

More far-reaching than all of these steps, however, because dealing not merely with a contemporary problem but also with a possible future development of international legal relations, is the decision to set up a committee of experts to study the question with a view to drawing up a preliminary draft of an international convention to assure the repression of conspiracies or crimes committed with political and terrorist purpose. The committee is to be composed of ten members, one each from the governments of Belgium, France, Great Britain, Hungary, Italy, Poland, Rumania, the Soviet Union, Spain and Switzerland. To this committee is referred the plan already presented by the French government for a Permanent International Penal Court, and to it are to be presented any other suggestions which other governments may wish to make.

The League has thus definitely averted a crisis by obtaining the recognition of obligations heretofore only vaguely defined. In so doing it is entitled to great credit, much of which is due not only to the constructive statesmanship of the representatives of France, Great Britain, Italy and other countries not immediately involved, but also to the restraint of the nations directly parties to the issue. An untrodden field in positive international law has been opened up to which even non-members of the League might well give earnest attention with a view to official coöperation.

ARTHUR K. KUHN

THE BUDAPEST RESOLUTIONS OF 1934 ON THE BRIAND-KELLOGG PACT OF PARIS \*

At its 38th Conference in Budapest, September 6-10, 1934, the International Law Association placed on record its willingness to take account of current developments in its approach to international law, and expressed its determination to see the international law of the twentieth century shaped with reference to twentieth century conditions. When the Association met at Oxford in 1932, the report of its Neutrality Committee was severely criticized. Professor J. L. Brierly found the committee's draft conventions "based on a notion of the relations between neutrals and belligerents which was all right in 1899 and 1907 at the Hague Conferences, which was all right, possibly, as late as 1913, but which in 1932 belongs to an utterly outlawed order of ideas."<sup>1</sup> Dr. Arnold D. McNair asked, "Is it right at this stage of the world's history that this body should do anything to crystallize a conception of neutrality which most of us regard as completely out of order?"<sup>2</sup>

Following the meeting at Oxford, the Executive Committee of the Association created a Committee on Conciliation between Nations to study

\* The writer of this comment presided at the sessions of the International Law Association in Budapest, Sept. 7-8, 1934, which were devoted to a consideration of the Briand-Kellogg Pact.—Ed.

<sup>1</sup> International Law Association, Report of the 37th Conference, 1932, p. 175.

<sup>2</sup> *Id.*, p. 185.

“the effect of the Briand-Kellogg Pact of Paris on International Law,” of which Mr. Wyndham A. Bewes was convener. When the report of this special committee was debated at Budapest, the temper of the Association was very different from that which had inspired the 1932 report. Without exception the speakers voiced a desire to see action which would indicate that lawyers are not lagging behind politicians in the attempt to build new foundations for the world’s peace. In consequence, the following resolutions were adopted by a unanimous vote of the several hundred lawyers who were present, to be known as the “Budapest Articles of Interpretation”:

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 other high contracting parties, and

WHEREAS by their participation in the Pact sixty-three 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 States may, without 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 signatory 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 affect 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.

Additional resolutions on the Briand-Kellogg Pact of Paris were adopted as follows:

1. That a violation of the Pact, being a matter which concerns the interests of all the signatory States, should entitle them to insist that their interests be safeguarded in the subsequent treaty of peace.
2. That the signatories of the Pact should forthwith refuse and prohibit aid to any State commencing or threatening to commence recourse to armed force, and which refuses or fails, on the demand of any signatory State, to submit the matter in dispute to the Permanent Court of International Justice or to some other agreed Tribunal for final determination.

This action of the International Law Association indicates that there is a growing conviction among lawyers throughout the world that nineteenth century ideas cannot longer be allowed to dominate our legal thinking. Progress in international organization, in the development of international justice, and in the forging of new international legislation cannot be ignored by the legal profession, whatever estimate is placed on the value of recent changes. Some reasons may exist for saying that law must always be at the rear in the march of events; but if it is too far behind the vanguard, it ceases to serve the needs which have called it into being.

MANLEY O. HUDSON

#### THE LETICIA DISPUTE BETWEEN COLOMBIA AND PERU

On May 24, 1934, one year after the Geneva agreement, representatives of Colombia and Peru signed at Rio de Janeiro a Protocol of Peace, Friendship and Coöperation and an Additional Act, which brought about a settlement of the dispute over the so-called "Leticia trapezium" fronting on the Amazon River. It will be recalled that on the night of September 1, 1932, a party of Peruvian inhabitants and soldiers from the Peruvian province across the river attacked and took the town of Leticia in Colombian territory, imprisoned the Colombian authorities and police officers, and took over the administration of the town and district. Subsequently the Peruvian Government defended and justified the aspirations which prompted this action.<sup>1</sup> The only article of the Protocol relating directly to this incident is Article 1, reading as follows:

Article 1. Perú sincerely deploras, as she has previously declared, the events which have taken place since September 1, 1932, which have disturbed her relations with Colombia. The two Republics having resolved to reëstablish their relations, Perú expresses the wish that these may be restored with the same intimate friendship as in the past, and the profound cordiality of two sister peoples. Colombia shares these sentiments and declares that it has an identical purpose.

In consequence, Perú and Colombia agree simultaneously to accredit their respective Legations in Bogotá and in Lima.

<sup>1</sup> See editorial this JOURNAL, Vol. 27 (1933), p. 317.