

POLITICAL SCIENCE

QUARTERLY

THE CHACO DISPUTE AND THE PEACE SYSTEM

I

THE military and economic aspects of the three years' war between Bolivia and Paraguay over the Chaco Boreal are not unimportant. In numbers engaged, casualties, and financial cost it ranks among the three most destructive conflicts of the past century in the New World. In extent of territory involved—approximately 115,000 square miles, or nearly the size of Italy—the controversy is one of the most important in American history. Yet, for the time being, these aspects of the struggle seem far less significant to the nations generally, and especially to those of the Western Hemisphere, than the rôle of the Chaco dispute in the development of the world's peace machinery.

In this connection the all-important fact was the complete failure of all neutral efforts either to prevent armed hostilities or to terminate them before the war had raged for three full years. Two of the world's smallest and weakest nations, in apparent violation of their pledges as members of the League of Nations, entered with impunity into the first struggle between League members in which a state of war was officially declared. Defying organized and repeatedly expressed Pan American opinion, they produced the first serious break in the American tradition of peace since 1879.

The Pan American Commission of Inquiry and Conciliation at Washington, the Washington Commission of Neutrals, the peace bloc formed by the neighboring ABCP powers (Argentina, Brazil, Chile and Peru), and the League of Nations successively undertook to settle the dispute. Their sincere,

intelligent and persistent efforts brought no success. The strong moral pressure for peace generated at the Seventh Pan American Conference produced only a short truce. Additional attempts at mediation and conciliation were made by Argentina, by Uruguay, jointly by the Presidents of Colombia and Peru, and jointly by Argentina, Brazil and the United States. They proved equally fruitless. It was not until both belligerents had abandoned hope of a complete victory that the precarious truce of June 12, 1935 was concluded. When peace came it was apparently due more to war weariness, financial exhaustion, and internal unrest than to neutral pressure.

So signal a failure of the international peace machinery so laboriously created during the three and a half decades since the First Hague Peace Conference would seem calculated to discourage the advocates of "organized" peace. Indeed, a study of the Chaco negotiations reveals some rather striking evidence in support of those champions of the older methods of diplomacy who contend that the peace pacts and some of the peace procedures adopted since the World War are more likely to encourage war than eradicate it. But the proponents of organized peace in the Americas are not discouraged. On the contrary, the Chaco conflict has undoubtedly given a great stimulus to their efforts. The revelation of glaring weaknesses in the existing peace structure has called forth a strong demand that the structure be strengthened rather than discarded. What are the defects in existing peace machinery as applied to the Chaco dispute? How can they be eliminated? What are the implications of the further organization of peace in this hemisphere?

II

One of the most obvious weaknesses revealed in the peace system was the lack of machinery to prevent or to check the spread of the sporadic clashes between Bolivian and Paraguayan patrols which finally precipitated the conflict. These incidents commenced in 1927 when the opposing lines of outposts, pushed forward by both governments in their race for *de facto* possession of the Chaco, came into proximity in the heart of the

wilderness. It was clear to all concerned that continued friction between rival patrols would aggravate the dispute and might generate a major conflict. The disputants themselves had sought in vain to prevent this by the *status quo* agreement of 1907. At the Buenos Aires conferences in 1927-28 and again before the Commission of Neutrals in 1932 proposals were made for the establishment of a neutral zone between the rival forces. They were rejected by one disputant or the other. The result was that the mediatory efforts of Argentina in 1927-28, of the Pan American Commission of Inquiry and Conciliation in 1929, and of the Commission of Neutrals in 1931-32 were hindered or nullified by successive outbreaks in the Chaco.

There was pressing need for a neutral agency with power to step in and fix lines a safe distance apart beyond which the opposing patrols would not be permitted to advance. As the Paraguayan delegate stated before the League Council on July 3, 1933, "The present war could never have occurred had it been possible, between the opening of the negotiations and the giving of the arbitral or juridical decision, to take interim measures to prevent the sanguinary frontier incidents which have since embittered the question."

When a clash did occur, there was no adequate machinery for preventing the aggravation of the incident and the development of an international crisis. The various peace agencies which intervened were unable to obtain speedy and authentic information as to what had taken place. Consequently they found it difficult to formulate equitable and timely proposals designed to prevent the spread of the conflict. Such proposals as they did make were almost invariably rejected by one side or the other. If accepted, there was no way to insure their execution except by securing the consent of the disputants to the dispatch of neutral representatives to the spot, as was done in settling the *Vanguardia* incident of Dec. 5, 1928. This involved long and tedious negotiations at a time when immediate and effective action was called for.

It was not definitely known until the Pan American Commission of Inquiry adopted its resolution of Sept. 12, 1929—

long after the crisis over the Vanguardia clash had been tided over—that Paraguay had precipitated this particular incident. It was not established for over a year after the outbreak of war that a Bolivian patrol struck the first blow in the incidents at Lake Chuquisaca (Pitiantuta) in 1932 which precipitated the conflict.

The Commission of Neutrals, then engaged in negotiating a non-aggression pact between Bolivia and Paraguay at Washington, strove unceasingly to prevent the Chuquisaca clashes from developing into war. The Commission appealed repeatedly to both governments for full information upon the outbreaks. In its note of August 9 to the Bolivian Government it stated, "Without the complete details of this (the June 15) and following clashes, which never have been submitted to us, it has been impossible for us to make suggestions for their solution." As was true in every similar case in the Chaco, the accounts finally submitted by the two parties were contradictory and offered no basis for a satisfactory neutral proposal.

Paraguay contended that the *casus belli* was a Bolivian attack of June 15, 1932 on the Paraguayan outpost called Fortin Carlos Antonio López, situated on the east shore of Lake Chuquisaca. Bolivia, denying that such an attack was made, asserted that Paraguay precipitated the war on July 15 by capturing a newly constructed Bolivian post, called Fortin Mariscal Santa Cruz, on the west shore of the lake. The Paraguayans maintained that on July 15 they recaptured their own outpost—Carlos Antonio López—and not Mariscal Santa Cruz. In reprisal for the Paraguayan attack of July 15, the Bolivians assaulted and captured Boqueron and several other Paraguayan forts towards the end of July. Paraguay then mobilized and the war began in earnest early in September when her army undertook to recapture these posts. It was not until Aug. 6, 1933 that President Salamanca of Bolivia, in his message to Congress, acknowledged that the trouble started when a Bolivian patrol "occupied a Paraguayan fort on the shore of Laguna Chuquisaca, firing one round." He added that the incident "occurred contrary to our will and the instructions of the Government" The same frank state-

ment, if made to the Neutrals a year earlier, might well have saved all the blood and treasure expended on three years of war.

The facts concerning the preliminary clashes at Lake Chuquisaca could undoubtedly have been ascertained within a few days had existing peace machinery provided for the immediate dispatch of neutral investigators to the spot. Even the most isolated regions are now quickly accessible by airplane. As Dr. Salvador de Madariaga remarked before the League Council on May 22, 1933, "If a few thousand francs had been spent in that way, the problem would probably have been solved."

The usefulness of neutral commissions both in preventing initial clashes and in peacefully terminating those which have occurred has been successfully demonstrated, notably by the League in the Leticia dispute between Peru and Colombia. Such commissions are certain to become a more and more indispensable part of the machinery of peace. The trend in this direction is illustrated by the action of the Seventh Pan American Conference in amending the Pan American Conciliation Convention so as to establish permanent commissions of investigation and conciliation in place of the former *ad hoc* commissions. To be fully effective, however, such bodies must have authority to intervene in incipient as well as critical disputes, to establish neutral zones or regulations designed to prevent contact between rival forces, and to supervise the carrying out of their proposals pending direct settlement, arbitration or adjudication of the dispute. It has also been suggested that they need a fixed place of meeting, a permanent secretariat, and an adequate budget.

It is interesting to note that the neutral military commission constituted under the Chaco truce agreement of June 12, 1935, was given wide powers, although the belligerents had previously rejected repeated proposals of this nature. It was authorized to fix lines of separation between the two armies, to modify these lines, to "exercise vigilance and control over them", to determine the manner of demobilization, and to control the execution of measures of security. These provisions undoubtedly were inserted to guard against a repetition of the unfortunate incidents which marred the truce of Dec. 19, 1933—Jan. 6,

1934 arranged by the Pan American Conference and the League's Chaco Commission. Charges and counter-charges of truce violation contributed to the failure of the League Commission's peace negotiations, which the cessation of hostilities was intended to facilitate.

III

Another obvious weakness in the peace structure revealed when the Chaco dispute first became acute in December 1928, was that most of the machinery established to prevent war did not even apply to the case, due to the failure of one or the other of the parties to ratify the pertinent treaties. The only document definitely binding Bolivia and Paraguay to settle their dispute by peaceful means was the Covenant of the League of Nations. The so-called Gondra Treaty, providing for an inquiry by a Pan American commission, was invoked by Paraguay immediately after the Vanguardia clash. Bolivia rejected the application of this treaty on the ground that the Bolivian Congress had not ratified it, although the adherence of the La Paz government had been deposited with the Chilean Ministry of Foreign Affairs.

The Kellogg-Briand Pact, binding signatories to renounce war as an instrument of national policy, was likewise inapplicable. Paraguay's adherence, announced Nov. 12, 1928, had not been deposited with the United States State Department, a step necessary to make adherence effective. Bolivia had not signed the treaty. Both governments had signed the Protocol of the Permanent Court of International Justice, but neither had signed the Optional Clause binding them to accept arbitration. (Paraguay subsequently ratified the Optional Clause on May 11, 1933, the day after she declared that a state of war existed with Bolivia.) Both parties were signatories of the 1907 Hague Convention for the Pacific Settlement of International Disputes, but this contained merely an ineffective provision for arbitration of disputes of a legal nature "in so far as circumstances permit". Equally innocuous was the pledge, signed by both disputants at Buenos Aires in 1928, to settle the Chaco dispute by peaceful means "except in the case of self defense."

Fortunately, the Pan American Conference on Conciliation and Arbitration convened at Washington just as the 1928 clashes were threatening to precipitate hostilities. The Conference intervened effectively through the exercise of good offices, and, with strong backing from the Council of the League of Nations, managed to postpone the conflict for some three and one-half years.

The situation with respect to the applicability of peace machinery was unchanged when the clashes at Lake Chuquisaca in 1932 inaugurated the Chaco War. The Pan American Convention on Conciliation and the General Treaty of Inter-American Arbitration, adopted in January 1929, by the Conference on Conciliation and Arbitration in Washington, had improved the machinery for settling disputes. But both Bolivia and Paraguay had signed these treaties with reservations safeguarding their freedom of action in the Chaco, and neither had ratified them.

Thus the American states, in their efforts to prevent and then to terminate the war, were forced to resort to the traditional procedure of good offices and mediation, which can be rejected or terminated by the belligerents at will. Paraguay exercised this right in abruptly terminating the peace negotiations at Washington. She withdrew because the Commission of Neutrals had mobilized world-wide moral pressure in support of its peace formula of Dec. 15, 1932, to which President Ayala of Paraguay had confidentially expressed his opposition.

The procedure of good offices proved equally ineffective when applied by the ABCP group. Much to the chagrin of the United States, Argentina and Brazil, they were forced to turn over a purely American controversy to the stronger and more inclusive machinery of the League of Nations.

It was this situation which led Secretary of State Hull and other leaders at the Seventh Pan American Conference to secure the adoption of a resolution by which all of the American governments pledged their formal adherence to five separate American peace pacts. These included the Gondra Treaty, the Kellogg-Briand Pact, the Pan American arbitration and conciliation treaties of 1929, and the new Argentine Anti-War

Pact. The Pan American governments are now pressing their legislatures for early ratification of these treaties. Up to July 1, 1935, all except Argentina and Bolivia had ratified the Gondra Treaty. The Kellogg-Briand Pact had been ratified by all except Argentina, Bolivia, El Salvador and Uruguay. Four governments (Argentina, Bolivia, Costa Rica and Paraguay) had not yet ratified the 1929 Conciliation Convention, although all except Argentina had signed it. Ratifications of the 1929 Arbitration Treaty were still awaited from Argentina, Bolivia, Columbia, Costa Rica, Ecuador, Paraguay and Uruguay. The Argentine Anti-War Pact, although signed or adhered to by all 21 governments, had been ratified by only Cuba, Chile, the United States, Honduras and the Dominican Republic.

Still other peace machinery is being studied, especially the comprehensive Mexican peace code referred to the American governments by the Seventh Pan American Conference. Largely as a result of the Chaco struggle, the network of treaties binding all the American nations to settle their disputes peaceably and by means of specific procedures is being steadily extended.

IV

President Hoover, in his Armistice Day speech of 1929, opposed the principle embodied in the League Covenant that peace should be enforced. Voicing a widely cherished belief, he said: "We are confident that at least in the Western Hemisphere public opinion will suffice to check violence. This is the road we propose to travel."

The Chaco conflict is of prime significance to the American peace movement because it has demonstrated the weakness of this premise. The architects of the peace structure now must face the irrefutable fact that peace machinery based solely upon moral sanctions may offer small hindrance to armed strife where vital national interests are believed to be at stake. This fact was indelibly impressed upon the world by Japan's seizure of Manchuria in 1931. Commencing in 1932, the inefficacy of moral appeals in the Chaco compelled the nations of this hemisphere to study more closely the possibility of enforcing peace

through the application of diplomatic, economic or military pressure.

The Chaco negotiations indicated that collective material sanctions might be desirable for two reasons. Firstly, they would provide guarantees of security, without which the disputants refused to submit their quarrel to an international agency for pacific settlement. Secondly, after adequate guarantees were provided, collective sanctions might then be employed to force recalcitrant governments to fulfill their international obligations.

In extenuation of their uncompromising attitudes, the Bolivian and Paraguayan governments repeatedly asserted that each could not trust the other to observe the terms of a truce or peace, even if one were arranged. President Ayala, explaining his refusal to extend the armistice which ended Jan. 6, 1934, declared that ". . . Paraguay cannot at present rely exclusively on the formal virtue of legal formulae." About the same time the Paraguayan representative at Geneva said: "To preserve the peace, it is necessary for the aggressor to be overawed by the guarantees of assistance and collective intervention given by the other peaceful Powers on behalf of his victim. In the present state of international organization, it may be doubted whether, if Paraguay were again invaded as she has just been by the Bolivian armies, she would receive prompt and effective succor." Consequently Paraguay throughout the peace negotiations demanded material guarantees, previous to the suspension of hostilities and the conclusion of a peace treaty, against the possible resumption of hostilities by Bolivia. On the other hand, Bolivia refused to suspend hostilities unless Paraguay first signed a treaty accepting a definitive procedure for solution of the fundamental problem. Bolivia accused Paraguay of deliberately delaying a settlement in the belief that time was working in her favor.

While demanding guarantees and sanctions against each other, both belligerents evaded or stubbornly resisted application of such measures against themselves. Bolivia declined to permit the League's Chaco Commission to exercise judicial functions and vigorously protested the arms embargo as long

as it applied to both her and Paraguay. Paraguay resigned from the League when that agency attempted, by continuing the arms embargo against her alone, to force Paraguayan acceptance of its peace proposals of Nov. 24, 1934.

Finding it impossible to budge the belligerents from their positions, the neutral American nations proposed or undertook measures which apparently represent the beginning of a fundamental departure from traditional methods of maintaining international peace. A preliminary step towards the establishment of guarantees of security was proposed by the Commission of Neutrals at Washington before the outbreak of the war. The draft non-aggression pact which the Neutral Commission submitted to the disputants May 6, 1932, provided for a mixed commission to investigate and settle clashes and other disputes in the Chaco. This agency was to fix the military positions of the Bolivian and Paraguayan troops and to name the aggressor if its recommendations were not accepted by both parties. The war broke out while the pact was under discussion.

A second step was the Continental Declaration of Aug. 3, 1932. This bound all the Pan American governments except the belligerents not to recognize any territorial settlement of the Chaco controversy not obtained by pacific means, or the validity of any future territorial acquisitions in this hemisphere secured by force of arms. A corollary of the Kellogg-Briand Pact, it was considered by Latin-American diplomats as a restatement of the principle of the *uti possidetis* of 1810 and of Article X of the League Covenant. The non-recognition principle, of course, had a short time previously been applied by Secretary of State Stimson and the League of Nations with respect to Manchuria.

The promulgation of this doctrine failed to check the fighting in the Chaco, as it had previously failed in Manchuria. Bolivia and Paraguay each took the position—difficult to assail under the circumstances—that it was defending national territory against aggression by the other. The Commission of Neutrals, then directing peace negotiations, made a further step towards material guarantees in its peace formula sub-

mitted to the belligerents Sept. 22, 1932. This embodied a logical implication of the Declaration of August 3, that since force in international relations conveyed no rights, the community of American nations should prevent an aggressor from enjoying the fruits of his aggression. Urging unconditional termination of hostilities, the Commission offered to send representatives to the Chaco to verify the effective cessation of fighting. It further informed the parties "that if its delegation advises it that one of them has violated the engagement to terminate the struggle, the Commission of Neutrals will declare that such country is the aggressor and will suggest that all the Governments of America withdraw their diplomatic and consular representatives from that country."

This proposal is interesting because it undoubtedly was issued with the approval of the five important Pan American governments represented on the Commission—the United States, Colombia, Cuba, Mexico and Uruguay. While not objecting to it in principle, the belligerents nullified the proposal through the usual reservations and conditions. The Commission of Neutrals, moreover, was obliged to abandon any hope of enforcing peace in the Chaco by the uncompromising opposition offered by Argentina to this preliminary step in the direction of diplomatic and economic pressure.

The Argentine Government gave notice on Oct. 18, 1932 that it would "not go along with the Commission of Neutrals in any act which, extending beyond the limits of good offices and the moral influence of the opinion of all the Continent, might approximate an intervention, even though it should be merely a diplomatic one. . . ." Dr. Carlos Saavedra Lamas, the Argentine Foreign Minister, expressed the opinion that "adoption of coercive measures can be based only on a treaty accepted beforehand by the countries to which it is to apply, as is the case with the League of Nations pact"

The Commission in its reply of November 4 pointed out that its proposal could not become effective without the previous consent of both belligerents. It added that the Kellogg-Briand Pact "has made necessary the reëxamination of many formerly existing precepts of international law in the light of the

doctrine now approved by almost universal acceptance." The Commission expressed the hope that Argentina would "participate in such efforts for peace as the countries of the continent in consultation may judge necessary."

The Argentine response of November 19 charged that the Monroe Doctrine was being used to block the League's intervention in the dispute, and suggested that the Commission of Neutrals withdraw from the negotiations. The League, it declared, "can and must develop its action without finding an obstacle in regional or continental doctrines which, for our part, we believe it necessary to affirm, have neither the adhesion of Argentina nor a sanction created by the unanimous will of the countries of the continent."

While not withdrawing from the negotiations immediately, the Commission of Neutrals made no further specific proposals for the application of material sanctions. However, after the rejection of its peace formula of Dec. 15, 1932, the Commission put the sanctions issue squarely up to the ABCP countries. It asked each country what steps it was "prepared to take in order to bring about peace between those two countries." Again, in withdrawing from the negotiations on June 27, 1933, the Commission stated that its withdrawal "clearly demonstrates to the American nations the necessity for them to deal effectively at the next Pan American Conference with the fundamental problem of the preservation of peace and order in this hemisphere." In view of the character of the negotiations conducted by the Commission, this final statement could only be construed as a suggestion that material sanctions be incorporated in American peace machinery.

Meanwhile the Argentine Foreign Minister was demonstrating that his criticisms of the Commission of Neutrals were inspired more by opposition to the intervention of the United States in South American affairs than by attachment to the League of Nations. On Oct. 10, 1932, there was signed at Rio de Janeiro by Argentina, Brazil, Chile, Mexico, Paraguay and Uruguay the so-called Argentine Anti-War Treaty, formulated by Dr. Saavedra Lamas. According to its author, the treaty was designed to enable the South American states to

preserve peace on that continent without the intervention of either the United States or the European countries. However it was opened to signature by all governments, and was adhered to by a number of European states as well as by all Pan American countries.

The relevant part of the treaty is Article III, which sets forth the Argentine attitude towards sanctions. The article provides that in case a signatory violates its obligations under the treaty to settle its disputes by peaceful means, the other signatories shall exert every effort to maintain peace. To that end, and in their character of neutrals, they shall adopt a common and solidary attitude; they shall exercise the political, juridical or economic means authorized by international law; they shall bring the influence of public opinion to bear; but in no case shall they resort to intervention either diplomatic or armed.

What material sanctions are there that may be classed as "the political, juridical or economic means authorized by international law" and yet do not constitute "intervention either diplomatic or armed"? It would seem that the border line between these two concepts is but vaguely defined and that on this point the Argentine Anti-War Pact is open to conflicting interpretations. For example, Foreign Minister Saavedra Lamas, despite his vigorous opposition to diplomatic intervention, was accused by Bolivia of exerting undue diplomatic pressure in an effort to force the Bolivian Government to accept the Mendoza (ABCP) peace formula of Feb. 24, 1933.

It is probable that Dr. Saavedra Lamas had in mind in his anti-war pact the collective application of such non-hostile methods of redress as non-intercourse and boycott, embargoes, pacific blockades, and possibly reprisals. In fact at the same time his anti-war treaty was being called to the attention of the various governments, he was attempting to induce Brazil, Chile and Peru to join Argentina in embargoing shipments of arms and munitions to the Chaco belligerents across their territories. After the Paraguayan declaration of a state of war on May 10, 1933, Argentina went ahead alone and declared an embargo, basing its action upon the Hague Conventions pertaining to neutrality.

As Professor Jessup has pointed out,¹ under the Argentine Anti-War Pact neutrals probably could not legally place an embargo or other sanctions upon one of the belligerents and not on the other. Apparently the ban on intervention would likewise bar identification of the aggressor state and the taking of joint punitive action against it. Argentina followed this policy of non-discrimination later in opposing League sanctions against Paraguay. Incidentally, this policy coincided with Argentina's interests and sympathies in the Chaco War, as the Argentine arms embargo did not interrupt shipments to Paraguay via the internationalized Paraná River while it greatly hindered Bolivia's prosecution of the war.

The sanctions issue again presented itself during the second ABCP peace effort of July-September 1933. On May 10 of that year the Brazilian Foreign Office had announced that it would oppose every peace proposal which implied even the remotest pressure upon Bolivia and Paraguay. Every diplomatic exploration, however, encountered the familiar demands for guarantees of security and of fulfilment of the peace terms. Accordingly Chile in August proposed that the ABCP powers guarantee the belligerents that the peace plan would be fully executed and that hostilities would not be renewed. Argentina insisted that the guarantee be of a moral nature only and this was the form incorporated in the so-called Rio de Janeiro formula of Aug. 25, 1933.²

In September 1933, Argentina rejoined the League of Nations, thus indicating acceptance of its peace machinery. Ecuador followed suit a year later, leaving Costa Rica, Brazil and the United States as the only non-League members of the

¹ Philip C. Jessup, "The Argentine Anti-War Pact", *American Journal of International Law*, vol. 28 (1934), pp. 538-41.

² Argentina's wariness concerning undefined guarantees was no doubt partly due to her experience with the Bolivian-Paraguayan *status quo* agreement of 1907, negotiated through mediation of the Buenos Aires Foreign Office. Although the treaty provided that "faithful observance of the *status quo* shall be guaranteed by the Argentine Government", Bolivian and Paraguayan charges and counter-charges of violation have continued to the present day. Argentina escaped a potentially dangerous situation when her President withdrew as arbitrator of the Chaco dispute in 1909 and when Bolivia in the following year declared the 1907 treaty void.

Pan American Union. In December 1933, only the opposition of Brazil and the United States prevented the Seventh Pan American Conference from voting to support application of the League Covenant to the Chaco dispute, a proposal intended to pave the way for enforcement of the sweeping economic sanctions of Article XVI. At the same conference Secretary of State Hull refused to support a peace plan containing guarantees very similar to those proposed by the Commission of Neutrals on Sept. 22, 1932. The plan provided that the American nations would sever diplomatic relations and, if need be, invoke other sanctions against either belligerent which violated the peace terms. Argentina, which had previously opposed such action, was now ready to support it.

With the failure of the League Commission's peace efforts early in 1934, the nations of the world, under the League's leadership, attempted to end the struggle by cutting off the supply of arms and munitions from both belligerents. This was the first time in world history that an arms embargo against a civilized nation was established on an international scale to promote peace. The embargo was not effective, due to smuggling and other evasions and to lack of coöperation on the part of certain states. But it had several interesting results. It forced Bolivia, which was more vulnerable to an arms embargo than Paraguay, to invoke the application of Article XV of the Covenant and for the first time to coöperate fully with the League peace machinery. Paraguay's failure to follow suit eventually led to her identification as the aggressor. The embargo also produced further evidence of the attitude of the American states towards the enforcement of peace. The key states involved were the United States, with its great munitions factories, and the neighboring states—Argentina, Brazil, Chile, Uruguay and Peru—through which Bolivia and, to an extent, Paraguay were obliged to transship all their war supplies.

The United States was the first great power to put the arms embargo into effect. Congress passed the enabling resolution in response to Secretary Hull's statement that "in the existing circumstances, further efforts at conciliation, unaccompanied by

more direct measures, would be fruitless." In doing so the Washington Government ignored Bolivia's protests that the embargo violated the Bolivian-United States commercial treaty of 1858. The United States and the League powers brought pressure upon the ABCP group and Uruguay to close their frontiers to arms shipments. Chile, Peru and Uruguay refused to interfere with the transit of arms on the ground that the embargo and arms transit were two different questions. Chile also held that the Bolivian-Chilean Treaty of 1904 prevented her from cutting off the transit of arms to Bolivia via Arica and Antofagasta. Argentina, which had already imposed an embargo, declared herself legally unable to prevent the shipment of arms to Paraguay via the internationalized Paraná River, although it was charged that some of these arms were transferred to river boats in Argentine harbors. Chile and Peru made their participation in even the embargo movement conditional upon the prior participation of every other arms-exporting country. Uruguay withheld coöperation in the arms embargo pending its acceptance by all the neighboring countries. Brazil had previously prohibited the export or transshipment of war material to either of the belligerents.

Seemingly in contrast to these evasive tactics of the neighbor governments was their stand in the League Assembly's Chaco Advisory Committee on Jan. 16, 1935. Following Paraguay's rejection of the League's peace formula of Nov. 24, 1934, which Bolivia accepted, the committee unanimously recommended that the arms embargo be withdrawn as against Bolivia and strengthened against Paraguay. The committee included representatives of Argentina, Chile, Colombia, Cuba, Ecuador, Mexico, Peru, Uruguay and Venezuela. Accordingly it seemed as if these countries were now ready to apply the Covenant in full, if need be, to enforce peace in the Chaco. Paraguay, instead of capitulating, resigned from the League. When the question of imposing additional sanctions under Article XVI was raised Argentina, Chile and Uruguay vigorously opposed such action. Uruguay even reversed its vote of Jan. 16, 1935, and announced that it would discontinue the arms embargo against Paraguay unless all the neighboring

states placed an embargo against Bolivia also. The representatives of Ecuador and Venezuela, however, insisted that sanctions be applied, while the other Latin-American representatives took no positive stand.

Meanwhile the United States made no response to League suggestions that it follow the League example in repealing the arms embargo against Bolivia while continuing it against Paraguay. The Washington Government had no authority to do this without Congressional sanction, and it made no move to secure such authority.

The Chaco Advisory Committee on March 15 convoked a Special League Assembly for May 20 "to consider the question of further application of the Covenant." Uruguay again served notice that it would oppose further sanctions, while Argentina and Chile took steps to avert a further show-down on the issue. On their written request, endorsed by Brazil and Peru, they obtained from the committee authority to initiate new peace negotiations. It was reported that the committee withheld its consent until Argentina and Chile promised to guarantee both belligerents that neither would be attacked by the other if they ceased hostilities and opened peace negotiations at Buenos Aires.³ These negotiations, in which Brazil, Peru, Uruguay and the United States joined, resulted in the truce agreement of June 12, 1935.

The agreement provided that the lines of separation of the armies would be fixed and demobilization supervised by a neutral military commission "under the guarantees of the peace conference." These provisions met the Paraguayan security demands. Bolivia's basic demand was met by a provision that, in case a direct agreement at the peace conference proved impossible, the conference would be "unable to terminate its functions as long as the arbitral compromise is not definitely agreed upon." Before signing the truce agreement, Bolivia insisted that the Argentine and Brazilian Foreign Ministers pledge the honor of their countries that the Buenos Aires peace conference would not adjourn until the arbitration case was

³ Clarence K. Streit, *New York Times*, Mar. 16, 1935.

formally submitted to the World Court.⁴ These understandings paved the way for the convocation of the peace conference on July 1, the indefinite extension of the truce, and the commencement of demobilization of the armies in the Chaco on July 3.

Thus, in the end, Argentina, Brazil and Chile were obliged to give the material guarantees which Foreign Minister Saavedra Lamas had so sharply rejected when proposed by the Commission of Neutrals on Sept. 22, 1932. Indeed, Peru and Uruguay, in accepting invitations to participate in the peace conference, likewise appear to have bound themselves to secure a direct settlement or agreement for arbitration before the conference adjourns and also to join in the application of material sanctions in case either Bolivia or Paraguay violates the terms of the truce agreement. The writer's inquiry to the State Department, asking whether the United States had assumed similar obligations, was answered in the negative. Assistant Secretary Sumner Welles, in a letter dated July 16, 1935, replied:

The policy of this Government concerning the tragic Chaco controversy has been consistently directed to assisting the Governments of Bolivia and Paraguay to arrive at a fair and equitable solution satisfactory to both parties, but at no time during the controversy has this Government given consideration to the use of military or economic sanctions to enforce observance of either a truce or a definitive peace. At the time that this Government accepted the invitation to participate in the peace conference at Buenos Aires, it was made clear that our willingness to collaborate did not imply that the United States Government would thereby undertake any obligations, explicit or otherwise. At the conference there was no departure from this policy.

The Roosevelt Administration's refusal to assume any obligations at the Buenos Aires conference does not impair the conclusion that the need for guarantees of security, and therefore of some form of material sanction, to strengthen Pan American peace machinery has been strongly indicated by the history of the Chaco dispute. Secretary Hull's policy is understandable in view of prevailing public sentiment and of

⁴ John W. White, *New York Times*, June 11, 1935.

Argentina's reception of the Commission of Neutrals' peace formula of Sept. 22, 1932. Nevertheless the Chaco hostilities could not have been ended on June 12 had not the leading neighbor governments been willing to give the required guarantees.⁵

V

The question which has arisen whether the peace machinery of this hemisphere should be operated by the League or by the American nations points to another weakness in the peace system—the duplication of agencies. Each group which attempted to settle the Chaco dispute has testified that its efforts were obstructed, if not frustrated, by the fact that it did not exercise exclusive jurisdiction. At times the attention of the disputants was distracted from one negotiation by the diplomatic explorations or peace proposals advanced by rival agencies. At other times, when one or the other of the belligerents considered that the negotiations under one agency were assuming an unfavorable trend, it hastened to transfer the negotiations to another in the hope of improving its position.

Paraguay abruptly withdrew from the Washington parleys under the auspices of the Commission of Neutrals in December 1932, and accepted the good offices of the ABCP bloc. Bolivia held open an avenue of retreat from the ABCP negotiations by insisting that they be carried on in conjunction with the Commission of Neutrals. At various times Bolivia and Paraguay opposed the intervention of the League of Nations in the dispute on the ground that the Commission of Neutrals

⁵ In view of Mr. Welles' statement, it may be appropriate to point out that the term "material sanctions" as used in this article includes not only direct military and economic sanctions but also various other less severe methods for collective coercion of an aggressor. Among such measures are embargoes on arms or loans, or the withdrawal of diplomatic and consular representatives, as suggested by the Commission of Neutrals under the chairmanship of Assistant Secretary of State Francis White. If material sanctions are incorporated in Pan American peace machinery, coercive measures of a mild form will undoubtedly be tried first. Even the non-recognition pledge of Aug. 3, 1932, carrying the threat of indirect economic and financial penalties, is a distinct departure from the purely moral sanctions upon which existing Pan American pacifist instruments—with the possible exception of the Argentine Anti-War Pact—depend for their enforcement.

or the ABCP bloc was conducting negotiations and was better informed regarding the Chaco problem. At a session of the League Council on May 20, 1933, Dr. de Madariaga mentioned nine occasions on which, he said, "the Council's action has been paralyzed, stopped, and thrown out of gear because the Commission of Neutrals was going to settle the question." On the other hand the delegate of Colombia declared before the League Assembly on Sept. 14, 1934, that "The Montevideo Conference, which was anxious and also had the power to put an end to the carnage, was paralyzed, because the problem had already been submitted to the League"

An undercurrent of rivalry among the Commission of Neutrals, the ABCP group, and the League pervaded all the negotiations, despite the many sincere gestures of coöperation in the cause of peace. This rivalry was painfully evident in the second ABCP peace effort (July-October 1933). The Brazilian Foreign Minister, "deeply imbued with Pan American sentiments", induced his colleagues of the ABCP and the belligerents to interrupt the peace negotiations then in the hands of the League Council in order that the South American states might make another effort to put their house in order. Within the ABCP bloc there was acute rivalry for diplomatic prestige and national preëminence, especially between the Argentine and Brazilian Foreign Ministers. All this added to the confusion and encouraged the disputants to play off one agency against another.

In withdrawing from the peace negotiations on June 27, 1933, the Commission of Neutrals stated that "Experience has shown that if there is more than one center of negotiation confusion and lack of agreement are the inevitable results." It urged that the Chaco negotiations be "centered in Geneva, . . . allowing the League Committee to work with universal support for peace." The Report of the League's Chaco Commission was even more emphatic on this point.

While all peace forces agree that unity is essential, there is wide disagreement as to which existing agency should take precedence. The Commission of Neutrals, while urging that the Chaco negotiations be left to Geneva, favored more effec-

tive Pan American machinery to deal with future American disputes. Likewise the Mexican peace code and somewhat similar proposals advanced at the Montevideo Conference by El Salvador contemplate a purely American peace system, independent of the League but cooperating with it when necessary. Another school of American thought favors close integration of the Pan American Union with the League in order that the League's peace machinery and its other international instruments and agencies may be made use of in this hemisphere.

In general, the United States, Brazil and Uruguay have aligned themselves with the non-League school, although all repeatedly lent official support to the League's efforts to conciliate the Chaco belligerents. On the other hand the League, due to the recent entrance of Argentina, Mexico and Ecuador and to its leadership in the Chaco and Leticia disputes, occupies a far stronger position in the Western Hemisphere than in 1928, when the Vanguardia incident provided the first important opportunity for League intervention in a purely American dispute.

It is obvious that the organization of peace in this hemisphere will labor under a distinct handicap until the fundamental question of the relationship of the League and the Pan American Union is settled. Fortunately, a resolution adopted by the Montevideo Conference set machinery in motion for the solution of this problem. The resolution entrusted to the next Pan American Conference "the study of the activities and methods of cooperation with other parts of the world by the Pan American Organization." The Governing Board of the Pan American Union was instructed to submit to the conference recommendations "as to the steps to be taken to insure the full and whole-hearted cooperation of the International Conferences of American States and the Pan American Union with non-American organizations and States, without complicating or involving the integrity of the international organization of the 21 American Republics."

On motion of the Colombian delegation, the League Assembly on Sept. 27, 1934 took similar action. It instructed

the Secretary-General to appoint a committee to consider "the establishment of regular and permanent relations" between the League and the Pan American Union. This whole problem is complicated by the rivalry among the United States, Spain, France, Britain and Italy for economic, political and cultural leadership in Latin America, as well as by the desire of the leading South American republics to free themselves of North American and European tutelage.

Several other steps have been taken to eliminate the evils inherent in rivalry among peace makers. Another resolution of the Montevideo Conference stipulates that "good offices or mediation shall not be applicable when other methods of peaceful solution emanating from treaties or agreements between the parties for the peaceful settlement of international disputes shall have begun to function." A provision of the Argentine Anti-War Treaty makes it inapplicable to controversies "for the solution of which treaties, conventions, pacts or pacific agreements of any kind whatever may have been concluded."

Thus the Chaco War has given a great impetus to the development of a system of international security in the Americas. The Chaco has served as a laboratory in which the machinery, procedure and theory of the peace system have undergone searching tests. Some of the lessons of the conflict have already been applied, notably in the Argentine Anti-War Treaty, the protocol for the settlement of the Leticia dispute, and the movement to secure ratification of existing pacifist treaties. Other lessons remain to be translated into concrete form. It is not unlikely that the incorporation of collective material sanctions in Pan American peace machinery and the regulation of the relations of the League and the Pan American Union will prove the most significant results of the struggle from the viewpoint of world organization.

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