report to the committee.

After debate, the committee adopted Mr. Fisher's proposal, modified in accordance with the vote already taken on M. Viviani's proposal to add Georgia and Armenia to the countries which were to form the subject of the report.

The supplementary report, read at the seventh meeting of the committee, recommended that the Assembly should inform the Governments of these countries:

a. That their requests for admission had received sympathetic consideration, but that circumstances did not yet allow of any final decision being taken.

b. That these states, while awaiting a further decision on the part of the Assembly, shall be free to co-operate in the technical organizations of the League of Nations, which deal with questions of general interest.

Lord Robert Cecil proposed the motion of conditional admission which he had made previously. M. Viviani (France) considered that the proposal had grave drawbacks. He doubted if it would be possible to admit states to the League to whom it could not offer help in case of need. He did not consider it admissible for a state to be able to say that it would waive its right to benefit by this or that article of the Covenant. Now it was a question of Article 10; on another occasion it would be another article.

The Chairman pointed out that the adoption of the subcommittee's test would imply the rejection of Lord Robert Cecil's motion. The vote was by roll call and the subcommittee's draft was adopted by 17 votes to 5, with 3 abstentions. The vote was understood to include Esthonia and Latvia.

M. Van Karnebeek (Netherlands) suggested that the following paragraph should be added to the second paragraph of the resolution of the subcommittee which in a revised form read:

The Committee proposes to the Assembly that the International Labor Conference should be recommended to consider whether it would be possible to admit these states, should they request it, to the International Labor Organization.

The motion was adopted.

Lord Robert Cecil proposed that the following should be added at the end of the committee's resolution: "And that they may be authorized to assist at the meetings of the Assembly and to

speak therein if permission is granted to them." Dr. Nansen supported this proposal. MM. Branting and Fisher opposed it, as it would create a dangerous precedent. A vote was taken and the proposal was rejected by 9 votes to 6; 5 abstentions.

After the rejection of Armenia at the 26th plenary meeting of the Assembly, the question came upon the proposal of the committee to admit that country into certain technical organizations set up by the League. Mr. Barnes (Great Britain), as a member of the committee that dealt with the technical organizations, wanted to offer a protest. He said:

Nothing was said to that Committee about the admission of states to the technical organizations. Further, in so far as Armenia is a self-governing state and recognized, she can come into the conferences held by signing the various conventions. Take, for instance, the health convention. By signing that she can come into the conference. By signing the other conventions she can also come into the other conferences. I should like to know if they are bringing Armenia or other states into the technical organizations in a fuller sense; if so, in what sense, because we have heard a great deal about the expenses of the technical organizations. Are you going to bring these small states in, and thereby add to the expenses, or is this question of the admission of small states into the technical organizations a mere matter of dishonest window-dressing? It presents itself to me merely in that light.

After a parliamentary discussion in which it appeared that Mr. Barnes desired to prevent the question from coming to a vote, he accepted a proposal of M. Viviani that the matter be referred back to the committee, which was voted without objection.

The following recommendation, newly reported from the Fifth Committee to the 27th plenary meeting of the Assembly, was brought to a vote and adopted without objection as regarded Esthonia, Latvia, Lithuania, and Georgia:

Pending a further decision of the Assembly, it is desirable that Esthonia, Latvia, Lithuania, and Georgia should, on presenting a request to that effect, be treated on the same footing as states Members of the League as regards their participation in the work of the technical organizations of the League.

To the President's suggestion that this formula be applied to

Armenia, Lord Robert Cecil asserted it appeared to offer that country only "a puff of smoke" in place of bread.

a. *Armenia*

Dr. Nansen read the report regarding the request for admission submitted by Armenia at the fourth meeting of the Fifth Committee.

The Armenian Republic of Erivan had been formed in March, 1918. There could be no doubt that its Government really did represent the Armenian people, even if it could not be regarded as a stable government. The report laid special stress on the fact that the Armenian Government appeared genuinely desirous of respecting its engagements, and that Armenia was a signatory to the treaty of Sèvres concluding peace with Turkey.

The subcommittee was unanimous in its sympathy for the Armenian people, but pointed out that it could not give complete answers to certain questions of fact which had been put to it.

René Viviani (France) proposed the admission of Armenia to the League. M. Politis (Greece) thought that the Armenian Government might be regarded as stable, and that its international loyalty was beyond question. Lord Robert Cecil would vote for the admission of Armenia. All Members of the League had not been hitherto formally pledged to furnish support to Armenia; the admission of Armenia would entail for them all the obligation of co-operating in the defense of that country against external aggression.

At the eighth meeting of the Committee, a resolution postponing the admission of the country was adopted, 9 to 2.

Dr. Nansen, in bringing forward the report (A. D. 209) on the admission of Armenia at the 26th plenary meeting of the Assembly, defined the current situation of that country:

It is now in a very difficult situation. A great part of the country is taken by her enemies, and the Government can not be called quite a stable one. The frontiers have not yet been determined. Armenia is one of the signatory powers to the treaty of Sèvres, and if that treaty is ratified it is a question whether she is not a Member of the League from that moment. There is also another question, namely, whether at this moment it was to the benefit of Armenia actually to become a Member,

because that would exclude the possibility of finding a mandatory power for Armenia. We can not find a mandatory power for a Member of the League.

The ballot resulted: 29 states voted; 8 states voted *aye*; 21 states voted *no*; 13 abstentions; 20 quorum of two-thirds.

States which voted *aye*: Canada, Peru, Portugal, Rumania, Salvador, Switzerland, Uruguay, Venezuela.

States which voted *no*: Australia, Bolivia, Brazil, British Empire, Chile, Colombia, Cuba, Czecho-Slovakia, Denmark, Greece, India, Italy, Japan, Liberia, Netherlands, New Zealand, Norway, Panama, Paraguay, Serb-Croat-Slovene State, Sweden.

Mr. Rowell (Canada), after consultation with members of the committee and after submitting the matter to the Chairmen of the committee and the subcommittee, had moved before the vote that the following be added to the resolution:

The Assembly earnestly hopes that the efforts of the President of the United States, energetically supported by the Governments of Spain and Brazil and by the Council of the League, will result in the preservation of the Armenian race, and in securing for Armenia a stable Government, exercising authority throughout the whole of the Armenian state as the boundaries thereof may be finally settled under the treaty of Sèvres, so that the Assembly may be able to admit Armenia into full membership in the League at its next meeting.

A motion to refer this back to the committee was opposed by the Assembly, which then carried the proposal, *nem. con.*

b. Baltic States: Esthonia, Latvia, Lithuania

The debate on the requests of the Baltic states, Esthonia, Latvia, and Lithuania, began in the Assembly at the 27th plenary meeting. After a preliminary development of the facts by the rapporteur, M. Octavio (Brazil), M. Restrepo (Colombia) began a speech which outran his 10 minutes and which was completed in 22 minutes during the discussion on Latvia. He opposed the committee view, and moved that the Baltic states be admitted without delay. He said in part:

There is no difference between a small and a great state. The only difference we must bear in mind is good reasons and bad reasons. We

must recognize that the states in question do comply with the conditions laid down in the Covenant. Since the Committee on its own showing admits that these states comply with the conditions of the Covenant and comply with their international obligations, I ask, Why are they rejected? Another condition has been added to the admission of states, and that is the condition of circumstance. I submit that this constitutes an amendment to the Covenant. What is the circumstance? It is the Bolshevik condition of Russia, which has recognized this state, but Bolshevik Russia is not itself recognized, and we are awaiting the reconstitution of that monster to consider the application of these states.

M. Chagas (Portugal) referred to recognition as a condition for a state's admission, saying: "I would like to point out that the question of *de jure* recognition being an essential condition for admission to the League of Nations has been submitted to jurists for consideration, and that their advice has not been unanimous, but has fallen into two divisions: those who considered that admission was equal to and automatically corresponded with *de jure* recognition, and those who held the opposite view. It is my opinion, in view of this result, that *de jure* recognition does not constitute an essential condition of admission." He moved:

Whereas the *de jure* recognition of a state is an act by which individual relations are established between the recognizing state and the recognized state; and whereas such relations have to be defined by traditional international law and are not necessarily quite the same as collective relations arising from membership of the League of Nations,

The Assembly decides to give a favorable answer to the application for admission of the Republic of Esthonia, subject to the reservation contained in the present resolution.

M. Poulet for the committee opposed the motion. "*De jure* recognition," he said, "implies diplomatic relations; but admission into the League of Nations is a more serious matter than simply the suspension of diplomatic relations or the fact that diplomatic relations have not begun. The prestige of admission into the League of Nations is most important. Admission implies duties and responsibilities. It is quite comprehensible that new states would highly prize the honor of admission into the League of Nations; but we must not forget the responsibility of keeping the obligations of the Covenant, particularly Article 10, where we guarantee the territorial integrity of other members of

the League. Therefore it is not advisable in my opinion to adopt the proposal.”

The Rumanian and Polish delegates explained the reasons for their intended votes, as did the Swedish representative, who commented.

Esthonia, Latvia, and Lithuania are stretching out their hands to the free peoples of Europe, and all of us know that after long discussion it was agreed, according to the terms of Article 10, that a new state shall have the same rights as all of us and shall have the same right to be defended by all of us against any aggression. At this moment these states are not recognized by all the great powers. The situation is confused and obscure and there is a risk, a very grave risk, for us who keep our engagements in taking on new engagements at this moment, especially with regard to those states which are exposed, particularly by their geographical situation, to attack by a power whose future intentions none of us knows.

Prince Zoka ed Dowleh (Persia) pleaded for the admission of the Baltic states.

The ballot on Esthonia resulted: 32 states voted; 5 states voted *aye*; 27 states voted *no*; 10 abstentions; 22 quorum of two-thirds.

The ballot on Latvia resulted: 29 states voted; 5 states voted *aye*; 24 states voted *no*; 13 abstentions; 20 quorum of two-thirds.

The ballot on Lithuania resulted: 29 states voted; 5 states voted *aye*; 23 states voted *no*; 14 abstentions; 20 quorum of two-thirds.

c. Georgia

The application of Georgia was first discussed at the fifth meeting of the committee. Dr. Nansen read the report. The Government was stable. The frontier could not be regarded as finally determined though certain agreements had been made between Armenia and Georgia. The Government had been recognized *de facto* by France, England, and Italy, and *de jure* by the Argentine Republic, the Russian Soviet Government, and Germany. Georgia was an ancient state which had only been incorporated in the Russian Empire last century and the recognition of Georgia would be of great assistance to Armenia.

Mr. Fisher (Great Britain) asked for an adjournment in order that the case of Georgia might be considered together with that of the other states which formed part of the ancient Russian Empire and was supported by the delegates of Persia, France,

and the Netherlands. The subcommittee subsequently reported in favor of the postponement of the question. A motion by Dr. Nansen at the eighth meeting of the committee that Georgia should be admitted despite the conclusions just reached resulted in the committee upholding the subcommittee's report, 9 to 6, with 4 abstentions.

Dr. Nansen at the 27th plenary meeting of the Assembly for the third time moved that Georgia be admitted. Lord Robert Cecil said in support of Dr. Nansen:

The only solid difficulty in our way is that presented by Article 10. That is an important difficulty, but I do not think we must press it too far. It is said to those who support the admission of any state: "Would you be prepared to march to its assistance?" Well, if that test is to be applied I do not know that South Africa would be prepared to send a force to protect Bulgaria or to protect Austria or to protect Luxemburg or to protect Costa Rica, yet we have admitted those states. The truth is that these obligations, like all obligations, must be construed reasonably. We undertake to preserve the territorial integrity of these states, but the obligation to do so is qualified by what follows, namely, that in case of danger it is for the Council to decide, or rather to advise, what is a reasonable means of carrying out our obligations. Therefore, it really comes back to this: What is the practical risk, what is the practical extent of the obligation that we undertake in each case? Apply that to Georgia. The obligation is not a heavy one. She is not threatened seriously by any of her neighbors, considering her strength. There is no reason to suppose that she will be subject to grave danger from attack.

Mr. Fisher (Great Britain) argued against both previous speakers:

Dr. Nansen advanced no claim on behalf of Georgia which is not substantially accurate in point of fact. But nothing that he has said and nothing which Lord Robert Cecil has said invalidates the strength of the argument which was put before the Assembly in the short and brilliant speech of M. Viviani. We must either treat the League of Nations seriously or not. If we treat the League seriously we must treat the Covenant seriously, and if we treat the Covenant seriously, we must treat our obligations under the tenth article of the Covenant seriously. It is because I do treat the Covenant seriously that I earnestly ask the Delegates in this Assembly to consider, when they are voting on the admission of a new state, whether they are prepared to take the responsibility of advising their respective Governments to come to the assistance of that state in the hour of need. We must vote not as sentimentalists but as responsible statesmen.

The ballot on Georgia resulted: 24 states voted; 10 states voted *aye*: Bolivia, Chile, Colombia, Italy, Norway, Paraguay, Persia, Portugal, South Africa, Switzerland.

13 states voted *no*: Australia, British Empire, Canada, Cuba, Czecho-Slovakia, Denmark, France, Greece, India, Netherlands, New Zealand, Serb-Croat-Slovene State, Spain.

18 abstentions; 16 quorum of two-thirds.

DECISION AS TO VERY SMALL COUNTRIES

The committee took up the Principality of Liechtenstein at its fourth meeting. The report began by pointing out that the request for admission raised only one question. Its very small area and population,¹ and the fact that it would consequently be impossible for it to fulfil all the international obligations which it would incur under the provisions of the Covenant, made it, perhaps, desirable that the solution proposed by M. Motta in the subcommittee should be considered. M. Motta (Switzerland) proposed the following resolution to the committee:

That the application of Liechtenstein can not be granted under present circumstances. The Assembly, however, expresses the wish that the special committee, appointed by the Council to consider proposals with reference to amendments to the Covenant, should also consider whether, and in what manner, it would be possible to attach to the League of Nations sovereign states which, by reason of their small size, could not be admitted as ordinary Members.

Lord Robert Cecil, MM. Benes, Jean Hennessy, Dr. Nansen and M. Politis supported this proposal. The committee adopted it unanimously.

The ballot on admission at the 28th plenary meeting of the Assembly resulted.

28 states voted; 1 state (Switzerland) voted *aye*, 27 states voted *no*; 14 abstentions and absent; 20 quorum of two-thirds.

The Motta recommendation was immediately carried without objection in this form:

The Assembly expresses the wish that the special committee appointed by the Council of the League of Nations to consider proposals with reference to amendments to the Covenant should also consider whether, and

¹The area is 157 square kilometers, and the population numbers about 8,500.

in what manner, it would be possible to attach to the League of Nations sovereign states which, by reason of their small size, could not be admitted as ordinary Members.

This decision would appear to cover also the applications of the Principality of Monaco, dated April 6, 1920 (A. D. 7); that of the Republic of San Marino, dated April 23, 1919 (A. D. 27); and that of the Government of Iceland, dated July 2, 1919 (A. D. 28).

UNFAVORABLE VOTES

a. Azerbaijan

Dr. Nansen read his report upon the request for admission submitted by the Republic of Azerbaijan at the fourth meeting of the committee.

The application was submitted by the Azerbaijan delegation appointed by the Government which had been in power at Baku until April last. It was difficult to form an opinion as to the extent of territory over which the Government which had been exiled from Baku still exercised authority. Another Government was in power at Baku. The frontier disputes with Georgia and Armenia made it impossible to ascertain with certainty whether the boundaries of the state of Azerbaijan could be considered as definitely established. This state obtained *de facto* recognition from England, France and Italy in January, 1920. In consequence, M. Nansen raised the question as to whether it would be possible to admit to the League of Nations a state which did not appear to fulfil all the conditions laid down in the Covenant, in particular, those concerning stability and territorial sovereignty, and which, further, had not been recognized *de jure* by any Member of the League of Nations.

M. Benes (Czecho-Slovakia) moved that Azerbaijan be not admitted under present conditions. Lord Robert Cecil supported M. Benes' motion. The President announced that he had received a telegram from the Azerbaijan delegation which gave details of the Government's position, not of such a nature as to modify the facts already known to the subcommittee. M. Benes' motion was unanimously adopted by the committee in the following terms:

The committee, after having considered the report of the subcommittee with regard to Azerbaijan's request for admission to the League

of Nations, reports unfavorably with regard to its admission and refers the question back to the Assembly.

At the 28th plenary meeting of the Assembly the report (A. D. 175) that "the Azerbaijan does not appear to have a stable government whose authority extends over the whole territory" was put to the vote on the question of admission without discussion. The ballot resulted:

29 states voted; 0 states voted *aye*; 29 states voted *no*; 13 abstentions and absent.

b. *Ukraine*

Dr. Nansen read his report on Ukrainia's request for admission at the fourth meeting of the committee.

The request for admission submitted by Petliura's Government was found to be in proper form. This government was at present in power in Volhynia; but another government is in existence in the territory claimed by Ukrainia. The independence and the frontiers of the state which had applied to the League of Nations did not appear either stable or clearly defined; it had only been recognized *de facto* by Poland, Finland and Latvia. The subcommittee was of opinion that the government in question could not be considered as stable and capable of furnishing the guaranties demanded by the Covenant, and could not, therefore, recommend the admission of the Ukraine to the League.

Mr. Fisher (Great Britain) and M. Politis (Greece) moved the adoption of an unfavorable motion in terms identical with those adopted in the case of Azerbaijan, which was unanimously adopted.

The question of nonadmission brought from the Ukrainian representatives a dispatch (A. D. 234) arguing the stability of the Petliura government. The Assembly voted upon the matter at its 28th plenary meeting as follows:

24 states voted; 0 states voted *aye*; 24 states voted *no*; 18 abstentions and absent.

IX. ECONOMIC WEAPON: ARTICLE 16

The discussion of the measures to be taken to insure the effective use of the economic blockade began at the fifth meeting of the Sixth Committee. After the debate a subcommittee consisting of Lord Robert Cecil, Messrs. Motta, Negulesco, Adelsward and Polich was appointed by a show of hands, Australia dissenting, to report upon the questions which had arisen in the course of the conversation.

Lord Robert Cecil opened the meeting with notes supplementary to the memorandum of the Secretary-General.¹ He said in part:

The Council has recommended the formation of an international commission to determine in what way these forms of economic pressure can be best exercised against an offending state, and for the consideration of some departments of that pressure such a commission would be useful. But more direct forms of pressure are quite simple and can be applied directly. For instance, if a state is an island, or is surrounded entirely by members of the League, it can be cut off from all intercourse with the outside world simply by the Members of the League declaring a blockade of it and issuing a decree of nonintercourse between their nationals and those of the blockaded state. It is only where one of the neighbors of the blockaded state is not a Member of the League that any great complication arises, apart from questions of indirect financial pressure, which are much more difficult. It seems, therefore, that there is no reason why a very considerable amount of economic pressure could not be applied by the League to almost any offending state, even as things stand, without the creation of an international commission. All that seems necessary is machinery by which the Members of the League can be informed that an occasion for the exercise of economic pressure has arisen, and that they are in consequence bound to take the necessary measures for that purpose, and this machinery might be, as far as I can see, of the simplest kind. . . . For this purpose it would not seem to be necessary to do more than to have a special department or even a special official of the Secretariat charged with the duty of watching for the occurrence of such an emergency, and to intrust him with the duty of immediately calling the attention of the Members of the Council to the fact that it had arisen. The Council would then hold a meeting summoned with

¹Cf. *Official Journal*, 308-310.

the least possible delay, and if they were satisfied that the emergency had arisen, they would be bound so to inform the Members of the League, and call upon them to fulfil their obligations under Article 16. . . . I therefore venture to suggest that this committee should recommend, first, the creation of the necessary machinery to ascertain when an occasion for economic pressure has arisen, and to inform the Members of the League that it has arisen, and to call upon them to exercise such pressure; secondly, the immediate appointment of an international commission as recommended by the Council.

He added that two other matters would have to be considered by the proposed international commission:

1. The case of those countries which would incur grave danger by enforcing a blockade, and the support to be given by Members of the League to one another in financial and economic measures to minimize the loss and inconvenience resulting from such action.

2. The question of how far it would be possible to issue licenses to certain powers allowing them to derogate from the duties imposed upon them by the Covenant.

Status of Foreigners

M. Lange asked what measures were to be taken in the case of nationals of the blockading state domiciled in the blockaded territory, and in the case of nationals of the blockaded country living within the territory of the blockading state? M. Motta (Switzerland) said that Switzerland's proportion of foreigners was higher than in any other country, while a very large number of Swiss subjects live abroad. He hoped, therefore, that the subject would be very carefully considered. M. Fock (Holland) insisted that every state should have the right to decide for itself whether the facts were really such as to justify the Council in instituting economic measures, and to refuse to take part in such measures if they appeared to be unjustifiable. Mr. Fisher (Great Britain) was in favor of the formation of the proposed international commission on blockade, but expressed the hope that the British Government would be allowed to nominate its own delegate. M. Bourgeois (France) contested the formation of any organization of a permanent nature, and maintained that such an organization ought to be purely consultative, the sole power of enforcing

the provisions of Article 16 being left in the hands of the Council. Lord Robert Cecil referred to the organization of a sea blockade, and the question of what powers should be called upon to exercise it. It would, for instance, be unbusinesslike to ask Australia to send a ship to blockade a small European state. The subcommittee should deal also with the question in regard to aliens. A Member of the League was bound to prohibit intercourse between its nationals living abroad and the covenant-breaking state, and the country in which they lived must be left to enforce that prohibition. Nationals of the covenant-breaking state living in their borders should be treated as alien enemies and put under such restraint at least as would prevent them from sending assistance to their conationals.

M. Schanzer opposed the creation of a permanent committee, which had not been provided for by the Covenant. He thought there was some danger in allowing each state to decide for itself whether or not to carry out the blockade, when ordered by the Council to do so. He also pointed out a discrepancy between the Brussels report and that of the Secretary. The former proposed a committee consisting of an equal number of members of the Council and members of the Assembly; while the Secretary-General proposed an international commission, to be instituted by the Assembly.

M. Polich called attention to the following considerations, which should be dealt with by the subcommittee: 1. What would happen if the covenant-breaking state were a Member of the Council, in view of the fact that unanimity among the Council is necessary? Could paragraphs 6 and 7 of Article 15 be held to justify the exclusion of the covenant-breaking state for the time being from the Council? 2. If, after the exclusion of the covenant-breaking state, the Council were still unable to achieve unanimity, what measures could then be taken?

Lord Robert Cecil (South Africa) introduced the report at the 18th plenary meeting of the Assembly with some remarks which follow in substance:

“Every Member of the Assembly knows the vital importance in the Covenant of the economic weapon. It is quite true that by far the most powerful weapon at the command of the League of Nations is not the economic weapon or the military weapon

or any other weapon of material force. By far the strongest weapon we have is the weapon of public opinion. I have not myself the least doubt that the action of the League will depend upon the efficacy of public opinion far more than upon any other consideration. In the case of almost every nation the fact that public opinion has declared itself against them would be conclusive; but just as in individual society you will find some individuals who are so determined on wrongdoing that the disapproval of their fellows will not restrain them, so maybe we shall find as we go on nations of the same character. Therefore by Article 16 it is provided that if a nation contrary to its covenants insists upon going to war without giving proper opportunity for consideration and discussion, then such a nation is to be deemed to have committed an act of war against all the other nations of the society, and in the first place they are to put in force against that nation all the economic pressure that they are capable of exercising. . . . Though you have got that solemnly enacted in the Covenant no means, no machinery, is provided for carrying it into execution. The Sixth Committee were of opinion that some means should be provided. Their attention indeed was called to it by a resolution of the Council, and the principle upon which this report proceeds is a very simple one. Certain quite simple machinery is provided in order to enforce the elementary parts of the economic pressure, those actions and proceedings upon which there is general agreement, such as the interruption of intercourse between the Members of the League and the delinquent state. There are a number of other difficult questions which will arise, questions which are referred to in this report, and probably many other questions. Those must be the subject of careful consideration. Nothing must be done which affects after all the interests of the whole of the Members of the Society without the most careful consideration."

M. Motta for Switzerland emphasized that "each state is free to decide for itself whether it shall apply the blockade or not"; called attention to the provision of the report that it is the "residents," not the nationals, of the covenant-breaking state to whom the rupture extends. Respecting the first point the rapporteur stated that a Member had the right to say for itself "whether a breach of the covenant has taken place or not."

That being determined, its duty is clear. He said that the report was confined to laying down for the present the principle that the blockade should apply between state and **state only**.

Decisions Accepted

The report, after being amended by agreement in certain particulars, was adopted without opposition. It is in the nature of a resolution, which after referring to the consideration of the subject by the Council and rejecting its proposal for a mixed committee, recommended that:

The Council should be asked to appoint an International Blockade Commission to consider the application of Article 16 of the Covenant; the committee will report to the Council, which shall place the conclusions before the Assembly at its next session, for their acceptance, rejection, or amendment, without prejudice to any action that may have been provisionally taken upon them. The committee should not exceed eight in number, with power to summon experts to advise them, and not less than half its members should be persons representing states which have not a right to permanent membership of the Council.

The report went on to say:

(2) It will be observed that in this recommendation the International Blockade Commission are to consider what steps are necessary to bring into *full* effect the provisions of Article 16. But the subcommittee were also instructed to consider what steps should be taken immediately to render as effective as possible the Economic Weapon of the League under Article 16. The Committee are aware that under that article it is the duty of every Member of the League in the case of any Member resorting to war in disregard of its covenants under Articles 12, 13 or 15, to subject it to:

“The severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking state, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking state and the nationals of any other state, whether a Member of the League or not.”

That is a duty which now actually rests upon every Member of the League, but there are two difficulties in the way of its

performance. In the first place, it may easily be uncertain whether a state has resorted to war in breach of the Covenant, and no machinery has been provided for ascertaining the facts. In the second place, there are considerable difficulties which were pointed out in the discussion before the Committee on a previous occasion in carrying out to the full what may be, for shortness, described as the blockading operations contemplated by the article.

To obviate these difficulties we propose provisionally and subject to review at the next Assembly on the report of the International Blockade Commission:

a. It shall be the duty of the Secretary-General to call the attention of the Council to any facts which in his opinion show that a Member of the League has become a covenant-breaking state within the meaning of Article 16.

b. Upon receiving such an intimation the Council shall, on the request of any of its members, hold a meeting with the least possible delay to consider it, and shall send a copy of the procès-verbal of the meeting to all the other Members of the League.

c. As soon as a Member of the League is satisfied, in consequence of the communication of the procès-verbal of the Council, that a breach of covenant within Article 16 has occurred, it is its duty to take measures for the purpose of carrying out the first paragraph of Article 16.

d. These measures should include the breaking-off of all diplomatic relations.

e. The prevention of any commercial or other intercourse between the residents within its borders and those residing in the covenant-breaking state. For this purpose the necessary legislation preventing intercourse between the residents of the two states should be immediately passed, according to the constitution of each Member of the League. Relations which exist for purely humanitarian purposes may be maintained with the covenant-breaking state.

f. Where the covenant-breaking state has a seaboard, it will be necessary to institute an effective blockade thereof, and the Council should forthwith consider which Members of the League can most conveniently be asked to discharge this duty.

The rest of the report as passed dealt with questions to be studied by the commission.¹

¹The text reads:

"3. Beyond this it is a matter for consideration what further steps ought to be taken to carry out Article 16, and this should be referred to the International Commission. For instance:

"a. It is very desirable that identity of action by all the Members of the League against the covenant-breaker should be secured.

"b. Further, there are questions as to relations between nationals of the covenant-breaking state and those of other Members of the League which require consideration.

"c. It is also desirable to consider, in accordance with the proposals made by Denmark, Norway and Sweden, what measures, if any, should be taken in the case of Members of the League who, from smallness of their resources and their geographical position, might be in serious danger if they carried out to the full their obligations under the first paragraph of Article 16 against a powerful covenant-breaking state. This is a matter which may have to be considered at any moment from a practical point of view if the necessity for coercion of a covenant-breaking state should arise. In that case the Council would have to take whatever measures it thought suitable for the emergency.

"But, both in this last case and in the others before alluded to, the questions involved were thought by the subcommittee to be too complicated for them to deal with, and they should, therefore, be referred to the International Blockade Commission, with other difficult questions, such as:

"d. How the blockade can be enforced where a state not a Member of the League is a neighbor of the covenant-breaking state, and

"e. What restrictive measures of a financial character can and ought to be taken?

"4. a. With regard to the states not Members of the League who have been invited under Article 16 to accept the obligations of membership, and have acceded to that invitation, the observations and recommendations in this report apply to them as if they were ordinary Members of the League.

"b. Where a state has been invited and has refused to accept the obligations of membership, and has resorted to war against a Member of the League in disregard of any procedure such as that provided for by Article 15, the Members of the League must treat it in precisely the same way as if it were a covenant-breaking Member of the League within Article 16.

"c. Where either party to a dispute is a Member of the League, and they both refuse to accept the obligations of membership of the League for the purposes of that dispute, Article 16 does not apply, and the Council are left to take such measures as they think right. But in this last case, if the measures recommended by the Council should involve action by any other Member of the League, it has a right to be summoned to the Council with the position of a full Member for the consideration of the proposed measures, and consequently none of them affecting it can be adopted without its consent.

"5. Any proposal which the International Blockade Commission may recommend, and which is of a nature to require amendment of the Covenant, will naturally be referred to the committee that is to be set up for consideration of all amendments to the Covenant."

X. ARMAMENTS¹

a. TRAFFIC IN ARMS

Introducing the discussion on armaments at the 22nd plenary meeting of the Assembly, M. Branting, chairman of the Sixth Committee, reviewed its work: "We first held a public sitting, at which the general outlines of disarmament were explained by reports from two speakers, reports of different natures, one of which insisted on the importance of realizing our position, and the other insisting on the difficulties which lay before us in so doing. We then held sittings in private, and a subcommittee was nominated under Mr. Fisher as rapporteur. This subcommittee set busily to work to discover a formula which might be accepted by all, considering the difficulties, but showing a way to the realization of our hopes. The subcommittee in due course reported to the committee, and up to the last moment we have been very busily engaged on questions of drafting, so that the report is only just now ready to lay before you. I would point out that we must set to work now at once, not only because militarism is in my opinion barbarism, but because it is also more than ever necessary to reconstruct the world at this moment, and this will be impossible if we continue the present system of a peace under arms."

Mr. Fisher (Great Britain) read and discussed the report and the resolutions in a lucid speech, in which he said:

The object of the report which I am about to present to you is to assist in the fullest measure compatible with the circumstances of the time the realization of the objects of Articles 8 and 9 of the Covenant. The Committee is fully aware that there is no subject upon which it is easier to arouse the passions and susceptibilities of nations, no subject more delicate, no subject to which misplaced diplomacy is capable of working so much injury, no subject with respect to which so many diplomatic failures have to be recorded, as the subject of the limitation or the reduction of armaments. The Committee has noted the fact that Europe is still in a state of unstable equilibrium. Large areas are still disturbed. Many powers, possessing great actual or potential mili-

¹Cf. Report on the Work of the Council, I, 6.

tary strength, still stand outside the orbit of the League, and it is necessary that the military clauses of the treaties of peace should be executed in full, and that there should be some adequate security for their observation before the continent of Europe will be restored to a full sense of mutual trust between nation and nation. Nevertheless, it would be the height of unreason to conclude that because everything which we desire can not be obtained at once, therefore nothing is possible and nothing should be attempted. The members of the Committee realize that much has been already achieved. They realize that drastic measures have already been taken, and are still being taken, to reduce the armaments of central Europe. The Committee realize that the stern force of economy itself is promoting reductions in many powerful states, but nevertheless the report is written under the impression that the progress of disarmament, though sure, though steady, must necessarily be gradual. We can not hope to achieve the common object which every member of the League has in view at this moment and with complete success.

Surplus Weapons Are Problem

The Committee first directed its attention to the subject of the arms traffic convention, which was concluded at St. Germain on September 10, 1919. The object of the convention was to limit the traffic in arms, and more particularly to prevent the vast surplus of munitions of war which had been accumulated in recent years from passing into the disturbed regions of the world, and so creating fresh embarrassment and trouble. It is to be remembered that as the result of the War, there has been a great expansion in the machinery for the manufacture of arms and munitions, and in consequence a special danger that the demand for armaments may be stimulated by the enterprise of firms desirous of disposing of their surplus stock to the best advantage. Your Committee was profoundly impressed with the value of the arms traffic convention as a civilizing instrument.

Mr. Barnes (Great Britain) in discussing the resolution expressed satisfaction at the attitude of the committee and quoted from the annex to the report "without comment except the expression of sincere regret": "The full execution of the convention and the protocol has been hindered by the absence of the necessary statutory authority over the control of exports of arms in the United States of America, a country where arms are manufactured on a large scale." And he added:

That does not absolve other Governments from ratifying the convention and giving full effect to it. It is at the same time a matter of

sincere regret that the United States Government and the United States people are exporting arms to such an extent as to justify that reference.

After a general discussion on the report as a whole, the committee's resolution was carried by a vote covering other resolutions in the form which follows:

1. The Committee, having received a report of Sir Cecil Hurst on the convention for the control of the trade in arms and ammunition, which was signed at Saint Germain on September 10, 1919, by the United States of America, Belgium, Bolivia, the British Empire, China, Cuba, Ecuador, France, Greece, Guatemala, Haiti, Fiji, Italy, Japan and other powers, and being greatly impressed by the value of this convention as an instrument of civilization, and by the evils which would ensue from its non-observance, are anxious that the signatory powers should proceed without delay to ratification and to the establishment of the International Office of Control contemplated by the convention.

2. The Committee notes that the signatory Governments declared in a protocol that it was contrary to the intention of the high contracting parties and to the spirit of this convention, that, pending the coming into force of the convention, a contracting party should adopt any measure which is contrary to its provisions.

3. The Committee notes, however, that it has not been possible for the powers to give full effect to their protocol, and that up to the present time, the convention of Saint Germain has had no effect save upon the traffic in arms to the certain special areas specified in the convention.

The Committee would therefore urge that the Assembly should declare its high sense of the gain to civilization which would ensue from a strict control of this traffic, and should invite the Council to urge upon all Governments without delay, speedy ratification of, or adhesion to the convention.

b. PRIVATE MANUFACTURE OF ARMS

Mr. Fisher's references to the private manufacture of arms in his report to the 22nd plenary meeting of the Assembly were the only comments on that question except a few words by Mr. Barnes to the effect that the motion would give "a little stimulus to the Council to get on with putting that declaration in the

Covenant into operation so far as it is possible to do so." Mr. Fisher's comments were:

Here we are clearly confronted with a problem of great difficulty. Nobody doubts that there are special evils attaching to the private manufacture of armaments. Nobody doubts, also, that the prohibition of the private manufacture of armaments would create difficulties in those states which at present obtain their supply of armaments by importation from abroad. In the limited time at its disposal your Committee was unable to explore this question to its foundation, and accordingly it has decided to refer it to the consideration of the Permanent Military Commission.

The resolution was passed, along with others, at the 23rd plenary meeting, as follows:

Whereas the Covenant formally denounces the evil effects of the private manufacture of munitions and of war material, the Committee suggests that the Assembly should request the Council to invite the Commission referred to in the following resolution to investigate without delay this serious problem. They also suggest that attention be given to the question as to whether the International Office of Control for the Traffic in Arms¹ when erected could not also be utilized so as to obviate the evils arising from the private manufacture of arms to which reference is made in the Covenant.

C. STEPS TOWARD REDUCTION

Mr. Fisher as rapporteur introduced the third resolution of the Sixth Committee with a discussion of the composition and character of the Permanent Military Commission set up in conformity with Article 9 of the Covenant to advise the Council on military, naval and air questions generally. He described it and the rest of the third resolution:

This commission, as at present constituted, is a body of 24 members, three contributed by each of the powers at present represented on the Council. Every power contributes three members, one an expert on military matters, another on naval matters, and a third on aerial warfare. The committee, in other words, is a strictly technical committee, a committee of distinguished officers enjoying the confidence of their respective Governments, and the advantage of a committee so consti-

¹The International Office referred to is the instrument to be set up by Article 5 of the treaty of St. Germain.

tuted is that it enables the Council to keep in close contact with responsible military opinion in the states which are represented upon it. . . . Your Committee was impressed by the fact that the problem of the reduction of armaments is not a purely military problem. It involves other aspects; it involves political, social and economic aspects which fall outside the natural and appointed scope of military and naval experts, and the suggestion accordingly is that the Council should from time to time as occasion demands avail itself of the advice of temporary committees specially appointed to assist it in the nonmilitary aspects of the problem which it has before it. Let me furnish to you an example of the kind of inquiry which is contemplated in this recommendation. Let us assume that it is desirable to examine the problem as to whether or not a reduction of armaments can best be effected by a proportionate and simultaneous reduction in military budgets. That is clearly a financial problem. A satisfactory scheme can only be worked out by a careful scrutiny of the manner in which public accounts are kept in the different nations of the League. It is possible, of course, that an item which in some states appears in the military budgets, in other states may appear on the educational or agricultural budgets, and here, clearly, is a problem the solution of which requires special financial experience. Accordingly the Committee recommends:

“On the other hand, the subcommittee were of the opinion that questions would from time to time arise upon which the Council would rightly and properly desire to supplement the technical advice of its Permanent Military Commission by expert information of another kind, *e. g.*, in the sphere of politics, economics or social science. The subcommittee are of opinion that the Council might make use of the Economic Section of the Secretariat, and that it might appoint special civilian committees *ad hoc* to examine from an economic, social or political standpoint such problems connected with disarmament as might from time to time be convenient to submit to it.”

The Committee also took account of the paragraph in Article 8 of the Covenant which provides for the interchange of full and frank information as to the scale of armaments, and on this topic it invited evidence from the Military Commission. The subcommittee ascertained that the Military Commission had already been asked by the Council to consider plans for obtaining military information and that a questionnaire had already been prepared and would probably be submitted to the Council before the Assembly rises.

No Revision of Laws of War Now

Another question which came before the consideration of the Committee was the question as to whether or no it was desirable that the

Permanent Military Commission should be asked to suggest amendments in the laws of war. “The subcommittee took into consideration the question as to whether it was desirable for the Council to invite the Military Commission to undertake the duty of reviewing or revising the laws of war. The subcommittee noted that the question of gas warfare had already been referred to the Military Commission, and that the commission had reported upon it. While the subcommittee are of opinion that the question of defining the sphere of legitimate warfare and of attempting to limit the use of barbarous weapons is of great importance, it is inclined to hold that the more immediate task of the Military Commission is to prepare the way for the reduction of armaments, and that this task is so formidable and complex that the commission should not at present be invited to deal with the revision of the laws of war, a matter which involves other than strictly military problems.”

Mr. Barnes (Great Britain) approved the broadening of the consideration of the military problem provided for and the attitude toward the laws of war, but declared that the principles of the resolution were in the wrong order:

The first declaration is that in order to reduce armaments throughout the world the first thing to be done under the responsibility of the powers signatory to the treaties of peace is the complete fulfilment of the reduction of armaments imposed by the above-mentioned treaties upon certain of those powers. What does that mean? It means the ex-enemy powers. I respectfully submit to this Assembly that the ex-enemy powers have ceased to be a menace to the world for the next generation, and that we ought to concern ourselves more with first putting our own house in order, and getting some means by which there must be concurrent and simultaneous reduction of armaments, not on the part of the ex-enemy powers who are now very largely disarmed, but upon the part of all the Members of this League.

The following part of the resolution was put to the vote and adopted at the 23rd plenary meeting of the Assembly, along with those which precede, without objection:

The Committee, being convinced that the maintenance of peace demands the reduction of armaments, in accordance with the principles set forth in Article 8 of the Covenant and in the preamble of Part V of the treaties of peace of Versailles, Saint-Germain and Neuilly, which declare that the disarmament of certain powers signatory to those treaties be provided for “in order to render possible the initiation of a general limitation of

the armaments of all nations;" and associating itself with the pronouncement of the Supreme Council on March 8 last that "in order to diminish the economic difficulties of Europe, armies should everywhere be reduced to a peace footing, that armaments should be limited to the lowest possible figure compatible with national security, and that the League of Nations be invited to examine proposals to that end without delay;" and with the resolution of the International Financial Conference at Brussels "recommending most earnestly to the Council of the League of Nations the desirability of conferring at once and agreeing with the several Governments concerned with a view to securing a general reduction of the crushing burdens which, on their existing scale, armaments still impose on the impoverished peoples of the world, sapping their resources and imperiling their recovery from the ravages of war;" realizing on the other hand that a complete and comprehensive scheme of disarmament depends upon the following conditions: first, under the responsibility of the powers signatory to the treaties of peace, upon the complete fulfilment of the reduction of armaments imposed by the above-mentioned treaties upon certain of these powers; secondly, upon the exercise, as occasion may demand, of the right of investigation accorded by these treaties to the Council of the League of Nations, in order to maintain this reduction; and lastly, on the collaboration of the other great military powers which have hitherto remained outside the League; invite the Council:

(a) To request the Permanent Advisory Commission for Military, Naval and Air Questions rapidly to complete its technical examination into the present conditions of armaments;

(b) To instruct a temporary commission, composed of persons possessing the requisite competence in matters of a political, social and economic nature, to prepare for submission to the Council in the near future reports and proposals for the reduction of armaments as provided for by Article 8 of the Covenant;

(c) To form within the Secretariat a section to serve as a center of information for the Commission in question and also as a channel for the publication and exchange of the information referred to in the Covenant;

(d) To consider the mechanism by means of which the military information to be exchanged under the provisions of Article 8 of the Covenant can be verified in the event of the principle of mutual verification by Members of the League being confirmed by an amendment to the Covenant.

d. LIMITATION OF BUDGETS

The Sixth Committee's report (A. D. 199) on armaments contained this discussion of reduction:

6. Finally, the subcommittee desire in the most solemn way possible to register their belief in the vital necessity of reducing the burden of armaments in the world; and of influencing public opinion to this end, through concerted effort of popular education in the various countries of the League. The subcommittee are aware that a comprehensive scheme of disarmament, based on a thorough feeling of trust and security as between nation and nation, can not be looked for at once. They do not ignore the fact that the world is still disturbed and that a complete and comprehensive scheme of disarmament depends upon the following conditions: first, upon the complete fulfilment, under the responsibility of the powers signatory to the treaties of peace, of the reduction of armaments imposed by the above-mentioned treaties upon certain of these powers; secondly, upon the exercise of the right of investigation accorded by those treaties to the Council of the League of Nations, in order to maintain that reduction; and lastly, upon the collaboration of the other great military powers which have hitherto remained outside the League.

The subcommittee are aware that progress must be effected in successive stages. The first stage would be reached if a general agreement could be framed between Members of the League not to exceed their present scale of armaments save at the request of the League, or in circumstances recognized as exceptional.

A further measure of progress would be realized if a general agreement was reached for a proportionate and simultaneous reduction either in the scale of armaments or in the existing military budgets of the Members of the League. The third stage would be the acceptance of disarmament, by which term the subcommittee understand a scientific and comprehensive reduction of armaments under the supervision of the League to the lowest figure compatible with national security. In other words, the subcommittee draw a distinction between limitation of armaments, reduction of armaments, and disarmament, and regard these as three successive stages in the journey which has to be accomplished.

Though the subcommittee are aware that in the present disturbed state of the world progress along this road can not be as fast as the Members of the League would desire, they are nevertheless of opinion that many useful steps in the right direction can and should be taken at once.

The resolution was reported as part of the third resolution of the committee to the 22nd plenary meeting of the Assembly. A discussion of some extent followed in which it developed that, while all delegates were favorable to the text, several of them felt that they could not bind their Governments by their votes. It was therefore agreed that the declaration should be passed in the form of a recommendation, which, as a matter of procedure, required only a majority vote. On this being done, the ballot resulted:

In favor: Australia, Belgium, Bolivia, Canada, China, Colombia, Cuba, Czecho-Slovakia, Denmark, Great Britain, Guatemala, Haiti, India, Italy, Japan, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Portugal, Salvador, Serb-Croat-Slovene State, South Africa, Spain, Sweden, Switzerland, Venezuela—30.

Against: Brazil, Chile, France, Greece, Poland, Rumania, Uruguay—7.

Siam abstained.

The recommendation thus passed read:

Pending the full execution of the measures for the reduction of armaments recommended by Article 8 of the Covenant, the Assembly recommends to the Council to submit for the consideration of the Governments the acceptance of an undertaking not to exceed, for the first two financial years following the next financial year, the sum total of expenditure on the military, naval and air services, provided for in the latter budget, subject, however, to account being taken of the following reservations:

(1) Any contributions of troops, war material and money recommended by the League of Nations, with a view to the fulfilment of obligations imposed by Article 16 of the Covenant or by treaties registered by the League.

(2) Exceptional conditions notified as such to the Council of the League of Nations in accordance with the spirit of paragraphs 2 and 6 of Article 8 of the Covenant.

XI. MANDATES: ARTICLE 22

The question of mandates came before the Assembly by report from the Council. It was not the expectation of the Assembly to handle the matter except under the condition which had been determined from the outset that "either body may discuss and examine any matter which is within the competence of the League." During the meeting of the Assembly the press reports exaggerated the current difficulties of the problem into a conflict between the two bodies. It appears from the proceedings, however, that the Assembly simply exercised its undoubted right of suggesting certain principles based upon world opinion for the guidance of the Council.

Confusion respecting the question was facilitated by its complications. The basic facts may be summarily stated. The mandatory system became a necessity during the Paris Peace Conference because public opinion everywhere was opposed to imperialistic exploitation, because it aided the forced consent of Germany to relinquishing her overseas possessions, and because the lesser allied belligerents were unwilling to see the five great powers increase their territory outright. Nevertheless, by the treaty of Versailles, "Germany renounces in favor of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions." Thus, the United States, France, the British Empire, Italy and Japan secured these, subject to the conditions of Article 22 of the Covenant. Their allocation of the affected territories among themselves was uncontrolled by the League of Nations, and the beneficiary powers displayed no haste in making the League a party to the arrangements. After waiting until last August the Council called for copies of the draft mandates prescribed by the Covenant, declared its right to decide upon their terms and took steps to organize the Permanent Commission. The powers replied that they had not agreed on the draft mandates and, in any case, that they were to be regarded as confidential when transmitted. They unsuccessfully tried to secure a majority membership of the Permanent Com-

mission. The Council, faced with these dilatory tactics, early announced to the Assembly that its report on mandates would be delayed in the hope of obtaining the required information, at the same time emphasizing to the Assembly that the problem was essentially that of the Council, in accordance with the Covenant. Late in the Assembly meeting some mandates arrived in draft from the powers concerned, without the desired release for publication. The Council, therefore, stipulated in transmitting them to the Assembly subcommittee that their contents should not be discussed in the report.

During the Assembly, consequently, the whole situation was in a state of change, and the Assembly devoted itself to airing the unsatisfactory features of the situation with a view to letting the mandatory powers know that the world expected frankness and direct dealing in the premises. The Council was furthermore informed by the discussion of the spirit to which it was expected by the world at large to be responsive in dealing with the question.

Publicity Urged

Lord Robert Cecil acted as rapporteur of the Sixth Committee at the 30th plenary meeting of the Assembly. The report was a summary of the rather negative result of efforts to secure complete information through the Council, and contained certain definite principles which the Assembly was asked to enunciate. In introducing these recommendations, addressed to the Council, he referred particularly to publicity:

The last recommendation is as follows: "Finally, they trust that if any further delay in the preparation of the mandates should unfortunately take place, the draft mandates will be forthwith published." That raises, in my judgment, the most important issue raised by this report. It is in this report necessarily confined to the question of mandates, but it extends far beyond the question of mandates. It is the question which I have urged once or twice before this Assembly—the question of publicity. I know that unhappily there are some Members of the Assembly who think my views are unpractical in this connection, but I want, if I may, to ask their very careful and their favorable consideration for what I am about to say. I believe that the League is about to enter into what is perhaps the most difficult period of its existence. Hitherto we have been necessarily and properly occupied mainly

in questions of internal organization. . . . Now the League will be called upon in the coming months undoubtedly to deal with the various international problems as they arise, and the League will be faced by this dilemma—the danger of doing too much and the danger of doing nothing. . . . We must therefore be ready to take our part with courage. Do not let us underrate the dangers and difficulties that confront us. We have enemies—bitter enemies. There are those who are militarists and who inevitably believe that there is only one way of settling international disputes, and that is by war. There are bureaucrats who can not bring themselves to believe that the system in which they were brought up is one that is unsuitable for modern conditions. There are the reactionaries, who are frightened and alarmed at anything new, and there are the revolutionaries—in some ways most formidable of all our enemies—who see in the League, and see rightly, a great obstacle to their design, a great barrier against revolution, a great force of stability, and who would wish for nothing better than its enfeeblement or destruction.

And what of our friends? They are in the first place, let us say so frankly and candidly, all the great religious forces of mankind, and in the second place they are that great mass of central opinion, which loves righteousness and hates evil, which loves peace and hates war. That is the great mass of opinion on which we must rely. Do not, I pray you, let us discourage them! They will be told, constantly told, that the League is useless, or that it is dangerous, that it is plotting something in secret or that it is doing nothing at all. Suspicion will be the great weapon which will be used against us; and it will not be difficult to excite it in view of the vast difficulties and dangers which beset the world and which will tax the energy and ability of even the best of us to confront and to deal with. How are we—with what weapons are we—to fight our battle in the coming months? . . .

You must go boldly and with faith to the peoples of the world; you must take them into your confidence. You must be ready to run some risks. You must frankly publish not only what you have done, but what you are doing, not only the achieved result but the reasons which are leading you toward that result. Without that you will not secure their support, you can not hope to achieve the vast ends which we have in view. That is why, without wishing in any way to be controversial, I profoundly regret the decision to which the Council came not frankly to give to the Committee and to the world the draft mandates upon which they were engaged. I am sure they would have lost nothing if they had done it; I am sure that their hands would have been strengthened to do right. I hope even now they will reconsider their decision.

Hopes Called Forth

M. Doret (Haiti) expressed a hope:

There are, I know, many good colonial administrators who pay the utmost attention to the welfare of the natives; but there are also some frankly bad ones, and although they belong to countries possessed by wide and generous ideas, yet they exploit the territory of which they are put in charge as though it were a feudal domain and they maintain the worst ideas of the Middle Ages in that territory, ideas which are a shame to civilization. They do this because they know that they are far from central control. Now I ask the League of Nations to exercise this central control.

M. Loefgren (Sweden) spoke eloquently of Scandinavian expectations:

People have asked me why we little folks in the North seem to be so interested in this Article 22. It may be because of its guaranteeing our freedom of trade with the colonies. Yes, of course. We think freedom of trade to be a good thing and monopolies a bad thing from our commercial point of view. But I know that I have a right to say, and I am proud to state, that this is not for us the essential thing. No. To establish a world-wide culture, to preserve a lasting peace—such are the reasons for our peoples' interest in Article 22. Have we not shown such moral interest for the natives for instance in Africa?

I will also remind you that we should not forget that for hundreds of years poor, simple-minded people all over Europe sacrificed their small savings for missionary work, anxious to share with the inhabitants of Africa and elsewhere the best gift they knew of, their religion. Let us not lose the grip of that state of mind. It is more narrow but not less deep than the great spirit of our Covenant, and it springs from the same source of humanity. We only expect to see the national and sectarian rivulets swallowed in the mighty stream of a universal movement of culture, of civilization, directed by Article 22 independent of race and religion, and liberated from the evils of civilization, militarism and alcoholism. This is what the peoples expect and what the Covenant has promised them.

Mr. Doherty (Canada) referred to the origins of the mandatory system, adding:

There will be no more effective test of the sincerity that inspired the provisions for the bringing into existence of those mandates, and of the

sincerity of this League itself, than will be found in the execution of those provisions with regard to these mandates, and the faithful fulfilment of the trusts those mandates carry with them. And just because that is so, this matter of mandates was perhaps as important a subject as the nations here gathered together could have sat down to study, and as I have said, I am satisfied that there will be a feeling of disappointment that the opportunity of that study has been inadequate. However, the fact that it has been so, and that because it has been so, the responsibility for the terms of those mandates must now rest practically, if not entirely, on the Council of the League, justifies us, I think, in respectfully calling the attention of that body to the importance of the task with which they are at present concerned, and in pressing upon them that with regard to all these mandates, of whatever class they be, the great and important thing is that their terms should bring out the fiduciary nature of the holding of the territories confided to them by the mandators.

An Opinion from the Council

Mr. Balfour (Great Britain) discussed with great frankness the Assembly's relation to the question:

Eventually behind the actual recommendations of the subcommittee there is the view that this Assembly is really the responsible body under the Covenant for dealing with these difficult-questions of mandates. No such assertion is explicitly contained in the report, but I think the speeches, the formulated recommendations and the general spirit of most of those who have preceded me at this tribune, clearly show what is the view. I believe that that view is technically erroneous. Let us be careful, therefore, not to run into what is perhaps the greatest of all internal dangers of our League organization, namely a conflict between the two organs by which the will of the Members of the League is to be carried out.

I do not wish to appear as opposing these resolutions, because that would be interpreted by many as meaning that I set myself in antagonism to the spirit by which those who framed the resolutions were animated. At the same time it is quite impossible for me as a member of the Council to accept these amendments without the clearest and most unmistakable reserve. The responsibility has been left to the Council to deal with this situation, and if I do not formally oppose the policy recommended by the rapporteurs, it must be under a reserve about which no mistake should be allowed, which is (speaking for myself and for my Government) that I consider those who take my place in the future on the Council as representing Great Britain are absolutely free to regard each of these problems on its merits and to consider it purely in itself—to take account of course,

of all valuable opinion, and to read with the respect it deserves, the report of the subcommittee. But I can not allow it to be supposed that I, or those who succeed me, in any way limit our liberty of deliberation or action by anything which the Assembly does to-day or on any other day. The attributions of these two great bodies are different. Nothing but injury will come to the League by confusing them.

Success will really depend upon how the committee and the Council work the machine. I believe they will work it well. I believe they will work it in the interests of the population; but I do not believe that their labors will be lightened, I do not believe their success will be more assured, by approaching the subject in the somewhat jealous spirit which seems to me to animate now and then some of the speakers in this Assembly. It is a great practical question that has to be solved. What is done in the mandated territories will unquestionably have its reaction upon those other colonies which are not mandated and over which neither the Council nor the Assembly have the slightest authority. The great object we must have in view is to bring all these colonial powers into a common spirit of co-operation for the benefit of races which are not, and perhaps can not in the course of any historic future that we can look forward to, be put on an equality with those whose duty and pride it ought to be to guide them as far as possible upon the upward path.

To which Lord Robert Cecil replied:

No member of the Committee, whatever view he may hold as to the true construction of the Covenant—no member of the Committee, I say so advisedly, desired in any way to substitute the Assembly for the Council. What they did desire to do was to furnish to the Council, which after all is not perhaps quite infallible, some suggestions which might be of assistance to it in dealing with the very difficult problems that it has to solve. The subcommittee thought that they were acting in strict accordance with the invitation of the Council and the purpose that the Council had themselves expressed by sending the question of mandates to be considered by the Assembly and by asking a Committee to consider it, by sending a further report explaining that they were sending all valuable documents to the Assembly. After all, it was Mr. Balfour himself who accepted on behalf of his Committee in the Assembly only the other day this proposition: "Neither body"—that is, neither the Assembly nor the Council—"has jurisdiction to render a decision in a matter which has been expressly committed to the other organ of the League." I most heartily agree. "But either body may discuss and examine any matter which is within the competence of the League." What have we done more? We do discuss it. We discuss and examine a matter which is expressly sent to us to discuss and examine by the Coun-

cil, and we present, not decisions, not rulings to the Council, but expressions of opinion which we ask them to take into their consideration. I must say I do not see how we offended.

Recommendations Passed

M. Bourgeois (France) closed the debate:

I am very glad to have heard the words at the end of Lord Robert Cecil's speech in which he declared that this was not a debate on the question of the respective competence of the Council and the Assembly but simply the making of certain suggestions for the Council to consider when it discusses this question with the full right to come to a decision on this matter. I also entirely agree with the words of Mr. Balfour.

The powers intrusted to the mandatory powers have a judge. That judge is the Council, and it is before that judge that they must present their arguments. Here we have only to agree to the proposal that the Council will give consideration to the points which we have brought forward. I am sure that the Council will do this.

Let us not be skeptical and let us not be impatient. Remember that the League of Nations is a new-born child and wants time in order to acquire strength for the tasks of the future. I would remind Lord Robert Cecil that in his own country a colt is not put to work until it is at least three years old. Therefore I ask for patience and not for skepticism. Lord Robert Cecil said that there were many men in the world who are looking upon this Assembly and looking upon us now with a hypercritical view, that not a single point of difference of opinion between any of the Members is missed by those men. As soon as they suspect any little difference of opinion they immediately start to write to the world's press and distribute hundreds of telegrams to the various countries saying that the League of Nations is in danger and that it is in process of dissolution. I say that the League of Nations is not in process of dissolution. On the other hand, these writers, when they are faced with a unanimous vote make little count of it, and they much prefer to emphasize our tiny, insignificant points of difference. Let the skeptics smile; but let us be sure that the fruit of our deliberations will soon be placed before the public and then the number of people that have confidence in us will increase. Let us be assured of the perfect harmony which exists between the Council and the Assembly. Nothing can divide them. With this certainty of agreement between the Council and the Assembly we may express our confidence in all those who have dealt and are dealing with this difficult question of mandates, and we may be sure that those young peoples who will be administered by the mandatory powers will be administered with due regard for their welfare and their future prosperity.

The recommendations were adopted without objection in this form (A. D. 266):

a. Recommendations regarding the Mandates Commission.

1. The members of the Commission should not be dismissed without the assent of the majority of the Assembly.

2. The Commission should contain at least one woman.

3. The mandatories should be asked to present to the Commission a report on the recent administration of the territories now confided to their care.

b. Recommendations as to Mandates "A."

4. The mandatory should not be allowed to make use of its position to increase its military strength.

5. The mandatory should not be allowed to use its power under the mandate to exploit for itself or its friends the natural resources of the mandated territory.

6. An organic law should be passed in the mandated territories as soon as possible, and before coming into force should be submitted to the League for consideration.

c. General Recommendation.

7. Future draft mandates should be published before they are decided on by the Council.

As a comment on the effectiveness of this decision of the Assembly, it should be noted that draft of mandate A was published by the British Government on February 1, 1921, and conformed to recommendations 4-7.

XII. MEDIATION IN ARMENIA

Lord Robert Cecil at the fifth meeting of the Assembly in discussing the report of the Council's work reviewed the situation of Armenia and moved that the Council be requested to "present for the consideration of the Assembly proposals for averting the danger which now threatens the remnant of the Armenian race, and also for establishing a permanent settlement of that country." At the eighth meeting M. Tittoni (Italy), on behalf of the Council, summarized the action which had been taken by it respecting Armenia, in order that the delegates might be informed.¹

Lord Robert Cecil accepted an amendment by M. La Fontaine (Belgium) at the ninth plenary meeting "to nominate a committee of six Members to consider what steps, if any, could be taken to put an end to the hostilities between Armenia and the Kemalists."

Dr. Spalaikovich (Serb-Croat-Slovene State) suggested that the Parliaments of the Principal Powers be requested to act together to the fullest extent of their abilities. M. Branting seconded the Cecil-La Fontaine motion.

Mr. Balfour supported the proposal, calling attention to the practical difficulties. "Good intentions," he said, "are the foundations of good policy, but good intentions by themselves are perfectly useless unless means can be found for carrying them into effect." He continued: "The machinery of the League as embodied in the Covenant was not contrived to deal with the sort of situation with which we are confronted in Armenia. The condition of things the framers of the Covenant had in view was organized states with clearly marked frontiers, open to the action of the public opinion of the civilized world and in the last resort open to threats of economic pressure. . . . But observe that not one of these conditions is fulfilled by the state of things with which we have got to deal in Armenia at the present moment. . . . What does Mustapha Kemal care about the opinion of the League of Nations, or the opinion of the civilized world,

¹ Report on the Work of the Council, II, B, 1, *League of Nations*, III, 275.

or the fact that before any tribunal of humane people his action will be condemned?"

It seemed to the speaker that no method except finding a mandatory would suffice. But no mandatory could be found unless the other states were prepared to guarantee it against loss and give it assistance. He agreed that the Assembly was the best medium for enlisting the interest of the world and he hoped that the committee to be appointed would be more successful than their predecessors in dealing with the grave problem.

M. Viviani desired that the League should act rather than make a public appeal. The resolution merely substituted an Assembly committee for the Council, but until the relations of the two organs were determined no steps should be taken which set a precedent. Turning to his fellow-delegates he said: "I appeal to the representatives of any nation which might possibly accept a mandate for Armenia to rise in the Assembly and express the wish of his nation." He formally moved that the Assembly should empower the Council to approach the various Governments and try to find the power which would mediate between the combatants and negotiate with them.

M. Viviani added that if the authors of the Cecil-La Fontaine motion would not agree to his proposal, he would agree to theirs, "in order that we may be unanimous." In any case he urged that the negotiating method be accepted. Lord Robert Cecil declared that he was quite ready to accept the Viviani proposal.

Mr. Balfour desired to clear his own mind. He understood the proposal of the French delegation was that "negotiations should at once be set on foot by some power with Mustapha Kemal with the view of preserving the Armenians." He asked: "How can you negotiate or ask anyone to negotiate with Mustapha Kemal unless he has something to offer and how can our negotiator be in a position to offer anything until anxious consultation has gone on with the powers concerned in the Turkish treaty and the arrangements in Asia Minor? What probability was there of having anything to offer that he would take? It was either money or territory. "Are you going to offer him either of those things?" He was entirely in favor of negotiations; "but I should like to know before accepting the principle, what the French

have in their minds and to let them know as we understand it what negotiation is. Negotiation is a discussion between two civilized powers in which one offers something to the other with a mutual accommodation of interests."

M. Viviani suggested that mediation might be a word preferable to negotiation. "My knowledge of and admiration for the subtlety of Mr. Balfour's mind are such that I believe that if this negotiation is intrusted to him he will succeed. . . . If we reject mediation what can we do? We have no army and there is no money available."

On the proposals being put to a vote the following motions were adopted *nem. con.*:

The Assembly, anxious to co-operate with the Council, in order to put an end in the shortest time possible to the horrors of the Armenian tragedy, requests the Council to arrive at an understanding with the Governments, with a view to intrusting a power with the task of taking the necessary measures to stop the hostilities between Armenia and the Kemalists, and

The Assembly further decides to nominate a committee¹ of six members to consider and report to the Assembly during this session the steps, if any, which can be taken for this object.

The Council, in accordance with the request, forwarded an appeal to certain quarters, and at the 12th plenary meeting of the Assembly, the President was able to read the following telegrams in reply:

Washington, December 1, 1920.

To M. PAUL HYMANS, President of the Council of the League of Nations, Geneva.

I have the honor to acknowledge the receipt of your cabled message setting forth the resolution adopted by the Assembly of the League of Nations requesting the Council of the League to arrive at an understanding with the Governments with a view to intrusting a power with the task of taking necessary measures to stop the hostilities in Armenia. You offered to the United States the opportunity of undertaking the humanitarian task of using its good offices to end the present tragedy being enacted in Armenia, and you assure me that your proposal involves no repetition of the invitation to accept a mandate for Armenia. While the invitation to accept a mandate for Armenia has been rejected

¹The committee was announced at the tenth meeting as follows: Lord Robert Cecil, M. La Fontaine, Dr. Nansen, M. Pueyrredon, M. Schanzer and M. Viviani.

by the Senate of the United States, this country has repeatedly declared its solicitude for the fate and welfare of the Armenian people in a manner and to an extent that justifies you in saying that the fate of Armenia has always been of special interest to the American people. I am without authorization to offer or employ military forces of the United States in any project for the relief of Armenia, and any material contributions would require the authorization of the Congress, which is not now in session and whose action I could not forecast. I am willing, however, upon assurances of the moral and diplomatic support of the principal powers and in a spirit of sympathetic response to the request of the Council of the League of Nations, to use my good offices and to proffer my personal mediation through a representative whom I may designate to end the hostilities now being waged against the Armenian people, and to bring peace and accord to the contending parties, relying upon the Council of the League of Nations to suggest to me the avenues through which my proffer should be conveyed and the parties to whom it should be addressed.

WOODROW WILSON.

Madrid, November 30, 1920.

To M. HYMANS, President of the Council of the League of Nations.

In reply to the telegram, dated 26th inst., which Your Excellency was so good as to send me, I have the honor to inform you that the Government of H.M. the King of Spain, though not directly concerned with the lamentable condition of Armenia, feels the deepest sympathy for this unfortunate nation which has suffered so cruelly, and though the Spanish Government does not understand the exact construction to be put upon the wording of the resolution of the Assembly, it wishes to state that it will willingly co-operate in any steps of a moral or diplomatic nature directed toward the achievement of the pacific aims which the League of Nations is pursuing with such zeal and devotion.

DATO.

Rio de Janeiro, November 30, 1920.

To M. HYMANS, President of the Council of the League of Nations.

In reply to Your Excellency's telegram conveying the resolutions of the Assembly with regard to Armenia, I have the honor to inform Your Excellency that the Brazilian Government is prepared to assist, either alone or in conjunction with other powers, in putting an end to Armenia's desperate position.

AZEVEDO MARQUES,
Minister for Foreign Affairs.

After these messages had been received the Council of the League of Nations met and addressed to the President of the United States, to the Minister for Foreign Affairs of Brazil and to the Prime Minister of Spain, the following telegrams:

Geneva, December 2, 1920.

To the PRESIDENT of the UNITED STATES, Washington.

In the name of the Council of the League of Nations I thank you for your telegram of December 1st in which you agree to act as mediator between the Armenians and the Kemalists, and add that you will nominate a representative for this purpose. The Council is deeply rejoiced at and grateful for your decision. The Council ask me to inform you that the Spanish Government declares itself ready to participate in any action of a moral and diplomatic character in support of Armenia, and that the Brazilian Government announces that it is ready to take part alone or with other powers in putting an end to the present situation in Armenia. The Council is therefore requesting these two Governments to communicate directly with you as to how co-operation in this work can best be arranged. Negotiations can be opened immediately with the Armenian Government at Erivan. As regards the Kemalists, the Council is taking steps to find out the most effective method of getting into touch with them, and will inform you further on this point as soon as possible.

HYMANS, President of the Council.

(*Translation.*)

Geneva, December 2, 1920.

To M. DATO, Prime Minister, Madrid.

To AZEVEDO MARQUES, Minister for Foreign Affairs, Rio de Janeiro.

I thank you in the name of the Council of the League for your telegram of November 30, regarding Armenia. The Council is much rejoiced at and deeply grateful for your reply. The Brazilian [Spanish] Government has telegraphed to the Council in a similar sense. At the same time President Wilson has informed the Council that he agrees to use his good offices and to act as mediator personally through a representative whom he may designate in order to put an end to open hostilities against Armenia. The Council is therefore sending a reply to President Wilson thanking him for having accepted the mission which was proposed to him, and at the same time communicating to him your reply and that of the Brazilian [Spanish] Government. The Council begs you to communicate direct with President Wilson to decide how co-operation in this work can best be arranged.

HYMANS, President of the Council.

Subsequently, on December 16 at the 26th plenary meeting, on motion of Mr. Rowell (Canada), the Assembly adopted the following resolution (A. D. 247):

The Assembly earnestly hopes that the efforts of the President of the United States, energetically supported by the Governments of Spain and Brazil and by the Council of the League, will result in the preservation of the Armenian race and in securing for Armenia a stable government, exercising authority throughout the whole of the Armenian state as the boundaries thereof may be finally settled under the treaty of Sèvres, so that the Assembly may be able to admit Armenia into full membership in the League at its next meeting.

M. Jonsescu on behalf of Rumania made the following proposal at the 29th plenary meeting of the Assembly:

In order to afford real and immediate assistance to the perishing Armenian people, Rumania proposes to the nations assembled at Geneva the formation of an international expeditionary force to re-establish order and peace in Armenia. This international force placed under the direct command of the interallied general staff might consist of 40,000 men, in detachments drawn from all countries now Members of the League of Nations, in proportion to their populations.

Rumania declares herself ready at this moment to furnish for this purpose, men, materials, money.

This was referred to the committee, and after it had practically made an adverse report, the Rumanian delegation agreed at the 30th plenary meeting of the Assembly to referring its suggestion to the Council on the understanding that the committee would not be able in any way to pledge the responsibility of any Member of the League without their consent.

Finally, the rapporteur of the Assembly's special committee, M. La Fontaine (Belgium), gave that body an account of the situation as he and his colleagues had been able to understand it. This report, presented to the 30th plenary meeting, read (A. D. 256):

The Armenian Commission appointed by the Bureau of the Assembly on November 23 has met six times, with the object of inquiring into the situation in Armenia, in consequence of the invasion of that country by the troops and irregular bands acting under the authority of Mustapha Kemal Pasha, and of finding the best means to assist the Armenians in

their struggle for independence, and eventually in their attempt to place the Armenian state on a sound basis.

According to the information which the Committee was able to obtain, it appears:

That the Armenians had been unable to defend themselves from the Turkish attack, not because they were overwhelmed by the numerical superiority of the enemy, but because they were wholly lacking in organization, military or political. As a matter of fact it is doubtful whether the Armenian army is not larger than that of Kemal.

If, therefore, it is desired to come effectively to the assistance of the Armenians, there can be no doubt that it must be done not by sending a military expedition, or anything of that kind, but by giving to the Armenians the means of helping themselves. Without going into details, which it would be obviously improper at the present stage to discuss, the Committee is of opinion that for a comparatively moderate sum this object might be attained provided that the right man can be found for the purpose of directing the necessary assistance.

The Committee are glad to note that considerable efforts are being made in the United States to raise a fund which should be applied for purposes of this kind.

The expenditure of such a fund should obviously be controlled by someone having the confidence of the donors, and your Committee have some reason to believe that other material assistance would be available for any serious enterprise such as is indicated.

Unfortunately, the present session of the Assembly will have come to an end before any definite result has been reached and the Committee think it desirable that some agency of the League should remain in existence after the close of the Assembly, which would have full cognizance of all that has hitherto occurred and be able to keep in touch with further efforts in this direction.

They, therefore, recommend that the Assembly should ask the Council to reappoint a Committee as from the end of the present session of the Assembly. The Committee would naturally be left at liberty to reorganize its work in the way it thought best, having regard to the difficulty of frequent meetings of its members.

It is understood that the Committee would not be able in any way to pledge the responsibility of any Member of the League without their consent.

After some discussion, the report was disposed of in the following resolution (A. D. 265):

The Assembly, recalling its decision of November 22, 1920, will continue to co-operate with the Council which is intrusted with the

duty of safeguarding the future of Armenia, referring for advice, if it should be necessary, to the Members of the League. The Assembly notes that, in response to the initiative taken by the League, universal sympathy has already been shown for Armenia, and that Armenia has received offers of mediation on her behalf from President Wilson, Spain and Brazil.

XIII. SOVIET RUSSIA AND POLAND

Mr. Barnes (Great Britain) at the eighth meeting of the Assembly called attention "to the fact that nothing was said in the report of the Council or by M. Tittoni on the greatest question confronting Europe at the present time, namely, the threatened war between Soviet Russia and Poland. I protest against what I consider to be the policy of hush-up with regard to it." The President replied that Mr. Barnes should bring in a motion, if he wished. The following proposition was therefore introduced (A. D. 119, A):

That the Assembly request the Council to furnish them with full information as to the reasons which induced it to refrain from interfering to prevent hostilities between Poland and Soviet Russia last spring, and recommends to its earnest attention the possibility of a renewal of hostilities between those countries in the coming year.

The discussion took place at the 13th plenary meeting. Mr. Barnes said in part:

The purpose of that motion is not to divide this Assembly, but to get explanations of why intervention was not made in the war between Poland and Soviet Russia. Perhaps by way of opening the subject I may be allowed to give some reasons why, in my humble judgment, there should have been intervention. May I submit in the first place that it seems to me that even if there were no specific mandate in any one of the articles of the Covenant, yet the Council would have been justified in intervening by a consideration of the bare facts of the situation. Here was a war waged in an area in which peace is vital to the rest of Europe, and on the other hand, here are European peoples longing for peace. . . . But it seems to me that that understates the case for intervention, because, as a matter of fact there are, in some of the articles of the Covenant, specific mandates for the Council to interfere in cases of that kind. Let me read again the first sentence of Article 11 of the Covenant: "Any war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations." I submit that

the Council, by that article, came under a specific obligation to intervene. I admit that there may have been cases in which such action was not possible.

I think I can show that there have been occasions when intervention was possible, and, it seems to me, would have yielded good results. In fact, one such opportunity presented itself almost as soon as the Council got into its saddle. Last February the Soviet Government made a declaration that they had no wish or desire to fight Poland; they said they had recognized the Polish Republic, and that any causes of quarrels between the two peoples were capable of adjustment and that they were willing and anxious to adjust them. . . . About the middle of May the Soviet Government made a communication to the Council that the Poles were then making war without having given opportunity of negotiation, and that the Poles had seized Russian territory. I am not saying that these statements were true; they may have been untrue, but what I do say is that it appeared at all events that an opening was again afforded. . . . A month or two later the door seemed to be reopened. The Supreme War Council on that occasion intervened when Warsaw was in danger, and Warsaw was saved. It may be said that the Council of the League had no concern in that. I beg to differ. I think the Council might have done something to have created an atmosphere of impartiality. The average man in the street does not know much between one Council and another. He only knows that when Poland was carrying fire and sword outside of what appeared to be her legitimate borders, nothing was done, and when Warsaw was in danger, when the Soviet armies were at the gates of Warsaw, the Soviet hand was paralyzed and Warsaw was saved. These, I think, are circumstances which call for explanation. There can be nothing lost but everything gained by explanation, and it is because of that that I hope the explanation will be given.

M. Bourgeois, disclaiming authority to speak for the Council, gave the explanation of its attitude as one who had attended its meetings. In substance he said:

I would point out that neither Poland nor the Soviet Government asked the Council to intervene, nor did any other country do so, not even Great Britain, the country to which Mr. Barnes belongs. Why was it no one thought of doing so? Why was it the parties most concerned did not turn to the League of Nations for assistance? The reason was that people felt they could not ask the League of Nations to intervene when it was clear that its intervention would be of no avail, and perhaps even dangerous; dangerous because there was in the first place the danger of extending the conflict, and, secondly, because there was no chance of

getting the principle of our intervention accepted. At that time the Council of the League of Nations had, at the request of the Supreme Council, tried to carry out an inquiry in Russia. . . . Even moral intervention was rejected, and moral action is one of the greatest forces of the League of Nations. We have used it for states which are Members and states which are not Members of the League.

But it is said if the Soviets rejected our moral intervention, there were other ways of exercising pressure: There was the economic weapon. But what are the economic relations of the Soviets and the rest of the world? You will remember Mr. Lloyd George in the House of Commons, when referring to an invitation issued to the Soviets to attend a conference at Brussels, said their reply was couched in terms too unsatisfactory to allow us to hope that any successful results might accrue. If, then, the economic weapon was of no use, is it suggested that military intervention should be resorted to? Mr. Barnes will remember that our amendments at Paris, which endeavored to give the League of Nations a military weapon, were not accepted. It will be remembered that recently we were reduced to asking the great powers to help us with troops in order that we might determine the frontiers of Lithuania. Could we then have asked the same powers to intervene between Poland and Russia if we had wanted to do so? There was no need to ask the League of Nations to do so. But no one even thought of it.

The Council, in this first year of its existence, has been faced with great difficulties, and has done its duty, with the full consciousness of its responsibilities, and has acted invariably with unanimity. The Council will always take every opportunity of intervention and will act quite impartially, that is to say, if intervention can possibly be of any assistance.

What has been the method of the Council in its deliberations during the first year of its existence? . . . At its first hour of existence, the Council was the good workman, and said to itself, "I must first create my machinery, and set to work." Well, it created its machinery. The Council first of all organized the International Court of Justice, and, secondly, it brought into being certain special organizations which intimately concern the life of all the states of the world, and which allowed the whole body of the world, even at its extremities, to take cognizance of what happened. We, I maintain, have worked in a useful and practical way. Reference is often made to publicity, but I consider publicity should be a publicity of deeds, not merely of words. To accomplish these deeds we must create the work of justice and of peace. That, then, is our method; and through the ten sessions we have held we have not relaxed our efforts. We have worked hard, and to-morrow you will gather the fruits of our labors. We have worked in a spirit of una-

nimity, except in certain small points of detail. Ninety-nine times out of a hundred the decisions of the Council have been unanimous. This spirit of unanimity has shown itself, and the private interests of individual nations have subordinated themselves to it. I hope that the same spirit will be shown in this Assembly.

M. Paderewski spoke for Poland, detailing her difficulties, emphasizing her devotion to peace and disclaiming any implication of imperialism against her. He expressed a hope that the current pourparlers would lead to peace.

Dr. Nansen expressed gratitude to Mr. Barnes for raising the question and to M. Bourgeois for the explanation on behalf of the Council. He continued:

One point occurred to me during that explanation, namely, whether in April the opportunity did not occur for the Council to intervene, or at least to take some steps in the matter. It was in April that the Soviet Government applied to some very prominent and important powers, Members of the League, for intervention. These powers failed to intervene, and, as I understand it, the answer which the League received in May, the refusal to admit a commission, was partly based upon the failure of the League to intervene. I only want to point out this fact because I can not help thinking that if the Council had taken some steps at that moment it would have greatly helped the Polish situation and the Poles themselves. I am convinced that Poland as a Member of this League would certainly not have refused to comply with the request of the Council. I see perfectly well, as I am sure we all do, the enormous difficulties connected with any kind of intervention; but I can not help thinking that if matters had been discussed just at that moment Europe would be different at this time. It was said by M. Bourgeois that no Government asked for intervention, and it may be that that is the real target for criticism, and not the Council of the League.

The President concluded the debate by saying: "I wish to point out in agreement with Mr. Barnes that his motion was not really a motion that called for a vote, but was merely put in the shape of a question which would call for explanations on the subject. I think the purpose of this motion has been achieved. **It has certainly enlightened the Assembly.**"

APPENDIX

DELEGATIONS TO THE FIRST ASSEMBLY

*Argentine Republic*¹—Honorio PUEYRREDON, minister, state secretary of foreign affairs and of public worship; Marcelo T. de ALVEAR, minister to France; Fernando PEREZ, minister to Austria.

Australia—E. D. MILLEN, senator and minister of state for repatriation.

Belgium—Paul HYMANS, minister of state, member of the Chamber of Representatives; Prosper POULLET, member and former president of the Chamber of Representatives; Henri LA FONTAINE, vice-president of the Senate.

Bolivia—Felix Avelino ARAMAYO, Florian ZAMBRANA, Franz TAMAYO.

Brazil—Rodrigo OCTAVIO Langaard de Menezes, under secretary of state for foreign affairs; M. Gastão da CUNHA, ambassador to France; Paul FERNANDES, deputy.

Canada—Sir George Eulas FOSTER, member of His Majesty's most honorable Privy Council, G. C. M. A., B. A., minister of commerce; Charles Joseph DOHERTY, member of His Majesty's most honorable Privy Council, K. C., D. C. L., minister of justice for Canada; Newton Wesley ROWELL, member of the King's Privy Council for Canada, K. C.

Chile—Antonio HUNEEUS Gana, envoy extraordinary and minister plenipotentiary, and Manuel RIVAS VICUÑA, envoy extraordinary and minister plenipotentiary.

China—V. K. WELLINGTON KOO, minister to Great Britain, and TANG Tsai-Fu, minister to the Netherlands.

Colombia—A. J. RESTREPO, delegate plenipotentiary.

Cuba—Aristides AGUERO y Betancourt, envoy extraordinary and minister plenipotentiary at Berlin; Raphael Martinez ORTIZ, envoy extraordinary and minister plenipotentiary at Paris; Ezequiel GARCIA y Ensenat, envoy extraordinary and minister plenipotentiary at Rome.

Denmark—Herlup ZAHLE, envoy extraordinary and minister plenipotentiary at Stockholm; L. J. MOLTESEN, member of the Folketing; Peter Rochegune MUNCH, member of the Folketing.

Great Britain—A. J. BALFOUR, O. M., M. P.; H. A. L. FISHER, M. P.; G. N. BARNES, M. P.

Spain—Salvador Bermudez de Castro y O'Lawlor, Marquis of LIMA, minister of foreign affairs; José QUIÑONES DE LEON y de Francisco Martin, ambassador at Paris, representing Spain in the Council of the League of Nations; Emilio de PALACIOS y Fau, envoy extraordinary and minister

¹The Argentine delegation did not participate in the work of the Assembly after December 2.

plenipotentiary, under secretary of state for foreign affairs; assistants: Gil DELGADO, resident minister, and M. YANGUAS, professor at the University of Madrid.

France—Léon BOURGEOIS, president of the Senate, representing the Republic of France on the Council of the League of Nations; René VIVIANI, deputy, former president of the Council of Ministers; Gabriel HANOTAUX, member of the French Academy, former minister of foreign affairs.

Greece—Nicolas POLITIS, minister of foreign affairs; Demetrius CACLAMANOS, minister at London; Mikael KEBEDGY, minister at Bern.

Guatemala—Manuel BALLADARES R., envoy extraordinary and minister plenipotentiary at Paris; Manuel ARROYO, envoy extraordinary and minister plenipotentiary at London; Julio HERRERA, confidential agent in France.

Haiti—Tertullien GUILBAUD, envoy extraordinary and minister plenipotentiary at Paris; Auguste BONAMY, president of the Court of Cassation of the Republic; Frédéric DOREL, civil mining engineer.

India—Sir William Stevenson MEYER, G. C. I. E., K. C. S. I., high commissioner of India; Lieutenant-Colonel, S. S. Maharaja Jam Sir Ranjitsinhji, G. B. E., K. C. S. I., JAM SAHEB of NAWANAGAR; Sir Saiyid ALI IMAM, K. C. S. I., former member of the Executive Council of the Province of Bihar and Orissa.

Italy—Tommaso TITTONI, president of the Senate, minister of state, honorary ambassador of S. M.; M. NICOLA, president of the Chamber of Deputies; Professor IVANOE BONOMI, minister of war, deputy to the Parliament.

Japan—Baron Gonsuke HAYASHI, Josammi, ambassador extraordinary and plenipotentiary at London; Viscount Kikujuro ISHII, Josammi, ambassador extraordinary and plenipotentiary at Paris; Baron Tanetaro MEGATA, Josammi, delegate from the Empire of Japan.

Liberia—Baron R. LEHMANN, chargé d'affaires at Paris.

Nicaragua—Carlos A. VILLANUEVA, chargé d'affaires at Paris.

Norway—F. HAGERUP, envoy extraordinary and minister plenipotentiary at Stockholm; O. A. BLEHR, prefect, former minister of state; F. NANSEN, professor at the University of Christiania.

Panama—Narciso GARAY, envoy extraordinary and minister plenipotentiary; Harmodio ARIAS, envoy extraordinary and minister plenipotentiary.

Paraguay—Hector VELASQUEZ, envoy extraordinary and minister plenipotentiary.

The Netherlands—M. Jonkheer van KARNEBEEK, minister of foreign affairs; Jonkheer LOUDON, envoy extraordinary and minister plenipotentiary at Paris; M. FOCK, governor-general of the Dutch Indies; substitutes: M. STRUYCKEN, member of the Council of State; M. LODER, counsellor at the Court of Cassation; M. Jonkheer van EYSINGA, professor of international law at the University of Leyden.

New Zealand—Sir James ALLEN, High Commissioner of New Zealand.

Peru—Mariano H. CORNEJO, envoy extraordinary and minister plenipotentiary at Paris; Francisco Garcia CALDERON, envoy extraordinary and minister plenipotentiary in Belgium [succeeding Señor CORNEJO from December 3]; Anselmo BARRETO, and Heliodoro ROMERO.

Persia—His Highness the Prince ARFA ed Dowleh, ZOKA ed Dowleh, minister at Bern.

Poland—I. J. PADEREWSKI, minister plenipotentiary, first class, former president of the Council; Professor S. ASKENAZY, minister plenipotentiary.

Portugal—Affonso COSTA, former president of the Council, president of the Delegation; Joao CHAGAS, former president of the Council, minister in France; Colonel Freire d'ANDRADE, former minister of foreign affairs.

Rumania—N. TITULESCO, minister of finances; Professor Thomas JONNEȘCO; Professor D. NEGULESCO.

Salvador—J. Gustavo GUERRERO, envoy extraordinary and minister plenipotentiary in Italy and Spain; Pedro J. MATHEU, chargé d'affaires in France; Arturo Ramon AVILA, chargé d'affaires in Great Britain.

Serb-Croat-Slovene State—Miroslav SPALAIKOVICH, envoy extraordinary and minister plenipotentiary; Jean ZOLGER, professor at the University of Ljubljana; Ladislav POLICH, professor at the University of Zagreb.

Siam—PHYA BIBADH KOSHA, envoy extraordinary and minister plenipotentiary; Prince CHAROON, envoy extraordinary and minister plenipotentiary; His Excellency PHYA BURI NAVARASTH.

South Africa, Union of—Sir Reginald Andrew BLANKENBERG, K. B. E., and the Right Honorable Lord Robert CECIL, K. C., M. P.

Sweden—Karl Hjalmar BRANTING, former president of the Council of ministers; Baron Erik Teodor MARKS DE WURTEMBERG, former minister; Ernst TRYGGER, former judge of the Supreme Court, member of the First Chamber; substitutes: Jonas E. LOFGREN, former minister, member of the Second Chamber; Baron Axel Teodor ADELWARD, former minister; Madame Anna BUGGE-WICKSELL, licentiate in law.

Switzerland—Guiseppe MOTTA, President of the Swiss Confederation; Gustave ADOR, former President of the Swiss Confederation; Paul USTERI, deputy of the States to the Council.

Czecho-Slovakia—Edouard BENES, minister of foreign affairs; S. OSUSKY, envoy extraordinary and minister plenipotentiary in France; Cyril DUSEK, envoy extraordinary and minister plenipotentiary in Switzerland.

Uruguay—Juan Carlos BLANCO, envoy extraordinary and minister plenipotentiary in France; Benjamin FERNANDEZ Y MEDINA, envoy extraordinary and minister plenipotentiary in Spain.

Venezuela—Manuel DIAZ RODRIGUEZ, former minister of foreign affairs; Santiago KEY-AYALA, former counsel to the minister of foreign affairs; Diogenes ESCALANTE, former deputy to the Parliament.

THE WORLD AND THE LEAGUE

I. MEMBERS OF THE LEAGUE OF NATIONS

	Population 000's omitted	Net Revenue Pre-War	Net Expense Post-War	Net Revenue Post-War	Foreign Trade 1913	Foreign Trade 1919
(Millions of \$)						
Albania	1,000	—	—	—	—	—
Argentina	8,416	157.0	173.7	171.3	431	681
Australia	5,145	232.1	615.6	291.0	745	882
Austria	6,076	—	298.7	185.9	—	*42.4
Belgium	7,560	80.1	909.4	318.6	1596	796
Bolivia	2,960	8.6	15.0	12.2	60	74
Brazil	30,553	173.8	132.5	123.7	645	893
Bulgaria	5,518	53.1	95.5	26.2	54.6	47
Canada	8,835	163.2	777.1	304.9	1095	2059
Chile	4,127	86.1	76.0	70.8	265	360
China	302,000	261.8	451.1	399.9	710	1776
Colombia	5,800	16.6	22.0	22.0	60	49
Costa Rica	455	3.5	4.1	4.2	18.9	13.4
Cuba	2,899	37.9	44.8	53.1	301	654
Czecho-Slovakia	13,770	217.9	356.3	265.1	407	406
Denmark	3,250	32.7	133.5	94.4	390	638
Finland	3,325	21.7	469	36.2	193	156
France	38,500	885.7	4810.4	2064.3	3059	4026
Greece	7,500	27.0	309.4	88.5	57	356
Guatemala	2,250	4.0	2.6	3.7	24	14.8
Haiti	2,525	5.8	3.1	3.1	7.6	3.3
Honduras	606	2.1	2.6	2.6	8.4	11.6
India	327,000	289.9	657.2	673.3	1540	2306
Italy	38,130	540.5	2414.0	800.7	1253	1849
Japan	58,000	337.4	569.1	470.8	675	2094
Liberia	954	.5	.3	.3	2.2	2.2
Luxemburg	260	4.0	8.7	11.2	—	—
Netherlands	6,831	81.9	289.5	234.0	2814	1611
New Zealand	1,180	38.9	197.5	81.9	206	337
Nicaragua	750	3.8	2.1	2.9	13.5	13.7
Norway	2,658	31.9	130.0	116.7	253	661
Panama	460	4.0	7.3	7.3	16.3	13.0
Paraguay	1,020	4.3	4.5	4.4	13.4	9.3
Persia	10,000	7.2	—	—	98	111
Peru	7,200	16.5	27.2	27.2	73	122
Poland	24,200	259.3	522.5	107.6	691	—
Portugal	6,130	70.6	96.7	42.6	134	132
Rumania	16,000	250.1	234.8	64.9	352	128
Salvador	1,365	5.0	7.0	6.9	15.2	15.3
Serb - Croat - Slovene State	12,000	152.0	99.7	45.8	146	191

	Population 000's omitted	Net Revenue Pre-War	Net Expense Post-War	Net Revenue Post-War	Foreign Trade 1913	Foreign Trade 1919
		(Millions of \$)				
Siam	9,022	27.6	34.9	28.5	77	84
South Africa	7,225	71.5	167.7	117.6	331	384
Spain	20,784	247.7	458.6	351.6	456	429
Sweden	5,847	62.0	214.8	196.9	446	945
Switzerland	3,980	61.6	189.1	102.1	636	1231
United Kingdom	46,943	844.8	5627.6	5627.6	5762	9340
Uruguay	1,450	35.9	42.5	39.3	87	193
Venezuela	2,884	13.0	8.0	8.0	44	30

II. MEMBERS OF TECHNICAL ORGANIZATIONS

Esthonia	1,750	—	71.4	14.7	—	211.2
Latvia	2,522	—	60.7	46.1	—	13.9
Lithuania	4,500	—	40	34.4	—	85.7
Georgia	3,500	25.5	—	—	—	—

III. MEMBERSHIP APPLICATIONS PENDING

Armenia	1,500	—	—	—	—	—
Azerbaijan	4,620	—	—	—	—	—
Hedjaz	300	—	—	—	—	—
Iceland	85	—	—	—	—	—
Liechtenstein	12	—	—	—	—	—
Monaco	23	—	—	—	—	—
San Marino	12	—	—	—	—	—
Ukraine	46,000	—	—	—	—	—

IV. NONMEMBERS OF THE LEAGUE

Abyssinia	10,000	—	—	—	10	12
Andorra	5	—	—	—	1.3	.5
Dominican Republic.	725	5	4.4	4.4	19.6	40
Ecuador	2,000	10.2	8.2	8.2	24.4	26.4
Germany	60,282	879.6	1540.5	660	4974	1879
Hungary	7,300	—	808.4	4215	—	—
Mexico	15,502	64.5	75.8	72.7	313	287
Russia (not otherwise identified)	108,000	—	—	—	—	—
Turkey	8,000	—	24.6	19.2	—	—
United States	105,708	1046	6142	6704	4223	11,655

A CONTRAST

The following table is an analysis of the disbursements of the United States for the fiscal year ending June 30, 1920, as shown by the report of the Secretary of the Treasury.

CLASS I

DISBURSEMENTS RELATING TO WAR 86.4%

1. Army and Navy

(Annually recurring)

War Department civil establishment.....	\$8,734,269.52	
Navy Department civil establishment.....	2,797,152.07	
War (military).....	1,027,225,248.01	
War (miscellaneous civil, not including rivers and harbors).....	17,735,023.80	
Navy (military).....	629,893,115.87	<u>\$1,686,384,809.27</u>

2. Cost of Past Wars

(Annually recurring)

War Risk Insurance.....	\$234,957,059.07	
Pensions.....	213,344,204.11	
Interest on debt.....	1,024,024,440.02	<u>1,472,325,703.20</u>

3. Cost of Past Wars

(Steadily diminishing)

European relief.....	\$93,236,117.80	
Federal control, telephone and telegraph...	12,018,557.68	
Federal control, transportation.....	1,038,614,901.18	
Board of Vocational Education.....	34,984,423.90	
Shipping Board.....	467,701,047.69	
War Trade Board.....	273,875.82	
War Industrial Board.....	16,669.66	
Committee on Public Information.....	351,711.76	
Alien Property Custodian.....	803,945.08	
Bituminous Coal Commission.....	21,258.68	
War Labor Administration.....	190,371.27	
Food and Fuel Administrations.....	120,127.41	<u>1,648,333,007.93</u>

4. Payments Provided For

(Charges not of nature of expense items or understood not to represent actual payments during the fiscal year 1919-1920)

Wheat guaranty fund.....	\$350,000,000.00	
War Finance Corporation.....	150,000,000.00	<u>\$500,000,000.00</u>
Total, war purposes.....		<u>\$5,307,043,520.40</u>

CLASS II

OTHER DISBURSEMENTS 13.6%

All civil government (except for the postal service, payable from postal revenue) ..		<u>834,701,719.68</u>
Total disbursements.....		<u>\$6,141,745,240.08</u>

A LEAGUE *of* NATIONS

Vol. IV, No. 2

April, 1921

“The Staggering Burden of Armament”

Published Bimonthly by the
WORLD PEACE FOUNDATION
40 Mt. Vernon Street, Boston
Price, 5 cents; 25 cents per year

World Peace Foundation

Boston, Massachusetts

FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

*Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

A LEAGUE OF NATIONS

Published Bimonthly by

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“THE STAGGERING BURDEN OF ARMAMENT”

“We are ready to co-operate with other nations to approximate disarmament, but merest prudence forbids that we disarm alone.”

Thus spoke President Harding on April 12, 1921, in opening the first session of the Sixty-seventh Congress, putting his Administration at its outset in line with an historical American policy, and showing that he was fully conscious of the responsibility devolving upon the United States. Speaking just a week later before the statue of Bolivar in New York City he recalled the attention of the Americas to the fact that progress made toward judicial and arbitral settlement of international differences by the American nations “presents an example well worthy of earnest consideration and affords us an assurance which will justify our purpose to invite present-day civilization to cast aside the staggering burden of armament.”¹

Among the clearest results of the war are, first, the decrease in number of the nations with competing armaments, and, second, the concentration of responsibility for armaments upon a few of the victorious nations. The financial ability of the United States to lead in this competition and the present extent of its naval program place upon it a tremendous responsibility for the intolerable burden which it thereby forces upon an exhausted civilization.

There is only one way to carry out the President's purpose, the calling of an international conference.

A conference to reduce armaments will undoubtedly find that its most fruitful opportunities for sound results will lie in the direction of limiting the use of armaments. As methods of pacific settlement of international disputes have increased, it has long been the expectation of peace lovers to see them have a definite effect upon the recognized needs of armament. War and the necessity for it should decrease proportionately to the

¹On the policy of the United States, see “Milestones of Half a Century,” *League of Nations*, I, 9-42.

development of other means of settling disputes. Here again the United States has a long and honorable history from which lessons can be drawn.

The armament problem is viewed internationally in the following pages. Illustrative facts and figures are, to be sure, largely drawn from national sources; but their purpose is to illuminate international conditions, not to present an argument for national reduction independent of other nations nor to suggest that the problem is of greater importance to the United States than to other countries.

I. THE DOOM OF THE TAXPAYER

The financial aspect of armament may properly be first considered in connection with the World War. The total direct costs of the war, not counting interest charges, is officially given at \$186,000,000,000 for all belligerents. The capitalized value of human life destroyed, soldiers and civilians, on a conservative basis is given as \$67,102,552,560. The claims for damages against Germany, constituting part of the price she pays for the privilege of using her armament, preferred under the treaty of Versailles by the parties thereto as officially reported to the Reparation Commission, but without review, was \$47,639,092,718, or about a billion a month for the duration of the war. Shipping and cargo losses are given as \$6,800,000,000; loss of production at \$45,000,000,000; war relief and loss to neutrals at \$2,750,000,000.¹ These figures total \$355,291,719,815.

It may roughly be said that \$350,000,000,000 is the financial handicap that the world has taken on since 1914.

The loss of life is given in a compilation of the Danish Research Society on the Social Results of the War as follows:

	Dec. in Birth Rate	Loss Through Inc. of Death Rate	Among Those Killed in War	Total Loss
Germany.....	3,600,000	2,700,000	2,000,000	6,300,000
Austria-Hungary.....	3,800,000	2,000,000	1,500,000	5,800,000
Great Britain, Ireland...	850,000	1,000,000	800,000	1,850,000
France.....	1,500,000	1,840,000	1,400,000	3,340,000
Belgium.....	175,000	200,000	115,000	375,000
Italy.....	1,400,000	880,000	600,000	2,280,000
Bulgaria.....	155,000	120,000	65,000	275,000
Rumania.....	150,000	360,000	150,000	510,000
Servia.....	320,000	1,330,000	690,000	1,650,000
Russia and Poland.....	8,300,000	4,700,000	2,500,000	13,000,000
Totals.....	20,250,000	15,130,000	9,829,000	35,380,000

¹Ernest L. Bogart, Direct and Indirect Costs of the World War, 299. In the English House of Commons on December 20, 1920, Mr. Lloyd George, replying to Sir A. Shirley Benn, said the Government were considering whether a return showing the cost of the Great War to each nation which had been engaged in it could be compiled without labor or expense disproportionate to its value. Sir

The worst of these percentages is not their size. The worst of it is that these post-war figures would only be cut about 15 per cent, if the world returned to its former habits. The United States, which just now is setting the pace in armament competition used to spend more than 70 per cent of its total annual budget for war purposes, not in a single year only, but on the basis of the running of the government since 1870. Here are the figures:

EXPENDITURES FOR ARMED PEACE AND WAR

	1870-1916 Omitting Spanish- American and World Wars 47 years	1870-1919 Including Spanish- American and World Wars 50 years
Army	\$3,956,346,000	\$19,334,031,000
Navy	2,594,530,000	6,229,612,000
Interest	2,445,865,000	3,294,001,000
Pensions	4,906,803,000	5,469,874,000
	<hr/>	<hr/>
	13,913,544,000 = 71.5	34,327,578,000 = 76.4
All other purposes ..	5,543,727,000 = 28.5	10,672,148,000 = 23.6
	<hr/>	<hr/>
Total	\$19,457,271,000 = 100.0	\$44,937,065,000 = 100.0

The burden of this debt brings it about that every belligerent has such staggering taxation as to hamper all the processes of national and individual life. For the first time in history a nation, dismembered Austria, has gone into the hands of a receiver. Moreover, eleven out of twelve European states, even with tremendous taxation are spending far beyond their income, and three out of four countries in the world are unable to raise the taxes to meet their running expenses. The United States, widely heralded as the richest nation in the world, this year shows an estimated Treasury deficit of \$2,005,037,000 and in 1922 of \$1,448,581,000,¹

A. Shirley Benn.—Is the right honorable gentleman aware that it is reported that there were 30,000,000 casualties, including 9,000,000 deaths, and that the cost amounted to £50,000,000,000 direct and £67,000,000,000 indirect, and would it not be advisable to have an authoritative statement to hand down to future generations, so that they might know what war meant? Mr. Lloyd George.—These figures are substantially accurate. I agree it would be very desirable, if possible, to get full returns, but it does not depend entirely upon this country. It involves investigations abroad, and in some countries where the losses were very heavy the return would be, at the best, conjecture. In Russia, Austria, and Turkey we could not get anything like accurate estimates.

¹Annual Report of the Secretary of the Treasury, 1920, 278.

GROWTH OF MILITARY AND NAVAL EXPENDITURE, 1872-1921

Country	1872	1912	1921	1912 percentage of increase based on 1872	1921 percentage of increase based on 1872
Austria-Hungary.....	\$51,081,000	\$130,557,000	.....	155%	.....
France.....	111,073,000	259,349,000	\$1,316,130,000	133%	1085%
Germany.....	71,824,000	312,967,000	.....	335%	.....
Great Britain.....	125,461,000	351,044,000	1,121,318,000	180%	794%
Italy.....	43,971,000	125,143,000	126,52,7000	185%	188%
Russia.....	118,330,000	371,871,000	.....	214%	.....
United States.....	56,621,000	244,177,000	1,422,752,000	331%	2413%
Totals.....	\$578,361,000	\$1,795,108,000		210%	

taking into account as part of expenditures refunding operations of the fiscal periods. In Europe the situation is so bad that any nation which can even approach normal conditions of solvency regards that as a triumphal accomplishment.

Italy, for instance, after a herculean effort at paring down national expenses proudly announces that this year's deficit has been cut from 14,000,000,000 lire to 10,000,000,000; and the cabinet got a vote of confidence as a result.

The United States is but little better off than Europe. The year after the war, Congress appropriated 92 per cent of the total allotment of money for the year ending June 30, 1920, for purposes of war, leaving eight per cent for the rest of the Government. By a certain amount of luck and a slight disposition toward economy the expenditures fell below the appropriation and the percentage of disbursements for that year was 86.4 per cent for war purposes and 13.6 per cent for the normal activities of civilization.

Meantime, the army and navy had acquired billion dollar habits, and the percentages since then stand as follows:

CURRENT FINANCIAL CONDITION OF THE UNITED STATES

By the United States Bureau of Efficiency¹

	1921 Appropriations	1922 Estimates
Past wars.....	\$2,838,118,400 ² = 67.9%	\$1,794,575,915 = 44.10%
National defense (Army and Navy)...	<u>855,956,962 = 20.5%</u>	<u>1,548,025,312 = 38.05%</u>
Total, past wars and present defense.....	3,694,075,362 = 88.4%	3,343,601,227 = 82.15%
General purposes (ex- cept Post Office)....	<u>481,744,726 = 11.6%</u>	<u>725,848,630 = 17.85%</u>
Total for all purposes (except Post Office).	\$4,175,820,088 = 100.00	\$4,068,449,857 = 100.00

It is a notable fact that after every war expenditures for military and naval purposes have tended to rise. The reason is not far to seek. The "experts" who before the war explained that their current weapons were absolutely necessary, on emerging from a

¹Prepared from table of the U. S. Board of Efficiency, Hearings before Committee on Foreign Relations on H. J. Res. 424, 43.

²Includes cost of Federal Control of Railroads in 1921.

war, discover that much of the armament they went in with was a broken reed. The guns did not shoot far enough, the ships were not big enough: and expenses take another jump. A war in which a nation is an onlooker has the same effect. And so, after conflict, “the danger of bleeding to death in time of peace” is increased. The World War is no exception to the rule, as witness these figures:

GROWTH OF ARMAMENTS AFTER WAR

Country	ARMY		NAVY	
	1912	1921 ¹	1912	1921 ¹
Belgium	\$13,119,000	\$107,823,000	No navy	
France	177,656,000	1,148,331,000 ²	81,693,000	167,799,000 ²
United King.	134,850,000	710,713,000 ³	216,194,000	410,605,000
Italy ⁴	83,284,000	80,815,000	41,859,000	45,712,000
Japan	47,066,000 ⁵	106,285,000	46,510,000 ⁵	176,072,000
United States	107,787,000	771,530,000 ⁶	136,390,000	651,222,000 ⁶

A member of Congress has figured about the same thing for the United States in the terms of the cost per capita of the army, based on the army appropriation bills. These comparative figures follow:

¹Values of foreign money in dollars calculated on a gold basis, as most nearly representing the burden upon the populations affected.

²Figures for year 1920.

³Including air force.

⁴Figures for fiscal years 1912-13 and 1919-20.

⁵Figures for the fiscal year 1912-13.

⁶Estimates of expenditures, Annual Report of the Secretary of the Treasury, 1920, 275. In correspondence with the Federal Council of Churches of Christ in America, the Secretary of War under date of November 5, 1921, affirmed to the Secretary of State that the appropriations for the United States Army for the year affected amounted to \$542,583,829.96 and the Secretary of the Navy under date of November 4 stated that the total appropriation for the year was approximately \$787,852,000 of which \$536,605,000 was said to have been expended for naval purposes. The report of the Director of the Bureau of the Budget submitted to Congress on December 5, 1921, gives “actual expenditures, 1921” under the two departments as follows: War, \$1,101,615,013.32; Navy, \$650,373,835.58. The figures are on the basis of daily Treasury statements (Annual Report of the Secretary of the Treasury, 1921, 154). Ordinary disbursements (page 521) were: War Department, \$557,168,810.31; Navy Department, \$644,278,808.64.

COST OF ARMY PER CAPITA¹

Fiscal Year Beginning	Officers and Enlisted Men	Army Appropriations	Per Capita Cost
1909	84,133	\$94,371,000	\$1,121
1910	84,500	100,459,000	1,189
1911	81,363	95,341,000	1,171
1912	87,094	92,587,000	1,063
1913	91,384	90,907,000	99½
1914	94,890	94,241,000	993
1915	103,403	101,019,000	976
1916	105,120	101,959,000	969
1917	141,420	267,801,000	1,893
1918	1,358,713	1,358,713,000	3,863
1919	2,516,719	12,271,868,000	4,876
1920	294,015	772,324,000	2,630
1921	187,946	392,558,000	2,088

It is perhaps neither new nor startling to learn that armies have been steadily increasing in size, but the progress toward the military system of universal draft in case of hostilities is not unenlightening. In the following table the years 1800, 1854 and 1870 indicate the current effects of the Napoleonic, Crimean and Franco-Prussian wars. The later years were periods of peace. It will be noticed that in 1921 Germany and Austria had both ceased to be what they long had been, the European pivot of the armament race.

GROWTH OF STANDING ARMIES

	1800	1854	1870	1880	1900	1906	1921
Great Britain,	169,428	417,046	302,405	307,494	513,863	445,731	425,000
France,	160,230	260,000	393,500	609,983	672,365	677,581	735,000
Austria,	280,000	539,000	800,000	291,876	375,291	409,638	22,000
Russia,	433,000	677,000	733,000	947,000	1,119,000	1,225,000	1,500,000 ²
Germany,	220,000	127,000	315,000	427,000	495,000	610,000	150,000 ³
United States,	5,000	10,000	54,000	25,000	65,000	67,000	222,000 ⁴

¹Congressional Record, April 30, 1921, 849.

²Probably not efficient as compared with other armies.

³Since reduced to 100,000, in accordance with the terms of the treaty of Versailles.

⁴The figures for 1921 were given out by the War Department on February 16.

II. THE TERRORS OF WAR

The world has just been through a war, a World War, widely and officially called impossible before it happened. A next war will start in where that one left off, plus the advantages of military experience in the interval. To depict that next conflict,¹ if or when it comes, is a fascinating temptation to a vivid imagination. To him who yields to that temptation, only one thing is certain: he will fall short of the mark.

To summarize this past war is a sufficient forecast of these conflicts of the "absolute" type, to use the phrase of Clausewitz, the standard school master of military theory. General Tasker H. Bliss, who was the American member of the Supreme Military Council directing the operations of all Allied armies and then a member of the American Commission to Negotiate Peace, summarizes the situation thus:

"First. It is a world war, such as we have just passed through, which is necessarily one involving the great civilized powers that constitutes a menace to our existing civilization.

"Second. Such a war depends upon a few so-called powers.

"Third. A war between any two of them, which formerly created relatively only a ripple on the surface of the great deep, now has an irresistible tendency to draw them all into the roaring maelstrom.

"Fourth. To meet this, these few nations must stagger under an increasing burden during years of armed peace solely to train what, if we can find some other method satisfactory for our purpose, is an unnecessary number of men in purely destructive arts; and to accumulate enormous quantities of costly material which does not add a penny to our permanent wealth, and which when used for the only purpose for which it can be used is finally represented by an atmosphere of stinking gas and by the destruction of every form of real and otherwise permanent wealth.

¹"The Next War" by Will Irwin is announced for immediate publication by E. P. Dutton Company.

"Fifth. Such wars, resulting in the application of every ounce of accumulated energy on both sides, must result in the practical destruction of one by the other, even if both are not ruined.

"Sixth. Such wars, necessarily characterized by an intensity of national passions heretofore unknown, come to be regarded by each side as wars for life or death, in which each, to save his life, and destroy his adversary, will use every agency of destruction available to him; and, therefore, such agencies as the absolute blockade to starve people who heretofore were regarded as noncombatants, noxious and toxic gases, night and day bombing of cities from airplanes, the submarine, have come to stay until replaced by more destructive agencies.

"Seventh. Various causes will operate to draw neutrals into the struggle.

"Eighth. When such war comes it will be without warning and everyone must be ready.

"Ninth. All of this is due to the acceptance by a few governments of the military doctrine of the nation in arms; to their belief that no way can be found to guarantee their rights except universal preparedness, no guaranty against a general war except a general preparation for it.

"And lastly, with all that staring us in the face, the fact that after the last ounce of strength has been accumulated and the last combination of the powers has been made, one side or the other must strike or forfeit every dollar and every hope bound up in its preparation."¹

In such a war there will be no "first hundred thousand." General Pershing furnishes this testimony as to numbers: "It is evident that a force of about 1,000,000 is the smallest unit which in modern war will be a complete, well-balanced and independent fighting organization."²

¹Hearings before the Committee on Naval Affairs, House of Representatives, 66th Congress, 3rd sess., 553.

²Letter of July 11, 1917, covering general organization project for American Expeditionary Forces, Final Report of General John J. Pershing, 8.

NO ESCAPE FOR ANYONE

War is not only colossal in scale and scope henceforth, but it is three-dimensional, whether you view it as military or naval, or take the point of view of the civilian. On land, war is already conducted on, above and under the ground. At sea it is on, above and under the water. Back home, the sons go to the front, civilians turn their industries over to war purposes, and everybody bends every effort to fight the enemy with literally all weapons from dollars to bread crumbs. The noncombatant has been abolished, and war projects itself in time of peace into every nook and cranny of the industrial world in preparation for the next outbreak of hostilities.¹

The next war will not confine itself to trenches in devastated France. Its impact will not be only on those within range of the guns, even though that range has risen to scores of miles. For every man on the firing line there are four at home furnishing equipment of all kinds to him. But even if that were not true and the distinction between combatant and noncombatant therefore as valid as it used to be, the mobility of warlike operations has so increased that military objectives have completely changed. Aircraft, traveling under ordinary conditions above 100 miles an hour on tracks of their own choice, are responsible for the expansion of warfare to include potentially every human being in the countries at war.

"Gas bombs," said Brig. Gen. William Mitchell, before the House Committee on Naval Affairs, **"were not used in**

¹The duties of the Council of National Defense, established by act of August 29, 1916, and intended to function permanently, are:

"To supervise and direct investigations and make recommendations to the President and heads of executive departments as to the location of railroads with reference to the frontier of the United States, so as to render possible expeditions, concentration of troops, and supplies to points of defense; the co-ordination of military, industrial and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of sea-going transportation; data as to amounts, location, method and means of production and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation."

Europe, because if one side had started it the other side would have started it and the loss of life among women and children in the back areas would have been terrific. However, that is contemplated as a possible use of the airplane in the future, and we find . . . that we can use certain amounts of certain gases for covering areas and that the gas will continue to be effective for a period of time. If we want to cover an area of ten miles by ten miles such as New York is—New York is a very easy target—we may use about two tons of crying gas once in every eight days. If you want to use mustard gas you would use about 70 tons once in every eight days; if you want to use phosgene gas, 200 tons. This, of course, is very deadly.”

WHAT THE NEW GAS DOES

And this is the latest, the quotation being from D. B. Bradner, chief of the Chemical Research and Development Division, United States Chemical Warfare Service:

“The Chemical Warfare Service has discovered a liquid approximately three drops of which, when applied to any part of the skin, will cause a man’s death . . . One plane carrying two tons of the liquid could cover an area 100 feet wide by seven miles long in one trip and could deposit material to kill every man in that area by action on his skin. If the men were not protected by gas masks, which would be the case if the attack were made on a city, the fatal area would be several times as great. . . . The only limit to the quantity of this liquid which could be made is the amount of available electric power, as nearly every nation has practically an unlimited supply of the necessary raw materials. It would be entirely possible for this country to manufacture several thousand tons per day, provided the necessary plants had been built. . . . During the Argonne offensive in the past war the entire first American army of a million and a quarter men occupied an area of 40 kilometers long by 20 kilometers wide. If Germany had had 4000 tons of this material and three or four hundred planes equipped for its distribution the entire first army would have been annihilated in ten to twelve hours. . . . During the past

war, gas produced over 30 per cent of our casualties. In the future the percentage will be far higher. New methods of defense will be devised to meet this particular new development."

In another passage, he speaks of the possibility of providing protective clothing "which will entirely cover the wearer and be impervious to this liquid, still allowing water vapor to pass through; . . . but the problem is an extremely difficult one and it is probable that several years will be required to develop such a material, if it is possible to do so at all."¹

WHAT SCIENCE WILL DO

The gas referred to was invented by W. Lee Lewis, head of the chemistry department of Northwestern University, in a series of experiments costing \$250,000 and conducted during the war by direction of the President. Speaking at West Point on April 20, Professor Lewis is reported as saying:

"We face the possibility in the naval warfare of the future of armor-piercing, toxic and tear shells, smoke screens, toxic smoke clouds and invisible toxic fumes. We also may consider in this connection parallel defensive measures, such as a gas mask for a whole battleship. Gas weapons are capable of a much finer adaptation to purpose than explosive weapons and the future will see worked out a great degree of scientific refinement in the development of gas weapons for all types of military operations. Future battles will not be to the strong, but to the superior in intelligence. Warfare will become less a matter of brute strength and relative man power, and more and more a matter of scientific acumen."

It is considering such probabilities as that which leads General Pershing to say:

"It would appear that recent experiences should be enough to convince everybody of the danger of a renewal of this competition. But one nation can not reduce armaments unless all do. It is time that enlightened people everywhere should undertake to reach some rational agreement which would not only relieve the world of its heavy financial burden, but which in itself would go far toward the prevention of war. We are not a warlike people.

¹Hearings before the Committee on Naval Affairs, 711-712.

We do not wish to expand at the expense of any other nation, and we have no designs on anybody. If other people feel the same toward us and toward each other, it seems unreasonable that they should be unwilling to consent in principle to some limitation of armaments, to be carried out when certain nations succeed in establishing stable governments, and are willing to recognize the wisdom of such a course. **Otherwise, may we not seriously ask ourselves whether civilization is a failure, and whether we are to regard war as a normal and unavoidable scourge that mankind must suffer?"**¹

¹Hearings before the Committee on Naval Affairs, 601.

III. AMERICAN POLICY DEMANDS AN INTERNATIONAL CONFERENCE

"In some future years," said Sir Edward Grey in accepting the American invitation of 1911 to negotiate an unlimited arbitration treaty, "the great nations of the world may discover, as individuals have discovered, that law is a better remedy than force, and that, in all the time they have been in bondage to this tremendous expenditure, the prison door has been locked on the inside."

That is the exact truth, and conditions have brought it about that America is found to have the key.

Let us sketch the sequence of events. The World War, no reader needs to be reminded, was widely heralded as a crusade against militarism, as a war for peace. Statesmen called upon their peoples to hold fast, to the end that this agony would not again come upon the world—and the people believed, then. More, the Allied leaders on land and sea believed. Witness Admiral Sims, who as head of the naval forces of the United States in Europe was in continual conference with all the naval chiefs of staff and who, speaking of reducing armaments, says:

Those things were continually discussed, and one of the commonest remarks made was that when we should get done with this war we will all be pretty faulty if we can not find some means by which we can get along peaceably in the world and safely without the enormous expenditures of a country like France, which needed a great army to protect itself from invasion from the east, and countries like Great Britain needing protection on the sea.¹

PEACE CONFERENCE DECLARATION

And the idea did not die when the armistice halted the warriors, and the zero hour of a hoped-for peace was struck. General Bliss bears testimony from the inside of the Peace Conference:

. . . In the conduct of the operations of the Peace Conference a military committee, representing all nations concerned, and particularly the five great powers, was charged with the work of drawing up the military naval and air clauses of the peace terms to be imposed upon

¹Hearings before the Committee on Naval Affairs, House of Representatives, 66th Cong., 3rd sess., 642.

Germany and the other central powers. It was originally intended to embody these terms in a preliminary treaty. The committee in a short time agreed upon those terms and submitted them to the conference. After a good deal of delay they were finally approved; but the delay, although there was some difference of opinion as to the character of one of the terms, was mainly caused by the intervention of other matters. The peace terms as drawn up by the military committee prescribed what it was proposed to impose upon Germany for the purpose of destroying the military machine which she had built up and completely destroying the military system which alone enabled that machine to exist and operate. When the Peace Conference accepted these terms, it agreed upon the introduction of a preamble to them, the exact words of which, as I now recall them, are as follows:

“In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.”

That preamble was signed without hesitation by the representatives of 34 nations, including those of the existing five great powers, and in addition by those of the central powers.¹

OTHERS FORGE AHEAD

The soldier-statesman might have gone farther. He might have said that therein the victors had given the first real gage of battle to the god of war, for in cutting down the arms of the vanquished they one and all pledged themselves to do likewise. What would have happened if the President of the United States had bent sufficiently to let the “associated power” participate to the extent of its judgment in the peace, that none can say with certainty. As the association of nations that won the war thus lost its strongest partner, the condition of Europe went from bad to worse, and throughout the world for 21 months after the peace was signed no man knew in the morning what that day’s Gethsemane would bring. Worst of all respecting armaments, the United States followed logically the stand of aloofness she had taken. The rest of the effective world was bound by certain understandings, pledged to talk before they fought, pledged to aid each other under certain conditions, pledged to substitute law for force. To be sure, the United States had done these things previously, had in fact blazed the trail, but all the other victors had

¹Hearings of the Committee on Naval Affairs, House of Representatives, 66th Cong., 3rd sess., 552.

forged ahead of her by signing a single document at one and the same time. Consider the mathematics of it: When one nation makes a treaty with another, two states are bound; but when several states make a treaty each is bound to all the others, and its equivalent in single, bipartite, treaties becomes surprisingly large. There are 34 signatories to the treaty of Versailles, by which the signers pledge themselves "to render possible the initiation of a general limitation of the armaments of all nations." The signature of each binds it to all; that is, 34 are bound to 33. Or to multiply it out, the total number of cords in the net work of engagement is 1122. But the United States kept out, so that there are at present 33×32 engagements, or a total of 1056.

POLICIES OF THREAT AND FEAR

Having been kept out by internal dissensions, the United States—a nation surrounded by wide oceans, friendly or impotent neighbors—proceeded with an extensive naval program of several years' standing because "our present navy is not sufficient to give due weight to the diplomatic remonstrances of the United States in peace nor to enforce its policies in war."¹

Putting it that way immediately shocks the patriotic American, who knows full well the honorable and generous history of his country; but in the matter of armament rivalry, involving the life or death of nations, it is not the domestic opinion, though true, that counts abroad, but the international effect of the country's action. International suspicion is deeply ingrained in the historical sense of nations, and the procedure of the United States has been viewed in that light. This is not an academic or a theoretical assertion. General Pershing had this colloquy at the Capitol:

Fred A. BRITTEN. . . . Do you feel that all of the nations of the world that are combined in the League of Nations could successfully, through their disarmament commission, go ahead with a disarmament program without America?

General PERSHING: I doubt if they could.

Mr. BRITTEN: Why not, if they do not fear us? You say that they should not fear us, because we are not a nation of conquest. Just why should not all the nations in the world that are combined in the League

¹Memorandum, General Board of the Navy, November 9, 1915, Report of the Secretary of the Navy, 1915, 76.

of Nations, having established a commission on disarmament, go ahead with their disarmament program if it is really their desire to disarm?

General PERSHING: For the same reason that we would not desire to curtail our armament while any of the other leading nations continued to provide armaments.

Mr. BRITTEN: Then, the other nations must have some fear of America.

General PERSHING: I have very little doubt that they have.

Mr. BRITTEN: Did you observe on the other side any feeling of fear that we might develop into a military power and become a nation of conquest rather than of peace?

General PERSHING: There has been such a thought in the minds of the military men of a good many nations. I think that is conceded—that is, that they have a fear that America as a result of this war might develop into a great military power with aggressive tendencies.

Mr. BRITTEN: Just because of the results of the war, and not because of any former action of ours?

General PERSHING: Possibly it is cumulative.¹

CONFERENCE THE ONE WAY OUT

However unreal such a fear may be, it exists, not only against us, but with us against others. Being more or less intangible it is one of the most difficult things to dissipate. There is only one way to do it, to drag all the mutual fears into the open and let the sunlight of reason and publicity dissipate them, so that there remains only the legitimate requirements of defense, all the better for being understood, instead of misunderstood.

The one way to do this is to call a conference. A conference is the sunlight of international relations. General Bliss analyzes the result of such a meeting from the point of view of the United States:

“I know you gentlemen are thinking of the interest of the people of the United States. You are asked to appropriate large sums for preparedness, and when representatives of our military agencies come here to tell you what they need the money for, they do not tell you that they desire to build up our military system for any vague purposes, but that it is necessary to do so in order to protect our own nation. They tell you that they fear something and, if you ask them what it is, they will probably tell you

¹Hearings before the Committee on Naval Affairs, House of Representatives, 66th Cong., 3rd sess., 595-6.

exactly what it is they fear. If they do they will tell you the same thing that has been told every Government for 50 years. For 50 years they have been bleeding their peoples white to get the money necessary to prepare not, as they say for aggression, but for defense. And so you, like their Governments, have been, I suppose, told what it is that we fear and whom we are afraid of. But neither you nor they have yet been told what the peoples really fear. And I do not think that either you or they will ever know until there is a conference, such as has never yet been held, in respect to which the peoples of all the nations will know, day by day, exactly what the representatives propose to do and why they propose to do it. The result of such a conference will enable us, for the first time, to actually know what nation or nations, if any, we must prepare ourselves against. If in such a conference we should make a reasonable proposition tending to remove mutual fear, we would know that any nation which declines to accept it is likely to be, as far as we are concerned, the next Germany whose aggression we must be prepared to resist. You can then go to the people of the United States with a clear conscience and demand their billions for defense against such a nation.

ABOLISH THE "NATION IN ARMS"

"If reasonable men settle this question, they will not insist that each of the five nations shall do identically the same thing in the matter of limitation of armaments. The main thing is to secure some reasonable modification of the system which is now resulting in a civilized world consisting of 'nations in arms.' As long as that system remains unmodified, the danger of world wars will be the greatest, and when those wars occur they will be the most terrible. I do not know whether the result of a free conference would be to make any change in this system. Nor does anyone else. We can only tell by having the conference.

"Mr. BRITTEN. If the present rate keeps up you think there is liable to be produced five giants in the place of one that was knocked down.

"General BLISS. Yes.

"Now, if the real problem is to minimize the chances of another world war, which will necessarily be a war between the great civilized powers, the problem can be solved only by getting these

few nations together for a full and free conference. In order to determine to what extent present armaments are necessary so as to attain their respective aims, it has been my opinion that such a conference could best be held in Washington where the representatives of other nations would better realize what confronts them if they force the United States into a real competition with them in the matter of armaments. If a fair abstract of the daily proceedings of such a conference were made—a statement of the various propositions put before it, the arguments in favor of those propositions and the objections against them, and, above all, who make these objections, so that every man in the five great powers, at the plow and at the work bench, knew what was going on in this conference day by day—I believe that the common peoples of the nations represented would not permit that conference to adjourn until at least one definite step toward a general limitation of armaments had been taken.”¹

REASONS FOR SUCCESS AND RESPONSIBILITY

“Of course, until we have a conference,” said Secretary Daniels, “each nation will declare, and declare truly, that it will not reduce unless others reduce, and you have a vicious circle. And you have to let them sit down around the table and you have to try to bring about an agreement.” And again:

“ . . . And there are three reasons why I believe the nations would send their delegates and be willing to cooperate. The first is that all these nations, except Japan, ratified what is known as the Bryan treaty, which compelled delay before going to war. The second and more important reason is that in the peace conference they all agreed to Article VIII. The third is that less than two months ago, at Geneva, all these nations declared their desire to secure a reduction of armaments by international agreement and asked the United States Government to send a representative *de facto* to sit in on the hearings. I believe the time is ripe; I believe most of the nations sincerely desire it. I am confident most of them are compelled by their financial situation to stand for some reduction of expense, and I believe if the President-elect were to call such a conference looking to a reduction of arma-

¹Hearings before the Committee on Naval Affairs, House of Representatives, 66th Cong., 3rd sess., 555, 561, 563, 554.

ments that we would arrive at some decision that would bless the whole world before next December.

“Not being in the League of Nations, we have no opportunity at this time to discuss the question with the representatives of other nations. The other nations are saying that America is building a great navy and maintaining a large standing army, and that unless an agreement can be reached with America looking to disarmament this boon to mankind to which the nations have been looking forward for 2000 years is doomed. If we do not make some practical and earnest and early effort to reduce armament the world will lay the blame of huge military expenditures upon our shoulders, and we can not relieve our conscience of the responsibility. If we invite this conference, it will give the nations an opportunity to come to a better understanding than they have ever had before, and the world can not say that America was deaf to the appeal for disarmament.”¹

AMERICA'S OPPORTUNITY

In the matter of international leadership respecting this question America to-day is curiously in the position which the German Empire was at the beginning of the late Kaiser's reign. It was a true word which the elder Liebknecht spoke in the Reichstag on May 6, 1890, when he said: “If the German Empire—and its position in Europe would make the thing easy—resolved to convoke an international congress to search out methods for reducing military charges, it could then be said with reason that Germany marches at the head of civilization.”² She paid the penalty for neglecting her opportunity.

But there is no likelihood that the United States, being in the key position in the world respecting the reduction of armaments, will fail to act up to its full responsibility. Congress has been

¹Hearings before the Committee on Naval Affairs, House of Representatives, 66th Cong., 3rd sess., 537, 538, 579.

²The original German reads: Wenn als Ergänzung jenes Kongresses von der deutschen Regierung ein internationaler Kongress berufen würde, welche sich mit der Aufgabe zu beschäftigen hat, den Völkern die Militärlast abzunehmen, dann würde die deutsche Regierung mit Recht sagen können: das deutsche Reich marschirt an der Spitze der Zivilisation,—was bis jetzt nicht mit Recht gesagt werden konnte, obgleich es oft und emphatisch gesagt worden ist.” (Stenographische Berichte des Reichstags, VIII. Legislaturperiode, I. Session, 1890-91, I, 104B.)

pushing the matter and the President himself has spoken. As far back as 1916 the United States took its stand by making these provisions a part of the appropriation bill authorizing the naval building program now under way:

It is hereby declared to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided. It looks with apprehension and disfavor upon a general increase of armament throughout the world, but it realizes that no single nation can disarm, and that without a common agreement upon the subject every considerable power must maintain a relative standing in military strength.

In view of the premises, the President is authorized and requested to invite, at an appropriate time, not later than the close of the war in Europe, all the great Governments of the world to send representatives to a conference which shall be charged with the duty of formulating a plan for a court of arbitration or other tribunal, to which disputed questions between nations shall be referred to adjudication and peaceful settlement, and to consider the question of disarmament and submit their recommendation to their respective Governments for approval. The President is hereby authorized to appoint nine citizens of the United States, who, in his judgment, shall be qualified for the mission by eminence in the law and by devotion to the cause of peace, to be representatives of the United States in such a conference. The President shall fix the compensation of said representatives, and such secretaries and other employees as may be needed. Two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside and placed at the disposal of the President to carry into effect the provisions of this paragraph.

If at any time before the construction authorized by this Act shall have been contracted for there shall have been established, with the co-operation of the United States of America, an international tribunal or tribunals competent to secure peaceful determinations of all international disputes, and which shall render unnecessary the maintenance of competitive armaments, then and in that case such naval expenditures as may be inconsistent with the engagements made in the establishment of such tribunal or tribunals may be suspended, when so ordered by the President of the United States.

REALIZATION OF DUTY

Nor was this the first similar declaration of policy. Besides a sympathetic assistance of all such moves wherever they fell within America's range of international relations, Congress had taken the

same stand in a joint resolution of June 25, 1910.¹ The United States has a historical policy of forwarding international disarmament.

Now that the responsibility is fairly upon us, the Government has shown a realization of its duty. By a vote of 58 to 0 the Senate on March 1, 1921, passed an amendment to the bill which eventually failed to make appropriations for the naval service in these words:

The President is authorized and requested, if not incompatible with the public interest, to invite the Governments of Great Britain and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which conclusion is to be reported to their respective Governments for their approval.

The same text was reintroduced in the Senate on May 4 by Senator Borah.

¹The resolution reads:

"That a commission of five members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war: Provided, That the total expense authorized by this Joint Resolution shall not exceed the sum of ten thousand dollars and that the said commission shall be required to make final report within two years from the date of the passage of this resolution."

On the earlier action generally, see *A League of Nations*, I, 9-42.

IV. NATIONAL ACTION PROMISED

Moreover, and most important, the President has spoken. In his address to Congress on April 12, 1921, he said:

“The Government is in accord with the wish to eliminate the burdens of heavy armament. . . . We are ready to cooperate with other nations to approximate disarmament, but merest prudence forbids that we disarm alone.”

Again, in his address at the unveiling of the Bolivar statue at New York on April 19, President Harding stated that the progress that the Americas had made toward judicial and arbitral settlement of international differences “affords us an assurance which will justify our purpose to invite the present-day civilization to cast aside the staggering burden of armament.”

This intention is entirely to the good, because the pressing matter of reducing armament is a problem for statesmen, not for legislators, to settle. Legislators may reflect the opinion of the people, and may be encouraged to do so; but it is not theirs to appraise the international political elements that must be considered in deciding when and in what way to initiate the necessary conference.

In the conference, also, the President will have to determine the place of the military. “I would not allow military men to represent their Governments and have the final decision in their hands,” flatly declared General Bliss before the House Committee on Naval Affairs; and General Pershing, asked if he thought that was a good suggestion, replied:

Yes; I do, because the average military man or naval man, on account of his training, would be a little bit too reluctant to yield a point here and there in the discussions. I should think that it should be composed, perhaps, of both civilians and military men.¹

“MUTUAL FEAR DOMINATES”

General Bliss, a little later, told exactly what he had in mind when he asserted that the very best statesmen should undertake

¹ Hearings before the Committee on Naval Affairs, House of Representatives. 66th Cong., 3rd sess., 599-600.

the task of running the conference. Military and naval officers are, he said, "men whose sole business is to think in terms of war," and continued:

They are the concrete expression and representation of the mutual fear dominating their respective countries. And yet, as a matter of fact, although the military men are dominated by this mutual fear, it is the statesmen themselves who inspire the fear in their respective peoples. It is the statesmen who must get together, either on a committee of the League of Nations or elsewhere, and decide whether they can do any thing to allay this fear, and there is no hope of progress unless this fear can be allayed.¹

MILITARY EFFECT OF FEAR

The condition depicted by the former chief of staff of the United States army is one well worthy of careful consideration. As he suggests, mutual international fears subtly work to the increase of armament beyond the needs of nations. The business of a foreign office is to settle disputes and to adjust differences depending in the long run upon the element of force provided by the army and navy, in case of need. The business of the military is to employ its force when called upon, and to have the proper force to use in case of need. The point of view is fundamentally and properly different. In the early spring of 1917, Secretary of State Lansing made a public statement that the United States was in danger of war. In New England, where the British blockade of Germany and interference with neutral trade had proved very exasperating to business concerns, that statement was generally interpreted as referring to Great Britain. Naval men, then engaged in assigning gun crews to armed merchantmen to run the blockade, tended to the same conclusion. Neither the public nor the naval experts were aware that the United States and Great Britain were under pledge to each other not to declare war or begin hostilities until any dispute of any nature whatsoever had been referred for investigation and report to a permanent international commission of their own appointment, and that the report might take a year to complete. It therefore followed that, whatever the situation between the two countries, the Secretary of State could not in his senses have referred to Great Britain. There is no particular reason why a naval officer should have known that fact. On the other hand, there was every reason why a naval officer, viewing

¹*Ibid.*, 560.

the fundamental changes which naval practice was undergoing at the hands of the Allied powers and the inconvenience of the United States, should thus identify a possible belligerent.

In the high theory of military and naval circles, war games, as a form of strategical exercise, are the normal and inevitable things. For the purpose of working out a problem, an assumption is made that the United States is at war with France or some other friendly country. The officers at the Naval War College then intensively study the naval situation of the two countries, their possibilities of attack and defense, and work out a mimic campaign with model warships under command of officers. There develop in the course of such an exercise certain advantages of a French type of vessel, which exists in no other navy, over an American one. The result, before the next Congress, may well be an insistent demand that a certain change shall be made in construction. All of which is valid from a technical point of view. But it is invalid from the political point of view because it does not take into consideration the practical impossibility of war between the two states involved.

PUT POLICY MAKER IN CONTROL

It is obvious that policy must take some account of military conditions—in the United States the subordination of the military to the civil is constitutional owing to the provision that “the President shall be commander-in-chief of the army and navy.” It being equally obvious that military requirements are dependent upon policy and that estimating the dangerous element in policy is a primary duty of the Department of State, it would seem that there should be the closest co-ordination between the conductor of the nation’s foreign affairs and the military and naval branches of the Government. But, aside from whatever discussion takes place in cabinet meetings, nothing of the sort seems to occur. In fact, before the war there were highly organized and exceedingly efficient Divisions of Military and Naval Intelligence and nothing similar in the Department of State. Now there exists in the latter a Division of Political Intelligence, the principal business of which is to co-ordinate the various elements of foreign policy for the use of those who conduct the daily work of the Department. From the point of view of armaments, this still leaves something to be desired. The President, the Secretaries of State, War and the Navy, and possibly the chairmen of the corresponding com-

mittees of the two Houses of Congress ought to be constituted a national defense commission.

WHAT THE ENGLISH HAVE DONE

So far as is recalled, Great Britain is the only state with anything like the commission suggested. In that country the Imperial Defense Committee dates from 1904, having been organized under the chairmanship of the premier as a result of a report on the organization of the War Office.² Previous to that time Lord Rosebery's ministry had attempted something of that sort; in 1895-96 a Cabinet Committee of Defense was organized and failed, and the next preceding attempt had been in 1903. The Imperial Defense Committee of 1904 still continues. As stated by the Duke of Bedford in Parliament on June 21, 1904, its purpose "is to foresee imperial strategical requirements, to harmonize naval and military policies, to co-ordinate imperial defense in relation to such different departments of state as the Admiralty, the War, Foreign, Colonial and Indian Offices."³ It will be noticed that this committee does not afford to the political elements of the ministry the opportunity of having an effective say. It is believed that strategical considerations have overwhelmingly characterized its deliberations. In fact, it would seem that its results have been to co-ordinate technical military and naval matters rather than to bring them into direct connection with the political elements of the national position. Sir John Colomb indicated this in the House of Commons on August 2, 1904, when he approved the formation of the committee as being a step in advance and cited an instance of what he hoped would be a thing of the past:

He remembered a representative of the War Office calmly stating that if our fleet was damaged or inefficient for the space of three weeks there would be no difficulty in the way of France throwing 150,000 men upon our shores, and when he saw Lord Randolph Churchill swallow such a statement as that without question he wondered how long this sort of thing was going to continue.

¹This proposal is distinct from the duties of the Council of National Defense created by the act of August 29, 1916, consisting of the Secretaries of War, Navy, Interior, Agriculture, Commerce and Labor, and the purpose of which is "the co-ordination of industries and resources for the national security and welfare."

²Report of the War Office Reconstruction Committee. Parl. Paps., 1904, VIII, 101, 121, 153, 157. Cd. 1932, 1968, 1968-1, 2002.

³Parliamentary Debates, 4th series, 136,649.

MAKE POLITICAL, NOT MILITARY, AIM PARAMOUNT

The contention advanced here is based on the recognized fact that war is simply the pursuit of political aims by violent means. If Clausewitz is correct—and the best authorities on war admit this—the military elements in a government should be distinctly subordinate, so far as their programs are concerned, to the political.¹ Technically of course, they should be in full control. Such is not now the case, as is shown by this testimony:

JOHN A. PETERS: May I ask the attitude of the State Department toward the size of the navy?

Acting Secretary of State DAVIS: We feel that the judgment of the Navy Department is more valuable on that matter than ours.

Mr. PETERS: You have no judgment to express on that?

Mr. DAVIS: No.

Mr. PETERS: As to the relative or the actual size of the navy?

Mr. DAVIS: No.²

The Department of State should have an opinion about the size of the navy, and also of the army. Aside from the President, it is the only one that should have such an opinion. It should not, on the other hand, have any opinion as to whether a navy should be made up of battleships, or submarines or any other technical type.

¹“Under all circumstances war is to be regarded not as an independent thing, but as a political instrument.”—Clausewitz, *On War*, translation by J. J. Graham, I, 25.

Spenser Wilkinson, Chichele professor of military history at Oxford, says (*War and Policy*, 180): “[Clausewitz] proclaimed first that war is always in all circumstances nothing but a chapter of national policy; its ends are those of the statesman, the only difference between that chapter and the one that precedes it being that when the page of war begins the instrument used is force; when force has done its work, the thread, continued in the next chapter, is the same that ran through the blood-stained passages called war.”

²Hearings before the Committee on Naval Affairs, House of Representatives, 66th Cong., 3d sess., p. 526.

V. THE NAVAL PROBLEM

So far as the United States is concerned, the chief problem in the reduction of armaments is naval.

The oceans increase mutual fears. It is easily possible to be friendly with a neighbor nation, and there is a natural democratic deterrent to building up a great army from among a peaceful folk because of the sheer number of men required. But a navy needs comparatively few men, and it is easy to fear nations far away. "I can't hate a man I know," once said Charles Lamb.

Navies are more closely allied in the public mind with foreign relations than armies. Differences between nations that are contiguous to each other are comparatively few; they alone raise a question of employing armies. All other differences have had the navy in the background as a final resort. And there is a notable tendency on the part of the naval men to bank on that circumstance: "Our present navy is not sufficient to give due weight to the diplomatic remonstrances of the United States in peace," according to the American General Board of the Navy.

Time was when that attitude was unquestioned and when the number of naval powers was great enough to justify it in some degree. But the situation has changed. The World War has given the naval rivalry an entirely new aspect. Just before it some figures were carefully compiled with the object of showing the monetary investment of the world in navies. It was found that the then eight powers had combined fleets with a conservatively indicated worth of \$3,958,327,000, while the 12 other powers having fleets of any size could value them only at \$397,931,000, or substantially one-tenth. Obviously, any possible rivalry then was confined to the leading eight. But after the World War there emerge but five powers with major fleets, and their naval armament is relatively larger than before the war, in comparison with the minor fleets. In fact, on the basis of tonnage, Great Britain in 1914 had the only fleet as big as the total minor navies, while to-day four out of the five majors each outranks all the minors together. Not only has the discrepancy between majors and minors increased, but the differences among the majors have become notably large. The war, generally speaking,

effected great reductions in tonnage by rendering ships obsolete, so that only Great Britain and the United States show increases from 1914 to 1921. For comparison, the figures are:

FLEET TONNAGES, 1914 AND 1921

MAJOR

	1914	1921	Percentage of 1921 to 1914
Great Britain.....	2,188,250	2,412,146	114
Germany.....	951,713	Minor	...
United States.....	765,133	1,196,281	156
France.....	665,748	514,584	77
Japan.....	519,640	492,652	94
Russia.....	270,861	Dispersed	...
Italy.....	285,460	145,891	51
Austria-Hungary.....	221,526	No navy	...
	<hr/>	<hr/>	<hr/>
	5,868,331	4,761,554	81

MINOR

Argentina.....	120,760	59,680	49
Brazil.....	117,591	46,600	39
Chile.....	113,508	38,630	34
Denmark.....	37,197	?	...
Greece.....	55,950	41,004	73
Germany.....	Major	94,964	...
Netherlands.....	95,907	4,766	04
Norway.....	39,288	1,623	04
Peru.....	19,122	7,000	36
Portugal.....	21,919	1,846	08
Spain.....	117,819	46,804	39
Sweden.....	89,179	1,880	02
Turkey.....	70,560	7,000	09
	<hr/>	<hr/>	<hr/>
	898,800	351,791	39

What the war did to fleets was to send practically everything of any age to the junk pile or to the intermediate purgatory of being out of commission. The British naval list of March, 1914, gives 76 battleships; the United States Naval Intelligence now credits her with 26, while the British return to Parliament of March, 1921, accounts for only 22. Statistics of current value are discrepant, showing the doubts in the minds of the experts.

The British return referred to arranges ships according as they do or do not embody war lessons; Rear Admiral A. T. Long, Director of Naval Intelligence, writes that "it is not possible to state definitely what vessels embody the lessons learned at Jutland, but the Office can furnish you with what is believed to be the correct numbers of total ships in the various classes. This statement follows:"

STRENGTH OF MAJOR NAVIES, MAY 1, 1921

	Great Britain	United States	Japan	France	Italy
Battleships, 1st line.....	26	16	6	7	5
Battleships, 2d line.....	6	16	4	10	3
Battle cruisers, 1st line....	6	..	4	..	..
Battle cruisers, 2d line.....	4	..	..	..	..
Cruisers, 1st line.....	2	..	..	..	..
Cruisers, 2d line.....	4	10	5	7	3
Light cruisers, 1st line.....	45	..	8	4	5
Light cruisers, 2d line.....	14	3	1	1	3
Destroyer leaders.....	20	..	..	..	..
Destroyers, 1st line.....	237	286	35	10	14
Destroyers, 2d line.....	16	21	12	36	29
Submarines.....	147	102	?	62	23
Aircraft carriers.....	6	..	..	..	..

In connection with fleets as a whole, one of the most frequent arguments used is the necessity of defending coast lines. At first glance it seems clear that the relation between sea exposure and sea power is fundamental; but on closer examination no such conclusion follows. The character of a coast—the number, size and contour of its harbors, for instance—may throw theory awry. On our own Atlantic seaboard there are several good harbors to one on the Pacific. The British Atlantic coast includes not only the British Isles, but portions of Africa, North and South America and the West Indies. The Dutch colonial coasts are 24 times the length of that of the Netherlands itself and thousands of miles away from the métropole, etc. So it would seem that no general conclusions can be drawn from such figures; but as they have not been published¹ they are presented herewith for what they are worth:

¹The statistics are rearranged from a photostat chart of the United States Coast and Geodetic Survey Office, with additions from its Serial No. 22.

SEA COAST OF THE VARIOUS COUNTRIES OF THE WORLD
Statute Miles

	Pacific	Atlantic	Indian	Arctic	Totals
Argentine Republic.....	.....	2,418	.....	.....	2,418
Belgium.....	.....	71	.....	.....	71
Brazil.....	.....	4,007	.....	.....	4,007
Central American states...	904	887	.....	.....	1,791
Chile.....	2,883	58	.....	.....	2,890
China.....	3,604	.....	.....	.....	3,604
Colombia.....	1,002	1,071	.....	.....	2,073
Cuba.....	.....	2,855	.....	.....	2,855
Denmark.....	.....	2,503	.....	1,842	4,346
Ecuador.....	835	.....	.....	.....	835
France.....	2,291	4,941	3,017	.....	10,250
Morocco.....	.....	1,082	.....	.....	1,082
Germany.....	.....	1,989	.....	.....	1,989
Great Britain.....	11,487	15,303	17,394	5,320	49,504
Greece.....	.....	1,301	.....	.....	1,301
Crete.....	.....	415	.....	.....	415
Haiti.....	.....	737	.....	.....	737
Holland.....	12,506	607	4,698	.....	17,811
Italy.....	.....	2,815	1,347	.....	4,163
Tripoli.....	.....	1,048	.....	.....	1,048
Japan.....	5,286	.....	.....	.....	5,286
Korea.....	1,393	.....	.....	.....	1,393
Liberia.....	.....	1,082	.....	.....	1,082
Mexico.....	3,777	1,675	.....	.....	5,452
New Hebrides and Santa Cruz Islands.....	449	.....	.....	.....	449
Norway.....	.....	1,559	.....	794	2,353
Oman.....	.....	.....	1,520	.....	1,520
Persia.....	.....	.....	967	.....	967
Peru.....	1,762	.....	.....	.....	1,762
Portugal.....	282	2,320	1,825	.....	4,427
Rumania.....	.....	138	.....	.....	138
Russia.....	7,210	2,637	.....	10,571	20,417
San Domingo.....	.....	668	.....	.....	668
Spain.....	.....	3,025	.....	.....	3,025
Sweden.....	.....	1,458	.....	.....	1,458
Tonga (Friendly) Islands..	311	.....	.....	.....	311
United States ¹	2,410	10,467	.....	.....	12,877

¹Tidal shore line, unit measure 3 statute miles, for United States and possessions. The general coast line of the United States proper is: Atlantic, 1888; Gulf, 1629; Pacific, 1366; total, 4883.

Alaska.....	13,132	.....	.....	15,132
Philippine Islands.....	10,850	.....	.....	10,850
Porto Rico.....	362	.....	.....	362
Guam.....	84	.....	.....	84
Hawaiian Islands.....	810	.....	.....	810
Panama Canal Zone.....	.....	.....	.....	29
Samoa Islands.....	91	.....	.....	91
Uruguay.....	345	.....	.....	345
Venezuela.....	1,330	.....	.....	1,330

The cost of a navy is constantly rising and the types of vessels multiplying. The latest figures for naval matériel as given in House and Senate hearings in January and February follow:

COST OF NAVAL VESSELS¹

Battleship, with ammunition.....	\$43,145,000
Battleship, without ammunition.....	38,500,000
Airplane carrier, 35,000 tons.....	28,600,000
Airplane carrier, 25,000 tons.....	21,600,000
Cruiser, 10,000 tons.....	9,900,000
Submarine chaser.....	5,900,000
Fleet submarine.....	4,000,000
Transport.....	4,000,000
Mine-laying submarine.....	2,500,000
Destroyer.....	2,000,000
Gunboat.....	1,100,000

COST OF AIRCRAFT² (Heavier than air)

Ships' spotting planes.....	\$41,000
Ships' fighting planes.....	38,910
Torpedo planes.....	87,400
Reconnaissance planes.....	34,540
Pursuit planes.....	34,980
Practice planes.....	40,090

(Lighter than air)

Non-rigid airship.....	\$160,000
Small touring airship.....	60,000
Kite balloons.....	15,000
Free balloons.....	5,000

¹Testimony of Rear Admiral David W. Taylor, Chief, Bureau of Construction and Repair, House Hearings, 547, 767, 769.

²Hearing before the Committee on Naval Affairs, United States Senate, 1921, 67.

Another phase of naval costs is deterioration. Vessels are retired after a period of service which is constantly decreasing in length. A battleship can not be expected in these days to hold its place more than 10 years, though it may not be written off completely for a much longer time. German battleships, by the treaty of Versailles, may not be replaced for 20 years. In time of peace, "obsolete" is the cause of death of naval vessels. The very special character of naval craft is illustrated by the fact that they are worth practically nothing except for their designed purposes. The following table, drawn from British sources because American figures seem not to be available, shows that 10 years ago the junk value was negligible:

WHAT OBSOLETE MEANS IN MONEY
British Warships Sold in 1909-10

Name	Year of Completion	First Cost	Sale Price	Value of Gear Removed
Rodney.....	1887-88	\$3,741,825.78	\$103,761.00	\$25,680.24
Collingwood ...	1886-87	3,431,534.22	93,340.00	2,629.26
Snap.....	1872-73	43,944.12	4,568.40	466.56
Anson.....	1888-89	3,525,570.36	103,032.00	15,969.96
Benbow.....	1887-88	3,765,484.26	103,032.00	18,543.70
Thunderer.....	1877-78	2,151,070.02	94,770.00	8,733.42
Defiance II....	1861	304,979.58	6,925.50	106.92
Hornet.....	1894-95	181,768.86	5,832.00	3,353.40
Torpedo boat ..	1887-88	81,432.28	1,458.00	340.20
Submarine.....	1907-08	234,567.90	83,623.88	53.46
Gladiator.....	1899-1900	1,397,757.44	73,507.50	...
Lee.....	1900-1901	277,885.08	315.90	10,045.62
Mooring Lighter				
No. 77.....	1827	Not known	73,507.50	...
Harpy.....	1845-46	83,557.98	972.00	...
Daisy.....	1878-79	6,546.70	315.90	...
Totals.....		\$19,227,914.58	\$676,207.38	\$85,922.74
Total receipts from sale.....				\$762,130.12
Expenses of sale.....				2,721.84
				\$759,408.28

Percentage of net receipts to first cost, 3.8%

VI. WHAT IS THE USE OF A BATTLESHIP ?

Admiral Sir Percy Scott, who "is considered to be the greatest naval brain that we have," writing in the *London Times* of March 15 said:

"I have asked the question, 'What is the use of a battleship?' and have received one direct reply. A midshipman has told me, 'She is no damned use at all.' I sincerely hope to-morrow that some member of the House will elicit from the Government where we shall stow away our battleships in the event of our going to war. Shall we construct a safe harbor for them in Iceland?"

Admiral Scott had repeated this in half a dozen letters in one of those famous discussions of public affairs conducted by the *London Times*, extending from November to February. In an early letter he put the English case against the battleship:

"You must admit that in the war we were nearly forced to submission by starvation.

"You must admit that the German battleship played no part in reducing us to a state of starvation."

"You must admit that if our battleship superiority had been double what it was they could not have protected us from starvation."

"You must admit that the dominant arm of the war was the submarine.

"Strange as it may appear, I believe that this blunder [of building the wrong weapons to combat the submarine] won the war for us. Looking over some German correspondence of 1914, which has reference to my letter in your paper proclaiming that the battleship was dead, I believe that the Germans with their skewed minds thought that I was not sincere. . . . So they went on with their program and did not build submarines.

"'Flag Officer' reminds us of the fact that before the advent of the submarine, the battleship did not feel very comfortable by night owing to the possibility of attack by torpedoes, but when the submarine came on the scene, she did not feel comfortable either by night or day. The new weapons have entirely revolutionized naval warfare and up to the present they have

favored defense much more than they have offense. They have given power to a weak country and taken it away from the strong. . . . The rulers of our navy must call in a doctor and get some medicine that will cure them of that terrible complaint, pigheadedness.

THE INTERESTED PARTIES

“The submarine has adopted the tactics of all birds and animals. The brain of these creatures, I suppose, tells them that the greatest security against attack is not to be seen. I venture to think that it is not a bad idea. By experience, I have found that the animal very often imposes his will of not wishing to be dead on the sportsman who wishes him to be dead. How clever the animals are! I wish they could speak, for they might be able to tell me what the use of a battleship is.”

And again, he says:

The building of battleships will be supported by all the battleship builders of the world because it is the bread whereby they live. Look what a paying concern it is; would not any of your readers like to get a nice fat contract for (say) only five battleships at 35 millions of golden sovereigns? In these circumstances we must expect the construction of battleships to be backed by many people possessing strong political interest, commercial interest, and the support of capital. We must also expect the necessity of battleships to be supported by all the navies of the world; for naval men do not commit suicide, and battleships are vital to their profession and vital to their comfort. To be captain of a battleship is the ambition of every naval officer. Who else in the world travels about with the same comfort as the captain of a battleship? He has a large drawing-room, a dining-room in which he can seat 25 or 30 guests, a commodious bed-room with bath-room attached, and spare bed-rooms.

All these points will naturally be taken into consideration, or, at any rate, they will flit through the mind of every naval officer before he decides to vote for “not building battleships.” These points will also have to be taken into consideration by the taxpayer when he is asked to put his hand in his pocket to pay for the super-battleships, their nurses and other accessories.

The other accessories must not be ignored, for they mean a lot of golden sovereigns from the taxpayer. Obviously we must have a safe harbor to put our battleships in; they must be immune from underwater attack and from air attack. The super-battleships will necessitate all our docks being enlarged, and a multitude of other expenses, running, I should think, into hundreds of millions.

This, Sir, is the last time that I shall trespass on your space, because I know that no one can answer my question of "What is the use of a battleship?" and I know that we shall not build any more battleships.

REASONING IN A VICIOUS CIRCLE

The British first lord of the Admiralty in the statement explanatory of the navy estimates for 1920-21 had said that "in our opinion the capital ship remains the unit on which sea power is built up." But it significantly added, after a discussion of the value of airplanes and submarines and of countermeasures against them, that "it is even possible that the present battleship will change to one of submersible type, or even of a flying type." In other words, that the battleship, the capital ship, of the future might not be a battleship at all, but a submarine or an aircraft. Having defended the battleship in theory, the Admiralty suavely turned to the building of real airplane carriers.

The American General Board of the Navy cited the British Admiralty in its annual report of September 24, 1920, with complete approval, and added battleship credentials of its own. On February 2, 1921, The General Board, on behalf of the Senate Committee on Naval Affairs, again reached the same conclusion in a report which was based on the historical fact that "the general principle of concentration of power in ships that can take and keep the sea at all times and in all weathers, that can deliver and receive the heaviest blows, and that can overcome the strongest ships that may be brought against them will continue as long as navies exist." The report assumed, by an oblique criticism of other craft, that these qualities were permanently inherent in the present type of battleship. It asserted that during the war "it was upon the potential fighting power of these ships that the activities of all other naval craft was based," and then explained that it was the "sea power vested and latent" in battleships stationed at Scapa Flow or thereabouts which destroyed "by inaction" the offensive power of the German fleet. The report repeated the 1920 quotation from the British Admiralty, but did not mention the current British policy respecting capital ships, which had been stated by the chancellor of the exchequer in Parliament two months before, on December 9, 1920:

While determined to maintain the navy at a standard of strength which shall adequately secure the safety of the Empire and its maritime

communications, the Cabinet, before sanctioning a program of new construction, are bound to satisfy themselves that the lessons of the war have been definitely ascertained, more particularly as regards the place and usefulness of the capital ship in future naval operations. They have therefore decided—and I am glad to say the Admiralty welcome the decision—that the Committee of Imperial Defense should institute at once an exhaustive investigation into the whole question of naval strength as affected by the latest development of naval warfare. They will present no program for capital ship construction to Parliament until the results of this inquiry have been considered.

The United States and Japan are, therefore, the only present builders of battleships.

WHAT THE SUBMARINE DID

It is proper, without going into technicalities as to sea power, to set forth some of the salient facts respecting the use of battleships when there was a war to fight. Rear Admiral Henry T. Mayo in a paper¹ describing the work of the navy during the war has stated when the various elements of the navy were pressed into service. He gives dates which, arranged chronologically, show us that the battleship was the next to the last type of ship to get into the fight:

March, 1917, merchant ships armed; gun crews assigned from navy.

April, 1917, destroyers sent to Europe.

June, 1917, cruiser convoys established.

September, 1917, decided to send battleships to Europe.

November, 1917, 14-inch naval guns assigned to land forces.

November, 1917, battleships sent to Europe.

April, 1918, mine layers began work.

It is admitted that the battleship was not able to participate actively in combating the U-boat. The Germans during the war had in commission 399 submarines. They never had as many as 200 in commission at any one time. A total of 207 submarines, worth at the outside \$500,000,000, were sunk.² Only 10,000 men were employed in the German submarine forces, of whom not

¹See the book, *What Happened at Paris*, edited by Edward M. House and Charles Seymour.

²A statement issued by the German Government (*London Times*, December 10, 1920) gives the following facts as to construction and sinkings:

	1914	1915	1916	1917	1918	Total
Built	3	62	95	130	81	371
Sunk	5	20	30	72	80	207

more than 1500 were adrift at any one time.¹ Against this force was opposed the navies of England, France, Italy, Japan and the United States, with a personnel of at least 1,000,000 men and there were daily pitted against the Germans 5,000 anti-submarine craft. The shipping loss of the World War ran to 12,750,000 tons, valued with cargo at \$7,000,000,000. Our own navy built more than 750 vessels to fight the submarines. “It is obviously absurd,” says Admiral Sims in his book, “to say that a belligerent which was losing 800,000 or 900,000 tons of shipping a month, as was the case with the Allies in the spring of 1917, was the undisputed mistress of the seas.”

DO AIRPLANES NOW CONTROL?

“A little study of this subject will give to some people who talk glibly about ‘control of the sea’ a fundamental knowledge of the subject,” asserts Rear Admiral Fullam before the Senate committee.

“Subsequent to the armistice and two years after Admiral Sims went to England a new naval force, then in its infancy, has been rapidly developed—the naval air force. And to-day this force operates with other forces to decide who shall and who shall not control the sea. . . . The ‘backbone’ needs still more assistance. The surface fleet in the hitherto easy task of ‘controlling the sea’ needs another ally—a force above it as well as a force below it. Without these two forces—if the enemy possesses one or both—the surface fleet can ‘control’ nothing.”

As to the airplane, Admiral Sims, fresh from the World War, is in little doubt:

MR. VENABLE: Admiral, as I understand the discussion and the facts and the arguments that have been presented by you, your position is this, that it is not only important, but absolutely vital, that the possibilities of aviation as applied to naval warfare, should be determined at the earliest possible date; that there is a possibility, and indeed, a probability, that the development of aviation may revolutionize the type of the fleet and the type of fighting units, with particular reference to our larger and more costly ships, and that, therefore, it is not only important, but absolutely vital, that experiments should be carried on to determine the possibilities of aviation, and that that should be done now. Taking that as a predicate, I want to ask you whether or not it is

¹Admiral Fullam, Senate Hearings, 116.

your opinion that it would be a wise course, if we are to have economies anywhere in naval construction, in view of the financial condition of the United States and of the world, to cut our expenditures on the large ship construction, and pursue a liberal policy of appropriation with reference to aviation?

Admiral SIMS: Absolutely.¹

And another admiral, widely known for the virility of his navalism, is even more positive:

Admiral FISKE: Well, I am sure—I can put it this way: If there was to be a fight out on the ocean between an airplane carrier on the one side and two battleships on the other side, and I had to be on one side or the other, I would go on the airplane carrier rather than be on the two battleships.²

The value of the airplane, based on what is in reality a capital ship, a 35,000-ton airplane carrier, is equally evident to the layman. As a weapon its encounter with a battleship would be a foregone conclusion, dollar for dollar. The battleship costs \$39,000,000 without ammunition; the fighting plane costs \$39,000. A thousand airplanes for a single battleship. The airplane travels five times as fast as the capital ship, carries six 1000-pound bombs, and fires them by letting them drop. The bombs "will penetrate all decks down to the protective deck, and then explode with such force as to destroy or put out of action any ship now built or designed." Or, acting as a depth charge, they "will sink or put out of action any ship if they fall in the water within 60 feet of her hull." The plane is relatively immune from anti-aircraft guns, whose record of hits is 1 in 1,000 on land and still less at sea. Admiral Sims concludes from all the facts and claims that an airplane carrier "would be unharmed, and few if any of her planes would be shot down," while a duel "would inevitably result in the destruction or disablement" of the battleship.

But the admiral's war game contemplates one airplane carrier, with only 80 planes aboard. Such a vessel costs \$28,600,000, and its 80 planes \$3,120,000. So that for \$31,720,000, it is expert judgment that \$39,000,000 can be knocked out.

The real purpose of a battleship is to carry explosives to a point where they can be delivered most certainly at the enemy from its deck as a gun platform. It has 12 16-inch guns in the

¹House Hearings, 663. See the very impressive article of the admiral, "The Battleship and the Airplane" in the *World's Work*, May, 1921.

latest models, firing 1-ton shells up to 200 discharges, a total, say of 5,000,000 pounds of explosives for the enemy. Then the guns are worn out. The monetary equivalent of the capital ship, 1,000 airplanes, can carry 6,000,000 pounds of explosives on one trip. They have no rifling to wear out; they lose but one craft out of 1,000 on each trip by direct fire; and they can make five times as many trips as the fastest surface ship. Efficiency would seem to lie with the flying ship.

VII. NAVAL POLICY

At the present time the United States has the most rapidly expanding navy. The Navy Department has rejected every effort to halt construction on the 1916 program of 156 warships, and it is being fulfilled practically intact, with the exception of the substitution of two airplane carriers for 18 smaller vessels. Great Britain is at a standstill, and Japan is trying to find resources for a so-called "8-8" program, that is, eight battleships and eight battle cruisers. France is standing still, and Italy, the other power, is really no longer in the rivalry.

What, then, is the policy behind the three largest fleets?

The General Board of the Navy Department on November 9, 1915, made the report which establishes both the basis and the purpose of the current building program. In this report it is stated:

"The navy of the United States should ultimately be equal to the most powerful maintained by any other nation of the world. It should be gradually increased to this point by such a rate of development year by year, as may be permitted by the facilities of the country, but the limit above defined should be attained not later than 1925."

The General Board is convinced of the great advantages, both military and economic, which will follow upon the acceptance of the general principle of a building program extending over a period of years. . . . On one hand a continuing program enables the Navy Department to plan with greater foresight than is possible with an annual noncontinuing program. The military end to be reached at the close of such a period is thus made clearly evident by the Navy Department to Congress and to the country. On the other hand, a degree of financial security is offered the industries of the country by the foreknowledge which they thus obtain as to probable naval expenditures. This will encourage them to invest money in enlarging their plants for naval shipbuilding and all its allied industries. At the same time, the strong probability of continued work throughout the period of the program, will tend to reduce contract prices.

"WEIGHT TO DIPLOMATIC REMONSTRANCE"

The General Board believes that the course of the present war in Europe affords convincing reasons for modifying the opinion which it has expressed for the past 11 years as to the proper size of the navy.

A navy in firm control of the seas from the outbreak of the war is the prime essential to the defense of a country situated as is the United States bordering upon two great oceans. A navy strong enough only to defend our coast from actual invasion will not suffice. Defense from invasion is not the only function of the navy. It must protect our sea-borne commerce and drive that of the enemy from the sea. The best way to accomplish all these objects is to find and defeat the hostile fleet or any of its detachments at a distance from our coast sufficiently great to prevent interruption of our normal course of national life. The current war has shown that a navy of the size recommended by this Board in previous years can no longer be considered as adequate to the defensive needs of the United States. Our present navy is not sufficient to give due weight to the diplomatic remonstrances of the United States in peace nor to enforce its policies in war.¹

A resolution was passed by the Senate on January 25 calling upon its Committee on Naval Affairs "to report to the Senate whether, in its opinion, it is practical and also a sound policy to suspend our naval building program, now in progress, for the period of six months, to the end that a full investigation and free discussion may be had as to what constitutes a modern fighting navy—a navy with the types of ships and with the air and submarine weapons that would be most effective in the strategy and tactics of future war on the sea; and also to the end that we may avail ourselves in the matter, both as to economy and efficiency, of any possible agreement between naval powers providing for the reduction of armaments."

The committee on February 9² reported that in its opinion "it is not practical and is not a sound policy to suspend the naval construction program of the United States now in progress, for a period of six months, nor at all." This decision was based on a memorandum report from the General Board of the navy.

The British situation is far different. Walter Long, first lord of the Admiralty, last December recalled that at one time Britain had a naval policy of maintaining a fleet equal to the next three; then, during the period of German activity, equal to the next two; and now, as a result of changed relations due to the World War, equal to the strongest. That is, exactly what the General Board of the American navy says. This significant, not to say

¹Report of the Secretary of the Navy, 1915, 75-76.

²Congressional Record; Senate Report 766, 63rd Cong., 3rd sess.

revolutionary, change in British policy has stood through two years, practically unnoticed by America.

BRITAIN'S NEW ONE-POWER STANDARD

Walter Long, first lord of the British Admiralty, speaking in the House of Commons, March 17, 1920, first stated it:

Before the war various Governments had to consider what the strength of the possible enemies on the sea opposed to them might be, and there were various standards taken. But I think it was generally accepted that our strength ought to be equivalent to that of the two next strongest powers. . . . The Germans, who were the cause of this war, who brought so much suffering upon humanity, who were so proud of their navy, who built it at such immense expense to themselves and thereby entailed very great expense upon us too, the Germans are to-day without a navy. . . .

Looking round the world to find what are the navies which at this moment can compare in strength with our own, we find that the only one is the navy of the United States of America. I believe it is a fact that the naval policies of all past Governments, whichever party they represented, have at least included this common principle, that our navy should not be inferior in strength to the navy of any other power, and to this principle the present Government firmly adheres. We are very fortunate in the fact that the only navy approximating in strength to our own is that of the United States of America, with whom we are associated in such a way that the idea of competition in armaments between us is one that is, to put it mildly, repugnant to us all; and we here—and I speak now, not merely for the Board of Admiralty, but for the Government—hope and believe that if there is to be any emulation between the United States of America and ourselves, it is likely to be in the direction of reducing that ample margin of naval strength which we each alike possess over all other nations. That is the foundation of the naval policy of His Majesty's Government.¹

A memorandum on naval policy issued by the present first lord of the Admiralty, Lord Lee of Fareham, on March 12, 1921, contains these important statements:

Estimates can only be based upon policy, and the naval policy of the Government, as announced by my predecessor, in the House of Commons, on March 17, 1920, is to maintain a "one-power standard"—*i. e.*, that our navy should not be inferior in strength to that of any other power. The duty of the Admiralty is to carry out that policy, as economically as possible, giving full weight to the special geographical,

¹Parl. Deb., 5th series. Vol. 126, 2300-01.

international and other considerations which have arisen since the war. This they are doing—in no mechanical spirit nor with insistence upon “numerical equality”—and, recognizing to the full the necessity for reducing expenditure to the lowest limits compatible with national security, the Admiralty have effected drastic economies, and agreed to assume risks which, in ordinary circumstances, they would regard as difficult to reconcile with the full maintenance of the Government’s declared policy.

NOT BUILDING AGAINST OTHERS

It can not be too strongly emphasized that, in making this long-delayed beginning with the replacement of obsolete ships, the Government neither commits itself to, nor contemplates, any building “programs” in answer to those of any other power. Indeed, it trusts that it may be possible, as a result of frank and friendly discussion with the principal naval powers, to avoid anything approaching to competitive building, either now or in the future. But meanwhile it would be a dereliction of duty on the part of the Admiralty to allow the efficiency, training, or *moral* of the Royal Navy to deteriorate through neglect to provide it with *matériel* which is equal to the best and in which it can feel confidence.

Japan’s policy is described in an interview of January 22 with Takashi Hara, premier of that country. As quoted in the Philadelphia *Public Ledger*, he said:

Although Japan to-day is recruiting larger navy plans, she is not ambitious to attack any other nation. The press stories asserting that Japan is building a navy against a hypothetical foe, and that that foe is America, are fantastic nonsense. Even with the present program completed, Japan’s naval strength still will be far less than required for an attack on America. The Pacific Ocean is wide, America is rich, distant and powerful, and should Japan hope to attack the United States she must build a navy far greater than America’s. Even those who ascribe the most aggressive motives to Japan on account of her naval construction must know that the present Government simply is executing an old program. The purpose of our building is obvious and simple. It is for the defense of our commerce and coasts, and nothing more. Our naval experts believe the present navy is insufficient for this purpose, and hence we must continue building.

OCEANS PREVENT DANGER

Neither the British nor the Japanese fleets are menaces to the United States. Admiral Sims in testimony said on February 4:

It is not a question in my mind of a second-class navy or a first-class navy. If we have no ideas, as I understand we have not, and we never have had, of extending our territory, and have no policy of aggrandizement at all, then we do not need as large a navy as our enemies that are 3,000 miles away. If you will refer to any competent writer, for instance, from Admiral Mahan up and down, you will see what I mean. I have a book of Mahan's . . . and you will see in there a discussion of the matter of the relative importance of the distance that your enemies are away from you. I do not hesitate to say that a British navy twice as great as ours could not successfully carry out any aggression against our coast, particularly in view of the modern weapons that we have now. Without going into a discussion in detail, my opinion is this, that if the enemy nation is 3,000 miles away, they have not any ships at all that can come over here and go back again without being coaled. She has got to have a base on this side. She has no destroyers at all that can come across the ocean at anything like fleet speed, and they must have bases for them. There is no base on this side, and there never will be one on this side, adequate to take care of a fleet of that kind and keep it in repair. They could not maintain a fleet on this side and keep it in repair. Now, it is up to us to decide, if we want to be on the defensive and have no idea of going across the ocean with our fleet to attack anybody else, as to what size the fleet should be. That is not the sort of thing to get into a quarrel about, but it is something that must be gone carefully into by competent military people.

Mr. OLIVER: Admiral, I have been led to believe from what you and other naval officers said that there is no such thing as a defensive navy, but a navy to have strength must have offensive power.

Admiral SIMS: Yes, sir.

Mr. OLIVER: In other words, if we should have war, it would be in the interest of this Government to shorten the war, and you could not shorten the war if your navy were built for purely defensive purposes?

3,000 MILES OF SAFETY

Admiral SIMS: I do not think you understood what I meant. I did not mean that the navy should be built purely for defensive purposes; but if it is your policy, and I do not say that it is, that you will never go across the ocean with aggressive designs, then you would want to have a navy strong enough to oppose any navy that could come 3,000 miles to attack you. . . . If you got into war with a country 3,000 miles away because they insisted upon doing something to you, and they come over here to attack you, it would be foolish for you to go 3,000 miles from your operating base to attack him at his base.¹

¹Hearings before the Committee on Naval Affairs, House of Representatives, 66th Cong., 3rd sess., 645, 647, 643, 646.

VIII. THE NEW REGIME IN EUROPE

The armament problem was inevitably one of the subjects to be considered in the settlement of the World War. There were two possible points of view at the time of the armistice. One was to arrange for a change at the time and the other was to arrange for the future. The Allied and Associated Powers, the victors, decided not to change their own status at the moment, except to record in the several treaties of peace that the armament clauses there set forth were imposed upon the enemy "in order to render possible the initiation of a general limitation of the armaments of all nations." In other words, limitation was made a price of defeat, and the moral effect of a self-denying ordinance on the part of the victors was carefully avoided. Clinging to armament at a time when it could very easily be relinquished is one of the easiest things that civilization does.

Looking to the future, the Allied and Associated Powers were not quite so cautious. Their mutual engagement, which was framed for the immediate participation of neutrals, and now is binding upon 48 states, is to be found in Articles 8 and 9 of the Covenant of the League of Nations. In those articles are positive injunctions from which something must come if good faith exists in the world. The details will be fully discussed forthwith, but it is for the moment desirable to see how the enemy powers, which before the war were undoubtedly the pivot of armament increase, have been treated in this respect by our victory over them.

Germany, Austria, Bulgaria, Hungary and Turkey had their level of armaments set for them at Paris, and in each country military, naval and air commissions of the victorious powers are now established with the sole duty of seeing that the imposed conditions are fulfilled. It should be understood in reading the following summary of the treaty provisions that they have been revised to accord with the undisputed facts secured from Allied sources. Looking at the situation as a whole, none of the enemy states except Germany and Turkey are under suspicion of non-fulfilment, and the treaty with Turkey is not yet effective. As to Germany, the outstanding matters in dispute are technically rather than actually important from the present armament point

of view. For instance, by the note of January 29, "there remain to be surrendered, in accordance with certain estimates, 1,400 airplanes and 5000 motors." This demand was accompanied by a ruling that "Germany shall accept the definitions established by the Allied powers which shall distinguish civil aviation from military forbidden by Article 198." Inasmuch as such definitions had not previously been put into effect, it is not clear whether the demand was a result of them. Germany had previously surrendered 16,000 airplanes and 25,000 motors. It is not to be doubted but that the disarmament of Germany under the treaty is as complete as the very technical conditions of fact permit.¹ The following summary of the existing conditions is official, revised from official documents:²

Military Forces—The German army strength may not exceed 100,000 including 4000 officers,³ with not over seven divisions of infantry and three of cavalry, to be devoted exclusively to maintenance of internal order and control of frontiers. The divisions may not be grouped under more than two army corps headquarters staffs. The German Great General Staff is abolished. The army administrative service, consisting of civilian personnel not included in the number of effectives, is reduced to one-tenth the total in the 1913 budget. Employees of the German states, such as customs officers, forest guards and coast guards, may not exceed the number in 1913. Gendarmes and local police may be increased only in accordance with the growth of population. None of these may be assembled for military training. No reserve of officers with war service is permitted. The high command confines itself to administrative duties.

¹The following testimony is in point:

"FRED A. BRITTEN: I have seen reports that there were thousands of guns hidden in various parts of Germany, and that the Germans might rise and commit great destruction. It was wondering whether there was any truth in reports of that kind.

"General PERSHING: I should be inclined to think that any such statements as that would be greatly exaggerated. I can hardly conceive of Germany undertaking another war in the immediate future." (Hearings before the Committee on Naval Affairs, House of Representatives, 66th Cong., 3rd sess., 600.)

²The provisions summarized are Part V, Articles 159-213, of the German treaty; Part V, Articles 118-159, of the Austrian treaty; Part IV, Articles 64-104, of the Bulgarian treaty; Part V, Articles 102-143 of the Hungarian treaty; Part V, Articles 152-207, of the Turkish treaty, as signed at Sèvres, August 10, 1920.

³Turkey, 50,700 officers and men; Hungary, 35,000; Austria, 30,000; and Bulgaria, 20,000.

Armaments—All establishments for the manufacturing, preparation, storage or design of arms and munitions of war, except those specifically excepted have been closed and their personnel dismissed.¹ The exact amount of armament and munitions allowed Germany is laid down in detail tables, all in excess to be surrendered or rendered useless. The manufacture or importation of asphyxiating, poisonous or other gases and all analogous liquids is forbidden, as well as the importation of arms, munitions and war materials. Germany may not manufacture such materials for foreign governments. No reserves of munitions may be formed. No tanks nor armored cars shall be manufactured or imported. The Germans are obliged to notify to the principal Allies for approval the names and situation of all factories manufacturing munitions, together with particulars of their output. The German government arsenals are suppressed and their personnel has been dismissed. Munitions for use in fortified works will be limited to 1000 rounds apiece for guns of 10.5 cm. caliber and under, and 400 rounds for guns of a higher caliber. Germany is prohibited from importing armaments and munitions.

Conscription—Conscription is abolished in Germany.² The enlisted personnel must be maintained by voluntary enlistments for terms of 12 consecutive years, the number of discharges before the expiration of that term not in any year to exceed five per cent of the total effectives. Officers remaining in the service must agree to serve to the age of 45 years, and newly appointed officers must agree to serve actively for 25 years. No military schools except those absolutely indispensable for the units allowed shall exist. No association such as societies of discharged soldiers, shooting or touring clubs, educational establishments or universities may

¹The Krupp works at Essen and the famous Skoda works are now both devoted to industrial manufactures. Cf. Commerce Reports, April 29, 1921.

²The text of the act abolishing conscription in Germany as passed by the Reichstag on August 21, 1920, is as follows:

"1. The German defense force consists of the state army and the state navy, formed of volunteers and noncombatant officials. All members of the defense force must be of German nationality. Conscription (*allegmeine Wehrpflicht*) is abolished. All decrees to the contrary are rescinded.

"2. The number of men in the state army from January 21 next will be 100,000, and in the state navy 15,000. In addition, there will be the requisite medical and veterinary officers.

"3. Any man wishing to enlist in the defense force must undertake to remain uninterruptedly in the state army or navy for 12 years.

occupy themselves with military matters. All measures of mobilization are forbidden.

Fortresses—All fortified works, fortresses and field works situated in German territory within a zone 50 kilometers east of the Rhine are dismantled. The construction of any new fortifications there is forbidden. A few fortified works on the southern and eastern frontiers remain.

Naval—The German navy is allowed six small battleships, six light cruisers, 12 destroyers, 12 torpedo boats and no submarines, either military or commercial, with a personnel of 15,000 men, including officers, and no reserve force of any character. Conscription is abolished, only voluntary service being permitted, with a minimum period of 25 years' service for officers and 12 for men. No member of the German mercantile marine will be permitted any naval training. All German vessels of war in foreign ports, the German High Sea Fleet, 42 modern destroyers, 50 modern torpedo boats, and all submarines, with their salvage vessels were surrendered, and all war vessels under construction, including submarines, broken up.¹ War vessels not otherwise provided for were placed in reserve or used for commercial purposes. Replacement of ships, except those lost, can take place only at the end of 20 years for battleships and 15 years for destroyers. The largest armored ship permitted is of 10,000 tons. Material arising from the breaking up of German warships may not be used except for industrial purposes, and may not be sold to foreign countries. Except under specified conditions for replacement, Germany is forbidden to construct or acquire any warships, and the construction or acquisition of any submarines whatever is

"4. Before promotion to officer's rank a candidate must undertake to remain uninterruptedly in that rank for 25 years from the day of promotion.

"5. Members of the former army, the former navy, the former defense corps (*Schutztruppen*), the provisional state army and the provisional state navy, will be paid according to the provisions of the army pay act and the budget act.

"Officers of both forces must agree to remain in the service until they have completed their 45th year.

"Noncommissioned officers retain their former insignia of rank, but may not claim to be given employment consonant with their former rank.

"6. This act comes into force on the day of its publication."—Translation from *Economic Review*, September 10, 1920.

A revised law was passed on March 19, 1921, in compliance with an allied demand.

¹For disposition of the German and Austro-Hungarian fleets, see *League of Nations*, III, 302-303.

prohibited. Vessels of war have a fixed allowance of arms, munitions and war material. All excess of arms, munitions and war material was surrendered, and no stocks or reserves are allowed. All German fortifications in the Baltic defending the passages through the Belts have been demolished. Other coast defenses are permitted, but the number and caliber of the guns must not be increased.

Air—The armed forces of Germany must not include any military or naval air forces. No dirigibles shall be kept. The entire air personnel is demobilized. No aviation grounds or dirigible sheds are allowed within 150 kilometers of the Rhine or the eastern or southern frontiers, existing installations within these limits to be destroyed. The manufacture of aircraft and parts of aircraft was forbidden for six months. All military and naval aeronautical material under a most exhaustive definition was surrendered within three months.

Control—Interallied commissions of control are seeing to the execution of the provisions for which a time limit is set. Their headquarters are at the German seat of government—and they may go to any part of Germany desired. Germany must give them complete facilities, pay their expenses, and also the expenses of execution of the treaty, including the labor and material necessary in demolition and destruction of surrendered war equipment.¹

LEAGUE OF NATIONS PROVISIONS

The articles of the Covenant of the League of Nations referring to the subject appear in the treaty of Versailles in this form:

ARTICLE I, 2. Any fully self-governing state, dominion or colony

¹Marshal Foch reported German deliveries of arms on December 31, 1920, as follows:

Cannon (complete)	41,000
Cannon (barrels)	29,000
Machine guns (complete and barrels)	163,000
Rifles	2,800,000
Airplanes	16,000
Airplane motors	25,000

The German commissioner for disarmament of the population announced totals of arms, voluntarily delivered, purchased or confiscated up to January 10, 1921, apparently additional to the above, as follows:

932 cannon; 18,067 machine guns; 2,201,584 rifles and carbines; 78,325 revolvers and pistols; 85,616 hand grenades; 3,553 pieces of firearms; 246,357 pieces of machine guns; 312,905 pieces of rifles; and 4,624,189 cartridges. (*Le Temps*, January 15, 1921.)

not named in the annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guaranties of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments

ARTICLE VIII. The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each Member, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every 10 years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programs, and the condition of such of their industries as are adaptable to warlike purposes.

ARTICLE IX. A permanent commission shall be constituted to advise the Council on the execution of the provisions of Articles I and VIII and on military, naval and air questions generally.

IX. ABOLISH THE UNLIMITED LIABILITY OF WAR

Grotius, the father of international law, laid down the definition of war which has not been extended in the intervening three hundred years. "War," he said,¹ "is the state of contending parties, considered as such." But he added a most important thought which has scarcely been mentioned since: "Justice is not included in the definition of war, because the very point to be decided is, whether any war be just, and what war may be so called. Therefore we must make a distinction between war itself and the justice of it." Nevertheless, the Romans had regarded war as an institution of law, that is, of justice. But that was, as it were, by default of organization. Sir Edward Creasy gives the reasoning in a few words: "When states had been formed, inasmuch as they acknowledged no common superior who should decide such differences as arose between them, the only possible mode for an injured state, which could not obtain redress by persuasion, was to seek it by war . . . carried on according to such rules as the general opinion and consent of civilized mankind should from time to time ordain—that is to say, according to *jus gentium*, understood as the law common to all civilized nations."²

Yet the only Roman conclusion from that reasoning was that compliance with the formalities prescribed gave the belligerent the right to call his contest a "perfect" war instead of an "imperfect" war.³ And a "perfect" war was one of unlimited liability, in which the conquered lost their lives, their freedom and their property, though the conquerors must be duly enrolled soldiers who were forbidden to show bad faith or treachery.

The publicists have missed a good deal between that point and the one where they resume their discussion. The full force of

¹The Rights of War and Peace, I, cap. 1, 2.

²First Platform of International Law, 371; citing Digest, book 1, title 1, sec. 5, where the jurist Hermogenianus is quoted. Creasy also quotes a suggestive passage from the Commentary of Cujacius, the 16th century French jurist.

³There is another set of alternatives, namely "general" and "limited," that is, engaging a whole or only a part of the citizenry. Cf. Moore, Digest of International Law, VII, 155.

Montesquieu's declaration that "nations ought to do each other as little harm in war as possible, without prejudice to their true interests,"¹ has been largely lost. And as a consequence, the text writers and the practitioners of international relations have devoted themselves to laying down what constituted "just" wars—as if anybody could really know that until after the affair was started beyond recall; to inventing rules for the conduct of war—outside the range of military science; and to determining with meticulous care how far the abnormal condition of war infringed on the normal rights of states, belligerent or neutral, and their nationals. All of these avenues of inquiry have been bounded by the dictum that "the object of war is peace," another of the remarkable paradoxes which cloud clear thinking on the armament problem.

JUSTICE THE OBJECT

War's object should not be peace, and armament should not be an instrument of peace. The object of war should be justice—which is what? An abstract definition is obviously of no use in seeking a solution to the armament question. Concretely, justice can best be defined as the balance of interests between the parties. Justice can be said to exist between them when neither is able to overbear the other by the resources of reason and argument. The result of such a balance may not be ideally satisfactory to either, but is the best to be had at the given time. The outcome may not be alike in two cases.

Can armament be employed in war as an instrument of justice? It can. The human race has developed a considerable body of moral sense which it has successively applied to individual, municipal, national, and international relations. In every case the procedure is the same. Individuals who fail to adjust their interests between themselves call on a third party—a court usually—to do it for them. If that fails to solve their problem and they attack each other, we jail them for the good of the community. Internationally, we are just at the point where states have agreed to let the community of nations treat any of them which refuses to use the third party as an outlaw. But they reserve a fairly extensive right to decide whether the third party shall be a deciding court or an advising board of inquiry;

¹De l'Esprit des Lois, livre I, chap. 3.

and in the latter case they gain their freedom to fight unless the report of the board is unanimous. If we take account of the flexibility of mankind in applying technicalities to its own advantage, and assume that the possibilities of war are still larger, so that states can find other avenues for getting through the rules into war, justice would be a pretty dubious quantity.

WHAT UNLIMITED MEANS

But let us assume that all the rules have been complied with, and that there is war. There would, of course, be a cause—a piece of territory, the confinement of a citizen, or something like that. State A is defeated. In the past has victor B taken the disputed territory, released the citizen or recovered any other object of disagreement, and quit? It has not. The victor has invariably entered a war on a limited grievance and placed the victim under an unlimited liability in the end. The settlement of any war has been regarded as too good a chance to be overlooked for the victor to improve its position, to settle old scores, to straighten out kinks of relationship. Apply the principle personally. A and B get into a fight over a watch when the police are not around. B, who is A's rival in love and business, wins. As a result he secures the watch, forces A to hand over the engagement ring and sign over his business. Intolerable among persons; merely patriotic among peoples! If the affair remained outside the jurisdiction of courts by some fluke of justice, the neighbors would say that the watch was not the cause of the dispute at all.

THE WAY TO REFORM

That situation is so normal in the case of war between nations that apparently no publicist has ever even considered it. The remedy is, of course, simple. Let nations agree in discussing the political phases of disarmament that, in the event of war, they will obligate themselves to take no more at the peace than what they have declared in advance to be the *casus belli*.

The machinery for preventing nations from reaching the point where they have a *casus belli* which they can put to the trial of war, without arraying the rest of the world against them, as happened to Germany, is pretty well developed. But if that point is reached, why not confine the fight strictly within the limits of the declared object?

First, that would give real substance in practise to Montesquieu's correct thesis that "nations ought to do each other as little harm in war as possible, without prejudice to their true interests," affording at the outset a firmer basis for appraising the justice of the affair than has ever existed.

Second, that would deprive no nation of any right to which it was entitled, for none would be able to claim honestly that it was justified in making a war whose object it could not define in advance.

Third, that would give the world a perfectly definite criterion for determining when the object was attained and for judging the peace.

Fourth, that would eliminate a great deterrent to the development of international law, namely, that the suspension of treaties during war has always given the victor the opportunity to gain advantages by imposing new commercial and other terms on the vanquished as an incident to re-establishing peace, thus setting precedents which the world has been prone to live down to.

Fifth, that would practically eliminate "perfect" or "general" war—that is, the nation in arms—from the field, the wars that would occur being of the "limited" character.

THE BAROMETER OF POLICY

The armament problem is simply stated—policy and fear. The world has passed beyond the stage where any nation maintains armament as a mere hobby. But what is not understood is that armament is not kept for itself. It is impossible to fight a war without armament and it is even more impossible to get into war unless policy leads there. Armament is the barometer of policy. There will never be any employment of armament which is not enjoined or dictated by policy. That is the cardinal point which has been so signally disregarded by all nations that not one of them has ever done the essential thing of making those who conduct their foreign relations primarily responsible for determining the level of preparations for war. Instead of that perfectly simple effort, the peoples have permitted their governments to whip up their fears, and have rewarded the politicians who invented the biggest bugaboos. There has been enough real cause of fear in the world; but it has been so generously mixed with imagination that peoples have seldom been able to

distinguish the false from the true. The real dangers to national life are, or should be, properly met by facing the determined facts, with the public responsibility placed upon those who direct the national policy rather than left to those who have undertaken the technical duty of seeing to preparations for defense.

Right up to the present there has been practically no attempt to determine in any effective way what nations should fight about, and what they should not. Behind the whole fabric of international relations up to and through the World War was the recognition that war was something that a state took on at its own election. Grotius piously admitted the right of a state to wage a "just war." But that kind of dictum, suspended in the national and international fogs of emotionalism and selfish interests, means nothing; because it takes no account of the ability of the human mind to translate evil into good. The Germanic powers began the World War with justice on their side, according to their own statements at the time.

THINGS ARE BETTER

The situation is somewhat improved. In fact, during the last 20 years there has grown up a certain number of restrictions upon war and certain tests of its correctness.

The second Hague Conference produced a convention signed on October 18, 1907, by which the contracting powers "recognize that hostilities between themselves must not commence without previous and explicit warning"; and that the existence of the state of war shall not take effect in regard to neutral powers until after the receipt of the notification. These provisions were somewhat vitiated by the provision that an ultimatum or a conditional declaration of war might operate as such a notice. Subsequent conflicts have seen that privilege applied in 24- and 48-hour ultimatums.

Another restriction was established in a Hague convention of the same date by which the "contracting powers agree not to have recourse to armed force for the recovery of contract debts claimed from the government of one country by the government of another country as being due to its nationals." Arbitration

was specified as the proper method of settling such claims, failing the application of which, the restriction itself would not hold.

As early as June 23, 1874, the United States Senate passed a resolution recommending "the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations." The realization of that sound doctrine in practice has taken great but halting steps in the intervening 47 years.

Advance did not prove to be by the arbitration route. The development of that method encountered two rocks. The first was the exception from its jurisdiction of questions of "national honor," which is a thing as intangible in the international system as the Austro-Hungarian "prestige," which hamstrung every effort to get that country to discuss her ultimatum to Serbia.¹ The second was the impossibility of establishing arbitration as an organic system, owing to failure to agree on a method for selecting a workable court.

AMERICA BLAZES NEW TRAILS

But the United States nevertheless blazed new trails. First, President Taft avoided the fetish of "national honor" by a new division of international disputes into "justiciable" and "non-justiciable." In 1913 Secretary of State Bryan made the proposal which completed the circle. He proposed that all disputes not otherwise settled should be submitted to inquiry by permanent commissions and the contracting powers—28 of them now—"agree not to declare war or begin hostilities during such investigation and report."

So the right—fully recognized in political science—of a state to make war on any account in its own discretion—or lack of discretion—is gradually being foresworn by a world which has been curiously averse to deny itself the privilege of blowing itself up.

The restrictions have grown. The World War begat the

¹"A war for the *prestige* and position of the monarchy indeed for its very existence cannot be avoided for any length of time. . . . Half measures putting forth demands, with long discussions to follow and a rotten compromise at the end would be the heaviest blow Austria-Hungary's *prestige* in Serbia and its position as a great power in Europe could experience." (Baron von Giesl, Austro-Hungarian minister at Belgrade, to Count Berchtold, July 21, 1914. Austrian Red Book, Official Files pertaining to Prewar History, I, 90, 91.)

general conviction that war and its necessary instruments were suppressible by concerted action, and that, above all, agreements to that end should be enforceable. The Peace Conference point of view is clear to that effect:

Mr. PADGETT: If the terms of the agreement are not kept by one nation they must be enforced by the use of the forces of the civilized powers who are parties to the agreement.

HENRY WHITE: (Member of American Commission to Negotiate Peace): I do not see how it could be otherwise.¹

It is not surprising, therefore, that 48 nations have now agreed among themselves "that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or inquiry by the Council and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council." They further agree "that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a Member of the League [of Nations] which complies therewith." In respect to cases submitted to inquiry, "if the report by the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report." In the case of a state not a Member of the League, if an invitation to accept the obligations of membership for the purposes of the dispute is refused and it shall resort to war against a Member of the League, the sanctions applicable to members of the League shall apply to it and if any Member of the League resorts to war in disregard of these provisions "it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League" which undertake to apply the so-called economic boycott.

In the summer of 1920, Elihu Root, former Secretary of State, was selected as one of a dozen of the world's foremost international jurists to work out at The Hague a draft scheme for a permanent Court of International Justice. The work, for the first time in history, was successfully accomplished. In December it was voted at Geneva by the representatives of 40 nations,

¹Hearing of the Committee on Naval Affairs, House of Representatives, 66th Cong., 3rd sess., 590.

acting officially, and the ratifications of several states to the resulting treaty have already taken place. Only one question respecting it is outstanding, that of compulsory jurisdiction. The states participating in the adoption of the plan could not bring themselves to agree to be cited into court—at least not all of them. Yet they all did agree to prepare a protocol, which, upon being separately signed, accomplishes that result.

THE OPPORTUNITY AHEAD OF US

On March 2, 1907, Sir Henry Campbell-Bannerman, premier of Great Britain, published a letter in the *London Nation* with the purpose of urging that the question of reduction of armaments should be placed on the program of the second Hague Conference, then about to be held. "The idea of the peaceful adjustment of international disputes has attained a practical potency, and a moral authority undreamt of in 1898." And, then he went on:

I suggest that only upon one hypothesis can the submission of this grave matter to the conference be set down as inadmissible; namely, that guaranties of peace, be they what they may, are to be treated as having no practical bearing on the scale and intensity of warlike preparations. . . . It would amount to a declaration that the common interest of peace, proclaimed for the first time by the community of nations assembled at The Hague, and carried forward since then by successive stages with a rapidity beyond the dreams of the most sanguine, has been confided to the guardianship of the admiralties and war offices of the powers.

The time is now ripe, overripe, to restrict war; the burdened taxpayers cry out against its cost and its preparation. They are in the mood of the British statesman. America needs to turn only to her own history to find guaranties of peace full and effective enough to have the most practical bearing on the extent of armaments. And fate has brought to America the responsibility of being the strongest among the armament competitors left by the World War. Having through her history developed substitutes for war, can she now do less than call a conference to reduce armaments, fulfilling in these latter days Washington's farewell injunction to "give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence?"

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The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

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RESOLUTION PASSED UNANIMOUSLY BY ASSEMBLY OF LEAGUE OF NATIONS, 20TH PLENARY SESSION, DECEMBER 13, 1920

1. The Assembly unanimously declares its approval of the Draft Statute of the Permanent Court of International Justice, as amended by the Assembly, which was prepared by the Council under Article 14 of the Covenant, and submitted to the Assembly for its approval.

2. In view of the special wording of Article 14 the Statute of the Court shall be submitted within the shortest possible time to the Members of the League of Nations for adoption in the form of a protocol duly ratified and declaring their recognition of this Statute. It shall be the duty of the Council to submit the Statute to the Members.

3. As soon as this protocol has been ratified by the majority of the Members of the League, the Statute of the Court shall come into force and the Court shall be called upon to sit in conformity with the said Statute in all disputes between the Members or states which have ratified, as well as between the other states, to which the Court is open under Article 35, paragraph 2, of the said Statute.

4. The said protocol shall likewise remain open for signature by the states mentioned in the Annex to the Covenant.

PERMANENT COURT OF INTERNATIONAL JUSTICE

PROTOCOL OF SIGNATURE

The Members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined Statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the Assembly of the League on the 13th December, 1920, at Geneva.

Consequently, they hereby declare that they accept the jurisdiction of the Court in accordance with the terms and subject to the conditions of the above-mentioned Statute.

The present Protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each Power shall send its ratification to the Secretary-General of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory Powers. The ratification shall be deposited in the archives of the Secretariat of the League of Nations.

The said Protocol shall remain open for signature by the Members of the League of Nations and by the States mentioned in the Annex to the Covenant of the League.

The Statute of the Court shall come into force as provided in the above-mentioned decision.

Executed at Geneva, in a single copy, the French and English texts of which shall both be authentic.

December 16, 1920.

Portugal

AFFONSO COSTA

Greece

N. POLITIS

Uruguay

J. C. BLANCO

B. FERNANDEZ Y. MEDINA

Sweden

HY. BRANTING

Salvador

J. GUSTAVO GUERRERO

ARTURO R. AVILA

<i>Denmark</i>	HERLUF ZAHLE
<i>China</i>	V. K. WELLINGTON KOO T. F. TANG
<i>Japan</i>	HAYASHI
<i>Paraguay</i>	H. VELASQUEZ
<i>Siam</i>	CHAROON
<i>Switzerland</i>	MOTTA

Signed subject to the approval of the Government of the Union of South Africa:

<i>South Africa</i>	R. D. BLANKENBERG
<i>Brazil</i>	RODRIGO OCTAVIO GASTAO DA CUNHA RAUL FERNANDES
<i>Poland</i>	I. J. PADEREWSKI
<i>New Zealand</i>	J. ALLEN
<i>Netherlands</i>	J. LOUDON
<i>Italy</i>	CARLO SCHANZER
<i>United Kingdom</i>	ARTHUR JAMES BALFOUR
<i>Costa Rica</i>	MANUEL M. DE PERALTA
<i>Venezuela</i>	MANUEL DIAZ RODRIGUEZ SANTIAGO KEY-AYALA DIOGENES ESCALANTE
<i>Colombia</i>	FRANCISCO JOSÉ URRUTIA A. J. RESTREPO
<i>Norway</i>	F. HAGERUP
<i>India</i>	W. S. MEYER
<i>France</i>	LÉON BOURGEOIS
<i>Panama</i>	HARMODIO ARIAS
<i>Cuba</i>	ARISTIDE DE AGÜERO RAFAEL MARTINEZ ORTIZ EZEQUIEL GARCIA

OPTIONAL CLAUSE

The undersigned, being duly authorized thereto, further declare, on behalf of their Government, that, from this date, they accept as compulsory, *ipso facto* and without special Convention, the jurisdiction of the Court in conformity with article 36, paragraph 2, of the Statute of the Court, under the following conditions:

Portugal

Au nom du Portugal, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale, vis-à-vis de tout autre Membre ou État acceptant la même obligation, la juridiction de la Cour, purement et simplement.

AFFONSO COSTA.

Switzerland

Au nom du Gouvernement suisse, et sous réserve de ratification par l'Assemblée fédérale, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale, vis-à-vis de tout autre Membre ou État acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement, pour la durée de cinq années.

MOTTA.

Denmark

Au nom du Gouvernement Danois, et sous réserve de ratification, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale, vis-à-vis de tout autre Membre ou État acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement pour la durée de cinq années.

HERLUF ZAHLE.

Salvador

Sous réserve de réciprocité:

J. GUSTAVO GUERRERO.

ARTURO R. AVILA.

Costa Rica

Sous réserve de réciprocité:

MANUEL M. DE PERALTA.

Uruguay

Au nom du Gouvernement de l'Uruguay, je déclare reconnaître comme obligatoire, de plein droit et sans convention spéciale vis-à-vis de tout autre Membre de la société ou État acceptant la même obligation, c'est-à-dire sous condition de réciprocité, la juridiction de la Cour, purement et simplement.

B. FERNANDEZ Y MEDINA.

Pour copie certifiée conforme.

ERIC DRUMMOND,

Secrétaire Général.

Acceptances of the optional clause were made subsequently to the signing of the protocol by states as follows:

Brazil—"Provided that the optional clause is accepted by two powers represented on the Council."

Bulgaria—"In relation to any other state accepting the same obligation, that is, on condition of reciprocity."

Finland—"In relation to any other state accepting the same obligation, that is, on condition of reciprocity."

Liberia.

Luxemburg—"In relation to any other state accepting the same obligation, that is, on condition of reciprocity."

Netherlands—"In relation to any other state accepting the same obligation, that is, on condition of reciprocity."

Sweden—"In relation to any other state accepting the same obligation, that is, on condition of reciprocity."

STATUTE

*For the Permanent Court of International Justice provided for
by Article 14 of the Covenant of the
League of Nations*

ARTICLE 1. A Permanent Court of International Justice is hereby established, in accordance with Article 14 of the Covenant of the League of Nations. This Court shall be in addition to the Court of Arbitration organized by the Conventions of The Hague of 1899 and 1907, and to the special Tribunals of Arbitration to which States are always at liberty to submit their disputes for settlement.

CHAPTER I

ORGANIZATION OF THE COURT

ART. 2. The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ART. 3. The Court shall consist of fifteen members: eleven judges and four deputy-judges. The number of judges and deputy-judges may hereafter be increased by the Assembly, upon the proposal of the Council of the League of Nations, to a total of fifteen judges and six deputy-judges.

ART. 4. The members of the Court shall be elected by the Assembly and by the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions.

In the case of Members of the League of Nations not represented in the Permanent Court of Arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their Governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by

Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.¹

ART. 5. At least three months before the date of the election, the Secretary-General of the League of Nations shall address a written request to the Members of the Court of Arbitration belonging to the States mentioned in the Annex to the Covenant or to the States which join the League subsequently, and to the persons appointed under paragraph 2 of Article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

ART. 6. Before making these nominations, each national group is recommended to consult its Highest Court of Justice, its Legal Faculties and Schools of Law, and its National Academies and national sections of International Academies devoted to the study of Law.

ART. 7. The Secretary-General of the League of Nations shall prepare a list in alphabetical order of all the persons thus

¹This article was drafted by a subcommittee of the Third Committee of the First Assembly of the League of Nations. The decision was taken on November 25, 1920. Records of the First Assembly, Meetings of the Committees, 1, 335-339, Article 44 of the convention of The Hague of 1907 for the pacific settlement of international disputes reads as follows:

"Each contracting Power selects four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator.

"The persons thus selected are inscribed, as members of the Court, in a list which shall be notified to all the contracting Powers by the Bureau.

"Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the contracting Powers.

"Two or more Powers may agree on the selection in common of one or more members.

"The same person can be selected by different Powers.

"The members of the Court are appointed for a term of six years. These appointments are renewable.

"Should a member of the Court die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case the appointment is made for a fresh period of six years."

nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible for appointment.

The Secretary-General shall submit this list to the Assembly and to the Council.

ART. 8. The Assembly and the Council shall proceed independently of one another to elect, firstly the judges, then the deputy-judges.

ART. 9. At every election, the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

ART. 10. Those candidates who obtain an absolute majority of votes in the Assembly and in the Council shall be considered as elected.

In the event of more than one national of the same Member of the League being elected by the votes of both the Assembly and the Council, the eldest of these only shall be considered as elected.

ART. 11. If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

ART. 12. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the Assembly and three by the Council, may be formed, at any time, at the request of either the Assembly or the Council, for the purpose of choosing one name for each seat still vacant, to submit to the Assembly and the Council for their respective acceptance.

If the Conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Articles 4 and 5.

If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been appointed shall, within a period to be fixed by the Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the Assembly or in the Council.

In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

ART. 13. The members of the Court shall be elected for nine years.

They may be re-elected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

ART. 14. Vacancies which may occur shall be filled by the same method as that laid down for the first election. A member of the Court elected to replace a member whose period of appointment had not expired will hold the appointment for the remainder of his predecessor's term.

ART. 15. Deputy-judges shall be called upon to sit in the order laid down in a list.

This list shall be prepared by the Court and shall have regard firstly to priority of election and secondly to age.

ART. 16. The ordinary Members of the Court may not exercise any political or administrative function. This provision does not apply to the deputy-judges except when performing their duties on the Court.

Any doubt on this point is settled by the decision of the Court.

ART. 17. No Member of the Court can act as agent, counsel or advocate in any case of an international nature. This provision only applies to the deputy-judges as regards cases in which they are called upon to exercise their functions on the Court.

No Member may participate in the decision of any case in which he has previously taken an active part, as agent, counsel or advocate for one of the contesting parties, or as a Member of a national or international Court, or of a Commission of inquiry, or in any other capacity.

Any doubt on this point is settled by the decision of the Court.

ART. 18. A member of the Court can not be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

Formal notification thereof shall be made to the Secretary-General of the League of Nations, by the Registrar.

This notification makes the place vacant.

ART. 19. The members of the Court, when engaged on the

business of the Court, shall enjoy diplomatic privileges and immunities.

ART. 20. Every member of the Court shall, before taking up his duties, make a solemn declaration in open Court that he will exercise his powers impartially and conscientiously.

ART. 21. The Court shall elect its President and Vice-President for three years; they may be re-elected.

It shall appoint its Registrar.

The duties of Registrar of the Court shall not be deemed incompatible with those of Secretary-General of the Permanent Court of Arbitration.

ART. 22. The seat of the Court shall be established at The Hague.

The President and Registrar shall reside at the seat of the Court.

ART. 23. A session of the Court shall be held every year.

Unless otherwise provided by rules of Court, this session shall begin on the 15th of June, and shall continue for so long as may be deemed necessary to finish the cases on the list.

The President may summon an extraordinary session of the Court whenever necessary.

ART. 24. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

If the President considers that for some special reason one of the members of the Court should not sit on a particular case, he shall give him notice accordingly.

If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

ART. 25. The full Court shall sit except when it is expressly provided otherwise.

If eleven judges can not be present, the number shall be made up by calling on deputy-judges to sit.

If, however, eleven judges are not available, a quorum of nine judges shall suffice to constitute the Court.

ART. 26. Labor cases, particularly cases referred to in Part XIII (Labor) of the Treaty of Versailles and the corresponding portion of the other Treaties of Peace, shall be heard and determined by the Court under the following conditions:

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the Court will sit with the number of judges provided for in Article 25. On all occasions the judges will be assisted by four technical assessors sitting with them, but without the right to vote, and chosen with a view to insuring a just representation of the competing interests.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the President will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with Article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Labor cases" composed of two persons nominated by each Member of the League of Nations and an equivalent number nominated by the Governing Body of the Labor Office. The Governing Body will nominate, as to one half, representatives of the workers, and as to one half, representatives of employers from the list referred to in Article 412 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace.

In Labor cases the International Labor Office shall be at liberty to furnish the Court with all relevant information, and for this purpose the Director of that Office shall receive copies of all the written proceedings.

ART. 27. Cases relating to transit and communications, particularly cases referred to in Part XII (Ports, Waterways and Railways) of the Treaty of Versailles and the corresponding portions of the other Treaties of Peace shall be heard and determined by the Court under the following conditions:

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the Court will

sit with the number of judges provided for in Article 25. When desired by the parties or decided by the Court, the judges will be assisted by four technical assessors sitting with them, but without the right to vote.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the President will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with Article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Transit and Communications cases" composed of two persons nominated by each Member of the League of Nations.

ART. 28. The special chambers provided for in Articles 26 and 27 may, with the consent of the parties to the dispute, sit elsewhere than at The Hague.

ART. 29. With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of three judges who, at the request of the contesting parties, may hear and determine cases by summary procedure.

ART. 30. The Court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

ART. 31. Judges of the nationality of each contesting party shall retain their right to sit in the case before the Court.

If the Court includes upon the Bench a judge of the nationality of one of the parties only, the other party may select from among the deputy-judges a judge of its nationality, if there be one. If there should not be one, the party may choose a judge, preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

If the Court includes upon the Bench no judge of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the Court.

Judges selected or chosen as laid down in paragraphs 2 and 3 of this Article shall fulfil the conditions required by Articles 2, 16,

17, 20, 24 of this Statute. They shall take part in the decision on an equal footing with their colleagues.

ART. 32. The judges shall receive an annual indemnity to be determined by the Assembly of the League of Nations upon the proposal of the Council. This indemnity must not be decreased during the period of a judge's appointment.

The President shall receive a special grant for his period of office, to be fixed in the same way.

The Vice-President, judges and deputy-judges shall receive a grant for the actual performance of their duties, to be fixed in the same way.

Traveling expenses incurred in the performance of their duties shall be refunded to judges and deputy-judges who do not reside at the seat of the Court.

Grants due to judges selected or chosen as provided in Article 31 shall be determined in the same way.

The salary of the Registrar shall be decided by the Council upon the proposal of the Court.

The Assembly of the League of Nations shall lay down, on the proposal of the Council, a special regulation fixing the conditions under which retiring pensions may be given to the personnel of the Court.

ART. 33. The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.

CHAPTER II

COMPETENCE OF THE COURT

ART. 34. Only States or Members of the League of Nations can be parties in cases before the Court.

ART. 35. The Court shall be open to the Members of the League and also to States mentioned in the Annex to the Covenant.

The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Council, but in no case shall such provisions place the parties in a position of inequality before the Court.

When a State which is not a Member of the League of Nations is a party to a dispute, the Court will fix the amount which that party is to contribute toward the expenses of the Court.

ART. 36. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in Treaties and Conventions in force.

The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory, *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning:

- (a.) The interpretation of a Treaty.
- (b.) Any question of International Law.
- (c.) The existence of any fact which, if established, would constitute a breach of an international obligation.
- (d.) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

ART. 37. When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal.

ART. 38. The Court shall apply:

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States:

2. International custom, as evidence of a general practice accepted as law;

3. The general principles of law recognized by civilized nations;

4. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III

PROCEDURE

ART. 39. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will be delivered in French. If the parties agree that the case shall be conducted in English, the judgment will be delivered in English.

In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court will be given in French and English. In this case the Court will at the same time determine which of the two texts shall be considered as authoritative.

The Court may, at the request of the parties, authorize a language other than French or English to be used.

ART. 40. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the contesting parties must be indicated.

The Registrar shall forthwith communicate the application to all concerned.

He shall also notify the Members of the League of Nations through the Secretary-General.

ART. 41. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Council.

ART. 42. The parties shall be represented by Agents.

They may have the assistance of Counsel or Advocates before the Court.

ART. 43. The procedure shall consist of two parts: written and oral.

The written proceedings shall consist of the communication to

the judges and to the parties of cases, counter-cases and, if necessary, replies; also all papers and documents in support.

These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

A certified copy of every document produced by one party shall be communicated to the other party.

The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel and advocates.

ART. 44. For the service of all notices upon persons other than the agents, counsel and advocates, the Court shall apply direct to the Government of the State upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

ART. 45. The hearing shall be under the control of the President or, in his absence, of the Vice-President; if both are absent, the senior judge shall preside.

ART. 46. The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

ART. 47. Minutes shall be made at each hearing, and signed by the Registrar and the President.

These minutes shall be the only authentic record.

ART. 48. The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

ART. 49. The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

ART. 50. The Court may, at any time, intrust any individual, body, bureau, commission or other organization that it may select, with the task of carrying out an inquiry or giving an expert opinion.

ART. 51. During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

ART. 52. After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to

accept any further oral or written evidence that one party may desire to present unless the other side consents.

ART. 53. Whenever one of the parties shall not appear before the Court, or shall fail to defend his case, the other party may call upon the Court to decide in favor of his claim.

The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

ART. 54. When, subject to the control of the Court, the agents, advocates and counsel have completed their presentation of the case, the President shall declare the hearing closed.

The Court shall withdraw to consider the judgment.

The deliberations of the Court shall take place in private and remain secret.

ART. 55. All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the President or his deputy shall have a casting vote.

ART. 56. The judgment shall state the reasons on which it is based.

It shall contain the names of the judges who have taken part in the decision.

ART. 57. If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

ART. 58. The judgment shall be signed by the President and by the Registrar. It shall be read in open Court, due notice having been given to the agents.

ART. 59. The decision of the Court has no binding force except between the parties and in respect of that particular case.

ART. 60. The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

ART. 61. An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

The application for revision must be made at latest within six months of the discovery of the new fact.

No application for revision may be made after the lapse of ten years from the date of the sentence.

ART. 62. Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party.

It will be for the Court to decide upon this request.

ART. 63. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

ART. 64. Unless otherwise decided by the Court, each party shall bear its own costs.

JUDGES OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

Elected September 14-15, 1921, to serve nine years.

Rafael ALTAMIRA y Crevea,	Spain, born 1866.
Dionisio ANZILOTTI,	Italy, born 1869.
Ruy BARBOZA,	Brazil, born 1849.
Antonio Sanchez de BUSTAMENTE y Sirven,	Cuba, born 1865.
Robert Bannatyne Viscount FINLAY,	Great Britain, born July 11, 1842.
Hans Max HUBER,	Switzerland, born December 28, 1874.
B. C. J. LODER,	Netherlands, born 1849.
John Bassett MOORE,	United States, born December 3, 1860.
Didrik Galtrup Gjedde NYHOLM,	Denmark, born June 21, 1858.
Yorozu ODA,	Japan, born 1868.
Charles André WEISS,	France, born September 30, 1858

DEPUTY JUDGES

Frederik Valdemar Nikolai BEICHMANN,	Norway, born January 3, 1859.
Mikhailo JOVANOVICH,	Serb-Croat-Slovene State.
Dumitriu NEGULESCU,	Rumania, born 1876.
WANG Ch'ung-hui,	China, born 1882.

REMUNERATION OF MEMBERS OF THE PERMANENT COURT OF
INTERNATIONAL JUSTICE

*Resolution passed unanimously at Assembly of League of Nations,
31st Plenary Session, December 18, 1920*

The Assembly of the League of Nations, in conformity with the provisions of Article 32 of the Statute, fixes the salaries and allowances of members of the Permanent Court of International Justice as follows:

President

	Dutch florins	
Annual salary	15,000	\$6,030
Special allowance	45,000	18,090
	<hr/>	<hr/>
Total	60,000	\$24,120

Vice-President

Annual salary	15,000	\$6,030
Duty-allowance (200x150)	30,000 (maximum)	12,060
	<hr/>	<hr/>
Total	45,000	\$18,090

Ordinary Judges

Annual salary	15,000	\$6,030
Duty-allowance (200x100)	20,000 (maximum)	8,040
	<hr/>	<hr/>
Total	35,000	\$14,070

Deputy-Judges

Duty-allowance (200x150)	30,000 (maximum)	\$12,060
--------------------------	------------------	----------

Duty-allowances are payable from the day of departure until the return of the beneficiary.

An additional allowance of 50 florins (\$20.10) per day is assigned for each day of actual presence at The Hague to the Vice-President and to the ordinary and deputy-judges.

Allowances and salaries are free of all tax.

MEMBERS OF THE COURT

The protocol of December 16, 1920, establishing the Court was signed by the following states at the time: Brazil, China, Colombia, Costa Rica, Cuba, Denmark, France, United Kingdom (Great Britain), Greece, India, Italy, Japan, Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Salvador, Siam, South Africa, Sweden, Switzerland, Uruguay, and Venezuela.

At the time of the election the Secretariat of the League of Nations had on deposit ratifications or official notifications of ratification from the following states:

Albania	Haiti	Serb-Croat-Slovene
Australia	India	State
Austria	Italy	Siam
Belgium	Japan	South Africa
Brazil	Netherlands	Spain
Bulgaria	New Zealand	Sweden
Canada	Norway	Switzerland
Denmark	Poland	United Kingdom
France	Portugal	Uruguay
Greece	Rumania	Venezuela

At the time of the election the protocol had been signed, but not ratified by:

Bolivia	Cuba	Luxemburg
China	Czecho-Slovakia	Panama
Colombia	Finland	Paraguay
Costa Rica	Liberia	Persia
	Salvador	

The states members of the Court at that time consequently may be regarded as 42 in number.

The clause providing for compulsory jurisdiction was signed on December 16, 1920, by Costa Rica, Denmark, Portugal, Salvador, Switzerland and Uruguay.

At the time of the election it had been accepted by:

Brazil	Finland	Portugal
Bulgaria	Liberia	Salvador
Costa Rica	Luxemburg	Sweden
Denmark	Netherlands	Switzerland
	Uruguay	

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A LEAGUE of NATIONS

Vol. IV, No. 4

August, 1921

The Staggering Burden of Armament

II

What America Has Spent for War and Peace

Previous Plans for Limitation

Published Bimonthly by the
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40 Mt. Vernon Street, Boston

Price, 5 cents per copy; 25 cents per year

World Peace Foundation

Boston, Massachusetts

*FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

*Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

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I. YESTERDAY, TO-DAY AND — ?

A year ago the American public was startled, even stunned, by a paper on the scientific work of the United States Government by the late Edward Bennett Rosa, Chief of the Bureau of Standards. The startling thing about the paper was not its title, but tables of Government expenditures showing that 92.8% of the total appropriations for the fiscal year ending June 30, 1920, were devoted to past, present or future war.

As a scientist the author brought a bill of particulars against a Government which was devoting only 7.2% of its appropriated money to the employments of civilization, and implied an indictment against a world in which the richest nation was doing such a thing.

The Secretaries of the Treasury of the United States and the adding machine make an indictment that would startle even the scientist who startled a country. For he did his figuring immediately after the World War, on appropriations cluttered up with all kinds of hang-over expenses resulting from it. His object was to keep the scientific work of the Government from being overlooked in the readjustments back to a normal peace basis. But the Secretaries of the Treasury and the adding machine tell us that what he looked upon as exceptional has been essentially true throughout the whole course of American history.

There is published in the Annual Report of the Secretary of the Treasury a table giving the disbursements of the United States Government in each year since 1789, the first under the Constitution. This table is divided under the heads: Civil and Miscellaneous, War Department, Navy Department, Indians, Pensions, Interest on the Public Debt, and Annual Total. It has always been totaled horizontally, to show the annual cost of government. It has never been totaled vertically to get a comparison between the items of expenditure. That table in the Annual Report of the Secretary of the Treasury for the Fiscal Year Ending June 30, 1920, the last one issued, was handed to an adding machine operator with instructions to get the vertical totals. The result follows:

DISBURSEMENTS OF 131 YEARS

Civil and miscellaneous and Indians, excluding postal deficiencies		\$14,120,719,481.63
War Department, 1789-1920. .	\$24,294,476,872.99	
Navy Department, 1794-1920	7,653,866,815.67	
Pensions, 1789-1920.	5,876,021,640.19	
Interest on the public debt, 1789-1920	5,232,615,199.16	
Special disbursements, 1917- 1920 ¹	9,550,509,399.90	
	<hr/>	52,607,489,927.91
Total ordinary disbursements 1789-1920		<hr/> \$66,728,209,409.54

In the 131 years of its existence, the United States has spent 78.5% of its total ordinary disbursements on war, or things related to or resulting from war. In the course of its whole existence, it has put only 21.5% of its disbursements into the civil government of the country.

It is time to change the proportions, not for the United States alone but for the world. They should be reversed, and that is one of the things the Conference for the Limitation of Armament ought to mean to citizens who pay taxes and who are the masters of the government set up to carry out their collective will.

The limitation of armaments may do for the future exactly what has not been done in the past, the record of which is shown by the tabulation above. War has held a three-fourth interest—far more than a voting majority—in the United States throughout its life. The Washington conference holds forth a promise of freedom from that bondage. “Otherwise,” queries General Pershing, “may we not seriously ask ourselves whether civilization is a failure?”

It is important to keep in mind that national expenses up to the World War, for 131 years under the war system, were insignificant as compared with any future expenses for the war system. From 1917 to 1920 the United States spent for war almost exactly as much as it had spent altogether in the previous 128 years; that is, \$33,131,000,000 as against \$66,728,000,000.

¹Annual Report, 1920, p. 785, notes 2, 4, 6 and 8. The disbursements by years are: 1917, \$885,000,000; 1918, \$4,739,434,750; 1919, \$3,477,850,265.56; 1920, \$448,224,384.34.

MORTGAGED FOR FIGHTING

The war system does not operate on a cash basis. Between July 4, 1776, and June 30, 1880, the United States Government negotiated 128 loans of a total issue value of \$10,690,055,968.32.¹ There was outstanding on 39 of those loans on June 30, 1920, principal amounting to \$1,475,470,948.80.² The outstanding debt on June 30, 1920, was \$25,952,456,406.16. The 38 loan transactions since June 30, 1880, therefore showed outstanding obligations amounting to \$24,476,985,457.36 on June 30, 1920. The indebtedness of the United States due to its 166 loans according to these official sources from 1776 to 1920 has therefore amounted to:

DEBT ISSUES OF THE UNITED STATES

Debt, July 4, 1776-1880	\$10,690,055,968.32
Outstanding, June 30, 1920 (\$25,952,456,406.16 less \$1,475,470,948.80)	24,476,985,457.36
Total, 1776-1920	\$35,167,041,425.68

More than half, 54%, of the total ordinary disbursements of the United States have on this showing been met by the mortgage on the future incident to loan transactions. It is obvious that the Government did not have to borrow \$35,167,000,000 to perform its civil duties, which cost \$14,120,000,000. Which simply puts into comparative figures the undisputed truth that public debt is always and everywhere primarily due to the war system.

The total debt has only covered 66.9% of the total disbursements attributed to war, leaving 33.1% to taxation in a given present. In the current fiscal year the total debt charges of all kinds represent about one-third of the estimated expenditures. The Conference for Limitation of Armament holds forth a promise of a future in which there might be no debt and in which, additionally, taxes might be cut in half—after the World War is paid for.

¹Rafael Arroyo Bayley, *The National Loans of the United States, from July 4, 1776, to June 30, 1880, 189-190.*

²Annual Report of the Secretary of the Treasury, . . . June 30, 1920, Table A, 731,740. The amount is net, being arrived at by subtracting the amounts outstanding under fiscal legislation existing in 1880 from those outstanding under the same legislation in 1920. Gold certificates under the act of March 3, 1863, amounted to \$8,004,600 in 1880 and to \$1,375,659,569 in 1920.

RISING COST OF WARS

The justification of warlike expenses is the wars in which the country has been engaged. It will therefore be interesting and enlightening to combine the items of the previous table by wars. The interest of the public debt between two wars has been charged to the earlier one, while the costs of the War and Navy Departments preceding a war might be charged to it on the score that they constituted whatever amount of "preparedness" existed for it. Pensions are assigned to wars on the basis of computations prepared by the Commissioners of Pensions and published annually in their reports. Minor wars, such as Indian disturbances, have been disregarded, except for their pensions, which, as a whole, probably fairly represent the cost of them, in addition to the normal costs of the departments during their continuance. Minor wars have never affected the warlike expenses of the United States to any traceable extent, and perhaps may not improperly be charged up to practice, in our earlier history substantially taking the place of later "war games."

On these bases the following costs of the principal wars of the United States appear:

EXPENSES OF THE REVOLUTION¹

April 19, 1775, to April 18, 1783²

Debt of Congress and States	\$170,000,000.00
Currency issued	200,000,000.00
Pensions ³	70,000,000.00
Interest on the public debt, 1789-1811	64,288,328.41
	<hr/>
	\$504,288,328.41

¹Based on Emery Upton, *Military Policy of the United States*, 65-66. (Office of the Chief of Staff, Doc. No. 290.)

²Proclamation by Washington of cessation of hostilities. The armistice was signed at Paris, January 20, 1783. The provisional treaty of peace was concluded at Paris, November 30, 1782, and proclaimed April 11, 1783. The definitive treaty of peace was concluded at Paris, September 3, 1783, and ratified and proclaimed January 14, 1784.

³Estimate of Bureau of Pensions. The chief clerk of the bureau under date of March 20, 1916, writes:

"The estimate furnished by Commissioner Bentley to General Emery Upton, and contained in the latter's publication, 'Military Policy of the United States,' is made up of three components, viz.:

War Department, 1789-1811	\$35,669,930.65
Navy Department, 1794-1811	27,150,424.81

WAR OF 1812-15

June 18, 1812, to February 17, 1815¹

War Department, 1812-16	\$82,627,009.14
Navy Department, 1812-16	30,285,534.40
Pensions ²	46,049,268.15
Interest on the public debt, 1812-35 ³	87,823,561.57

 \$246,785,373.26

War Department, 1818-45	\$174,035,826.98
Navy Department, 1817-45	128,793,720.11

MEXICAN WAR

April 24, 1846, to February 2, 1848⁴

War Department, 1846-48	\$73,941,735.12
Navy Department, 1846-48	23,764,125.70
Pensions ⁵	52,906,295.05
Interest on the public debt, 1838-60	44,475,279.63

 \$195,087,435.50

"Total amount paid to Revolutionary pensioners for periods of service of six months and over	\$46,177,845.44
"Total amount paid to widows of soldiers who served six months and over	19,668,795.70
"Approximate amount paid to soldiers disabled in the Revolution	15,000,000.00
"Total	\$80,846,641.14

"Of these three components, the first two are accurate. The statistics of pensions paid for *disabilities* received in the Revolution, however, were not kept separately from those paid for disabilities received in the War of 1812, the Indian wars, and the Regular Establishment pensions, and it would have been a very difficult matter to arrive at more than an approximation. The estimate which the Treasury Department furnished the Bureau, and upon which the figure of \$70,000,000 is based, was made much later than that of \$15,000,000 in General Upton's book and from records of payments, and the Bureau must therefore regard it as official, and as reliable an estimate as can be made."

¹Declaration of war by the United States to the exchange of ratifications of the treaty of Ghent.

²*Congressional Record*, June 2, 1921, address of Congressman Sweet, p. 2026, daily edition.

³There was no interest due on the public debt in the fiscal years 1836 and 1837.

⁴From the declaration of war by the United States to the signing of the treaty of Guadalupe Hidalgo.

⁵Commissioner of Pensions, cited by Congressman Sweet, *Congressional Record*, June 2, 1921, p. 2026, daily edition.

TWO BASES FOR CIVIL WAR

The cost of the Civil War may be computed according to official figures as well as according to the method of allocating disbursements adopted for the other wars, for which more detailed official financial records are lacking.

Its cost up to June 30, 1879, is given officially¹ as \$6,189,929,-908.58, of which \$1,764,256,198.45 was interest on the public debt and \$407,429,192.80 was pensions, leaving \$4,018,244,517.33 of non-continuing cost. "Near the close of 1865 a bill was introduced into the House to reimburse the loyal States for the advances they had made and debts contracted in support of the war. The amount expended by the States and municipalities was \$467,954,364."² The interest on the public debt from 1861 to 1893 was \$2,536,128,210.50, 1893 being the first year to indicate a decrease. The Civil War pensions by June 20, 1919, had amounted to \$5,299,859,509.39.³ We can therefore make the following table:

CIVIL WAR, OFFICIAL COST RECORD⁴April 12, 1861, to May 26, 1865⁵

Costs of war	\$4,018,244,517.33
Interest on public debt, 1861-1893	2,536,128,210.50
Pensions, to June 30, 1919	5,299,859,509.39
Expended by States	467,954,364.00
	<hr/>
	\$12,322,186,601.22

¹Sen. Doc. No. 206, 46th Cong., 2d sess.; Cong. Docs., Vol. 1886.

²Albert Sydney Bolles, *The Financial History of the United States, from 1861 to 1885*, 241-248.

³*Congressional Record*, June 2, 1921, p. 2026, daily edition, address of Congressman Burton C. Sweet.

⁴To this might be added the Union loss in men:

Killed in battle	67,058
Died of wounds	43,012
Died of disease	199,720
Died from other causes (accidents, murders, Confederate prisons, etc.)	40,154
	<hr/>
	349,944

If the pension payments are regarded as payment for the lives lost, they would be rated at \$15,145 per capita.

The Confederate losses totaled about 200,000.

⁵From the attack on Fort Sumter to the surrender of General Kirby Smith, the last Confederate commander in the field. Confederate troops did not completely cease operations in isolated cases until November, 1865.

War Department, 1849-55	\$81,209,824.57
Navy Department, 1849-55	70,675,835.02

FEDERAL COST BY ALLOCATION OF ITEMS

War Department, 1856-65 ¹	\$2,837,999,309.76
Navy Department, 1856-65 ¹	393,596,514.35
Pensions, to June 30, 1919	5,299,859,509.39
Interest on the public debt, 1861-79	1,813,332,778.41
Interest on the public debt, 1880-97	854,791,007.35
Expended by States	467,954,364.00
	<hr/>
	\$11,667,533,483.26

CONFEDERATE STATES

February 4, 1861, to April 9, 1865²

Total of sums voted ³ by appropriation acts, March 11, 1861, to February 17, 1864	\$1,520,033,632.03
War Department, 1866-97	\$1,791,449,031.86
Navy Department, 1866-97	714,772,921.41

SPANISH-AMERICAN WAR AND PHILIPPINE INSURRECTION

April 21 to December 10, 1898⁴, and June 30, 1898, to July 4, 1901⁵

War Department, 1898-99	\$321,833,254.76
Navy Department, 1898-99	122,766,089.05
Pensions	65,211,665.71
Interest on public debt, 1898-1916	505,743,718.67
	<hr/>
	\$1,015,554,728.19 ⁶

¹Secretary of the Treasury Sherman in Sen. Doc. 206, 46th Cong. 2d sess., starts the expense tables with 1856.

²Adoption of the Constitution to the surrender of Lee at Appomattox.

³The total is obtained by adding the figures given by General Emery Upton, *Military Policy of the United States*, 450-488.

⁴From declaration of state of war to the signing of the treaty of Paris.

⁵Until the restoration of civil government.

⁶The cost to Spain is given as 2,390,232,457 pesos, or \$461,315,000 (Fernando Solvedilla, *El año político*, 1899, 29).

War Department, 1900-16	\$2,423,191,859.42
Navy Department, 1900-16	1,877,086,915.14

WORLD WAR

April 6, 1917, to August 25, 1921¹

War Department, 1917-20	\$16,472,519,090.73
Navy Department, 1917-20	4,264,974,735.68
Interest on the public debt	1,862,160,515.12
Veterans' Bureau payments and liabilities	6,232,035,641.59

\$28,831,689,983.12

The last item requires an explanation. The Government has wisely discontinued the pension system as a method for taking care of the veterans of the World War. Instead, insurance and vocational training have taken its place, and the service is now consolidated in the Veterans' Bureau of the Treasury Department. The various forms of obligations undertaken in lieu of the pension system may be summarized as of March 31, 1921:²

	Claims Allowed	Pend- ing	Payments	Commuted Capital or Policy Value of Claims Allowed
Family allotments and allowances ³	2,135,465		\$572,262,333.59	
War risk term in- surance	405,674			\$3,114,937,000
War risk term in- surance claims	134,453			1,228,042,314
Government life in- surance	277,890			916,112,000
Government life in- surance claims	150			1,855,000
Compensation cl'ms	308,434	93,613		202,995,308
Hospitalization	777,511		106,310,272.00	
Vocational training	81,481	33,103	89,521,414.00	
			\$768,094,019.59	\$5,463,941,622
Total obligations			\$6,232,035,641.59	

¹From the declaration of the state of war to the signing of the treaty of peace with Germany.

²Congressman Sweet, *Congressional Record*, June 2, 1921, p. 2022-2027, daily edition.

³Discontinued July 31, 1921, and transferred to insurance claims.

PEACE AND WAR BOOKKEEPING

The summary of Government disbursements given above shows a total expenditure of \$52,607,000,000. Those disbursements allocated to the wars of the United States, with the addition of the indicated war costs of the Confederacy, show the following:

ALLOCATED COST OF AMERICAN WARS

	Including prior peace time disbursements.	Excluding prior peace time disbursements.
Revolution	\$504,288,328.41	\$504,288,328.41
1812	309,605,728.72	246,785,373.26
Mexican	497,916,982.59	195,087,435.50
Civil—Union	12,322,186,601.22	11,667,533,483.26
Civil—Confederate	1,520,033,632.03	1,520,033,632.03
Spanish	3,521,776,681.46	1,015,554,728.19
World	33,131,968,756.68	28,831,689,982.12
	<hr/>	<hr/>
	\$51,807,776,711.11 ¹	\$43,980,972,962.77 ¹

There is good reason to believe that a strict working of governmental accounts into the peace and war categories would show that the percentage assigned to war would be considerably greater. But there is no present basis for following that line of investigation. War expenses, or those resulting from war, too easily shade into civil expenses. To give but a single instance: During the War of 1812 the American merchant marine lost 1592 clipper ships by capture or burning. Most of the owners or their heirs filed claims on account of their losses, and the Court of Claims is not through with that business yet. Many claims were paid by direct legislation instructing the Secretary of the Treasury to liquidate the debt with funds not otherwise earmarked. In the public accounts such sums show up among the civil disbursements.

A people desiring peace, a people with a proper sense of business methods will see to it that it actually and always knows the cost of its wars. No people knows that now. Governmental financial accounts are kept in many ways. One of the most educative ways to keep them would be to divide the budget through all its stages from original proposals to disbursement into peace and

¹A total pension charge of \$83,456,388.81, on account of Indian wars, regular establishment and unclassified pensions, is not added in.

war items, the latter subdivided into past, present and future requirements.

THE UNBALANCED BUDGET

The past is gone and can not be recovered, either as to the money spent or the obligations created. But its effects are still here, and they are giving both the Government and the taxpayer plenty to think about, as well as plenty of paying to do.

Financially, the cause of the President's calling of the Conference for the Limitation of Armament is furnished by the Secretary of the Treasury, who in a statement on August 4 to the House Committee on Ways and Means presented the budget, unbalanced by a third of a billion, as follows:

ESTIMATES FOR FISCAL YEAR 1922, ON BASIS OF EXISTING LAW

(Revised Aug. 3, 1921)

RECEIPTS (EXISTING LAW)

Customs		\$ 300,000,000
Internal revenue:		
Income and profits taxes	\$2,235,000,000	
Miscellaneous internal revenue	1,335,000,000	
		<u>3,570,000,000</u>
Miscellaneous revenue:		
Sales of public lands	1,500,000	
Federal Reserve Bank franchise tax	60,000,000	
Interest on foreign obligations	25,026,000	
Repayments of foreign obligations	30,500,000	
Sales of surplus war supplies	60,000,000	
Panama Canal	14,530,000	
Other miscellaneous	156,087,000	
		<u>347,643,000</u>
Total		\$4,217,643,000

ESTIMATED EXPENDITURES

(Based on latest estimates from the spending offices, with allowances for all reductions reported to date).

Legislative	\$ 17,213,813	
Executive	1,897,751	
State Department	10,344,000	
Department of Justice	17,000,000	
Post Office Department	2,200,000	
Interior Department (including pensions ¹ and Indians)	322,000,000	
Department of Agriculture	123,000,000	
Department of Commerce	19,923,000	
Department of Labor	5,252,887	
Independent offices	13,484,516	
District of Columbia	22,187,663	
Miscellaneous	62,500,000	
Postal deficiency	70,000,000	
		<u>\$617,003,630</u>
Treasury Department:		
Bureau of War Risk		
Ins.	\$286,000,000	
Public Health Service	47,000,000	
Collecting revenue	53,110,139	
All other	99,457,795	
		<u>\$485,567,934</u>
Federal Board for Vocational Education	162,655,184	
War Department	450,000,000	
Navy Department	487,225,000	
Shipping Board	200,000,000	
² Railroads (Transportation Act and Federal Control)	545,206,204	
Interest on public debt	975,000,000	
Panama Canal	10,000,000	
		<u>3,385,654,322</u>
Total ordinary		<u>\$4,002,657,952</u>

¹The pension item is \$265,000,000.

²"No allowance is made for possible cash expenditures resulting from withdrawals by the War Finance Corporation, which has a credit balance of about \$400,000,000 with the Treasurer and may draw down its balance, at least temporarily, in connection with the railroad financing proposed under pending legislation."

Public debt expenditures required by law:

Sinking fund	\$265,754,865	
War-Savings securities (net)	100,000,000	
Miscellaneous debt redemptions	100,000	
Purchases of Liberty Bonds from foreign repayments	30,500,000	
Redemptions of bonds and notes from estate taxes	25,000,000	
Retirement of Pittman Act certificates	70,000,000	
Retirement from Federal Reserve Bank franchise tax receipts	60,000,000	
		<hr/>
Total debt expenditures		551,354,865
		<hr/>

Grand total ordinary expenditures (including sinking fund and miscellaneous debt retirements)	\$4,554,012,817
Excess of expenditures over receipts	\$336,369,817

TRYING TO BREAK EVEN

Secretary Mellon and the Director of the Bureau of the Budget set themselves at the beginning of the fiscal year to reduce this excess of expenditures over receipts. They are still at the task, and though the reductions are still under the process of revision, the status indicated in the Secretary's letter of August 10 to the chairman of the House Ways and Means Committee shows the general way the problem is being tackled.

"The Administration, in co-operation with the Committee on Ways and Means," said Mr. Mellon, "has determined to reduce

the ordinary expenditures of the Government for the fiscal year 1922 by at least \$350,000,000 below the revised estimates presented by the Treasury on August 4. It is understood that this saving will be distributed, according to the best estimates now available, substantially as follows:

	Last Revised Estimate	New Estimate	Net Reduction
War Department	\$450,000,000	\$400,000,000	\$50,000,000
Navy Department	487,225,000	387,225,000	100,000,000
Shipping Board	200,000,000	100,000,000	100,000,000
Department of Agriculture	123,000,000	98,000,000	25,000,000
Railroads	545,000,000	495,000,000	50,000,000
Miscellaneous			25,000,000
Total reduction			\$350,000,000

“It is understood that the Treasury will provide for two items of estimated public debt expenditure for the fiscal year 1922 out of other public debt receipts during the year, as follows:

Net redemptions of War Savings securities	\$100,000,000
Retirement of Pittman Act certificates	70,000,000
Total	\$170,000,000

“The aggregate reduction in expenditure for the fiscal year, on the basis above established, will be \$520,000,000, leaving an estimated total expenditure of about \$4,034,000,000. . . .

“In order to carry out this program and provide further for the financing of the short-dated debt, the Secretary of the Treasury should have enlarged authority for the issue and retirement of notes under Section 18 of the Second Liberty Bond Act, as amended, with provision for a total of \$7,500,000,000 at any one time outstanding. The existing authority is for \$7,000,000,000, and about \$3,850,000,000 of Victory notes and \$311,000,000 of Treasury notes are already outstanding thereunder.”

It was announced on November 3 that the expenditures had fixed for the fiscal year at \$3,940,000,000.

II. SIX 19TH CENTURY OFFICIAL EFFORTS

I. RUSSIA'S PROPOSAL, 1816

The first modern official effort to effect a limitation of armaments bears a great superficial resemblance in many of its details to the one now taking shape under the auspices of the United States Government. The initiative came after the Napoleonic adventure had ended at Waterloo, after the French attempt at ruling the European world had been wound up at Vienna and while the "new era" of the first decade of the 19th century was settling down into solid political form. It originated with that participant on the winning side which had suffered least from the conflict and had least in common with its fellow states in the holocaust which it had helped to end and from the results of which it soon set about dissociating itself. In seriousness, skill, backing by popular sentiment and statesman-like handling the two incidents have nothing in common. Nor should the historical incident be regarded as much more than a gesture made by a generous-minded ruler. This and other historical incidents show that promises without penalties are as water that has gone over the dam.

Emperor Alexander I of Russia set forth his proposal to Lord Castlereagh, British foreign secretary, in a letter of March 21, 1816. "It is necessary," writes Feodor Martens in summarizing it,¹ "to consolidate the new order of things and 'to encourage all the pacified nations to give themselves over without fear to a complete security. This convincing and decisive measure must consist in a simultaneous reduction of armed forces of every kind,' employed by the Governments for the conquest of their freedom against Napoleon I. The Emperor was of the opinion that there existed in the different countries much discontent and a mass of materials dangerous to the general tranquility. 'There are countries where it is desired to bring instantly to life again institutions which have died of old age. The new spirit of the peoples is there consulted so little that the problem is to return by degrees to a stable and peaceable order of things. It seems that it is desired to labor for generations which are no more or for that which is about to disappear.' Considering this state of mind and in order to

¹Recueil des traités et conventions conclus par la Russie avec les puissances étrangères, XI, 258-262; "La question du désarmement dans les relations entre la Russie et l'Angleterre," *Revue de droit international*, XXVI, 573-585.

attain a complete disarmament, it is necessary to be convinced that neither in Germany, France, nor any other country are there reasons to fear a new general war. It is essential, moreover, 'that this disarmament be effected with that accord and commanding honesty which has decided the fate of Europe and which to-day may alone assure its welfare.'"

ALL CLASSES GROAN

The proposal found the English ministers preoccupied with internal affairs, which caused grave anxiety for the future. "Poverty, misery and discontent among the people assumed terrible proportions," says Martens. "Owing to 25 years of war against France, English commerce had monopolized the commerce of the world. Peace had wiped out a great number of branches of industry and commerce which had flourished particularly in war time. 'The poor complain of their misery,' wrote Count Lieven, Russian ambassador at London, on July 11/23, 1816, 'the rich of the reduction of their revenue, all classes groan, the richest emigrate.' But he judiciously added, 'one is reassured of England's future lot when one recalls the public spirit which animates each individual for the well-being of all.' (Report of November 28/December 10, 1816.) . . .

"When Count Lieven received the Emperor's dispatch of March, he asked for a personal audience of the Prince Regent, later George IV. At the interview the Prince Regent was cold until 'the imperial ambassador declared to him that only the desire of the Emperor to act in complete accord with England had impelled him to address himself first to England in broaching the introduction of a general disarmament. The Emperor would impart the subsequent course of the negotiations on the subject according to the character of the reply received from London.'

"The replies of the Prince Regent and of Lord Castlereagh were quite satisfactory—as to form. . . . 'In looking over the map of Europe,' the Prince Regent wrote to Emperor Alexander on May 16/28, 1816, 'it is impossible not to recognize how the destinies of the human race must be influenced by the conduct of the two powerful states at the head of which Providence in its wisdom has placed your Majesty and Me. And at the same time that I con-

gratulate Myself at seeing your Imperial Majesty preparing to erect the only glory still remaining to you to acquire upon the re-establishment of morality and the consolidation of peace, I aspire to no task more honorable than to co-operate in this great work with your Imperial Majesty.'

LET EACH REDUCE AND TELL THE FACTS

"This 'great work' was disarmament. The Prince Regent expressed to the Emperor England's entire sympathy with the great idea he pursued, but did not conceal from him in the least the difficulty of its realization. 'Although the most solid basis upon which a general disarmament would rest,' he wrote in the memoir sent as a reply by England, 'would be to establish between all the principal powers a complete agreement which would regulate the amount of their respective forces, it is nevertheless impossible not to perceive all the complications which this question presents in the establishment of a scale of forces for so many powers in such different circumstances as to their relative means, their frontiers, their positions and their abilities to rearm. The means of maintaining such a system, once created, are not without difficulties—all the states being likely to require a partial increase of force. . . . It is therefore necessary to consider whether the best course to follow would not be for each state to carry its disarmament as far as its views of local utility would permit it and to explain to the allied and neighboring states the extent and the nature of its arrangements, as a means of dissipating alarm and of rendering the establishment of moderate military force mutually expedient.'

"To these considerations of the Prince Regent, Lord Castlereagh added the clever observation that: Austria and Prussia had already notably reduced their armies; if Russia proposed to follow the same line, her example would exercise a salutary influence on all the states of Europe.

"These same ideas were developed later and at greater length in instructions issued from the diplomatic chancellery of Count Nesselrode. He unceasingly set forth the necessity of consolidating 'the European system.' The close alliance of Russia, England, Austria and Prussia was pictured as the fundamental basis of this system. This alliance was a moral alliance because it was

founded on principles of justice and moderation. Being likewise founded on the mutual confidence of the cosignatories, it should result in the gradual and general diminution of the armed forces of the European powers. If the English Government inclines, as it seems to, toward a project in virtue of which each state would take measures for disarmament according to the special circumstances under which it exists, the Imperial Government would not refuse to recognize the propriety of this manner of acting. Russia is already proceeding with disarmament and will inform her allies of the proportions of the decrease of the Russian army.¹

MORAL FORCE REAL STRENGTH

“As for Austria, it took the plan under serious consideration, being the more strongly led to do so because its finances were in a deplorable condition. Prince Metternich announced at this time, in a special memorandum, his opinion on the establishment of standing armies in general. From the point of view of domestic order, standing armies certainly formed an indispensable aid to governments. ‘The real strength of princes is more truly found in their system of government and the principles upon which they base their administration, in a word in what forms a real moral force, than in a great array of military strength.’

“A very large army presents a considerable danger even when maintained for preserving domestic order of a state, because it exhausts resources which are indispensable for a wise administration of the people. This danger is particularly great at the present time (1816), when armies themselves are imbued with revolutionary ideas and given up to aspirations which can not be realized without overturning the existing order of public affairs. Passing then to an examination of this question from the point of view of foreign policy, the Austrian Chancellor sees no further use for enormous armies at a time when the great powers of Europe have definitely fixed their territorial limits by common agreement, and do not desire to enlarge or restrict them. In the face of such a disposition on the part of governments, armies of excessive size can only provoke the danger and fear of a breach of the peace of Europe. In view of all of these considerations, the Austrian Gov-

¹Count Nesselrode's dispatch of July 9/12, 1816.

ernment had itself reduced its effective military force, and it accepted the proposition with pleasure."¹

2. NAPOLEON III PROPOSED CONFERENCE

On November 4, 1863, Napoleon III wrote an autographed letter to the "sovereigns to whom the destiny of nations is confided." He noted that "on all occasions when great convulsions have shaken the foundations and deranged the limits of states, solemn compacts have followed to reduce to order the new elements, and to recognize, while revising them, changes that have been effected." Such was the object of the Congress of Vienna of 1815, on which the political edifice of Europe rested; but "nevertheless your Majesty is not ignorant, it is crumbling to pieces on all sides. . . . Hence there are duties without rules, rights without title, pretensions without restraint. A peril the more formidable, since the improvements produced by civilization, which has united peoples together by an identity of material interests, would render war still more destructive. This is a matter for serious reflection. Let us not delay taking a decision until sudden and irresistible events disturb our judgment, and draw us in spite of ourselves, in opposite directions. I now therefore propose to your Majesty to regulate the present, and secure the future, by means of a congress."

The fate of this proposal depended on the attitude of Great Britain. Queen Victoria acknowledged the letter of her brother sovereign on November 11 and left the discussion of the proposal to the government of the day, of which Earl Russell was secretary of state for foreign affairs. Russell made a first reply in a dispatch of November 12 addressed to Earl Cowley, British ambassador at Paris. The British secretary disagreed with the thesis that the political edifice of Europe was crumbling to pieces. "Nearly half a century has elapsed since the treaties of 1815 were signed. The work was somewhat hurried by the necessity of giving repose to Europe after so many convulsions. Yet the changes made in the periods of 50 years have not been more than might have been expected by the lapse of time, the progress of opinion,

¹Martens, *op. cit.*, IV, 36; translation of last two paragraphs from Carnegie Endowment for International Peace, Division of International Law, Pamphlet Series No. 22.

the shifting policy of governments and the varying exigencies of nations. . . . It is the conviction of Her Majesty's Government that the main provisions of the treaty of 1815 were in full force; that the greater numbers of those provisions have not in any way been disturbed, and that on those foundations rests the balance of power in Europe." He continued:

Her Majesty's Government would be ready to discuss with France and other powers, by diplomatic correspondence, any specified questions upon which a solution might be attained and European peace thereby more securely established.

But they would feel more apprehension than confidence from the meeting of a congress of sovereigns and ministers without fixed objects, ranging over the map of Europe, and exciting hopes and aspirations which they might find themselves unable either to gratify or to quiet.

SOUGHT TO REMOVE MUTUAL DISTRUST

M. Drouyn de Lhuys replied in a note of November 23. For the French Government he contested the reasoning of the British foreign secretary. The fact that the British Government admitted the treaty of Vienna to be the foundation of the political edifice of Europe was itself "an additional reason whether this foundation is not itself shaken to its base." The London cabinet recognized that several of its stipulations had been seriously infringed, and "we consider it to be an advantage to clear away the ruins, and reunite in a single body all the living members." Modifications which had not been unanimous constituted so many causes of dispute, which it was desirable to solve by common agreement. Other parts which were menaced should be examined in concert and among these were the bloody disturbances in Poland, the quarrel between Denmark and Germany over Slesvig-Holstein, the anarchy then prevailing on the lower Danube, the hostile relations between Austria and Italy, and the continued occupation of Rome by French troops.

Lastly, asked the note, "must we renounce without fresh attempts at conciliation the hope of lightening the burden imposed on the nations by the disproportionate armaments occasioned by mutual distrust?"

Earl Russell's reply of November 25 asked the question whether "a general congress of European states is likely to furnish a peace-

ful solution of the various matters in dispute?" As to the Polish question, he inquired:

Is it probable that a congress would be able to secure better terms for Poland unless by a combined employment of force?

Considerable progress has been made by the military preponderance and by the unsparing severity of Russia in subduing the insurgents.

Is it likely that Russia will grant in the pride of her strength what she refused in the early days of her discouragement?

Would she create an independent Poland at the mere request of a congress?

But if she would not, the prospect becomes one of humiliation for Europe, or of war against Russia, and those powers who are not ready to incur the cost and hazard of war may well desire to avoid the other alternative. . . .

But if the mere expression of opinions and wishes would accomplish no positive results, it appears certain that the deliberations of a congress would consist of demands and pretensions put forward by some and resisted by others; and, there being no supreme authority in such an assembly to enforce the decisions of the majority, the congress would probably separate, leaving many of its members on worse terms with each other than they had been when they met. But if this would be the probable result, it follows that no decrease of armaments is likely to be effected by the proposed congress. . . .

Not being able, therefore, to discern the likelihood of those beneficial consequences which the Emperor of the French promised himself when proposing a congress, Her Majesty's Government, following their own strong convictions, after mature deliberation feel themselves unable to accept His Imperial Majesty's invitation.¹

3. FRANCE VS. GERMANY

In a letter of March 27, 1868, Lord Lyons, British ambassador at Paris, reported to Lord Stanley vague apprehensions among "not unreasonable or inexperienced people" that the Emperor Napoleon might resort to a *coup de théâtre* and declare war against Prussia when least expected. Lord Lyons did not credit this

¹The documents are correspondence respecting the Congress proposed to be held at Paris. Parl. Paps., 1864, lxvi, 1, 3239; Affaires Etrangères. Documents diplomatiques. 1863, p. 1-2; *Archives diplomatiques*, 1863, IV, 161-188, 188-189; 1864, I, 44-82; *Staatsarchiv*, V, No. 916, p. 436; No. 918, p. 459; Nos. 964-985, p. 509-532; VI, No. 994, p. 15. The last document is Napoleon's address to the French Senate, December 21, 1863. See also Robert Coulet, *La limitation des armements*, 49-64.

gossip, but thought it ought to be recorded. A little later Prince Napoleon discussed the visit he had just made to Germany. "He believes [Count Bismarck] to be sincerely desirous of avoiding a war, but not to be willing to allow any interference on the part of France in the affairs of Northern Germany, or to make any patent concession whatever to France. He conceived it to be vain to talk to Prussia of disarmament, as she would answer that she was already disarmed, having only 200,000 under arms. Her system, which would enable her to put from 4 to 600,000 men in a condition to take the field in eight or ten days, she could not be persuaded to change."¹ The prince continued to discuss Europe's political situation with an uncanny accuracy, as events proved. Through the first half of the year indications multiplied that France and Prussia might clash over the effort of Bismarck to unite Germany.

In the fall of 1868 Lord Clarendon, former British secretary of state for foreign affairs, and a member of the opposition, visited Europe. Clarendon was out of power but was in the confidence of almost all personages in high place on the Continent. He could listen freely, and himself could discuss practical affairs with a freedom not possible for a member of government. In October he arrived in Paris from Berlin. In Germany he had concluded, from conversations with Moltke and the king, "that the Emperor Napoleon may be confident that he has nothing to fear from Prussia, if he does not give her just provocation; but, on the other hand, that Prussia does not fear a war, if she can show Germany and the world that she is really forced into it." Lord Clarendon repeated his conversations at Berlin to the Emperor when he dined at St. Cloud on October 19, and the French ruler asserted that peace was his own desire. He entered into the details of plans he was revolving in his mind. "His object," the report runs, "was to calm public opinion in France, and the means of doing this were to be a sort of collective confirmation by Europe of the treaty of Prague [ending the Austro-Prussian war of 1866], and a sort of pressure to be exercised by Europe on France and Prussia which would compel them, or rather enable them, to

¹Lord Newton, Lord Lyons: A Record of British Diplomacy, I, 190 and 192. For a French supplementary account of the negotiations of 1870 see Albert Pingaud, "Napoléon III et le Désarmement," *Revue de Paris*, 15 mai 1899, vol. III, 286-308. Also Robert Coulet, *La limitation des armements*, 64-72.

diminish their military preparations and take effectual steps to restore public confidence."¹

Within a few months the man who had been the confidant of the rulers both in Berlin and Paris went to the British Foreign Office with the return of the Liberals to power. Lord Clarendon had been but a short while at 10 Downing Street when Crown Prince Frederick of Prussia called on him. "He is even more pacific than his father," the secretary of state for foreign affairs wrote to Lord Lyons; "and unlike his father would be glad to put the army on something more like a peace footing. The king, however, is unapproachable on this subject, but the prince says that in a year or two he will have to yield to the outcry of the people against the increased taxation that such monster armaments entail. He means to consult some experienced officers as to the manner in which reduction can be made without offense to the dignity of his martial sire, and he said something had been done in that direction by postponing till January the assembling of the levies that ought to have taken place in October."²

CLARENDON WRITES TO GERMANY

The year 1869 saw the Cretan insurrection become a minor European crisis, the notorious French attempt in Belgium, and a considerable national political turnover in France. In January, 1870, Bismarck's intention of creating a North German Empire became known. Simultaneously, France again sought to get disarmament discussed. M. de La Valette, the French ambassador to London, saw Lord Clarendon on January 26, and the Englishman consented to make the effort. "It is no new subject to me," he wrote, "but one which I have long had at heart, although it presents serious difficulties on account of the King of Prussia's obstinacy. . . . His army is his idol, and he won't make himself an iconoclast."³

On February 2, 1870, Lord Clarendon took up the subject. In a memorandum to Lord Augustus Loftus, British ambassador at Berlin, he began by recalling Count Bismarck's appreciation of himself. On that account, he made bold to broach the subject privately as one he had long had at heart. He said in part:

It is, I am sure, unnecessary for me to disclaim any intention to

¹Newton, *op. cit.*, 204.

²*Ibid.*, 207.

³P. 217.

interfere in the internal affairs of Prussia—such an intention would be alike presumptuous and useless.

But it is in the general interest of Europe, of peace, and of humanity that I desire to invite the attention of Count Bismarck to the enormous standing armies that now afflict Europe by constituting a state of things that is neither peace nor war, but which is so destructive of confidence that men almost desire war with all its horrors in order to arrive at some certainty of peace—a state of things that withdraws millions of hands from productive industry and heavily taxes the people for their own injury and renders them discontented with their rulers. It is a state of things in short that no thoughtful man can contemplate without sorrow and alarm, for this system is cruel, it is out of harmony with the civilization of our age, and it is pregnant with danger.

To modify this system would be a glorious work, and it is one that Prussia, better than any other power, might undertake. She would not only earn for herself the gratitude of Europe, but give a great proof of her morality and her power; it would be a fitting complement of the military successes she has achieved.

I know full well the difficulties that would beset such a course of policy. I know how great and deserved is the king's parental feeling and affection for his army—that he would view its reduction with pain, and that he might not think it safe to diminish its numerical force; but His Majesty is wise and foreseeing, and his moral courage is always equal to the measures he believes to be right, and should Count Bismarck think it not inconsistent with his duty to recommend a partial disarmament to the king, I can not but consider that the moment is a singularly propitious one for the purpose. . . .

There would consequently, I am convinced, be no opposition on the part of the French Government to a reduction of the army *pari passu* with Prussia. For reasons, however, quite intelligible, neither Government may choose to take the initiative in such a proposal; but if I had authority to do so, I do not doubt that the queen would allow me to sound the ground at Paris, in a manner entirely confidential, that should in no way compromise either Government, whatever might be the result of the suggestion.¹

BISMARCK NOT RESPONSIVE

Lord Lyons at Paris was furnished with a copy of this letter, and showed some apprehension that the proceeding might provoke ill-feeling if unsuccessful, as he felt it would be. Lord Augustus Loftus in a letter to Lord Clarendon on February 5 reported Bis-

¹*Ibid.*, 251-252.

marck's comments on the proposal. These were not responsive, but could not be construed as making a refusal. Their substance, on being told to Count Daru, the French minister for foreign affairs, led him to exclaim:

"I have determined," said Daru, "to disarm, whether Prussia does so or not. In fact, I have resolved to ask the Emperor at once to sanction a considerable reduction of the French army. I can not make this reduction as large as I should have done if I had more satisfactory accounts of the intentions of Prussia. All I can propose is to reduce the annual French contingent from 100,000 men to 90,000. As our men serve nine years, this will eventually effect a reduction of 90,000 men—a real absolute reduction. I shall thus give a pledge to Europe of pacific intentions, and set a good example to Prussia. I shall probably add great weight to the party in Germany which demands to be relieved from military burdens, and, I trust, enlist public opinion everywhere on my side. I shall also furnish Lord Clarendon with a powerful argument if, as I sincerely hope, he will persevere in his endeavors to work upon Prussia. I beg you to give my warmest thanks to him for what he has already done, and to express to him my anxious hope that he will not acquiesce in a first refusal from Prussia."¹

Bismarck's reply to the proposal of Lord Clarendon was dated on February 9 and read in essentials:

I am convinced that no European state or statesman exists who does not wish to see the feeling of confidence strengthened and peace maintained; and further that no German Government would wish to impose upon its people the maintenance of an army in excess of that proportion for which the requirements of its safety imperatively call.

Were the question officially put to us whether the diminution of our military strength is compatible with the secure maintenance of our independence, we should not decline to share in any deliberations which might take place on the subject; and we should carefully sift the question whether the great neighboring military powers are willing or able to give us guaranties such as would compensate Germany for the decrease in the amount of security which she has hitherto owed to her armies.

Lord Clarendon does His Majesty the King full justice when he infers that no considerations or feelings of a purely personal nature would deter him from adopting a measure which he had once recognized as right and proper, but Lord Clarendon will as readily understand that, however willing we may be to enter into a strictly confidential interchange of ideas

¹*Ibid.*, 258.

on this important question, we must reserve to ourselves the right of making a careful estimate of the relative position of the parties most deeply interested in the matter, and of judging whether the concessions which we ourselves might probably be expected to make stand in a fair and just proportion to those which it would be in the power of other nations to make. Our very geographical position is itself wholly different from that of any other continental power, and does not of course admit of comparison with the insular position of Great Britain. . . . Austria, France and Russia have each an army which, when on a peace footing, is superior in numbers to our own. Our system is moreover so to speak so thoroughly transparent that any increase in our effective force can at once be appreciated; the amount of any addition or decrease which we may make in our military force can therefore be most accurately calculated.

The military systems of other nations are of a different nature. Even in the case of nominal reductions they admit of the maintenance or renewal of their full effective strength; they even admit of a material increase of force being made without attracting notice or at all events without entailing the possibility of proof. . . . With us, on the other hand, the whole military system, which from its very nature is a matter of publicity, becomes more so owing to the nature of our institutions.

Under these circumstances, and in the event of a discussion on measures of such great importance being actually opened, we must ask ourselves what guaranties can be given to us that our position as regards other powers will not be practically impaired by our signifying our adherence to a system which, however just and even-handed it might appear in its action, would in reality not deal with equal fairness with all the parties concerned. . . .

I am persuaded that when you submit these remarks for Lord Clarendon's consideration, he will not see in them a refusal to enter into the views which he has so happily and eloquently set forth, but rather as the expression of the very serious responsibility which rests with a minister who is called upon to advise his sovereign in a matter pregnant with such important consequences.¹

PROPORTIONATE REDUCTION ADVOCATED

In the earlier comment Count Bismarck had added that he did not dare to show the proposal to the king, who would have got into a fury at it. On February 22 all this was communicated to the French minister. It was not until March 9 that Lord Clarendon returned to the attack on Bismarck. In this letter he wrote:

¹*Ibid.*, 262.

I would not desire the reduction of a single regiment if I thought it would impair the independence and the honor of Prussia, which in their plenitude I regard as essentially beneficial to Europe.

But can it be honestly affirmed that the power and independence of Prussia are menaced from any quarter? And, if not, surely the military force of Prussia is excessive and entails upon other countries the unquestionable evil of maintaining armies beyond the requirements of their safety. . . .

The question then to my mind appears quite simple. The military forces of the great continental powers have a certain proportion to each other; in order to maintain that proportion, very heavy burdens are imposed upon each country, but if by common agreement, each reduces its army by a certain number of men, the same proportions will be maintained, while the burdens, which are fast becoming intolerable will be alleviated.

Count Bismarck, however, thinks that if the question of diminishing the military strength of Prussia is entertained, it will be necessary carefully to inquire what guaranties can be given by neighboring military powers in compensation to Germany for a decrease in the amount of security which she has hitherto owed to her armies.

Upon this I would respectfully beg to observe that a minute discussion of guaranties would be endless and dangerous. The legitimate rights and precautionary measures of independent Governments would be analyzed in a spirit possibly of unfriendly criticism, and if agreements were arrived at, constant vigilance over their faithful fulfilment would be necessary, and this might possibly give rise to the quarrels that the agreements were intended to avert, and which would at once put an end to the compacts.

It is upon a dispassionate consideration of the probable course of events that the question of partial disarmament should in my opinion be decided. . . .¹

Lord A. Loftus reported on March 12 as to the effect of the note on Bismarck, some of whose arguments, says Lord Newton, were puerile. Loftus wrote:

On the whole, although Count Bismarck appeared to be somewhat incredulous as to the pacific appearance of Europe, he was less decidedly opposed to any disarmament than on the last occasion I spoke to him. He asked whether it was desired that he should mention the subject to the king. I replied in the affirmative, and suggested that he should have your lordship's two letters translated and submitted to His Majesty.

¹*Ibid.* 257, 268-269.

On my mentioning that any attempt at mutual guaranties would be very unadvisable, he said that without some guaranty the question of entertaining disarmament would be difficult; but he said it more as a passing observation than as a fixed decision.

I am afraid that if the question of disarmament is entertained at all (and probably neither the king nor Count Bismarck will like to discard it entirely) it will be hedged round with so many conditions that it will be rendered impossible; great care will be required that the question of disarmament shall not become a question of contention, and thus give a pretext for discussion, to be followed perhaps by war."¹

Count Daru, the French foreign minister, thought that Bismarck's language "was more satisfactory than it had yet been."²

Lord Clarendon wrote to Lord Lyons on March 23 that "at present it seems that the Liberal party, upon which Bismarck must lean more and more, would only support reduction on the condition that he would change his policy and invite or coerce the South into the Confederation." Thus ended the last effort of the Emperor Napoleon. The Franco-Prussian war was declared by his government on July 19, resulting in defeat and the Emperor's dethronement.

4. PAN AMERICAN EFFORT

A very definite effort to limit war's liability occurs in American history and was a feature of the opening of organized Pan American relations. James G. Blaine, it will be remembered, after a number of years' effort to bring the Americas together, finally, as Secretary of State for the second time, succeeded in doing so in what is popularly known as the Pan American Conference of 1889-90.

This International American Conference appointed a committee on General Welfare on December 7, 1889, consisting of John B. Henderson, United States; Manuel Quintana, Argentine Republic; Juan F. Velarde, Bolivia; Nicanor Bolet Peraza of Venezuela, José M. Hurtado of Colombia, J. G. do Amaral Valente of Brazil, and Fernando Cruz of Guatemala with Edmund W. P. Smith of the United States as secretary.

On January 15, 1890, Delegates Manuel Quintana and Roque Saenz Peña of Argentina, and Salvador de Mendonça and Valente

¹*Ibid.*, 272-273.

²*Ibid.* 274.

of Brazil presented a proposal for compulsory arbitration. This proposal contained the following provisions:¹

Sixth. In case of war a victory of arms shall not convey any rights to the territory of the conquered.

Seventh. The treaties of peace which put an end to the hostilities may fix the pecuniary indemnification which the belligerents may owe to each other, but if they contain cessions or abandonment of territory they will not be concluded, as far as this particular point is concerned, without the previous evacuation of the territory of the conquered power by the troops of the other belligerent.

Eighth. Acts of conquest, whether the object or the consequence of the war, shall be considered to be in violation of the public law of America.

PROPOSAL OF COMMITTEE

The Committee on General Welfare presented three texts to the conference. The first provided a scheme of arbitration among the American states; the second was a resolution urging this principle upon Europe, and the third was declaratory for the Americas in the following language:

First. That the principle of conquest shall never hereafter be recognized as admissible under American public law.

Second. That all cessions of territory made subsequent to the present declarations shall be absolutely void if made under threats of war or the presence of an armed force.

Third. Any nation from which such cessions shall have been exacted may always demand that the question of the validity of the cessions so made shall be submitted to arbitration.

Fourth. Any renunciation of the right to have recourse to arbitration shall be null and void whatever the time, circumstances and conditions under which such renunciation shall have been made.²

At the outset of the discussion on April 18, John B. Henderson of the United States delegation submitted a substitute resolution reading as follows:

Whereas, in the opinion of this Conference, war waged in the spirit of aggression or for the purpose of conquest should receive the condemnation of the civilized world; therefore,

¹Minutes of the International American Conference, 108.

²International American Conference. Reports of Committees and Discussions thereon, II, 1122.

Resolved, That if any one of the nations signing the treaty of arbitration proposed by the conference shall wrongfully and in disregard of the provisions of said treaty prosecute war against another party thereto, such nation shall have no right to seize or hold property by way of conquest from its adversary.

THE DECISION REACHED

Mr. Henderson referred to this both as a minority report and as a substitute on which he did not desire a vote. After discussion, the committee text was adopted 15 to 1, the United States voting in the negative and Chile abstaining. The proposal then underwent detailed consideration and the discussion became very confused. Andrew Carnegie finally moved a recess of 20 minutes, during which the Committee on General Welfare and James G. Blaine for the United States revised the text. On Mr. Blaine's motion, the substitute text was adopted unanimously, Chile abstaining, as follows:

Whereas, there is, in America, no territory which can be deemed *res nullius*, and

Whereas, in view of this, a war of conquest of one American nation against another would constitute a clearly unjustifiable act of violence and spoliation; and

Whereas, the possibility of aggressions upon national territory would inevitably involve a recourse to the ruinous system of war armaments in time of peace; and

Whereas, the Conference feels that it would fall short of the most exalted conception of its mission were it to abstain from embodying its pacific and fraternal sentiments in declarations tending to promote national stability and guarantee just international relations among the nations of the continent; Be it therefore

Resolved by the International American Conference, That it earnestly recommends to the Governments therein represented the adoption of the following declarations:

First. That the principle of conquest shall not, during the continuance of the treaty of arbitration, be recognized as admissible under American public law.

Second. That all cessions of territory made during the continuance of the treaty of arbitration shall be void if made under threats of war or in the presence of an armed force.

Third. Any nation from which such cessions shall be exacted may

demand that the validity of the cessions so made shall be submitted to arbitration.

Fourth. Any renunciation of the right to arbitration, made under the conditions named in the second section, shall be null and void.

No action resulted from this recommendation so far as a multipartite treaty was concerned.

WHAT CHILE THOUGHT

The Chilean attitude was not the result of any expressed opinion respecting this proposal, but was based upon a statement respecting arbitration which was made in the earlier session of April 14 and covered the entire work of the Committee on General Welfare. The lengthy document of the Chilean delegation was a remarkable statement which it is to be hoped no longer expresses the opinion of that virile nation. The essential part of the opinion reads:

The consideration of the fundamental idea established in it as the basis of the whole project, namely, that arbitration be recognized as obligatory, and be stipulated in a public treaty as the only means for settling conflicts, or contentions which may arise, or exist, among the American nations, irrespective of their cause, or circumstances, excepting only those questions which affect the national independence, has led us to the conviction that the conclusion of the treaty which the Committee of General Welfare recommends would produce, if carried into effect, more difficulties, and more pernicious results, than those which it proposed to obviate or avoid. And those results would indeed weaken, and in the end would destroy, the efficiency of the system, the strengthening of which is desired. and whose efficiency and authority, when timely resorted to, all the nations are interested to preserve

5. HAGUE CONFERENCE, 1899

Europe's political air was full of storm clouds in the spring of 1898. In the Far East, Great Britain stood for Chinese independence, but Russia had secured the lease of Port Arthur against Japanese interests. France was maneuvering to get a coaling station and to build railroads in the south to connect with her own Indo-China. The United States and Spain were on the verge of war, that was soon to come. Europe was watching the struggle between Great Britain and Krüger in South Africa, which was finally to result in conflict. The Zola trial was exciting France

and drawing to the surface the worst passions of the nation. The mechanism of warlike armaments had recently made great advances and Germany had completely fitted her immense army with costly new and improved artillery. France had done the same thing. Austria-Hungary belonged to the Triple Alliance, and so had certain definite duties in respect to armaments; Germany's new artillery made new Austro-Hungarian artillery necessary, according to the standards of duty among allies. She had not yet moved a finger to fulfil that duty; nor had Russia, the ally of France. Russia in particular was hard up; she did not have a dollar that was not mortgaged, and she was living to a large extent on borrowed money. Any additional expense was bound to come hard.

In Russian financial affairs at that time, Serge Witte was the government. Count Muraviov was minister of foreign affairs, a man trained in the school of Russia's older diplomacy. One day Count Muraviov handed Witte a document. The paper had been drafted by General Kuropatkin, the war minister, had gone to the Emperor, had been read by him and sent on to the foreign minister with the notation to communicate it to the minister of finances and secure his opinion of it. What Kuropatkin had written to the Emperor was that Russia faced the necessity of re-arming her artillery to keep up the European pace, but that Russia did not handily have the money. In detail, General Kuropatkin recounted that as Germany and France had re-armed their artillery Russia and Austria-Hungary must do likewise. Austria-Hungary as a member of the Triple Alliance had no choice. Russia would find the expense extremely irksome. Would it not, the minister of war asked the Emperor, be possible for Russia and Austria-Hungary to avoid this portentous outlay by reaching an agreement between themselves? He pointed out that it was the proportion of armament rather than its mere amount which really counted in military efficiency. So why not reduce proportionately rather than increase? The resultant strength would be the same.

"If we go to this expense," said Count Muraviov in effect, "Austria-Hungary will do the same, and we shall be no better off in respect to military efficiency, while Russia will be considerably worse off for money. You have charge of the Empire's money, and it is for you to say what you think of the suggestion."

GENERAL CONFERENCE SUGGESTED

Witte replied that the question ought never to have been asked. He for one could not support General Kuropatkin in any such proposal. Whatever its merits, the proposal was sure to be rejected, reports of its having been made would certainly leak out,—and Russia would be the laughing stock among nations. The mere suggestion of the project would be equivalent to a confession of bankruptcy. It would be argued that Russia was too hard up to spend a few millions on her army, and that there was some hitch in her financial arrangements which was not apparent to the outside world. The result would be that her credit would be impaired abroad. If the money was needed, Witte would find it without any such confessions.

But the Russian minister of finances continued: "If," he said, "instead of trying to save a few millions for two nations, it were possible to make such a proposition as General Kuropatkin's to Europe as a whole and enable all the nations to save the huge sums that were being sunk in armaments annually, the proposition would be worth while. And if the proposal was discussed generally among European nations, no discredit would redound to the finances of any. Militarism itself was the enemy, and vainly to try and reduce on the single item of artillery would be like trying to kill a tree by lopping off a limb. No good could come except the thing itself was destroyed."

"Not that a nation should disarm or be inadequately protected," he is quoted as continuing.¹ "Neither would I have the sentiment of patriotism weakened. But I often tell myself that the unexampled prosperity of the United States of America is a direct effect of its immunity from militarism. Suppose each of the states were independent, as are those of Europe, would the revenue of North America exceed its expenditure then, as it does to-day? Would trade and industry flourish there as they do? On the other hand, suppose Europe could continue to do with a mere nominal army, and confine its defenses to warships, would it not thrive in an unprecedented way, and rule the best part of the globe? Can it ever be accomplished? At any rate, it is an ideal worthy of the generous ambition of the Tsar."

¹London *Telegraph*, May 21, 1907; E. J. Dillon, *Contemporary Review*, 91, 879-882 (June, 1907); Dillon, *The Eclipse of Russia*, 269-274; Witte, *Memoirs*, 96.

Count Muraviov reported the substance of the conversation to the Emperor. What form the report took is not known. At any rate, the Tsar authorized his ministers to discuss the matter further.

A special council was held, at which Count Muraviov, Count Lamsdorv, M. Witte and General Kuropatkin were present. General Kuropatkin's original proposition was up for definite decision and was sharply criticized by Witte along the lines of his conversation with Count Muraviov. Counts Muraviov and Lamsdorv, both from the foreign office, supported him and the Kuropatkin proposal consequently became a dead letter.

Count Muraviov then drew from his pocket the rough draft of a circular to the powers, which in its finished form as handed to the diplomatic corps on August 24, 1898, read:

The maintenance of general peace and the possible reduction of the excessive armaments which weigh upon all nations present themselves in the existing conditions of the whole world as an ideal toward which the endeavors of all Governments should be directed. His Majesty the Emperor, my august master, has been won over to this view. In the conviction that this lofty aim is in conformity with the most essential interests and legitimate views of all the powers, the Imperial Government thinks the present moment would be very favorable to seek by means of international discussion the most effectual means of insuring to all peoples the benefits of real and durable peace, and above all, of putting an end to the progressive development of the present armaments.

In the course of the last twenty years the longings for general pacification have grown especially pronounced in the consciences of the civilized nations. The preservation of peace has been put forward as the object of international policy. It is in its name that the great states have concluded between themselves powerful alliances. It is the better to guarantee peace that they have developed in proportions hitherto unprecedented their military forces, and still continue to increase them without shrinking from any sacrifice.

All these efforts, nevertheless, have not yet been able to bring about the beneficent results of the desired pacification.

Financial charges, following an upward march, strike at public property and at the very source of intellectual and physical strength. Nations' labor and capital are for the major part diverted from their natural application and unproductively consumed. Hundreds of millions are devoted to acquire terrible engines of destruction, which, though to-day regarded as the last work of science, are destined to-morrow to lose all

value in consequence of some fresh discovery in the same field. National culture, economic progress and the production of wealth are either paralyzed or checked in development.

Moreover, in proportion as the armaments of each power increase, so do they less and less fulfil the object which the Governments have set before themselves.

Economic crises, due in great part to the system of armaments *à outrance*, and the continual danger which lies in this massing of war material, are transforming the armed peace of our days into a crushing burden which the peoples have more and more difficulty in bearing.

It appears evident, then, that if this state of things is prolonged it will inevitably lead to the very cataclysm which it is desired to avert, and the horrors of which make every thinking person shudder in advance.

To put an end to these incessant armaments and to seek a means of warding off the calamities that are threatening the whole world is a supreme duty which to-day is imposed on all states.

Filled with this idea, His Majesty has been pleased to order that I propose to all the Governments whose representatives are accredited to the Imperial Court the meeting of a conference which would have to occupy itself with this grave problem. This conference would be, by the help of God, a happy presage of the century which is about to open. It would converge in one powerful focus the efforts of all the states which are sincerely seeking to make the great conception of universal peace triumph over the elements of trouble and discord. It would at the same time cement an agreement by a corporate consecration of the principles of equity and right, on which rest the security of states and the welfare of the peoples.

The Russian circular note of December 30, 1898, contained the following program items:

1. An understanding stipulating the non-augmentation, for a term to be agreed upon, of the present effective armed land and sea forces, as well as the war budgets pertaining to them; preliminary study of the ways in which even a reduction of the aforesaid effectives and budgets could be realized in the future.

2. Interdiction of the employment in armies and fleets of new fire-arms of every description and of new explosives, as well as powder more powerful than the kinds used at present, both for guns and cannons.

3. Limitation of the use in field fighting of explosives of a formidable power, such as are now in use, and prohibition of the discharge of any kind of projectile or explosive from balloons or by similar means.

4. Prohibition of the use in naval battles of submarine or diving tor-

pedo-boats, or of other engines of destruction of the same nature; agreement not to construct in the future warships armed with rams.

THE RUSSIAN PROPOSITIONS

Russia's proposals respecting armies were as follows:

1. Establishment of an international agreement for a term of five years stipulating the non-augmentation of the present number of troops on a peace basis maintained in the mother countries.
2. The fixation, if possible, in case of this agreement, of the number of peace effectives of the armies of all powers, not including colonial troops.
3. The maintenance for the same period of five years of the amount of the military budget at present in force.

On the naval side the Russian proposal made by Captain Schéine was:

To accept the principle of fixing the size of naval budgets for a period of three years, with the engagement not to increase the total during this triennial period, the obligation to make known in advance for this same period:

1. The total tonnage of warships which it is proposed to construct without defining the type of the ships themselves.
2. The number of officers and men in the navy.
3. The expenses of coast fortifications, including forts, docks, arsenals, etc.¹

These proposals were opposed directly by Germany and indirectly by the United States. The conference contented itself with passing the following recommendations:

The conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind.

It has, besides, uttered the following *vœux*:

3. The conference utters the *vœu* that the questions with regard to rifles and naval guns, as considered by it, may be studied by the Governments with the object of coming to an agreement respecting the employment of new types and calibers.
4. The conference utters the *vœu* that the Governments, taking into consideration the proposals made at the conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets.

¹For full discussion see *Actes de la Conférence*, Part II; Naval War College, International Law Topics and Discussions, 1913, 75-88; William I. Hull, The Two Hague Conferences, 62-75.

5. The conference utters the *vœu* that the proposal which contemplates the declaration of the inviolability of private property in naval warfare may be referred to a subsequent conference for consideration.

6. The conference utters the *vœu* that the proposal to settle the question of the bombardment of ports, towns, and villages by a naval force may be referred to a subsequent conference for consideration.

6. SECOND HAGUE CONFERENCE, 1907

The second Hague Conference was proposed by the United States in a circular note dated October 21, 1904. Subsequently the Russian Government laid claim to the right to issue the formal call. The formal program, dated April 3, 1906, dealt rather with the laws and usages of war than with limitation. A note of April 4, 1907, from Russia stated that "the Government of the United States has reserved to itself the liberty of submitting . . . the reduction or limitation of armaments." The Spanish Government desired to discuss the limitation of armaments and the British Government attached "great importance to having the question of expenditures for armament discussed at the conference."

This inclination brought forth objections, which were answered by the British premier, Sir Henry Campbell-Bannerman, by a statement in *The Nation* on March 2, 1907. In that periodical he made a case which has not lost its point today:

The disposition shown by certain powers, of whom Great Britain is one, to raise the question of the limitation of armaments at the approaching Hague Conference has evoked some objections both at home and abroad, on the ground that such action would be ill-timed, inconvenient and mischievous. I wish to indicate, as briefly as may be, my reasons for holding these objections to be baseless.

It should be borne in mind that the original conference at The Hague was convened for the purpose of raising this very question, and in the hope that the powers might arrive at an understanding calculated to afford some measure of relief from an excessive and ever-increasing burden. The hope was not fulfilled, nor was it to be expected that agreement on so delicate and complex a matter would be reached at the first attempt; but, on the other hand, I have never heard it suggested that the discussion left behind it any had injurious consequences. I submit that it is the business of those who are opposed to the renewal of the attempt, to show that some special and essential change of circumstances has arisen, such as to render unnecessary, inopportune, or positively mischievous, a course adopted with general approbation in 1898.

Nothing of the kind has, so far as I know, been attempted, and I doubt if it could be undertaken with any hope of success. It was desirable in 1898 to lighten the burden of armaments; but that consummation is not less desirable today, when the weight of the burden has been enormously increased. In 1898 it was already perceived that the endless multiplication of the engines of war was futile and self-defeating; and the years that have passed have only served to strengthen and intensify that impression. In regard to the struggle for sea power, it was suspected that no limits could be set to the competition, save by a process of economic exhaustion, since the natural checks imposed on military power by frontiers and considerations of population have no counterpart upon the seas; and again, we find that the suspicion has grown to something like a certainty today.

On the other hand, I am aware of no special circumstances which would make the submission of this question to the Conference a matter of international misgiving. It would surprise me to hear it alleged that the interests of the powers in any respect impose on them a divergence of standpoint so absolute and irreconcilable that the mere discussion of the limitation of armaments would be fraught with danger. Here, again, it seems to me that we do well to fortify ourselves from recent experience. Since the first Hague Conference was held, the points of disagreement between the powers have become not more, but less acute; they are confined to a far smaller field; the sentiment in favor of peace, so far as can be judged, has become incomparably stronger and more constant; and the idea of arbitration and the peaceful adjustment of international disputes has attained a practical potency and a moral authority undreamt of in 1898.

BRITISH OFFER AND RESULT

Sir Edward Fry, the principal delegate of the British Government, brought the question before the Conference on August 17, 1907, when in the course of a speech he declared he was authorized to make the following declaration:

The Government of Great Britain will be prepared to communicate annually to powers which would pursue the same course as the program for the construction of new ships of war and the expenditure which this program would entail. This exchange of information would facilitate an exchange of views between the Governments on the subject of the reductions which it might be possible to effect by mutual agreement.

The British Government believes that in this way it might be possible to arrive at an understanding with regard to the expenditure which the states which should undertake to adopt this course would be justified in incorporating in their estimates.

Sir Edward proposed a resolution which appears in the final act in the following form:

The Second Peace Conference confirms the resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is eminently desirable that the Governments should resume the serious examination of this question.

III. ORIGIN OF LEAGUE OF NATIONS PROVISIONS

The League of Nations is the servant of the member-states, who together determine what it shall do. In the constituent Covenant they pledge themselves to reduce their armaments "to the lowest point consistent with national safety and the enforcement by common action of international obligations." They agree that the Council of the League "shall formulate plans for such reduction," but the plans themselves are to be "adopted by the several Governments," which, however, pledge themselves not to exceed the limits thus fixed without the concurrence of the Council, subject to revision "at least every ten years." The League, therefore, has no right of initiative of its own, though it is entitled to ask of itself for "full and frank information as to the scale of their armaments," their programs and their industries of warlike utility. The origin of these provisions constitutes a historical effort to limit armament, and their operation is well worthy of study as a background for a conference in which the leading powers themselves meet to take decisions of their own.

The negotiations which resulted in Articles VIII and IX of the Covenant have a peculiar interest in connection with the Washington conference. Representatives of the United States, the British Empire, France, Italy, Japan and China two and a half years ago recorded in them their attitude toward reduction of armament in the League of Nations Commission of the Preliminary Peace Conference. Representatives of Belgium, Brazil, Greece, Poland, Portugal, Rumania, Serbia and Czecho-Slovakia, none of which is to be represented at Washington, also served on the commission.

The Covenant of the League of Nations was built from a number of suggested drafts. Four of these received textual consideration. A British draft was produced by a committee headed by the present Lord Phillimore, who reported a text to the Foreign Office on March 20, 1918;¹ a French project was produced by a ministerial commission reporting on June 8, 1918; and an Italian plan had been drawn up by a similar commission.

¹The historical appendix of the final report of the committee is published in Great Britain, Foreign Office, Historical Section, Peace Handbooks, Vol. XXV, 23-64. In the following pages many of the English texts are unofficial translations from the official French.

The Italian project, after reciting in Article I that the contracting states pledged themselves to settle all their controversies by peaceable means, to execute decisions in good faith, and to abstain from coercive measures, said:

The states consequently engage to reduce their armed forces of every kind within the necessary limits, according to provisions which shall be affixed in a special protocol.

A military committee was to be organized subordinate to a council consisting of one representative of each of the powers. To it Article VII of the Italian project referred:

The military committee shall collect data and propose the measures which may serve to solve problems of a military character properly interesting the League of Nations.

FRANCE PROPOSES INTERNATIONAL FORCE

The French ministerial commission on the League of Nations adopted texts, of which the following, with reference to armaments, were among the projects used by the commission on the League of Nations of the Preliminary Peace Conference in elaborating the draft covenant of February 14, 1919:

I. EXPOSITION OF PRINCIPLES ON WHICH A SOCIETY OF NATIONS MAY BE FOUNDED

IV. The Society of Nations is represented by an international organization composed of the responsible chiefs of governments or of their delegates. This international organization has the following attributes:

4. It assures the execution of its decisions and of those of the international tribunal; on its requisition, each nation is bound to use its economic, maritime and military power, in common agreement with the others, against any countervailing nation;

5. Each nation is likewise bound, on requisition by the international organization, to use its economic, maritime and military power, in common agreement with the others, against any nation which, not having adhered to the Society of Nations, should pretend to impose its will upon another by any means whatsoever. . . .

III. MILITARY SANCTIONS

I. INTERNATIONAL FORCE

The execution of military sanctions on land and sea is intrusted either to an effective international force or to one or more powers members of

the Society of Nations which have received a mandate for this purpose.

The international organization disposes of an international force provided by the various adherent states and sufficient to:

1. Assure the execution of its decisions and of those of the international tribunal.

2. Overcome, should the occasion arise, the forces which might be opposed to the Society of Nations in case of armed conflict.

II. EFFECTIVES OF THE INTERNATIONAL CONTINGENTS

The international organization determines the strength of the international force and fixes the contingents which must be placed at its disposal.

Each of the adherent states is free to regulate as it sees fit the conditions under which its contingents shall be recruited.

The question of the limitation of armaments in each of the adherent states will be dealt with in a special chapter.¹

III. PERMANENT GENERAL STAFF SERVICE

A permanent international general staff service is intrusted with the study of military questions affecting the Society of Nations. Each state designates the officer or officers who represent it in accordance with a proportion to be determined.

The chief and the sub-chiefs of this service are appointed for a period of three years by the international organization on the basis of a list presented by the adherent states.

IV. FUNCTIONS OF THE PERMANENT GENERAL STAFF SERVICE

The permanent international general staff service is intrusted, under the control of the international organization, with everything concerning the organization of the common forces and the eventual conduct of military operations. It especially has the duty of inspecting the international strengths and armaments in agreement with the military authorities of each state and of proposing improvements which seem necessary to it both in the international military organization and in the constitution, composition and recruiting of the strengths of each state. The general staff reports either on its own initiative or on the request of the international organization respecting the result of its inspections. Military instruction is given in each adherent state in conformity with regulations intended to make the armament and the methods of action employed by troops acting in concert as uniform as possible.

¹The details were not worked out.

The international organization is empowered at any time to demand that the adherent states make any modifications in national recruiting of which the necessity is indicated by the general staff service.

V. COMMANDER-IN-CHIEF AND CHIEF OF THE GENERAL STAFF

When circumstances so require, the international organization appoints for the duration of the operation to be undertaken the commander-in-chief intrusted with the direction of the international forces. The commander-in-chief on his appointment chooses his chief of general staff and the officers to assist him.

The powers of the commander-in-chief and of his chief of general staff come to an end when circumstances allow him no longer to fear an armed conflict or when the intended effect of the military operations is attained.

In both cases the decision of the international organization fixes the date on which the powers of the commander-in-chief and of the general staff come to an end.

SMUTS AND WILSON IDEAS

A plan was published by General Smuts before the convening of the Peace Conference and was given much attention both by the public and by the individuals constituting the Commission on the League of Nations. The study consisted of a discussion, summarized in paragraphs of which the following are pertinent:

(15) That all the states represented at the Peace Conference shall agree to the abolition of conscription or compulsory military service; and that their future defense forces shall consist of militia or volunteers, whose numbers and training shall, after expert inquiry, be fixed by the Council of the League.

(16) That while the limitation of armaments in the general sense is impracticable, the Council of the League shall determine what direct military equipment and armament is fair and reasonable in respect of the scale of forces laid down under paragraph (15), and that the limits fixed by the Council shall not be exceeded without its permission.

(17) That all factories for the manufacture of direct weapons of war shall be nationalized and their production shall be subject to the inspection of the officers of the Council; and that the Council shall be furnished periodically with returns of imports and exports of munitions of war into or from the territories of its members, and as far as possible into or from other countries.

The English, or Phillimore, draft contains no specific reference to armament control.

President Wilson some months before the Peace Conference redrafted the Phillimore plan with the object of making it more definite, later adding to the draft some of the Smuts suggestions. That draft contained the following article:¹

ARTICLE IV. The contracting powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the delegates are directed to formulate at once plans by which such reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Governments signatory to this covenant.

As the basis for such a reduction of armaments, all the powers subscribing to the treaty of peace of which this covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defense and of international action shall consist of militia and volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The body of delegates shall also determine for the consideration and action of the several Governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the program of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the body of delegates.

The contracting powers further agree that munitions and implements of war shall not be manufactured by private enterprise or for private profit, and that there shall be full and frank publicity as to all national armaments and military or naval programs.

COMMISSION BEGINS STUDY

This text was submitted to David Hunter Miller and Gordon Auchincloss, legal advisers of the American Commission to Negotiate Peace, who made a series of comments upon the text and suggested changes of wording in various places. These changes seem to have been accepted and a later text, which has been printed under the name of the American draft, involved still other changes.² These strictly American drafts were taken up by Mr. Miller

¹Treaty of Peace with Germany. Hearings before the Committee on Foreign Relations, United States Senate, 1166, 1172, 1186.

²*Ibid.*, 255.

with Cecil J. B. Hurst, legal adviser of the British delegation, acting together as a legal committee for the League of Nations Commission, and they produced a new plan of which Article VIII, reading as follows, became the basis from which the commission itself began its studies:

The high contracting parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council shall formulate plans for effecting such reduction. It shall also inquire into the feasibility of abolishing compulsory military service and the substitution therefor of forces enrolled upon a voluntary basis and into the military and naval equipment which it is reasonable to maintain.

The high contracting parties further agree that there shall be full and frank publicity as to all national armaments and military or naval programs.

In the fourth session of the Commission on the League of Nations of the Preliminary Peace Conference, February 6, 1919, Léon Bourgeois (France) insisted on the impossibility of France accepting at present the suppression of obligatory service, "which is for it an essential question of democracy and a corollary of universal suffrage." After remarks by Vittorio Orlando (Italy) and Ferdinand Larnaude (France) to the same effect, President Wilson proposed to strike out the last sentence of the first paragraph relative to the possibility of abolishing obligatory military service and to replace it with the following text:

The executive council shall also determine for submission for the consideration and action of the several governments what military equipment and armament are fair and reasonable in proportion to the scale of forces laid down in the program of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the General Assembly of delegates.¹

This proposal was accepted.

On the proposal of the President, likewise accepted, the last paragraph of the article was modified as follows:

The high contracting parties further agree that munitions and imple-

¹Reads "Executive Council" in the first report of the Commission of February 14, 1919 (Treaty of Peace with Germany, Hearings, 266).

ments of war shall not be manufactured by private enterprise, and direct the executive council to advise as to the means to bring this practice to an end; the high contracting parties also decide that there shall be full and free publicity given to the question of national armament and of military and naval programs.

Viscount Chinda (Japan) proposed that in the first clause of this article in the third line the words "domestic safety" be replaced by the words "national safety." The suggestion was adopted.

Article VIII as modified was adopted.

BOURGEOIS PUTS FORWARD AMENDMENTS

In the eighth session of the commission on February 11, M. Bourgeois for France introduced amendments to the draft. In a speech concerning these he commented that:

The substitution of the words "national safety" for the words "domestic safety," adopted as a result of the observation of the delegate of Japan, must involve certain changes with a view to securing the realization in fact of these words of President Wilson:

"It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected, that no nation, no probable combination of nations, could face or withstand it."

In order that the international force which President Wilson desires should exist, it is necessary that no separate force should be able to withstand it. I, therefore, believe that it is necessary to organize the control of strength and armaments in a manner rigorous enough to stop nations of bad faith in the preparation of new wars and to guarantee the loyal nations against any surprise resulting from the failure of the organization of law.

Therefore, in Article VIII there must be inserted after the words "the Executive Council shall formulate plans for effecting such reduction," the following paragraph:

"It will institute an international control of effectives and armaments, and the high contracting parties engage to submit thereto in full good faith. It will determine the conditions under which the existence and organization of this international force are to be permanently assured."

In closing, I would recall that in the session of February 6 I insisted with respect to Article VIII that in the determination of the strengths and

armaments of each nation either for its own security or for its participation in the international force, it would be necessary to introduce two distinct elements and that the coefficient of relative power of each state must be combined with the coefficient of the risk which each state may have to run by reason of its geographical situation and the character of its frontier. President Wilson has nobly recognized this necessity, when at the tribune of the French Chamber of Deputies he spoke this great word, for which I here thank him: "The frontier of France is the frontier of freedom."

I would demand, therefore, that at the end of the words "the Executive Council shall formulate plans for such reduction" there be added this phrase: "Taking account in the determination of contingents not only the relative power of the states but of the risks which they may run on account of their geographical situation and the condition of their frontiers." I offer this new amendment to Article VIII.

M. Larnaude supported M. Bourgeois and emphasized the idea of the geographical risk "which is so important for nations such as Poland, the Czecho-Slovak Republic, Rumania, Belgium, France, etc. The control of war manufactures and of certain other manufactures which may be used for war is at the foundation of any League of Nations if it is not desired that nations of good faith should be the victims of the others."

WILSON'S ATTITUDE DEFINED

The President of the United States said that it was necessary to make a distinction between the possible and the impossible:

No nation will consent to the control; as for us Americans we can not consent to it because of our Constitution. But we must do everything possible to assure the security of the world. A plan will have to be drawn up by each country so that it will have a force sufficient for:

1. Maintaining its national security;
2. Contributing to international security.

It will have to be admitted that France shall maintain a force proportionately larger than other nations on account of the geographical risk referred to. As to constructing a unified military machine in time of peace, that is another question. The war has made clear the absolute necessity of unity of command, and this offered an immense advantage which influenced the outcome of the war itself. But this was possible on account of the immediate danger which menaced civilization. The proposal to realize military unity in time of peace would be a proposition that

no nation would accept. The Constitution of the United States prohibits the President from sending national troops out of the country. If the United States maintains an army there will always have to be an inevitable delay to send this army to the required spot. It is possible that the Germans might again accumulate military forces. If the militarist folly is not given up in Germany and was not destroyed by this war, it is evident that there might be a new menace. But this would not happen immediately, economic conditions in Germany being too unfavorable for it.

As for us, if we should now organize an international force, it would seem that we were substituting international militarism for national militarism. Eminent Frenchmen have already said to me that they would not accept what the American Constitution prevents me from accepting. I know how France has suffered and I understand that she wishes to obtain the best guaranties before entering the League, and everything we can do in this line we will do. But we can not accept formulas in contradiction with our Constitution.

The argument which has been most employed against the League of Nations is that the army of the United States would be at the disposal of an international council, that American troops would thus be exposed to fighting at any time for remote causes, and this condition scares our people. There is therefore no other way for us than to adopt a system compatible with our Constitution and our public opinion.

M. Bourgeois in reply said that he had in mind the verification of the quantities of armament produced by each nation, which could be done only if each state undertook not to exceed certain limits and to allow an inspection. As to an international force, there is no question of a permanent army, but simply of preparing in advance the military organization of national contingents so as to combine them rapidly against an aggressor state.

The discussion continued for some time, becoming more general in character, and the commission ended the session by referring the questions involved to the editing committee.

BOURGEOIS URGES PUBLICITY

The two articles came to second reading in the tenth session of the commission on February 13. The text as then edited was read by the presiding officer, who thought that it met the ideas of the French and Portuguese delegations. M. Bourgeois called attention to the danger that publicity for military preparation

might present, a point first mentioned by M. Batalha-Reis of Portugal. He thought that a complete exchange of information establishing a regime of mutual confidence offered advantages and seemed indispensable to the functioning of the League; but he was obliged to look ahead to the time when other states would be members and to contemplate measures to prevent the good faith of the present allies from being surprised. In short, a verification is indispensable if it is desired that the limitation of armaments is to be real. He therefore insisted that the following text be substituted for the last paragraph of Article VIII:

The high contracting parties, resolved mutually to furnish frank and full information as to the scale of their armaments and of their military and naval programs, and the condition of such of their industries as are adaptable to warlike purposes shall establish a commission intrusted with the establishment of the necessary facts.

Mr. Larnaude remarked that it was impossible for the control to be controlled, and therefore that the verification of armaments should be made by others than those who manufactured them.¹ The President said that the editing committee had tried to come as closely as possible to the French point of view, but it seemed difficult under the present system to adopt the idea of verification completely. M. Bourgeois expressed the opinion that the only way for the French delegation was to propose an amendment. The question at issue "was of such importance that the commission must give a decision on the French text." M. Kramarz said that the Allies had confidence in each other but that it was desirable to take exceptional guaranties against Germany. He suggested an amendment expressing that idea in general terms,

¹The Military, Naval and Air Commission of the League of Nations on February 25, 1921, unanimously adopted the following opinion:

"According to Article VIII of the Covenant:

"The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes."

"In view of this undertaking it appears superfluous and futile to set up a new system of supervision for the nations which have already signed that declaration. If the good faith of such an interchange of information is open to suspicion, will not a similar doubt arise in regard to the information which would be supplied by this organ of control?

"Every nation is sovereign in its own territory, and it would itself direct any investigation which might be carried out there. The good faith of these investigations will, therefore, be just as liable to suspicion as its own statements had been."—Minutes of the Twelfth Session of the Council, 186.

which was finally rejected. The President observed that all the military general staffs of Europe knew of Germany's war preparations. M. Larnaude recalled that at the battle of Charleroi the number of German army corps was 30 more than the French expected. No one could foresee this crushing superiority, which resulted from an easy deception. M. Bourgeois insisted that the absence of verification would encourage war.

The President proposed a text which M. Bourgeois said gave the commission no more power than the original. He demanded a vote on the French amendment, which was rejected.¹

After an editing change the article was adopted.

DEBATE ON EXECUTIVE ORGAN

M. Bourgeois then brought forward the French amendment to Article IX, which read:

The permanent organ shall be established to foresee and prepare the military and naval measures for executing obligations which the present convention imposes on the high contracting parties, and to assure their immediate efficacy in all cases of urgency.

The President observed that the French proposal contemplated the establishment of an international staff with the purpose of studying military and naval questions and the means of preparing efficient action. But the League of Nations could not be considered as an alliance against Germany. Nothing would be more dangerous to peace. Further, no country would accept an international staff which would have the right of interfering in its own military and naval plans. M. Bourgeois explained the reasons which prompted the amendment. There was no question of preparing an international army to be placed or to act in a given place. It was simply a question of establishing an understanding among the military authorities of the several associated countries so as to be in a position to make use rapidly of national contingents in case of a sudden attack by one of the associates or a power not an associate.

If such an understanding were not made in advance, we risked finding ourselves in a state of disorganization similar to that of the liberal powers when Germany invaded Belgium. It was

¹The vote was 12 to 3, according to André Tardieu, *The Truth About the Treaty*, 135, note.

therefore a question only of providing an organization, whose name was of little importance, but the purpose of which was to insure the immediate efficacy of military action by the League of Nations. This measure was indispensable not only for the security of nations exposed to "geographic risks," but also for the safety of the whole League itself.

In support of these remarks, M. Larnaude said that the necessary condition to enable the League of Nations to impose peace on all was that it be known that it had the means to impose it. But this was impossible to attain unless there was provided in advance, in time of peace, a central organization ready to act rapidly against a recalcitrant or bellicose power.

M. Vesnich of Serbia thought that the commission's text ought to give complete satisfaction to the French delegation. He thought the French amendment introduced an idea of distrust, assuming that one of the associated nations might violate the Covenant, and that a rigorous control was necessary. M. Bourgeois said that the words were of little importance, but the essential thing was the idea of military and naval organization, prepared in time of peace by the League of Nations. If they were not prepared, they would be surprised. M. Hymans of Belgium was not impressed by the fears referred to by M. Vesnich. It was legitimate to seek at least for guaranties which were not injurious to any one. He perceived no essential difference between the French amendment and the commission's proposal. M. Larnaude assured the commission that there was a difference, notably on account of the reference to a military and naval means of execution in the French amendment.

The President and M. Bourgeois stated that each of them had reached the extreme limit of what public opinion in their respective countries would accept. The French amendment was rejected. Article IX of the commission was adopted:

A permanent commission shall be constituted to advise the League on the execution of the provisions of Article VIII and on military and naval questions generally.

NEUTRAL POWERS EXPRESS OPINIONS

A committee of the League of Nations Commission, presided over by Lord Robert Cecil, heard delegates of the neutral powers

at the Hotel Crillon on March 20 and 21, 1919. There were present representatives of Argentina, Chile, Colombia, Denmark, Norway, Netherlands, Paraguay, Persia, Salvador, Spain, Sweden, Switzerland and Venezuela. The Covenant in the draft of February 14 was gone over article by article.

Article VIII called forth amendments by Denmark, Norway, Netherlands and Spain. In general, these proposed that the Assembly should decide on the plan for reduction and that private manufacture of armament should be either prohibited or strictly controlled. Spain suggested that an increase beyond a level once fixed might take place if it received a vote of a third of the Council or, on appeal, a third of the Assembly.

On Article IX, Denmark, Spain and Sweden proposed amendments, all providing for a more effective control. The discussions were not enlightening, but gave M. Bourgeois opportunity to interpret the neutral attitude as favorable to the French amendments.

The commission itself on March 22 gave the text its final revision. In Article VIII the original phrase, which provided that the limit of armaments when fixed should not be exceeded without the permission of the Council, was struck out on the motion of Lord Robert Cecil. The Council was thus left only with the power of making plans for the consideration and action of the several Governments. The provision submitting the plans to reconsideration and revision at least every ten years was adopted on the motion of Baron Makino of Japan.

Lord Robert Cecil proposed what eventually became the final paragraph of Article VIII, in the hope that it would satisfy France. It did not do so. M. Bourgeois commented that the Allied Associations for a League of Nations, meeting in London on March 11-13, had unanimously adopted the French proposal, which in no way infringed the sovereignty or the dignity of any state; "and the French Government insists on its adoption."

The League of Nations would contain nations of both good and bad faith. If all verification was foregone, the peace of the world could be easily disturbed. It was quite possible to find a formula which would affect no susceptibilities. Admission of the principle of verification was the real issue. M. Venizelos of Greece asked whether it would be satisfactory to "authorize the Council to pro-

ceed with the necessary determinations." M. Larnaude of France thought that the French idea of a technical commission had value, but was willing to support the Greek proposal, on condition that every possibility of inquiry was specifically given to the Council. M. Bourgeois thanked M. Venizelos for attempting to conciliate the differing points of view, but believed that more than a simple declaration of the several states was desirable. The right of verification should be written into the Covenant to prevent nations of bad faith from holding that there was no such right, and to prevent secret preparations. This principle should be clearly established and it then made no difference who performed the duty.

The President "feared that the visits of a commission like that contemplated in the French amendment to see whether the nations did or did not keep their engagements might be looked at askance in many countries. Such a proceeding could not be compared with what would take place within a state. If we were making a union of states with a common legislature we should be able to consider such machinery; but our constant idea has been to avoid the conception of the superstate, and in these circumstances it would seem difficult to render operative the determination of certain facts within the associated nations."

M. Venizelos thereupon asked the President if he admitted that the Council had the right of recalling the established rule to a Government which was not observing its engagements on the limitation of armaments. The President did; M. Venizelos thereupon concluded from the answer that his proposal met with American support, but the President replied that the existing text already permitted such action.

MEANS OF CONTROL DISCUSSED

M. Larnaude thought that the casual verification by the Council might occur too late. M. Bourgeois protested against the idea of espionage and corruption. It was necessary to seek methods of control more honorable for the future League of Nations. M. Kramarz (Czecho-Slovakia) thought it was especially necessary to control German manufactures. He did not suppose that it was the idea of the French delegation to control American, Italian and British manufactures.

M. Venizelos observed that, if President Wilson believed that an addition in even the attenuated form he himself proposed might be regarded as unacceptable to American public opinion, it was preferable to forego it in order not to compromise the entire work. He understood the interest of French public opinion in the proposed amendment, but he recalled that a majority of two-thirds and the acceptance of all conditions imposed by the League were required for the admission of new states. When the question of Germany's entrance arose all the necessary conditions could be imposed.

M. Bourgeois held to his amendment and reserved the right of bringing it up in plenary session. He did bring it up again that same evening in a detailed explanation, which was followed by further remarks of M. Larnaude.

In reply the President said that he had read the French proposal attentively. "Article IX of the project," he said, "contemplates a permanent commission intrusted with giving the League of Nations its opinion on military and naval questions, and the Council is therefore absolutely free to order all necessary studies from this commission. France as a member of the Council may in case of need call attention to the danger and ask for the establishment of a plan or the co-ordination which would seem indispensable to it. In fact the amendment of the French delegation does not seem to add any essential element to the present text, which restricts in no way either the scope or the nature of the advice which the Council may ask of the permanent commission. Its competence is not limited and allows it to respond to all the considerations so well expressed by M. Bourgeois." The latter expressed the opinion that in that case a formula be used which would be better understood by public opinion. The President observed "that any definition is a limitation, and that it is frequently preferable to adopt a formula very large and very elastic which may be adapted to all circumstances."

Lord Robert Cecil commented that Article IX was already the result of a compromise with the French and that it would be difficult to change the phraseology again. M. Kramarz (Czecho-Slovakia) saw no difference between Article IX and the French proposal. Messrs. Bourgeois and Larnaude held to the text of the French amendment. M. Hymans of Belgium proposed to bring the

two opinions into agreement by adding the following to the article:

The permanent commission shall be established to give the Executive Council its opinion on the provisions of Articles VII [now Article I, paragraph 2] and VIII and upon the military and naval means for executing obligations which the present convention imposes upon the high contracting parties.

He added that if "a procès-verbal of the discussion were added to the Covenant, this would constitute a clarifying commentary on the meaning of the text." M. Orlando of Italy was of the opinion that it was impossible to find a formula larger than that of Article IX and that the Belgian amendment would restrict the meaning of the text.

"The French delegation maintained its amendment"; but the commission proceeded to the discussion of other articles.

The text as finally adopted reads:

ARTICLE VIII. The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each state, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every 10 years.

After these plans shall have been adopted by the several Governments the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programs, and the condition of such of their industries as are adaptable to warlike purposes.

ARTICLE IX. A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles I and VIII and on military, naval and air questions generally.

IV. WORK OF THE PERMANENT COMMISSION

The committee provided for was established by the Council of the League in the course of its fifth session. A report by M. Bourgeois resulted in the adoption of constituent resolutions on May 19, 1920, in essentials as follows:¹

Art. 1. The commission prescribed by Art. 9 of the Covenant shall be entitled: "The Permanent Advisory Commission for Military, Naval and Air Questions." The commission shall be formed of representatives from each nation² represented on the Council of the League of Nations:

- 1 military representative,
- 1 naval representative,
- 1 air representative.

The same representative may combine the duties of more than one of the above, if his Government so desires.

Art. 2. Any other states which are members of the League may be invited to send a similar number of representatives to sit on the commission temporarily when a question directly affecting them is under discussion.

Art. 3. Whatever the number of representatives from any nation attending the meetings of the commission, or of the subcommissions referred to in Art. 6, no national delegation shall be allowed more than one vote.

Art. 4. The representatives laid down in Art. 1 may be joined by such number of officers as may be necessary according to circumstances, or may call in any "Service" or civil experts whose experience may be useful. In order, however, to facilitate the accommodation of the commission, the Governments concerned are recommended not to attach more than two officers for each of the subcommissions laid down in Art. 6 as permanent assistants of the above-mentioned representatives.

Art. 5. The representatives of each state, together with the officers

¹League of Nations, Official Journal, I, 134.

²The Bourgeois report contains this paragraph on the character of representation:

"1. The commission should consist of national representatives, responsible to their respective Governments and general staffs, that is to say, they shall be in a position to present the true wishes and plans of their respective nations at the discussions and inquiries of the commission. If constituted in this manner, the Permanent Commission will be a living organization well informed and qualified, on the one hand, to prepare the way for the decisions of the Council of the League, without giving offense to the Governments concerned, and, on the other hand, to prepare the way for the decisions of those Governments in accordance with the spirit of the League."

permanently attached, shall constitute the "national delegation" of each state. This delegation shall be placed at the disposal of the Council of the League in order to give advice as laid down in Art. 9 of the Covenant, and in accordance with the procedure given below.

The ordinary pay and allowances of the officers of the commission will be furnished by their respective Governments.

Art. 6. The commission shall be divided into three subcommissions, entitled:

The Military Subcommission.

The Naval Subcommission,

The Air Subcommission.

Art. 7. Each subcommission shall nominate a chairman for six months in the alphabetical order following that of the treaty of Versailles.

When a meeting of the commission is necessary, the three Chairmen of the subcommissions shall select one of their number to preside at the sitting (or sittings) at which any particular question is to be discussed.

Art. 8. Representatives of a state which has been newly admitted to the Council of the League shall not be called to the chairmanship of the commission or subcommissions before six months have elapsed from the date of admission.

Art. 9. The commission or subcommissions shall meet on the demand either of the Council of the League or of one of their own members.

Art. 10. In principle, reports of the subcommissions shall be forwarded to the Council by the full commission with its remarks. The Council or the full commission may, however, decide that a question raised by either, respectively, is of a purely technical nature, and within the competence of one subcommission only. In such case, the report of the subcommission shall be addressed to the Council direct.

The first meeting of the commission was held on August 3, 1920, at San Sebastian, where the Council was in session. After short speeches by M. Quiñones de León of the Council, who welcomed the delegates, by M. Bourgeois, General Fayolle (France) and General Echague (Spain), the commission organized itself into the three subcommissions—military, naval and aerial—and the presidents for the first three months were elected: Genera de Ceuninck of Belgium, Francisco Ramos do Andrade Neves of Brazil and Captain P. R. C. Groves of Great Britain. Captain Monroe of the French army was appointed secretary to the military subcommission; Commander Jackman, R. N., secretary to the naval subcommission, and Ugo Leone, secretary to the aerial subcommission. The delegates present were:

Great Britain—Admiral the Hon. Sir Somerset A. Gough Calthorpe, Commandant P. R. C. Groves, Brig. Gen. G. S. Clive;

Belgium—General de Ceuninck, Colonel van Crombrugge;

Brazil—Captain Paula Guimaraes;

Spain—General Echague, General Picasso, Vice Admiral the Marquis de Magaz;

France—General Fayolle, Vice Admiral Lacaze, Brigadier General Dumesnil;

Greece—Admiral Cacoulides, Colonel Rectivan, Colonel Laskaakis;

Italy—Admiral Grassi, General Marietti, Commander Graziani;

Japan—General Watanabe, General Itami, Captain Osumi.

The commission, with varying personnel, has met at Brussels in October, at Geneva from November 25 to December 4, 1920, at Paris in February, 1921, and at Geneva on June 21, 1921.

NEW MEMBERS UNDER CONTROL

The most interesting duty of the commission is that enjoined by Art. 1 of the Covenant, by which it lays down the conditions of armament for states applying for admission to the League. Under this provision it has rendered opinions on the armaments of Austria, Bulgaria, Costa Rica, Esthonia, Finland, Latvia, Lithuania, Luxemburg and Albania, as well as other states whose applications were unsuccessful. In the case of the larger powers applying for admission or those in a position to develop armament, this control is likely to have a distinct bearing upon the problem in the future. For the sake of illustration the facts and decisions respecting Finland are given:

ARMY: The military forces of this country consist to-day of 32,000 men. The Government wishes to reduce them to one class, consisting of 16,000 men.

Opinion of the Commission: Recommends the maintenance of these forces.

NAVY: Finland wishes to maintain the navy which she possesses to-day, consisting of 6 torpedo-boats and 4 auxiliaries of a low tonnage, reserving the right to replace them later on by more modern units of about 1,000 tons. In addition she asks for four submarines.

Opinion of the Commission: Unanimously recommends the maintenance of the torpedo-boats and auxiliaries.

By a majority of 6 to 2 the subcommission considers that the submarine is an economic method of defense for the small countries and proposes the authorization of four submarines of less than 400 tons.

The British Representative voted against allowing submarines to the small countries bordering on the Baltic for the reason that, in view of the unsettled conditions which now exist there, the possession of submarines would be particularly likely to lead to the commission of hostile acts, which it is the object of the League to prevent.

He considers that the case would be different if it could be guaranteed, either by restriction in tonnage or other means, that the submarines would only be used for purposes of defense, but this appears to be impracticable owing to the close proximity of the countries concerned.

The Japanese Representative refrained from voting, while awaiting instructions from his Government, with regard to the special cases submitted for the examination of the commission, although he associated himself with the majority as regards the principle of accepting submarines.

AIR FORCES: Finland possesses 69 aeroplanes. The Government wishes to increase this number in the future.

Opinion of the Commission: Recommends the maintenance of the present forces. The commission reserves the right of approving the later demands of Finland when it has received fuller information.¹

FROWNS ON GAS WAR

The commission, speaking at the time for 42 states, has rendered the following opinion in reply to questions put to it by Great Britain:

(1) The employment of gases is a fundamentally cruel weapon, though not more so than certain other weapons commonly employed, provided that they are only used against combatants. Their use against noncombatants as objective must, however, be regarded as barbarous and inexcusable.

(2) It would be useless to seek to restrict the employment of gases in war time by prohibiting or limiting their manufacture in peace time.

(3) The prohibition of laboratory experiments is impracticable.

(4) The three preceding replies represent the opinion of the Permanent Advisory Commission on Military and Naval Technical Questions.

The questions as to whether the preparation of international regulations with regard to the use or prohibition of asphyxiating gases should be

¹League of Nations Official Journal, November-December, 1920, p. 42.

undertaken is, moreover, a question into which the considerations of international law and humanity must enter.

This question, consequently, is not within the competence of a purely technical commission, which therefore considers that it is not in a position to supply an answer on this point.

(5) If, however, the League of Nations should decide to re-impose this prohibition, as drawn up in previous agreements, the commission considers that research work on gases should be authorized so as to insure readiness to deal with any wrongful use to which they may be applied in the future.¹

PROPOSED QUESTIONNAIRE

At its November meeting the commission adopted a uniform specimen questionnaire to circulate to the members of the League when the Council decided it was opportune to do so. Besides many statistical tables as to armament, it calls upon members to furnish reports on the following:²

A. Establishments

- (1) Strength of an annual levy (called up and serving).
- (2) Number of men serving with the colors in a given year.
- (3) Period of service (active, reserve, third line troops)
- (4) The peace establishments by formations and units—number of such formations and units.
- (5) The war establishments by formations and units—number of such formations and units.
- (6) The ratio of the peace establishment to the war establishment.
- (7) The number of classes required to raise the peace establishment to war establishment.
- (8) The number of men and the number of annual levies (trained and untrained) available after the army has been placed on a war footing.
- (9) The time necessary for mobilization to war establishment as given in (5).

In the case of states which maintain a colonial army, the figures for this and the home army should be given separately.

In (1), (2), (5), (8), the proportion of the establishment to the total population should be given.

¹League of Nations Official Journal, November-December, 1920, 39.

²Official Journal, II, 29-41.

B. War Material.

(1) A schedule of war material and munitions should be submitted, showing what amount of war material must be kept in store in peace, in order to enable the force mentioned in A (5) to be maintained in the field for 6 months.

(2) State Government factories producing war material in peace-time.

(3) What proportion of the anticipated monthly needs of the army can these turn out?

(4) State privately-owned factories producing war material in peace-time.

(5) What proportion of anticipated monthly needs of the army can these turn out?

(6) What proportion of war material and munitions must be obtained from outside?

C. Cost

Give the proportion which the upkeep of the land army bears to the total budget of the country.

DANZIG FREE OF ARMS

The Council on June 23 adopted the following resolution:¹

The Council of the League of Nations, at its meeting on February 26, 1921, considered the question of the manufacture of arms in the Free City of Danzig, and in particular the position of the rifle factory. The Council adopted the principle that permission to manufacture arms or war material upon the territory of the Free City would not be granted except perhaps in very exceptional cases, and that it could only authorize the rifle factory to remain open for the purpose of completing work which had been undertaken in pursuance of contracts entered into in good faith before the creation of the Free City and capable of being completed within a short period of time.

The Council has considered a report submitted by the High Commissioner of the League of Nations at Danzig. During the Council meeting the following additional documents have been laid before it:

(1) A letter from the President of the Senate of the Free City, dated June 19, 1921.

(2) A letter from the High Commissioner in the Free City, dated June 20, 1921.

(3) A letter from the Polish Delegate, dated June 21, 1921.

¹Minutes of the 13th Session, 136.

The Council confirms its decision of February 26, 1921, and further decides:

- (1) That all manufacture of arms in Danzig must cease immediately.
- (2) That this decision shall also include the manufacture of firearms for sporting purposes.
- (3) That copies of the above-mentioned documents, together with a copy of the present decision, shall be forwarded for its information to the Council of Ambassadors of the principal allied Powers.

THE FIRST ASSEMBLY'S WORK

The question of armament came before the First Assembly of the League of Nations in which it occupied much of the discussions of the Sixth Committee. At the committee's first meeting René Viviani of France in a speech made a suggestion which might be given practical value: "The best method of dealing with this matter was to institute a vigorous propaganda, to make the whole world understand that war is not only a blunder but a crime, and that any nation which resorts to war loses its rights in the eyes of other nations."

Christian L. Lange made a very pertinent review of the subject based on the reports of the Interparliamentary Union, and reached the conclusion that the continued study of the subject should take full account of the political, historical, economic and social features of the armament problem. Wellington Koo of China also made a set address. The committee as a whole agreed that a comprehensive solution of the problem was not possible to realize at one sitting and that the greatest advance would be made by taking up certain phases upon which positive decisions might be reached. A single committee was appointed to study these. The result was a report "eminently practical in character," which marked some progress.¹

One of the resolutions passed by the Assembly on December 14, 1920, invited the Council:

(a) To request the Permanent Advisory Commission for Military, Naval and Air Questions rapidly to complete its technical examination into the present conditions of armaments;

¹On the work of the committee, see *The First Assembly of the League of Nations. A League of Nations*, IV, 174-182.

(b) To instruct a temporary commission, composed of persons possessing the requisite competence in matters of a political, social and economic nature, to prepare for submission to the Council in the near future reports and proposals for the reduction of armaments as provided for by Art. 8 of the Covenant.

The Temporary Mixed Commission appointed under this resolution was headed by René Viviani of France. It held its first meeting at Paris on July 16, being composed of six civilians, known for their competence in social, political and economic affairs, six members of the Permanent Military, Naval and Air Commission, four members of the Economic and Financial Commission, and six members representing the International Labor Office, employers and employees in equal numbers. Its membership came from fifteen different countries. The announcement of the Washington conference had been made at its first meeting, and the commission therefore sought to direct its work so as to be of assistance to the Governments meeting in November.

Three subcommissions were appointed. The first studied the manufacture of arms and war material, the arms traffic convention and the institution of a central international bureau for the control of the traffic in arms. The second commission dealt with the right of investigation of armaments of the ex-enemy states and the mutual exchange of information on armaments between members of the League. The third commission dealt with the information to be obtained from members of the League. The full commission met in September and reported to the Second Assembly.

One of the 1920 Assembly resolutions advocated the speedy ratification of the convention for the control of the trade in arms and ammunition, signed at St. Germain-en-Laye, September 10, 1919. This convention prohibits traffic in arms in practically the whole of the continent of Africa, and in Asia from the Caucasus westward including the region of the Persian Gulf. The report to the 1920 Assembly stated on this subject that "the full execution of the convention has been hindered by the absence of the necessary statutory authority over the control of arms in the United States of America, a country where arms are manufactured on a large scale." The domestic exports from the United States of arms and ammunition in 1920 amounted to

\$17,755,884 and of gunpowder and other explosives to \$44,596,342.¹ "If the American traffic in arm is not controlled," says the report of the Temporary Mixed Commission to the 1921 Assembly, "the convention of St. Germain is likely to remain inoperative, since any attempted control of the arms traffic by the other states might merely result in transferring the source of supply to the United States."

The Council was invited by the Assembly to investigate without delay the evil effects of the private manufacture of munitions and of war materials.

STATES' ATTITUDES ON BUDGETS

By a vote of 30 to 7 a recommendation was passed submitting "for the consideration of the Governments the acceptance of an undertaking not to exceed for the first two financial years, following the next financial year, the sum total of expenditure on military, naval and air forces provided for in the latter budget," subject to certain conditions. Replies to this recommendation have shown a disposition to await general simultaneous action, the most critical being that of the French Government dated April 20, 1921, in which it states:²

After thorough consideration of the question the Government of the Republic is of opinion that the military, naval or air budgets of the different states do not afford a basis for a fair appreciation of the respective importance of their armaments for the following reasons:

- (1) These budgets are drawn up in a different way by each state.
- (2) Without increasing its effectives or its war material a state may have reason to introduce modifications, or to effect such repairs with regard to this material as would involve additional expenditure of an unforeseen nature.
- (3) The price of manufacture or upkeep (raw materials, labor, etc.) is variable and might cause considerable increases in the budgets from year to year which would not, however, signify an increase in armaments.
- (4) The military, naval or air power of a state no longer depends today exclusively upon its war material in the strict sense of the word, but upon its industrial capacity and its ability to utilize, with or without previous transformation, the greater part of its peace material for mili

¹Commerce Reports, June 16, 1921, 1580.

²Official Journal, II, 321.

tary purposes. This essential factor in the armament capacity of a state can not be ascertained from an examination of its military, naval or air budgets.

The commission reported to the 1921 Assembly that 27 states had replied: Two had their armaments controlled by treaties of peace; three sent inconclusive answers; 15 appeared to accept the proposal, and seven appeared unable to accept.

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I. WASHINGTON NAVAL AGREEMENT ON CAPITAL SHIPS

1. ADDRESS OF SECRETARY OF STATE HUGHES

GENTLEMEN: It is with a deep sense of privilege and responsibility that I accept the honor [permanent chairmanship] you have conferred.

Permit me to express the most cordial appreciation of the assurances of friendly co-operation, which have been generously expressed by the representatives of all the invited Governments. The earnest desire and purpose, manifested in every step in the approach to this meeting, that we should meet the reasonable expectation of a watching world by effective action suited to the opportunity is the best augury for the success of the Conference.

The President invited the Governments of the British Empire, France, Italy and Japan to participate in a conference on the subject of limitation of armament, in connection with which Pacific and Far Eastern questions would also be discussed. It would have been most agreeable to the President to have invited all the Powers to take part in this Conference, but it was thought to be a time when other considerations should yield to the practical requirements of the existing exigency, and in this view the invitation was extended to the group known as the Principal Allied and Associated Powers, which, by reason of the conditions produced by the war, control in the main the armament of the world. The opportunity to limit armament lies within their grasp.

It was recognized, however, that the interests of other Powers in the Far East made it appropriate that they should be invited to participate in the discussion of Pacific and Far Eastern problems, and, with the approval of the five Powers, an invitation to take part in the discussion of those questions has been extended to Belgium, China, the Netherlands and Portugal.

The inclusion of the proposal for the discussion of Pacific and Far Eastern questions was not for the purpose of embarrassing or delaying an agreement for limitation of armament, but rather to

support that undertaking by availing ourselves of this meeting to endeavor to reach a common understanding as to the principles and policies to be followed in the Far East and thus greatly diminish, and, if possible, wholly to remove, discernible sources of controversy. It is believed that by interchanges of views at this opportune time the Governments represented here may find a basis of accord and thus give expression to their desire to assure enduring friendship.

In the public discussions which have preceded the Conference there have been apparently two competing views; one, that the consideration of armament should await the result of the discussion of Far Eastern questions, and another, that the latter discussion should be postponed until an agreement for limitation of armament has been reached. I am unable to find sufficient reason for adopting either of these extreme views. I think that it would be most unfortunate if we should disappoint the hopes which have attached to this meeting by a postponement of the consideration of the first subject. The world looks to this Conference to relieve humanity of the crushing burden created by competition in armament, and it is the view of the American Government that we should meet the expectation without any unnecessary delay. It is, therefore, proposed that the Conference should proceed at once to consider the question of the limitation of armament.

This, however, does not mean that we must postpone the examination of Far Eastern questions. These questions of vast importance press for solution. It is hoped that immediate provision may be made to deal with them adequately, and it is suggested that it may be found to be entirely practicable through the distribution of the work among designated committees to make progress to the ends sought to be achieved without either subject being treated as a hindrance to the proper consideration and disposition of the other.

PREVIOUS EFFORT REVIEWED

The proposal to limit armament by an agreement of the Powers is not a new one, and we are admonished by the futility of earlier efforts. It may be well to recall the noble aspirations which were voiced twenty-three years ago in the imperial rescript of His Majesty the Emperor of Russia. It was then pointed out

with clarity and emphasis that "the intellectual and physical strength of the nations, labor and capital are for the major part diverted from their natural application and unproductively consumed. Hundreds of millions are devoted to acquiring terrible engines of destruction, which, though to-day regarded as the last word of science, are destined to-morrow to lose all value in consequence of some fresh discovery in the same field. National culture, economic progress and the production of wealth are either paralyzed or checked in their development. Moreover, in proportion as the armaments of each power increase, so do they less and less fulfill the object which the Governments have set before themselves. The economic crises, due in great part to the system of armaments *à l'outrance* and the continual danger which lies in this massing of war materials, are transforming the armed peace of our days into a crushing burden, which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of things were prolonged it would inevitably lead to the calamity which it is desired to avert, and the horrors of which make every thinking man shudder in advance. To put an end to these incessant armaments and to seek the means of warding off the calamities which are threatening the whole world—such is the supreme duty which is to-day imposed on all states."

It was with this sense of obligation that His Majesty the Emperor of Russia proposed the conference, which was "to occupy itself with this grave problem" and which met at The Hague in the year 1899. Important as were the deliberations and conclusions of that conference, especially with respect to the pacific settlement of international disputes, its result in the specific matter of limitation of armament went no further than the adoption of a final resolution setting forth the opinion "that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind," and the utterance of the wish that the Governments "may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets."

It was seven years later that the Secretary of State of the United States, Mr. Elihu Root, in answering a note of the Russian Ambassador, suggesting in outline a program of the Second Peace Conference, said: "The Government of the United States, there-

fore, feels it to be its duty to reserve for itself the liberty to propose to the Second Peace Conference, as one of the subjects for consideration, the reduction or limitation of armaments, in the hope that, if nothing further can be accomplished, some slight advance may be made toward the realization of the lofty conception which actuated the Emperor of Russia in calling the First Conference." It is significant that the Imperial German Government expressed itself as "absolutely opposed to the question of disarmament," and that the Emperor of Germany threatened to decline to send delegates if the subject of disarmament was to be discussed. In view, however, of the resolution which had been adopted at the First Hague Conference, the delegates of the United States were instructed that the subject of limitation of armament "should be regarded as unfinished business, and that the Second Conference should ascertain and give full consideration to the results of such examination as the Governments may have given to the possibility of an agreement pursuant to the wish expressed by the First Conference." But by reason of the obstacles which the subject had encountered, the Second Peace Conference at The Hague, although it made notable progress in provision for the peaceful settlement of controversies, was unable to deal with limitation of armament except by a resolution in the following general terms: "The Conference confirms the resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and, inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is eminently desirable that the Governments should resume the serious examination of this question."

EXTRAORDINARY OPPORTUNITY PRESENTED

This was the fruition of the efforts of eight years. Although the effect was clearly perceived, the race in preparation of armament, wholly unaffected by these futile suggestions, went on until it fittingly culminated in the greatest war of history; and we are now suffering from the unparalleled loss of life, the destruction of hopes, the economic dislocations and the widespread impoverishment which measure the cost of the victory over the brutal pretensions of military force.

But if we are warned by the inadequacy of earlier endeavors for

limitation of armament, we can not fail to recognize the extraordinary opportunity now presented. We not only have the lessons of the past to guide us, not only do we have the reaction from the disillusioning experience of war, but we must meet the challenge of imperative economic demands. What was convenient or highly desirable before is now a matter of vital necessity. If there is to be economic rehabilitation, if the longings for reasonable progress are not to be denied, if we are to be spared the uprisings of peoples made desperate in the desire to shake off burdens no longer endurable, competition in armament must stop. The present opportunity not only derives its advantage from a general appreciation of this fact, but the power to deal with the exigency now rests with a small group of nations, represented here, who have every reason to desire peace and to promote amity. The astounding ambition which lay athwart the promise of the Second Hague Conference no longer menaces the world, and the great opportunity of liberty-loving and peace-preserving democracies has come. Is it not plain that the time has passed for mere resolutions that the responsible Powers should examine the question of limitation of armament? We can no longer content ourselves with investigations, with statistics, with reports, with the circumlocution of inquiry. The essential facts are sufficiently known. The time has come, and this Conference has been called, not for general resolutions or mutual advice, but for action. We meet with full understanding that the aspirations of mankind are not to be defeated either by plausible suggestions of postponement or by impracticable counsels of perfection. Power and responsibility are here and the world awaits a practicable program which shall at once be put into execution.

I am confident that I shall have your approval in suggesting that in this matter, as well as in others before the Conference, it is desirable to follow the course of procedure which has the best promise of achievement rather than one which would facilitate division; and thus, constantly aiming to agree so far as possible, we shall, with each point of agreement, make it easier to proceed to others.

END IT NOW IS WAY OUT

The question, in relation to armament, which may be regarded as of primary importance at this time, and with which we can deal

most promptly and effectively, is the limitation of naval armament. There are certain general considerations which may be deemed pertinent to this subject.

The first is, that the core of the difficulty is to be found in the competition in naval programs, and that, in order appropriately to limit naval armament, competition in its production must be abandoned. Competition will not be remedied by resolves with respect to the method of its continuance. One program inevitably leads to another, and if competition continues, its regulation is impracticable. There is only one adequate way out and that is to end it now.

It is apparent that this can not be accomplished without serious sacrifices. Enormous sums have been expended upon ships under construction and building programs which are now under way can not be given up without heavy loss. Yet if the present construction of capital ships goes forward other ships will inevitably be built to rival them, and this will lead to still others. Thus the race will continue so long as ability to continue lasts. The effort to escape sacrifices is futile. We must face them or yield our purpose.

It is also clear that no one of the naval Powers should be expected to make these sacrifices alone. The only hope of limitation of naval armament is by agreement among the nations concerned, and this agreement should be entirely fair and reasonable in the extent of the sacrifices required of each of the Powers. In considering the basis of such an agreement, and the commensurate sacrifices to be required, it is necessary to have regard to the existing naval strength of the great naval Powers, including the extent of construction already effected in the case of ships in process. This follows from the fact that one nation is as free to compete as another, and each may find grounds for its action. What one may do another may demand the opportunity to rival, and we remain in the thrall of competitive effort. I may add that the American delegates are advised by their naval experts that the tonnage of capital ships may fairly be taken to measure the relative strength of navies, as the provision for auxiliary combatant craft should sustain a reasonable relation to the capital ship tonnage allowed.

It would also seem to be a vital part of a plan for the limitation of naval armament that there should be a naval holiday. It is

proposed that for a period of not less than 10 years there should be no further construction of capital ships.

I am happy to say that I am at liberty to go beyond these general propositions, and, on behalf of the American Delegation acting under the instructions of the President of the United States, to submit to you a concrete proposition for an agreement for the limitation of naval armament.

It should be added that this proposal immediately concerns the British Empire, Japan and the United States. In view of the extraordinary conditions, due to the World War, affecting the existing strength of the navies of France and Italy, it is not thought to be necessary to discuss at this stage of the proceedings the tonnage allowance of these nations, but the United States proposes that this matter be reserved for the later consideration of the Conference.

FOUR PRINCIPLES AND THEIR APPLICATION

In making the present proposal the United States is most solicitous to deal with the question upon an entirely reasonable and practicable basis to the end that the just interests of all shall be adequately guarded and that national security and defense shall be maintained. Four general principles have been applied:

(1) That all capital shipbuilding programs, either actual or projected, should be abandoned;

(2) That further reductions should be made through the scrapping of certain of the older ships;

(3) That in general regard should be had to the existing naval strength of the Powers concerned;

(4) That the capital ship tonnage should be used as the measurement of strength for navies, and a proportionate allowance of auxiliary combatant craft prescribed.

The principal features of the proposed agreement are as follows:

United States—

CAPITAL SHIPS

The United States is now completing its program of 1916, calling for 10 new battleships and 6 battle cruisers. One battleship has been completed. The others are in various stages of construction: in some cases from 60 to 80 per cent of the construction has been done. On these 15 capital ships now being built, over

\$330,000,000 have been spent. Still, the United States is willing in the interest of immediate limitation of naval armament to scrap all these ships.

The United States proposes, if this plan is accepted—

(1) To scrap all capital ships now under construction. This includes 6 battle cruisers and 7 battleships on the ways and in the course of building, and 2 battleships launched.

The total number of new capital ships thus to be scrapped is 15. The total tonnage of the new capital ships when completed would be 618,000 tons.

(2) To scrap all of the older battleships up to, but not including, the *Delaware* and *North Dakota*. The number of these old battleships to be scrapped is 15. The total tonnage is 227,740 tons.

Thus the number of capital ships to be scrapped by the United States, if this plan is accepted, is 30, with an aggregate tonnage (including that of ships in construction, if completed) of 845,740 tons.

Great Britain—

The plan contemplates that Great Britain and Japan shall take action which is fairly commensurate with this action on the part of the United States.

It is proposed that Great Britain—

(1) Shall stop further construction of the 4 new *Hoods*, the new capital ships not laid down, but upon which money has been spent. The 4 ships, if completed, would have a tonnage displacement of 172,000 tons.

(2) Shall, in addition, scrap her predreadnaughts, second line battleships, and first line battleships, up to, but not including, the *King George V* class.

These, with certain predreadnaughts, which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the 4 *Hoods*, if completed) would be 583,375 tons.

Japan—

It is proposed that Japan—

(1) Shall abandon her program of ships not yet laid down,

viz., the *Kii*, *Owari*, No. 7 and No. 8 battleships, and Nos. 5, 6, 7 and 8 battle cruisers.

It should be observed that this does not involve the stopping of construction, as the construction of none of these ships has been begun.

(2) Shall scrap 3 capital ships (the *Mutsu* launched, the *Tosa*, and *Kago* in course of building) and 4 battle cruisers (the *Amagi* and *Akagi* in course of building, and the *Atoga* and *Takao*, not yet laid down, but for which certain material has been assembled).

The total number of new capital ships to be scrapped under this paragraph is 7. The total tonnage of these new capital ships, when completed, would be 289,100 tons.

(3) Shall scrap all predreadnaughts and battleships of the second line. This would include the scrapping of all ships up to but not including the *Settsu*; that is, the scrapping of 10 older ships, with a total tonnage of 159,828 tons.

The total reduction of tonnage on vessels existing, laid down, or for which material has been assembled (taking the tonnage of the new ships when completed) would be 448,928 tons.

Thus, under this plan there would be immediately destroyed, of the navies of the three Powers, 66 capital fighting ships built and building, but a total tonnage of 1,878,043.

It is proposed that it should be agreed by the United States, Great Britain and Japan that their navies, with respect to capital ships, within three months after the making of the agreement, shall consist of certain ships designated in the proposal and numbering for the United States 18, for Great Britain 22, for Japan 10.

The tonnage of these ships would be as follows: Of the United States, 500,650; of Great Britain, 604,450; of Japan, 299,700. In reaching this result, the age factor in the case of the respective navies has reached appropriate consideration.

Replacement—

With respect to replacement, the United States proposes:

(1) That it be agreed that the first replacement tonnage shall not be laid down until 10 years from the date of the agreement;

(2) That replacement be limited by an agreed maximum of capital ship tonnage as follows:

For the United States.....	500,000 tons
For Great Britain.....	500,000 tons
For Japan.....	300,000 tons

(3) That subject to the 10-year limitation above fixed and the maximum standard, capital ships may be replaced when they are 20 years old by new capital ship construction;

(4) That no capital ship shall be built in replacement with a tonnage displacement of more than 35,000 tons.

I have sketched the proposal only in outline, leaving the technical details to be supplied by the formal proposition which is ready for submission to the delegates.

The plan includes provision for the limitation of auxiliary combatant craft. This term embraces three classes, that is (1) auxiliary surface combatant craft, such as cruisers (exclusive of battle cruisers), flotilla leaders, destroyers, and various surface types; (2) submarines, and (3) airplane carriers.

I shall not attempt to review the proposals for these various classes, as they bear a definite relation to the provisions for capital fighting ships.

With the acceptance of this plan the burden of meeting the demands of competition in naval armament will be lifted. Enormous sums will be released to aid the progress of civilization. At the same time the proper demands of national defense will be adequately met and the nations will have ample opportunity during the naval holiday of 10 years to consider their future course. Preparation for future naval war will stop now.

I shall not attempt at this time to take up the other topics which have been listed on the tentative agenda proposed in anticipation of the Conference.

2. PROPOSAL OF THE UNITED STATES FOR A LIMITATION OF NAVAL ARMAMENT

The United States proposes the following plan for a limitation of the naval armament of the conferring nations. The United States believes that this plan safely guards the interests of all concerned.

In working out this proposal the United States has been guided by four general principles:

(a) The elimination of all capital ship building programs, either actual or projected.

(b) Further reduction through the scrapping of certain of the older ships.

(c) That regard should be had to the existing naval strength of the conferring powers.

(d) The use of capital ship tonnage as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

PROPOSAL

“For a limitation of naval armament”

CAPITAL SHIPS

UNITED STATES

1. The United States to scrap all new capital ships now under construction and on their way to completion. This includes 6 battle cruisers and 7 battleships on the ways and building and 2 battleships launched.

NOTE—(Paragraph 1 involves a reduction of 15 new capital ships under construction, with a total tonnage when completed of 618,000 tons. Total amount of money already spent on 15 capital ships, \$332,000,000.)

2. The United States to scrap all battleships up to, but not including, the *Delaware* and *North Dakota*.

NOTE—(The number of old battleships scrapped under paragraph 2 is 15; their total tonnage is 227,740 tons. The grand total of capital ships to be scrapped is 30, aggregating 845,740 tons.)

GREAT BRITAIN

3. Great Britain to stop further construction of the 4 new *Hoods*.

NOTE—(Paragraph 3 involves a reduction of 4 new capital ships not yet laid down, but upon which money has been spent, with a total tonnage when completed of 172,000 tons.)

4. In addition to the 4 *Hoods*, Great Britain to scrap her predreadnaughts, second-line battleships and first-line battleships up to, but not including, the *King George V.* class.

NOTE—(Paragraph 4 involves the disposition of 19 capital ships (certain of which have already been scrapped) with a tonnage reduction of 411,375 tons. The grand total tonnage of ships scrapped under this agreement will be 583,375 tons.)

JAPAN

5. Japan to abandon her program of ships not yet laid down, viz.: the *Kii*, *Owari*, No. 7, No. 8, battleships, and Nos. 5, 6, 7 and 8, battle cruisers.

NOTE—(Paragraph 5 does not involve the stopping of construction on any ship upon which construction has begun.)

6. Japan to scrap 3 battleships: the *Mutsu*, launched; the *Tosa* and *Kaga*, building; and 4 battle cruisers: the *Amagi* and *Akagi*, building, and the *Atago* and *Takao* not yet laid down, but for which certain material has been assembled.

NOTE—(Paragraph 6 involves a reduction of 7 new capital ships under construction, with a total tonnage when completed of 288,100 tons.)

7. Japan to scrap all predreadnaughts and capital ships of the second line. This to include scrapping of all ships up to, but not including, the *Settsu*.

NOTE—(Paragraph 7 involves the scrapping of 10 older ships with a total tonnage of 159,828 tons. The grand total reduction of tonnage on vessels existing, laid down, or for which material has been assembled, is 448,928 tons.)

FRANCE AND ITALY

8. In view of certain extraordinary conditions due to the World War affecting the existing strengths of the navies of France and Italy, the United States does not consider necessary the discussion at this stage of the proceedings of the tonnage allowance of these nations, but proposes it be reserved for the later consideration of the Conference.

OTHER NEW CONSTRUCTION

9. No other new capital ships shall be constructed during the period of this agreement except replacement tonnage as provided hereinafter.

10. If the terms of this proposal are agreed to, then the United States, Great Britain and Japan agree that their navies, three months after the making of this agreement, shall consist of the following capital ships:

List of Capital Ships

UNITED STATES	GREAT BRITAIN	JAPAN
Maryland	Royal Sovereign	Nagato
California	Royal Oak	Hiuga
Tennessee	Resolution	Ise
Idaho	Ramillies	Yamashiro
Mississippi	Revenge	Fu-So
New Mexico	Queen Elizabeth	Settsu
Arizona	Warspite	Kirishima
Pennsylvania	Valiant	Haruna
Oklahoma	Barham	Hi-Yei
Nevada	Malaya	Kongo
Texas	Benbow	Total, 10
New York	Emperor of India	Total tonnage, 299,700
Arkansas	Iron Duke	
Wyoming	Marlborough	
Utah	Erin	
Florida	King George V	
North Dakota	Centurion	
Delaware	Ajax	
Total, 18	Hood	
Total tonnage, 500,650	Renown	
	Repulse	
	Tiger	
	Total, 22	
	Total tonnage, 604,450	

Disposition of Old and New Construction

11. Capital ships shall be disposed of in accordance with methods to be agreed upon.

Replacements

12. (a) The tonnage basis for capital ship replacement under this proposal to be as follows:

United States.....	500,000 tons
Great Britain.....	500,000 tons
Japan	300,000 tons

(b) Capital ships 20 years from date of completion may be replaced by new capital ship construction, but the keels of such new construction shall not be laid until the tonnage which it is to replace is 17 years of age from date of completion. Provided, however, that the first replacement tonnage shall not be laid down until 10 years from the date of the signing of this agreement.

(c) The scrapping of capital ships replaced by new construction shall be undertaken not later than the date of completion of the new construction and shall be completed within three months of the date of completion of new construction; or if the date of completion of new construction be delayed, then within four years of the laying of the keels of such new construction.

(d) No capital ships shall be laid down during the term of this agreement, whose tonnage displacement exceeds 35,000 tons.

(e) The same rules for determining tonnage of capital ships shall apply to the ships of each of the Powers party to this agreement.

(f) Each of the Powers party to this agreement agrees to inform promptly all of the other Powers party to this agreement concerning:

- (1) The names of the capital ships to be replaced by new construction;
- (2) The date of authorization of replacement tonnage;
- (3) The dates of laying the keels of replacement tonnage;
- (4) The displacement tonnage of each new ship to be laid down;
- (5) The actual date of completion of each new ship;
- (6) The fact and date of the scrapping of ships replaced.

(g) No fabricated parts of capital ships, including parts of hulls, engines and ordnance, shall be constructed previous to the date of authorization of replacement tonnage. A list of such parts will be furnished all Powers party to this agreement.

(h) In case of the loss or accidental destruction of capital ships, they may be replaced by new capital ship construction in conformity with the foregoing rules.

AUXILIARY COMBATANT CRAFT

13. In treating this subject, auxiliary combatant craft have been divided into three classes:

- (a) Auxiliary surface combatant craft.
- (b) Submarines.
- (c) Airplane carriers and aircraft.

(A) AUXILIARY SURFACE COMBATANT CRAFT

14. The term auxiliary surface combatant craft includes cruisers (exclusive of battle cruisers), flotilla leaders, destroyers and all other surface types except those specifically exempted in the following paragraph.

15. Existing monitors, unarmored surface craft as specified in paragraph 16, under 3,000 tons; fuel ships, supply ships, tenders, repair ships, tugs, mine sweepers and vessels readily convertible from merchant vessels are exempt from the terms of this agreement.

16. No new auxiliary combatant craft may be built exempt from this agreement regarding limitation of naval armament that exceed 3,000 tons displacement and 15 knots speed and carry more than four 5-inch guns.

17. It is proposed that the total tonnage of cruisers, flotilla leaders and destroyers allowed each Power shall be as follows:

For the United States.....	450,000 tons
For Great Britain.....	450,000 tons
For Japan.....	270,000 tons

Provided, however, that no Power party to this agreement whose total tonnage in auxiliary surface combatant craft on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of auxiliary combatant craft for each nation shall be reduced to the prescribed allowance as herein stated.

Limitation of New Construction

18. (a) All auxiliary surface combatant craft whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new construction in auxiliary surface combatant craft except replacement tonnage as provided hereinafter shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the auxiliary surface combatant craft tonnage allowances hereinbefore stated may construct tonnage up to the limit of their allowance.

Scrapping of Old Construction

19. Auxiliary surface combatant craft shall be scrapped in accordance with methods to be agreed upon.

(B) SUBMARINES

20. It is proposed that the total tonnage of submarines allowed each Power shall be as follows:

For the United States.....	90,000 tons
For Great Britain.....	90,000 tons
For Japan.....	54,000 tons

Provided, however, that no Power party to this agreement whose total tonnage in submarines on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin at which time the total tonnage of submarines for each nation shall be reduced to the prescribed allowance as herein stated.

Limitation of New Construction

21. (a) All submarines whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new submarine tonnage except replacement tonnage as provided hereinafter shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the submarine tonnage allowance hereinbefore stated may construct tonnage up to the limit of their allowance.

Scrapping of Old Construction

22. Submarines shall be scrapped in accordance with methods to be agreed upon.

(C) AIRPLANE CARRIERS AND AIRCRAFT

23. It is proposed that the total tonnage of airplane carriers allowed each Power shall be as follows:

United States.....	80,000 tons
Great Britain.....	80,000 tons
Japan.....	48,000 tons

Provided, however, that no Power party to this agreement whose total tonnage in airplane carriers on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of airplane carriers for each nation shall be reduced to the prescribed allowance as herein stated.

Limitation of New Construction

AIRPLANE CARRIERS

24. (a) All airplane carriers whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new airplane carrier tonnage except replacement tonnage as provided herein shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the airplane carrier tonnage hereinbefore stated may construct tonnage up to the limit of their allowance.

Scrapping of Old Construction

25. Airplane carriers shall be scrapped in accordance with methods to be agreed upon.

AUXILIARY COMBATANT CRAFT

REPLACEMENTS

26. (a) Cruisers 17 years of age from date of completion may be replaced by new construction. The keels for such new construction shall not be laid until the tonnage it is intended to replace is 15 years of age from date of completion.

(b) Destroyers and flotilla leaders 12 years of age from date of completion may be replaced by new construction. The keels of such new construction shall not be laid until the tonnage it is intended to replace is 11 years of age from date of completion.

(c) Submarines 12 years of age from date of completion may be replaced by new submarine construction, but the keels of such new construction shall not be laid until the tonnage which the new tonnage is to replace is 11 years of age from date of completion.

(d) Airplane carriers 20 years of age from date of completion may be replaced by new airplane carrier construction, but the keels of such new construction shall not be laid until the tonnage which it is to replace is 17 years of age from date of completion.

(e) No surface vessel carrying guns of caliber greater than 8 inches shall be laid down as replacement tonnage for military combatant surface craft.

(f) The same rules for determining tonnage of auxiliary combatant craft shall apply to the ships of each of the Powers party to this agreement.

(g) The scrapping of ships replaced by new construction shall be undertaken not later than the date of completion of the new construction and shall be completed within three months of the date of completion of the new construction, or, if the completion of new tonnage is delayed, then within 4 years of the laying of the keels of such new construction.

(h) Each of the Powers party to this agreement agrees to inform all of the other Powers party to this agreement concerning:

(1) The names or numbers of the ships to be replaced by new construction;

(2) The date of authorization of replacement tonnage;

(3) The dates of laying the keels of replacement tonnage;

(4) The displacement tonnage of each new ship to be laid down;

(5) The actual date of completion of each new ship;

(6) The fact and date of the scrapping of ships replaced.

(i) No fabricated parts of auxiliary combatant craft, including parts of hulls, engines, and ordnance, will be constructed previous to the date of authorization of replacement tonnage. A list of such parts will be furnished all Powers party to this agreement.

(j) In case of the loss or accidental destruction of ships of this class they may be replaced by new construction in conformity with the foregoing rules.

AIRCRAFT

27. The limitation of naval aircraft is not proposed.

NOTE—(Owing to the fact that naval aircraft may be readily adapted from special types of commercial aircraft, it is not considered practicable to prescribe limits for naval aircraft.)

GENERAL RESTRICTION ON TRANSFER OF COMBATANT VESSELS OF ALL CLASSES

28. The Powers party to this agreement bind themselves not to dispose of combatant vessels of any class in such a manner that they later may become combatant vessels in another navy. They bind themselves further not to acquire combatant vessels from any foreign source.

29. No capital ship tonnage nor auxiliary combatant craft tonnage for foreign account shall be constructed within the jurisdiction of any one of the Powers party to this agreement during the term of this agreement.

MERCHANT MARINE

30. As the importance of the merchant marine is in inverse ratio to the size of naval armaments, regulations must be provided to govern its conversion features for war purposes.

3. AGREEMENT REACHED BY SUBCOMMITTEE ON NAVAL ARMAMENT, DECEMBER 15, 1921

The agreement was made public in the following announcement of the Subcommittee on Naval Armament, which was sent out by the Associated Press:

The following are the points of agreement that have been reached in the course of the negotiations between the United States of America, Great Britain and Japan with respect to their capital fighting ships.

An agreement has been reached between the three powers—the United States of America, the British Empire, and Japan—on the subject of naval ratio. The proposal of the American Government that the ratio should be 5-5-3 is accepted.

It is agreed that with respect to fortifications and naval bases in the Pacific region, including Hong Kong, the status quo shall be maintained, that is, that there shall be no increase in these fortifications and naval bases except that this restriction shall not apply to the Hawaiian Islands, Australia, New Zealand and the islands composing Japan proper, or, of course, to the coasts of the United States and Canada, as to which the respective Powers retain their entire freedom.

The Japanese Government has found special difficulty with respect to the *Mutsu* as that is their newest ship. In order to retain the *Mutsu* Japan has proposed to scrap the *Settsu*, one of her older ships, which, under the American proposal, was to have been retained. This would leave the number of Japan's capital ships the same, that is, 10, as under the American proposal. The retention of the *Mutsu* by Japan in place of the *Settsu* makes a difference in net tonnage of 13,600 tons, making the total tonnage of Japan's capital ships 313,300 tons, as against 299,700 tons under the original American proposal.

While the difference in tonnage is small, there would be considerable difference in efficiency, as the retention of the *Mutsu* would give to Japan two post-Jutland ships of the latest design.

In order to meet this situation and to preserve the relative strength on the basis of the agreed ratio, it is agreed that the United States shall complete two of the ships in course of construction, that is, the *Colorado* and the *Washington*, which are now about 90 per cent completed, and scrap two of the older ships, that is, the *North Dakota* and the *Delaware*, which under the original proposal were to be retained. This would leave the United States with the same number of capital ships, that is, 18 as under the original proposal, with a tonnage of 525,850 tons, as

against 500,650 tons as originally proposed. Three of the ships would be post-Jutland ships of the *Maryland* type.

As the British have no post-Jutland ships, except one *Hood*, the construction of which is only partly post-Jutland, it is agreed that in order to maintain proper relative strength the British Government may construct two new ships, not to exceed 35,000 legend tons each, that is, calculating the tonnage according to British standards of measurement, or according to American calculations, the equivalent of 37,000 tons each.

It is agreed that the British Government shall, on the completion of these two new ships, scrap four of their ships of the *King George V* type, that is, the *Erin*, *King George V*, *Centurion* and *Ajax*, which were to have been retained under the original American proposal. This would leave the British capital ships in number 20, as against 22 under the American proposal.

Taking the tonnage of the two new ships according to American calculation, it would amount to 74,000 and the 4 ships scrapped having a tonnage of 96,400 tons, leaving the British tonnage of capital ships 582,050, instead of 604,450. This would give the British as against the United States an excess tonnage of 66,200 tons, which is deemed to be fair, in view of the age of the ships of the *Royal Sovereign* and the *Queen Elizabeth* types.

The maximum limitation for the tonnage of ships to be constructed in replacement is to be fixed at 35,000 legend tons, that is, according to British standards of measurement, or according to American calculations, the equivalent of 37,000 tons.

In order to give accommodations to these changes, the maximum tonnage of capital ships is fixed, for the purpose of replacement, on the basis of American standards of calculation, as follows:

United States, 525,000 tons;

Great Britain, 525,000 tons;

Japan, 315,000 tons.

Comparing this arrangement with the original American proposal, it will be observed that the United States is to scrap 30 ships, as proposed, save that there will be scrapped 13 of the 15 ships under construction, and 17 instead of 15 of the older ships.

The total tonnage of the American capital ships to be scrapped under the original proposal, including the tonnage of ships in

construction, if completed, was stated to be 845,740 tons. Under the present arrangement, the tonnage of the 30 ships to be scrapped, taking that of the ships in construction if completed, would be 820,540 tons.

The number of the Japanese ships to be retained remains the same as under the original proposal. The total tonnage of the ships to be scrapped by Japan under the original American proposal, taking the tonnage of new ships when completed, was stated to be 448,923 tons. The total tonnage of the ships to be scrapped under the present arrangement is 435,328 tons.

Under the original proposal Great Britain was to scrap 19 capital ships (including certain predreadnaughts already scrapped); whereas under the present arrangement she will scrap four more, or a total of 23. The total tonnage of ships to be scrapped by Great Britain, including the tonnage of the four *Hoods*, to which the proposal referred as laid down, if completed, was stated to be 583,375 tons. The corresponding total of scrapped ships under the new arrangement will be 22,600 tons more, or 605,975 tons.

Under the American proposal there were to be scrapped 66 capital fighting ships built and building, with a total tonnage (taking ships laid down as completed) of 1,878,043 tons. Under the present arrangement, on the same basis of calculation, there are to be scrapped 68 capital fighting ships, with a tonnage of 1,861,643 tons.

The naval holiday of 10 years with respect to capital ships, as originally proposed by the American Government, is to be maintained except for the permission to construct ships as above stated.

This arrangement between the United States, Great Britain and Japan is, so far as the number of ships to be retained and scrapped is concerned, dependent upon a suitable agreement with France and Italy as to their capital ships, a matter which is now in course of negotiation.

II. DISARMAMENT ON THE GREAT LAKES

The Anglo-American agreement for disarmament on the Great Lakes is the striking historical example of the kind of benefits which the conference for Limitation of Armament is in a position to confer on the world. This summer there has been erected on the far western section of the American-Canadian border a memorial gate to celebrate the centenary of an agreement which, while technically only restricting vessels of war on the Great Lakes, has in practice resulted in 3,000 miles of unfortified land border. The terms of the agreement were obsolete generations ago, but its existence at a time when its terms meant something had the effect of diverting the minds of two peoples from the idea of mutual hostility; and the habits then formed have grown decade by decade. There is scarcely a sentence of it which applies to anything which could be termed armament to-day. There is no mention in it of land armament. But that agreement has brought it about that for more than a century the sword has not been a make-weight in Canadian-American questions. The letter of the agreement of 1817 died years ago from a disease called the progress of naval science; its spirit has apparently taken a lease of eternal life, thanks to the good will of which it was both the effect and the cause.¹

The initiative for the unarmed border of to-day seems to have come originally from Edmund Randolph, Washington's Secretary of State, who in instructions to John Jay of May 6, 1794, in connection with the negotiation of the commercial treaty of that year, suggested as one of the objects of it that "in peace, no troops be kept within a limited distance from the Lakes."²

The idea was not pursued at that time and came up again in the instructions of Lord Castlereagh to the English negotiators of the treaty of Ghent. It was not then discussed except that the British sought to have the United States withdraw all of its forces from the Great Lakes.

¹For a full account of the origin of the agreement and its subsequent history see "Disarmament on the Great Lakes" by Charles H. Levermore (World Peace Foundation, Pamphlet Series, IV, No. 4).

²American State Papers, Foreign Relations, I, 473.

After the War of 1812, the United States wished to retire its armed vessels from the Lakes for reasons of enforced economy; but the British tended to increase armament there, because their ships would be pocketed in the Lakes if trouble should again arise. As a result, President Madison sent the following instructions to John Quincy Adams, American minister to England:

The information you give of orders having been issued by the British Government to increase its naval force on the Lakes is confirmed by intelligence from that quarter of measures having been actually adopted for the purpose.

It is evident, if each party augments its force there with a view to obtain the ascendancy over the other, that vast expense will be incurred and the danger of collision augmented in like degree. The President is sincerely desirous to prevent an evil which, it is presumed, is equally to be deprecated by both Governments. He, therefore, authorizes you to propose to the British Government such an arrangement respecting the naval force to be kept on the Lakes by both Governments as will demonstrate their pacific policy and secure their peace. He is willing to confine it on each side to a certain moderate number of armed vessels, and the smaller the number the more agreeable to him; or to abstain altogether from an armed force beyond that used for the revenue. You will bring this subject under the consideration of the British Government immediately after the receipt of this letter.

THE ARGUMENT THAT STARTED IT

Adams did not get an opportunity to bring up the matter with Lord Castlereagh until January 25, 1816. The subject matter of the interview is reported by Adams himself in his journal, where it is stated that he opened the conversation by saying:

"A circumstance of still more importance is the increase of the British armaments, since the peace, on the Canadian Lakes. Such armaments on one side render similar and counter-armaments indispensable on the other. Both Governments must thus be subjected to a heavy and in time of peace a useless expense, and every additional armament creates new and very dangerous incitements to irritation and acts of hostility. The American Government, anxious above all for the preservation of peace, has authorized me to propose a reduction of the armaments upon the Lakes on both sides. The extent of the reduction the President leaves at the pleasure of Great Britain, observing that the greater

it is the more it will conform to his preference, and that it would best of all suit the United States if the armaments should be confined to what is necessary for the protection of the revenue."

Lord Castlereagh replied: "Does your Government mean to include in this proposition the destruction of the ships already existing there? As to keeping a number of armed vessels parading about the Lakes in time of peace, it would be absurd. There can be no motive for it, and everything beyond what is necessary to guard against smuggling is calculated only to produce mischief. The proposition you make is very fair, and, so far as it manifests pacific dispositions, I assure you, will meet with the sincerest reciprocal dispositions of this Government. I will submit the proposal to their consideration. But you know we are the weaker part there. Therefore it was that we proposed at Ghent that the whole Lakes should belong to one party—all the shores; for then armaments would not have been necessary. Then there would have been a large and wide natural separation between the two territories; and those, I think, are the best and most effectual to preserve peace."

Mr. Adams rejoined: "But the proposition at Ghent to which we objected was that the disarming should be all on one side. There was indeed afterward intimated to us by the British plenipotentiaries an intention to make us a proposal so fair and reasonable that it was thought no objection could be made against it. We did suppose that it was this identical proposition which I am now authorized to make. It was not, however, brought forward, nor was any explanation given by the British plenipotentiaries of what they had intended by their offer. My instructions now do not explicitly authorize me to include in the agreement to keep up no armaments the destruction of the vessels already there; but, if this Government assents to the principle, there will be ample time to concert mutually all the details. What I could now agree to would be to have no armed force actually out upon the Lakes, and to build no new vessels."

Lord Castlereagh: "It so happened that just at the close of the war we were obliged to make extraordinary exertions there, and to build a number of new vessels to maintain our footing there."

Mr. Adams: "But it is the new armaments since the peace which have necessarily drawn the attention of my Government."

Lord Castlereagh: "You have so much the advantage of us by being there, immediately on the spot, that you can always, even in a shorter time than we can, be prepared for defense."

Mr. Adams: "The stipulation to keep or build no new armed force during the peace would therefore be in favor of Great Britain, because the very act of arming would then be an act of hostility."

Lord Castlereagh: "That is, there could be no arming until the war actually commenced, and then you would have such an advance of time upon us by your position that we should not stand upon an equal footing for defense."

Mr. Adams: "Still the operation of the engagement would be in favor of Great Britain. We should have our hands tied until the moment of actual war, a state which it is impossible should suddenly arise on our part. It is impossible that war should be commenced by us without a previous state of things which would give ample notice to this country to be prepared. She might then have everything in readiness to commence her armament upon the Lakes at the same moment with us, and we should be deprived of the advantage arising from our local position."

Lord Castlereagh: "Well, I will propose it to the Government for consideration."¹

HOW THEY COMPARED NOTES

Adams brought up the question again on March 21, and Castlereagh on April 9 informed him that the British Government would accept the "proposal of the American Government that there might be no unnecessary naval force upon the Lakes in active service or in commission, so that there would be nothing like the appearance of a dispute which side should have the strongest force there. The armed vessels might be laid up, as they called it here, in ordinary. It was in short the disposition of the British Government fully to meet the proposition made to them, and the only armed force which they should want to have in service might be vessels for conveying troops occasionally from one station to another."

It will be noted that these exchanges were occurring at the very time when Castlereagh was discussing the question of European reduction of armament with the Russian Government.

¹Adams, *Memoirs*, III, 287-288.

Charles Bagot, British minister at Washington, was instructed to open negotiations with Secretary of State Monroe and did so on July 26, Monroe replying on August 2 with definite propositions. Bagot referred these to London and on November 4, 1816, submitted the following statement to Secretary Monroe:

STATEMENT OF HIS MAJESTY'S NAVAL FORCE ON THE LAKES OF
CANADA, SEPTEMBER 1, 1816

ON LAKE ONTARIO

St. Lawrence, can carry 110 guns, laid up in ordinary.

Psyche, can carry 50 guns, laid up in ordinary.

Princess Charlotte, can carry 40 guns, laid up in ordinary.

Niagara, can carry 20 guns, condemned as unfit for service.

Charwell, can carry 14 guns, hauled up in the mud; condemned likewise.

Prince Regent, can carry 60 guns, in commission, but unequipped, being merely used as a barrack or receiving ship and the commander-in-chief's headquarters.

Montreal, in commission, carrying 6 guns; used merely as a transport for the service of His Majesty.

Star, carrying 4 guns; used for current duties only, and unfit for actual service.

Netley, schooner, carrying no guns; attached for the most part to the surveyors, and conveying His Majesty's servants from port to port. There are, besides the above, some rowboats, capable of carrying long guns; two 74-gun ships on the stocks, and one transport of 400 tons, used for conveying His Majesty's stores from port to port.

ON LAKE ERIE

Tecumseh and *Newark*, carrying 4 guns each; and *Huron* and *Sauk*, which can carry 1 gun each. These vessels are used principally to convey His Majesty's servants and stores from port to port.

ON LAKE HURON

The *Confiance* and *Surprise*, schooners, which may carry 1 gun each, and are used for purposes of transport only.

ON LAKE CHAMPLAIN

12 gunboats, 10 of which are laid up in ordinary and the other 2 (one of which mounts 4 guns and the other 3 guns) used as guard-boats. Besides the above there are some small rowboats, which are laid up

as unfit for service. Keel, stem, and stern-post of a frigate laid down at the Isle aux Noix.

(Signed) J. BAUMGARDT.

Capt. of His Majesty's ship "Prince Regent,"
and senior officer.

Secretary Monroe furnished Mr. Bagot November 7, 1816, with a similar statement of the American naval forces:

ON LAKE ONTARIO

Brig *Jones* (18 guns). Retained for occasional service. Schooner *Lady of the Lake* (1 gun). Employed in aid of the revenue laws.
Ship *New Orleans* (74 guns). On the stocks, building suspended.
Ship *Chippewa* (74 guns). On the stocks, building suspended.
Ships *Superior* (44 guns), *Mohawk* (32 guns), *General Pike* (24 guns), *Madison* (18 guns); and the brigs *Jefferson* (18 guns), *Sylph* (16 guns) and *Oneida* (18 guns). Dismantled.
Schooner *Raven*. Receiving vessel.
15 barges (each 1 gun). Laid up for preservation.

ON LAKE ERIE

Schooners *Porcupine* and *Ghent* (each 1 gun). Employed in transporting stores.
Ship *Detroit* (18 guns) and brigs *Lawrence* (20 guns) and *Queen Charlotte* (14 guns). Sunk at Erie.
Brig *Niagara* (18 guns). Dismantled at Erie.

ON LAKE CHAMPLAIN

Ships *Confiance* (32 guns) and *Saratoga* (22 guns); brigs *Eagle* (12 guns) and *Sinnet* (16 guns); the schooner *Ticonderoga* (14 guns) and 6 galleys (each 1 gun). All laid up at Whitehall.

AGREEMENT PROCLAIMED

On April 28, 1817, Minister Bagot forwarded to Secretary of State Richard Rush the terms which Great Britain was willing to accept in accordance with the proposal of the preceding August 2. An identic note was returned the next day and the agreement was complete. The correspondence was sent to the Senate and approved with no dissenting vote on April 16, 1818. On the first anniversary of the exchange of notes April 28, 1818, James Monroe as President issued the essential text in a proclamation which follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Whereas, an arrangement was entered into at the city of Washington in the month of April, in the year of our Lord 1817, between Richard Rush, esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the Right Honorable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is,—

"On Lake Ontario to one vessel, not exceeding to 100 tons burden, and armed with one 18-lb. cannon;

"On the Upper Lakes to 2 vessels, not exceeding like burden, each armed with like force;

"On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force;

"All other armed vessels on those lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such service as will in no respect interfere with the proper duties of the armed vessels of the other party."

And whereas the Senate of the United States has approved of the said arrangement, and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty,

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded and confirmed, and is of full force and effect.

Given under my hand, at the city of Washington, this 28th day of April, in the year of our Lord, 1818, and of the independence of the United States the forty-second.

JAMES MONROE.¹

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

¹Malloy, *Treaties and Conventions*, I, 630.

That is all there is to the agreement which for more than a century has in practice precluded war between two neighbors which have had a fair amount of provocation for friction and which have the longest conterminus boundary line in the world.

HOW IT MIGHT NOT HAVE BEEN DONE

It is not to be supposed that the militarists of that day any more than of this did not have an alternative plan for securing peace. On the contrary, then as now they had ideas and were in a position to express them. The British Foreign Office was not alone in considering the defense of Canada in 1816; it was simply in a more feasible position to act. While Lord Castlereagh was working up the Anglo-American Agreement with the American Government, his colleague, Lord Bathurst, at the Colonial Office was engaged in a scheme to secure the defense of Canada by creating a wilderness along the boundary lines. On July 1, 1816, Bathurst sent from the Colonial Office to the new governor of Canada, Sir John Sherbrooke, a letter instructing him to abstain from issuing any more grants of land in the districts along that frontier, and, if possible, to induce those who already had grants there "to accept uncleared lands in other districts more distant from the frontier of the United States. . . . It is also very desirable that you should, as far as lies in your power, prevent the extension of roads in the direction of those particular districts . . . ; and if any means should present themselves of letting those which have been already made fall into decay, you will best comply with the views of His Majesty's Government, and materially contribute to the future security of the Province by their adoption."

This plan of making a wilderness and calling it peace was actually attempted. On the map there was laid out a 20-mile strip along the northern boundaries of Vermont and New York which was to be made into nothing. The process was attempted simultaneously with the operation of the Agreement of 1817. It took the scheme five years to fail. The Earl of Dalhousie, who had come out two years before as Governor-in-Chief of Canada and the Maritime Provinces, reported to Lord Bathurst in 1821 that the strip in question contained a considerable and increasing population, who were offering protection to all criminals escaping from either Canada or the United States, and that American lum-

bermen were settling where they pleased and taking what they pleased. He therefore requested authority to grant again those fertile lands to loyal subjects for immediate settlement. The authority was apparently given.

ARMAMENT VS. PROSPERITY

Just at the close of the Civil War, the movement for the establishment of Canadian self-government was taking shape. There is an interesting letter of Lieut.-Colonel Jervois to the British Secretary of State for War with reference to the defense of Canada, which presents the military arguments for a strong Canadian militia, arguments which were made more positive perhaps in view of the fact that in 1861 the Canadian Legislative Assembly had thrown out on its second reading a proposal to establish an active militia of 50,000 men. The reasons were stated in a report of September 30, 1862:

They [the people of Canada] feel that, should war occur [with the United States], it will be produced by the act of theirs, and they have no inclination to anything that may seek to foreshadow, perhaps to provoke, a state of things which would be disastrous to every interest of the Province. On this ground their representatives in Parliament assembled rejected the proposition to organize 50,000 men, or indeed to commit the Province to a much smaller force.¹

On June 17, 1865, Edward Cardwell, M.P., reported to the British Government a memorandum answer to various questions which his Commission had been instructed to investigate in Canada. The second question was: "Upon the arrangements necessary for the defense of Canada in the event of war arising with the United States and the extent to which the same should be shared between Great Britain and Canada." The fifth question reported upon was "the existing critical state of affairs by which Canada is most seriously affected."

Simultaneously, a Canadian civilian commission headed by Sir John A. Macdonald was conferring with the London Government upon these questions and the larger one of the Confederation of the British North American provinces into the Dominion of Canada. Their report was filed at Quebec in July, 1865, together

¹Canada. Parliament. *Sessional Papers*, Vol. 1 (1867-68), Part 9, No. 63, Supplement, p. 5.

with a memorandum prepared by the Executive Council of the Provinces in reply to the proposals of the Imperial Government. This memorandum is one of the fundamental documents upon which the British North America Act, the constitution of the Dominion of Canada, was based. The Executive Council in it referred to the many difficulties and complications then existing with the Government of the United States. But they effectively pointed out to the British Government that

while fully recognizing the necessity of—and while prepared to provide for—such a system of defense as would restore confidence in our future at home and abroad, the best ultimate defense for British America is to be found in the increase of her population as rapidly as possible and the husbanding of our resources to that end; and without claiming it as a right, we venture to suggest that by enabling us to throw open the Northwest Territory to free settlement, and by aiding us in enlarging our canals and prosecuting internal productive works, and by promoting an extensive plan of emigration from Europe into the unsettled portions of our domain, permanent security will be more quickly and economically achieved than by any other means.¹

The agreement has weathered other storms, and at times its existence has been brought into doubt. Raids have occurred across the border. Shipbuilders on the Lakes have wanted to build battleships and other vessels of war. Once the United States started out to denounce it, and then confirmed it by an exchange of notes, though Congress had ratified the notice of abrogation. Once also the Secretary of State decided it was obsolete, though still in force. And yet it lives. Only the revenue cutters and the border police use official firearms from Eastport, Maine, to Cape Flattery, Washington.

¹Canada. Parliament. *Sessional Papers*, Vol. 1 (1867-68), Part 9, No. 63, p. 14. Other documents are to be found in *Parliamentary Papers* 1865, 3434 and 3535, Vol. XXXVII, 429-36 and 437-40.

III. ARGENTINA AND CHILE, 1902

The treaty limiting naval armaments between Argentina and Chile constitutes a very interesting precedent. In 1902, the boundary between the two countries was being delimited and the two countries were developing highly antagonistic policies. The famous Latin-American "question of the Pacific"—Tacna-Arica — was disturbing Chile on one side and Bolivia and Peru on the other, while Argentina was deeply concerned with the affair as affecting the balance of power in her vicinity. Public opinion in Argentina and Chile was mutually antagonistic; and jingoism was having its practical effect in an armament rivalry. Both countries were building fleet additions abroad. Argentina in 1902 showed a budget expense of \$4,695,792 for her navy, which at the time consisted of 48 ships of 87,731 tons and an indicated horsepower 154,210, with a personnel of 5,184. Chile's naval expense was \$4,058,955, with 31 ships, totaling 41,700 tons and 142,150 horsepower, and a personnel of about 5,000.

In these conditions Argentina took the initiative of improving the relations by negotiation. Military technicians have minimized the results,¹ but the fact remains that since the negotiation ended on May 28, 1902, the two countries have been on the best of terms, and neither their military nor naval armament has been directed at each other. Their budgets for their navies have increased, but like all other states they had to substitute dreadnoughts for battleships. In Chile the size of the fleet is fixed annually by law. The following figures show the stability of the program:²

	1903	1910
Warships	16	11
School-ships	2	5
Transports	4	4
Destroyers	7	7
Torpedo boats	14	8
Coast guards	7	10

¹Cf. testimony of Rear Admiral Charles J. Badger, chairman Executive Committee, General Board, Hearings before the House Committee on Naval Affairs, 1921, p. 678.

²Chile. *Manual del marino*, vol. 12, 284, and vol. 16, 244.

Mateo Alonso's statue of "Christ the Redeemer," erected March 13, 1904, under the official auspices of both countries on the boundary ridge of the Andes, bears this inscription: "Sooner shall these mountains be leveled than the Argentine and Chilean peoples shall break the peace sworn at the feet of Christ the Redeemer."¹ The oath has been kept inviolate for half a generation. It may not be inappropriate to mention in passing that the motto on the Chilean coins, which had been "If not by right, then by might," was changed at the time the statue was unveiled to read: "With mighty justice to all."²

ARGENTINA'S INITIATIVE

The negotiation of the agreement throws many sidelights on how to limit armament and improve international relations. The discussions began with great caution on both sides, proceeded through a period of sharp bargaining, and ended with a keen rivalry between the Governments to see which could most nearly approach the ideals they had set for themselves.

The report of the Argentine legation at Santiago de Chile, dated July 11, 1903, gives a very complete account of the negotiations.³

The Argentine minister to Chile, José Antonio Terry, in verbal instructions had been cautioned to initiate no conversations on disarmament because that would show weakness; but, after having canvassed the ground, he should bring it up when Chile was in a satisfactory mood. The theoretical part of his written instructions emphasized that "Argentine policy has always been that of peace, with the exception that the present armament was due solely to the Chilean armaments." This armed peace must come to an end, but the initiative should come from Chile. The methods for modifying the situation were general and obligatory arbitration and an agreement for limitation of armament. The Argentine minister of foreign affairs had comparatively little confidence in either. Arbitration did not run in war; disarmament offered no guaranties. Nevertheless, there was nothing else to do. Chile

¹The Spanish text reads: "Se desplomarán primero estas montañas antes que argentinos y chilenos rompan la paz jurada á los pies del Cristo Redentor."

²Advocate of Peace, 1904, p. 132.

³*Memoria de relaciones exteriores y culto presentada al honorable Congreso nacional correspondiente al año 1903-1904*, p. 247-317. (Buenos Aires, Taller tipográfico de la penitenciaria nacional, 1904).

must not be allowed to increase her power and with it liquidate pending questions with Bolivia and Chile, because that would seriously endanger the Argentine. "This prospect, this danger, obliges us to continue arming. We are not a party to these questions, but we can not be indifferent to the conquests of Chile and to the increase of her power."

The minister reached Santiago on April 22, 1902, and on the 29th had a conference with President Germán Riesco of Chile. The essential unofficial understandings reached on that occasion were that all claims should be sidetracked to facilitate the course of the principal negotiations; that to deal with disarmament was to deal with the effect without removing the cause; that the difficulty between the Argentine and Chile was the question between Chile, Peru and Bolivia respecting Tacna-Arica; that the Argentine was concerned over possible Chilean territorial expansion in connection with that problem, an increase of Chilean power constituting a danger for Argentina; that Chile regarded Argentine intervention in the Peru-Bolivian controversy as rendering any satisfactory solution impossible and difficult; that it was indispensable that Chile renounce any subsequent territorial expansion; that the Argentine renounce intervention in the controversy, and that this be stated in a preliminary clause of the treaty; that the Argentine minister draw up a project; "that, the renunciatory clause being accepted, disarmament would be of no importance and would come about of itself." The Argentine minister and the Chilean President met again on May 11 to discuss details.

DECLARATIONS OF POLICY

Señor Terry presented his credentials to the Chilean minister for foreign relations on May 10, and from that time on the negotiations proceeded with the minister, in the presence of the Chilean President and with the British minister in attendance. The negotiations, so far as policy and arbitration were concerned, took a normal course. The following statements of policy for the respective countries were included in the preliminary protocol of May 28:

. . . The Argentine Minister Plenipotentiary stated that the intention of his Government, conformably to the international policy which

it had always observed, was to endeavor in every case to solve questions arising with other states in a friendly manner; that the Government of the Argentine Republic had obtained such a result by keeping within their rights and respecting to its full limits the sovereignty of other nations, without interfering in their internal affairs or in their external questions; that in consequence thereof they could have conceived no intention of territorial expansion; that his Government would persist in this policy; and that, believing that they were interpreting the public opinion of their country, they made these solemn declarations, now that the moment had come for Chile and the Argentine Republic to remove all causes for trouble in their international relations.

The Minister for Foreign Affairs, on his part, declared that his Government had always held, and still hold, those elevated views which the Minister of the Argentine Republic had just expressed on behalf of his Government; that Chile had given numerous proofs of the sincerity of her aspirations, by embodying in her international agreements the principle of arbitration as a means of solving difficulties with friendly nations; that, respecting the independence and integrity of other states, she also did not harbor designs of territorial expansions, except such as resulted from the fulfilment of treaties at present in force or which might be the consequence of the same; that his Government would persist in this policy; that, happily, the question of the delimitation of frontier between Chile and the Argentine Republic had ceased to be a danger to peace, since both nations were awaiting the arbitral decision of His Britannic Majesty; that, in consequence, believing that he was interpreting the public opinion of Chile, he made these declarations, deeming, in common with the Argentine Minister, that the moment had now come to remove all cause for trouble in the relations between the two countries.

The treaty of arbitration provided in Article 1 that

The High Contracting Parties bind themselves to submit to arbitration all controversies between them, of whatever nature they may be, or from whatever cause they may have arisen, except when they affect the principles of the Constitution of either country, and provided that no other settlement is possible by direct negotiations.

GRAVE FEARS AS TO ARMAMENT

With these pledges as to policy and this pledge for solving disputes decided upon, the negotiators proceeded to discuss armament. "Not without reason," says the Argentine report, "the negotiators in Santiago entertained grave fears in entering on the discussion of this convention. It was a question of good faith on

both sides, of details always vexatious and of the intervention of third parties who were more or less interested, such as the naval authorities of each country. If the negotiation had not gone along with the preliminary protocol, it is probable that the difficulties in the way of the limitation of armaments would have been multiplied."¹

Because the negotiations developed some of the practical considerations inherent in any effort to limit armament they may appropriately be discussed at some length. In Señor Terry's first interview with President Riesco of Chile, the President stated that his Government would not consent to canceling contracts for warships under construction, unless Chile was guaranteed against pecuniary loss; but that on the other hand three or four existing vessels might be destroyed. Señor Terry replied that Argentina might do the same thing as to unserviceable vessels, but he was without instructions because the Argentine Government, "in deference to public opinion, was disposed to pursue the course adopted, that is, of armed peace." The Buenos Aires Government on May 2 told its minister that in its judgment it would "not be difficult to arrive at a satisfactory solution, the more so because of the friendly intervention of the English Government which has been courteously approached by both countries." Buenos Aires suggested certain vessels that might be retained.

On the second interview with the President it was suggested to the Argentine minister that both countries dispose of two cruisers each of those under construction, but Señor Terry objected that an arrangement of that kind would be opposed by the Argentine Congress and public opinion. The Chilean proposed disposing of specific boats, to which Argentina demurred. "It would be convenient to authorize the English minister to bring about the disarmament by leaving to Argentina a 10 or 15 % naval superiority. I held that Argentine opinion would not permit a loss by the scratch of the pen of our slight existing superiority in view of the fact that it has been obtained by such great sacrifice. We ended by setting Thursday as the time for the first official conference. My impression is that the Chilean Government will yield in the end to a just and equitable demand, and that we may take as a

¹*Memoria*, 273-274.

basis of our claims that it is not just or possible to diminish the existing superiority."

At the official conference on May 18 the Chilean President insisted upon the impossibility of disposing of the two cruisers under construction. "I replied that my instructions were categorical in that respect and that it was not possible for me to begin to discuss other bases unless with the previous acceptance of the elimination of four cruisers, two Argentine and two Chilean. A long discussion very cordia and friendly on this point. We agreed to end the official conference and continued talking privately."

"NO NAVAL SUPERIORITY"

The Argentine Government on May 14 wrote to the minister at Santiago that "unless we limit armaments no one will believe in peace between these countries, and for your Government I will tell you that at present we have no naval superiority over Chile.-- It would be very difficult for an experienced naval officer to say which of the two cruisers is heavier. We, the public, can think ourselves superior on the water as we think we are by land, but these are beliefs, nothing more nor less, tending to establish a balance and equalize the forces of the two states. It is not desirable to begin by establishing that we have a maritime superiority, a superiority very doubtful and very problematical in fact. The Chilean squadron, for example, is far superior in torpedoes." The legation seeing in this an implied criticism hurried back a telegram: "As to the maritime superiority it was an idea not acquired from the people but in the Casa Rosada. Here it passes as axiomatic, and it seems to me that to deny what I believe is evident would be to stultify myself before these people." The minister added, however, that any time the arrangement made it desirable he would change his argument.

On May 15 the Chilean President proposed that of the Chilean cruisers under construction one should go to Argentina and one to Chile. Chile would sell in addition the *Prat*, the *Chacabuco*, two of the *Presidente* type and some destroyers, and Argentina two existing cruisers and the *Moreno* and *Rivadavia*. Two other formulas were proposed, and then: "On the basis of cancelation of contracts and reduction of each fleet in such a way that one should not be superior to the other in the other's seas and with the addi-

tion that the Chilean Government would declare to the English minister that it did not regard an Argentine superiority of 10 to 15% as important," the Chilean President proposed to submit the limitation of armament to the English minister, who should take the advice of the Board of Admiralty. This proposal assumed suspension of construction on contract vessels and the elimination of the two cruisers and the *Moreno* and *Rivadavia*. The Argentine Government informed its minister that these proposals seemed to be animated by an excellent spirit, but were not easy to execute and very difficult to get Congress and public opinion to accept. Buenos Aires reverted to its proposal that each country renounce all armored vessels under construction, leaving to Argentina what was actually afloat and to Chile the saving of the *Chacabuco*, destroyers and transports acquired recently and capable of being armed for war. "We could then, leaving things as they are, ourselves take one of the Chilean armored vessels under construction and give one of those being constructed in Italy for us to her. We should thus be free of all expensive adjustments. Our present squadron is not superior to that of Chile in the proportion of one to two twenty-sixths as your Excellency has been assured. Nor is that clear to the Chilean Government by reason of information from Minister Portela or anyone else. The proportion is in truth very slight. And if any superiority on our part exists it would be very insignificant. Moreover, it is a problem full of difficulty to appreciate the just value of one fleet in comparison with another."

By May 17, President Riesco of Chile had concluded that the Argentine Government ought to send a technical expert to participate with a Chilean colleague in the negotiations. He was also convinced that the British minister leaned toward the Argentine proposals. On the same day the Argentine Government telegraphed: "The employment of a technical expert produces no result. . . . The idea of submitting the fixation of armaments to a third party is unacceptable to us on the theory that the Governments are not able to reach an understanding by themselves."

At the third official conference on May 17, the negotiators reached the following conclusions *ad referendum*:

1. Chile retains a cruiser under construction; Argentina another. Chile retains *Chacabuco*, transports and destroyers. Argentina sells the

Moreno and Rivadavia. Argentine minister proposed intervention of British minister on this point.

3. Publicity must be the dominant characteristic of the proceedings to be followed by both Governments for the execution of this convention, satisfactory methods of control to be adopted as to subsequent acts and for each particular case.

6. Both Governments pledge themselves not to increase their maritime armaments in the future. Eighteen months' notice might be given in advance.

7. Armaments for coast defense and fortifications are not included.

8. Both Governments will negotiate in the future for more disarmament.

9. As to the improvement of armaments remaining to each Government, the opinion and draft of [the Argentine foreign minister] is satisfactory.

The Argentine Government commented on these proposals that it was better to regard the British minister's presence as a friendly act rather than an intervention. "It is understood that the publicity referred to will be given without the necessity of stating it as a clause of the convention." The rest of the proposition was acceptable. "As to improvement of armaments, each state will be free to make it, always providing that it does not perceptibly increase the power of one fleet."

DECIDE AGAINST INCREASE

The Argentine minister at that juncture did some thinking and as a result drew away from the basis which was being adopted. "It seemed," he wrote in his report, "that the proposal to divide up the ships under construction made the great proposal of a definitive peace nugatory, because it was notoriously illogical to seek peace and at the same time to increase armament. They seemed like blows in the face of each other." Señor Terry had just reached that conclusion when he received a letter from Francisco Valdez Vergara, a close friend of the Chilean President, asking him to meet him on the 19th, on his arrival at Santiago. To him, Señor Terry said that "I was greatly disturbed over the disarmament clause proposed by the President and already accepted by my Government; I believed that it was an error and even a crime that these two peoples with a projected treaty of peace should desire to spend more on armament. That the logical and natural thing

was to cancel all contracts." Vergara replied that he had just talked with the President who had said the same thing and that he had left the President in great doubt on this point.

The Argentine minister forthwith had interviews with the President and the Chilean foreign minister along these lines and they agreed to cancel all contracts for construction. It was proposed to appoint a naval commission of one officer of each country and a third person named by agreement to continue the work of disarmament in the future. The Chilean President put his commission proposal in writing, specifying that the commission should meet in London and that its third member should be a Lord of the British Admiralty designated by that Government. The Governments would agree not to increase their fleets for five years.

To this proposal the Argentine Government replied on the 21st with one in which it was provided that they should decrease their respective fleets "directly by common agreement or by mixed commissions appointed for the purpose. . . . We do not include the clause as to the suspension of construction of vessels now building because we believe it is very difficult to secure an agreement with the builders."

Meantime, President Riesco had made a draft in which Article I was the same in text as in the final treaty, except that the time within which the reduction should take place was 90 days. Relative to arbitration he "persisted in it because the politicians greatly desire greater disarmament and because they consider the Argentine fleet as much superior." In a new draft President Riesco again reverted to the proposal of arbitration of the size of the fleets by a Lord of the British Admiralty. In furtherance of that proposal, he sent a friend of his, Carlos Concha, to Buenos Aires to interview President Julio A. Roca of Argentina. The effort was not successful respecting that point, but it brought complete agreement on all other points and solved the matter of arbitration by an exchange of notes. The convention was signed on May 28 in the following form:¹

¹Miscellaneous No. 4 (1905). Agreements between the Argentine Republic and the Republic of Chile. . . . (Parl. Pap., 1906, CXXXVI, 1. Cd. 2739); American Journal of International Law, Supplement, I, 294; British and Foreign State Papers, XCV, 785. For Spanish text see Francisco Centeno, *Tratados, convenciones, protocolos, actos y acuerdos internacionales*, VII, and Aurelio Bascañan Montes, *Recopilacion de tratados* (Chile), VI, 50-60. Cf. Armand Billard, *Les Traités passés le 28 mai 1902 . . . sur l'arbitrage et la limitation des armements* (Paris, 1910).

The Minister for Foreign Affairs, Don José Francisco Vergara Donoso, and Dr. José Antonio Terry, Envoy Extraordinary of the Argentine Republic, having met together in the Ministry for Foreign Affairs of Chile, have agreed to include in the following convention the various decisions arrived at for the limitation of the naval armaments of the two Republics, decisions which have been taken owing to the initiative and the good offices of His Britannic Majesty's Government, represented in Chile by their Envoy Extraordinary and Minister Plenipotentiary, Mr. Gerard Lowther, and in the Argentine Republic by their Envoy Extraordinary and Minister Plenipotentiary, Sir William A. C. Barrington:

Article I. With the view of removing all motive for uneasiness or suspicion in either country, the Governments of Chile and of the Argentine Republic desist from acquiring the vessels of war now building for them, and from henceforth making new acquisitions.

Both Governments agree, moreover, to reduce their respective fleets, with which object they will continue to exert themselves until they arrive at an understanding which shall establish a just balance between the said fleets.

This reduction shall take place within one year, counting from the date of the exchange of ratifications of the present convention.

Art. II. The two Governments bind themselves not to increase their naval armaments during a period of five years, without previous notice; the one intending to increase them shall give the other 18 months' notice.

It is understood that all armament for the fortification of the coasts and ports is excluded from this agreement, and any floating machine, such as submarine vessels, etc., destined exclusively for the defense of these, can be acquired.

Art. III. The two Contracting Parties shall not be at liberty to part with any vessel, in consequence of this convention, in favor of countries having questions pending with one or the other.

Art. IV. In order to facilitate the transfer of pending contracts, both Governments bind themselves to prolong for two months the term stipulated for the delivery of the vessels building, for which purpose they will give the necessary instructions immediately this convention has been signed.

Art. V. The ratifications of this convention shall be exchanged within the period of 60 days, or less if possible, and the exchange shall take place in this City of Santiago.

In witness whereof the undersigned have signed and put their seals to two copies of this convention in the City of Santiago, the 28th day of the month of May, 1902.

(Signed) J. F. VERGARA DONOSO,
J. A. TERRY.

SEÑOR VERGARA DONOSO TO SEÑOR TERRY

Santiago, May 28, 1902.

M. le Ministre:

The second part of Article I of the convention, concluded for curtailing the naval armaments of Chile and of the Argentine Republic, states: "Both Governments agree, moreover, to reduce their respective fleets, with which object they will continue to exert themselves until they arrive at an understanding which shall establish a just balance between the said fleets; this reduction shall take place within one year, counting from the date of exchange of ratifications of the present convention."

This Government understands that any differences which may arise with respect to the execution of the clause I have cited are to be decided by the Arbitrator, in accordance with the stipulation in Article I of the General Treaty of Arbitration signed this day.

Trusting that your Excellency will be good enough to inform me of the view of your Government in this respect, I have, etc.

(Signed) JOSÉ FRANCISCO VERGARA DONOSO.

SEÑOR TERRY TO SEÑOR VERGARA DONOSO

Santiago, May 28, 1902.

M. le Ministre:

I have had the honor to receive your Excellency's note of this date, by which you are good enough to inform me that your Government interprets the second part of Article I of the convention respecting the limitation of armaments in the sense that any difference which may arise and which can not be settled directly between the Chanceries within the year shall be a matter for general arbitration, in accordance with the Treaty signed to-day.

In reply, I have the honor to inform your Excellency that my Government places a similar interpretation on the above-mentioned clause.

I renew, etc.

(Signed) J. A. TERRY.

LEGISLATIVE OPPOSITION

The negotiators were much elated over the outcome of their work and were busy planning for a series of friendly acts ranging from simultaneous religious ceremonies and banquets to the reciprocal purchase of legations and the union of their communication systems. Opposition, however, took form among the jingoes of both countries, directed against the limitation of future armaments.

The Chilean Senate accepted the agreements on June 20, and

there immediately began a filibuster in the Chamber by a small minority of eight deputies, which lasted until August 11.

On June 9, the Argentine Government told its minister at Santiago that opposition was developing respecting the proposal to submit to arbitration the new limitations to establish a just balance between the fleets. On the 12th it was stated to him that the Argentine Congress was arguing that national integrity was "menaced and the future of the national defense, while the sovereignty of both countries is diminished. . . . So that, in order to smooth out difficulties here which might become serious it would be sufficient to eliminate from the conventions the note in which it is agreed to submit to arbitration possible divergencies in the future."

Señor Terry replied that this would be both difficult and useless and proposed that a new declaration be drawn up with a view to meeting the objections raised on both sides. This suggestion proved to be mutually acceptable, and as a consequence a declaration was jointly signed on July 10 in the following language:

Señor Don José Francisco Vergara Donoso, Minister for Foreign Affairs of Chile, and Señor Don José Antonio Terry, the Argentine Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic, having met together in the Ministry for Foreign Affairs of Chile in order to remove the slight doubts which have arisen in both countries, and to give to the agreements signed on May 28 last the full value of the high aims with which they were signed, and being duly authorized, declared that their respective Governments agreed:

1. That the carrying out of existing treaties, or of others which may be rendered necessary by them, which question is referred to in the Preliminary Declaration in the Treaty of Arbitration, can not be the subject of Arbitration between the two Parties, and consequently neither of the contracting Governments has the right to interfere with the manner in which the other may choose to give effect to those treaties.

2. That the carrying out of paragraph 2 of Article I of the convention concerning naval armaments, in virtue of which a just balance between the two fleets was to be established, shall not necessitate the sale of vessels, but that this just balance may be arrived at by a disarmament or by other means to the extent required, in order that both Governments may retain the necessary fleets, the one for their natural defense and for the permanent safeguard of the Republic of Chile in the Pacific, and the other for the natural defense and the permanent safeguard of the Argentine Republic in the Atlantic and in the River Plate.

3. That the Agreements referred to having been submitted to the

respective Congresses of both countries, the present instrument shall likewise be brought to the knowledge of those bodies.

In faith whereof the undersigned have hereunto affixed their signatures in duplicate at Santiago, this 10th day of July, 1902.

(Signed) J. F. VERGARA DONOSO,
J. A. TERRY.

AN EXPLANATION EXPLAINED

On August 11, the Santiago newspapers stated that Ramón Barros Luco, Chilean minister of the interior, had made a declaration on the limitation of the agreement at a secret session of the Chamber of Deputies the previous evening. President Riesco informed Minister Terry of Argentina that the published text was incorrect and that evening the Chilean foreign minister handed him the accurate text, which seemed much too broad to the Argentine. He suggested that it be the subject of an exchange of notes, to which the Chilean agreed. The exchange took place a few days later in the following form:¹

SEÑOR TERRY TO SEÑOR VERGARA DONOSO,

Santiago, August 16, 1902.

Mr. Minister:

Your Excellency was kind enough to send to me confidentially, at my request, a copy of the declaration which, in the name of the Government of which your Excellency is a member, was made in the secret session of the 11th inst. and which says: "The basis of the treaties is that the Argentine Republic will take no part in the questions of the Pacific, and that the balance of the naval forces of both countries will be reached in an efficacious and practical manner. The Government understands it in this form and will maintain it in this sense."

I fear, Mr. Minister, that the first part of that declaration, that is, the part referring to the questions of the Pacific, lends itself in my country to various interpretations, always disturbing for two peoples and two Governments which justly aspire to the frankest and most cordial harmony.

Recognizing, as I trust, the reason for the fears referred to, I believe that your Excellency will not find any inconvenience in defining the scope which the Government of your Excellency gives to the said declaration.

It gives me pleasure, Mr. Minister, to reiterate to your Excellency the assurances of my most distinguished consideration.

(Signed) J. A. TERRY.

To His Excellency the Minister of Foreign Relations.

¹Translation made from texts in *Memoria, annus citatus*, 310-311.

SEÑOR VERGARA DONOSO TO SEÑOR TERRY

Santiago, August 16, 1902.

Mr. Minister:

I have had the honor to receive your Excellency's note of to-day in which you communicate to me the fear that the declarations made by the undersigned in the secret session of the Chamber of Deputies on the 11th instant relative to the questions of the Pacific may in your country lend themselves to interpretations which do not correspond to the harmony and good friendship existing between the two Governments, and in which you request that the undersigned define the scope which my Government gives to those declarations.

In reply, it gives me pleasure, Mr. Minister, to state to your Excellency that the scope of the declaration referred to is none other than that established in the treaties of May 28, explained by the act of July 10, to wit, that Chile harbors no designs of territorial expansion save those which may result from the fulfilment of treaties in force or which might be the consequence of the same, with the understanding that the execution of those treaties shall not be the subject of arbitration between the parties and that there is no right on the part of the Argentine Republic to interfere with the method which Chile adopts to give effect thereto.

I renew to your Excellency the assurances of my most distinguished consideration.

J. F. VERGARA DONOSO.

The exchange of ratifications of the agreements was originally set for July 28. The period was prolonged for two months and the exchange finally took place on September 22.

THE BALANCING OF THE FLEETS

On August 11 President Riesco proposed in effect that the fixation of the balance between the fleets be delayed, each country disarming some vessels, but retaining them pending the decision of the arbitrator. In reply President Roca of Argentina wrote:

It is going to be difficult to find buyers for the vessels under construction, and if we succeed it will be at a discount from the contract prices. But this loss will be nothing in comparison with the immense benefits we have gained from the security of peace between the two countries. If the President insists on delaying the fixation of the balance, all right. We have a year in which to settle it and everything is ready. On the other hand, as more time passes and both reciprocal friendship and confidence strike stronger roots, the easier it becomes to reach agreements as to the

balance of armaments, and in this aspect the procedure suggested by President Riesco will be well. So I agree with him that we must delay this matter, whose ventilation, by warming up the ashes of our past discord, might give excuse for the eruptions of patrioteers.

Almost daily after that Señor Terry and President Riesco discussed the matter. On October 15 the Argentine minister was called to the official telegraph office to talk with President Roca over lines which had just put Rio, Asunción, La Paz and Santiago into connection with Buenos Aires. The Argentine President suggested the resumption of negotiations on the armament balance, "which already has not its former importance." He thought the conversation might take place at Buenos Aires. President Riesco warmly applauded these ideas. "There will be no necessity, he told me, of conventions or official procedure." The negotiations resulted in the following treaty:

His Excellency Dr. Luis M. Drago, Minister for Foreign Affairs and Worship, and his Excellency Don Carlos Concha, Envoy Extraordinary and Minister Plenipotentiary of Chile, having met together in the Department of Foreign Affairs and Worship in Buenos Aires, on January 9, 1903, with the view of giving effect to the just balance which both countries have decided to establish between their respective fleets, in conformity with the Treaty on Naval Armaments signed on May 28, 1902, with the notes exchanged on the same date between the Chilean Ministry and the Minister Plenipotentiary of the Argentine Republic, and, with the Protocol which was signed on July 10, 1902, relating to the same matter, and, after having exchanged their respective powers, which were found in due form, have agreed to the following arrangement:

Article 1. The Argentine Republic and the Republic of Chile shall hereafter, and in the shortest time possible, sell the vessels of war now building for them, for the former in the shipyards of Ansaldo (Italy) and for the latter in those of Messrs. Vickers and Messrs. Armstrong (England) according to the stipulations set forth in paragraph 1 of Article 1 and in Article 3 of the Agreement of May 28, 1902. In the event of its not being possible from any cause to carry out the sale immediately, the High Contracting Parties may continue the building of the said ships, until they are completed, but in no case shall they be added to the respective fleets; not even with the previous notice of 18 months required for the increase of naval armaments by the second Article of the above-quoted agreement.

Art. 2. Both the High Contracting Parties mutually agree immediately to put the vessels at present building at the disposal and at the

orders of His Britannic Majesty, the Arbitrator appointed by the Treaty of May 28, 1902, informing him that they have agreed that the vessels shall not leave the yards where they actually are except only in case both High Parties jointly request it, either because their sale has been effected or in virtue of a subsequent agreement.

Art. 3. The two High Contracting Parties shall immediately communicate to the ship-builders the fact that the vessels have been placed, by common consent of both Governments, at the disposal of the Arbitrator designated in the Treaty of May 28, 1902, without whose express order they may not be delivered to any nation or individual.

Art. 4. In order to establish the just balance between the two fleets, the Republic of Chile shall proceed to disarm the battleship *Capitán Prat*, and the Argentine Republic to disarm its battleships *Garibaldi* and *Pueyrredon*.

Art. 5. In order that the vessels may be considered disarmed, in accordance with the foregoing Article, they must be moored in a basin or port, having on board only the necessary crew to attend to the preservation of the material which can not be removed, and they must have landed—

All coal.

All powder and ammunition.

Artillery of small caliber.

Torpedo tubes and torpedoes.

Electric searchlights.

Boats.

All stores of whatever kind.

For their better preservation it is permissible to roof in the decks.

Art. 6. The vessels mentioned in Article 4, which both Governments agree to disarm, shall remain in that state, and may not be rearmed without the previous notice of 18 months which the Government which wishes to do so is obliged to give to the other Government, except in case of a subsequent Agreement or of their alienation.

Art. 7. Both Governments shall request the Arbitrator appointed by the Treaties of May 28, 1902, for the purpose of arranging difficulties to which questions on naval armaments may give rise, to accept the duties resulting from the present Agreement, for which purpose an authenticated copy thereof shall be sent to him.

In witness whereof the respective Plenipotentiaries sign and seal the present in duplicate.

(Signed) LUIS M. DRAGO.
CARLOS CONCHA.

IV. UNFORTIFIED FRONTIERS

The historical notes printed elsewhere show that the borders of the United States and those of Argentina and Chile are disarmed. It may be mentioned in passing that boundaries are unfortified throughout the American hemisphere. The American nations grew up in such an atmosphere that it seemed natural to them not to build border forts.

Elsewhere there are at least four noteworthy instances of unfortified boundaries resulting from specific treaty provisions.

ANGLO-CHINESE ENGAGEMENT

The convention of March 1, 1894, between Great Britain and China, relative to Burma and Tibet, establishes boundaries and provides in Art. 7 that after demarkation and occupation within the new boundaries the following provision shall apply:

The High Contracting Parties further engage neither to construct nor to maintain within 10 English miles from the nearest point of the common frontier, measured in a straight line and horizontal projection, any fortifications or permanent camps, beyond such posts as are necessary for preserving peace and good order in the frontier districts.¹

PROVISION RESPECTING MEKONG

A three-cornered engagement to keep a specific region free of armed forces exists in the Far East. On January 15, 1896, France and Great Britain signed a declaration with regard to the Kingdom of Siam, which has the effect of putting the following obligation upon all three:

I. The Governments of Great Britain and France engage to one another that neither of them will, without the consent of the other, in any case, or under any pretext, advance their armed forces into the region which is comprised in the basins of the Petcha Bouri, Meiklong, Menam and Bang Pa Kong (Petriou) Rivers and their respective tributaries, together with the extent of coast from Muong Bang Tapan to Muong Pase, the basins of the rivers on which those two places are situated, and the

¹MacMurray, *Treaties and Agreements with and concerning China*, I, 5.

basins of the other rivers, the estuaries of which are included in that coast; and including also the territory lying to the north of the basin of the Menam, and situated between the Anglo-Siamese frontier, the Mekong River, and the eastern watershed of the Me Ing. They further engage not to acquire within this region any special privilege or advantage which shall not be enjoyed in common by, or equally open to, Great Britain and France and their nationals and dependents. . . .¹

NEUTRAL SCANDINAVIAN ZONE

One of the treaties of October 26, 1905, dissolving the union between Sweden and Norway provides:

Article 1. In order to insure peaceful relations between the two states there shall be established, from both sides of the common frontier, a territory ("neutral zone") which shall enjoy advantages of a perpetual neutrality. . . .

The neutrality of the said zone shall be complete. It shall therefore be prohibited to each of the two states to conduct in this zone operations of war, to make use of it as a point of support or base of operations of this kind and to station there or concentrate military armed forces, except those which might be necessary for the maintenance of public order or to bring aid in case of disaster. . . .

There may not be kept in the neutral zone and there may not be established in the future either fortifications or war ports or depots of provisions intended for the army or the fleet.

However, these provisions shall not be applicable in case the two states should lend each other assistance in a war against a common enemy. If either of the two states finds itself at war with a third power, neither the party which is at war nor the other shall enter the part of the zone which belongs to each of them, further than is necessary to make the neutrality of the zone respected.²

AALAND ISLANDS NEUTRALIZED

The Aaland Islands, which have recently been assigned to the Republic of Finland by a decision of the League of Nations, are without fortifications. This is due at present to a convention signed at Geneva, October 20, 1921, by the representatives of Germany, Denmark, Esthonia, Finland, France, the British Empire, Italy, Latvia, Poland and Sweden.

¹MacMurray, *op. cit.*, 54.

²Translated from American Journal of International Law, Supplement, I, 171-172.

The Aaland Islands originally belonged to Sweden, but were acquired by Russia in 1809 and for the next half century were regarded as having a great strategic value. Extensive fortifications were begun and were completed previous to the Crimean War, during which they were knocked to pieces by the British fleet. By a convention concluded at Paris on March 30, 1856, and recognized as a part of the general treaty of peace of the same day between Austria, France, Great Britain, Prussia, Russia, Sardinia and the Ottoman Empire, it was agreed that

His Majesty the Emperor of all the Russias, in compliance with the desire expressed to him by their Majesties the Queen of the United Kingdom of Great Britain and Ireland and the Emperor of the French, hereby declares that the Aaland Islands shall not be fortified, and that no military or naval base shall be maintained or created there.¹

Fortifications were constructed on the islands during the World War. The question of the continued validity of the treaty of 1856 was referred by the Council of the League of Nations to an international committee of jurists, which on September 5, 1920, came to the following conclusions:

(1) The provisions of the convention and treaty of peace of March 30, 1856, concerning the demilitarization of the Aaland Islands, are still in force.

(2) These provisions were laid down in European interests. They constituted a special international status, relating to military considerations, for the Aaland Islands. It follows that until these provisions are duly replaced by others every state interested has the right to insist upon compliance with them. It also follows that any state in possession of the islands must conform to the obligations, binding upon it, arising out of the system of demilitarization established by these provisions.²

The Council of the League of Nations on June 24, 1921, passed a resolution containing the following decisions:

1. The sovereignty of the Aaland Islands is recognized to belong to Finland;

2. Nevertheless, the interests of the world, the future of cordial relations between Finland and Sweden, the prosperity and happiness of the islands themselves, can not be insured unless (a) certain further guaranties

¹For history up to the Paris Peace Conference, see "The Aaland Islands," No. 48 of the Handbooks prepared under the direction of the Historical Section of the Foreign Office (Vol. VIII of bound edition).

²League of Nations Official Journal, Special Supplement No. 3, 19.

are given for the protection of the islanders; and unless (b) arrangements are concluded for the nonfortification and neutralization of the archipelago.

5. An international agreement in respect of the nonfortification and the neutralization of the archipelago should guarantee to the Swedish people and to all the countries concerned that the Aaland Islands will never become a source of danger from the military point of view. With this object, the convention of 1856 should be replaced by a broader agreement, placed under the guaranty of all the powers concerned, including Sweden. The Council is of opinion that this agreement should conform in its main lines with the Swedish draft convention for the neutralization of the islands. The Council instructs the Secretary-General to ask the Governments concerned to appoint duly accredited representatives to discuss and conclude the proposed treaty.

The treaty thus provided for makes the following arrangements between Germany, Denmark, Esthonia, Finland, France, the British Empire, Italy, Latvia, Poland and Sweden:

Article 3. No establishment or base of military or naval operations, no establishment or base of operations of military aeronautics nor any other installation used for war purposes shall be maintained or created in the zone described in Art. 2.

Art. 4. Under reserve of the provisions of Art. 7, no military, naval or aerial force of any power shall penetrate into or remain in the zone described in Art. 2; the manufacture, importation, transit and re-exportation of arms as war material are formally forbidden there.

The following provisions shall likewise be applied in time of peace:

a. Beyond the personnel of the regular police necessary for the maintenance of order and of public security in the zone, in conformity with the general provisions in force in the Finnish Republic, Finland may, if exceptional circumstances so demand, introduce and maintain there temporarily such other armed forces as shall be strictly necessary for the maintenance of order.

b. Finland also reserves to herself the right to have the islands visited from time to time by one or two of its light surface warships, which in that case may anchor temporarily in their waters. In addition to these ships, Finland may, if particularly important circumstances so demand, introduce into the waters of the zone and maintain there temporarily other surface ships in no case exceeding the total displacement of 6,000 tons.

The privilege of entering the archipelago and of anchoring there temporarily may be granted by the Finnish Government to one warship only of any other power.

c. Finland may cause her military or naval aircraft to fly over the zone, but their landing is forbidden there except in the case of *force majeure*.

Art. 5. The prohibition of entering or stationing warships in the zone described in Art. 2 is not exclusive of the freedom of inoffensive passage through the territorial waters, a passage which remains subject to the international rules and usages in force

Art. 6. In time of war the zone described in Art. 2 will be considered as a neutral zone, and shall not directly or indirectly be the object of any use whatsoever related to military operations.

Nevertheless, in the case where a war should affect the Baltic Sea, it shall be permissible for Finland, with a view to assuring respect for the neutrality of the zone, to place mines temporarily in its waters and to this end to take the measures of a maritime character strictly necessary.

Finland shall immediately give notice thereof to the Council of the League of Nations.

Art. 7. I. With a view to giving efficacy to the guaranty contemplated in the preamble of the present convention, the high contracting parties shall address themselves, either separately or jointly, to the Council of the League of Nations in order that it may determine the measures to be taken either to assure the maintenance of the provisions of this convention or to repress violation of it.

The high contracting parties engage to contribute to the measures which the Council of the League of Nations shall decide for this purpose.

When, for the purposes of this engagement, the Council shall have to determine the conditions indicated above, it shall summon to sit with it the powers which are parties to the present convention, whether Members of the League or not. The vote of the representative of the power alleged to have violated the provisions of this convention shall not count in calculating the unanimity required for the decision of the Council.

If unanimity can not be obtained, each of the high contracting parties shall be authorized to take the measures which the Council shall have recommended by a majority of two-thirds, the vote of the representative of the power alleged to have violated the provisions of this convention not counting in the calculation.

^f II. In case the neutrality of the zone should be imperiled by a *coup de main*, suddenly begun either against the Aaland Islands or through them against continental Finnish territory, Finland shall take the necessary measures in the zone to contain and repulse the aggressor up to the time when the high contracting parties, in conformity with the provisions of the present convention, shall be in a position to intervene to make the neutrality respected. Finland shall give notice thereof immediately to the Council.

Art. 8. The provisions of the present convention shall remain in force whatever modifications may be brought about in the present status quo in the Baltic Sea.

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A LEAGUE *of* NATIONS

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THE MYTH OF AMERICAN ISOLATION

Our Policy of International Co-operation

By

PITMAN B. POTTER

*Assistant professor of political science,
University of Wisconsin*

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THE MYTH OF AMERICAN ISOLATION

Our National Policy of International Co-operation

By PITMAN BENJAMIN POTTER

THE LEGEND OF ISOLATION AND THE EVIDENCE

One inevitable result of the tradition of American isolation in international relations is to raise the suspicion, now that the question of American participation in some form of international association has become so acute, that any attempt to portray the United States as a leader in the movement for international organization is dictated by a desire to have it so, rather than a candid conviction that such a picture is true to life. Such a presentation may express a hope or, perhaps, a harmless fancy, but how can it be the solid truth? Did not America in her earliest years, and notably in 1823, deliberately take herself out of world politics, saying to Europe: "We shall leave you strictly alone and shall insist that you leave us and our continents and our governments strictly alone?"

It is the purpose of this paper to show that the American nation has from the very beginning led the way in the movement for international co-operation, and that the legend of national isolation as a description of American policy is sheer myth, in part a gigantic national self-deception, in part belied by our professed foreign policies and the corresponding diplomatic activities to which they have led, and in no way supported, but directly traversed, by the very utterances of Washington, Jefferson and Monroe upon which reliance is commonly placed to support that doctrine.

This involves, to some extent, a review of familiar data. Such a review is not without its special point, however, for one of the conclusions which should be emphasized as strongly as possible is that "international co-operation" or "international organization" is not a new reform to be promoted by America in the future, or the name of a new movement which America is asked to join. The formula is here used to refer to the historical growth of certain

governmental organs and practices dealing with matters of common interest to two or more national states. International organization as thus defined may relate to purely political topics, such as would arise in a diplomatic conference, or to judicial or administrative questions such as concern courts of arbitration and international administrative bureaus, or, finally, to commercial relations as embodied in commercial treaties. In any case there may exist merely a practice, such as the negotiation of a network of treaties dealing with the subject in question, or an organized institution, such as a bureau, conference, or court. America has promoted the development of all of these forms of international co-operation in the whole course of her national foreign policy. It is not a new thing, but one aspect of American political life from 1774 to the present day.

In the promotion of a better system of international organization the United States has undertaken two kinds of work, which might be described, respectively, as the work of preparation and the work of construction. America felt it necessary in the beginning to destroy certain obstacles to a better international co-operation and, having done that, she has gone forward to help build up certain institutions and practices for the better management of international relations in the future.

I. EFFORTS TO DESTROY OBSTACLES TO FREER AND FULLER INTERCOURSE

From the first day of national interest in foreign affairs, 5 September, 1774, when the Continental Congress met in Philadelphia, Americans objected to certain features of current international relations, survivals of the Mercantilist age and the age of court diplomacy, because these practices tended to hamper them from participating fully and freely in world trade and politics. Accordingly, an elaborate and considered plan of action was very soon outlined and action begun looking to the destruction of the obstacles to a freer international intercourse.

One set of obstacles to free international communication was found in the restrictive regulations in force in the end of the eighteenth century governing the rank and precedence of diplomatic representatives, the costume and ceremony of diplomacy, and the use of an elaborate and artificial etiquette of procedure in international negotiations. Against these factors America put forward a program of simple diplomatic establishments, the minimization and final elimination of invidious uniform and costume, equality of treatment for public representatives, and simplicity and informality in procedure.¹ These proposals sprang to some extent merely from the American belief in social democracy, but they were here applied in such a way as to acquire a significance in the field of international procedure and were deliberately aimed at facilitating a freer and therefore fuller international intercourse by securing for republican states—America at large—a better standing in the diplomatic scene. This program—maintained down to the present day—expressed at the time the spirit of the coming age and has now been very largely successful.

In similar fashion, the United States has sought to develop, by treaty agreements, a body of law on neutrality, commercial rela-

¹See, as typical of these policies, Bayard to Phelps, 2 July, 1885, as quoted in Wharton, *Digest of International Law*, 2d. ed., I, 625, on the question of diplomatic rank, and the opinion of former Secretary J. W. Foster in his *Practice of Diplomacy*, 26, where it is clearly shown that America had opposed the placing of emphasis on rank and distinction because of the inconvenience it caused her, together with her attachment to democratic simplicity, and where the logical solution ("the abolishment of all rank in the diplomatic body") is proposed; on costume, see the celebrated Marcy circular of 1 June, 1853, quoted in Moore, *Digest of International Law*, IV, 763.

tions, naturalization and citizenship, and extradition, and such other subjects as would lend themselves to legalistic treatment, in order to replace the shifty struggle of personal diplomacy, with its weapons of intrigue and chicane, by a system of common law giving each state its due rights without the hazard of competitive negotiations.¹

FOUGHT MARITIME RESTRICTIONS

To the obstructive regulations imposed by national states upon entry into their ports, navigation in coast waters, straits and international rivers, and to the efforts of piratical nations to interrupt international trade, America opposed a program of free navigation, free seas and a right of innocent use, calculated to amplify and encourage the system of international intercourse. We used the device of reciprocal concessions in our commercial treaties to break down exclusive navigation laws; we led the way in discarding the harsh treatment of alien merchants inherited from the 18th century. All of these programs were launched in Congressional resolutions on 17 September, 1776, and 7 May, 1784, were embodied in treaties with Sweden and Prussia in 1783 and 1785, and have been continued to the present day,² fortified in later years by the use of the most-favored-nation clause.³ The power of the Barbary pirates we destroyed by force of arms, being unwilling to see these subsidiaries of France and Britain left free to prey on the commerce of weaker nations, and no international action in the matter appearing to be possible.⁴ The international rivers of North and South America we sought to have opened to common use and by 1860 we had not only accomplished this pur-

¹For an expression of the policy of legalism and its object, see the opinion of former Counsellor J. B. Moore in his *Principles of American Diplomacy*, 423, 425.

²Texts of treaties of 1799 and 1800, with Prussia and France, in *Treaties between the United States and other Powers*, Malloy ed., II, 1486, I, 496.

³Plan for commercial treaties adopted by the Congress, 17 September, 1776, in the *Journals of the Continental Congress*, Ford and Hunt ed., V, 765; instructions to John Adams regarding proposed treaty with the Netherlands, 20 December, 1780, *ibid.*, XVIII, 1206; resolution of Congress of 1784 in *Diplomatic Correspondence of the American Revolution*, Sparks ed., I, 80. The treaties with Sweden and Prussia likewise are in *Treaties*, II, 1477, 1725.

⁴Jefferson to Nathaniel Greene, 12 January, 1785, in *Writings*, Ford ed., IV, 25; to Monroe, February, 1785, *ibid.*, 29. The texts of the agreements embodying the settlements are in *Treaties* (Malloy), I, 1, 6, 11 (Algiers); II, 1206 (Morocco); II, 1785, 1788 (Tripoli); II, 1794 (Tunis).

pose to a large extent, but had been instrumental in opening the Danish straits for navigation free from tolls and in promoting a similar treatment for various European rivers.¹

The national claim to a right to visit and search alien merchant vessels at sea was the most formidable obstacle to be met in this field. It was particularly difficult to secure a renunciation of this right from Great Britain and to make headway against various British and French interpretations of maritime laws the effect of which was to hamper international exchange disastrously. We finally waged war against both France and Britain in this cause in 1798 and 1812. Failing to secure success in treaties with France in 1800 and with Britain in 1794 and 1814 we pressed on,² and the conventions with England in 1815³ and 1818⁴ presaged the success which was to come in the middle decades of the century with the British abandonment of the right of visit and search in 1861 and the Declaration of Paris of 1856.⁵ The "right" of visit and search was destroyed and a larger freedom for neutral commerce in time of war made secure. In 1909 there was achieved, in the Declaration of London, what was potentially the greatest stroke in history for the cause of freedom of commerce in time of war.⁶

SOUGHT COMMERCIAL EQUALITY

The most recent form of the American attack upon exclusive and obstructive national claims is to be seen in the protest against

¹*Revolutionary Diplomatic Correspondence of the United States*, Wharton ed., III, 344, 353, 373; IV, 78; and *passim*, for opening of Mississippi; the opening of the St. Lawrence was secured on a basis of reciprocity by the treaty of 1854, and was confirmed by the treaty of Washington in 1871; text in *Treaties* (Malloy), I, 778, 700. In 1853, the Parana and Uruguay rivers through Argentina were opened; text of treaty in *Treaties* (Malloy), I, 18; in 1858, the Amazon and La Plata through Bolivia, text in *ibid.*, 113 *seq.*, esp. 122; in 1859, the Paraguay and Parana through Paraguay, text in *ibid.*, II at 1365. Text of convention between Denmark and the United States relating to the Sound Dues in *ibid.*, I, 380; text of treaty between Denmark and various powers of Europe in *British and Foreign State Papers*, XLVII, 24. For the campaign of protest waged by the United States in the years before 1857 see the diplomatic correspondence in *ibid.*, XLV, 807, 863, and in Senate Executive Document No. 1, 35th Congress, 1st Session, 25-42.

²See diplomatic correspondence in *British and Foreign State Papers*, XXIV, 1077; XXXI, 585; XXXII, 433, 565, and correspondence with European powers at outbreak of Crimean War in 1854, in *ibid.*, XLVI, 821, 843, as typical cases.

³Treaties of 1794, 1814, and 1815 with Great Britain in *Treaties*, I, 590, 612, 624.

⁴Text in *Treaties*, I, 631 *seq.*

⁵Moore, *Principles of American Diplomacy*, 61, 114.

⁶Text and commentary in Higgins, *Hague Peace Conferences*, 256.

attempts at the monopoly of territorial and commercial privileges in the Orient and the Near East. Secretary of State Hay took occasion in September, 1899, in view of recent actions by the powers looking to the distribution among themselves of exclusive spheres of monopolistic privilege in China, to declare for a system of "equality of treatment for all foreign trade throughout China." In the following March the hesitating replies of the powers were considered (*sic*) as final and definitive by the Secretary.¹ The principle has been repeatedly put forward since that time. In the midst of the Boxer affair it was set forth anew in application to China;² in 1906 Secretary Root secured its recognition as regards Morocco; in the past two years it has been applied, in the form of the mandate theory, to territories formerly held by Turkey, to Persia and to colonial territories under the League of Nations. In still more recent days America has waged a campaign for free and equitable cable communications unhampered by national exclusions and monopolies of cables and landing privileges.³

In two of these episodes the United States acted in such a way as to make it appear that we sought to avoid international co-operation even for purposes which we tried ourselves to serve. Thus, we refused to participate in the international conference which considered the Danish Sound dues on behalf of the European powers and we refused to join in the international act now known as the Declaration of Paris which, in substance, supported certain of our cherished contentions regarding neutral commerce and blockade in war at sea. An examination of the record, however, will show that America refused to join the Sound Dues conference largely because the European Powers were unready explicitly to deny the principle back of the Sound Dues, or to avow the American principle in its own name, and largely because an attempt was made to inject into the conference an element which could not

¹For the instruction of 6 September, 1899, and the replies thereto, with the final instruction of 20 March, 1900, see *Foreign Relations*, 1899, 129, 143.

²Hay to Herdliska, 3 July, 1900, *Foreign Relations*, 1900, 288.

³For the American demand for the "open door" in Morocco see Root to Speck von Sternburg, 19 February, 1906, in Bishop, *Theodore Roosevelt and his Time*, I, 489; for the policy as applied in Turkish territories, Mesopotamia and Persia and to the mandates of the League of Nations in 1920 see *The New York Times*, 21 November, 1920, p. 3, and *passim*. *The New York Times*, 1920, *passim*, especially 5 October, p. 13, and 9 October, p. 17, gives a summary of the communications problem, and the American attitude in regard thereto.

help the main object in view and which would be likely to create, instead, national divergencies better avoided, namely the question of the balance of power among the nations of Europe.¹ Similarly in the case of the Declaration of Paris: our abstention rested partly upon a desire to go farther than the powers were willing to go,—to the exemption from capture of all private property at sea,—and partly to avoid a certain provision of the agreement which we believed, made for naval militarism and competition in armaments, the clause, that is, which, by suppressing privateering, would make national maritime defense dependent upon the creation of an adequate standing navy.²

That America has not invariably rejected the method of conference and joint action may be seen by reference to three widely separated incidents.

In 1780 the American Congress was so impressed with the character and probable effect of the rules of maritime warfare proclaimed on 28 February of that year by the Empress Catharine at the head of the first Armed Neutrality that instructions were given to Minister Dana to “subscribe the treaty or convention” establishing the “neutral confederacy.” The United States was to enter this general alliance if an invitation could be obtained.³ It can not be maintained, of course, that America contemplated participation in the first Armed Neutrality out of enthusiasm for the idea of international confederation for its own sake. The action was not even dictated by loyalty to the principles of maritime freedom espoused by the alliance, although these principles did later come to constitute an American ideal in their own right. The action was based upon a desire to protect “commerce in behalf of these United States” to the end that the struggle for independence might be successfully prosecuted.⁴ The significant aspects of the decision

¹For declaration of President Pierce embodying this position, see his Third Annual Message, of 31 December, 1855, in *Messages of the Presidents*, Richardson ed., V, at 335.

²For policy of United States see President Pierce's Fourth Annual Message, 2 December, 1856, in *ibid.*, V, at 412; see also the MS. instructions to American representatives abroad regarding the declaration and the attitude of the United States relative thereto as quoted in Moore, *Digest of International Law*, VII, 365-583, and the correspondence in *Diplomatic Correspondence*, 1861, *passim*, as cited by Moore.

³*Revolutionary Diplomatic Correspondence of the United States*, (Wharton), IV, 201.

⁴*Ibid.*, VI, 481, 718.

are its indication of the desire on the part of the Congress to utilize such a method, their belief that such a method was of value to American purposes, and the opposition between the maritime program of the Armed Neutrality and the anti-social policy of Britain in her naval warfare. It was this same program of liberal maritime law that was put forward in the resolution of 7 May, 1784, as a basis for new commercial treaties.

Over a century later the United States was still attempting to secure a liberal reform of maritime law by general international conference and the establishment of an international prize court through the London Naval Conference and one of the conventions signed at The Hague in 1907.¹ And it has already been seen that we have put forth and reasserted the doctrine of the open door by similar methods.² Whenever the method of joint international action has seemed promising it has been adopted; where it has been rejected it has been because it seemed calculated to defeat its own purpose.

Thus in many forms, under many names, through many successive years the United States has prepared the way for a general system of free international organization and co-operation by attempting to destroy exclusive national diplomatic and commercial practices standing in the way of such a development.

¹Texts in *Treaties, Supplement, 1910-1913*, Charles ed., III, 248, 266.

²Above, notes to p. 438.

II. BUILDING FOR INTERNATIONAL CO-OPERATION

ARBITRATION, PAN AMERICANISM AND ALLIED ACTIVITIES

Not all of the American contributions to the cause of international organization have been of this preliminary or preparatory character, however. Besides destroying obstacles to closer international intercourse the United States has been active in the process of building up positive institutions of world government. This activity may be studied under various titles and may be examined in the texts of certain public documents which serve to summarize American policy regarding the development of international organization and practice.

The United States has made its chief contribution to this movement by supporting the development of the organization and practice of international arbitration. This policy is well set forth by Secretaries of State Hay and Root in 1899 and 1907 in the instructions issued to the American delegates to the Hague Conferences of those years.¹ It was declared in the instructions of 1899, that "it is believed that the disposition and aims of the United States in relation to the other sovereign powers could not be expressed more truly or opportunely than by an effort of the delegates of this Government to concentrate the attention of the world upon a definite plan for the promotion of international justice," and an historical résumé was appended to the text of the instructions to illustrate the peculiar interest which America has always taken in this cause, along with a draft proposal for such a court as we hoped to see created. In 1907 the American delegates were instructed, as the American policy in the conference, to advocate a general treaty of obligatory arbitration to cover all questions "of a legal nature or relating to the interpretation of treaties," and to try to secure an improvement in the judicial character of the arbitral tribunals of The Hague.²

¹Instructions by Secretary of State John Hay to delegates of the United States to the International (Peace) Conference at The Hague, 1899, with Annex A, being a Historical Résumé relating to the movement for the pacific settlement of international disputes in America from 1832 to 1899, and Instructions to the delegates of the United States to the Second International Peace Conference, 1907, in Scott, *Hague Peace Conferences*, II (documents), 6, 9, 181.

²*Ibid.*, *passim*.

DEVELOPMENT OF JUDICIAL FORMS

These critical and far-reaching professions and purposes have not been unsupported by actual performance in American diplomatic history. Beginning with Articles V, VI and VII of the Jay treaty of 1794 wherein three arbitrations were agreed upon with Great Britain,¹ and Article XXI of the agreement with Spain signed at San Lorenzo in 1795, for a claims arbitration,² the United States has shared with England the leadership in this particularly stable form of international organization. This is signalized by the four arbitrations provided for in the treaty of Ghent,³ the arbitrations arranged with Britain in the conventions of 1818⁴ and 1822,⁵ the Geneva or Alabama claims arbitration, and the Bering Sea and North Atlantic fisheries arbitrations provided for by the agreements of 1871, 1892, and 1909, respectively.⁶ The United States and Great Britain have submitted more claims to arbitration than any other nations.⁷ Finally, at the Hague Conferences themselves, the American delegates translated their instructions into action by leading the nations in their advocacy of obligatory arbitration and of the establishment of an international prize court and a general court of justice, in contrast to the already existing arbitral tribunal,⁸ and in the year 1920 the plans for the court of justice erected under the League of Nations were drawn up under the leadership of two American jurists, one a former Secretary of State, notwithstanding the reputed American hostility to the League itself.⁹

¹Moore, *International Arbitrations to which the United States has been a Party*, I, Chapters I, IX, X; text of treaty in *Treaties* (Malloy), I, 590.

²Text of treaty in *Treaties*, II, 1640.

³Moore, *Arbitrations*, I, Chapters II, III, V, VI.

⁴By Article V of that pact; text in *Treaties* (Malloy), I, 631 *seq.*

⁵Text in *Treaties*, I, 634, *seq.*

⁶Text in *ibid.*, 700, 746, 835.

⁷Data compiled by LaFontaine in his *Histoire des Arbitrages Internationaux*, 4-5.

⁸Introduction of the American plan for compulsory arbitration at The Hague in 1907, and the addresses of Mr. Choate in support of the movement in *La Deuxième Conférence Internationale de la Paix*, 1907, II, 883, 884, 889, and 90, 91, 203 *et passim*. See also the American project for a court of justice as presented at The Hague in 1907 and the speeches of Mr. Choate and Mr. Scott in support of this plan in *ibid.*, 1031 and 309, 313, 327.

⁹See press accounts of the work of Mr. Root and Mr. Scott in *The New York Times*, June and July, 1920, *passim*, especially 16 July, 1920, page 10; it will be recalled that these two jurists had held the posts, respectively, of Secretary of State of the United States and American delegate at the time of the conference

Attempts have been made from time to time to represent this American attachment to judicial forms of international organization, and the preference for such forms in contrast to political and diplomatic forms, as betraying a reluctance on the part of the United States to commit herself freely to the program of international co-operation except in its mildest form. The preference has been referred to in deprecation, as in some sort revealing an essential hesitation in this connection on the part of America, for all her fine protestations. Such an interpretation of the American attitude in the premises is not so much erroneous as incomplete; it stops short of the main point. The preference mentioned has been clearly manifested by the United States, and is latent to-day in current criticism of the League of Nations as a political and diplomatic organization giving too little weight to legal institutions and judicial decisions.¹ The preference is based upon the belief that more progress is to be made in international relations by the appeal to law and a judicial application of principles set up by common agreement than by diplomatic and political action, involving, perhaps, military coercion exerted by interested nations or partisan national groups.² The cost and danger of such action has seemed prohibitive because of the small prospect of beneficial results. Our feeling is one of positive preference for a more effective promotion of the principal object rather than a desire to avoid responsibility. And no nation has so consistently and strongly advocated this particular form of international organization in which it does believe as has the United States.

There is one form of international co-operation where the influence of the United States has been felt but lightly, namely, in international administration, and the reasons for this fact prove the exceptional character of the case. We have joined few international unions and contributed little to this very practical form of international government because of our geographical position. Whatever be the case regarding our relations to European inter-

of 1907 and that the fine Instructions to the American delegates at that time had been drawn up by Mr. Root.

¹*American Foreign Policy*, as cited above, note to p. 435.

²See the reflection of this in the paragraphs of Mr. Root's Instructions of 1907, which relate to "improvements to be made in the provisions of the convention relative to the pacific settlement of international disputes," cited above, note 1, p. 441.

national politics, our frontiers do not run with the frontiers of France or Germany, railroad trains do not come rolling into our territory from a half-dozen foreign nations, nor does our daily life depend directly upon the close functioning of international adjustments in the spheres of communication, law and business. In the Americas, where such conditions have recently developed, we have engaged rather extensively in just this sort of international administration, under the Inter-American High Commission set up by the First Pan American Financial Conference of 1915.¹

BROADENING PAN AMERICANISM

This Pan American Financial Conference of 1915 marked a change in the character of the Pan American movement which has a special claim to attention at this point. In the beginning, Pan Americanism was confined largely to the political and diplomatic plane of international relations; in the last few years we have seen a change of emphasis leading to the development of a Pan Americanism in the fields of science, law, and economics. Each of these varieties of Pan American international organization deserves attention, the former as it is described in the instructions issued by Secretary of State Clay to the delegates of the United States to the Panama Congress of 1826, the latter as referred to by Secretary of State Lansing in his address to the Second Pan American Scientific Congress in Washington on 27 December, 1915.

The independent South American republics had greeted the Monroe doctrine with enthusiasm.² In 1824 Bolivar proposed an American international conference at Panama to create a confederation for the preservation of peace among the American nations and for a defense of their national rights.³ When approached by Mexico and Colombia regarding attendance at the proposed conference the Government of the United States was of

¹On the Pan American Financial Conference of 1915 and the work of the International High Commission (now "Inter-American High Commission"), see *Proceedings of the First Pan American Financial Conference*, published by the Government Printing Office, Washington, 1915, and an *Appendix to the Report of the United States Section of the International High Commission* on the first general meeting of the commission at Buenos Aires in 1916, published as Senate Document No. 739, 64th Congress, 2d session.

²C. A. Rodney to Monroe, 10 February, 1824, in Monroe, *Writings*, VI, 430.

³Text in *International American Conference, Reports and Discussions*, (Washington, Government Printing Office, 1890), Vol. IV (Historical Appendix), 159.

divided mind.¹ In the end, commissioners were nominated by the President, confirmed by the Senate, and instructed by Henry Clay, Secretary of State.²

The instructions to the delegates of the United States constitute a remarkable exposition of the positive side of the Monroe doctrine, and a fairly complete exposition of our policy regarding international organization as applied to the Americas. The program set forth by Clay included, among other things, the preservation and development in America of the concept of neutrality in international law,³ the extension and protection of neutral rights in commerce at sea,⁴ the general adoption by the American nations of most-favored-nation treatment in commercial conventions,⁵ a joint declaration of the principle of the Monroe doctrine,⁶ joint support for an isthmian canal,⁷ and the development of arbitration among the American nations.⁸ The elements in this program were drawn from the characteristic American theory of international relations, and the Secretary fully realized this. President Adams supported him in the movement, although the President seems to have been much less interested in the proposed Congress than his Secretary of State, apart from its bearing on domestic political issues. While he became quite enthusiastic at first hearing of it, and supported it vigorously in messages to Congress, he pays little attention to it in his diary.⁹ Both bespoke the con-

¹For the original invitation, in the spring and fall of 1825, and the reply of the United States thereto, see Clay's report to Adams, 20 December, 1825; Salazar to Clay, 2 November, 1825; Obregon to Clay, 3 November, 1825; Clay to Obregon, 30 November, 1825; Clay to Salazar, same date; in *American State Papers, Foreign Relations*, V, 835, 836, 837, and 838, respectively.

²The nomination was made in a special message to the Senate on 26 December, 1825, to be found in *Messages* (Richardson), II, 318 *seq.*; the resolution of the Senate advising and consenting to the appointments is to be found, together with many documents relating to the proposed congress, and proceedings in the Senate regarding the same, in *American State Papers, Foreign Relations*, *loc. cit.*, 839 *seq.* esp. 877; the instructions are in *International American Conference*, IV, 113 *seq.* The debates in the Senate and House are in the *Register of Debates in Congress*, Volume II, Part 1, 152, *et seq.*, 1262 *et seq.*, and *passim*.

³*International American Conference*, as cited, 124 *seq.*

⁴*Ibid.*, 126 *seq.*

⁵*Ibid.*, 129 *seq.*

⁶*Ibid.*, 136 *seq.*

⁷*Ibid.*, 143 *seq.*

⁸*Ibid.*, 124, 148.

⁹*Memoirs*, VI, 531, ("This is a grain of mustard seed"), 537; VII, 16, 55, 75, 82 and *passim*; for the messages of 26 December, 1825, and 15 March, 1826, see *Messages*, II, 318, 329.

tinued support of several policies reviewed above as they had long been promoted by the United States. In addition, the instructions inaugurated a new procedure for carrying out these policies, namely, the method of Pan American co-operation, of the international organization of the American republics.

Subsequent years saw changes in the pace and the terms of the Pan American policy, but no permanent setback for the movement. The efforts of 1826 were premature, and in the next generation the United States was engrossed in the domestic problem of slavery and was led by the slave owners, who had raised the chief opposition in Congress to the conference at Panama, into a career of conquest in the southwest which resulted in neglect and tacit repudiation of the Pan American policy.¹

REVIVAL OF FORMER POLICY

After the Civil War, however, there came a revival of the policy, the effects of which have lasted to the present time. Preceded by certain significant events in the diplomatic world, namely, the mediation of the United States which resulted in the settlement of the war between Spain and Peru, Chile and Ecuador, in 1871 and the choice of the President of the United States as perpetual arbitrator, in default of special agreements choosing other arbitrators, by Chile and Colombia, in 1880,² the year 1881 saw a reappearance of the idea of American international conferences, with Blaine's invitation of that year.³ In 1889 came the first International American Conference, held at Washington upon the invitation of Congress. The years 1901, 1906, 1910 saw the meetings, at ever-shortening intervals, of additional international American Conferences of the general type.⁴

¹On the relations between slavery in the United States and the annexation of territory formerly Mexican upon the feeling of South American states toward the United States, see the testimony of former Counselor for the Department of State, J. B. Moore in his *Principles of American Diplomacy*, 376, 380.

²Text of the settlement of 1871, signed by the American Secretary of State "in the rôle of mediator," in Martens, *Nouveau Recueil Général de Traités*, 2^e série, III, 475 *seq.*; treaty of Bogota, 3 September, 1880, in *International American Conference*, as cited, IV, 220, Art. II.

³Text of the invitation as sent to various Latin American states on 29 November, 1881, is in *ibid.*, IV, 225-258; the dispatch is a classic statement of the American feeling and policy regarding the peaceful settlement of international disputes.

⁴For the American policy in this series of events, see the invitation to the conference of 1889, in *ibid.*, I, 9; address of welcome to this conference by Secretary of

In 1915 there came a change, more or less complete and permanent, in the character of the Pan American movement. That change was described by Secretary of State Lansing in an address to the Second Pan American Scientific Congress which met in Washington from 27 December, 1915 to 8 January, 1916.¹ Speaking at the plenary session on the morning of the opening day of the Congress, Mr. Lansing began by referring to the original proclamation of the Monroe doctrine, to the development of Pan Americanism as the American international policy corresponding to the doctrine in the nature of the ends sought, and the older type of Pan Americanism cast in terms of "politics" and "diplomacy." He then declared that Pan Americanism now extended beyond that field, concerned itself with "commerce and industry, science and art, public and private law," and "all those great fields which invite the thought of man." He expected that this broadening of the field would give to the Pan American movement an impulse and power it had never known before. So defined, Pan Americanism, he felt, was the most advanced as well as the most practical form of the idea of internationalism.²

These words find their justification in the First and Second Pan American Financial Conferences, held in Washington in 1915 and 1920, in the First and Second Pan American Scientific Congresses held in Santiago, Chile and Washington in 1907-1908 and 1915-1916, in the effective operation of the Pan American Union over the period of a quarter of a century, in the work of the Commission of Jurists created in 1906 and of the Inter-American High Commission created by the Financial Conference of 1915. Various fruits in the shape of uniform commercial laws, the compilation and exchange of statistical data and general information of a commercial, industrial, agricultural or still more broadly cultural sort are either already at hand or within the near prospect.³

There is presented here a phenomenon of magnitude and significance. Despite a feeling of suspicion aroused by our more State Blaine in *ibid.*, I, 39; address of Secretary of State Root to the Third Conference, 1906, in *Report of the Delegates of the United States to the Third International Conference of the American States*, Washington, Government Printing Office, 1907, 62.

¹*Daily Bulletin, Second Pan American Scientific Conference*, Vol. I, No. 1, p. 1.

²*Ibid.*, p. 2.

³On the recent conferences and subsidiary activities see the *Bulletin of the Pan American Union*, at dates of events, and the *Proceedings of the Second Pan American Financial Conference*, Washington, Government Printing Office, 1920.

recent actions in Panama, in Central America, and in one or two islands of the West Indies,¹ South and Central American nations have, under our leadership, entered into co-operation with each other and with the United States first on political and constitutional questions and later on questions of commercial and private law. The Central American states formed a judicial union, with a federal court, under the leadership of the United States, for the settlement of international disputes, and all of the nations in the Pan American conferences have joined in a system of general arbitration. The leadership has remained with the United States, and our only regret is that the other American nations have hardly been willing to go as far as the United States would wish in the direction of international co-operation.²

¹ On one aspect of the actions of the United States in Central America and the Caribbean region since 1913, see the articles and documents on Haiti and San Domingo in the *Nation* (N. Y.) for 17 and 24 July, 1920, and dispatches and discussions in the *New York Times* for November–December, 1920, *passim*.

² On the creation of the Central American Court under the leadership of the United States, see *The Central American Peace Conference, Report of Mr. William I. Buchanan, Representing the United States of America*, Washington, Government Printing Office, 1908, especially address of the Secretary of State of the United States, 26, 27, and text of the convention, 43–53. This court failed of the support needed for a renewal of its authority in 1913, because of opposition by Nicaragua and the United States to one of its decisions.

On the reluctance of Latin American states to follow all of the suggestions of the United States looking to increased international co-operation see the opinion of J. B. Moore in his *Principles of American Diplomacy*, at 407.

III. REVOLUTIONARY DIPLOMATIC ACTIVITY BELIED POLICY OF ISOLATION

The conclusion of this review of the activities of the United States in destroying the obstacles to a freer and fuller international intercourse and in helping to build up the progressive institutions of modern international organization, however, may well suggest a question whether with all the evidence of American practice of international co-operation we do not have authoritative declarations to an opposite effect. Granting that America has consistently tried to elevate the plane of diplomatic methods and commercial intercourse to the end that a better system of international co-operation may result, has promoted the practice of international arbitration as no other nation has promoted it, and, in the American continents, has led the way in "the most mature system of international organization known to history," as has been said by a competent authority, have we not, nevertheless and notwithstanding, repeatedly declared ourselves for a withdrawal from international political arrangements with Europe and take a pledge to maintain that separation? As it has been put by one celebrated authority: "The attitude of the United States . . . assumed . . . the form of an established rule of policy. Especially was this the case in regard to the political arrangements with Europe, which, as we have seen, were treated as belonging to what was called the European system, while those of the independent nations of America were jealously guarded as belonging to the 'American System.' This distinction the United States, as its author, proponent, and champion, sought not to efface but to impress upon the world as a derivative of the principle of political nonintervention and a pledge of its consistent observance. No other principle has so distinguished the foreign policy of the United States; and while policies are proverbially subject to mutation, it is probable that the ramifications of that principle will not be wholly overlooked in the consideration of any future plan of concert.¹" Is not the record of action denied by such declarations of purpose?

The reply is two-fold. In the first place, the final test of Ameri-

¹The closing words of Moore's *Principles of American Diplomacy*, words ringing with a careful and not difficult wisdom; *op. cit.*, 444, 445.

can policy is American action, not declarations of ideas and theories. What we have done, not what we have said, reveals our real purposes. We may, of course, have meanwhile been deceiving ourselves concerning our real purposes and professing—to ourselves as well as to others—to be isolationists while in reality we were co-operationists. There is a profound discrepancy—at once pitiful and honorable—between American professions and American practice prior to 1919.

EARLY INTERNATIONAL ACTIVITY

It should be remembered that in her earlier years America played no retiring rôle in world politics. On the contrary, America began her career in the arena of international negotiation. She was born on the stage of diplomacy. Because of the nature of their objects the "United Colonies" in 1774 were forced to begin by trying to get in touch with the British Government on one hand, and their potential friends—France, Russia, Spain and the minor powers,—on the other. Reconciliation or independence, and especially, recognition and assistance, were objects to be sought, not in America, but in European capitals.¹ The members of the Congress, recognizing the character of the situation, immediately took steps to meet it.² Colonial agents in London were converted into representatives of the new Union³ and an ever-increasing number of diplomatic agents was sent out to the courts of Europe.⁴ Treaties of commerce were sought everywhere, loans were sought in Holland and France, alliances were sought in France, Holland and Spain.⁵ As is well known, an alliance was obtained with France on 6 February, 1778, "to maintain the . . . sovereignty and independence . . . of the . . . United States," and that nation played a decisive part in the war, a part not dissimilar to that played by the United States in the recent European War; American independence was, in the crisis, the product of international

¹Compare the situation in 1775-1776 with that between the Union and the Confederacy in the spring of 1861.

²*Journals of the Continental Congress, 1774-1789*, Ford and Hunt ed., I, 104.

³*Ibid.*, 105.

⁴*Revolutionary Diplomatic Correspondence of the United States*, Wharton ed., II, 78, 162, 296, 359, 360; *Journals*, VII, 10, VIII, 502, 518.

⁵*Rev. Dip. Corr.*, II, 78, 162, III, 352, IV, 224, 636; *Journals*, XV, 1113, XVIII, 1204; XXI, 876.

co-operation, the fruit of an alliance of the classical type.¹ Thus down to 1783 America had made every effort not to go it alone in the war with Britain but so to place herself, by diplomatic means, in the international system of the day as to accomplish most effectively her objects of permanently entering that system as a recognized member of the family of nations, with political allies and friends and commercial friends and creditors wherever they were needed. This program of alliances is not to be understood as in itself a form of international organization or co-operation in its better or true sense, and it is not here so presented. It signifies here simply that the United States did not seek to refrain from participating in the international political system of the day. The policy of 1774-1783 was later to be regarded as one inimical to international co-operation and peace.² Of course there were at the time those in Congress who would have preferred another policy, a policy of going it alone. But the more experienced leaders succeeded in demonstrating that recognition and aid from other nations were necessary in the fight with Britain and that the American colonies were intimate parts of the world state system of the day.³ Indeed, it would actually appear that this policy was pursued only too enthusiastically.⁴

And, in general, we have pursued this policy ever since. That is to say, when we have had definite interests to defend or objects to promote, we have taken action without regard for any *a priori* theory of abstention. If the only thing required by the legend is that we abstain where we have no interest that we can do, have done, and naturally would do, even without any preconceived principle of action to protect us. If it is meant that we should abstain at the expense of our interests as they arise, that would be poor statesmanship and, as a matter of fact, we have never acted so foolishly.

¹Text in *Treaties*, I, 479.

²Below, note 2, p. 467.

³*Journals*, Introduction, sec. 26; Trescot, *Diplomacy of the Revolution*, 16, 27.

⁴*Rev. Dipl. Corr.*, Introduction, Secs. 17, 18.

IV. FALSE INTERPRETATION OF NEUTRALITY

The second reply to the contention that American declarations deny and destroy the significance of American actions is that those American declarations which are supposed to deny the policy of co-operation do not in point of fact do anything of the kind, but constitute, on the contrary, declarations of a policy of co-operation which have been distorted into declarations of a policy of isolation by the opponents and enemies of Washington, Jefferson and Monroe, and repeated ever since 1825 with parrot-like insistence. This will appear to any student who re-examines the documents of the time, beginning with 1789 and coming down to the present. Neither the policy of neutrality, nor that of no alliances, nor the Monroe doctrine, as declared by their authors, were policies of withdrawal and isolation but programs of increased American participation and co-operation in international affairs.

The policy of neutrality first made its appearance in 1790 with the threat of war between England and Spain over the Spanish seizure of the goods of certain British subjects in Nootka Sound.¹ In spite of the sympathies felt in America for the respective nations in the quarrel, including France, then an ally of the court of Madrid, and especially, in spite of the intimate manner in which American interests were involved, Jefferson and Hamilton, late in August, 1790, advised against participating in the expected war.² This position was taken in reply to the British suggestion that "the United States would find it to their advantage to take part with Great Britain rather than with Spain."³ And John Adams also advised a firm policy of neutrality, a position of defensive inaction, if it may be so described.⁴ Washington, ostensibly waiting on the advice of the cabinet, had already formed a decision for a neutral policy and had so expressed himself in a letter to Lafayette on 11 August.⁵

¹John Adams, *Works*, Adams, ed., VIII, 497 *seq.*

²Jefferson, *Writings*, Ford ed., V, 198; Hamilton, *Works*, Lodge ed., IV, 20.

³Hamilton to Washington, *ca.* 8 July, 1790, Hamilton, *Works*, IV, 6.

⁴Compare note 1, above.

⁵Washington, *Writings*, Ford ed., XI, 493, 496; this letter does not seem to have been noticed before as it deserves to be.

After this it was not surprising that the neutral position was adopted in 1793 when the arrival of Genêt from France, with the mission of securing aid in the war with England, raised a similar problem. Although much attention has been given to a cabinet consultation on 18 April and the proclamation of 22 April, it should be noted that already, ten days before, on 12 April, Washington had, as in the Nootka Sound episode, decided the question in his own mind before consulting the cabinet and had personally instructed the Secretary of State to enforce a policy of neutrality. In a letter to Governor Lee of Virginia, dated 6 May, Washington declared that he saw the necessity for a neutral policy on the instant of receiving news of the outbreak of war, which had come to him at Mount Vernon; this refers to the letter of 12 April, without doubt.¹

The action of 1793 is ordinarily interpreted as an effort to remain aloof from European politics and to attend solely to cis-Atlantic affairs. Thus, it has been said that "it really represented not merely an intention to keep out of the war then in progress, but also the national determination to resist the centripetal forces of European politics, and to be left free to work out our national development."² Those who sponsored the policy had nothing of the sort in mind. Washington declared that "as soon as the war in Europe had embraced those powers with whom the United States had the most extensive relations there was reason to apprehend that our intercourse with them might be interrupted" and that *to prevent this* he was led to adopt the policy of neutrality.³ He had in mind the maintenance of closer and more harmonious relations with the nations of the world, a continuation of that commercial intercourse into which America had entered so eagerly. In the address of 3 December, Washington had declared that "*the connection of the United States with Europe* [my italics] has become extremely interesting," and that he would inform Congress of the matter in a subsequent communication. Carrying out this pledge, the President, in a special message, dated 5

¹Washington to Jefferson, 12 April, 1793, *ibid.*, 278; *ibid.*, 286. For the consultation see the questions of 18 April, *ibid.*, 279, and the proclamation of 22 April, *ibid.*, 281.

²Fish, *American Diplomacy*, 2d ed., 100-101.

³*Messages*, I, 139. So the letter to Lafayette cited note 1 above. So Washington to the Earl of Buchan, 22 April, 1793, in *Writings*, XII, 282, at 283; to Hamilton, 5 May, *ibid.*, XII, 285; address of 3 December, 1793, *Messages*, I, 138, 168.

December, pictured the way in which our communications with Europe had been interfered with by French and British naval forces.¹ Washington had in mind a policy of diminishing the total amount of international dissension, of preserving a maximum of international contacts. It was a policy of greater intercourse, not less.

There were those whose policy of neutrality was purely negative. John Adams seems to have conceived neutrality not so much as a positive strategical attitude as a coat of mail or a bomb proof shelter.² The reception accorded by the Congress to the President's utterances shows that that body, however, did not differ from his view of the matter:³

And it is just as useful to-day in its contemporary aspect; whatever power for good in international relations has been enjoyed by America since 1914 has been due to her refusal to be grouped diplomatically with one set of European powers or the other and to her insistence upon pursuing, not as an ally but as an associate, a policy quite distinctly differentiated from that of Paris and London. The United States, as a result, was the only power not inhibited, at the close of the war, from entering into some measure of understanding and accommodation with all the powers of Europe, allied, enemy and neutral.

¹*Ibid.*, 140, 145, 147.

²See Adams' presentation of his views in the Nootka Sound episode, in his *Works*, as cited, *sup.*, note 2, p. 452. Later, when Adams had become President, even he portrayed neutrality in a message to Congress on 16 May, 1797, in warmer and richer tones, as a policy of justice to all belligerents and co-operation with other neutrals, *Messages*, I, 233, esp. 238.

³*Messages*, (Richardson), I, 142-143, 144-145, 169.

V. FALSE INTERPRETATION OF NO-ALLIANCE POLICY

But the Adams school was soon able to attach their peculiar views to another item in American policy. As early as 1774 there had been persons who protested against any foreign connections for the United States.¹ After 1783 these doubters grew more skeptical still. The Congress gave evidence of much feeling of this sort.² Several utterances of Washington dating from 1788 to 1793 seemed to confirm their doctrine.³ In the end came the warning against "permanent alliances" on 1 March, 1797.⁴ Four years later Jefferson, leader of the other great party in the nation, proclaimed a policy of avoiding "entangling alliances."⁵ Thus was developed what has looked like a powerful case for the school of national isolation.

Here likewise the legend will not stand the test of scrutiny. Washington on 1 March, 1797, was propounding a policy of friendliness, not of remoteness, *of increased co-operation, not of national withdrawal*. He feared "partial" alliances precisely for their disruptive and divisive effect on international concord. He advised American abstention from European alliances not as a means of disentanglement for safety by flight but as a more effective method of promoting international solidarity. In summarizing his advice to America on this point, in his Farewell Address, he said (my italics): "Observe good faith and justice toward *all* nations. *Cultivate peace and harmony with all . . .* In the execution of such a plan nothing is more essential than that permanent inveterate *antipathies against particular nations* and passionate *attachments for others* should be excluded and that, in place of them, just and amicable feelings *toward all should be cultivated. . . .* "It is our true policy to steer clear of permanent alliances with *any portion* of the foreign world. . . .

¹Above, note 3, p. 451.

²Report of a Special Committee to the Congress, 12 June, 1783, in *Rev. Dipl. Corr.* (Wharton), VI, 481; Instructions to the Peace Commissioners from the Congress, 29 October, 1783, *ibid.*, 717.

³So in the letter to Lafayette already referred to: "unentangled in the crooked policies of Europe," above, note 1, p. 453; so to Jefferson, 1 January, 1788: "For our situation is such, as makes it not only unnecessary, but extremely imprudent, for us to take part in their quarrels," in *Works*, XI, 203, 204.

⁴*Messages*, (Richardson), I, 213, esp. 223.

⁵*Ibid.*, 321, esp. 323.

“ . . . We may safely trust to temporary alliances for extraordinary emergencies.

“Harmony, liberal intercourse with all nations, are recommended by policy, humanity and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences. . . .”

Thus Washington did not condemn alliances or participation in general international relations but fixity and partiality in the direction of American policy.

The two paragraphs most frequently quoted in representation of the isolation doctrine are the following (Washington's italics):

“The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

“Europe has a set of primary interests which to us have none or very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.”

OPPOSED ARTIFICIAL GROUPINGS

By the term “political” Washington was referring again to partial alliances of policy. The preference for commercial or other nonpolitical (judicial) forms of international co-operation manifested in later American foreign relations derives in part from this source, but in part from a desire to avoid action which would defeat the cause of international co-operation, as has already been pointed out. He is also making his conclusions depend, for their validity, upon the *de facto* absence of identity between European international questions and American concerns; by implication he would urge American intervention and participation where this condition was different, for in this case the probable war would be, to use a phrase of Jefferson's of later date “not her war, but ours.” Finally, it is really against “artificial” diplomatic groupings which

tend to disrupt *general* international co-operation that Washington protests.¹

This theory or policy was expressed to the British Foreign Office in admirable terms some 25 years later by the American minister in London: "Would not such a step [a proposed Anglo-American diplomatic action] wear the appearance of the United States implicating themselves in the political connections of Europe? Would it not be *acceding*, in this instance at least, to the *policy of one of its leading powers in opposition to the projects avowed by other powers?* This heretofore had been no part of the system of the United States. Their foreign policy had been essentially bottomed on the maxim of *keeping peace and harmony with all powers without offending any* [my italics]." ²

The conception was again vividly expressed by Mr. Roosevelt in a letter to the Kaiser in 1906 sent through Secretary Root and Ambassador Sternberg. In this letter the President said that he would gladly drop the whole question of Morocco and German and French rights there "in which our traditional abstention from the political affairs of Europe forbids the United States to *take sides*" [my italics].³

Still another expression of the same principle is found in President Wilson's demand of 1918 that there must be no special alliances within the general family of the League of Nations in his addresses of 4 July at Mount Vernon and of 27 September at New York City. The demand was made by Wilson—as by Washington—not out of antagonism or opposition to international organization but out of zeal for a greater measure of international co-operation. As he had put the matter in his address of 22 January, 1918, "I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry. . . . There is no entangling alliance in a concert of power. When all unite to act . . . with the same purpose all act in the common interest . . ."

¹The relevant parts of the Farewell Address are paragraphs 29-40, as given in the *Messages*, I, 221-223.

²Rush to Adams, 19 September, 1823, in Monroe, *Writings*, Hamilton ed., VI, 378-379.

³Root to Sternburg, 1906, in Bishop, J. B., *Theodore Roosevelt*, I, 493.

DECRIED ALLIANCE WITH SINGLE STATE

Likewise, Jefferson put forward his policy of "no entangling alliances" with the same purpose. Before 1790 Jefferson spoke of alliances with no animus against them as an institution; then there is a gap in his utterances on this subject for seven years; then follow several utterances in 1797, 1798, 1799 and, finally, in 1801, in which he denounces alliances as such.¹ What had happened in the interval? The French alliance had proved a delusion and a snare. Accordingly, Jefferson now inveighs against alliances as defective devices, harmful in international relations, and harmful precisely because they tend to attach single nations to each other to the exclusion of others and to the harm of the general concord of nations: "Better . . . haul off from Europe as soon as we can and from all attachments to *any portions* of it" (writer's italics). It ought to be noted, in this connection, that the term "none" in the formula of 1801 is usually employed by Jefferson in its normal sense, the singular number; he was opposing not relations with the European nations but alliances with any (one) of them. It should also be noted that Jefferson was less precise on this point than Washington and that, consequently, he did not remain very firm in this ideal but freely entertained the idea of alliances and ententes later.²

Finally, Jefferson, like Washington, feared especially the influence on domestic republican politics of such alliances with "favorite" nations as much as any results in the international relations of the nation; the significance of this on the scope of the policy will be evident at once. As in 1793 so in 1797 and 1801 the thought of Washington and Jefferson was not of national exclusiveness or seclusion but of increased and more fruitful national participation in international relations. The principle was: no per-

¹To Franklin, 13 August, 1777, in *Writings*, II, 132; to . . . ? . . . , 8 June, 1778; *ibid.*, 157; Memorandum on foreign policy, 1785, *ibid.*, IV, 130; Report on foreign policy, December, 1790; to G. Morris, 1790, *ibid.*, 224; Instructions to Carmichael, 1790, *ibid.*, V, 227. To Edward Rutledge, 1797, *ibid.*, 154; to John Taylor, 1798, *ibid.*, to T. Lomax, March, 1799, *ibid.*, 374; First Inaugural Address, 4 March, 1801, *Messages* (Richardson), I, 321. The formula "peace, commerce, and honest friendship with all nations, entangling alliances with none," was one item in a long enumeration (paragraph 4 of the Address as compiled by Richardson) of "the essential principles of our Government," as Jefferson saw them.

²To John Taylor, 1798, to Robert Livingston, April, 1802, in *Writings*, VIII, 145; to Monroe, 24 October, 1823, Monroe, *Writings*, Hamilton ed., VI, 391.

manent alliances to entangle us with one part of Europe to our exclusion from another part, but an active co-operation with all nations on a general basis of equality. There must be no private alliances within the general family of nations. Not because international connections are to be discouraged in general, but because partial alliances obstruct the development of the common organization.

VI. MONROE DOCTRINE FALSELY INTERPRETED

The crowning event in the enunciation of the policy of isolation, as things are usually represented, was the declaration of the Monroe doctrine. The declaration of 2 December, 1823, is commonly taken as the cornerstone of American foreign policy. Added to the earlier declarations regarding neutrality and political alliances, the pronouncement of President Monroe has been held to reverse all the diplomatic activity of the Revolutionary period and after, and to deprive subsequent activities for international co-operation of all significance.

The writer believes that such an interpretation is totally unsupported by the record. The use of the term "isolation" to describe either the policy of 1823 or the practice of American diplomacy before or since that time is sheer legend-mongering. It would be strange, indeed, to find America withdrawing from participation in international relations with European powers, and retiring to a position of isolation, only eight years after 1815 when she had stood forward so prominently for the development of arbitration, freer commercial exchange and so on. But we are not compelled to rely on general considerations such as these. The documents speak for themselves. They show that the action of 1823 constituted not a decreased but an increased participation in international politics, not a withdrawal from, but an intervention on the part of America in, the world system of the balance of power comparable in importance and quality only with the action of 6 April, 1917.

The causes bringing about this step may be briefly recalled.

A change had come over the character of the wars in Europe.¹ From 1789 to 1815 there had been no question of principle of any bearing on American interests involved, except, perhaps, at the very first, in 1789-95. There are frequent references to these wars as mere capricious and selfishly competitive quarrels, and as involving principles foreign to American interests, as expressed in the following paragraphs:

"Europe has a set of primary interests which to us have none or

¹As Monroe and Calhoun pointed out in a cabinet meeting on 21 November, 1823; John Quincy Adams, *Memoirs*, Adams ed., VI, 196.

a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns.

“ . . . Why . . . entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor or caprice?”¹

NEUTRALITY WHERE THERE WAS NO MORAL ISSUE

In these conflicts of dynasty and commercial rivalry the attitude of neutrality was ethically permissible and, being permissible, was good business policy. It is somewhat of a shock to realize the way in which Washington and Jefferson rejoiced over the prospect of profit for American business by our remaining neutral and selling supplies to needy belligerents. Thus Washington wrote to Jefferson on 1 January, 1788, that “whenever a contest happens among them [the powers of Europe] . . . we may be benefited [in trade] by their folly;” and to Lafayette, on 11 August, 1790, that it was our policy “to observe a strict neutrality and to furnish others with those good things of subsistence, which they may want.” Such a position could only escape from being the most degrading sort of camp-following, of making profit from others’ bloody sorrow on the assumption that there was no moral issue involved in the wars in question. There are further utterances betraying a similar feeling of superiority and commercial advantage in our peace policy in Jefferson’s message of 17 October, 1803.² Even as late as 1822 Monroe could still say, in his message of 3 December: “if a convulsion should take place in any of those countries it will proceed from causes which have no existence and are utterly unknown in these states,” thereby suggesting a continuation of the policy of neutrality.³

But Monroe went on to add to his words as quoted: “[In these states] in which there is but one order, that of the people, to whom the sovereignty exclusively belongs”;⁴ and these words bring to light a new element in the situation. The wars of the period fol-

¹Paragraphs 35 and 37 of Washington’s Farewell Address, in *Messages*, I, 222-223; Adams to Rush (“quarrels”), 28 July, 1823, Monroe, *Writings*, VI, 359.

²Letters of Washington in *Writings*, XI, 203, 496; Jefferson’s message in *Messages* I, 361.

³Message of 3 December, 1822, paragraph 32, in *Messages of the Presidents*, Richardson ed., II, 193, 194.

⁴*Ibid.*, 194.

lowing 1815 resulted from efforts on the part of the powers to put down active revolutions in southern Europe. Now these wars were comparatively irrelevant to America also, but they were so only because she, on the one hand, had achieved her independence already and because, on the other, she would not help in the work of oppression. Jefferson says, somewhere in his correspondence, that having become free ourselves, we shall certainly not help to prevent others from imitating our example. The departure which she might be led to make,—and it was in this direction that action was eventually taken,—was to assist the revolutionary movement, as she might have done in the years following 1789 if circumstances had been otherwise: that is, if the American internal situation had been more coherent, public opinion more united, and the nation more powerful at sea; if the French revolutionists had been more circumspect at home and abroad; and, especially, if the Federalists had not dominated the American political scene.

Hence Monroe could and did couple with these remarks on the American position warm hopes for the success of the revolutionary Greeks and of the revolting Spanish colonists:

“A strong hope was entertained that peace would ere this have been concluded between Spain and the independent governments south of the United States in this hemisphere. . . . We still cherish the hope that this result [peace with recognition] will not long be postponed.”

“The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is capable. . . . It was natural, therefore, that the reappearance of those people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.”

AIDING CAUSE OF LIBERTY

Indeed, not nearly enough attention has been devoted to this whole movement in American policy, which has been called the “American interest in popular government abroad” as a quali-

fication of our reputed policy of isolation.¹ Later, in June of 1823, Monroe wondered whether America could not take a bolder attitude toward the situation in Europe than we had in 1793, whether we could not "afford greater aid to that cause [of liberty] than we then did." In the action of 1823 the democratic forces were thus doing what they had failed to persuade the government to do in the early days of the popular movement in Europe.²

With this program in the back of his mind, and aware of at least the general direction of current Franco-Spanish policy, Monroe felt a ready sympathy with British proposals for a joint declaration in support of Spanish-American liberty when they came from the American minister Rush in the fall of the year. He felt that we ought to "meet the proposal of the British Government."³ Jefferson was of like mind, declaring: "I could honestly, therefore, join in the declaration proposed," and Madison agreed that "there ought not to be any backwardness . . . in meeting her in the way she had proposed."⁴ Here was a chance to develop an entente with increasingly liberal England in opposition to the Holy Alliance, the enemy of liberty and national independence. Here was an opportunity to influence the course of international politics for the cause of national liberty. Madison added, in his letter to Monroe: "Will it not be honorable to our country and possibly not altogether in vain to invite the British Government to extend the avowed disapprobation of the project against the Spanish Colonies to the enterprize of France against Spain herself; and even to join in some declaratory act in behalf of the Greeks?"⁵

Meanwhile, the British had come to the conclusion that it was necessary for them to act at once,—and alone, if necessary,—to protect their interests. In the beginning of October Canning "began by saying that our conversations . . . on the 26th of

¹Messages, II, 192, 193; E. B. Greene in *War Information Series*, No. 8, of the Committee on Public Information, Washington, September, 1917.

²Monroe to Jefferson, 2 June, 1823, *Writings*, VI, 309-310.

³The record of the proposal and ensuing negotiations is to be found in the documents published in Monroe's *Writings*, *loc. cit.* 345 *seq.* The original proposal is to be seen on 361-366. Madison's reaction is expressed in his letter to Jefferson under date of 17 October, *ibid.*, 324.

⁴Jefferson to Monroe, 24 October, *ibid.*, 91, 393; Madison to Monroe, 30 October *ibid.*, 394-395.

⁵*Ibid.*, 395.

September having led him to conclude that nothing could be accomplished between us . . . he had deemed it indispensable, as no more time was to be lost, that Great Britain should herself, without any concert with the United States, come to an explanation with France." Thus Great Britain, refusing to meet the American counter-demand for recognition of the South American states by Britain as a condition prior to any joint pronouncement on the question of intervention in those regions by the Holy Alliance, was the first party to modify the plan for a joint declaration.¹ In conferences beginning on 9 October, 1823, Canning notified France of the opposition of Great Britain in case the alliance should move against the former Spanish colonies.² The American Secretary of State, John Quincy Adams, had expressed a preference for separate declarations of policy in any case and the attitude and action of Great Britain in October now left no alternative, although up to the very last day of November Adams was still planning for this "glorious example of power, animated by justice." He declared that ". . . this Government is willing to move in concert with Great Britain."

QUESTION OF AUTHORSHIP

The decisive factors in bringing about a separate declaration were not, therefore, Adams' more or less pronounced preference for that mode of action but the cessation of British overtures and the occurrence of the opening of Congress. In his letter to Rush on 29 November (*only three days before the message was delivered*) Adams is still planning for a joint declaration with Britain and, in any case, his preference as declared was merely for separate overt actions based, as he indicates again to Rush in instructions

¹Rush to Adams, 26 November, 1823, *ibid.*, 401; 10 October, 1823, and 9 February, 1824, *ibid.*, 389 and 429.

²*Ibid.*, 402; a fairly full account of the Anglo-French conference is to be found in a Memorandum of Conference, printed in Monroe's *Writings*, VI, 413-419; this would appear to have been given to Rush by Canning on 13 December (see Canning to Rush, 13 December, *ibid.*, 413) and by the latter forwarded to Adams, although I find no record of the date of its receipt by Adams. Great Britain had already declared her unwillingness to participate in any effort to restore the Spanish colonies to the mother country (Instructions to Duke of Wellington, British representative in the Congress of Verona, 27 September, 1822, in *British and Foreign State Papers*, X, 4, 5); she now intimated that she would be opposed to such action by others. It seems possible that Monroe and Adams were cognizant of the instructions to Wellington, so far as they went.

dated 30 November, on a "confidential concert of opinions and operations." Thus Adams very probably regarded the action which was actually taken as, in some sort, co-operation with Britain; he counted on "the co-operation of Great Britain" in any case. The very slight amount of attention given by Adams in the *Memoirs* to the message upon its delivery and his neglect to mention Rush's dispatch of 26 November, telling of the Anglo-French conference of 9-12 October, when he received this dispatch, together with his preoccupation with the academic incident with the Russian minister suggest that he attached less importance to the doctrine itself and to the manner of its being declared than to his private plans. They certainly belie any picture of the action of 2 December as a dramatic and sharp triumph for Adams.¹

Similarly with the question of the "authorship" of the message of 1823. In spite of the narrowness of view which characterizes his treatment of the subject, Mr. Ford has clearly shown that Adams had a preponderant share in the *literary authorship* of the message. That he was a legitimate father to the policy in *spirit and purpose*, however, it is impossible to maintain in view of the contributions of Canning, Rush and the—to all New England Federalists distasteful—party of philosophical republicans of Jefferson's school. On the very day of its delivery he paid little attention to it, as has been seen. It was rather a nuisance to him in his own plans, and in the result it was the element contributed by Adams which later hardened and shriveled the doctrine from a generous and statesmanlike policy to a mean and shortsighted program of isolation and imperialism. Just so had another Adams reduced Washington's lofty concept of neutrality to a petty rule of "safety first."²

At all events, Monroe declared to the world on 2 December, 1823, that we should consider any attempt on the part of the allied powers to extend their system to any portion of this hemisphere as dangerous to our peace and safety.³ The American

¹Adams to Rush, 29 and 30 November, *ibid.*, 407, 410; *Memoirs*, VI, 203, 223, *seq.*, 244; *Writings*, VI, 401; *Memoirs*, 189 *seq.*

²"John Quincy Adams and the Monroe Doctrine," in *American Historical Review*, VII, 676 *seq.*, and VIII, 28 *seq.*

³The declaration is in *Messages*, II, 207, 220, esp. 209, 218. I have omitted mention of the anti-colonization theme in the message, not because it is not part of the doctrine, but because it was then, and is—to a greater extent—now subordinate to the anti-imperial theme.

nation thus took up a definite position in the most critical diplomatic situation of the day, in direct relations, respectively, of opposition to and co-operation with the powers of Europe. We had entered the lists, as we were destined to do again a century later, to make the world safe for the practice of political self-government in the face of threats of a military autocracy. An observer wrote from Buenos Aires: "The weight of our moral character as a nation in the scale of Europe is equal to armies in the field" and in 1826 Webster described the action thus: "That people [of the United States] saw, and they rejoiced to see, that on a fit occasion, our weight had been thrown into the right scale, and that, without departing from our duty, we had done something useful, and something effectual, for the cause of civil liberty."¹ This is not isolation, but intervention!

In order to substantiate this view of the declaration and bring out its full meaning reference will be made to several related facts.

IN EFFECT A JOINT DECLARATION

As first proposed the declaration was to be a joint diplomatic *démarche* by England and America, and as such was acceptable and welcomed by the President, his most sympathetic advisers, his Secretary of State and his minister to London. Rush had written Adams: "I had no hesitation in saying [to Canning] that, under their warrant [his general powers] I would (if Britain would recognize the independence of the former Spanish colonies) put forth with Great Britain the declaration to which he had invited me." In this connection it is well to remember that Rush was an especially careful and competent representative, not given to rash actions.²

In the event the effect was to "group" America and England clearly and in a spectacular position in the diplomatic scene; no French or Spanish observer had any illusions on that score. In effect it *was* a joint declaration. It might even be hazarded that Europe saw the significance of the declaration more clearly than did anyone in America except the group about the President. The French foreign minister suspected actual collusion between

¹Rodney to Monroe, Monroe, *Writings*, VI, 430; *ibid.*, 443.

²Above, note 1 p. 464; Rush to Adams 19 September, in Monroe, *Writings*, VI, 377, 386, esp. 382; Moore, *Principles*, 241.

Britain and America. Later Canning, in an effort to curb America in her Pan American leadership, destroyed this grouping.¹

In the second place, the American action has had the effect of maintaining and even creating relations on the part of America with Europe regarding the former Spanish colonies which would not otherwise be there. Instead of letting the colonies drop off into comparative obscurity with no comment made, here was a new fabric of relations between the old and new worlds to take the place of the otherwise vanishing tie of colonial dependence. Ever since 1823 the doctrine has constituted an added subject in American diplomatic relations to Europe, especially in the diplomacy of the United States. It has entailed active diplomatic intervention and the danger of war whenever it has had to be enforced. It constituted, in effect, a guaranty by the United States, *contra mundum*, of the territorial integrity and political independence of some twenty Latin American republics—not a step adroitly calculated to take the United States out of active international life! In its earlier days (1826) it was accordingly regarded in Congress as a dangerous liability which ought to be repudiated as likely to defeat the friendly policies of Washington and Jefferson.² It did not relieve us from, but involved us still more deeply in, international politics.

TO PROTECT REPUBLICAN INSTITUTIONS

Finally, the primary object of the Monroe doctrine was to protect American domestic republican institutions and related not at all to American foreign relations outside of that object. Apart from the emphasis on this idea in the message itself, Monroe reverted to it in his message to Congress a year later, on 7 December, 1824 (my italics): “The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incidental thereto, *especially in the very important one of instituting their own government*, has been declared. . . . It is impossible for the European Governments to interfere

¹For Spanish and French opinion see Robertson, “*Monroe Doctrine Abroad in 1823-24*,” in *American Political Science Review*, VI, 546-563, esp. 551 seq.; *ibid.*, 551 and 461-562.

²See the debates in the House of Representatives in connection with the Panama Congress in 1827, as quoted in McMaster, *History of the United States*, V, 454; the quotation is from the *Register of Debates in Congress*, Vol. II, Part 1, *passim*.

in their concerns, *especially in those alluded to . . .* without affecting us." The same conclusion has been strikingly set forth by a recent writer under the title *The Origin, Meaning, and International Force of the Monroe Doctrine*: "It was at this point of *distinction between the ideas of government* on the part of the monarchies of Europe and those that had sprung up in the midst of the new and independent nationality established upon this side of the ocean that the peoples of the two continents began to draw apart (my italics)." The author notes that along with this went an increase of international relations apart from the governmental connection.¹ Finally, Canning had described to Rush the character of the separation which they had all witnessed by the phrase: "So far as the tie of political dependence was concerned," and this is the meaning of Adams' expatiations on "right," "liberty," and "independence," also I take it.²

This object also lay back of the no-alliances program of 1797-1801 and determined its scope. Thus, in his message of 17 September, 1796, Washington said (my italics): "Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of *republican government*." Note that Washington went on: "But that jealousy to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it."³

NO BAR TO ACTIVE INTERCOURSE

According to this interpretation the declaration offered no bar to the most active relations between the new states and Europe, or between the United States and Europe so long as that primary object be safeguarded. Nothing shows this so clearly as does the willingness of the American Government to entertain the idea of an international conference on the subject of the former Spanish colonies provided those states be invited to attend and the con-

¹*Messages*, II, 260; Charlemagne Tower, in *American Journal of International Law*, XIV, 1-25.

²Rush to Adams, 19 August, 1823, Monroe, *Writings*, VI, 361-365, esp., 363; Adams to Anderson, 27 May, 1823, *ibid.*, 355, and draft of reply to the Russian minister, 27 November, 1823, in *Memoirs*, VI, 211.

³*Messages*, I, 222.

ference go upon their independence as a prior assumption. So with the invitation to join the Holy Alliance; the refusal was based on the difference between the internal domestic political principles of the United States and the Allies. The real object of the conference proposed in 1823 was clearly seen to be the "calming" of the former Spanish colonies and the restoration of the principles of authority—*Spanish* authority—in them. It was not the idea of international conference that was resented and which caused the United States—and Britain also—to refuse to attend, but that of Europe exercising "jurisdiction over communities now of right exempt from it," "unsolicited by the latter and against their will."¹

In this connection it should be recalled that the reciprocal pledge which Monroe gave was that the United States would keep out of the *domestic* affairs of European states. He declared: "Our policy in regard to Europe . . . remains the same, which is not to interfere in the internal concerns of any of its powers."² The whole problem in discussion was that of domestic self-government. And, in the result, there was created a numerous group of free republics in this hemisphere which were allowed to go forward to the development of the Pan American system of international cooperation, a thing which never could have come about if Latin America had become, like Africa, part of the European colonial world.

Again, if it be said that such a threat of intervention on the part of America promised more than we could actually perform in our naval weakness at that time the effect is directly to admit the intention of the declaration while denying the power to carry it out, which is not in question here. Just so had Washington and Jefferson desired naval power in 1796 and in 1800 for America to enable her to intervene in the European area. Washington desired a naval force to protect our trade in the Mediterranean. Jefferson had the same thing in mind and also action against the patrons of the Barbary pirates, in the West Indies; back in 1788 he had written Washington that "a maritime force was the only one by which

¹Adams to Rush, 30 November (!), 1823, in Monroe, *Writings*, VI, 409-413, esp. 412; Adams to Middleton, 5 July, 1820, *ibid.*, 349-350; Rush to Canning, 27 August, 1823, *ibid.*, 379-380, and Rush to Adams, 9 February, 1824, *ibid.*, 428.

²Message of 2 December, 1823, in *Messages*, II, 218-219.

we can act on Europe.”¹ Here also the effect of three thousand miles of water was not so much to keep Europe out of America as to keep America out of Europe; and it was these three thousand miles of water and not a policy of isolation that did keep America out of Europe.

INTERVENTION IN WORLD POLITICS

This interpretation of the character and purpose of the declaration of 1823 is confirmed by the utterances of various statesmen in Europe and America at the time. Later in December, Monroe wrote Jefferson concerning the general subject, and himself the author of the message and therefore best qualified to speak of its intention and purport, portrayed the message as an intervention by America in world politics in co-operation with Great Britain to preserve a wholesome basis for international relations in opposition to the imperialism of the Holy Alliance.² Lafayette praised the action as a blow to Bourbonism in the cause of liberty.³ Metternich bemoaned the calamity put upon the world by republican America.⁴ Reactionary publicists feared the United States as a new factor in the game of European politics.⁵ The doctrine maintained and extended the characteristic American program of participating fully in international politics to the extent necessary to its own interests. The action of 1823 depended largely upon the conviction that, though of interest to Europe and hence (by implication from the utterances of 1797 and 1801) not of interest to us by the provincial theory of European-American relations, this in fact was an American question as much as, and at the same time as, it was a European question. Had we not, indeed, acted as sponsors in attempting to have the South American states received into the family of nations? Canning had said to Rush that this question “was also, to the full, as much American as European”; he later told the French that he could not understand “how a European congress could discuss Spanish-American affairs with-

¹Message of Washington of 7 December, 1796, in *Messages*, I, 201; Jefferson, *Writings*, IV, 33-34, and letter of 4 December, 1788 in *ibid.*, V, 58.

²Monroe to Jefferson 4 December and (?) December, in *Writings*, VI, 342-345.

³To Monroe, (?) March, 1824, quoted in Monroe, *Writings*, VII, 14, note 1.

⁴Robertson, *op. cit.*, 560, quoting Public Record Office letter from Sir Henry Wellesley to Canning, 21 January, 1824.

⁵*Ibid.*, 563.

out calling to their councils a power so eminently interested in the result as the United States of America, Austria, Russia and Prussia being comparatively so much less concerned in the subject," and the Prince de Polignac apparently saw the point.¹

We were in 1823 intervening in world politics and doing our best to establish a basis of international relations more generous than that of the 18th century and more conducive to free and hearty international co-operation.

¹Rush to Canning, 23 August, 1823, in Monroe, *Writings*, VI, 366. So in the Message itself, in *Messages*, II, at 218; so Adams to Nelson, 22 (23?) April, 1823, in Monroe, *Writings*, VI, 351-352; to Rush, 30 November, 1823, *ibid.*, at 411; to Browne, 23 December, 1823, *ibid.*, at 422-423; memorandum of Conference as cited, *ibid.*, at 418.

VII. THEORY AND PRACTICE, 1825-1900

MISINTERPRETATION OCCURRED

So matters stood in 1825. From that date until recent times three conditions prevailed.

In the first place the misinterpretations of the policies of Washington and Jefferson and Monroe, which had appeared so early and had found such powerful advocates, came to be accepted as true statements of those policies. The negative aspects of those policies were treated as the essential parts thereof—or rather as the whole thing. This development was stimulated by the wave of Western democratic Americanism which set in with Jackson in 1828-29, and by the growing consciousness of national power which came with the expansion of the country and the increase in national wealth and power. But it was caused fundamentally by the fact—and this is the second of the three prevailing conditions of 1825-1900—that Europe let us alone. Europe was at peace from 1825 to 1850 and the wars of the next two decades did not develop into general conflagrations. If they had it may be conjectured that America could not and would not have stood out of them. And it is the critical periods in international relations which must be taken for testing American policy, not the quiet periods. Our foreign trade had not reached proportions sufficient to lead us actively into international affairs on that ground. It was quite natural that we should be inactive internationally. But this was due to external causes, not to a definite policy of abstention. Whenever the occasion arose for us to act, we acted and acted vigorously—as has been seen in the earlier parts of this paper. We even acted in some cases—all the while professing to be isolationists—in encouraging political movements abroad in a way which was far from reticent and reserved, and which was to be duplicated only by the propagandist activities of certain governments and parties in 1917-1919. It is probably true that the United States, even in this period, undertook more active steps in international relations *over and above those called for by the needs of the immediate defense of national interests*, more crusading *démarches*, than the average European state.

The third line of development to be noted in this period is the expansion of American trade and the natural expansion of inter-

national relations in general until by 1900 we were no longer being let alone and could not expect to be let alone in the future. Then came the need for more action in the field of diplomacy for the defense of particular national interests as occasion demanded, in addition, presumably, to the continued promotion of certain general aims to which we had been attached from the beginning. Then a curious thing happened. The doctrine of isolation which, though preached so vigorously during 1825-1900, had not prevented much actual diplomatic action in support of ultimate and general ideals, was now invoked to limit action in defense of immediate and particular interests. And in our day the doctrine, still built upon false interpretations of Washington's and Jefferson's and Monroe's declarations, and re-enforced by the continued repetition of those false interpretations for the past hundred years, has been invoked to prevent continued action of the former type.

EVENTS TOO STRONG FOR MYTH

Events have proven too strong for the myth, except in a few notable and important—on the whole the most important—cases. Just as in 1825-1900 our practice diverged from our proclamations, so since 1900 we have had increased evidences that the real American policy, as revealed by our actual practice in critical situations, is one of participation and co-operation, not isolation; is one of promoting freer and fuller international intercourse, not of seeking to have that intercourse restricted and reduced and pitched upon the plane of nationalistic competition, rather than international co-operation. One or two illustrations of this will suffice.

In the autumn of 1900, after the troops of the United States and the European powers had relieved the besieged legations in Peking, the United States stepped into the rôle of leader and declared that certain conferences must be held to clear up the situation.¹ The basis of discussion, we insisted,² must be Secretary Hay's note to the powers of 3 July which contained two

¹Adee to Conger, 22 August, 1900; Conger to Hay, 12 September, 1900; Rockhill to Hay, 1 October, 1900; President McKinley to the Emperor of China, 18 October, 1900; in *Foreign Relations*, 1900, 197, 200, 204, 295; other dispatches *passim*.

²Hill (acting Secretary of State) to Conger, 29 September, 1900; Hay to Conger, 19 October, 1900; *ibid.*, 204, 217.

principal doctrines for application in the Chinese situation, namely, concurrent international action, whatever the objects to be attained should be, and equality among the nations of commercial privilege in China.¹ We further insisted that, in discussing indemnities and punishment, the proposals put forward must commend themselves to all parties by their justice and moderation, and opposed proposals from certain quarters which were expressions of sheer vindictiveness and military passion and which aimed at exclusive national profit at the expense of China and the other powers. German and French representatives urged exemplary and extreme punishments for guilty Chinese officials and they desired to exact large punitive indemnities for each nation with the right to occupy Chinese territories until these indemnities should be paid; the United States, supported by Great Britain, opposed punishments which would create new passions among the nations by appearing to be excessive and unjust, and opposed the cutting up of China under any pretext.² In short, the American policy was one of conference, of co-operation and of general justice in opposition to the forces of exclusive national military action.

THE MOROCCAN INTERVENTION

In the Moroccan affair this policy was brought to bear even more forcibly. France, in 1904, attempted to strengthen her position in Morocco by agreements with Spain and Great Britain providing for French "assistance" to the sultan in matters of police and finance. Thereupon Germany espoused the Moroccan cause and seemed to threaten war on the Entente just when France was quite unprepared and Russia reeling from the effects of the war with Japan. It was in the following spring that William II paid his visit to Tangier and declared that he "had decided to do everything in his power to safeguard German interests in Morocco, considering the sultan as an absolutely independent sovereign."³ At this juncture President Roosevelt wrote to the Kaiser, as a private individual, ostensibly, but obviously expressing the idea at the bottom of American policy in all such cases, and "sug-

¹Hay to Herdiska, 3 July, 1900, *Foreign Relations*, 1900, 99.

²Dispatches, Conger to Hay, in *ibid.*, *passim*, especially at 237 *et seq.*

³Text in Tardieu, *La Conférence d'Algésiras*, Appendix, 479, 481.

gested that a conference of powers be held to discuss the Moroccan difficulty and to agree upon terms for a peaceful adjustment."¹ This plan was apparently accepted by the Kaiser and returned to the President, in the guise of a German proposal, by the German ambassador in Washington in a letter dated 5 April, 1905: "On April 5th he [Speck von Sternburg] wrote me again. This time he maintained . . . that he must insist upon a conference of the powers to settle the fate of Morocco."² The demand was simultaneously pressed upon Europe from Berlin. Roosevelt thereupon urged France most vigorously to "accept" the proposal as made by Germany. The French resisted this demand for a conference, now put forward by Germany, as requiring them to submit a national affair to international discussion. Apart entirely from the idea that Roosevelt had proposed the conference originally in defense of France it is hard to agree in principle to the opposition to conference on what was obviously a matter of some interest to the whole group of powers. France yielded, in the end, and agreed to a conference.³ When things appeared blocked because of disagreement upon a basis of discussion, he provided a formula acceptable to both France and Germany,⁴ the Kaiser meanwhile promising to defer to Roosevelt's opinion in any disputes arising with France in the course of the conference.⁵ Throughout the sessions, in January-April, 1906, the American representatives, present at the conference in virtue of our participation in the general international convention of 1880, regarding Morocco,⁶ lent all the weight of their comparatively independent and neutral influence to that proposal or set of proposals which seemed to promise a settlement most satisfactory to all parties. As matters stood that meant, in most cases, opposing the intransigent

¹Thayer, *Theodore Roosevelt*, 228. Roosevelt told Mr. Thayer of this action himself. There is no text of the letter available in any printed collection and Bishop makes no mention of it in his recently published work; indeed no one except Mr. Thayer seems to have any knowledge of this action.

²Roosevelt to American Ambassador in London, Whitelaw Reid, 28 April, 1906, in Bishop, I, 467-503, at 468.

³Tardieu, *op. cit.*, 65, note 2. For Roosevelt's own account of how he prevailed on France to accept the idea of a conference and Bishop's estimate of this action, see Bishop, *op. cit.*, at 467 and 477. Bishop has said that Roosevelt was here acting "at the insistent request of the Kaiser", *Scribner's Magazine*, April, 1920, 392.

⁴Roosevelt to Reid, in Bishop, *op. cit.*, 485.

⁵*Ibid.*, 487.

⁶Text in *Treaties* (Malloy), I, 1920.

demands of Berlin and Vienna. The French never recovered from their resentment at the proposal and promotion of the conference in the first place, however, and Tardieu explains the American action at Algeciras as due, not to any friendship for France but, on the contrary, to solicitude for the stability and justice of international relations in general.¹ The American plan was put forward when the conference appeared to be permanently deadlocked and was accepted by France and—after strong insistence from the President—by Germany. As Bishop has said, “the President drew up the terms of settlement which were adopted and . . . fairly compelled the Kaiser to give his unwilling assent to them.” On 10 July, 1905, the German Government tendered to Roosevelt its recognition and appreciation of what he had done “to bring about speedy and peaceful solution of the questions at issue.”² This solution may be summarized as opposing the French claim to exclusive control in Morocco on the basis of her agreements with England and Spain; the recognition by France and Spain of responsibility to the rest of the world for their behavior in Morocco through the acceptance of a mandate from the powers, involving a pledge of the open door and equal opportunity in the mandate territory, and of provisions for supervision, verification and inspection to check the execution of the mandate.³ Apart from the substance of the solution we aimed at settlement by peaceful conference rather than by war. As Secretary of State Root put it: “Our chief wish was to be of service in promoting a peaceful settlement of the controversy”;⁴ in a secondary way we promoted the doctrines of the open door.

RUSO-JAPANESE WAR MEDIATION

Finally, the President's part in the settlement of the Russo-Japanese war deserves notice. Roosevelt proposed a conference

¹Tardieu, *op. cit.*, especially 249 *et seq.*, 297-298, 335, 446. On the peculiar strategic value of the American position in the conference see *ibid.* at 63; Tardieu's opinion is at 461.

²Roosevelt to Reid, in Bishop, *op. cit.*, 490 *et seq.* Bishop in *Scribner's Magazine*, *ut cit.*; Tower to Adee, 10 July, 1905, in *Foreign Relations*, 1905, 668, 669.

³Root to Speck von Sternburg, 19 February, 1906, in Bishop, *Theodore Roosevelt and his Time*, I, 490; also summary on 496. This appears to be the origin of the institution of territorial mandates.

⁴Same to same, 17 March, 1906, in Bishop, *op. cit.*, 499.

to terminate the war as soon as it appeared to him that the interests of Japan and Russia and of the rest of the world demanded it.¹ This effort came to nothing. On Japanese invitation he resumed this task after the defeat of Rozhdestvensky's fleet.² He followed up the acceptance of Russia of the principle of a conference by making sure that the conference actually met, in spite of Russian obstructions.³ He compelled agreement in the conference on a formula of his own.⁴ The steps taken assisted Japan at the beginning by relieving her of the dangerous opportunity of continuing the war, but the Japanese demands in the conference at Portsmouth had, in turn, to be restrained by counsels of moderation. Roosevelt did not relish the task and undertook it out of a sense of duty to the general welfare.⁵ Peace seemed to be the primary object. But beneath the questions of relative national advantage or disadvantage, and beyond the idea of peace and potentially in conflict with it, lay the fundamental principle of all the actions just reviewed. That principle may be stated thus: International issues ought to be settled whenever possible by the method of conference and according to the standards of justice, not by military action in direct pursuit of exclusive national advantage irrespective of legal right or the consent of the world.⁶

It is not to be inferred that Roosevelt would always have favored the method of general conference for settling international disputes. In the Russo-Japanese case he was distinctly opposed to such a method of action, insisting on a Russo-Japanese conference pure and simple—with, perhaps, a few contributions from himself alone. He felt that the object of international adjustment could be better served, under the circumstances, by such a step, and, as was the case with the American policy toward the Danish Sound Dues conference, preferred the object to the form of international co-operation. That object was, as it has always been in American foreign policy, peace based upon justice achieved

¹Roosevelt to Taft, 25 April, 1905, *ibid.*, 380.

²Roosevelt to Lodge, 16 June, 1905, *ibid.*, 382.

³Same to Meyer, American ambassador in St. Petersburg, 16 June, 1905, and Meyer to same, 17 June, 1905, in Bishop, *op. cit.*, 390, 391.

⁴Roosevelt to Emperor William II and to the Mikado, 28 August, 1905, *ibid.*, 410.

⁵See correspondence quoted *ibid.*, *passim*.

⁶For Roosevelt's purpose in this action see his *Autobiography*, and a letter to Douglas Robinson of 31 August, 1905, in Bishop, *op. cit.*, 365, 143; also letters in an article on *Roosevelt, Peace-Maker*, in *Scribner's* for September, 1919, at 259 *et. seq.*

through mutual consent.¹ Now it can not be denied that the literary evidence in support of the tradition of isolation during the period 1825-1900 and even since that time is very strong. Similarly, it can not be denied that the literary evidences of the period previous to 1825 carry a superficial appearance of the same sort. Accordingly, if the reader turns back to the addresses and declarations of Washington, Jefferson and Monroe, or runs through the utterances of Polk, Cleveland, Olney and others in later years, he will immediately be struck with the apparent clearness and definiteness of the policy of isolation there stated. For one thing, we have been so schooled, and have grown so accustomed to the tradition, that the delicate psychological mechanism of critical reserve and analytical appreciation which should come into operation whenever we are confronted with diplomatic and political documents ceases to function at sight of the familiar formulas, and it does not, naturally, occur to us to re-examine the words to see whether they carry the meaning which is ascribed to them. Furthermore, for the period of 1825-1900 it is literally true that a policy of nonparticipation was proclaimed in so many words, time and time again. At the risk of some repetition the reply which should be made may be repeated: for the period 1825-1900 the declarations are empty words, mumbled over and over because of the force of habit and tradition and patriotic feeling, which are denied in the actual practice of American diplomacy and which are not needed to explain such inactivity as did exist; for the period before 1825 and the utterances of Washington, Jefferson and Monroe, a closer scrutiny will show that these statesmen did not say what they are reputed to have said, that the words usually quoted in support of the doctrine of nonparticipation must be read in combination with other words and phrases which qualify, and even reverse, their meaning as ordinarily represented, and that the speakers were deliberately preaching a policy the very opposite of that which their opponents succeeded in fastening upon their utterances and handing down to posterity as the teachings of the Fathers for the future guidance of the country.

¹Letters to Hay of 30 March and 2 April, 1905, in Bishop, *op. cit.*, 377-378.

VIII. THE LEGEND BELIED BY AMERICAN HISTORY

It may be useful to summarize the conclusions reached in this study. It is submitted: first, that America from the very beginning has made deliberate and elaborate and persistent and, on the whole, widely successful efforts to destroy certain obstacles in diplomatic method and commercial practice to the free development of the system of international intercourse; that, in the second place, she has not only attempted to eliminate certain mechanical and nationalistic obstacles and to substitute a régime of simplicity and equality in diplomacy and of freedom and equal treatment in commerce and navigation, but she has also led in the promotion of the organization and practice of arbitration and judicial settlement, and in the development of a system of co-operation among the American republics which is even now assuming still more promising forms of usefulness and significance. As against this record it is ineffective to urge the tradition of isolation built upon the utterances of Washington, Jefferson and Monroe. *For the policies of neutrality and of no-alliances were adopted specifically to prevent America from being isolated from the rest of the world,* by being grouped diplomatically with this, that or the other power. And Monroe's declaration was in effect a diplomatic co-operation with England, an intervention in the system of the balance of power strictly parallel to the action of 6 April, 1917. That declaration in no sense pledged us to remain out of international relations with Europe, Latin America, or the rest of the world, but has in fact been the chief single cause and principle of our participation in world politics ever since. And the attitude of the United States in the Boxer episode and the Moroccan affair may be accepted as characteristic of our policy in all our foreign relations.

There is one sense in which it is strictly accurate to say that the United States has not participated in general international relations and has professed her intention not to so participate. She has not desired to enter the international contest for colonies, protectorates and concessions, nor played the game of international power politics on a general footing with, and through the same methods employed by, the other nations of the world. Until very recently the United States had done none of these things and

she has made a few awkward steps in that direction recently only as the result of fundamental changes in her financial life, and through the incidental results of a war undertaken with other objects in view. And this policy of abstention was largely dictated by aversion to practices which made for international strife and conflict. As in the case of the policies of neutrality and no-alliances, we abstained from one form of international activity that we might more effectively co-operate in the general and beneficial forms of international life. We refrained from imperialistic competition in the interest of international accord. But to picture that policy as a program of isolation from the good as well as the bad is like saying of a man who refuses to touch poison ivy that he will have nothing to do with growing plants. What is more to the point, it is historically inaccurate. Whatever one wishes to believe about the past or would prefer to have America do in the future the record stands clear: the United States has never professed and practiced a policy of national isolation but has, on the contrary, professed and practiced a policy of international organization and co-operation to a degree not equaled by any other nation.

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