

THE EFFECT OF MR. BRYAN'S PEACE TREATIES UPON THE RELATIONS OF
THE UNITED STATES WITH THE NATIONS AT WAR

From time to time the effect of Mr. Bryan's so-called peace treaties upon the relations of the United States with the nations at war has been discussed. Approximately identical treaties have been made with France, Great Britain and Russia. No treaties have been made with the other parties to the great war. It is evident, therefore, that the relations of the United States with this latter group of countries are unaffected by Mr. Bryan's treaties.

With the three European allied Powers, however, the effect is very marked, and their observance by the contracting parties should prevent war over any disputes that might arise out of this war between the United States and any one or all of the allied Powers.

Each treaty provides for the formation of an international commission of inquiry, to which disputes not otherwise settled shall be referred. The commission is allowed a period of one year within which to consider and report upon the questions submitted to it, and during this time no act of force may be used by one contracting Power against the other. That is to say, the failure of diplomacy to adjust a difference between two of the contracting countries is not to result in war until at least a year after the dispute has arisen. It is likely, however, that diplomatic negotiations would extend over some time before the matter was referred to the commission, so that more than a year would elapse before either party would be free to resort to war. Within this period the countries would have cooled off, so that there would be very little danger of war.

It is true that the commission does not decide the case; it merely reports upon it, leaving the countries free to accept or reject it as they please. In ordinary conditions the report would be tantamount to a settlement.

The commission in each case is to be composed of five members, and each of the contracting parties is to appoint two members. In the French and the British treaty only one of these shall be a national, the other a stranger to the dispute. In the Russian treaty, however, each government may appoint two of its nationals. Provision is made in the British treaty for the substitution of a member from the colonies affected by the dispute.

In the British and Russian treaties the fifth member is to be chosen

by the governments by common accord, with the understanding that he shall not be a national of either country. In the French treaty the fifth member, likewise to be a stranger, is to be selected by the two governments, but if they cannot agree, he is to be chosen in accordance with the provisions of Article 45 of the Hague Convention of 1907.

The portions of the treaties dealing with these three phases are quoted without further comment, as their meaning and effect seem to be sufficiently clear.

The treaty with France (signed September 15, 1914; ratifications exchanged January 22, 1915; proclaimed by the President of the United States January 23, 1915):¹

Article 1. Any disputes arising between the Government of the United States of America and the Government of the French Republic, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to arbitration, be submitted for investigation and report to a permanent international commission constituted in the manner prescribed in the following article.

The high contracting parties agree not to resort, with respect to each other, to any act of force during the investigation to be made by the commission and before its report is handed in.

Article 5. * * * The work of the commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the high contracting parties should agree to set a different period.

The treaty with Great Britain (signed September 15, 1914; ratifications exchanged November 10, 1914; proclaimed by the President of the United States November 11, 1914):²

Article 1. The high contracting parties agree that all disputes between them, of every nature whatsoever, other than disputes the settlement of which is provided for and in fact achieved under existing agreements between the high contracting parties, 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 they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Article 3. * * * 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 limit or extend the time by mutual agreement.

The treaty with Russia (signed September 18, 1914; ratifications ex-

¹ U. S. Treaty Series, No. 609.

² *Ibid.*, No. 602.

changed March 22, 1915; proclaimed by the President of the United States March 25, 1915):³

Article 1. Any differences arising between the Government of the United States of America and the Imperial Government of Russia, of whatever nature they may be, shall, when diplomatic proceedings have failed, be submitted for examination and report to a permanent international commission constituted in the manner prescribed in the following article; likewise the high contracting parties agree not to resort, with respect to each other, to any acts of force during the examination to be made by the commission and before its report is handed in.

Article 3. * * * The work of the commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the high contracting parties should agree to set a different period.

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IN MEMORIAM—PASQUALE FIORE

The distinguished Italian publicist, Pasquale Fiore, honorary member of the American Society of International Law, died at Naples, December 17, 1914. He was born at Terlizzi, in the Province of Bari, on April 8, 1837, so that, at the time of his death, he was by the calendar seventy-seven years of age; but by his faculties he was a man in the full possession of his powers, and his presence and manner were those of a very much younger man.

As a very young man he acquired a reputation, which he held and increased in his maturer years, and it is no exaggeration to say that he is the one Italian publicist whose works have been accepted as authoritative in the world at large, and whose views have been quoted outside of his country as representing the Italian school.

Three years ago Mr. Fiore attended the meeting of the American Society of International Law in April, 1912, and delivered an address entitled "Some Considerations on the Past, Present and Future of International Law" (Proceedings 1912, pp. 15-36.)

At the time of his death he was senator of the Kingdom of Italy, member of the council on diplomatic affairs and of the Institute of International Law, in the proceedings of which distinguished body of publicists he took an active part, and professor of international law in the University of Naples from 1880.

In nominating him for honorary membership in the American Society of International Law, to which he was elected on April 25, 1914, the

³ U. S. Treaty Series, No. 616.