

Congress is apparently not ready to amend the Neutrality Act of 1935 so as to make it applicable to civil strife, nor the Act of 1912 covering domestic violence in American countries so as to make it applicable to revolutions in all countries of the world.

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#### BELGIUM AND NEUTRALITY

It is of first importance to a state that its territory be not invaded by the forces of any other. When that territory separates and constitutes the pathway between that of states which embark upon war against each other, the burden of maintaining inviolability is heavy and may prove to be insurmountable. The experience of Belgium during the World War is illustrative. Inasmuch as its territory afforded the army of a neighboring country an easy avenue of approach to a hostile objective, the temptation to seize the strategic advantage proved to be irresistible, and despite the prohibitions of the treaties of 1839,<sup>1</sup> Belgium found its domain invaded and occupied by the forces of a state which was one of the guarantors of its supposedly neutralized status. The experience caused Belgium to realize that its neutralized status, with all that neutralization implied, was an inadequate safeguard. Accordingly, it was led to share the common confidence of the Principal Allied Powers in the superiority and efficacy of a different plan. Belgium experienced little if any difficulty in securing from numerous other countries which had been parties to the treaties of 1839 acknowledgment that it should no longer be regarded as a neutralized state.<sup>2</sup> The policy exemplified in the organization of the League of Nations, with its ban upon wars, save under rare conditions when they were to be regarded as excusable, and with its arrangements for collective security for the benefit of a non-aggressive member guilty of no untoward conduct, seemed to offer a promising means of lessening the danger of future attacks upon Belgian soil. Moreover, a Belgium that was to participate in the common effort to maintain peace and even to penalize a Covenant-breaking belligerent seemed to be better off, and on the whole not more exposed to attack, than under the previous régime. It was perhaps natural that in September, 1920, the Belgian and French Governments through an exchange of notes gave approval to a so-called Military Understanding signed by their respective military representatives on September 7 of that

<sup>1</sup> See treaty concluded by Austria, France, Great Britain, Prussia and Russia with The Netherlands, De Martens, *Nouveau Recueil de Traités*, XVI, 770; treaty between Belgium and The Netherlands, relative to the separation of their respective territories, *id.*, 773; treaty concluded by Austria, France, Great Britain, Prussia and Russia, with Belgium, *id.*, 788. These treaties were signed on April 19, 1839.

<sup>2</sup> It is unnecessary here to discuss the method by which Belgium became free from the status from which it sought to be unshackled, notwithstanding the fact that certain parties to the treaties of 1839, such as The Netherlands and Russia, did not become parties to any arrangement acknowledging such a change of status. The attainment of that freedom did not necessarily imply or involve termination of the treaties in which the neutralization of Belgium had been registered.

month, the object of that understanding being "to reinforce the guarantees of peace and security resulting from the Covenant of the League of Nations."<sup>3</sup>

In the course of the following sixteen years, however, some conclusions in Europe as elsewhere underwent a change. Passing events made a deep impression; and none made a profounder one upon the Belgian mind than certain happenings in 1935 and 1936. The failure of the plan under the auspices and through the instrumentality of the League of Nations to safeguard one of its members from attack and complete subjugation, proved to be as severe a blow to confidence in that organization as a defender of territory as it was to Ethiopia which found itself stripped of its domain and its life extinguished by its enemy. Again, the Franco-Russian Agreement of Alliance concluded in 1935, which paved the way for the German denunciation in 1936 of the Locarno Pacts of October, 1925, and also for a German remilitarization of the Rhineland, regardless of the provisions of the Treaty of Versailles, warned the Belgians not only of the possibility of a Franco-German war, but also of the fate in store for their territory in the event of such a conflict, if Belgium were linked to one of the belligerents as its ally.

It was in the light of these conditions that the King of the Belgians expressed himself as he did to his Council of Ministers on October 14, 1936. He said in part:

Our military policy, as well as our foreign policy, must be designed, not to prepare for a war, more or less victorious, as the result of a coalition, but to keep war from our territory. The reoccupation of the Rhineland, by ending the Locarno arrangement, has almost brought us back to our international position before the war.

Our geographical situation enjoins it upon us to maintain a military establishment in order to dissuade any one of our neighbors from borrowing our territory to use in attacking another state. By fulfilling this mission Belgium renders a supreme service to the peace of Western Europe and thereby creates an *ipso facto* right for itself to the respect and eventual assistance of all states which have an interest in that peace. . . .

Any unilateral policy weakens our position abroad and excites, rightly or wrongly, a division at home. An alliance, even if it is purely defensive, does not achieve its purpose because, however prompt might be the aid from our ally, it would come only after an onslaught by an invading army which would be devastating. In any event, we should have to struggle single-handed against that onslaught. . . .

Without herself preparing a system of defense, capable of resistance, Belgium would find herself at the very beginning, deeply invaded and completely plundered. After this period, friendly intervention would be able, indeed, to ensure final victory; but the struggle would afflict the country with a ravage compared with which that of the war of 1914-1918 is but a feeble picture.

That is why we must follow a policy exclusively and entirely Belgian. The policy must aim solely at placing us outside the quarrels of our neighbors. It corresponds to our national ideal. It can be maintained

<sup>3</sup> See League of Nations Treaty Series, Vols. 2-3, 128.

by a reasonable military and financial effort, and it would command the support of all the Belgians, who are inspired by an intense and basic desire for peace.

Let those who doubt the feasibility of such a policy consider the proud and resolute example of Holland and Switzerland. Let them recall how decisively Belgium's observance of the status of neutrality weighed in our favor and in favor of the Allies during the war and during the settling of accounts which followed. Our moral position would have been much weaker at home and the world would not have afforded to us the same sympathy if the invader had been enabled to advance as an argument an alliance between Belgium and one of its neighbors.<sup>4</sup>

These words mark the realization of two grim facts: first, that no military alliance will serve to ward off an initial attack upon, or invasion of, Belgian soil unless the ally undertakes itself at all times to make highly dangerous and futile such aggression, as by actively participating in all that the Belgian scheme of defense by land and air may entail, embracing activities and lodgments within Belgian territory; and secondly, that by shunning an alliance with any country, and by avowal of a determination to refrain from having any part in wars that may afflict its neighbors, those neighbors both lose the right and may relax the disposition to borrow Belgian soil for their own belligerent purposes.<sup>5</sup>

Important implications flow from this realization. Obviously, the adoption by Belgium of the course which it suggests calls for some spade work, involving appropriate efforts to obtain French acquiescence in the termination of any inconsistent commitment growing out of the Military Understanding of 1920, of which the terms have not been disclosed.<sup>6</sup> Again, there

<sup>4</sup> The writer acknowledges his indebtedness to His Excellency Count Robert van der Straten-Ponthoz, Belgian Ambassador at Washington, for the text of an authentic copy of the King's address. The English translation given above is chiefly that published in the *New York Herald-Tribune*, Oct. 15, 1936, p. 2.

It must be obvious that the King was far from suggesting the desirability of the resumption of a neutralized status for his country to be effected through the instrumentality of a multipartite agreement, and designed to reproduce a condition resembling that wrought through the agreements of 1839.

<sup>5</sup> The cutting off of that right in so far as it may be attributable to or derived from a Belgian alliance with the enemy of a possible or potential invader, and the weakening of that disposition greatly strengthen both in a military and diplomatic way the position of the sovereign that can boast of such an accomplishment.

<sup>6</sup> Declared the *Manchester Guardian Weekly*, Oct. 23, 1936: "When, in March of this year, Germany broke the treaty by marching into the demilitarised zone it was replaced by a temporary but binding agreement. By this Britain is bound to go to the help of either France or Belgium if they are attacked by Germany; France and Belgium are bound to go to the help of each other in the same case; but neither France nor Belgium is bound to go to the help of Britain. This agreement also would presumably be annulled by the acceptance of King Leopold's declaration, as well as the military arrangements between the Staffs of the three countries that were designed to strengthen the obligations then assumed.

"This agreement, however, was not meant to be permanent, but represented only an 'interim agreement' until a new pact should be negotiated for Western Europe. It was foreseen that should the negotiations to that end fail completely some such guarantee for

must be careful consideration of the extent to which Belgian obligations under the Covenant of the League of Nations would challenge, either in a practical or theoretical way, the freedom of Belgium to remain strictly neutral in the course of wars that might engage its neighbors, and also of the question whether such a challenge would be severe enough to justify the relinquishment of membership in that body. Doubtless these matters are receiving the benefit of the best thought to be had in Belgium.

There are other implications that result from the King's conclusions. If those conclusions are sound, it follows that any scheme of international organization which opposes or makes difficult the effort of a member state to refrain from taking sides in a war between other countries which are its neighbors and from so participating therein, is to such extent a menace to the inviolability of its territory. If they are sound, it follows that the price to be paid for the benefits accruing from a military alliance or from a scheme of collective security appears to be far too high, when it exacts the sacrifice of the right to keep out of wars that are waged between foreign states.

There are still further implications that demand consideration. If a state bent on retaining its status as a neutral is able to defend its territory from attack or to make hard the way of the transgressor that invades it, steadfastness to its purposes serves to keep its domain from becoming an area of hostility, and to that extent to diminish the possible field of military operations, and may even deter the very outbreak of a war. A neutral territorial sovereign, whether Belgian or any other, may in fact find it impossible to safeguard from seizure an area of which the control is deemed to be of utmost strategic importance to a belligerent neighbor. It is not known whether, or to what extent, the sovereign of an area that is undefended by nature, and that separates the territories of opposing belligerents, can today without foreign aid preserve such an area inviolable.<sup>7</sup> Nevertheless, the resolute

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France and Belgium would still be necessary, but the British Government insisted that if that should happen the guarantee must be reciprocal—that is to say, Belgium and France would have to come to the aid of Britain if she were attacked. So far the negotiations have not failed, or at least their failure has not been admitted; indeed, on September 18, Mr. Eden invited the five Locarno Powers (including Belgium) to a new conference. The proposed Belgian neutrality would not necessarily prevent a new Western Pact, for the other four Powers might agree to guarantee her neutrality without asking for reciprocal guarantees, as was the case before 1914. It would, however, prevent the suggested pact between France, Britain, and Belgium from coming into force if negotiations fail.”

<sup>7</sup> It must, of course, be constantly borne in mind that the invasion of Belgian territory by any state is likely to be regarded as adding to the defensive requirements of some of its neighbors, and that at least one of them may be expected, in such contingency, on grounds of its own self-defense, to endeavor to repel the invader. Thus Belgium may need no alliance in order to become the beneficiary of such action. Cognizance must also be taken of another consideration. The attempt to strike a decisive blow in the shortest time against a state whose territory is contiguous to, or in the vicinity of, that of Belgium may assume the form of an aerial attack. If, in the course thereof, belligerent aircraft initiate flight over Belgian neutral territory, the offended sovereign, however incensed by such illegal action, might not

endeavor of the sovereign to do so, by utilizing all of the means at its disposal in seasons of peace as well as in those of war, may so greatly enhance the burden of a belligerent neighbor which desires to invade it, as to discourage its recourse to such action. With appreciation of the military effect of the best efforts of a neutral state, howsoever located, to deter the commission of warlike acts on its soil, and thus to decrease the very existence of localities available for hostile military operations, there is seen a salutary influence for peace that might be exerted if other states in Europe or elsewhere accepted the reasoning and followed the course proposed by the King of the Belgians. It has inspired Mr. Walter Lippmann to declare: "It may be, too, that a new system of peace is in the making, based not on collective action against an aggressor but on the defense of neutrality. If, for example, Poland followed the Belgian example and took a clear decision to join neither Germany nor Russia, the Russo-German war would be a difficult war to fight. There would be no battle-field."<sup>8</sup>

Nothing that has happened in Europe during the interval between the termination of the World War and the year 1937 indicates that the King of the Belgians made an incorrect diagnosis of the problem confronting his country or failed to suggest the correct solution of it. It is believed that he did even more, and that by his realistic approach to the task involved in maintaining the inviolability of Belgian soil, he necessitated a faithful reconsideration of the conclusions of thought that prevailed in 1919, and especially of those which ignored the value of neutrality either as a means of safeguarding the inviolability of territory, or as a deterrent of war between states seeking recourse to armed conflict.

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#### THE INTER-AMERICAN CONFERENCE FOR THE MAINTENANCE OF PEACE

The genesis of the idea for the special Inter-American Conference which began its meetings at Buenos Aires on December 1, 1936, has already been described in this JOURNAL.<sup>1</sup> It is the 108th Inter-American Conference, the first having been held one hundred and ten years ago.<sup>2</sup> It is the second Inter-

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in fact suffer as grievous harm as would be the case were a belligerent army to occupy the land. Nevertheless, any Belgian effort to repel by force the belligerent that merely sought transit by air over Belgian soil might be expected to induce an aerial bombardment designed to overcome all resistance.

<sup>8</sup> "Disentanglement in Europe," New York Herald-Tribune, Oct. 17, 1936.

<sup>1</sup> Vol. 30 (1936), p. 270.

<sup>2</sup> See list in Department of State, Publication No. 499. Since 1933, the date of that publication, the following conferences have been held: Seventh International Conference of American States, Montevideo, Dec. 3-26, 1933; The Central American Conference, Guatemala City, March 14-April 13, 1934; Ninth Pan American Sanitary Conference, Buenos Aires, Nov. 12-22, 1934; Pan American Commercial Conference, Buenos Aires, May 26-June 19, 1935; Seventh American Scientific Congress, Mexico City, Sept. 8-17, 1935; Third Pan American Red Cross Conference, Rio de Janeiro, Sept. 15-25, 1935; Seventh Pan