CONSEQUENCES RESULTING FROM THE PARIS PACT.

Report submitted to the
XXVII. Universal Peace Congress,

by
Senator H. LaFontaine (Belgium).

"It is a good thing to proclaim peace. It is a big step forward. But peace must be organised. Judicial solutions must take the place of solutions based on force. That is the task for the immediate future."

Aristide Briand,
27th August 1928.

M. LaFontaine is of opinion that generally speaking the Paris Pact is considered as having chiefly moral import. It might be compared to a younger brother of the many pacifist recommendations and resolutions put forward for more than a century in the face of sarcasm on the part of those who alone would have had the power to translate them into facts.

The following generation, enlightened by the horrible catastrophe, the machinery for which had been developed by their predecessors, after ten years of experimenting finally adopted the Paris Pact, and so paid a tribute to those who had been both bold and farsighted.

M. LaFontaine goes on to say we should now try to find out what our immediate task is. Art. 1 of the Paris Pact condemns recourse to war for the solution of international controversies, and renounces it as an instrument of national policy for the High Contracting Parties in their relations with one another.

Is such a condemnation of war synonymous with a declaration that it is criminal? The League of Nations has on various occasions declared war to be criminal, and M. LaFontaine wonders whether a statement to that effect was left out of the Pact purposely. Further, would condemnation of war mean condemnation of those who advocate and glorify war? If war is criminal, those who are responsible for it must be punished. If the Pact had been the work of the League of Nations, condemning in war and declaring it criminal might have been synonymous. The fact that M. Briand took the initiative in the matter of the Pact and that all signatory States, except the United States, are States Members of the League, would seem to imply that the Pact definitely laid down that war was criminal. Further, Mr. Kellogg's adhesion to the Pact was largely due to American public opinion which favoured the outlawry of war, in other words, considered war criminal.

M. LaFontaine emphasises this point, because its acceptance would lay States and the League under an obligation to determine suitable sanctions. That implies an extension of the
principles at the basis of penal law in the various countries of the world to a series of acts which hitherto have been considered glorious, and which henceforth are to be considered as offences. Perhaps it was the great change that the proclamation of the criminality of war would entail that prevented the framers of the Paris Pact from using this expression?

Renunciation of war as an instrument of national policy in their relations with one another is not clear from the point of view of drafting. A text similar to that of Paragraph 3 of the Preamble might have been used where, for instance, the signatories declare that all changes in their relations with one another should be sought by pacific means and that every Power which shall try henceforth to develop its national interests by having recourse to war shall be deprived of the benefits of the present Treaty. The text is too vague. Who is in a position to judge as to what changes are desirable and what national interests are legitimate. Some pacific machinery procedure is necessary, and the weak spot in the Paris Pact is that no allusion is made to this, nor to the consequences of infringing Art. 1, except perhaps the reference to the offender being deprived of the benefits of the Treaty. But what benefits?

It will be seen from the above that sanctions should be clearly laid down, or that the U.S.A. and Russia should consent to the provisions of the Covenant of the League — in spite of their shortcomings — being applied if the Paris Pact is violated.

Apart from supplementary measures to give the above provisions force, universal disarmament is clearly a consequence. It is unthinkable that governments who have loyally signed the Paris Pact and registered their ratifications at Washington should continue to arm. If they did the nations would lose faith in the signatories of the Pact.

And what about the political conduct of those responsible heads of Governments who still tax the nations to finance war which they have repudiated and up to eighteen thousand million gold francs per year. That is an even greater sum than the degenerate emperors levied on civilised nations in order to wage the murderous and ruinous world war which altogether cost more than a billion gold francs. If those who now direct the destinies of their nations and who have experienced the horrors of the last war do not realise that after having condemned war, it is their duty to disarm, then their conduct testifies to an inconceivable lack of conscience. If the Paris Pact means anything, it means immediate and total disarmament.

Two further claims which are opposed to the spirit, if not to the letter of the Paris Pact should be considered. One is the right to legitimate defence. The right of an individual to defend himself cannot be compared to that of a national collectivity; for an individual such defence is sometimes his only hope of escape, while for a national collectivity or group such an attack rarely means destruction. The fact is that the right of legitimate
defence is generally used as a pretext in order to make aggressive war look like preventive war.

In a community which has renounced war, the various groups may not decide what action constitutes legitimate defence. The U.S. reservation is indefensible if the Paris Pact is to maintain its power of peace. Some body representing the community of nations should be competent to decide in the matter of legitimate defence, and to lay down the measures needed in order to stop the aggression. Isolated measures of defence or prevention by a nation should be considered as a violation of the Paris Pact.

Attempts have been made to bring the Monroe Doctrine into line with the argument just refuted by stating that any attack or threatened attack on communities whose fate is of interest to the U.S.A. would give the U.S.A. the right to defend such victim of aggression. Further the U.S.A. should decide when that privilege should be exercised. Great Britain immediately made similar conditions. Such claims are no more admissible than the claim of right to legitimate defence.

The second claim is that every ratifying State shall be free to decide in the case of aggression against a third State whether it shall intervene and whether it shall continue to have dealings with the aggressor State, and whether it shall refer to the doctrine of the freedom of the seas in order to evade investigation or penalties imposed by the victim of aggression or the other signatories of the Pact. Such arguments are contrary to the very spirit of the pact for the renunciation of war. Would an aggressor State be likely to obtain the help of a State which had also undertaken not to resort to war? The privilege of neutrality, of which the freedom of the seas is but the application, is not justifiable in a community of States which has undertaken to proscribe war. Adherence makes one a guardian of the universal order; after all, a policeman would not be allowed to furnish arms to a criminal so that he might commit his crime, nor would that policeman be allowed to decide whether he should protect the victim of the crime or not.

M. Lafontaine concludes by referring to one or two interesting consequences of national law.

For any nation which had decided to renounce recourse to armed force, declaration of war would be superfluous and wrong. Henceforth certain provisions of constitutional law dealing with this will have to be repealed. Provisions for compulsory amicable or judicial solution of all international disputes may become necessary. Such provisions have already been proposed by Germany; Brazil has already adopted such measures.

Anti-war propaganda, considered in some countries as constituting an infringement of the security of the State, should no longer be penal, and provisions penalising it should be repealed. On the other hand, all acts tending to incite to international hostility should be considered offences. Foreigners guilty of such misdemeanours should be liable to the same penalties, and the fact that they were foreigners should constitute an aggravation of the offence. All such offenders are inciting nations to violate the obligations not to resort to war which their governments have accepted.