DIPLOMATIC MACHINERY IN THE PACIFIC AREA

BY

QUINCY WRIGHT

Professor of International Law, University of Chicago

Prepared for the Sixth Conference of the Institute of Pacific Relations, held at Yosemite Park, California, August 15th to 29th, 1936

Secretariat Papers No. 2A

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TARIAT, INSTITUTE OF PACIFIC RELATIONS

CATIONS OFFICE, 129 EAST FIFTY-SECOND STREET, NEW YORK

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SIB - ID : 0010-32041960
ITEM - ID : 02090769g5
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FOREWORD

THE FOLLOWING analysis of the diplomatic and other international machinery available to the countries of the Pacific area for the peaceful adjustment of disputes and conflicts has been prepared at the request of the Secretariat of the Institute of Pacific Relations for the use of members attending the Sixth Conference of the Institute to be held at Yosemite Park, California in August 1936. The fifth, and in many respects the most important, topic for discussion at the Conference will be "The Changing Balance of Forces in the Pacific and Possibilities of Peaceful Adjustment", a subject which necessarily involves an examination of the diplomatic machinery already available, of the way in which it has actually worked when put to the test, and of possible new instruments or modifications that may be needed as the result of changing political developments. This last question is essentially one for discussion at the Conference, but for the first two the Secretariat recommends this careful and concise analysis. Professor Wright's work extends and brings up to date an earlier paper prepared by Mr. Stephen Heald of the Royal Institute of International Affairs for the fourth Conference of the Institute of Pacific Relations held at Shanghai in 1931.

Although this document is issued under the auspices of the Secretariat and recommended by it for careful study by all Institute members, it should be understood that the author alone is responsible for statements of fact and opinion contained in it.

New York,
July, 1936

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DIPLOMATIC MACHINERY IN THE PACIFIC AREA

I. INTRODUCTION

BY DIPLOMATIC machinery is understood procedures and institutions for dealing with problems in the relations of independent states. These problems may arise from a desire of several states to achieve a common end, or they may arise from a diversity in the ends of two or more states leading to a conflict requiring solution. Thus machinery may be designed to facilitate cooperation or to solve controversies. It is not diplomatic machinery, however, unless its activity is confined to dealing with the relations of independent states. Cooperation or conflict may develop in the relations of individuals, corporations or associations acting within the territory of different states, and procedures and institutions may be created to deal with such problems, but such machinery is outside the scope of this inquiry. Such problems may, of course, be taken up by states officially in which case their handling is by diplomatic machinery. Such machinery may deal with any interests whatever—political, commercial, social or cultural,—but only when the interest has been officially espoused by the state.

The Pacific states to which this study is to be confined, are difficult to determine precisely.[1] Two independent Asiatic nations, China and Japan, and a quasi-independent nation—the Philippine Islands,—have their only seaboards on the Pacific Ocean. Nine other past or potential nations (Korea, Manchukuo, Indo-China, Sarawak, Hawaii, Samoa, Fiji, Tonga, Tahiti), would also be in this category, but at present they are not generally recognized as independent states. Siam and the Dutch Indies, the first a sovereign and the second a potential nation of oriental culture, front on both the Pacific and the Indian Oceans. Outside of these four independent and quasi-independent states, which may be regarded as most definitely within the Pacific region, are five nations (the Union of Soviet Socialist Republics, the United States, Canada, Australia, and New Zealand) of western culture, but with

[1] See Table I.

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homelands fronting on the Pacific as well as on some other ocean. The U.S.S.R. is perhaps as much an oriental as an occidental state. We would, thus, have a group of nine states and dominions with an unquestionable Far Eastern interest. In a circle outside of this are certain nations of Asiatic culture, not fronting the Pacific, but neighbors of Pacific countries, especially India. Such potential or quasi-nations as Mongolia, Tibet, Nepal, Bhutan and Burma would also come in this class. Four nations, with homelands remote from the Pacific but with colonial possessions in that area (Great Britain, France, the Netherlands and Portugal) could also be regarded as having Far Eastern interests, making a total of fourteen states and dominions with territorial interests in the Far East.

In addition, seven European states have manifested considerable interest in Far Eastern affairs. Spain and Germany at one time had extensive possessions in this area; Italy and Belgium had such extensive economic and concessionary interests that they were invited to participate in the Washington Conference; Norway, Sweden and Denmark adhered to the Washington Nine-Power Treaty. There would thus be grounds for considering 21 independent or quasi-independent nations as interested in the Far Eastern region, but at least 14 of these have their major interest in other parts of the world. Outside of this group of 21 there are a number of states which have some interest in the Far East. If we regard the 67 states parties to or invited to become parties to the Kellogg Pact as constituting the present independent states of the world, there are 5 Near Eastern states (Persia, Afghanistan, Saudi-Arabia, Iraq and Turkey) with an Asiatic culture and grouped by some with the Far Eastern nations as an Asiatic bloc. There are four Latin-American countries (Salvador, Ecuador, Peru and Chili) which front only on the Pacific Ocean, although their relations with the Asiatic-Pacific states have not been intensive. In addition, seven Latin-American countries have their homelands on the Pacific as well as on the Caribbean (Mexico, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, and Colombia). The remainder of the states of the world, 18 in Europe, 9 in America, and 4 in Africa, have more remote relations with the Pacific.

The problem of instituting a regional Pacific group of an official character has been discussed at several meetings of the

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Institute of Pacific Relations, but the opinion has dominated "that peace is a world problem, and that any proposal like this (the Takaki-Yokota proposal) which tended to decentralize the peace machinery of the world and further to prejudice the authority of the League of Nations was to be discouraged."[2] It was pointed out that in recent Latin-American disputes the Pan-American organizations have stood aside in favor of the League of Nations, and that such regional groupings as the Locarno powers were subordinate to the League. It was, however, thought that the powers fronting particular areas, such as Manchuria, which have been the scene of strife might make agreements among themselves similar to the Locarno agreements subordinate to a world organization such as the League of Nations. It was also thought that certain problems, such as access to raw materials and markets in the Pacific area might be fruitfully discussed by those powers especially interested. Such special conferences might even apply to powers interested in particular political questions. Such limited groupings might make possible desirable modifications of the legal and political *status quo* although there would be some danger in such arrangement unless under the close supervision of the universal organization.

All in all, it seems clear that the Pacific has become such a focus of world interest that there is at present no possibility of an official organization of the powers with interests only or mainly in that area. The Pan-American organization does not present a parallel situation because the interests of a substantial number of the independent American states are mainly confined to the American continents, and the interests of outside states in that area have come to be secondary.

With these facts in mind, it has been decided somewhat arbitrarily to include 14 states and dominions with territories in the Northern Pacific area as Pacific Powers. Ten of these 14 have national groups members of the Institute of Pacific Relations.

2*Problems of the Pacific*, 1933, p. 13. See also *Ibid.*, 1929, p. 241 and J. W. Pickersgill, "International Machinery for the Maintenance of Peace in the Pacific Area," *Canadian Papers, Yosemite Conference*, 1936, vol. i, pp. 48-50; N. A. M. MacKenzie, "Canada and the Changing Balance of Power in the Pacific," *Ibid.*, p. 73. For somewhat different views, see *Problems of the Pacific*, 1925, p. 136 (H. Duncan Hall); 1927, p. 165 (R. L. Wilbur); 1929, p. 240, (G. L. Blakeslee).

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Australia (and mandated territory of New Guinea)
Canada
China
Great Britain (Straits Settlements, Hongkong and Pacific Islands, Settlement at Shanghai, Concessions at Tientsin, Yingchow (Newchwang), Hangchow, Shameen, leased territory at Kowloon)
Japan (Mandated territory of North Pacific Islands, Concessions in Tientsin, Soochow, Hangkow, Chun-King, Shasi, and leased territory in Liao-tung peninsula)
Netherlands (and Netherlands-India)
New Zealand (and mandated territory of Western Samoa)
Philippine Islands
Union of Socialist Soviet Republics
United States of America (Hawaii, Guam, American Samoa, and settlement in Shanghai)

Observers from two other of these states have often attended meetings of the Institute of Pacific Relations.

France (Indo-China and the Pacific Islands, settlement in Shanghai, concessions at Tientsin and Shameen, leased territory at Kwang-Chow-Wan)
India

The remaining two states have territory in the Far East although individuals or groups from neither seem to have manifested much interest in the Institute of Pacific Relations.

Siam
Portugal (Macao)

At one meeting of the Institute of Pacific Relations (1929) there was an observer from Mexico, which together with several other Latin American countries fronts the Pacific. Mexico and Bolivia became parties to the Washington Nine-Power Treaty. But these states have not had extensive trans-Pacific interests. Belgium and Italy were represented in the Washington Conference and became parties to the Nine-Power Treaty. Both at the time had concessions in China, but Belgium has subsequently restored to China her concession in Tientsin, and though Italy retains her concession in that city, her interest in Far Eastern affairs has not apparently been great. In addition to the nine Washington Conference powers, the list of Pacific powers here adopted includes the British Pacific Dominions and India, represented at Washington by Great Britain; the Philippine Islands, which have acquired Commonwealth status since that time; and Siam.

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This list corresponds with that adopted in the memorandum by Max White upon the present subject in 1929, with the subtraction of Belgium and the addition of India, the Philippine Islands, and Siam. It is the same as that adopted in the memorandum by Stephen A. Heald in 1931, with the subtraction of Italy and the addition of India and the Philippine Islands. The variation in these lists indicates the vagueness of the conception "Pacific Powers."[3]

II. HISTORICAL BACKGROUND

The contemporary world's diplomatic machinery is an outgrowth of the system of European-Christian states given form during the 16th and 17th centuries in the writings of Victoria, Gentilis, Grotius, Crucé, Sully and others on International Law and Organization. These men provided a unified theory for the growing practice of territorial sovereignty, permanent diplomatic missions, recognition of rules of international law and of the balance of power which had actually been developing since the 15th Century. These writers saw that the maintenance of this system would require further organization in the way of international conferences and international arbitration although these practices were not as yet developed.

This system spread to the Christian but non-European nations of the American hemisphere from 1780 to 1840 and in the next half century it spread to the non-Christian and non-European nations of the orient. Even more recently, a few African nations, Ethiopia, Liberia, and Egypt have been admitted to the family of nations, thus making the original family of European-Christian nations a practically world-wide family of nations whose members have the widest variety of cultural background.

In view of the late date at which the oriental nations were admitted to the family of nations and the lack of firm rooting in their own traditions of the salient principles of this system, it is not surprising that they have found some difficulty in accommodating their behavior to the processes of world diplomatic machinery.[4] It is true that in theory the rules and procedures of this machinery are based on the common consent of

[3]See Table II.
[4]See statement of a Japanese member, *Problems of the Pacific*, 1927, p. 167 and 1929, p. 235.

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all nations, the oriental no less than the occidental, but in fact the system is the outgrowth of European culture and in many respects is alien to the natural tendencies of oriental thought, particularly in the emphasis it places upon the arbitration or findings of disinterested third parties controlled by general principles, as evidence of justice. The oriental tends rather to envisage justice as a compromise negotiated by the interested parties.[5]

The difficulties of adjustment become apparent if one considers the history of the admission of Far Eastern nations to this system. Three periods can be distinguished. The first, before 1842, was one in which the two systems were officially isolated. While European trade and missionary activity were penetrating to the Far East, while an occasional diplomatic mission was sent by Western countries to China or Japan and while Russia even made a Treaty (1689) with China during this period, there was no regular official intercourse. The Japanese, in fact, after deep draughts of western trade and religion in the late 16th and early 17th centuries, responded by prohibiting such intercourse entirely and living as a hermit nation for two centuries.

The next period may be said to have opened with 1842, the date of the first British treaty with China, although even earlier (in 1833) the United States had made a treaty with Siam. The Treaty of Nanking, however, marked the beginning of regular official relations of the leading occidental trading powers with China and in a little over ten years this was followed by the inauguration of similar relations by these powers with Japan. This period, which ended with the Chino-Japanese war of 1895, might be called the diplomatic period, in which, although regular diplomatic relations were established between Occidental and Far Eastern nations, yet these relations were based not on general principles of international law, but on treaties which gave the Western nations privileges in the Far East which they did not accord to each other. The period was thus characterized by the tendency of the Western nations to act in concert in Far Eastern affairs.

The final period has witnessed the practically complete admission of the leading Far Eastern nations to the European

[5]See Lin Yu Tang, *My Country and My People*, New York, 1935; pp. 81, 196, and 203.

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system on equal terms. During this period, it is true, several Far Eastern nations which had originally been recognized as independent (such as Korea, Hawaii, Samoa, Tonga, Annam) have ceased to exist through annexation by one of the more powerful Eastern or Western nations. But those that remained were relieved of the burden of extraterritoriality, although it still lingers in China, and were admitted to participation on equal terms in the conferences and organizations of the world system. China, Japan and Siam all participated in the Hague Conferences of 1899 and 1907. They were all belligerents in the World War, and original members of the League of Nations. Japan, after her victories over China in 1895 and over Russia, ten years later, was recognized as one of the great powers of the world.

The period was characterized by the evolution of a balance of power in the Far East itself, particularly in the relations of Japan, Russia, and China; the entry of the various Occidental nations in the different sides of this balance; and consequently a reduction of the tendency of the Occidental nations to unite in any crisis concerning a particular Oriental nation. In one matter, however, that of immigration, discrimination of the Occident against the Orient still existed, especially in the United States and the British dominions. The representatives of these countries were influential in preventing a declaration respecting racial equality, proposed by Japan, from being inserted in the League of Nations Covenant in 1919. But, by 1930, it appeared that formal discriminations on this subject as well as on the extraterritoriality which remained in China, were presently to go, and that the Oriental nations would be fully equal participants in a world system of international law and organization.

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III. FORMAL PARTICIPATION IN DIPLOMATIC MACHINERY BY PACIFIC POWERS [6]

Present day diplomatic machinery is organized on a bilateral, regional or universal basis. Machinery for cooperation is no less important than machinery for dealing with conflicts, and it exists among the Pacific powers in all three of these types. The diplomatic system provides for bilateral cooperation. The Washington conference provided for regional cooperation as well as for the solution of certain regional controversies. The League of Nations, the International Labor Organization and numerous international unions provide for cooperation on a world scale on such topics as postal and electrical communication, labor standards, control of opium, narcotic drugs, slavery, the slave trade, the white slave trade, epidemiological and statistical information, the protection of industrial and literary property. Most of the Pacific Powers are members of most of these unions and have participated in many of the conventions produced by them.[7]

The importance of developing cooperative machinery of all these types has been frequently recognized in the Institute of Pacific Relations.[8] A regional Pacific organization is doubtless better adapted for such activity than for dealing with disputes or conflicts.

Cooperation, however, is not possible in an atmosphere of distrust and violence. Thus primary attention is here given to diplomatic machinery for dealing with the various phases of the problem of conflict—prevention of violence, pacific and just settlement of controversies, continuous adaptation of law to new conditions.

1. Bilateral Machinery

Since the first Hague peace conference in 1899 and especially since the inauguration of the League of Nations in 1920, the European and American states have made a very large number of bilateral arbitration and conciliation treaties. These

[6]For earlier memoranda on this subject see H. Duncan Hall, *Analysis of the Existing Machinery for Settling International Disputes in the Pacific*, 1925; Max R. White, "Chart of Treaty Provisions for Peaceful Settlement Among the Pacific States," *Problems of the Pacific*, 1929, p. 602; Stephen A. Heald, *Draft Syllabus for the Study of Diplomatic Machinery of the Pacific*, 1931.

[7]See Table III.

[8]*Problems of the Pacific*, 1925, p. 136; 1927, p. 171; 1929, p. 224; 1933, p. 13.

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have tended to grow not only in numbers but in the comprehensiveness of the obligation to submit disputes to pacific settlement. The United States now has arbitration treaties with 34 nations and conciliation treaties with 40 nations, and most of the European countries have an almost equal number of such treaties, the obligations in general being more far-reaching than with the American type of treaties. China, Japan and Siam have made very few such treaties. Japan has only two arbitration treaties, one with the Netherlands and one with Switzerland. China has conciliation and arbitration treaties with the United States and arbitration treaties with Brazil and the Netherlands. Siam has recent arbitration treaties with Great Britain and the Netherlands, and old arbitration treaties with Austria, Hungary, Belgium, Italy, Sweden, and Norway.

Examination of the appended tables[9] indicates that treaties of this type among the Pacific powers fall far short of creating a comprehensive network among them. There are 26 arbitration and 25 conciliation commitments out of a possible 91, or 80 subtracting Dominion relations *inter se*. Among these countries there exist also very few bilateral non-aggression and mutual assistance treaties of the type which have become common in Europe since the War, and the few which exist, participated in by France, Great Britain, the United States, and the Soviet Union, are not generaly concerned with relations in the Pacific area. There are a larger number of non-aggression agreements of the type found in the Bryan treaties and Article 2 of the Pact of Paris, providing for a delay of war or no resort to non-pacific means.

Submissions to arbitration, or judicial settlement have also been relatively infrequent by the Far Eastern countries. In the list of international arbitrations from 1794 to 1904 prepared by W. E. Darby[10] it appears that China had during that period been involved in 8 such arbitrations, Japan in 3, and Siam in 5; whereas the United States appears in the list 96 times, Russia 42 times, Great Britain 160 times, France 106 times, the Netherlands 15, Portugal 26, Spain 22, Germany 38, Italy 23 and Belgium 7, Norway 5, Sweden 1 and Denmark 9. Doubtless the relatively small number of participations by the Far Eastern

[9]Tables IV and V.
[10]*International Tribunals*, London, 1904.

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powers is due to their relative unimportance in world commerce during much of this period. The Far Eastern powers have, however, submitted a relatively small number of disputes to arbitration or judicial settlement since the War. Japan has been involved in 5 such cases, China in 1, and Siam in 1, compared with 19 for the United States, 26 for Great Britain, 27 for France, and 36 for Germany. The smaller European powers, however, have seldom been involved in more than 2 or 3 such cases. Of a total of 127 disputes submitted to judicial settlement or arbitration since the War, only 2 involved problems of the Pacific area,[11] and of 39 disputes formally considered by the League of Nations, only 1 has been a Pacific problem.[12]

2. Regional Machinery

The treaties which might be considered as establishing regional diplomatic machinery for the Far East, include the three Washington treaties and the supplementary London Naval Treaty.

A. The so-called *Four-Power Treaty* concerning insular possessions in the Pacific, made at Washington in 1921, includes Japan, United States, France, Great Britain, India, New Zealand, Australia, and Canada as parties. It may be terminated on twelve-months notice.

The parties agree to respect each others rights in relations to insular possessions and insular dominions in the Pacific Ocean, and in the event of "a controversy arising out of any Pacific question involving these said rights," which cannot be settled satisfactorily by diplomacy and "is likely to affect the harmonious accord" existing between them, the parties "shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment." (Article I).

Furthermore, "if the said rights are threatened by the aggressive action of any other power, the H.C.P. shall communicate with one another fully and frankly in order to arrive at an understanding on the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." (Article II).

An accompanying declaration provides that the controversies covered in Article I, "shall not be taken to embrace questions which according to the principles of International Law lie exclusively within the domestic jurisdiction of the respective powers." A supplementary treaty defines more precisely the term "insular possessions" and "insular dominions."

B. The so-called *Five-Power Naval Limitation Treaty* of Washington includes the parties to the Four-Power Treaty and in addition Italy. It

[11]United States-Netherlands, Palmas Island, 1928; Belgium-China, extra-territoriality treaty, 1929; eventually settled out of court.

[12]China-Japan, Manchuria, 1931.

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provides naval ratios, size and total tonnage of capital ships and aircraft carriers, and for maintenance of the military and naval *status quo* in the Pacific Islands. The London Treaty of 1930 extends similar provisions to cruisers and other types of vessels. Only the United States, Great Britain, and Japan ratified this treaty. Both of these treaties, with the exception of Part 4 of the London Treaty dealing with methods of submarine warfare, will come to an end on December 31st, 1936, the Washington Treaty because of its denunciation by Japan on December 29th, 1934,[13] and the London Treaty because of the failure of the Powers to agree upon its continuance in the conference of 1935.[14] A much more restricted naval limitation treaty was signed at the London Conference on March 25, 1936, by the United States, France, Great Britain, and the British Dominions. It was ratified by the United States on May 28, 1936, but Japan definitely refused to become a party. Thus, the treaty can scarcely be said to affect naval relations in the Pacific.

C. The so-called *Nine-Power Treaty* concerning principles and policies in relation to China, is participated in by ten states and dominions, parties to the *Five-Power Treaty*, and in addition China, the Netherlands, Portugal, Belgium, Norway, Sweden, and Denmark, Mexico and Bolivia, a total of 19 states and dominions, including all of the 14 Pacific Powers except Siam and the U.S.S.R.

The treaty has no provisions for termination, but in a letter to Senator Borah on February 23, 1932, Secretary of State Stimson said that all of the Washington Conference Treaties "were interrelated and interdependent. No one of these treaties can be disregarded without disturbing the general understanding and equilibrium which were intended to be accomplished and effected by the group of Agreements arrived at in their entirety." This statement might suggest that in view of the pending termination of the Washington Armaments Treaty, the Nine-Power Treaty would also fall, but apparently such was not Secretary Stimson's intention, for he wrote, after noting the violation of the Nine-Power Treaty in the Manchurian and Shanghai episodes, "the signers of the Nine-Power Treaty and the Kellogg-Briand Pact which are not parties to that conflict are not likely to see any reason for modifying the terms of that treaty."

Under this treaty the parties other than China agree "1. To respect the sovereignty, the independence and the territorial and administrative integrity of China; 2, to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government; 3, to use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China; 4, to refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly states, and from countenancing action inimical to the security of such states." (Article I).

[13] Article 23, *United States Treaty Information Bulletin*, December, 1934, No. 63, pp. 4 ff.
[14] Article 23.

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To carry out the principles set forth in this article, the parties undertake not to enter into any treaty or agreement which would infringe or impair these principles (Article II); to apply the Open Door policy of equal opportunity for all by not supporting attempts by their nationals to secure special privileges, monopolies, or preferences in respect of the economic or commercial development of China (Article III); not to support agreements designed to create spheres of influence (Article IV); China, on the one hand, and the Contracting Parties on the other, agree not to exercise or permit unfair discrimination throughout the railway system (Article V); the powers on the one hand, agree to respect the neutrality of China in any war in which she is not involved and China, on the other, agrees to observe neutrality (Article VI); furthermore,

"The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present treaty, and renders desirable discussion of such application, there should be full and frank communication between the contracting powers concerned." (Article VII).

The adherence of other parties not among the original signatories but having treaty relations with China, is invited (Article VIII), and several states have taken advantage of this.

These treaties can hardly be said to constitute a regional Pacific grouping. Even the most comprehensive excludes Siam and the Soviet Union, both with clear Far Eastern interests, and all of them include some states whose Far Eastern interests are less evident.

The Diplomatic Corps at Peking with its subsidiary consular bodies in Shanghai and elsewhere might be considered a Far Eastern regional organization, but it represents in fact most of the Western powers.

The same is true of the *Far Eastern Conferences* dealing with the problem of opium smoking in 1925 and 1931.

At the meeting of the Institute of Pacific Relations in 1933, Messrs. Takaki and Yokota of the Japanese group suggested a *Regional Pacific Pact* to include six states, the United States, China, France, Great Britain, Japan, and the Soviet Union. In the round table at which this was discussed, it was suggested that the Netherlands, Canada, Australia, and New Zealand should also be included. It is to be observed that as originally proposed, this so-called regional pact would resemble a concert of the great powers of the world with China added and Germany and Italy omitted.

The Institute of Pacific Relations itself, although wholly unofficial, attempts to include in its membership national groups from the states with regional interests in the Pacific.

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At the present, its membership consists of such groups from China, Japan, New Zealand, Australia, Canada, the United States, the U.S.S.R., Great Britain, and the Netherlands in respect to the Dutch East Indies. In addition the Philippine Islands constitute a group. Hawaii and Korea have in certain of the conferences had some autonomy. French observers were present at the conferences of 1929 and 1933, and a Mexican observer in the conference of 1929. A newly-constituted French group is to apply for full membership at the 1936 conference.

3. General Machinery

The general treaties providing diplomatic machinery fall into three groups, which may be distinguished as the Hague, the Geneva and the American systems.

(i) *The Hague System.* The first group contains certain of the Hague Conventions of 1899 and 1907, which though less used since the war than formerly, are still in force among a large number of states and have been utilized in some cases since the war.

A. *The I, Hague Convention of* 1907 for the Pacific Settlement of International Disputes or the I, Hague Convention of 1899 on the same subject, is in force between 44 states. All of the Pacific powers, except the British Empire and the Dominions, are parties to the 1907 convention. The British countries are parties to the 1899 convention. It is not certain that the ratification by Russia of this convention binds the U.S.S.R. The ratification by the United States includes the Philippines.

This convention sets forth procedures of mediation, inquiry and arbitration in some detail and establishes the Permanent Court of International Arbitration at the Hague. This is, in reality, only a panel of names and a procedure for selecting a tribunal *ad-hoc* in case the parties desire after a dispute has arisen. The principal engagements are as follows:

Pacific Settlement—"to use their best effort to insure the pacific settlement of international differences." (Article I).

Good Offices and Mediation—"in case of serious disagreement or dispute, before an appeal to arms . . . to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers." (Article II).

"Expedient and desirable that one or more powers, strangers to the dispute, should on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the states at variance." A right to do so exists "even during the course of hostilities" and "the exercise of this right can never be regarded by either of the parties as an unfriendly act." (Article III).

Inquiry—"In disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact" it is deemed "expedient and desirable" . . . "so far as circumstances

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allow" to "institute an international commission of inquiry, to facilitate a solution of the dispute by elucidating the facts." (Article IX).

Arbitration—"Desirable in disputes about questions of a legal nature, and especially in the interpretation or application of international conventions" to "have recourse to arbitration insofar as circumstances permit." (Article XXXVIII).

B. *The II, Hague Convention of 1907*, respecting the limitation of the employment of force for the recovery of contract debts is in force between 20 states, including all the Pacific Powers except Siam, subject to the observations made above about the relations of the U.S.S..R to Russia.

The parties agree "not to have recourse to armed force for the recovery of contract debts claimed from the government of one country by the government of another as being due to its nationals," unless "the debtor state refuses or neglects to reply to an offer of arbitration, or after accepting the offer, prevents any *compromis* from being agreed on, or after the arbitration, fails to submit to the award." It thus provides practically for obligatory arbitration of international claims arising out of public contract debts.

C. *The III, Hague Convention of 1907*, relative to the opening of hostilities, is in force among 28 states including all the Pacific Powers, subject to the observation made about the relations of the U.S.S.R. to Russia.

The parties recognize "that hostilities between themselves must not commence without previous and explicit warning, in the form either of a declaration of war, giving reasons, or of an ultimatum with conditional declarations of war." It also requires publication of the state of war to neutral powers.

This convention was well observed during the World War when declarations, contrary to the practice of the previous two centuries, were made by nearly all states on becoming belligerents. It has not been observed, however, in the Far Eastern hostilities which have occurred since the World War.

(ii). *The Geneva System.* The second group of general conventions contains the League of Nations Covenant and other treaties made in pursuance of or to supplement its provisions.

A. *The League of Nations Covenant* (1920) is in effect among 58 states including all the Pacific Powers except the United States and the Philippine Islands and probably Japan. The latter gave notice according to the terms of Article I, paragraph 3, of the Covenant on March 27, 1933, and apparently ceased to be a member on March 27th, 1935. There was some doubt whether the proviso there attached to the right of withdrawal on two-years notice "that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal" had been complied with.

The United States Senate refused consent by the necessary two-thirds vote, to the Covenant on November 19, 1919 and again March 19, 1920 (Yeas, 47; Nays, 37). Senator James T. Pope of Idaho introduced a resolution on May 7, 1935, authorizing the President "to notify the appropriate authority of the League of Nations that the United States accepts its mem-

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bership in the League" with the understanding "that the obligations of the Pact of Paris not to resort to war as an instrument of national policy are recognized as the fundamental and guiding principles of the Covenant; and that the provisions of the Covenant of the League of Nations relating to cooperation and to the prevention of war shall not be interpreted as obligating the United States to adopt measures which might involve the use of armed force; and that the decison as to what action should be taken by the United States in case the peace of nations is threatened or violated, shall rest with the government of the United States acting according to the Constitution." This resolution, however, has not been acted upon.

The political obligations of the Covenant relate to disarmament, prevention of war, renunciation of war, pacific settlement of international disputes, sanctions against war, peaceful change, and regional understandings.

Disarmament. "The maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety, and enforcement by common action of international obligations."

"The manufacture by private enterprise of munitions and implements of war is open to grave objection."

"Undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programs, and the condition of such of their industries as are adaptable to warlike purposes." (Article VIII).

Prevention of War. "Undertake to respect and preserve as against external aggression, the territorial integrity and existing political independence of all members of the League. In case of any such aggression, or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled." (Article X).

On March 11, 1932, in connection with the Manchurian dispute and referring to Article 10 of the Covenant, the Assembly "declared that it is incumbent upon the members of the League of Nations not to recognize any situation, treaty, or agreement which may be brought about by means contrary to the Covenant of the League of Nations, or to the Pact of Paris."

"Any war or threat of war, whether immediately affecting any of the members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

"It is also declared to be the friendly right of each member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace, or the good understanding between nations upon which peace depends." (Article XI).

Renunciation of War. "Agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision, or the report by the Council." (Article XII).

"They will not resort to war against a member of the League which complies" with an arbitral award or judicial decision. (Article XIII).

"Agree that they will not go to war with any party to the dispute which complies with the recommendations of the Report" of the Council unanimously agreed to by the members other than the representative of one

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or more of the parties to the dispute. But "reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice" if there is no such unanimity.

Pacific Settlement of International Disputes. "Agree that, if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or to judicial settlement or to inquiry by the Council" . . . "the award of the arbitrators or the judicial decision shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute." (Article XII).

"Agree that . . . they will submit the whole subject matter to arbitration or to judicial settlement" in the case of any dispute which "they recognize to be suitable for such submission" and to "carry out in full good faith any award or decision that may be rendered." (Article XIII).

"Provide for the establishment of a Permanent Court of International Justice which 'shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it.' The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly." (Article XIV).

"If there should arise between members of the League any dispute likely to lead to a rupture, which was not submitted to arbitration or judicial settlement in accordance with Article XIII, the members of the League agree that they will submit the matter to the Council." (Article XV).

"If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement." (Article XV).

Such disputes may be transferred from the Council to the Assembly, at the Council's initiative, or within 14 days at the initiative of one of the parties. (Article XV).

Sanctions against war. "Should any member of the League resort to war in disregard of its Covenant under Articles XII, XIII, or XV, it shall *ipso facto* be deemed to have committed an act of war against all the other members."

In which case they undertake "immediately to subject it to the severance of all trade and financial relations."

They "agree that they will mutually support one another in the financial and economic measures which are taken under this article." (Article XVI).

In the event of a dispute between a member state and a state or states not members of the League, or between states not members of the League, the latter "shall be invited to accept the obligations of membership . . . for the purpose of such dispute," when "the provisions of Article XII and XV shall be applied."

If such invitation is refused and resort is made to war, Article XVI shall be applied.

The procedure for applying Article XVI was specified by the Assembly in 1921, and applied, but for the moment unsuccessfully, against Italy in the Ethiopian War of 1935-36.

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Peaceful Change. "All treaties and international engagements must be registered with the Secretariat and 'no such treaty or international engagement shall be binding until so registered.'" (Article XVIII).

"The Assembly may from time to time advise the reconsideration by members of the League of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world." (Article XIX).

In 1929, on the motion of China, the Assembly resolved that any state on its own initiative could place a request for such advice upon the Assembly's agenda.

"Agree that the Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof" and "undertake that they will not enter into any engagements inconsistent with the terms thereof. The members also undertake to secure release from previous obligations with other states inconsistent with the Covenant." (Article XX).

Regional understandings. "Nothing in this Covenant shall be deemed to effect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace." (Article XXI).

This article has been the justification for the numerous regional and bilateral non-aggression and assistance agreements which have been made by League members.

B. *The Statute of the Permanent Court of International Justice*, (1920) drawn up in pursuance of Article XIV of the Covenant, is in force among 49 states including all of the Pacific Powers except the U.S.S.R., the United States, and the Philippines. The United States Senate approved ratification with five reservations on January 27th, 1926, and although these reservations were accepted by the parties to the Court statute, in the Root Protocol, September 14, 1929, signed by the United States on December 9th, 1929, and ratified by 41 parties to the Statutes, including all of the Pacific powers parties to the Statute, it failed to receive the necessary two-thirds vote in the Senate, on January 29th, 1935. (Yeas, 52; Nays, 36).

The statute provides a procedure for the Court, but it imposes no obligation on the parties to use it.

C. The *Optional Clause of the Statute* (Article XXXVI) (1920), thus called because Parties to the Statute are free to accept it by acceptance of its special Protocol—is in force among 41 states, generally, with some reservations, including all of the Pacific states except Japan, China, U.S.S.R., the United States and the Philippines. China was bound by this clause from 1922 to 1927.

Parties to the Optional Clause "recognize as compulsory *ipso facto* and without special agreement, in relation to any other member or state accepting the same obligation, the jurisdiction of the court in all or any of the classes of legal disputes concerning: (a) the interpretation of a treaty; (b) any question of international law; (c) the existence of any fact which, if established, would constitute a breach of an international obligation; (d) nature or extent of the reparations to be made for the breach of an interna-

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tional obligation." The Court has jurisdiction to decide disputes as to its own jurisdiction, under this Article.

D. *The General Act for the Pacific Settlement of International Disputes* (1928), is in force among 23 states including 7 of the Pacific powers. (Australia, Canada, France, Great Britain, India, Netherlands, New Zealand). The Netherlands has accepted only Chapters I, II, and IV of the Treaty.

The General Act provides for the settlement of all legal disputes between parties by the Permanent Court of International Justice, and of other disputes by special arbitration if conciliation fails.

E. *The Convention on Financial Assistance* (1930) is not in force, and has been ratified by only three states, although 27 others have signed it including five Pacific powers (Australia, France, Great Britain, Netherlands, and Portugal.)

The convention, the coming into operation of which has been made contingent upon the putting into force of the League Disarmament Treaty, provides for financial assistance to a state or states in any case of war or threat of war which the Council of the League of Nations, seized in virtue of the Covenant, decides that, as a measure to restore or safeguard the peace of Nations in accordance with the objects of the Covenant, such assistance shall be accorded. A system of guaranteed loans is provided for victims of aggression with the thought that with such a possibility, disarmament would be facilitated. Ethiopia unsuccessfully made requests for financial assistance after the invasion of her territory by Italy in 1935.

F. *The General Convention to Improve the Means of Preventing War* (1931) is not in force, and has been ratified by only 4 states, including the Netherlands, and signed by 19 others including France, Portugal, and Siam.

The object of the treaty is to facilitate the action of the Council in preventing war by giving it authority to put into effect conservatory measures, such as the separation of armed forces. Violation of such conservatory measures "shall be regarded by the High Contracting Parties as *prima facie* evidence that the party guilty thereof has resorted to war within the meaning of Article XVI of the Covenant." (Article V). This convention thus gives effect to the procedure, accepted in a number of controversies by the League, for determining the aggressor, namely the refusal to accept a proposal to stop fighting, or to carry out such a proposal if accepted.

(iii). *The American System.* The third group of general treaties includes two of predominantly American origin, although both are open to ratification by all states.

A. *The Pact of Paris* (1928) (Kellogg-Briand Pact), is in force among 63 states, all of the states of the world of any political importance except Argentina, Bolivia, Salvador, and Uraguay. It arose out of the American movement for the "outlawry of war," was formally initiated by the United States and France, and signed originally by 15 states and dominions including, in addition to these initiators, Great Britain and the Dominions, Germany, Italy, and Japan, and the remaining Locarno Powers, Belgium, Czecho-Slovakia and Poland.

"The Parties solemnly declare in the names of their respective peoples, that they condemn recourse to war for the solution of international contro-

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versies, and renounce it as an instrument of national policy in their relations with one another." (Article I).

They "agree that the settlement or solution of all disputes or conflicts of whatever nature or whatever origin they may be, which may arise among them, shall never be sought except by pacific means."

The preamble recognizes 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."

In identic notes to the Chinese and Japanese governments on January 7th, 1932, the United States declared through Secretary of State Stimson that "it does not intend to recognize any situation, treaty or agreement which may be brought about by means contrary to the Covenant and obligations of the Pact of Paris of August 27th, 1928, to which Treaty both China and Japan as well as the United States are parties." The same implication was drawn from the Pact as well as from Article X of the Covenant by the Assembly of the League of Nations in a resolution of March 11, 1932. Nineteen American Republics made a declaration of similar effect in relation to the Chaco War on August 3, 1932. "They will not recognize any territorial arrangement of this controversy which has not been obtained by peaceful means, nor the validity of the territorial acquisitions which may be obtained through occupation or conquest by force of arms." This declaration was referred to in the resolution of the League of Nations Assembly bringing sanctions to an end in the war between Italy and Ethiopia, on July 4, 1936.

Secretary Stimson stated in an address on August 8th, 1932, that under the Pact, war "has become illegal throughout practically the entire world. It is no longer to be the source and subject of rights," and that "from the date of its ratification on July 24, 1929, it has been the determined aim of the American government to make this sanction of public opinion effective and to insure that the Pact of Paris should become a living force in the world."

The International Law Association, an unofficial body, approved in 1934 the "Budapest Articles of Interpretation of the Pact of Paris" to the following effect:

"Whereas the Pact is a multilateral law-making treaty whereby each of the High Contracting Parties makes binding agreements with each other and all of the High Contracting Parties, and

"Whereas by their participation in the Pact, 53 states have abolished the conception of war as a legitimate means of exercising pressure on another state in the pursuit of national policy, and have also renounced any recourse to armed force for the solution of international disputes or conflicts:—

"(1) A signatory state cannot, by denunciation or non-observance of the Pact, release itself from its obligations thereunder.

"(2) A signatory state which threatens to resort to armed force for the solution of an international dispute or conflict is guilty of a violation of the Pact.

"(3) A signatory state which aids a violating state thereby itself violates the Pact.

"(4) In the event of a violation of the Pact by a resort to armed force or war by one signatory state against another, the other state may, without

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thereby committing a breach of the Pact or of any rule of international law, do all or any of the following things:—

"(a) Refuse to admit the exercise by the state violating the Pact of belligerent rights, such as visit and search, blockade, etc.;

"(b) Decline to observe towards the state violating the Pact the duties prescribed by international law, apart from the Pact, for a neutral in relation to a belligerent;

"(c) Supply the state attacked with financial or material assistance, including munitions of war;

"(d) Assist with armed forces the state attacked.

"(5) The signatories states are not entitled to recognize as acquired *de jure* any territorial or other advantages acquired *de facto* by means of a violation of the Pact.

"(6) A violating state is liable to pay compensation for all damage caused by a violation of the Pact to any signatory state or to its nationals.

"(7) The Pact does not effect such humanitarian obligations as are contained in general treaties, such as the Hague Conventions of 1899 and 1907, the Geneva Conventions of 1864, 1906, and 1929, and the International Convention relating to the treatment of prisoners of war, 1929."

While the conflict between Ethiopia and Italy was impending, the United States through Secretary Hull, called public attention to the Pact of Paris on July 3rd, July 11th, July 12th, and September 13th, 1935 insisting that "the Pact of Paris is no less binding now than when it was entered into by the 63 nations that are parties to it," "all nations have the right to ask that any and all issues between whatsoever nations be resolved by pacific means," the American government asks of those countries which appear to be contemplating armed hostilities that they weigh most solicitously the declaration and pledge given in the Pact of Paris, which pledge was entered into by all the signatories for the purpose of safeguarding peace and sparing the world the incalculable losses and human suffering that inevitably attend and follow in the wake of war."

B. *The Argentine Anti-War Treaty* (1933) was initiated by the Argentine Foreign Minister, Carlos Salvedra Lamas and signed by six Latin-American Republics on October 10th, 1933. It has now been ratified by 18 states including 4 European, and signed by 8 others including one European. The United States and the Philippine Islands are the only Pacific powers parties to it. It is open to the adherence of all states, and may be denounced on a year's notice. It is of interest in that it is the only treaty in which the United States has recognized "and condemned wars of *aggression*," and in which Secretary Stimson's non-recognition doctrine is explicitly stated.

The parties "solemnly declare that they condemn wars of aggression in their mutual relations or in those with other states, and that the settlement of disputes or controversies of any kind that may arise among them shall be effected only by the pacific means which have the sanction of international law." (Article I).

"They declare that as between the High Contracting Parties territorial questions must not be settled by violence, and that they will not recognize any territorial arrangements which were not obtained by pacific means, nor

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the validity of the occupation or acquisition of territories that may be brought about by force of arms." (Article II).

Parties undertake "to make every effort for the maintenance of peace" and "in their character as neutrals" to adopt "a common and solidary attitude." They will utilize "political, juridical, or economic means authorized by international law" and "bring the influence of public opinion to bear" but "in no case to resort to intervention either diplomatic or armed" subject to their duties under other collective treaties. There are further detailed provisions in this treaty in regard to conciliation.

From this discussion of conventions establishing diplomatic machinery, it will be observed that bilateral treaties do not provide a comprehensive network among the Pacific powers. The Washington Conference group of treaties, which come nearest to constituting a regional system of diplomatic machinery for the Pacific, were morally weakened soon after their conclusion by the passage of the American Immigration Act of 1924.[15] They were further weakened by their failure to function in the Manchurian crisis, and have now been in part denounced.

The general treaties provide a machinery more comprehensive and more widely accepted by the Pacific powers than either bilateral or regional treaties. The Hague Conventions, however, provide only voluntary procedures and have been weakened by comparative disuse since the World War. The Geneva group of treaties provides the most workable machinery, but the United States, the Philippines and Japan are not now parties, and the effectiveness of these treaties has probably been weakened by their failure to deal effectively with the Manchurian episode and subsequently with the Ethiopian and Rhineland crises in Europe.

The American group of treaties are the most far-reaching in their negative obligations to refrain from war or the use of force, and the Pact of Paris has been ratified by all of the Pacific powers. It lacks definite procedure for enforcement, but has been juridically strengthened by interpretation and invocation in a number of cases. Its failure, however, to prevent hostilities both in the Far East and elsewhere, since it has been in effect, has weakened the confidence of public opinion in it. The Argentine Anti-War Treaty goes a little beyond the Pact of Paris in referring to aggression, specifying a non-recognition

[15] *Problems of the Pacific*, 1927, p. 169.

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policy, requiring sanctions short of diplomatic or armed intervention, and providing a detailed system of conciliation, but it has not as yet been ratified by many of the Pacific powers.

IV. ACTUAL FUNCTIONING OF DIPLOMATIC MACHINERY AMONG PACIFIC POWERS.

Let us now consider how diplomatic machinery has actually functioned in the serious problems which have arisen in the Pacific area since the World War. Thirty-three such problems have been selected, not with the thought that the list is exhaustive nor that all of the problems have been definitively settled as yet, but rather that the list was representative of the various types of important controversies. In each case the attempt has been made to distinguish the influence of unilateral action, bilateral diplomatic machinery, regional diplomatic machinery, and general diplomatic machinery. It is assumed that the Washington Conference and the treaties there negotiated can be regarded as regional machinery, although as noted that assumption is somewhat doubtful.

1. The Korean Uprising of 1919 was suppressed unilaterally by Japan, and neither then nor subsequently has any official diplomatic machinery, either regional or general, considered the situation of Korea. It apparently has been regarded as a domestic problem of Japan.

2. The serious naval rivalry between the United States and Japan in 1921, was for a time settled by the Washington Conference agreements. The totality of these agreements, including the substitution of the Four-Power Treaty for the Anglo-Japanese Alliance, the limitation of armaments of Pacific naval bases, and the settlement of major political problems in regard to China, contributed to this result no less than the treaty limiting naval armaments and establishing the 5-5-3 ratio. Essentially the principles of this treaty were maintained and extended to cruisers in the London Conference of 1930, although there the problem concerned Anglo-American naval relations as much, if not more, than American-Japanese naval relations. The problem has again arisen with the denunciation of the Naval Treaties to take effect on December 31, 1936 (see No. 31 below).

3. The restoration of former German railroad interests in Shantung to China was effected by bilateral agreement between China and Japan in 1922. Although Japan had excluded this question from the Washington Conference, there can be no doubt but that the activity of that conference greatly influenced this bilateral negotiation which was made during its course.

4. The withdrawal of Japanese troops from Siberia was effected as a result of a unilateral declaration made by Japan in 1922 during the Washington Conference which unquestionably had a profound influence in bringing about this result.

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5. The controversy between the United States and Japan in regard to the latter's mandate for North Pacific Islands and particularly the status of the island of Yap, was settled by a bilateral agreement made in 1922 between the United States and Japan, but here again, the situation was influenced by the Washington Conference during which the negotiations were made, and also by the fact that the League of Nations through its supervision of the mandate offered certain guarantees with respect to Japan's administration of these islands. Japan's withdrawal from the League in 1935 again raised an issue in regard to the status of these islands. (See No. 30 below).

6. China's demand for restoration of the leased ports was effected with respect to Kiaou-Chou and Wei-Hai-Wei by bilateral agreement with Japan and Great Britain respectively made after 1922. These agreements, however, were greatly influenced by declarations made by the powers during the Washington Conference. The remaining leased ports have not been restored.

7. The Japanese desire to continue voluntary restriction of immigration to the United States, as provided in the "Gentleman's Agreement" of 1908, was settled for the time by the unilateral action of the United States excluding Japanese immigration in the Act of 1924, in spite of Japanese diplomatic protests.

8. The relations of China and Russia to outer Mongolia, which had been in dispute for many years, were for the time settled by the treaty between the U.S.S.R. and China in 1924, without any influence from either regional or general diplomatic machinery. The issue was again raised when China protested that conclusion of the Soviet-Mongol assistance treaty of April 1936 was contrary to Chinese sovereignty of Outer Mongolia recognized in the earlier treaty, but this question seems to have been settled by diplomatic correspondence.

9. The Shanghai incident of May 30, 1925 may be said to have been settled by the report of the commission of judges appointed by the representatives in Peking of the United States, Great Britain and Japan and the eventual acceptance by the government at Peking of a reparation of $150,000 silver from the Shanghai Municipal Council. Since the Shanghai Municipal Council is controlled by the states most interested in the region, this settlement could be regarded as effected by regional international machinery. This result, however, was influenced by the unilateral action of the Chinese people, carrying on a boycott against Great Britain and by the declaration made by Great Britain in December, 1926, indicating important changes in policy in the direction desired by the Chinese nationalists.

10. The Nanking incident of March, 1927, in which a number of foreigners lost their lives in connection with the northern advance of the Chinese nationalist army, was eventually settled by bilateral agreements between China and the powers, but this result was undoubtedly influenced by the identic note addressed to the Nanking government by the five principal powers. Thus regional diplomatic machinery may be said to have had some influence.

11. The Tsinan incidents in 1927 and 1928, involving the dispatch of several thousand Japanese troops to Shantung province were eventually settled by bilateral agreement between China and Japan, although this

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result may have been influenced to some extent by the unilateral boycott of Japan by Chinese nationals. Although it attempted to do so, the Nanking government was unable to bring this incident to the attention of the League of Nations because at the time it was not recognized and the League had no influence on this settlement.

12. China's desire for restoration of concessions and settlements administered within her territory by foreign powers came to a head with the northern advance of the nationalist armies in 1927, with the result that a number of these concessions were restored through bilateral agreements with China and each of the powers concerned. Although China had requested the restoration of these concessions during the Paris Peace Conference of 1919, this had no immediate result and it would appear that these agreements were influenced primarily by the vigorous support to the demand given by the advancing nationalist army.

13. The Chinese demand for the restoration of Chinese control in Shanghai, the greatest of the foreign settlements in China, came to a head after the May 30th incident, and in 1927 China gained a limited satisfaction through the rendition to Chinese control of the Shanghai Mixed Court and the admission of three Chinese into the Shanghai Municipal Council. This resulted from action of the Municipal Council and the interested foreign powers, and so may be considered an instance of the operation of regional peace machinery.

14. China's desire for the restoration of tariff autonomy was achieved in 1929 through a series of bilateral agreements with the powers, the first of which was made with the United States. This result was influenced by the Washington Conference and the Special Customs Conference held at Peking in 1925 in pursuance of the Washington Nine-Power Customs Treaty. No direct results emerged from this conference, but the British Declaration in December, 1926, undoubtedly contributed to the termination of the Chinese Treaty Tariff.

15. Japan's desire to retain markets in the United States for certain industrial products was settled adversely to Japan by the United States. Its unilateral action in raising the tariff on many of these products in 1930 largely ignored the Japanese representations.

16. The Soviet Union's military intervention in Manchuria in 1929 in connection with the dispute concerning the Chinese Eastern Railroad was settled by bilateral agreement between China and the U.S.S.R., although the settlement and withdrawal of Soviet troops may have been influenced to some extent by the representations to the two powers under the Kellogg Pact initiated by Secretary of State Stimson.

17. China's desire for the abolition of extra territoriality was theoretically achieved by the unilateral action of China in terminating this system through the operation of her laws in 1930. The legality of this mode of dealing with international treaties was not acknowledged by the powers which have, in fact, continued to exercise extraterritorial jurisdiction. The Chinese boldness in taking this action was doubtless influenced to some extent by resolutions passed at the Washington Conference and the report of the Strawn Commission of 1926 pursuant to this resolution, as well as by the success of China in negotiating bilateral treaties with a number of the

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lesser powers, in which they contingently agreed to abolish extraterritoriality. Thus, both regional and bilateral peace machinery contributed to the unilateral Chinese action.

18. The problem of contributing technical advice and assistance to China on problems of national reconstruction is at present conducted under the supervision of the League of Nations in accordance with a Chinese request of 1931. A number of expert commissions have, in fact, traveled in China and reported under this arrangement effected through general peace machinery. China's experience with advice from individual powers, particularly with the insistence by Japan in the Twenty-One Demands that she have the monopoly of giving such advice on certain matters, and also her experience of advice from consortiums of foreign banks has doubtless contributed to her desire to deal only with such general organizations as the League of Nations on this matter. The Japanese warning against foreign advice to China in 1934 may constitute a challenge to this arrangement.

19. The ancient Chinese problem of controlling opium has more and more come under the supervision of general diplomatic machinery and is now legally but not practically regulated by the general opium conventions of 1912, 1925, and 1931, to which most of the powers of the world are parties, and the execution of which is supervised by the League of Nations. The allocation of this work to general diplomatic machinery has been influenced through experience with regional machinery as in the Shanghai Conference of 1909, the Geneva Opium Smoking Conference of 1925, and the Bangkok Conference of 1931, as well as by certain bilateral agreements, especially that between China and India concerning the opium trade in 1907.

20. The Chino-Japanese controversies in regard to the status of their treaty of 1915, parallel railroad lines, consular and military police, land leases, protection of Koreans, political assassinations, and in general the extent of Japanese rights in Manchuria, which remained unsettled by the Washington conference, were settled for the time being by the unilateral action of Japan in occupying Manchuria in 1931 and recognizing the state of "Manchukuo" in 1933. Protracted bilateral negotiations and the recommendations of the League of Nations Assembly in accord with the report of the "Lytton Commission" had little influence upon the terms of this "settlement."

21. A problem involving the rights of the parties to the League of Nations Covenant, the Washington Nine-Power Treaty, and the Pact of Paris, as well as China and Japan, was raised by the Japanese invasion of Manchuria in 1931, followed by the occupation of that whole area by Japanese troops and recognition of Manchukuo as a state by Japan. The problem has thus been settled *de facto*, through the unilateral action of Japan, in spite of the vigorous invocation of general diplomatic machinery including both the League of Nations Covenant and the Kellogg Pact. As a result of the influence of these agencies and the interpretation given to the Pact of Paris and Article X of the Covenant, the powers have pledged themselves not individually to recognize "Manchukuo." It is notable that in this instance the Washington Conference treaties played a very minor part, the powers preferring the utilization of general, rather than regional, diplomatic machinery.

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22. Japanese *de facto* control of the Chinese Eastern Railroad resulted from Japan's unilateral action in connection with its invasion of Manchuria in 1931, in spite of the express reference to Russian interests in this matter by the Lytton Commission and the League of Nations Assembly. However, bilateral negotiations between Japan and the U.S.S.R. eventuated in the sale of the railway to Japan in 1935.

23. The bombardment of Shanghai in 1932 by Japanese forces, involving the interests of the treaty powers as well as of China, was settled by agreement between China and Japan providing for the withdrawal of Japanese forces. This bilateral agreement was influenced by the activities of the League of Nations, particularly of the Consular Commission appointed by the League on the spot.

24. The Japanese invasion of Jehol in 1933 has resulted in the *de facto* incorporation of this province of inner Mongolia into the state of "Manchukuo" through the unilateral action of Japan. In this incident the League's activity was less pronounced than in the earlier Manchurian and Shanghai episodes.

25. The Anglo-Japanese commercial rivalry, especially in the cotton textile trade, which developed in 1933, with the rapid expansion of Japanese textile exports in the Far East, and even in Africa, has resulted in no agreement although there have been negotiations, nor has either general or regional diplomatic machinery entered into the problem. Each of the parties is attempting unilaterally to expand its trade at the expense of the other. The development of the Ottawa conference intraimperial preferences since 1931 has contributed to an intraimperial trade at the expense of extra-imperial trade of the British countries, with certain exceptions, notably the loss to Japan of United Kingdom cotton textile exports to India.

26. The problem of the status of the Philippine Islands has been, for the time, settled through the unilateral passage by the United States of the Independence Bill in 1934 and the consent of the Philippine legislature to the term of that bill. This action will result in Philippine independence in 1945, but before that time this unilateral action may be supplemented either by a regional or general guarantee, so that this change in status may not seriously jeopardize the balance of power in the Pacific.

27. The problem of suppressing Chinese civil war is for the time being in the hands of China alone, except for those portions of her territory occupied by Japan. The opportunity for China to handle this problem herself has doubtless been contributed to by the guarantees against foreign intervention both in such general peace machinery as the Covenant and the Pact, and also in the more limited Washington Conference Nine-Power Treaty. A challenge to these doctrines may be implied from the Japanese renunciation of a "Monroe doctrine for the Far East" in 1934, as well as in some of the renounced provisions of the Twenty-One Demands of 1915.

28. The Chinese financial and commercial difficulties precipitated by the United States' silver purchase policy of June, 1934, have not been submitted to any diplomatic machinery. The United States has continued its unilateral action contrary to the expectations of world financial stabilization raised before the London Economic Conference of 1933, and the Chinese have attempted to adjust themselves to the situation by abandoning the silver standard.

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29. The Japanese oil monopoly in Manchuria established in 1935 as a result of negotiation between Japan and "Manchukuo," was the subject of diplomatic exchanges between Japan on the one hand, and Great Britain and the United States on the other; Japan asserted that the matter concerned "Manchukuo" only, and the others discerned a violation by Japan of treaty provisions relating to the Open Door. Because of "Manchukuo's" lack of *de jure* status and the practical dominance of the Japanese army in the state, the "settlement" for the time prevailing may be regarded as a unilateral one by Japan. There appears to have been no invocation of the machinery of the Nine-Power Washington Treaty.

30. The problem of the status of the North Pacific Islands, following Japanese withdrawal from the League of Nations in 1935, was settled by the evident intention of Japan to remain in the islands and the League's acquiescence in the Japanese retention of the mandate after Japan had declared her willingness to continue observance of its requirements. Allegations respecting Japanese harbor deepening for naval bases in Saipan and other of these Islands, and the question of Japan's rights to enjoy equal economic opportunity in other mandated territories after withdrawing from the League, have been discussed in the Permanent Mandates Commission and the Council of the League. Japan's desire to obtain the latter advantage may have contributed to her willingness to continue to abide by the Mandate system.

31. The problem of naval rivalry in the Pacific, particularly between Japan and the United States, precipitated by the Japanese denunciation of the Washington and London Naval Treaties in December 1934, was not solved by the London Naval Conversations of 1934 or the Naval Conference of 1935. Both countries appear to be planning extensive naval building and base fortification programs after the treaties terminate in December, 1936. Regional diplomatic machinery has not met the problem, and neither bilateral nor general machinery has been invoked.

32. The conflicts between Japan and China over North China and Inner Mongolia since 1935 have been settled for the time being by the Chinese acquiescence in the demands of Japan, supported by extensive military invasions of this area, and threats of a North China autonomy movement. Japan alleged that China had violated the Tangku truce of May 1933, and had not suppressed anti-Japanese agitation. China seems to have accepted the Japanese six demands of June, 1935. Neither regional nor general diplomatic machinery has been invoked, more specifically than by Secretary Hull's statement on December 5, 1935, that the United States continued to follow its traditional policy in the Far East and expected respect for treaties dealing with that area.

33. The Soviet-Japanese controversies over border clashes between Manchuria and Outer Mongolia since 1935 have led to frequent protests and protracted diplomatic correspondence, apparently eventuating in April, 1936, in an agreement to establish a frontier commission. The matter has thus been settled for the time by bilateral diplomatic machinery.

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Of these thirty-three problems[16] of varying character and importance, the *de facto* situation in seventeen instances has been the result of unilateral action since the War. In four cases, this action was clearly contrary to the precepts of international law (Japan's elimination of China's rights and military occupation of Manchuria, occupation of Jehol, and invasion of North China) and in one case possibly contrary to those principles (the theoretical Chinese abolition of extraterritoriality). In these four instances there has been no definitive recognition of the *de facto* situation by disinterested powers except the Salvadorian recognition of Manchukuo.

In eleven of these problems the present situation has resulted from bilateral agreements influenced in two instances by the pressure of general international machinery and in three instances by pressure of the Washington Conference and in one instance by both.

Of the remaining five problems, three were settled by action of the group of powers most interested in the region, and two through general diplomatic machinery. If we weigh primary influence in the settlement of disputes by the factor 3, secondary influence by 2, and tertiary influence by 1, then the relative influence in these 33 controversies of unilateral, bilateral, regional, and general procedures would be respectively 41, 29, 18, and 12 per cent.

In each of the thirty-three cases, settlement so far as achieved at present, has been by force, by domestic legislation, by negotiation, or by conference. In no case has arbitration or judicial settlement been resorted to. Commissions of inquiry have played a part in several of these situations, as, for instance, the judicial committee on the May 30th instance (1925), the Strawn Commission on extraterritoriality (1926), the Feetham Commission on the status of the international settlement of Shanghai (1931), the Lytton Commission on Manchuria (1932), the Consular Commission on the Shanghai bombardment (1932), and the various League of Nations Commissions on the internal reconstruction of China (1931-1936). It cannot be said that these inquiries, with the exception of the last two, have as yet contributed greatly to the actual situation as now existing. Their influence may, however, be greater in time.

[16]See Table VII.

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It is still true that international problems in the Pacific are generally settled by unilateral or bilateral action. In a considerable proportion of these instances, since the World War, the settlement has been influenced by resolutions, or treaties of a regional or general character, and in the Far East the tendency has been for the influence of general diplomatic machinery to increase at the expense of regional machinery. In recent years, while the tendency toward unilateral action has been increasing, action under such general instrumentalities as the Pact of Paris or the Covenant of the League of Nations has been more influential than action under the Washington Conference Treaties, consortiums or other limited groups.

If we classify these same thirty-three problems under four general heads:—(1) territorial disputes; (2) self-determination disputes; (3) commercial, naval and immigration policies; (4) internal order and prosperity in China,[17]—it appears that territorial disputes and the internal problems of China have been influenced most by general diplomatic machinery. It is not surprising to find that such machinery can work best on disputes of a precise and unquestionably international character, such as territorial disputes or, on problems involving voluntary cooperative efforts to assist a state at its own request. On the other hand, problems of self-determination necessarily involve a change of the existing legal situation. Such changes naturally cause most anxiety in the state immediately adversely affected, and in other states in the neighborhood. For such problems, therefore, regional consultations may be better adapted, and they have in fact been more common. The difficulty of estimating precisely the international consequences of naval, commercial, and immigration policies doubtless in part accounts for the fact that these matters have usually been regarded as within state domestic jurisdiction. It is difficult for diplomatic machinery to deal with such problems except preventively through general or regional conventions. The approach to such problems is through the method of legislation rather than through dealing with particular demands.

[17]See Table VIII.

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V. CONCLUSIONS

The controversies referred to in the last section can all be interpreted as arising from demands for security, stability, good faith, and confidence on the one hand and demands for change, progress, readaptation of law and rights to new economic and social conditions on the other. There were demands for territorial integrity opposing demands for territorial change. There were demands for administrative and juridical continuity on the one hand, against demands for national self-determination and the removal of servitude on the other. There were demands for unimpaired exercise of existing sovereign rights in pursuit of national policies on the one hand, against demands for consideration of foreign interests in the exercise of such rights on the other. There were demands for orderly governments and prosperity on the one hand, against demands for continuance of social, economic, political and juristic disorder on the other.

In many of these cases there were doubtless merits on both sides, with respect to the substance of the demands, if not with respect to the methods utilized to achieve them.

Political progress in the Pacific area and elsewhere probably requires the concentration of attention upon procedures, rather than upon the substance of rights or grievances. The restoration of security, stability, good faith and confidence requires the elimination of bad procedures, while the achievement of desirable changes, progress, and the development of law towards justice under changing conditions, requires the establishment of improved procedures. If, on the other hand, attention is concentrated upon the substance of rights, the advocates of security and the advocates of change become deadlocked. Each tends to tolerate violent procedures on the argument that the end justifies the means. If both concentrated on the perfection of procedures, the ends of each might eventually be advanced.

Self help and violence have both played a dominant role in the Far East since the War. We must remember, however, that the states in this section of the world entered into permanent relations with each other and with the Western world comparatively recently and also that peaceful procedures have not uniformly succeeded in the West. It is perhaps surprising

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that the collective machinery which historically grew out of the experience of the Western world has played as much part as it has in the Pacific area. On the whole such machinery has been occupying a role of increasing importance in the Far East during the past century at least until the past few years.

What is likely to be the trend of the future? We may consider four possibilities with respect to the basic power structure: (1) Japanese political dominance; (2) a Far Eastern balance of power; (3) a Pacific regional organization; and (4) a strengthening of general international organization both in the Far East and elsewhere.

1. Japanese political dominance of the area accompanied by gradual withdrawal of their interests by the other powers and abandonment of efforts to protect the weaker powers against this Japanese dominance. Two difficulties suggest themselves to such a program: the reluctance of certain states, particularly the U.S.S.R., the United States, and Great Britain, to abandon established interests in the Far East, and the reluctance of all the states of the world to jeopardize the progress made towards an organization of peace and security on the basis of equal protection of the law, which would result if these principles were given up in one large section of the world. Acknowledgment of Japanese imperialism in the Far East could be utilized by other states to justify such policies in other parts of the world.

Apart from these difficulties flowing from the attitudes of the states, both those interested in the region and those with no direct interest, it may be questioned whether continuous Japanese dominance of this area is a practicable policy. China has resources and population much greater than Japan, and it may be questioned whether she can continually be kept in subordination. The United States has abandoned the imperial implications of the Monroe Doctrine with respect to the Caribbean and Latin America, in spite of the fact that the American population, wealth and power is in excess of all of the Latin American countries put together. Will Japan be able to maintain such a position, when her intrinsic position in relation to eastern Asia is far weaker?

2. A second possibility is the establishment of a Far Eastern balance of power, with Japan and Russia as the principal protagonists. Such a balance was doubtless a major

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factor in maintaining the stability of the Far East from 1894 to the World War, and the ambitious policy of Japan may be attributed to the serious weakening of Russia as the immediate result of the Bolshevist revolution. It seems not improbable, however, that this weakening is temporary, and that the balance will eventually be restored. The re-entry of Russia into the comity of nations, her recognition by the United States, and a strengthening of her position through alliance with France have contributed to this result. The danger of such a balance, however, is that to maintain it might require periodic wars, in the course of which Manchuria and China would undoubtedly suffer. The balance, however, might eventually be made more stable through the development of greater internal strength in China itself, thus establishing a balance of the three powers surrounding Manchuria, a consummation which could easily be further stabilized through a Far Eastern Locarno.

3. This brings us to the third possibility; namely, a Pacific regional organization. It is difficult to visualize such an organization which would really be effective to maintain peace and stability unless founded on a balance of power. At the moment such a balance can hardly be made unless powers whose major interest is not really in the region are brought in, and if that is done, the organization ceases to be regional. The Washington Conference was not in any genuine sense a regional organization of the Far Eastern powers, and the powers have subsequently preferred to utilize genuine world machinery such as the Pact or the Covenant. The same tendency can be observed in regard to the handling of serious disputes in Latin America, which has a tendency to pass from the control of Pan-American organizations to the League of Nations. It is possible that regional organization has inherent deficiencies for the maintenance of peace. If moral opinion is to be the main sanction, this would certainly seem to be the case. The united opinion of the world is none too much if peace is to be maintained in difficult international disputes and if action is divided between regional organizations and world organizations, public opinion will be confused and will lack the definiteness and unanimity which is necessary to bring results.

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This is not to say that a regional organization of the Far Eastern powers might not be desirable for many purposes, particularly for discussing changes of the *status quo* within the region but it would appear that such organizations, like that of the Locarno powers, should be under the supervision of a world organization, which would have sole competence whenever an incident arises threatening the peace. The main protagonists of a regional organization of the Far East should be China, Japan and the U.S.S.R., although Siam and India might be added. As the self-determination of nations progresses, Korea, the Philippine Islands, Indo-China, the Dutch Indies, and Manchukuo, if a real desire for independence develops in that state, might participate. For problems concerning the Pacific, it would seem reasonable to include also the United States and the three British dominions, New Zealand, Canada and Australia, with homelands fronting the Pacific. The introduction to such an organization of countries whose only interest in the Pacific is the possession of colonies or trade would at once convert the organization from a regional to a world organization, and it would seem better to handle the problems in which such states are interested through the League of Nations.

It is to be observed that few analogies can be drawn between a Far Eastern and an American regional organization. The Pan-American organization has not been and cannot be an agency for protecting the Latin American countries from the United States, although it has been of some value in coordinating the policies of Latin American countries and preserving peace among them. The protection of these countries from the United States has depended upon the balance of power relations of the United States with extra-American powers, particularly with Great Britain, upon a growth in the United States of a sense of the economic futility of imperialism, and upon a growing interest of American opinion in a peaceful and stable organization of the world. There is in the Far East no considerable body of independent states of similar power and cultural traditions, such as exist in Latin America. Even if the whole Asiatic continent were included, the number of states would be much smaller than in Latin America, and the differences in culture and in geographical attachments would be so great as to give no unity to such an organization.

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4. Considering, finally, the possibility of improved general international organization as a means of stabilizing the Pacific area, the review given indicates a considerable degree of success of the League in many of its Far Eastern enterprises. On analysis, its failure in the Manchurian question becomes readily explainable and capable of remedy. The absence of the United States and Soviet Russia seriously weakened the League. Even if the U.S.S.R. had not cooperated, it seems probable that the Japanese invasion might have been stopped if the United States had immediately stood behind the desire of the League powers to follow their usual tradition of dispatching a commission to the spot immediately, in order to report upon the validity of the Japanese claim that her initial action was justified by defensive necessity. Invasion cannot be stopped by moral opinion unless that opinion becomes crystallized before the invasion has really begun. It was impossible for this opinion to crystallize without an impartial report from Manchuria.

The Council might, following its precedents have immediately appointed the consuls of the powers in Manchuria to report on the problem, as indeed they did in the Shanghai incident a few months later. The effectiveness of the League's action in the latter incident may be attributed in no small measure to this circumstance. The United States apparently was persuaded by the Japanese ambassador at Washington not to support the proposal pending in the League in the latter part of September, 1931 for such a commission, with the result that the critical moment passed without action.[18]

Since the Manchurian incident with its disastrous consequence upon confidence in the effectiveness of general international organization in the Far East, that organization has suffered further severe blows, especially in the failure of the League, in spite of its application of economic sanctions, to prevent or stop Italian aggression in Ethiopia, and the weakening of the Locarno structure, within the framework of the League by Germany's remilitarization of the Rhineland.

With these failures of the League, public opinion has fallen away from it and has also faltered in its support of the Pact of

18Clarence Berdahl, "Relations of the United States with the Council of the League of Nations," *American Political Science Review*, June, 1932, Vol. 26, pp. 506-507; Russell N. Cooper, *American Consultation in World Affairs*, 1934.

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Paris and other general international instruments for the prevention of violence and the utilization of peaceful methods.

The United States has manifested—by its neutrality legislation in 1935 and 1936—a hope to obtain security through further isolation. This legislation forbids export of arms ammunition and implements of war, and extension of loans or credits to belligerents. Even more extensive proposals to isolate the country from commercial contacts with belligerents have emerged as a result of the discussions aroused by the hearings of the special Senate Committee on the Munitions Industry (The Nye Committee). Among these proposals are the complete elimination of exports to belligerents, trade at the shipper's risk, barring of American travellers or ships from war zones, and the prevention of the use of American ports by armed merchant vessels and submarines for any purpose.

It is true that American consultation with other powers upon any threatened violation of the Pact of Paris, with the object of preventing or stopping war, has been proposed. Such consultation even seems to be required by the recently ratified Argentine Anti-War Treaty. Advocates of such a policy believe that if the moral pressure of such a consultation to stop fighting is unsuccessful, the United States should collaborate in determining the aggressor and should then discriminate in the application of embargoes in favor of the victim of aggression. Such bodies as the National Peace Conference, representing 29 peace organizations in the United States, have supported such a program but it has not commanded large support in Congress.

The Foreign Relations plank of the Republican platform adopted at Cleveland in June, 1936, was drawn by Senator Borah of Idaho and explicitly opposes membership in the League of Nations or the World Court, in respect of the latter reversing previous Republican platforms. The Democratic platform is less isolationist, and explicitly reaffirms the Pact of Paris and the reduction of international economic barriers by reciprocal agreement. It, however, favors neutrality, opposes economic entanglement in wars and passes by the League of Nations and World Court issue in silence. The platform of the Third Party, led by Congressman Lemke of North Dakota, is even more isolationist than the Republican platform.

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APPENDIX

TABLE I

THE GROUPING OF THE STATES OF THE WORLD IN RELATION TO THE FAR EAST

		Homeland fronting the Pacific only	*Homeland fronting the Pacific and another ocean*	*Homeland contiguous with Pacific countries or colonies in Pacific*	*Historical or economic interest in Far East*	*No special interest in Far East*
10 (17)	Asiatic States	China (1) Japan (Philippines) (Manchukuo) (Korea) (Indo China) (Sarawak)	U.S.S.R. Siam (Dutch Indies) (Malaya) (2)	India (Mongolia) (Tibet) (TannaTuva) (Nepal) (Bhutan) (Burma) (6)	Afghanistan Iran (8)	Iraq Saudi Arabia Turkey (Yemen) (Oman) (Syria) (Palestine) (12)
33 (10)	European, North American and Oceanic States	(Hawaii) (Samoa) (Tonga) (Fiji) (Tahiti) (3)	Australia New Zealand Canada United States (4)	Great Britain France Netherlands Portugal (5)	Spain Germany Italy Belgium Norway Sweden Denmark (Vatican) (7)	Luxemburg Switzerland Finland Estonia Latvia Lithuania Poland Czechoslovakia Austria Hungary Rumania Yugoslavia (13) Bulgaria Albania Greece Irish F. S. Iceland Danzig, F. C. (Monaco) (SanMarino) (Liechenstein) (Andorra)
20	Latin American States	Salvador Ecuador Peru Chile (9)	Mexico Guatemala Honduras Nicaragua Costa Rica Panama Colombia (10)		Bolivia (11)	Argentina Uruguay Paraguay Brazil Venezuela Haiti St. Domingo Cuba (14)
4 (3)	African States					Egypt Liberia Ethiopia South Africa (Tunis) (Morocco) (Zanzibar) (15)
67 (30)		6 (10)	13 (2)	5 (6)	10 (1)	33 (11)

67 states and dominions were invited to become parties to the Pact of Paris.
30 additional small, quasi- or potential states are put in parenthesis.
The numbers in the Circles are intended to indicate the order of interest in the Far Eastern Region.

TABLE II

VARIOUS LISTS OF "PACIFIC POWERS"

Country	1 Washington Conference	2 Institute of Pacific Relations	3 Takaki and Yokota	4 Max White	5 Stephen Heald	6 Quincy Wright
China	X	X	X	X	X	X
Japan	X	X	X	X	X	X
Philippines		X				X
United States	X	X	X	X	X	X
Canada		X	O	X	X	X
Australia		X	O	X	X	X
New Zealand		X	O	X	X	X
Great Britain	X	X	X	X	X	X
U. S. S. R.		X	X	X	X	X
Netherlands	X	X	O	X	X	X
France	X	O	X	X	X	X
India		O				X
Siam					X	X
Portugal	X			X	X	X
Belgium	X			X		
Italy	X				X	
Mexico		O				
Total	9	13	10	12	13	14

1. The British dominions and India were represented by the British empire delegation through the panel system. In addition to the nine checked, Bolivia, Denmark, Mexico, Norway and Sweden ratified the nine power treaty. Only the British Empire, France, Japan and the United States were parties to the four power treaty. These four powers and Italy were parties to the naval (five-power) treaty.

2. Those checked had member national groups in 1936. Observers have attended certain of the conferences from those marked O.

3. *Problems of the Pacific, 1933*, p. 442. Those marked O were not included in the original proposal but were suggested in discussion.

4. *Problems of the Pacific, 1929*, charts facing p. 602.

5. *Draft Syllabus for the Study of Diplomatic Machinery in the Pacific*, Prepared for 4th Conference, Institute of Pacific Relations, 1931, "Prefatory Note."

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TABLE III

Participation of Pacific Powers in Certain General Treaties for International Cooperation[a]

Country	*Restriction of War*					*Health*				*Humanitarian*				*Economic*					*Communications*					No. of Ratifications out of possible 23
	Red Cross, 1864, 1906, 1929	Prisoners of War, 1929	Rules of Land Warfare, 1899, 1907	Gas in War, 1925	Arms Trade, 1925 (not in force)	Sanitary, 1912, 1926	Opium, 1912	Opium, 1925	Narcotic Drugs, 1931	International Labor Organization, 1920	Eight-hour day, 1919	Slavery, 1926	White Slave Trade, 1921	Publication of Customs Tariffs, 1890	Weights and Measures, 1875, 1921	Institute of Agriculture, 1905	Industrial Property, 1883, 1911, 1925	Counterfeiting, 1929	Universal Postal Union, 1929	Telecommunication, 1932	Transit, 1921	Load Line, 1930	Aviation, 1919	
Australia	X	X	X	X	X	X	X	X	X	X		X	X	X		X	X		X	X		X	X	19
Canada	X	X	X	X			X	X	X	X	X	X	X	X	X	X			X	X		X	X	18
China	X	X	X	X	X		X		X	X			X	X		X			X	X				13
France	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	21
Great Britain	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		X	X	X	X	X	21
India	X	X	X	X			X	X	X	X	X	X	X	X		X			X	X	X	X	X	18
Japan	X		X				X	X	X	X			X	X	X	X	X		X	X	X	X	X	16
Netherlands	X		X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	21
New Zealand	X	X	X	X		X	X	X	X	X		X	X	X		X	X		X	X	X	X	X	19
Portugal	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	20
Siam	X		X	X			X	X	X	X			X	X	X	X			X		X		X	13
Philippines	X	X	X		X	X	X		X			X		X	X	X	X		X	X		X		15
U.S.S.R.	X		X	X		X		X	X	X				X	X	X		X	X	X		X		14
U.S.A.	X	X	X		X	X	X		X	X		X		X	X	X	X		X	X		X		16
No. of Ratifications or Adhesions by Pacific Powers July 1, 1936	14	9	14	11	7	9	13	11	14	13	4	10	11	14	10	14	9	3	14	12	7	12	10	
Total No. of Ratifications & Adhesions July 1, 1930	61	31	48	42	14	41	55	53	55	61	22	41	47	60	31	67	49	22	65	55	34	25	32	

[a] The ratification of treaties concluded under the auspices of the League of Nations are from the 16th list of such Ratifications, August 28, 1935 (League of Nations Legal, 1935. V. 3; *Official Journal*, Special Supplement, No. 136); and supplements printed with League of Nations *Official Journal*, December, 1935 and May, 1936. Ratification of the other treaties are from a *List of Treaties and other International Acts of the U.S.A. in Force December 31, 1935*, U.S. Dept. of State, Treaty Information, Dec. 1932, Supplement to Bulletin No. 39 and subsequent Treaty Information Bulletins.

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TABLE IV (A). PACIFIC SETTLEMENT AND SECURITY ENGAGEMENTS IN THE RELATIONS OF THE PACIFIC POWERS

(For key to table see next page).

	Australia	Canada	China	France	Great Britain	India	Japan	Netherlands	New Zealand	Philippines	Portugal	Siam	U. S. S. R.	U. S. A.
Australia												A		
Canada												A		A
China								A		A				A
France								A		A	A			A
Great Britain												A		
India												A		
Japan								A						
Netherlands				C			C			A	A	A		A
New Zealand												A		
Philippines	C	C	C	C	C	C		C	C		A			
Portugal				C						C				A
Siam								C						
U. S. S. R.				C						C				
U. S. A.	C	C	C	C	C	C		C	C		C		C	

1. *Bilateral Arbitration and Conciliation Engagements.*

	Australia	Canada	China	France	Great Britain	India	Japan	Netherlands	New Zealand	Philippines	Portugal	Siam	U. S. S. R.	U. S. A.
Australia										N				N
Canada										N				N
China										N			N	N
France								N		N	N		N	N
Great Britain										N				N
India										N				N
Japan													N	
Netherlands										N		N		N
New Zealand										N	N		N	N
Philippines											N		N	N
Portugal				M										N
Siam														
U. S. S. R.														N
U. S. A.														

2. *Bilateral Non-aggression and Mutual Assistance Engagements.*

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TABLE IV (A). Continued

	Australia	Canada	China	France	Great Britain	India	Japan	Netherlands	New Zealand	Philippines	Portugal	Siam	U. S. S. R.	U. S. A.
Australia			J	O			J	O			O	O		
Canada			J	O			J	O			O	O		
China				J	J	J	J	J	J		J	J		
France		D	D		O	O	J	O	O		O	O		
Great Britain			D	D			J	O			O	O		
India							J	O			O	O		
Japan		D	D	D	D			J	J		J	J		
Netherlands			D	D	D		D		O		O	O		
New Zealand											O	O		
Philippines														
Portugal			D	D	D		D	D						
Siam				D	D		D	D			D			
U. S. S. R.			D	D	D		D							
U. S. A.		D	D	D	D		D	D			D	D	D	

3. *General Judicial and Diplomatic Relations.*

	Australia	Canada	China	France	Great Britain	India	Japan	Netherlands	New Zealand	Philippines	Portugal	Siam	U. S. S. R.	U. S. A.
Australia		I	P	P	I	I	P	P	I	P	P	P	P	P
Canada	I		P	P	I	I	P	P	I	P	P	P	P	P
China	L	L		P	P	P	P	P	P	P	P	P	P	P
France	L	L	L		P	P	P	P	P	P	P	P	P	P
Great Britain	I	I	L	L		I	P	P	I	P	P	P	P	P
India	I	I	L	L	I		P	P	I	P	P	P	P	P
Japan								P	P	P	P	P	P	P
Netherlands	L	L	L	L	L	L			P	P	P	P	P	P
New Zealand	I	I	L	L	I	I		L		P	P	P	P	P
Philippines											P	P	P	I
Portugal	L	L	L	L	L	L		L	L			P	P	P
Siam	L	L	L	L	L	L		L	L		L		P	P
U. S. S. R.	L	L	L	L	L	L		L	L		L	L		P
U. S. A.										1				

4. *General Non-aggression and Mutual Assistance Relations.*

KEY TO TABLE IV (A).

Bilateral Arbitration Engagements	A
Bilateral Conciliation Engagements	C
Bilateral Non-aggression Engagements (Includes Engagements for delay of hostilities and no resort to non-pacific means)	N
Bilateral Mutual Assistance Engagements	M
Relations Under Permanent Court of International Justice	J
Relations Under Optional Clause of Permanent Court of International Justice	O
Diplomatic Relations	D
Relations Under Pact of Paris	P
Relations Under League of Nations	L
Intra-Imperial Relations (General and bilateral treaties do not apply to intra-imperial relations)	I

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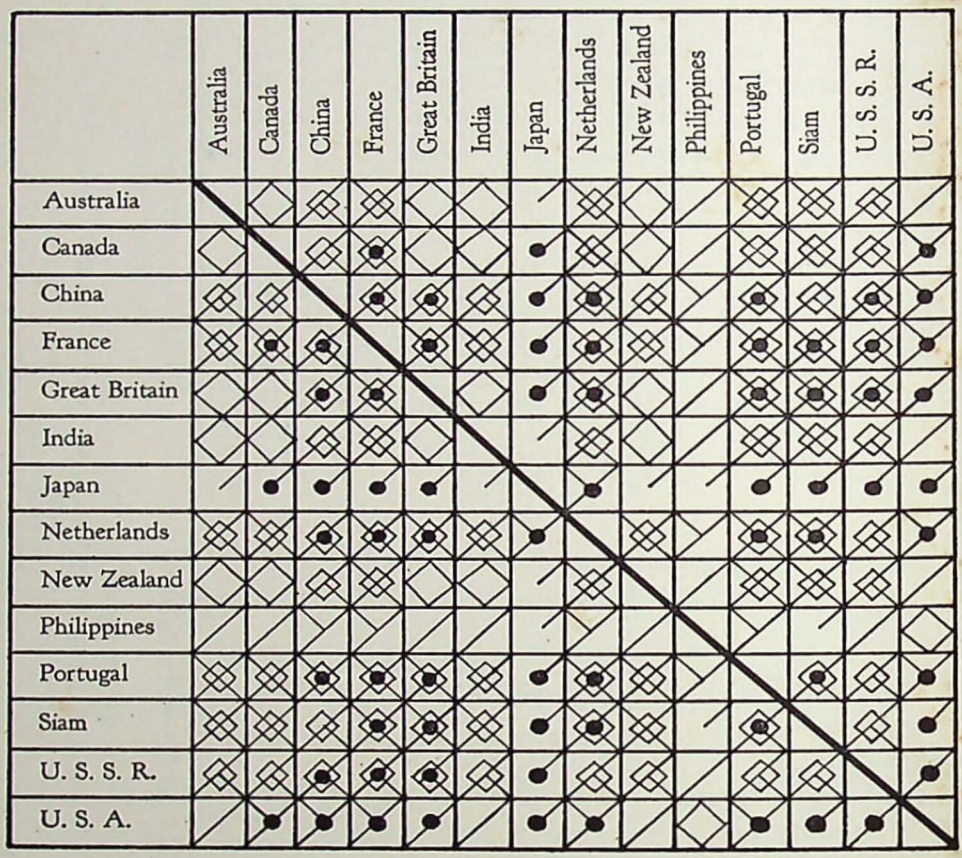
TABLE IV (B)

Summary of relations among Pacific Powers established by bilateral and general treaties and general international law, July 1, 1936.



Intra imperial relations

Intra League of Nations Relations

Diplomatic Relations

Arbitral and judicial settlement engagements, under optional clause of P.C.I.J. and bilateral treaties

Conciliation engagements, under League of Nations Covenant and bilateral treaties

Non-aggression engagements under Pact of Paris and bilateral treaties

Mutual assistance engagements under League of Nations Covenant and bilateral treaties

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TABLE V.

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TABLE V.

LIST OF PACIFIC SETTLEMENT AND SECURITY OBLIGATIONS OF BROAD SCOPE IN BILATERAL TREATIES BETWEEN PACIFIC POWERS[a]

Treaty-making State	*Treaty with*	*Date of Treaty*	*Kind of Treaty*	*Termination Clause*
Australia*				
Canada*	United States	Jan. 11, 1909	Conciliation and arbitration; establishes "International Joint Commission"	One year's notice
China	Netherlands	June 1, 1915	Arbitration	Ten-year intervals on six months' notice
	U.S.S.R.	May 31, 1924 (Art. 6)	Non-aggression	No provision
	United States	Sept. 15, 1914	Conciliation and delay of hostilities	One year's notice
	& Philippines	June 27, 1930	Arbitration	One year's notice
France	Netherlands	March 10, 1928	Arbitration, conciliation, and no use of non-pacific means	Five-year intervals on six months' notice
	Portugal	July 7, 1928	Arbitration, conciliation, and no acts in aggravation of dispute;	Five-year intervals on six months' notice
	U.S.S.R.	Nov. 29, 1932	Conciliation	
		Nov. 29, 1932	Non-aggression	
		May 2, 1935	Mutual assistance under League of Nations Covenant, applies only in case of aggression of a European state	One year's notice
	United States	Sept. 15, 1914	Conciliation and delay of hostilities	One year's notice
	& Philippines	Febr. 6, 1928	Arbitration and conciliation	One year's notice
Great Britain[b] Australia Canada India New Zealand	Siam	Nov. 25, 1925	Arbitration	One year's notice
	United States & Philippines	Sept. 15, 1914	Conciliation and delay of hostilities	One year's notice

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India*				
Japan	"Manchukuo"	Sept. 15, 1932	Mutual assistance	No provision
	Netherlands	April 19, 1933	Arbitration and Conciliation	—
	U.S.S.R.	Jan. 20, 1935 (Art. 5)	Non-aggression;	No provision
Netherlands[d]	China	June 1, 1915	Arbitration	Ten-year intervals on six months' notice
	France	March 10, 1928	Arbitration, conciliation and no use of non-pacific means	Five-year intervals on six month's notice
	Japan	April 19, 1933	Arbitration and conciliation	—
	Portugal	Oct. 1, 1904	Arbitration	No provisions
	Siam	Oct. 27, 1928	Conciliation, arbitration, and no use of non-pacific means	Five-year intervals on six months' notice
	United States & Philippines	Dec. 18, 1913	Conciliation and delay of hostilities	One year's notice
		Jan. 13, 1930	Arbitration	One year's notice
New Zealand*				
Philippine Islands**				
Portugal	France	July 7, 1928	Arbitration, conciliation and no acts in aggravation of dispute	Five-year intervals on six months' notice
	Netherlands	Oct. 1, 1904	Arbitration	No provisions
	United States & Philippines	Febr. 4, 1914	Conciliation and delay of hostilities	One year's notice
		March 1, 1929	Arbitration	One year's notice
Siam	Netherlands	Oct. 27, 1929	Conciliation, arbitration and no use of non-pacific means	Five-year intervals on six months' notice
	Great Britain Canada Australia India New Zealand	Nov. 25, 1925	Arbitration	One year's notice

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Union of Socialist Soviet Republics	France	Nov. 29, 1932	Conciliation	—
		Nov. 29, 1932	Non-aggression	—
		May 2, 1935	Mutual assistance under League of Nations Covenant, applies only in case of aggression of a European state	One year's notice
	Japan	Jan. 20, 1925 (Art. 5)	Non-aggression;	No provisions
	"Mongolia"	March 12, 1936	Mutual assistance	—
	United States	Sept. 18, 1914[e]	Conciliation and delay of hostilities	One year's notice
	& Philippines	Nov. 16, 1933	Exchange of notes; non-aggression; (Recognition accorded)	No provisions
United States & Philippine Islands	Great Britain Australia Canada India New Zealand	Sept. 15, 1914	Conciliation, delay of hostilities	One year's notice
	Canada	Jan. 11, 1909	Conciliation, arbitration; established "International Joint Commission"	One year's notice
	China	Sept. 15, 1914	Conciliation, delay of hostilities	One year's notice
		June 27, 1930	Arbitration;	One year's notice
	France	Sept. 15, 1914	Conciliation, delay of hostilities	One year's notice
		Febr. 6, 1928	Arbitration and conciliation	One year's notice
	Netherlands	Dec. 18, 1913	Conciliation and delay of hostilities	One year's notice
		Jan. 13, 1930	Arbitration	One year's notice
	Portugal	Febr. 4, 1914	Conciliation and delay of hostilities	One year's notice
		March 1, 1929	Arbitration	One year's notice
	Union of Socialist	Sept. 18, 1914[e]	Conciliation and delay of hostilities	One year's notice
	Soviet Republics	Nov. 16, 1933	Exchange of notes; non-aggression; Recognition accorded.	No provisions

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(NOTES)

* See Great Britain.

** See United States

a. This list does not include compromissory clauses relating to arbitration of future disputes about a particular treaty or a particular subject nor to *compromis* providing for the arbitration of existing disputes. For such engagements in force in 1929 see Max White, *Problems of the Pacific*, 1929, pp. 610-620.
Apart from the League of Nations Treaty Series, the United States Treaty Series and United States Treaty Information Bulletin, the following collections and analyses of Pacific Settlement and Security Treaties were found useful in preparing this list: Max Habicht, *Post-War Treaties for the Pacific Settlement of International Disputes*, Cambridge, U.S.A., 1931; League of Nations, *Arbitration and Security*, Legal, 1926, V 14; Philip C. Jessup, "The United States and Treaties for the Avoidance of War," *International Conciliation*, April, 1928, No. 239; Norman L. Hill, "Post-War Treaties of Security and Mutual Guarantee," *Ibid.*, November 1928, No. 244; "British Arbitration Policies," *Ibid.*, February, 1930, No. 257; "International Commissions of Inquiry and Conciliation," *Ibid.*, March, 1932; No. 278; Max R. White, and Stephen A. Heald, *op. cit.*

b. Great Britain has ordinarily made pacific settlement treaties applicable to all parts of the British Commonwealth of Nations. A defensive alliance was made with Japan on January 30, 1902, and renewed in 1905 and 1911, but terminated by the Four Power Treaty concerning insular possessions made at the Washington Conference in 1921. Arbitration treaties were made for five years with France on October 14, 1903, renewed in 1908, 1913, 1918, and 1923; with Portugal November 16, 1904, renewed 1909, renegotiated 1914, renewed 1919, 1925, and 1926; and with the United States, April 4, 1908, renewed in 1913, 1918, and 1923. These expired in 1928 and 1931. (See also note f). The arbitration treaty with Siam, still in force, is of similar type.

c. For Japanese treaties no longer in force with Great Britain and the United States see footnotes b and f.

d. The Netherlands arbitration treaties with China and Portugal provide for arbitration of all disputes except, in the latter case, disputes concerning independence or autonomy. That with France provides an elaborate procedure for arbitration or judicial settlement of all disputes not settled by conciliation, with submission to the League of Nations Council as an alternative. The French and Siamese treaties provide for settlement of legal disputes (defined by the four categories listed in Article 13, of the Covenant and Article 36 of the Court Statute) by the Permanent Court of International Justice. In the Siamese treaty other disputes are to be settled by conciliation.

e. It is not certain that this treaty made by Czarist Russia is still in effect for the USSR. The USSR has regarded some of the Czarist treaties as still in effect as for instance the treaty of Portsmouth with Japan (see Japan-Soviet Treaty, January 20, 1925, Art. 1), and it has regarded some as no longer in effect as for instance imperialistic treaties made with or concerning China (Declarations of 1919 and 1920 confirmed in China-Soviet Treaty, May 31, 1924, Arts. 3, 4) and secret treaties (Statement by Trotsky, November 27, 1917, U.S. Foreign Relations, Russia, 1918, vol. 1, p. 249). There seems to have been no statement in regard to the status of the Czarist treaties with the United States, but this one and others were listed as in force by the United States Department of State on December 31, 1932, before recognition had been accorded to the U.S.S.R. (Dept. of State, *Treaty Information*, Supplement to Bulletin No. 39, December, 1932, p. 19). According to general international law, such treaties would seem to continue.

f. The United States treaties here referred to all include the Philippine Islands. It is not believed that the Commonwealth status which the Islands acquired in 1935 as a result of Congressional legislation of March 24, 1934, affects the applicability of American treaties to them. The United States' pacific settlement treaties fall into distinct types. The Conciliation or Advancement of Peace treaties were originated by Secretary of State Bryan and provide for a permanent conciliation commission of five members before which all disputes in which diplomacy has failed and which are not submitted to arbitration or similar procedure shall be laid for investigation and report, during which time, usually a year, the parties agree not to resort to war or hostilities. The arbitration treaties now in force were originated by Secretary of State Kellogg and provide for arbitration of all disputes concerning claims of right with exception of domestic questions, questions involving the interest of third states, questions concerning the Monroe Doctrine and questions concerning duties under the League of Nations Covenant. The *compromis* is to be concluded in each case as a treaty which in the United States requires consent of two-thirds of the Senate. These Kellogg treaties superceded the Root treaties concluded first by Secretary Root in 1908 for five-year periods but which were allowed to lapse in 1928. These provided for arbitration of legal questions unless they concerned independence, national honor, vital interests or the interests of third states and also required senate approval of the *compromis*. Treaties of this type with Great Britain (April 4, 1908) and Japan (May 5, 1908) lapsed in 1928 and new arbitration treaties have not been negotiated.

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TABLE VI

Participation of Pacific Powers in General and Regional Treaties for Dealing with Controversies and Preventing War[a]

Country	*Hague System*			*Geneva System*						*Washington System*				*American System*		Number of ratifications of possible 15
	I Hague Convention, 1907	II Hague Convention, 1907	III Hague Convention, 1907	League of Nations Covenant, 1920	Statute, P.C.I.J., 1921	Optional Clause, P.C.I.J., 1921	General Act: 1928	Financial Assistance, 1930[b]	Means of Preventing War, 1931	Insular Possessions in Pacific, 1921	Principles Regarding China, 1922	Washington Naval, 1922	London Naval, 1930	Pact of Paris, 1928	Argentine Anti-War Pact, 1933	
Australia	X	X	X	X	X	X	X			X	X	X	X	X		12
Canada	X	X	X	X	X	X	X			X	X	X	X	X		12
China	X	X	X	X	X						X			X		7
France	X	X	X	X	X	X	X			X	X	X		X		11
Great Britain	X	X	X	X	X	X	X			X	X	X	X	X		12
India	X	X	X	X	X	X	X			X	X	X	X	X		12
Japan	X	X	X		X					X	X	X	X	X		9
Netherlands	X	X	X	X	X	X	X		X		X			X		10
New Zealand	X	X	X	X	X	X	X			X	X	X	X	X		12
Portugal	X	X	X	X	X	X					X			X		8
Spain	X		X	X	X	X								X		6
Philippines	X	X	X							X	X	X	X	X	X	9
U.S.S.R.	X	X	X	X										X		5
U.S.A.	X	X	X							X	X	X	X	X	X	9
No. of Ratifications and Adhesions by Pacific Powers July 1, 1936	14	13	14	11	11	9	7	0	1	9	12	9	8	14	2	
Total No. of Ratifications and Adhesions July 1, 1936	44	20	28	58	49	41	23	3	4	9	19	10	9	63	18	

[a] For source, see Note Table III. [b] Not in force.

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TABLE VII

The Settlement of Certain Far Eastern Problems Since 1919

Chronological

	Unilateral Action	Bilateral Agreement	Regional Consultation	General Consultation
1. Korean uprising, 1919	3			
2. U.S.-Japanese naval rivalry 1931			3	
3. Restoration of Shantung to China, 1922		3	2	
4. Withdrawal of Japan from Siberia, 1922	3		2	
5. U.S. recognition of Japanese mandate, 1922		3	2	1
6. Restoration of leased ports to China, 1922		3	2	
7. U.S. Immigration act, 1924	3			
8. Status of Outer Mongolia, 1924		3		
9. Shanghai incident, May 30, 1925	2		3	
10. Nanking incident, 1927		3	2	
11. Tsinan incident, 1927-8	2	3		
12. Restoration of concessions and settlements to China	2	3		
13. Rendition of Shanghai settlement to China, 1927			3	
14. Restoration of tariff autonomy to China, 1929		3	2	
15. U.S. tariff, 1930	3			
16. Russian intervention in Manchuria, 1929		3		2
17. Abolition of extraterritoriality in China, 1930	3	2	1	
18. Advice to China on national reconstruction, 1931	2		1	3
19. Control of opium and narcotic drugs, 1931		1	2	3
20. Japan's special position in Manchuria, 1931	3			
21. Japanese invasion of Manchuria, 1931	3			2
22. Japanese control of Chinese Eastern Railway, 1931	3	2		
23. Bombardment of Shanghai, 1932		3		2
24. Japanese invasion of Jehol, 1933	3			
25. Anglo-Japanese commercial rivalry, 1933	3			
26. Philippine independence, 1934	3			
27. Suppression of Chinese civil war, 1934	3		1	2
28. U.S. silver purchase policy, 1934	3			
29. Japanese oil monopoly in Manchuria, 1935	3	2		
30. Status of Japanese mandated islands, 1935	3			2
31. Japanese denunciation of naval treaties, 1935	3			
32. Japanese penetration of North China and Mongolia, 1935	3	2		
33. Manchuria-Outer Mongolia border clashes, 1935		3		
Total (Primary, secondary and tertiary influence weighted 3, 2 and 1 respectively)	59	42	26	17
Percent influence	41	29	18	12

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TABLE VIII

The Settlement of Certain Far Eastern Problems Since 1919 Classified

	Unilateral Action	Bilateral Agreement	Regional Consultation	General Consultation
I. TERRITORIAL DISPUTES				
China-U.S.S.R.				
16. Manchuria, 1929		3		2
8. Mongolia, 1925		3		
China-Japan				
3. Shantung, 1922		3	2	
21. Manchuria, 1931	3			2
23. Shanghai, 1932		3		2
24. Jehol, 1933	3			
32. North China, Inner Mongolia, 1935	3	2		
Japan-U.S.S.R.				
4. Siberia, 1922	3		2	
21. Chinese Eastern Railway, 1931	3	2		
33. Outer Mongolia, 1935		3		
Japan-U.S.				
5. Mandated Islands, 1922		3	2	1
Japan-League of Nations				
30. Status of mandated islands, 1935	3			2
Total	18	22	6	9
II. SELF DETERMINATION AND INDEPENDENCE				
Colonies				
1. Korea, 1919	3			
26. Philippines, 1934	3			
China				
6. Restoration of Leased ports, 1922		3	2	
12. Rendition of concessions, 1927	2	3		
13. Rendition of Shanghai settlement, 1927			3	
14. Restoration of tariff autonomy, 1929		3	2	
17. Abolition of extraterritoriality, 1930	3	2	1	
20. Definition of Japan's position in Manchuria	3			
Total	14	11	8	0
III. NATIONAL POLICIES				
Naval				
2. U.S.-Japanese rivalry, 1921			3	
31. Japan's denunciation of naval treaties, 1935	3			
Immigration				
7. U.S. act, 1924	3			
Commerce				
25. Anglo-Japanese rivalry, 1933	3			
15. U.S. tariff, 1930	3			
28. U.S. Silver policy, 1934	3			
29. Oil monopoly in Manchuria, 1935	3	2		
Total	18	2	3	0
IV. ORDER AND RECONSTRUCTION IN CHINA				
Reconstruction				
19. Control of opium and narcotics, 1931		1	2	3
18. Foreign technical advisers, 1931	2		1	3
Internal Order				
27. Suppression of civil war, 1934	3		1	2
Protection of Foreigners				
9. Shanghai incident, May 30, 1925	2		3	
10. Nanking incident, 1927		3	2	
11. Tsinan incident, 1927-8	2	3		
Total	9	7	9	8
Grand Total	59	42	26	17

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TWEEDE RAPPORT

OMTRENT DE PENSIOENSREGELING DER EUROPEESCHE AMBTENAREN

IN

NEDERLANDSCH-INDIË

In opdracht van Zijne Excellentie den Minister van Koloniën

OPGESTELD DOOR

DR. P. VAN GEER,

HOOGLEERAAR AAN DE RIJKS-UNIVERSITEIT TE LEIDEN,
ADVISEUR VAN HET DEPARTEMENT VAN KOLONIËN.

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KON. BAT. GENOOTSCHAP VAN K. EN W.

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TWEEDE RAPPORT

omtrent de pensioensregeling der Europeesche ambtenaren in Nederlandsch-Indië.

In het eerste Rapport over dit onderwerp (ingezonden bij missive van 1 Augustus 1898) werd er op gewezen, hoe na ontvangst van gevraagde opgaven nieuwe berekeningen moesten plaats hebben, waarvan de uitkomsten in een volgend rapport zouden worden opgenomen.

Nadat de verlangde opgaven waren ingekomen, heeft de bedoelde berekening plaats gehad en worden de uitkomsten, alsmede de beschouwingen waartoe zij aanleiding geven, hierbij vermeld.

§ 1. Traktementen en pensioenen van ambtenaren in Nederlandsch-Indië.

De eerste op verzoek ontvangen tabel heeft betrekking op de som van uitbetaalde traktementen gedurende de jaren 1881—1896.

Hierbij was ook gevoegd een opgaaf van uitbetaalde wachtgelden en van „onderstanden bij ontslag uit de betrekking". Deze beide zijn echter, als minder ter zake dienende, buiten berekening gebleven.

Uit de eerste opgaaf is de volgende staat afgeleid; de sommen zijn hierbij en ook in het vervolg afgerond in guldens. In kolom 2 zijn de aldus afgeronde getallen opgenomen. Hieruit is de jaarlijksche toeneming in procenten berekend en in kolom 3 vermeld. De gemiddelde toeneming in procenten over al de voorgaande jaren genomen is in de laatste kolom opgenomen.

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STAAT I.

Traktementen van ambtenaren in Nederlandsch-Indië.

Jaar.	Som der betaalde traktementen.	Toeneming dezer som in procenten.	Gemiddelde toeneming in procenten.
1.	2.	3.	4.
1881	f 14 595 370	„	„
1882	14 966 481	2.54	2.54
1883	15 299 982	2.23	2.39
1884	15 232 983	— 0.44	1.45
1885	15 171 474	— 0.40	0.98
1886	15 238 828	0.45	0.87
1887	15 266 281	0.18	0.76
1888	15 390 357	0.81	0.77
1889	15 506 782	0.76	0.77
1890	15 982 915	3.07	1.02
1891	16 255 892	1.71	1.09
1892	16 466 576	1.30	1.11
1893	16 644 405	1.08	1.10
1894	16 838 972	1.17	1.11
1895	17 013 566	1.04	1 11
1896	17 326 043	1.84	1.16

Uit dezen staat kan de toeneming der traktementen in verloop van tijd worden nagegaan; over de laatste 15 jaren beliep zij gemiddeld 1.16 procent. Hoewel zich eenige sprongen vertoonen, kan toch in het algemeen de toeneming als dalend worden aangemerkt.

Uit de ontvangen „Opgave van betaalde burgerlijke pensioenen ten laste van de begrooting van Nederlandsch-Indië" is de volgende staat afgeleid :

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STAAT II.

Pensioenen van ambtenaren in Nederlandsch-Indië.

Jaar.	Som der betaalde pensioenen.	Toeneming dezer som in procenten.	Gemiddelde toeneming in procenten.	Verhouding van de som der pensioenen tot de som der traktementen in procenten.
1.	2.	3.	4.	5.
1881	f 1 610 472	„	„	11.03
1882	1 636 903	1.64	1.64	10.93
1883	1 694 772	3.54	2.59	10.82
1884	1 811 259	6.87	4.01	11.89
1885	1 953 192	7.84	5.00	12.87
1886	2 021 451	3.40	4.66	13.26
1887	2 114 199	4.59	4.65	13.85
1888	2 142 336	1.33	4.17	13.92
1889	2 215 290	3.41	4.08	14.29
1890	2 305 303	4.06	4.08	14.42
1891	2 377 402	3.13	3.98	14.62
1892	2 400 058	0.95	3.70	14.57
1893	2 381 632	— 0.77	3.33	14.31
1894	2 468 806	3.67	3.36	14.66
1895	2 459 007	— 0.63	3.07	14.45
1896	2 501 343	1.72	3.00	14.44

In kolom 2 zijn de pensioenen opgenomen, die in de bij kolom 1 vermelde jaren werden uitbetaald. Kolom 3 bevat de procentsgewijze toeneming dezer som en kolom 4 de gemiddelde toeneming over de verloopen jaren. Hierbij vertoont zich eerst eene vrij sterke opklimming, daarna eene geleidelijke daling. De laatste kolom verbindt dezen staat met den vorigen; hij bevat nl. de verhouding van de som der pensioenen tot de som der traktementen in procenten. Uit deze kolom blijkt, hoe deze verhouding voort-

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durend grooter werd, maar blijkbaar nadert tot een vaste grens, hetgeen op een stationnairen toestand wijst.

Voordat deze uitkomsten aan eene nadere beschouwing worden onderworpen, acht ik het niet ondienstig overeenkomstige staten omtrent de ambtenaren in Nederlandschen dienst op te stellen, om daardoor tot eene vergelijking te kunnen komen. Deze staten zijn ontleend aan de Bijlagen van het „Verslag van het Bestuur van het pensioenfonds voor Burgerlijke Ambtenaren" en op gelijke wijze als de voorgaande bewerkt.

Zoo heeft de volgende staat betrekking op deze ambtenaren.

STAAT III.

Traktementen van ambtenaren in Nederlandschen dienst.

Jaar.	Som der betaalde traktementen.	Toeneming dezer som in procenten.	Gemiddelde toeneming in procenten.
1.	2.	3.	4.
1881	f 14723 210	„	„
1882	15087 546	2.47	2.47
1883	15532 528	2.95	2.71
1884	15828 003	1.90	2.44
1885	16001 051	1.10	2.10
1886	16166 985	1.04	1.89
1887	16371 918	1.27	1.80
1888	16515 255	0.88	1.66
1889	16602 195	0.53	1.52
1890	17103 267	3.02	1.68
1891	17999 779	5.42	2.05
1892	18396 105	2.20	2.07
1893	18981 925	3.18	2.16
1894	19200 056	1.15	2.10
1895	19526 592	1.70	2.06
1896	19974 990	2.30	2.07

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Door vergelijking van dezen staat met staat I blijkt, hoe in 1881 de som van traktementen nagenoeg gelijk stond voor Nederland en Nederlandsch-Indië, maar hoe in 1896 die som voor Nederland ver die som voor Indië te boven gaat. Het accres was dus in het moederland veel grooter dan in de kolonie. Duidelijk komt dit aan het licht uit de laatste kolommen van beide staten. Het accres was gemiddeld in Nederland nagenoeg het dubbele van het accres in Nederlandsch-Indië.

De volgende staat heeft betrekking op de pensioenen van ambtenaren in Nederlandschen dienst.

STAAT IV.

Pensioenen van ambtenaren in Nederlandschen dienst.

Jaar.	Som der betaalde pensioenen.	Toeneming dezer som in procenten.	Gemiddelde toeneming in procenten.	Verhouding van de som der pensioenen tot de som der traktementen in procenten.
1.	2.	3.	4.	5.
1881	1 312 382	„	„	8.91
1882	1 362 097	3.79	3.79	9.03
1883	1 415 548	3 92	3.85	9.11
1884	1 442 548	1.91	3.21	9.11
1885	1 438 997	— 0.25	2.34	8.79
1886	1 484 980	3.20	2.51	9.19
1887	1 492 854	0.53	2.20	9.12
1888	1 495 889	0.21	1.90	9.06
1889	1 461 271	— 0.04	1.66	8.80
1890	1 553 185	6.29	2.17	9.08
1891	1 614 644	3.96	2.35	9.44
1892	1 598 509	— 1.00	2.05	8.69
1893	1 644 462	2.87	2.12	8.66
1894	1 743 111	6.00	2.41	9.08
1895	1 753 543	0.60	2.28	8.98
1896	1 824 457	4.05	2.40	9.13

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Deze staat leert, hoe de pensioenslast in Nederland evenzeer als in de kolonie stijgende is, maar de stijging bij de laatste grooter is dan bij de eerste. Uit de laatste kolom van staat IV blijkt echter, hoe ook in Nederland de verhouding van de som der pensioenen tot de som der traktementen wèl voortdurend grooter werd, maar toch nadert tot een vaste grens, hetgeen mede eene vingerwijzing is naar den stationnairen toestand.

Is echter deze grens voor ambtenaren in Nederlandschen dienst op 9.15 procent te stellen, voor de ambtenaren in de kolonie wordt zij niet minder dan 14.5 procent. Hieruit blijkt opnieuw, hoe de pensioensverhouding voor den ambtenaar in Nederlandsch-Indischen dienst veel grooter is dan die voor den Rijksambtenaar in Nederland.

Ik spreek hier van de „pensioensverhouding" en niet van „pensioenswaarde". Wel hangen zij samen, maar zij zijn toch niet identiek. Immers, de eerste geeft de verhouding van de som aan pensioenen tot de som aan traktementen, die in hetzelfde jaar worden uitbetaald. Onder *pensioenswaarde* wordt verstaan het procent, dat de ambtenaar gedurende zijne werkzaamheid van zijne bezoldiging zou moeten afstaan, om bij zijne pensionneering de waarde van het pensioen te vertegenwoordigen. Indien derhalve een pensioenfonds bestond, waaruit alle pensioenen werden betaald en dat uitsluitend werd gevoed door een evenredig procent van alle bezoldigingen te heffen, dan zou, bij behoorlijke regeling, dit laatste de pensioenswaarde aangeven. Deze pensioenswaarde moet blijkbaar kleiner zijn dan de pensioensverhouding, want zij wordt betaald gedurende de geheele werkzaamheid van den ambtenaar, zoodat de stortingen geruimen tijd rente kunnen geven die de pensioenswaarde der storting verhoogt.

Zoo is de pensioenswaarde van den ambtenaar in Nederlandschen dienst gemiddeld op 8 procent te stellen. Voor den ambtenaar in Nederlandsch-Indischen dienst is de overeenkomstige berekening in het vorige Rapport opgesteld. Daaruit blijkt (§ 6) dat het *recht* op pensioen eene pensioenswaarde van 14 procent vertegenwoordigt, maar dat de wijze waarop van dat recht wordt gebruik gemaakt, door hooger leeftijd en langer diensttijd bij pensionneering, dit cijfer doet dalen tot 12 procent; bij zeer langen diensttijd daalt het zelfs af tot 9.7 procent.

In elk geval blijkt hieruit, hoe het recht op pensioen voor den ambtenaar in Nederlandsch-Indischen dienst hooger waarde vertegenwoordigt dan voor den Rijksambtenaar in Nederland. Stelt men het op 12 tegenover 8 procent, dan volgt hieruit dat de waarde van het pensioen voor den ambtenaar in Indië ongeveer anderhalf maal die waarde voor den ambtenaar in Nederlandschen dienst bedraagt.

§ 2. De Pensioenslast.

In § 5 van het eerste Rapport is de grens van den pensioenslast berekend op

f 2 771 667.

Doch deze berekening had plaats in de onderstelling, dat de stationnaire toestand was verkregen, zoodat de som der traktementen haar maximum had bereikt. Thans blijkt uit staat I, dat dit nog geenszins het geval is, maar deze som voortdurend stijgt, zoodat moet worden nagegaan, welken invloed deze stijging op den pensioenslast uitoefent.

Het antwoord ligt voor de hand. Zoolang de som der traktementen stijgt, zal dit ook met de som der pensioenen plaats hebben. Blijft het reglement onveranderd, dan

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is geene bepaalde grens voor de som der pensioenen aan te wijzen. Zij zal ongeveer in gelijke reden als de som der traktementen toenemen.

Volgens kolom 4 van staat I is de gemiddelde stijging dezer som op 1.16 procent te stellen; brengt men dit in rekening, dan zal de pensioenslast voortdurend toenemen, maar in afnemende mate, zooals uit kolom 2 van staat II blijkt. Volgens kolom 5 van dienzelfden staat heeft echter de verhouding van de som der pensioenen tot de som der traktementen eene grens bereikt, die bij normalen voortgang niet zal veranderen. Zij is op 14.5 procent te stellen. Heeft derhalve in dezen gang van zaken geene afwijking plaats, dan kan dit cijfer als normaal worden aangemerkt. Met de bovengenoemde grens voor den pensioenslast komt dan overeen eene som aan traktementen van f 19 115 000, zijnde ongeveer 10 procent hooger dan het bedrag in 1896, zoodat ongeveer in 10 jaren later de pensioenslast tot het genoemde bedrag zal geklommen zijn. Mocht dan geene aanmerkelijke toeneming van de som der traktementen meer plaats vinden, dan is de stationnaire toestand bereikt, en zal ook de pensioenslast tot het genoemde bedrag zijn geklommen.

Deze verhoudingen kunnen echter groote verandering ondergaan, wanneer door het instellen van nieuwe diensttakken zoowel het aantal der ambtenaren als de som hunner bezoldigingen plotseling aanmerkelijke uitbreiding ondergaat. De invloed hiervan op den pensioenslast is niet onmiddellijk vast te stellen. Aanvankelijk zal hij zich weinig doen gevoelen, althans wanneer het nieuwe personeel betrekkelijk jeugdig en krachtig is. Doch na verloop van jaren zal ook de pensioenslast worden verhoogd met een bedrag dat à priori niet kan worden vastgesteld.

Blijft het reglement onveranderd, dan kan hiervan alleen gezegd worden dat bij elke uitbreiding van dienst de som aan nieuwe traktementen jaarlijks met 12 procent moet verhoogd worden, om den last der nieuwe pensioenen in rekening te brengen. Is na verloop van tijd de nieuwe tak van dienst in stationnairen toestand overgegaan, dan zal dit eenige jaren later ook met den pensioenslast het geval zijn, en zal deze met 14.5 procent van de som der nieuwe traktementen zijn toegenomen.

Verder kan de berekening in deze niet gaan.

Bij elke instelling van een nieuwen tak van dienst of het wijzigen van een bestaanden, zóó dat verhooging van de som der bezoldigingen hiervan het gevolg is, wordt de verhooging op de begrooting uitgetrokken. Directe verhooging van den pensioenslast zal hieruit niet voortvloeien; slechts dient er op gerekend te worden voor de toekomst, in zulk een mate dat de contante waarde der te verwachten verzwaring van dien last gelijk staat met 12 procent van de nieuwe of verhoogde traktementen.

Werden de pensioenen niet uit de schatkist maar uit een fonds betaald, dan zouden hierin die 12 procent moeten gestort worden om, zoolang de pensioensregeling geene verandering ondergaat, in de verhooging van den pensioenslast voor de toekomst te voorzien.

§ 3. Maximum van pensioen.

Zoowel in de pensioenwet, geldende voor ambtenaren in Nederlandschen dienst, als in het reglement op de pensionneering van ambtenaren in Nederlandsch-Indië, is een maximum voor het pensioen vastgesteld. Doch verder gaat de overeenkomst niet. Terwijl toch dit maximum voor ambtenaren in Nederland op f 3000 (voor Ministers bij uitzondering op f 4000) is gesteld, bedraagt dit maximum voor ambtenaren in Indischen dienst f 12 000. Het gevolg is, dat de bepaling slechts uiterst zelden dienst doet. Van de 1096 gepensionneerden, die in staat V van het eerste Rapport zijn opgenomen, komen slechts 4 tot

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het maximum-pensioen voor. En van deze 4 zouden slechts 2 eene kleine verhooging van pensioen ondergaan, indien de bepaling van het maximum niet bestond. De bepaling geldt feitelijk uitsluitend den gepensionneerden vice-president van den Raad van Nederlandsch-Indië. In Nederland doet zij daarentegen haren invloed gelden voor alle ambtenaren die eene hoogere bezoldiging dan f 4500 genieten.

Het onderscheid is niet gering en springt dan ook bij elk onderzoek terstond in het oog. Terwijl in Nederland de pensioenen van f 3000 uiterst zeldzaam zijn en dan nog alleen aan ambtenaren op hoogen leeftijd worden toegekend, blijkt uit de staten IV en V van het eerste Rapport, hoe voordeeliger deze toestand voor de ambtenaren van Nederlandsch-Indië is.

Van de 1096 in 10 jaar gepensionneerde ambtenaren ontvingen niet minder dan 149 een pensioen hooger dan f 3000 op een leeftijd, die 15—20 jaren lager is dan die waarbij in Nederland het recht op pensioen wordt toegekend. In Indië is pensionneering op den betrekkelijk jeugdigen leeftijd van 45—50 jarigen leeftijd lang niet zelden; eenmaal zelfs is het hoogste pensioen van f 12 000 toegekend aan een ambtenaar op 45-jarigen leeftijd, een andermaal op 50-, een derde maal op 51-jarigen leeftijd, slechts de vierde had bij zijne pensionneering op het maximum bedrag den 66-jarigen leeftijd bereikt. Geen wonder dat dikwijls de vraag oprees, of ook voor den Indischen dienst het maximum bedrag der pensioenen, zonder schade voor den dienst, kon worden verlaagd.

Deze vraag zal thans nader worden behandeld.

Reeds werd in § 7 van het eerste Rapport uitvoerig gehandeld over de hoogste pensioenen en daarbij nagegaan, welken invloed de verlaging van het maximum tot f 9000 zou hebben. De slotsom was dat deze verlaging den pensioenslast jaarlijks met een bedrag van hoogstens f 21 000 zou doen dalen, hetgeen over het geheele bedrag genomen slechts geringe beteekenis heeft.

Om na te gaan, welken invloed eene verder gaande verlaging zou hebben, heb ik uit de lijst der in de laatste 10 jaren toegekende pensioenen een nieuwe tabel afgeleid, die voor zoover noodig hier volgt.

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STAAT V.

Pensioenen boven f 3000.

Grootte van het pensioen.	Aantal pensioenen.	Som der jaarlijksche pensioenen.	Som der overmaten boven het maximum gesteld op: f 9000.	f 8000.	f 7000.	f 6000.	f 5000.	f 4000.	f 3000.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
f 12 000	4	f 48 000	f12 000	f16 000	f20 000	f24 000	f 28 000	f 32 000	f 36 000
11 000—10 001	5	53 864	8 864	13 864	18 864	23 864	28 864	33 864	38 864
10 000— 9 001	1	9 360	360	1 360	2 360	3 360	4 360	5 360	6 360
9 000— 8 001	6	53 199	„	5 199	11 199	17 199	23 199	29 199	35 199
8 000— 7 001	5	37 200	„	„	2 200	7 200	12 200	17 200	22 200
7 000— 6 001	15	96 225	„	„	„	6 225	21 225	36 225	51 225
6 000— 5 001	27	144 008	„	„	„	„	9 008	36 008	63 008
5 000— 4 001	39	175 033	„	„	„	„	„	19 033	58 033
4 000— 3 001	47	159 110	„	„	„	„	„	„	18 110
te zamen . .	149	f 775 999	f21 224	f36 423	f54 623	f81 848	f 126 856	f 208 889	f 328 999
Gemiddeld per jaar:									
Aantal	15		1	1.6	2.1	3.6	6.3	10.2	15
Overmaat			f 2 122	f 3 642	f 5 462	f 8 185	f 12 686	f 20 889	f 32 900
Contante waarde der overmaat. .			20 900	37 500	57 710	88 562	140 435	236 464	380 653

Deze staat bevat alle pensioenen, waarvan het bedrag hooger was dan f 3000. Over 10 jaren waren zij 149 in aantal op de (volgens staat V van het eerste Rapport) 1096 toegekende pensioenen tot een gezamenlijk bedrag van f 1 777 757.

Gemiddeld per jaar werden dus 15 pensioenen toegekend tot een hooger bedrag dan f 3000. Verder blijkt uit bovenstaanden staat, welk bedrag aan pensioenen werd uitgekeerd boven het bedrag, dat aan het hoofd van elke kolom staat vermeld.

Van deze overmaat is telkens de contante waarde volgens den gemiddelden leeftijd berekend. De uitkomst is aan het slot van elke kolom opgenomen.

Reeds bleek in het eerste Rapport dat eene verlaging van het maximum tot f 9000 een jaarlijksch voordeel van f 20 900 zou opleveren. Op gelijke wijze berekend zou eene verlaging van het maximum tot

f 8 000	eene verlaging	geven	van	f	37 500
7 000	„	„	„	„	57 710
6 000	„	„	„	„	88 562
5 000	„	„	„	„	140 435
4 000	„	„	„	„	236 464
3 000	„	„	„	„	380 653

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Intusschen zou men zich zeer bedriegen, indien men meende, dat eene verlaging van het maximum-pensioen tot een der genoemde bedragen het jaarlijksch voordeel zou opleveren, dat daarbij staat vermeld. Dit toch zou slechts het geval zijn, indien zulk eene verlaging geen invloed uitoefende op den diensttijd en den leeftijd bij pensionneering. Dit zal echter stellig het geval zijn. Zoodra het maximum-pensioen na korteren diensttijd en op jeugdiger leeftijd verkrijgbaar is gesteld, zullen velen hiervan gebruik maken om gepensionneerd te worden. Derhalve worden de pensionneeringen op het maximum talrijker en de leeftijd, waarop dit geschiedt, daalt. Daardoor zal het aantal toenemen en de waarde rijzen, zoodat van het eerste voordeel niet veel overschiet.

Voor een der gevallen heb ik de berekening nader uitgewerkt. Uitgaande van de onderstelling dat het maximum pensioen op f 5000 wordt vastgesteld, heb ik met behulp van de sterftetafel voor Indische ambtenaren nagegaan, wat hiervan het gevolg zou zijn, indien allen die gepensionneerd zijn op een hooger bedrag, pensioen hadden gevraagd en gekregen, zoodra het tot f 5000 was gestegen. De uitkomst dezer berekening leerde, dat het voordeel der verlaging, hierboven geschat op f 140 435 jaarlijks, grootendeels verdween tegenover het nadeel, veroorzaakt door de toeneming van het aantal en van de contante waarde der pensioenen.

Aldus blijkt, hoe eene verlaging van het maximum-pensioen zonder gelijktijdige wijziging van andere pensioensbepalingen den pensioenslast niet aanmerkelijk zou verlichten.

§ 4. Diensttijd en leeftijd bij pensionneering.

Volgens het vigeerend reglement ontstaat het recht op pensioen door verbinding van den 45-jarigen leeftijd met den 20-jarigen diensttijd. In § 6 van het eerste Rapport is aangetoond, hoe dit recht eene waarde vertegenwoordigt die gelijk staat met eene doorloopende storting van 14 procent op de bezoldiging. Dat de werkelijke pensioenslast gelijk staat met eene doorloopende storting van 12 procent, vindt zijne verklaring in de omstandigheid, dat vele ambtenaren langer in dienst blijven dan tot verkrijging van pensioen noodzakelijk is. Hoe langer diensttijd, hoe kleiner de verhouding van pensioenswaarde tot traktementswaarde wordt.

Wel verhoogt de diensttijd het pensioen, maar de contante waarde hiervan wordt bij het klimmen der jaren kleiner.

Hieruit volgt, dat eene verandering in de voorwaarden, onder welke het recht op pensioen ontstaat, grooten invloed op de waarde van het pensioen en daardoor ook op den pensioenslast zal uitoefenen.

Deze invloed zal thans worden nagegaan.

Onderstellen wij daartoe, dat de leeftijd waarop het recht op pensioen ontstaat, en daarmede ook de diensttijd, wordt verlengd, hetzij met 5, hetzij met 10 jaren. De invloed hiervan op den pensioenslast kan bij benadering als volgt worden nagegaan.

Staat VI van het eerste Rapport bevat een opgaaf van de in de laatste tien jaren verleende pensioenen, gerangschikt naar den leeftijd bij pensionneering.

De pensionneeringen, vóórdat de vereischte leeftijd en diensttijd zijn bereikt, kunnen thans ter zijde worden gelaten, want deze pensioenen zijn verleend onafhankelijk van het *recht* op pensioen. Ook de pensioenen verleend op 55jarigen en hoogeren leeftijd kunnen buiten beschouwing blijven. De overblijvende pensionneeringen zijn in den volgenden staat opgenomen.

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STAAT VI.

Leeftijd bij pensionneering.	Aantal gepensionneerden.	Gemiddeld aantal dienstjaren.	Som hunner jaarlijksche pensioenen.	Contante waarde dezer pensioenen.	Contante waarde dezer pensioenen, wanneer zij eerst ingaan op het: 50ste levensjaar.	55ste levensjaar.
1.	2.	3.	4.	5.	6.	7.
43	52	21	f 39 318	f 521 140	f 290 070	f 184 010
44	42	22	46 068	599 780	361 640	227 580
45	52	21	78 611	1 004 800	657 200	409 560
46	61	24	86 864	1 089 600	773 100	478 620
47	55	24	97 300	1 197 100	924 340	570 180
48	50	24	89 386	1 078 100	907 230	559 550
49	72	25	145 315	1 717 100	1 576 700	973 600
50	54	26	117 888	1 363 900	1 363 900	848 800
51	48	25	121 148	1 371 700	1 371 700	924 920
52	54	26	92 476	1 024 000	1 024 000	776 800
53	39	26	85 966	930 200	930 200	773 700
54	36	29	77 008	813 700	813 700	739 280
Som . . .	615		f 1 077 348	f 12 711 120	f 10 993 830	f 7 466 600
Verschil					1 717 290	5 244 520
Gemiddeld per jaar					171 729	524 452

De pensionneeringen op 43- en 44jarigen leeftijd staan in verband met de bepaling, dat de eisch van den 45jarigen leeftijd niet van toepassing is op de ambtenaren die aangesteld zijn vóórdat deze eisch in het reglement werd opgenomen. Dat bij dezen de vereischte diensttijd was volbracht, blijkt uit kolom 3. Derhalve moesten zij ook hierbij worden opgenomen, onder de opmerking evenwel, dat ook voor dezen de pensioenslast zal verminderen, zonder wijziging van het reglement, zoodra alle ambtenaren, aangesteld vóór het in werking treden van het reglement, zijn gepensionneerd.

De in bovenstaande tabel opgenomen pensionneeringen bevatten in aantal en bedrag de grootste helft van het geheel.

Tevens blijkt, hoe eene verhooging van den vereischten leeftijd bij pensionneering vanzelf eene verhooging van den diensttijd ten gevolge heeft. Immers verreweg de meeste ambtenaren worden op 25-jarigen of jongeren leeftijd in dienst gesteld.

In kolom 5 is de contante waarde der verleende pensioenen opgenomen, berekend volgens de sterftetafel der Indische ambtenaren.

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Verder is aangenomen, dat de vereischte leeftijd wordt gebracht van 45 op 50 jaren. Dan gaat op 45 jaren het vroegere recht op pensioen over in een aanspraak op uitgesteld pensioen, waarvan de waarde kan berekend worden. Deze is opgenomen in de 6de kolom. De vijf laatste getallen dezer kolom zijn identiek met die der voorgaande, omdat op deze pensionneeringen de wijziging geen invloed heeft.

Dezelfde berekening is gedaan in de onderstelling, dat het recht op pensioen eerst ingaat met het bereiken van den 55-jarigen leeftijd. De uitkomst hiervan is in de laatste kolom opgenomen.

Terecht kan hierbij worden opgemerkt, dat bij het verhoogen van den leeftijd, waarop het recht op pensioen ontstaat, ook de grootte der pensioenen en daarmede ook hare waarde evenredig zal toenemen; dit kan echter buiten berekening blijven, indien in aanmerking wordt genomen, dat ook nu dit gedeelte van het pensioen wordt uitgekeerd, doch aan andere personen. Immers het is duidelijk, dat eene verhooging van den vereischten leeftijd en diensttijd voor pensionneering ook het aantal gepensionneerden zal doen afnemen. Zij vermindert de wisseling van personeel; als gevolg hiervan zal zoowel het aantal als de som der pensioenen afnemen. Derhalve zal de berekening van staat VI een minimum opleveren, tenzij andere omstandigheden tusschenbeide treden, waarover straks nader zal gehandeld worden.

Uit staat VI blijkt, hoe de pensioenwaarde vermindert bij verhooging van den vereischten leeftijd en diensttijd. Worden beide met 5 jaren verhoogd, dan is de jaarlijksche vermindering van den pensioenslast te stellen op:

f 171 729.

Werd de voor pensionneering vereischte leeftijd gebracht op 55 jaren, dan zou de pensioenslast na verloop van tijd eene verlichting van

f 524 452

's jaars ondergaan, niet terstond, maar geleidelijk. Eerst nadat het geheele personeel onder de nieuwe bepalingen ware aangesteld, zou de daling zijn bereikt en de pensioenslast met ongeveer 20 procent verminderd.

Intusschen moet hierbij de vraag worden overwogen, of eene dergelijke verhooging van leeftijd en diensttijd geen andere bezwaren doet rijzen.

In de eerste plaats kan hierbij worden gewezen op de uitkomsten van het vorig onderzoek. Daarbij kwam aan het licht, dat reeds nu de gemiddelde leeftijd bij pensionneering omstreeks 50 jaren bedraagt en de gemiddelde diensttijd 24—25 jaren.

Een wijziging in dezen zin zou derhalve slechts den bestaanden toestand tot eisch voor de toekomst stellen.

Omtrent eene verhooging van den leeftijd tot 55 jaren kan nog het volgende worden aangevoerd. Eene vergelijking van de sterftetafel voor Indische ambtenaren met die voor ambtenaren in Nederland (ontleend aan de eerste wetenschappelijke balans van het Weduwen- en Weezenfonds) leert het volgende:

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Leeftijd.	Ambtenaren in Nederlandschen dienst.		Ambtenaren in Indischen dienst.	
	Sterftekans.	Levensduur in jaren.	Sterftekans.	Levensduur in jaren.
45	0.0096	25	0.0231	19
50	0.0133	21.5	0.0201	16.3
55	0.0180	18	0.0368	13.8
60	0.0250	14.7	0.0472	11.4
65	0.0370	11.6	0.0631	9.1

Hieruit blijkt, hoe de levenskansen op gelijken leeftijd voor den ambtenaar in Indië lager zijn dan voor den ambtenaar in Nederlandschen dienst, maar toch niet zooveel als met de tegenwoordige pensioensbepalingen overeenkomt.

Immers de ambtenaar in Nederland heeft volgens art. 3 der pensioenwet eerst door ouderdom *recht* op pensioen bij het bereiken van den 65-jarigen leeftijd. Nu zijn volgens bovenstaande tabel de levenskansen in Indië op 55-jarigen leeftijd gunstiger dan in Nederland op 65-jarigen leeftijd. Van deze zijde beschouwd, kan tegen het verhoogen van den vereischten leeftijd in Indischen dienst tot 55 jaren geen ernstig bezwaar worden aangevoerd. Vroeger was dit geheel anders. De laatste tijd heeft deze gunstige verandering teweeggebracht, dat de gemiddelde levenskracht van den ambtenaar in Indischen dienst zeer is toegenomen en nu zeker geen tien jaren meer verschilt met dien van den ambtenaar in Nederland. Evenmin is de gelijkstelling van één dienstjaar in Indië met twee dienstjaren in Nederland meer van onzen tijd Andere verhoudingen zijn ingetreden, die bij de pensionneering in rekening kunnen gebracht worden.

Is de verhooging van den voor pensionneering vereischten leeftijd tot 55 jaren een te groote sprong, tegen het vaststellen op 50 jaren kan geen bezwaar van beteekenis meer worden aangevoerd. Dan nog heeft de ambtenaar in Indischen dienst alles voor op den ambtenaar in Nederlandschen dienst: hooger pensioen bij jeugdiger leeftijd en veel korter diensttijd.

Ook al blijven de overige bepalingen onveranderd, zoodat de grootte van het pensioen in verband met bezoldiging en diensttijd geene wijziging ondergaat, zou de pensioenslast voor de toekomst met ruim f 170 000 's jaars verminderen. Althans onder voorwaarde, dat alle in staat VI voorkomende pensionneeringen worden uitgesteld tot de vereischte leeftijd is bereikt. Dit hangt natuurlijk samen met de wijze van uitvoering. Indien toch de pensioenen op gelijken voet werden verleend ook zonder dat het recht op pensioen is verkregen, zou de verandering niet veel voordeel opleveren en vrij wel doelloos kunnen worden genoemd.

Slechts in de onderstelling dat het pensioen in den regel wordt verleend, nadat het recht hierop is ontstaan, en afwijking hiervan tot de uitzonderingen gaat behooren, zullen de bovengenoemde voordeelen kunnen verkregen worden. Zij gaan verloren, wanneer met het pensionneeren de hand wordt gelicht en de pensioenen in het vervolg als gunst worden verleend, die thans als een recht zijn verkregen. Hoe hiertegen kan gewaakt worden, zal in de volgende paragraaf worden uiteengezet.

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§ 5. Pensioenen, verleend vóórdat het recht hierop is ontstaan.

Uit staat VII van het eerste Rapport blijkt dat gedurende de jaren 1887—1896 235 pensioenen zijn verleend vóórdat de vereischte diensttijd was volbracht. Het kleinst aantal dienstjaren was 5, het grootste 19. De som dezer pensioenen bedroeg f 167 412. Ten einde den invloed dezer pensionneeringen op het geheele bedrag na te gaan, is eene berekening ingesteld, waarvan de uitkomst in den volgenden staat is opgenomen.

STAAT VII.

Pensioenen, verleend vóór afloop van den 20-jarigen dienst.

Aantal dienstjaren bij pensionneering.	Aantal pensioenen.	Som der jaarlijksche pensioenen.	Contante waarde dezer pensioenen.	Contante waarde bij uitkeering na 20 jaren dienst.
1.	2.	3.	4.	5.
5	5	f 1 196	f 19 898	f 6 051
6	11	2 955	48 520	15 662
7	11	3 098	50 184	17 256
8	12	4 199	67 093	24 648
9	8	2 624	41 345	16 216
10	18	8 676	134 770	56 394
11	11	7 063	108 140	48 311
12	18	12 592	189 970	90 663
13	16	12 786	190 000	96 920
14	19	10 625	155 000	84 660
15	18	12 884	185 640	108 100
16	18	17 012	241 230	151 400
17	29	28 912	403 360	274 380
18	19	17 728	243 230	179 050
19	22	25 062	338 040	268 920
Som . . .	235	f 167 412	f 2 416 420	f 1 438 631
			1 438 631	
Verschil			f 977 789	
Gemiddeld per jaar			97 779	

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In de 4de kolom is de contante waarde dezer pensioenen opgenomen, berekend volgens den gemiddelden leeftijd en de sterftetafel der Indische ambtenaren. In kolom 5 is de waarde derzelfde pensioenen opgenomen in de onderstelling, dat zij eerst zouden uitgekeerd worden nadat de 20-jarige diensttijd was verstreken. Het verschil bedraagt over 10 jaren f 977 789, dus gemiddeld per jaar f 97 779. Deze last wordt op de begrooting der pensioenen geworpen door de vroegtijdige pensionneering. Met andere woorden: indien de pensionneering dezer ambtenaren eerst had plaats gehad, nadat zij hun vollen diensttijd hadden doorgebracht, zou de jaarlijksche pensioenslast ongeveer een ton gouds minder zijn.

Hieruit blijkt van hoeveel belang deze zaak is: zij oefent op het pensioensbedrag meer invloed uit dan het verlagen van het maximum bedrag kan doen. Beschouwt men het *recht* op pensioen na volbrachten diensttijd als vertegenwoordigende een deel der bezoldiging dat eerst op later leeftijd wordt uitgekeerd, zoo moeten alle pensioenen die vroeger worden toegekend beschouwd worden als *onmisbaar levensonderhoud* voor het geval, dat de ambtenaar niet langer in staat is zijne krachten aan den Staat te wijden. Hoe weinig de werkelijkheid hiermede overeenkomt, behoeft nauwelijks herinnerd te worden. Velen verlaten den dienst om in eene particuliere betrekking over te gaan, zoodat zij bij de daaraan verbonden bezoldiging een niet te versmaden bijslag als pensioen ontvangen. Anderen worden afgekeurd voor den dienst in de Kolonie: zij keeren naar het moederland terug om daar in eene of andere betrekking een nieuw leven te beginnen. Geenszins is dat streven af te keuren; maar is het noodig dat de Staat hierin te gemoet komt, door aan zoodanigen voor hun geheele verdere leven pensioen, d. i. onmisbaar levensonderhoud, uit te keeren?

Ik acht deze omstandigheid het grootste bezwaar, dat aan alle pensionneering is verbonden; het geldt niet alleen voor de ambtenaren in Indischen dienst, maar evenzeer voor ambtenaren in Nederland en vooral voor officieren van zee- en landmacht. De verhouding van de som der pensioenen tot de som der bezoldiging loopt in deze verschillende gevallen sterk uiteen; zij kan een maatstaf opleveren om voor elk geval de grootte van het geschetste kwaad te doen kennen.

Nog een ander bezwaar is aan de vroegtijdige pensionneering verbonden. Hoewel het staat buiten de kwestie die thans in behandeling is, kan ik toch niet nalaten er bij deze gelegenheid op te wijzen. De gepensionneerde ambtenaar of officier betaalt in het Weduwenfonds naar den maatstaf van zijn pensioen, niet van zijne laatste bezoldiging. Is het recht op pensioen verkregen, dan is dit niet meer dan billijk en kan daarmede bij het vaststellen der bijdragen gerekend worden. Doch wordt de ambtenaar vóór dien tijd met pensioen ontslagen, dan behoudt hij al zijne rechten ten opzichte van weduwen- en weezenpensioen naar den maatstaf der laatstgenoten bezoldiging, doch zijne bijdrage wordt geregeld naar zijn eigen pensioen, zoodat hij veel te weinig betaalt. Geen wonder, dat ook deze omstandigheid op de pensioenfondsen uiterst nadeelig terugwerkt. Reeds heb ik bij verschillende gelegenheid hierop gewezen, zonder dat het mij nog mocht gelukken, daarin verandering te brengen.

Terugkeerende tot de eigen pensioenen der ambtenaren, meen ik op drie middelen te kunnen wijzen die, behoorlijk aangewend, kunnen bijdragen om den pensioenslast der begrooting te verminderen, zonder den dienst te schaden.

1°. Een behoorlijk gezondheids-onderzoek voor allen, die zich aan den dienst in de Koloniën willen wijden, speciaal met het oog op de eischen van dien dienst. Daarin kan een waarborg worden gevonden dat slechts zij worden aangesteld, van wie met grond kan worden verwacht dat zij hun diensttijd ten einde toe kunnen volbrengen.

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Een vooral niet minder gestreng onderzoek voor allen, die den dienst willen verlaten onder toekenning van pensioen, vóórdat het recht daarop is ontstaan, zoodat geen pensioen wordt toegekend, tenzij blijkt dat de ambtenaar voor verderen Staatsdienst volkomen ongeschikt is.

2. De instelling van een Pensioenraad gelijk deze bestaat voor ambtenaren en officieren in Nederland. Zulk een Raad is voor den ambtenaar een waarborg dat hem het pensioen wordt toegekend waarop hij naar diensttijd en bezoldiging recht heeft. Voor de Regeering is hij een waarborg tegen willekeur door het strenge toezicht op de eischen, die voor elke pensionneering moeten gesteld worden. Een onafhankelijk advies van mannen, die op de hoogte zijn van alles wat op de pensionneering betrekking heeft, kan slechts de goede verhouding van de Regeering tegenover den ambtenaar versterken. Om die reden is de Pensioenraad voor burgerlijke ambtenaren op aandrang van de Volksvertegenwoordiging ingesteld en ook bij de latere pensioensregelingen voor officieren overgenomen. De goede invloed hiervan is onbetwistbaar gebleken.

3. Het toekennen van wachtgeld in plaats van pensioen, zoo dikwijls blijkt, dat de ambtenaar, hoewel ongeschikt voor de verdere waarneming van zijn ambt, nog zeer goed op andere wijze, hetzij in Staatsdienst, in gemeentedienst, bij particuliere vereenigingen of personen, werkzaam kan zijn. Dit wachtgeld houdt op, zoodra de ontslagen ambtenaar tot eene betrekking, hetzij in de Koloniën of in het moederland wordt aangesteld met eene bezoldiging die gelijk staat met of hooger is dan het hem toegekende wachtgeld.

Door de invoering en strenge toepassing dezer maatregelen zal de pensioenslast groote verlichting ondervinden, zonder dat aan de eischen van den dienst de minste afbreuk wordt gedaan.

Wordt hierbij gevoegd de verhooging van den leeftijd waarop het *recht* op pensioen ontstaat, dan zijn de gezamenlijke voordeelen niet gering te stellen

Volgens staat II van dit Rapport bedraagt thans de pensioenslast ongeveer 14.5 procent van de som der bezoldigingen. Door de bovengenoemde maatregelen kan de verhouding tot 12.5 procent worden teruggebracht. Daardoor zal de toekomstige pensioenslast, die in § 2 is berekend op f 2 771 667, dalen tot 12.5 procent van f 19 115 000, zijnde ongeveer f 2 360 000, en daardoor met ruim f 400 000 verminderen.

Ook het aantal gepensionneerden zal teruggaan. Thans bedraagt dit ongeveer 26 procent van het aantal ambtenaren in dienst, tegen 16 procent in Nederland. Door toepassing van bovengenoemde maatregelen zal het aantal gepensionneerden tot 20 procent kunnen worden teruggebracht. Bij gelijkblijvend aantal ambtenaren, zal het aantal jaarlijksche aanstellingen mede verminderen. Volgens eene globale berekening zal bij gemiddelde verlenging van den diensttijd met 5 jaren, het aantal jaarlijksche aanstellingen ongeveer 80 procent van het tegenwoordig aantal bedragen.

Als resultaat van het voorgaande onderzoek blijkt, hoe de volgende rationeele pensioensregeling zich aansluit bij den bestaanden toestand en daardoor zonder bijzondere belangen te krenken zou kunnen ingevoerd worden:

Recht op pensioen wordt verkregen op 55-jarigen leeftijd na 30-jarigen dienst. Het pensioen bedraagt alsdan drie-achtste deel van den grondslag voor pensioen. Bij vroeger ontslag bedraagt het pensioen zoovele dertigste deelen van het bovengenoemde als door het aantal dienstjaren wordt aangewezen.

Langer diensttijd dan 30 jaren geeft geen aanspraak op verhooging van pensioen.

Door deze regeling zou het pensionneeren in Indië zich vrij regelmatig aansluiten

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bij het pensionneeren in Nederland. Slechts blijft de vraag open, of voor het eerste geval als voor het tweede een maximum-pensioen moet bepaald worden. Neemt men in aanmerking dat dit voor den ambtenaar in Nederland f 3000 bedraagt tegen een gemiddeld pensioen van f 625, en brengt men in rekening dat volgens staat II van het eerste Rapport het gemiddeld pensioen in Indië bedraagt f 1650, dan zou naar dezen maatstaf het maximum-pensioen voor ambtenaren in Nederlandsch-Indischen dienst kunnen bepaald worden op f 7500. Doch hierbij komen andere omstandigheden in aanmerking, die niet in rekening zijn te brengen.

§ 6. Verdere pensioensbepalingen.

Volgens art. 10 van het Reglement wordt als maatstaf voor de grootte van het pensioen genomen de diensttijd en de hoogste bezoldiging, gedurende de laatste 24 maanden van den dienst genoten.

Deze maatstaf is vrij willekeurig.

Wordt toch het pensioen, waarop recht is verkregen, beschouwd als een deel der belooning voor verrichten arbeid, dan kan als eenige juiste maatstaf slechts aangenomen worden de samengestelde evenredigheid van diensttijd en bezoldiging over alle dienstjaren te zamen genomen. Zulk een maatstaf leverde den grondslag der berekening voor de pensioenswaarden, zooals zij in de staten X en XI van het eerste Rapport zijn opgenomen. Wordt dan vooraf vastgesteld op welken leeftijd en met welken diensttijd het recht op pensioen ontstaat, zoo kunnen naar dezen maatstaf de waarde en grootte van het pensioen op elken vroegeren en lateren leeftijd uit de genoten bezoldiging worden afgeleid. Volgens deze berekening worden bij hooger leeftijd en langer diensttijd de pensioenen *hooger*, bij korter diensttijd *lager* dan in het Reglement is bepaald.

Wordt echter het pensioen, dat wordt toegekend vóórdat de vereischte diensttijd is volbracht, beschouwd als noodzakelijk levensonderhoud, dan moet voor de berekening hiervan een andere maatstaf worden aangewend. Of liever de bepaling blijft dan even willekeurig als art. 12 van het Reglement.

De invoering van den bovengenoemden maatstaf voor de bepaling van de grootte van het pensioen zou zulke veranderingen hierin teweegbrengen, dat waar zulks minder gewenscht voorkomt, van de bepaling moet worden afgezien.

Slechts blijft dan de vraag, welke bezoldiging bij de toekenning van het pensioen als grondslag moet aangenomen worden.

Bij Koninklijk besluit van 23 April 1895 n°. 11 is deze zaak zoodanig geregeld, dat voor elke bezoldiging van f 1000 's maands en minder het gemiddelde der bezoldiging over de laatste 24 maanden, voor elke hoogere bezoldiging het gemiddelde over de laatste 60 maanden wordt genomen.

Voor de ambtenaren in Nederlandschen dienst is volgens art. 6 der Pensioenwet als maatstaf vastgesteld het gemiddelde der bezoldiging over de laatste vijf jaren.

Het schijnt mij voor de ambtenaren in Nederlandsch-Indië wenschelijk, den maatstaf voor allen gelijk te nemen. In Nederland is hij gesteld op 5 jaren, tegenover een 40-jarigen diensttijd. Wordt voor Indië de vereischte diensttijd bepaald op 25 jaren, dan komt hiermede overeen eene periode van ruim 3 jaren. Derhalve wordt in geenerlei opzicht aan de billijkheid te kort gedaan, indien voortaan als grondslag voor de bepaling van het pensioen wordt aangenomen: *de gemiddelde bezoldiging over de laatste* 36 *maanden*.

Wordt daarbij in art. 12 van het Reglement overal 20 vervangen door 25, dan moet de klimming van het pensioen beperkt blijven tot den 30-jarigen diensttijd. Wordt echter de vereischte diensttijd bepaald op 30 jaren, dan vervalt hiermede, evenals

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voor de ambtenaren in Nederland, elke verhooging van pensioen door langeren diensttijd.

In art. 6 van het Reglement wordt bepaald dat bij „de opsomming van den diensttijd, ter berekening van het aantal dienstjaren, de overschietende maanden voor een jaar worden berekend, indien zij minstens zes volle maanden bedragen, anders worden zij niet medegeteld".

Bij een nauwkeurig onderzoek, hieromtrent ingesteld ten opzichte van de in de tien laatste jaren gepensionneerden, bleek dat uit een financieel oogpunt deze bepaling voor de schatkist niet veel heeft te beteekenen. Doch uit een administratief oogpunt is zij bedenkelijk. Immers één dag meer dan 6 maanden dienst doet het pensioen met een vol jaar verhoogen; één dag minder dan 6 maanden doet de overmaat van dienst geheel verloren gaan. Om dit bezwaar te ontgaan, zou art. 6 gevoegelijk aldus kunnen gewijzigd worden:

„Bij de opsomming van den diensttijd ter berekening van het aantal dienstjaren worden volle maanden, elk voor een twaalfde in rekening gebracht; meer dan 15 dagen worden voor een maand gerekend, minder dan 15 dagen verwaarloosd."

Volgens art. 21 van het Reglement is het niet van toepassing op ambtenaren, omtrent wier pensionneering bijzondere bepalingen zijn vastgesteld.

Vanwege het Departement is mij medegedeeld dat dit alleen het geval is met predikanten en Roomsch-Katholieke geestelijken. Tevens ontving ik afschrift van de traktements- en pensioensregelingen voor deze personen. Daaruit blijkt, dat de eerste regeling betrekking heeft op 39 (thans 41) predikanten in dienst, waarvan 9 eene bezoldiging van f 500 's maands genieten, terwijl de overigen eene bezoldiging hebben van f 400 's maands. Telkens na vijf jaren dienst ontvangen de eersten een traktementsverhooging van f 150 's maands en de anderen eene van f 100 's maands, totdat de eerste bezoldiging klimt tot een maximum van f 950 's maands en de tweede tot f 700 's maands.

Aanspraak op pensioen ontstaat na 10jarigen dienst; het pensioen bedraagt f 140 voor elk jaar Indischen dienst voor hen, die gedurende de twee laatste jaren eene vaste bezoldiging genoten van f 500 's maands, tot een maximum van f 2800; f 120 voor de anderen tot een maximum van f 2400.

Wat de Roomsch-Katholieke geestelijken betreft, blijkt uit de tweede regeling, dat in Indië bestaat: één geestelijke van den eersten rang (de kerkvoogd van het Vicariaat van Batavia). Verder zijn er 22 geestelijken van den tweeden- en 10 van den derden rang. De geestelijke van den eersten rang geniet eene bezoldiging van f 500 's maands, welke voor elk 5-tal dienstjaren met f 150 wordt verhoogd. De geestelijken van den tweeden rang genieten eene bezoldiging van f 350 's maands met eene periodieke verhooging van f 100 na elke 5 jaren dienst. Die van den derden rang ontvangen eene vaste bezoldiging van f 150 's maands; zij worden niet als ambtenaar beschouwd. Diensttijd boven de 20 jaren geeft geene verdere aanspraak op verhooging van jaarwedde.

Recht op pensioen ontstaat na 10 jaren kerkelijken dienst in Nederlandsch-Indië; het pensioen bedraagt dan voor den geestelijke van den eersten rang voor elk jaar kerkelijken dienst in Nederlandsch-Indië f 120, en voor elken geestelijke van den tweeden rang f 100.

Deze regelingen hebben betrekking op een te gering aantal personen om als grondslag eener berekening te kunnen dienen. Blijkbaar zijn zij in overleg met de betreffende kerkbesturen vastgesteld. Er bestaat dan ook geen reden om er hier verder over uit te weiden, of daarop veranderingen voor te stellen.

Slechts ééne opmerking moge hier plaats vinden. In deze pensioensregelingen wordt uitgegaan van de onderstelling dat voor alle ambtenaren in Nederlandsch-In-

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dischen dienst, een diensttijd van 20 jaren recht geeft op pensioen. Wordt nu bij wijziging van het Reglement hierin verandering gebracht en de diensttijd verlengd tot 25 jaren, dan is het wenschelijk, hiermede ook in deze speciale pensioensbepalingen rekening te houden en ze dienovereenkomstig te wijzigen.

Wordt volgens de in dit Rapport ontwikkelde grondslagen eene nieuwe pensioensregeling ontworpen, dan zou het niet moeielijk zijn daaraan zoodanige overgangsbepalingen te verbinden, dat aan de rechten der thans bestaande ambtenaren geen afbreuk werd gedaan.

P. VAN GEER.

LEIDEN, 3 April 1900.

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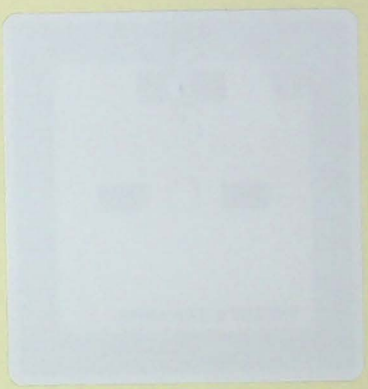

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