

Treaties for the Advancement of Peace

Concluded by the United States With Foreign Governments During the First Administration of President Wilson by William Jennings Bryan, Secretary of State of the United States

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In controversies between nations, a refusal to accept good offices or mediation at the hands of third parties, a rejection of a proposal to arbitrate, an unwillingness to employ judicial means in an appropriate case, indicate a readiness to proceed to extremes, and coupled with the demand on either side of a settlement within a short period, such as forty-eight hours, for example, can only be looked upon as a declaration of war to become effective at the expiration of the time limit. Therefore, any existing agency which prevents the final break is to be commended; any new agency which procures time for the parties and brings an enlightened public opinion from without to bear upon the issue is to be welcomed. * * *

Mr. Bryan's treaties for the advancement of peace, of which thirty were negotiated and signed by him as Secretary of State, twenty-nine advised and consented to by the senate, and twenty actually proclaimed by the President, aim to supplement, not to supplant existing agencies by bringing to discussion any and all outstanding differences, not adjusted by these or other agencies, in the belief that the immediate and therefore the ultimate danger of war would be averted through an agreement of the parties to refrain from hostilities pending investigation, for which a twelvemonth is allowed, by a careful discussion before a permanent commission of five members, in which each of the contending countries is represented by a citizen or subject of its own choice, created in advance of the dispute or existing at its outbreak. Such treaties would facilitate settlement by ascertaining the facts and suggesting the principle of solution, even although the report of the commission should not bind the parties or decide the controversy. * * *

CREATES PERMANENT COMMISSION

The great merit of Mr. Bryan's plan is that it creates a permanent commission of five persons which is in existence at the outbreak of the dispute, whatever its nature, to which it can be and must be submitted and that the commission thus composed has a twelvemonth within which carefully to consider the controversy in all its aspects, during which the disputants pledge themselves not to resort to hostilities. In addition to the legal questions and questions involving treaties and conventions, which the nations may have agreed to submit to arbitration, the questions reserved from the obligation to arbitrate are by Mr. Bryan's treaties brought before commissions where they are investigated, and the report drawn up by the commission is presented to the foreign offices of the contending countries for such action as their wisdom may dictate and an enlightened public opinion persuade. * * *

The Bryan peace plan, as it is called, which takes the commission of inquiry (provided by the First Hague Conference) as its point of departure, substitutes a permanent for a temporary commission, extends its jurisdiction from facts to all questions not otherwise provided for, retains as essential the purely advisory or voluntary character of the report and assigns to the commission the generous period of a year within which to complete its labors, during which time the nations pledge themselves not to go to war or resort to any act of hostility. Thirty states have done this, in thirty important documents, twenty of which have been proclaimed and actually are the supreme law of the land of the contracting parties.

Mr. Bryan was apparently not influenced in first instance by the action of the Hague Conference, but proceeded, and properly, from a procedure of private law which had proved so successful within its limited domain as to suggest and to justify its extension from the national to the international field. In the course of various interviews, Mr. Bryan explained to the undersigned, approximately as follows, the genesis and nature of his peace plan:

MR. BRYAN'S PEACE TREATY PLAN

The treaties providing for the investigation of ALL disputes had their origin in a plan similar in principle, Mr. Bryan says, which he advocated for several years as a means of dealing with labor disputes. He thought compulsory arbitra-

tion objectionable in this country, because it would be contrary to public sentiment to attempt to compel either party to the dispute to comply with an order which involved either carrying on business at a loss, or furnishing labor at a price or upon terms believed by the laboring men to be inequitable. Compulsory INVESTIGATION, however, was not open to the same objection, for the purpose of investigation is only to lay before the public the facts in the dispute and the disposition of the parties, relying upon the force of public opinion to secure an adjustment of the dispute after the facts are known.

Mr. Bryan's plan involved the following principles:

First, that it should be applied to ALL disputes of every kind and character.

Secondly, that the investigation should be made by a permanent board whose aid could be invoked by either side at any time, and invested with authority to investigate upon its own initiative.

Thirdly, that in order to assure fairness, the board should in each investigation add two members, one selected by each side, the temporary members to have equal authority with the permanent members during the investigation for which they were selected.

Fourthly, that each side should possess the right to act independently at the conclusion of the investigation and the presentation of the report, the recommendations of the commission enjoying only such force as their intrinsic merits gave them.

PLAN USED IN LABOR DISPUTES

During the Russian-Japanese war it occurred to Mr. Bryan that the plan proposed for labor disputes might with advantage be applied to international disputes, and in February, 1905, he suggested the plan in an editorial in his paper, *The Commoner*. This editorial was followed a few weeks later by another elaborating the same idea.

In the first editorial referred to, Mr. Bryan said in *The Commoner* for February 17, 1905:

"It is time for leading nations to join together in proffering their good offices for the settlement of the war in the east. There must be mediation some time, why not now? Russia cannot hope to retake Port Arthur in years, if at all, and Japan will find war more expensive and more hazardous the farther her army marches inland. There has been killing enough on both sides to satisfy that absurd sense of honor which requires bloodshed. There never was a time when the Christian nations were under a more imperative duty to throw their influence on the side of peace, and the United States can well afford to take the lead because our relations with both Russia and Japan are such as to relieve us of any suspicion of selfish interest. And when peace is restored our nation should take the initiative in promoting a system of arbitration so comprehensive THAT ALL DIFFERENCES WILL BE SUBMITTED TO THE ARBITRATION COURT, RESERVING TO EACH NATION THE RIGHT TO REFUSE TO ACCEPT THE FINDING IF IT BELIEVES THAT IT AFFECTS ITS HONOR OR INTEGRITY. Such a system would make war a remote possibility."

In the second editorial in *The Commoner* a week later, on February 24, 1905, Mr. Bryan said, after commenting upon the senate amendments to President Roosevelt's and Secretary Hay's treaties of arbitration:

"It is possible . . . to provide for the impartial investigation of any international dispute, leaving the final submission to arbitration to be a matter of treaty. The president might be authorized to enter into an agreement to submit ANY AND EVERY INTERNATIONAL DISPUTE TO THE HAGUE COURT FOR INVESTIGATION. When the court reports upon the facts and pre-

sents the real issue between the parties THEN THE PARTIES CAN DECIDE INTELLIGENTLY WHETHER IT INVOLVES A PROPER QUESTION FOR ARBITRATION OR AFFECTS THE INTEGRITY AND HONOR OF EITHER NATION. Such an investigation would, in most cases, remove misunderstanding and bring about a reconciliation, and public opinion would exert a powerful influence in harmonizing any differences which might be found to exist . . . If such a plan had been in operation the Russian-Japanese war might have been prevented. It is quite certain that a preliminary investigation by an impartial board would have prevented most of the international wars of the last century, and would be still more effective in the future."

TRIP AROUND THE WORLD

In September of 1905 Mr. Bryan left the United States for a trip around the world. The first nation visited was Japan and there, on the twentieth of October, he presented his project at a dinner tendered him at the Bankers' Club in Tokio. On this occasion Mr. Bryan proposed investigation before a declaration of war, and in his remarks in support of the proposal he said: "I believe the establishment of such a board, leaving to the nations the right of independent action afterwards, would do much to settle difficulties between nations,—indeed, it would do more than any system involving an agreement in advance to abide by the decision."

During the following June, while in Norway, he received and accepted an invitation to the meeting of the Interparliamentary Union to be held in London in July. The invitation came from Lord Weardale, then and now, one of the active and intelligent advocates of international peace, whom Mr. Bryan had met two years before in the United States. Upon reaching London, Mr. Bryan laid the proposed plan before Lord Weardale, who heartily and unreservedly endorsed it. It was then presented to Sir Henry Campbell-Bannerman, the British Premier, who also approved of it, and in his remarks at the opening of the Union, Sir Henry inserted a passage which was intended to serve as an introduction to the plan. In his famous address, delivered on July 25, 1906, known as the Duma speech because of its ending "the Duma is dead, long live the Duma", inasmuch as that body had just been dissolved. The Prime Minister said, in the passage referred to by Mr. Bryan:

"Gentlemen, I fervently trust that before long the principle of arbitration may win such confidence as to justify its extension to a wider field of international differences. We have already seen how questions arousing passion and excitement have attained a solution, not necessarily by means of arbitration in the strict sense of the word, but by referring them to such a tribunal as that which reported on the North Sea incident; and I would ask you whether it may not be worth while carefully to consider, before the next congress meets at The Hague, the various forms in which differences might be submitted, with a view to opening the door as wide as possible to every means which might in any degree contribute to moderate or compose such differences."

INVESTIGATION AS AN ALTERNATIVE

In the course of Mr. Bryan's remarks in behalf of investigation as an alternative to arbitration and as an amendment to the proposed treaty of arbitration drafted by the Union and adopted at this session he said, in justification of his own proposal and after quoting the above passage from the Premier's speech:

"This amendment is in harmony with this suggestion. The resolution is in the form of a postscript to the treaty, but like the postscripts of some letters, it contains a very vital subject—in fact, I am not sure but the postscript in this case is as important as the letter itself, for it deals with those questions which have defied arbitration. Certain questions affecting the honor or integrity of a nation are considered outside the jurisdiction of a court of arbitration, and these are the questions which have given trouble. Passion is not often aroused by questions that do not affect a nation's integrity or honor, but