

# THE NEXT STEP AFTER THE KELLOGG PACT.

"Every man and woman in every civilised country of the world must work without ceasing to bring the common conscience of mankind up to the level demanded by the obligations of that Treaty (the Kellogg Pact)."

—Mr. BALDWIN, at the Albert Hall, Oct. 27th, 1928.

## What the Pact says.

Everybody knows that by Clause 1 of the Kellogg Pact we renounce war as an instrument of national policy.

Clause 2 is less well known. It runs as follows:—

"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."

## What the Pact does not say.

Under the Pact, nations have not given a positive undertaking to *settle* all disputes. They have only undertaken not to settle disputes by war. Many disputes will remain unsettled.

Such an undertaking is not enough to produce security or confidence that justice will always be done between nations who disagree on any matter. There are three main reasons for this.

Firstly, there are apt to be disputes in which the stronger Power is afraid that a decision would be given against it. This creates a sore which grows until it becomes an open wound and most readily ends in war.

Secondly, there is suspicion of conciliation as long as some Powers are more powerful for war than others. Rightly or wrongly there is a fear that the decision will be more favourable to the stronger Power lest it should resort to war.

Thirdly, unsettled disputes delay disarmament, for Nations will be reluctant to give up any military and naval superiority they have while there is friction between them.

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### How can disputes be settled without War?

Efforts have been made for the last hundred years to find the best way of settling disputes, and the experience gained has proved that carefully prepared methods of impartial inquiry, and of what is called "conciliation" or attempts by independent Commissions consisting of men who are esteemed by both parties, can often help to find a compromise on which both can agree.

But when this fails in the last resort only one alternative to going to war has yet been found. This is to submit the dispute to arbitration or settlement by an impartial tribunal. The realisation of this truth has led a number of States in the last few years to conclude Arbitration Treaties with each other.

### THE NEW GENERAL ARBITRATION TREATY.

The belief in the value of Arbitration Treaties has grown steadily among the States in the League of Nations, and the Ninth Assembly of the League has approved a **General Act for the Pacific Settlement of International Disputes**, which is laid open for all States to sign.

As soon as two or more States accede to this Act it comes into force between them and will be known as a Convention or Treaty, open for accession by other States at any time.

This Act contains four parts: the first deals with Conciliation, the second with Judicial Settlement, the third with Arbitration, and the fourth with General Provisions.

It is specially framed to be applicable to States such as the U.S.A., which are not members of the League of Nations, as well as to those which are.

It provides that disputes in which States are in conflict as to their rights, sometimes called "legal" (or "justiciable") disputes, shall, if either side demands it, be referred to the Permanent Court of International Justice, in the same way as if the States concerned had signed the "Optional Clause" in the

Statute of the Court. All other disputes must be submitted first to a Conciliation Commission. If this fails, either party may bring the dispute before an Arbitral Tribunal.

### Reservations.

States may, if they wish, sign part only of this Act. They may accept only the parts referring to Conciliation and to Judicial Settlement, or only the former. If they do this they are bound, as far as the part they signed is concerned, to follow its provisions in disputes with other countries which have signed either the whole Act or the same part of it. They may also make reservations.

A list is given in the Act of the kind of reservations that may be made. These include any particular dispute or any kind of dispute whatsoever, provided that it is clearly defined beforehand. It is obvious that this might result in the Treaty being signed and yet being at the same time stultified. The League accepted this provision with reluctance; its danger is somewhat reduced by the further provision that reservations can be withdrawn at any moment by a simple declaration, and that the scope of the reservations made is to be subject to decision by the Permanent Court.

### Model Bilateral Treaties and the attitude of the British Government.

To meet the criticism of the British delegate, who said that his Government preferred to make separate treaties with different States, the Assembly presented, alongside the General Act, alternatives in the form of "model treaties," suitable for use between two States.

A number of States have concluded such bilateral treaties with each other and they have proved a very useful beginning to the adoption of pacific methods of settlement. The extension of this system as a means of bringing all States into the obligation to accept peaceful methods of settlement with each other would involve an enormous number of treaties, and great complications would follow from the different models accepted. A strong desire was expressed by many States at the Assembly,

and especially by those which have tried this method, to move faster and to adopt the General Act. These States emphasised the fact that a League Convention has a great influence on public opinion, which grows as one State after another signs it.

**The signing by Great Britain of the General Act for the Pacific Settlement of International Disputes, as a whole and without reservations,** would produce a tremendous driving power for the growth of justice and equity in the relations between States, the only basis on which a real security can be built.

**The refusal to sign** will do harm because it will rouse suspicion. It will seem to other countries to prove that in the last resort Great Britain will, in certain kinds of disputes, if she cannot make the Council of the League do what she wishes, rely upon the use or the threat of force.

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If we want peace, let us use this instrument for peace that the League of Nations has just put into our hands. Let us show the Government that we are prepared for the consequences of renouncing war. Let us therefore ask our Government **to sign without reservation the General Act for the Pacific Settlement of International Disputes.**

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