

The Twenty Peace Treaties

Below will be found a letter, written by Secretary Bryan to Senator Stone, analyzing the twenty peace treaties recently laid before the senate. The readers of *The Commoner* will be interested, first, in the progress that the peace plan has made; second, in the fact that the treaties, while differing somewhat in detail, are alike in their main features. If an attempt had been made to secure absolute uniformity in all the treaties, no treaty would have been signed; but by making concessions in the matter of phraseology a great success has been achieved. The United States did not wait for all the nations to agree; it offered to deal separately with the several nations and to consider any changes of detail that they might desire, providing the main principles were retained.

The treaties provide for investigation in ALL cases not otherwise provided for; this closes the gap and leaves no cause for which war can be commenced before investigation. All the treaties provide for a year for investigation; they all provide that no hostilities shall commence until investigation has been made and the report prepared; and they all provide that the nations may act independently after the investigation. This reservation of independent action was necessary in order to make the investigations cover all questions:

A treaty has already been signed with Peru, but as it was signed at Lima it has not yet reached Washington. Seven other treaties are in sight; two of them, the treaty with Great Britain and the treaty with France, have already been agreed upon and they are to be signed the same day. The British treaty is being submitted to the colonies for ratification.

It is not necessary to tell the readers of *The Commoner* that Secretary Bryan finds a great deal of satisfaction in having had a part in the promotion of international peace.

LETTER TO SENATOR STONE

Honorable W. J. Stone, Chairman, Senate Committee on Foreign Relations, United States Senate, Washington, D. C.—My Dear Senator: In compliance with your request, I am sending you a comparison of the twenty treaties showing wherein they are identical and wherein they differ. The treaty with Salvador, signed August 7, 1913, is the first of this series, and the text of this treaty will be used as the basis for comparison.

The first clause of Article I of the Salvador treaty reads:

"The high contracting parties agree that all disputes between them, of every nature whatsoever, which diplomacy shall fail to adjust, shall be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article;"

This clause in the treaties with Guatemala, Panama, Honduras, Nicaragua and Persia is identical with Article I of the Salvador treaty, and in the treaties with Denmark, the United States of Venezuela, Norway, Argentine Republic and the Republic of Chile is substantially the same, the difference being merely in the use of other words of the same meaning.

The first clause of Article I of the Netherland's treaty reads:

"The high contracting parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent international commission, to be constituted in the manner prescribed in the next succeeding article;"

and this language is followed substantially in the treaties with Bolivia, the Portuguese Republic, Switzerland, Costa Rica, Dominican Republic (see first sentence in Article III), Italy, Uruguay, and Brazil—the treaty with the United States of Brazil limits to questions of an international character and this limitation is, of course, understood in the others. The exception in regard to arbitration to be found in the treaty with the Netherlands and in those that contain similar language is also understood. These treaties are intended to supplement other treaties, not to abrogate them.

The last clause of Article I of the Salvador

treaty will be found in all the treaties; where there is any change in the wording, the change does not affect the meaning. This clause embodies one of the essential principles of the plan, namely, that there shall be no declaration of war or commencement of hostilities until the investigation is concluded and the report prepared. The treaty with the Republic of Chile adds:

"Nor before all resources stipulated in this treaty have proved unsuccessful."

The first paragraph of Article II of the Salvador treaty reads:

"The international commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments. The expenses of the commission shall be paid by the two governments in equal proportion."

This method of selection is followed in all the other treaties, but in three treaties, namely those with Norway, the Argentine Republic, and the Republic of Chile, provision is made for the selection of the fifth member in case the two countries cannot agree. In the treaty with the Argentine Republic the fifth member, in case of disagreement between the two countries, is to be chosen by the president of the Swiss Federation. The treaty with Norway provides that in case of disagreement the fifth member shall be chosen according to Article 87 of The Hague convention of 1907. The treaty with the United States of Venezuela provides that the selection of the fifth member may be submitted to the other four.

The treaties with the Netherlands, Bolivia, the Portuguese Republic, Denmark, Switzerland, Costa Rica, the Dominican Republic, the United States of Venezuela, Italy, Norway, and the Argentine Republic provide that the fifth member of the commission shall not be a citizen of either of the contracting nations, and the treaties with the United States of Brazil and the Republic of Chile provide that the fifth member shall not be a citizen of any of the countries represented by the other four commissioners. The treaties with the United States of Brazil and the Republic of Chile provide that the fifth member shall preside.

All the treaties provide that the expense of the commission shall be borne equally by the two countries.

In the treaties with Bolivia, Switzerland, Costa Rica, the Dominican Republic, Italy and Uruguay it is provided that the commissioners are to receive compensation only when actually employed. While this is not stated in the other treaties, we may assume that the same is intended.

All the treaties provide that vacancies are to be filled in the same manner as the original appointments are made.

The treaties with Bolivia, Switzerland, Costa Rica, the Dominican Republic, Italy, Uruguay, the United States of Brazil, the Argentine Republic, and the Republic of Chile, provide that each party, before investigation begins, may withdraw any commissioner appointed by it and substitute another of its choice. These treaties provide that, before investigation begins, either party may withdraw its consent to the fifth member, in which case the parties are to agree upon a substitute. The treaties with the United States of Brazil, the Argentine Republic, and the Republic of Chile provide that the Swiss Confederation shall select the fifth member if, before investigation begins, one of the two parties withdraws its consent to the fifth member and the two countries cannot agree upon his successor.

Nine of the treaties provide that the commission shall be organized within four months after exchange of ratifications; seven of the treaties fix the time at six months and four provide that it shall be as soon as possible.

The treaty with Switzerland provides that the commission shall make its own rules. The treaties with Denmark and Norway provide that the Hague Convention (1907) rules shall govern the commission unless other rules are agreed upon by the parties.

The first paragraph of Article III of the Salvador treaty reads:

"In case the high contracting parties shall

have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the international commission for investigation and report. The international commission may, however, act upon its own initiative, and in such case it shall notify both governments and request their cooperation in the investigation."

This provision for action by the commission on its own initiative, as well as when action is requested by the parties, is contained in the treaties with Guatemala, Panama, Honduras, Nicaragua, the Netherlands, Bolivia, the Portuguese Republic, Denmark, Switzerland, Costa Rica, Dominican Republic, the United States of Venezuela, Norway, and Uruguay—in the treaties with Bolivia and Uruguay the action taken by the commission offering its services must be taken by unanimous agreement.

The treaties with Italy, the United States of Brazil, Argentine Republic, and the Republic of Chile provide for the invocation of the commission by one or both of the contracting parties, but do not authorize the commission to take the initiative.

The treaty with the United States of Venezuela provides that "The International Commission may, however, before taking diplomatic steps or in the course thereof, act upon its own initiative, and in such case it shall notify both governments and request their cooperation in the investigation."

That sentence, standing alone, might indicate an intention that the commission should offer its services BEFORE diplomatic efforts had failed, but when taken in connection with the preceding sentence—

"In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the international commission for investigation and report."—

it cannot be so construed.

In the treaties with the Netherlands, Bolivia, the Portuguese Republic, Switzerland, Costa Rica, Dominican Republic, the United States of Venezuela, Norway, Uruguay, the United States of Brazil, the Argentine Republic, and the Republic of Chile the parties agree to furnish the necessary documents and assist the commission. In the treaty with Italy the parties agree to furnish documents and afford all facilities provided they do not conflict with the laws or supreme interests of the state or damage the rights or interests of third states.

The second paragraph of Article III of the Salvador treaty reads:

"The report of the international commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government, and the third retained by the commission for its files."

All the other treaties likewise provide for a year's investigation, the report to be made at the end of that period, unless the time is extended by agreement. The treaty with the Republic of Chile allows six months more for renewed negotiations to bring about a settlement in view of the findings.

The third paragraph of Article III of the treaty with Salvador reads:

"The high contracting parties reserve the right to act independently on the subject-matter of the dispute after the report of the commission shall have been submitted"

All the other treaties contain the same or similar language, the reservation of the right to act independently AFTER investigation being necessary because the treaties cover ALL controversies not otherwise provided for.

Article IV of the Salvador treaty reads:

"Pending the investigation and report of the international commission, the high contracting parties agree not to increase their military or naval programs, unless danger from a third power should compel such increase, in which case the party feeling itself menaced shall confidentially communicate the fact in writing to the other contracting party, whereupon the latter shall also be released from its obligation to maintain its military and naval status quo."

The same provision is embodied in the treaties with Guatemala, Panama, Honduras, Nicaragua, and Persia, but this article is not found in any of the other treaties. This provision in regard to the military and naval program was suggested by this government on the theory that