THE SETTLEMENT OF INTERNATIONAL CONTROVERSIES BY PACIFIC MEANS

AN ADDRESS
BY THE
HONORABLE FRANK B. KELLOGG
SECRETARY OF STATE OF THE UNITED STATES

DELIVERED BEFORE THE
WORLD ALLIANCE FOR INTERNATIONAL FRIENDSHIP
AT NEW YORK CITY
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Mr. CHAIRMAN: In this period of great progress in cordial understanding between nations, I am pleased to accept your invitation to discuss the steps taken by the United States, in collaboration with other nations, to advance amicable relations, to remove the causes of war, and to pledge the nations solemnly to renounce war as an instrument of their national policy and adopt instead the principle of the settlement of all disputes by pacific means. No more fitting time could be chosen for this peace movement than the tenth anniversary of the signing of the Armistice which brought to a close the greatest war, the most appalling catastrophe of all the ages.

The best way to abolish war as a means of settling international disputes, is to extend the field of arbitration to cover all juridical questions, to negotiate treaties applying the principles of conciliation to all questions which do not come within the scope of arbitration, and to pledge all the nations of the world to condemn recourse to war, renounce it as an instrument of international policy, and declare themselves in favor of the settlement of all controversies by pacific means. Thus may the illegality of war be established in the world as a principle of international law.

There is one other means, which can be taken by governmental authorities and also by private organizations like yours throughout the world, and that is to inculcate into the minds of the people a peaceful attitude, teaching them that war is not only a barbarous means of settling disputes but one which has brought upon the world the greatest affliction, suffering, and disaster. If the people are minded that there shall be no war, there will not be. Arbitration is the machinery by which peace may be maintained. It can not function effectively unless there is back of it a popular will for peace.

I can not go into detail concerning all the steps which have been taken to extend the principles of arbitration and conciliation as a part of the machinery for the maintenance of peace. In a general way, I can say that when I came into office I found that on account of the war many of our arbitration treaties and treaties of amity and commerce had lapsed and that many of the boards of conciliation under the Bryan treaties had become incomplete or vacant through death or resignation. These boards have been filled and there are now in force 19 of the original Bryan treaties, among the signatories being included many of the principal nations of the world. We have
already negotiated five new treaties and are negotiating many more. We have negotiated with many countries a new arbitration treaty for the settlement of all juridical questions which is an advance over the old form of treaty. In Central and South America practically all of the countries have signed and ratified a general conciliation treaty, to which the United States is a party. Under this treaty, in the event of failure to settle a dispute by diplomatic means or arbitration, the signatory nations agree to submit it to boards of conciliation for examination and report and not to go to war for a reasonable time pending such examination. Furthermore, pursuant to a resolution of the Pan American Conference held in Habana in January and February 1928, the United States has called a conference on arbitration and conciliation of all the states parties to the Pan American Union to be held in Washington on December 10. Thus it will be seen that the United States and the nations of all Central and South America are taking steps to extend the principles of arbitration and conciliation.

I might, if I had the time, show you the progress of this principle in other nations. It is evident that there is a great forward movement all over the world and a growth of an enlightened sentiment for the settlement of international controversies by means other than the arbitrament of war. I might mention in this connection the Locarno treaties and many others negotiated in Europe as well as in Central and South America. Probably no part of the world has made such progress in arbitration as Central and South America, and certainly there is no part of the world where the sentiment for peace is stronger and, consequently, where there is less danger of the outbreak of war.

Arbitration and conciliation are appealing more and more to the imagination of the peoples of all nations. I deem this movement of surpassing importance in the advancement of world peace. When all nations come to the conclusion that their disputes can best be settled by diplomatic means and, when these fail, by arbitration or commissions of conciliation, the world will have made a great step forward. I realize that treaties of arbitration and conciliation have existed for many years and that in spite of them there occurred the greatest war of all history. But this should not be a cause of discouragement, because to-day world sentiment is stronger for such means of settling international disputes than ever before. I realize also that there are many political questions which can not be arbitrated, although they may be settled by conciliation. I know that national jealousies and ambitions and racial animosities often are the causes of war. These causes of conflict can be eliminated through education, through the development of tolerance, and through the creation of an effective desire for peace.

In addition to these means of insuring universal peace, I know of but one other step, and that is a treaty solemnly pledging all the nations of the earth to condemn recourse to war, to renounce it as an instrument of their national policy toward each other, and solemnly to declare that the settlement of international disputes, of whatever nature or of whatever origin they may be, shall never be sought except by pacific means. This leads me to the discussion of the multilateral antivar treaty lately signed in Paris.

As you know, the original suggestion of this movement came from Monsieur Briand, Minister of Foreign Affairs of France, in a proposition to the United States to enter into a bilateral treaty with France to abjure war as a means of settling disputes between them. The American Government believed that this grand conception should be extended to all the nations of the world so that its declaration might become a part of international law and the foundation stone for a temple of everlasting peace. I need not discuss the details of this negotiation, which lasted more than a year. All notes exchanged between the nations upon this subject were published from time to time as they were sent by the various powers. It seemed clear that no treaty of such world-wide importance, so affecting the peoples of all nations, marking so great a forward step, could be taken without the support not only of the statesmen but of the press and the people of the world themselves, and, as you know, the multilateral antivar treaty was negotiated in the blazing light of full publicity.

The announcement of the purpose to negotiate such a treaty was at first met by much skepticism, the expression of which soon ended because it was drowned in the voice of the people of all nations strongly supporting the movement. The consummation of the treaty was not the work of any single nation or of any individual. It is doubtful if such a treaty could have been negotiated between the ministers of the different governments in secret. I did not attempt it. Neither did Monsieur Briand. We could not have succeeded. And the reason for this is that the treaty is the expression of the hope of millions of people in the world to-day. It came from the visualized expression of the desolate battlefields, from ruined homes and broken men, and stirred the great beating heart of humanity. Is there any wonder that there should be in this modern and enlightened age a world-wide protest against the horrors of war? We are but 10 years removed from the greatest calamity of all time. No one can portray the desolation, death, or the misery and sorrow inflicted by that last conflict. As we look back over the ages on the gradual growth and advancement of our civilization, is there any wonder that the people are now demanding some guarantee for peace?

In the negotiation of this treaty I had the hearty cooperation of the statesmen of other countries, of President Coolidge, of statesmen
of all parties, and of publicists throughout the United States. It was not a political move. I consulted with Senators and Representatives and public men, the sanest and wisest of our time, and I can say without the slightest doubt that the treaty meets the matured judgment of the people of the United States.

It was an impressive sight when representatives of 15 nations gathered around the historic table in the French Foreign Office and solemnly pledged their governments before the world to renounce war as an instrumentality of their countries, agreeing to settle all international disputes by pacific means.

The treaty is a simple and plain declaration and agreement. It is not burdened with reservations and conditions stipulating when a nation might be justified in going to war. Such a treaty, if attempted, would fail because of the complexity of national aspirations and the wide difference of conditions. It contains but two articles, as follows:

**Article 1.** The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

**Article 2.** The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

There are some matters which have been the subject of press comment which I desire to discuss. I have been asked why we did not attempt to negotiate the treaty with all the nations of the world and make them original signatories. The reasons are these: It was my opinion that to attempt to negotiate a treaty with over 60 nations would entail so much discussion and so prolong the negotiations as to make it difficult, if not impossible, to sign a treaty and obtain its ratification within a reasonable time. Furthermore, if any one country failed to ratify, the treaty would not go into effect, thereby postponing the matter for an indefinite period. It seemed to me best to select four of the large nations of Europe, the seat of the last war, where there was perhaps more danger of conflict than anywhere else, and Japan in the Far East, and to negotiate with them a treaty which would be open to adhesion by all the nations of the world. I felt sure, after very careful consideration, that a treaty satisfactory to those powers would be readily accepted by the others. There were two additions to the six original powers involved in the negotiation, the British Dominions and India and the additional powers parties to the Locarno treaties. The British Government, for example, stated that the proposed treaty from its very nature was not one which concerned His Majesty's Government in Great Britain alone but was one in which they could not undertake to participate otherwise than jointly and simultaneously with the Governments in the Dominions and the Government of India, and suggested that the United States invite those Governments to become original signatories. This was done and the Dominions and India promptly and readily accepted the treaty and signed at the same time as the British Government.

In the course of the discussion, France raised the question of whether the proposed treaty would in any way conflict with the obligations of the Locarno treaties, the League of Nations, or other treaties guaranteeing neutrality. My reply was that I did not understand the League of Nations to impose any obligation to go to war; that the question must ultimately be decided by each country for itself; that if there was any similar obligation in the Locarno treaties, the United States would agree that all of the powers parties to the Locarno treaties should become original signatories of the present treaty. Belgium, Poland, and Czechoslovakia therefore were brought in as original parties because they were the only signatories to the Locarno treaties outside of the nations included in the negotiations of the antiwar treaty. The following countries were parties to the Locarno treaties: Great Britain, France, Belgium, Germany, Italy, Czechoslovakia, and Poland. The treaty contained a clause undertaking not to go to war, and if there was a flagrant violation by one of the high contracting parties, each of the other parties undertook immediately to come to the help of the party against whom such violation or breach was directed. It, therefore, was simply a matter of law that if any of the parties to the Locarno treaties went to war in violation of that treaty and were at the same time parties to the multilateral treaty, they would violate this treaty also; and that it was under no obligation to take any action unless they saw fit.

For these reasons the Locarno powers became original signatories, and all of the nations agreed that under these circumstances no modification of the present treaty was needed. It was my expectation that if the treaty was signed, it would be readily adhered to by many, if not all, of the other nations. My expectations have been more than fulfilled. Up to the present time 38 nations have either signed the treaty as original parties, or have adhered to it or have notified the Department of their intention to adhere to it. It is my belief that all the nations of the world will adhere to this treaty and make it one of the principles of their national policy. I believe that this is the first time in history when any treaty has received the approval of so many nations of the world.

There are no collateral reservations or amendments made to the treaty as finally agreed upon. During the negotiation of this treaty,
as in the case of other treaties, questions were raised by various governments and discussed, and in many of my notes I explained the legal effect or construction of the treaty. There is nothing in any of these notes, or in my speeches sent to the signatory powers during the negotiations, which is inconsistent with, or changes the meaning of, the treaty as finally signed. Finally the countries were satisfied that no modification of the treaty was necessary to meet their views.

To illustrate: The question was raised as to whether this treaty prevented a country from defending itself in the event of attack. It seemed to me incomprehensible that any nation should believe that a country should be deprived of its legitimate right of self-defense. No nation would sign a treaty expressly or clearly implying an obligation denying it the right to defend itself if attacked by any other country. I stated that this was a right inherent in every sovereign state and that it alone is competent to decide whether circumstances require resort to war in self-defense. If it has a good case, the world will applaud it and not condemn it, but a nation must answer to the tribunal of public opinion as to whether its claim of the right of self-defense is an adequate justification for it to go to war.

In the discussion of the treaty I noticed in one or two instances a criticism that by recognizing the right of self-defense, the treaty had been greatly weakened—that if a nation should go to war claiming that it was acting in self-defense, the mere claim must be accepted by the peoples of the world and that, therefore, the multilateral treaty does not change the present juridical position. I can not agree with this criticism. As I have already stated, a nation claiming to act in self-defense must justify itself before the bar of world opinion as well as before the signatories of the treaty. For that reason I declined to place in the treaty a definition of aggressor or of self-defense because I believed that no comprehensive legalistic definition could be framed in advance. Such an attempt would have led to endless difficulty. For years statesmen interested in preventing war have tried to frame definitions of aggressor and the right of self-defense in an attempt to prevent conflicts between states. They have failed to accomplish this object. Furthermore, technical definitions are easily evaded by a nation which desires to go to war for selfish purposes. It, therefore, seemed best simply to make a broad declaration against war. This would make it more difficult rather than less difficult for an aggressor nation to prove its innocence. If there is a narrow, legalistic treaty definition as to the meaning of self-defense or of aggression—and such a definition would be very difficult if not impossible to make in advance—the nation making war might well find justification through a technicality far easier than if it had to face a broad political examination by other signatories of a simple antiwar treaty in the light of world opinion. The mere claim of self-defense is not going to justify a nation before the world. Furthermore, I do not believe that any tribunal can be set up to decide this question infallibly. To attempt to negotiate a treaty establishing such a tribunal would meet with endless difficulties and the opposition of many nations. I am certain that the United States and many countries would never have become parties to a treaty submitting for determination to a tribunal the question of the right of self-defense; certainly not if the decision of the tribunal was to be followed by the application of sanctions or by military action to punish the offending state. I know there are men who believe in the lofty ideal of a world tribunal or super-state to decide when a nation has violated its agreement not to go to war, or by force to maintain peace and to punish the offender, but I do not believe that all the independent nations have yet arrived at the advanced stage of thought which will permit such a tribunal to be established. Shall we postpone world agreements not to go to war until some indefinite time when the peoples of the world will have come to the conclusion that they can make a sovereign state subservient to an international tribunal of this kind? Shall we take no step at all until we can accomplish in one single act an entire revolution in the independence of sovereign nations? I have the greatest hope that in the advancement of our civilization all peoples will be trained in the thought and come to the belief that nations in their relations with each other should be governed by principles of law and that the decisions of arbitrators or judicial tribunals and the efforts of conciliation commissions should be relied upon in the settlement of international disputes rather than war. But this stage of human development must come by education, by experience, through treaties of arbitration and conciliation and solemn agreements not to resort to war. How many centuries have passed in the upward struggle of the human race to substitute government and law for force and internal conflicts in the adjustment of the rights of citizens as between each other? Is it too much to hope for the ultimate realization of this grand idea in the adjustment of international as well as personal relations, as a part of the great movement of world advancement? The last war certainly gave an impetus, and it is for this reason that I believe the time has come for united world denunciation of war.

Another question which has been raised in connection with the treaty was as to whether, if any country violated the treaty, the other parties would be released from any obligation as to the belligerent state. I have no doubt whatever of the general principle of law governing this question and therefore declined to place in the treaty a reservation to that effect. Recognition of this principle was, how-
ever, included in the preamble, which recites that the parties to the treaty are "Deeply sensible of their solemn duty to promote the welfare of mankind; persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated; convinced that all changes in their relations with one another should be sought only by pacific means and be the result of peaceful and orderly process and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty."

What were the benefits to be furnished? An unconditional agreement not to go to war. This is the recognition of a general principle that if one nation violates the treaty, it is deprived of the benefits of this agreement and the other parties are therefore necessarily released from their obligations as to the belligerent state.

I have seen from time to time claims, on the one hand, that this treaty is weak because it does not provide the means for enforcing it either by military or other sanctions against the treaty-breaking state and, on the other hand, that through it the United States has become entangled in European affairs and, while under no express obligation, is under moral obligation to join other nations and enforce the treaty by military or other assistance. Neither of these positions is correct. I know that men will differ on the question of whether it is better to provide sanctions or military agreements to punish a violator of the treaty or military alliances to enforce it. But whatever the merits of this controversy may be, as I have already said, I do not believe the United States or many nations in the world would be willing to submit to any tribunal to decide the question of whether a nation has violated this treaty or irrevocably pledge themselves to military or other action to enforce it. My personal opinion is that such alliances have been futile in the past and will be in the future; that the carrying out of this treaty must rest on the solemn pledges and the honor of nations; that if by this treaty all the nations solemnly pronounce against war as an institution for settling international disputes, the world will have taken a forward step, created a public opinion, marshaled the great moral forces of the world for its observance, and entered into a sacred obligation which will make it far more difficult to plunge the world into another great conflict. In any event, it is not at all practical for the United States to enter into such an obligation.

It has also been said that the treaty entangles us in the affairs of Europe. I can not understand why such an argument should be made. It no more entangles us in the political affairs of foreign countries than any other treaties which we have made and if, through any such fear, the United States can not take any step toward the maintenance of world peace, it would be a sad commentary on our intelligence and patriotism. But, it is said, we are under moral obligations, though not under binding written obligations, to apply sanctions to punish a treaty-breaking state or to enforce its obligations. No one of the governments in any of the notes leading up to the signing of this treaty made any such claim, and there is not a word in the treaty or in the correspondence that intimates that there is such an obligation. I made it perfectly plain, whatever the other countries might think, that the United States could not join in any such undertaking. In the first speech I made on the subject, which was afterwards circulated to the nations, I said: "I can not state too emphatically that it (the United States) will not become a party to any agreement which directly or indirectly, expressly or by implication, is a military alliance. The United States can not oblige itself in advance to use its armed forces against any other nation of the world. It does not believe that the peace of the world or of Europe depends upon or can be assured by treaties of military alliance, the futility of which as guarantors is repeatedly demonstrated in the pages of history." I believe that for this same reason Great Britain and some of the other nations of Europe rejected the treaty of mutual assistance. Whether the Locarno treaties will be construed as agreements to apply sanctions, I can not say; but, whether they are or not, I do not believe that it is possible to enforce such a treaty. I know of no moral obligation to agree to apply sanctions or to punish a treaty-breaking state unless there is some promise to do so, and no one can claim that there is such a promise in this treaty. It is true that some of the press in Europe have indicated that the United States will never be under some moral obligation to do so, and these speculations have been echoed in the press of this country. But no government has made any such claim, and press speculations can certainly not be called a part of the treaty. There have been, of course, expressions of gratification on the part of European statesmen and journalists that the United States is again taking an interest in European affairs and is willing to aid in the furtherance and maintenance of peace. I, for one, believe the United States has always had a deep interest in the maintenance of peace all over the world. Why should not our Government and our people feel a deep interest in this question? In modern times no great war can occur without seriously affecting every nation. Of course the United States is anxious for the peace, prosperity, and happiness of the people of Europe as well as of the rest of the world. Because we did not approve of the Treaty of Versailles and the League of Nations in all respects, it has been assumed by some that we no longer take any interest in Europe and
world affairs. I, for one, do not accept this as a just estimate of our national character and vision.

By some this grand conception of a world pledge for peace is considered visionary and idealistic. I do not think that all the statesmen of Europe and of the world who have solemnly pledged their nations against the institution of war can be called visionary idealists. Idealists they are, of course. Idealists have led the world in all great accomplishments for the advancement of government, for the dissemination of learning, and for the development of the arts and sciences which have marked the progress of this great growing age. To-day probably more than at any time in recorded history, there is a longing for peace—that we may not again go through the horrors and devastation of a world war. I am sure that the people of this country are willing to try this last and greatest step, the solemn pledge of peoples and of nations. I can not believe that such a declaration, entered into, not in the frenzy of public excitement but in the cool deliberation of peoples, can fail to have a world-wide moral effect. I believe that this treaty is approved by almost unanimous sentiment in the United States and in the world. Such approval means advancement in the ideals of government and of civilization. Of course, I know there are some who criticize it either as an attempt to accomplish too much or too little. Against these men I have no complaint. I have always been pleased to have the treaty discussed in all its phases with the greatest freedom, and I am willing to submit it to the matured judgment of all the world.

I believe it is the bounden duty of the United States in every way possible, by its example, by treaties of arbitration and conciliation, and by solemn pledges against war, to do what it can to advance peace and thus to bring about realization of the highest civilization. When that time comes the maintenance of world peace will rest largely in your hands—you men and women here in the great audience before me, the many millions who, though absent, are following this meeting by means of the radio, and our brothers and sisters in the other countries of the world. France and the United States pointed out to other nations a hopeful pathway to world peace. The other nations have gladly joined France and the United States and have agreed to follow that path with us. Whether or not we reach our common goal depends not so much upon governments as upon the peoples from whom their power flows. I believe in the people. I have confidence in mankind, and I am happy that I have been privileged to participate in the conclusion of a treaty which should make it easier for men and women to realize their long cherished ideal of peace on earth.