

ingenuity may become a most formidable menace not only for armies and fleets, but for the civilian population of belligerent nations. Article V is in the following terms :—

“The use in war of asphyxiating, poisonous, and other gases, and all analogous liquids, materials, and devices, having been justly condemned by the general opinion of the civilized world, and a prohibition of such use having been declared in treaties to which a majority of the civilized Powers are parties, the signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law, binding alike on the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves, and invite all other civilized nations to adhere thereto.”

How far these or any other rules of warfare will prove adequate to restrain belligerent States from doing in the grim necessity of war whatever their interests may be thought to require, is a question to which no confident answer can be given. At all events, this is clear: that if any signatory or adherent Power violates these rules in any future war it will stand convicted before the civilized world as guilty of a grave breach not only of humanity but of public honour.

THE PACIFIC TREATY.

The Pacific Treaty was signed at Washington on the 13th December, 1921, by the plenipotentiaries of the British Empire, the United States of America, Japan, and France. Two other documents must be read together with it and as virtually forming part of it—namely, an explanatory declaration signed by the same plenipotentiaries on the same day, and an amending Treaty signed at Washington on the 6th February, 1922. The Pacific Treaty, though negotiated and executed during the sittings of the Conference, did not form any part of the business of the Conference. In this respect it was in the same position as the Shantung Treaty, between Japan and China. The subject-matter of those treaties was closely connected with the objects of the Conference, and the occasion was therefore a suitable one for the discussion and settlement of the questions involved.

The Pacific Treaty was intended as a substitute for that Anglo-Japanese Alliance which was last renewed at London on the 13th July, 1911. That Alliance had outlived the occasion and purpose to which it owed its origin, and it had become an object of some suspicion and dislike on the part of other Powers. The British Government, however, was naturally reluctant to sever that bond of alliance which had for twenty years of war and peace existed between Great Britain and Japan, and desired that the Alliance, if it could not be preserved in its original form, should be merged in some more comprehensive scheme of international co-operation. To this end the Pacific Treaty was formulated and signed at Washington.

The Treaty departs in two essential respects from the scheme of the Anglo-Japanese Alliance. In the first place it includes not merely the British Empire and Japan, but also the United States of America and France. The Treaty relates to the islands of the Pacific, and has been made between the four chief Powers by which those islands are possessed. In the second place the Treaty, unlike the Alliance, imposes no obligation of military or naval action in support of any party thereto. It is a treaty of harmonious consultation and co-operation, not a treaty of armed alliance.

The Treaty relates to the territorial rights of the four contracting Powers in respect of the islands of the Pacific Ocean. It contains only two operative provisions. The first deals with disputes between any of the contracting parties themselves affecting those territorial rights. The second deals with disputes between one of the contracting Powers and any other Power relative to such rights. In the first case it is provided that the dispute shall be referred to a joint Conference of all the contracting Powers for consideration and adjustment. In the second case it is provided that all of the four Powers shall “communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.” In other words, the essential meaning and purpose of the Treaty is that any dispute as to the insular territorial rights of any of the four Powers