

That seems much the sounder view; in the interests of the freedom of the seas, and in the interests of states whose citizens are engaged in shipping and navigation, of which the United States is one, it may be hoped that the decision of the commission will not be regarded as a precedent worthy of emulation or application in the future.

EDWIN M. BORCHARD

THE GENERALIZATION OF THE MONROE DOCTRINE

In its note of September 10, 1931, to the Secretary-General of the League of Nations accepting League membership, the Mexican Government stated "that she has never recognized the regional understanding mentioned in Article 21 of the Covenant of the League." This dissent from the Monroe Doctrine was not considered a reservation,<sup>1</sup> but as an expression of the Mexican point of view it found vigorous reiteration in President Carranza's message to the Mexican Congress on the subject of League membership wherein he stated: "Mexico had not recognized this doctrine, since it established without the choice of all the peoples of America a criterium and a situation in which they have not been consulted."<sup>2</sup> In even stronger terms the Mexican attitude was expressed in a note addressed by the Mexican Minister for Foreign Affairs to several governments while Article 21 of the Covenant was under discussion at the Paris Peace Conference. The position of the Mexican Government at that time was that it had "not recognized and will not recognize the Monroe Doctrine or any other doctrine that attacks the sovereignty and independence of Mexico."<sup>3</sup> These frank expressions of official Mexican opinion lend added interest to the memorandum on the Monroe Doctrine presented by Dr. J. M. Puig Casauranc, Mexican Minister for Foreign Affairs, to United States Ambassador Daniels in October, 1933. This memorandum was first made public in one of an interesting series of volumes published by the Mexican Ministry for Foreign Affairs this year.<sup>4</sup>

This memorandum was prepared after consultation with the Ministers of Ecuador and Peru, accredited to the Mexican Government. From the text of the memorandum, it appears that its preparation was inspired by the belief that the new policies of the present Roosevelt administration encouraged the belief that the time was ripe to bring about a new basis of solidarity among the American republics and to remove from their relations with one another what has been a constant source of misunderstanding and suspicion.

The memorandum reviews briefly the circumstances under which President

<sup>1</sup> See Hudson, "Mexico's Admission to Membership in the League of Nations," this JOURNAL, Vol. 26 (1932), pp. 114, 116.

<sup>2</sup> Philip Marshall Brown, "Mexico and the Monroe Doctrine," *ibid.*, p. 117. <sup>3</sup> *Ibid.*

<sup>4</sup> *Séptima Conferencia Internacional Americana, Memoria General y Actuación de la Delegación de México, presentada por el Dr. J. M. Puig Casauranc, Jefe de ella y Secretario de Relaciones Exteriores.* (México: Imprenta de la Secretaría de Relaciones Exteriores, 1934), p. 261 ff.

Monroe's message was pronounced. It concludes that at the time of its original pronouncement the doctrine was "clear and perfectly delimited" but that more recently its meaning and purposes have become misunderstood and of uncertain extent and application. The memorandum expresses the belief that:

If, then, it is possible to doubt the advisability and propriety of bringing the Monroe Doctrine "up to date," making it accord with the broad spirit of Americanism that originally inspired it, and elevating this doctrine to the position of an *American principle* of international law, at least no one will venture to dispute the urgent necessity for disauthorizing once and for all the erroneous interpretations which have deprived the doctrine of its true character and have made of it an exceedingly efficacious factor in the creation of mistrust and misgivings, to such an extent that—paradoxical as this may seem—it is today the most serious of obstacles to the spiritual unity of the Continent. . . .<sup>5</sup>

Confirming its belief in the present uncertainty and unsatisfactory effects of recent interpretations of the doctrine, the Mexican Government cites a passage from Clarence H. Haring's *South America Looks at the United States*.<sup>6</sup> The memorandum then contains a reference to the Argentine Republic's "reservation" with reference to its membership in the League and to the statement of Mexico in like connection.

The memorandum poses the questions whether the Monroe Doctrine should be frankly abolished, whether such a step would be acceptable to the Government and public opinion of the United States, and whether such an extreme solution is necessary. These three questions are answered in the negative. The Mexican Government then suggests a middle course, which it describes as follows:

That means may perhaps be the investment of the Monroe Doctrine with a character that is *American in the full sense of the term*, through a pact consecrating it as a principle adopted by each and every American nation, and creating the consequent obligation to unite in its defense while sharing the same rights and obligations. . . .

The Monroe Doctrine, elevated to the rank of an American pact of solidary defense, would enter upon the second stage of its natural development: it would be perfected and would acquire the maximum prestige and the integral force proper to it in view of its continental significance. It would be brought up to date. Otherwise, it will fail to move with the times, turning its back upon the progress of the Spanish-American nations and open to criticism—in our opinion—as an anachronism because of its stagnation. Even if it is given its legitimate interpretation, even if it is disinterestedly and magnanimously applied, it will continue to be a lowering force for these nations, inasmuch as it offers them—graciously—a species of paternal protection no longer suitable for them to receive, since they emerged some time ago from the position as minors which was theirs at the beginning of their independent existence. . . .<sup>7</sup>

<sup>5</sup> *Memoria, op. cit.*, p. 263.

<sup>6</sup> Pp. 102–104.

<sup>7</sup> *Memoria, op. cit.*, p. 267.

The Mexican Government was encouraged to hope that some such policy would be acceptable to the United States in view of the various declarations of President Roosevelt announcing the policy of the "good neighbor." The Mexican Government then ventures to suggest the formula to serve as a basis for discussion, stressing the fact that the initiative in any such development should come from the United States. The formula is as follows:

The nations of the Americas, united in defending the sovereignty and integrity of each one of them respectively, adopt as their own the principle of continental independence proclaimed by James Monroe, President of the United States, in his message to Congress of December 2, 1823, and raise it to the rank of an American Doctrine, including therein the rights and obligations with which the maintenance of that doctrine invests each of the said nations.

At the same time, they proclaim the inviolability of the principle of national autonomy, subordinating this principle only to the obligatory arbitration established by themselves for the settlement of their disputes; and they absolutely prohibit any interference among them other than that arising from pacts freely entered into by the nations or from judgments of arbitral tribunals, or else resulting from offers of mediation, of good offices or of some other procedure recognized by international law, offers which may, as in all analogous cases, be freely accepted or rejected by the countries to which they are extended.<sup>8</sup>

It was suggested that some such proposal might well be brought before the then pending Seventh International Conference of American States, which was about to assemble in Montevideo.

The reaction of the Government of the United States to this proposal may be judged from the fact that no proposition looking toward the generalization of the Monroe Doctrine was advanced at the Montevideo Conference. It will be recalled that at that conference a Convention on Rights and Duties of States, which dealt with intervention and some cognate matters, was not accepted by the United States but in regard to it a reservation was made by Secretary Hull in which he referred to recent declarations of President Roosevelt and expressed confidence that these declarations would suffice to convince our sister republics to the south that the United States had definitely foresworn intervention in the affairs of the other American republics.<sup>9</sup>

This attitude of the Government of the United States should cause no surprise. In spite of the extraordinary ignorance and disagreement in the United States regarding the actual meaning and purport of the Monroe Doctrine, that doctrine remains a sacred symbol to the American people and anything which looks like an attempt to tamper with it is greeted with immediate and vigorous suspicion. This attitude has been frequently evidenced, as in the well-known reservation of the United States to the 1899 and 1907 Hague Conventions for the Pacific Settlement of International Dis-

<sup>8</sup> *Memoria, op. cit.*, p. 269.

<sup>9</sup> See James Brown Scott, "The Seventh International Conference of American States," this JOURNAL, Vol. 28 (1934), pp. 219, 223 ff.; also Supplement, *ibid.*, p. 75, and the Final Act of the Conference, p. 187.

putes and similar reservations to arbitration treaties. It appeared very clearly in the discussions centering around the Covenant of the League of Nations where the popular clamor in regard to the Monroe Doctrine convinced President Wilson that something must be said about it in the Covenant of the League; Article 21 was the result.

It may be that the curious phraseology of Article 21, which seems to describe the Monroe Doctrine as a "regional understanding," may have encouraged the belief in some quarters that the United States was tending away from its traditional attitude that the Monroe Doctrine was first and last a unilateral declaration of policy by the United States, although that traditional point of view has frequently been reiterated by statesmen of this country since the Covenant of the League was drafted. The Mexican Government's proposal for the general "Americanization" of the Monroe Doctrine is not the first step in this direction.

At the Fourth Pan American Conference, in 1910, the Brazilian Government, through a desire to honor the memory of Senhor Nabuco, who as Brazilian Ambassador to the United States had played a large part in the development of the Latin American policy inaugurated by Secretary Root, wished to have the conference adopt a resolution recognizing the Monroe Doctrine as "a permanent factor making for international peace upon the American continent." This project was discussed with the Chilean and Argentine representatives and various changes in phraseology were suggested. Members of the other delegations were sounded out and some dissatisfaction was revealed. Señor Alejandro Alvarez, who participated in the discussions as a member of the Chilean delegation, states that "The delegation of the United States, consulted in regard to it, made it clear that it would be very acceptable for Latin America to make the Monroe Doctrine hers; but that if in doing this she was going to create dissensions in the midst of the assembly, it was preferable to make no presentation at all."<sup>10</sup>

In view of the improbability of securing unanimous assent to its resolution, the Brazilian delegation did not push its project. Not having available the exact language of the United States delegation, it is impossible to tell just what was meant by a willingness to have Latin America "make the Monroe Doctrine hers." When the subject was again brought forward on the initiative of the Uruguayan Government at the Fifth Pan American Conference, in Chile in 1923, "the firm opposition of the United States actually stifled this project, to the great disappointment and discomfiture of many of the other American nations."<sup>11</sup>

The chief difficulty with these proposals for generalizing the Monroe Doctrine, as the Mexican Government clearly understood, lies in the field of the doctrine's corollaries and varying interpretations rather than in the

<sup>10</sup> Alvarez, *The Monroe Doctrine*, p. 193, at p. 195.

<sup>11</sup> Brown, *loc. cit.*, p. 118. Compare Report of the Delegates of the United States of America to the Fifth International Conference of American States (1924), p. 6.

original scope of the policy. There would be little basis for objection to a joint declaration by the United States and the other American republics regarding the preservation of the American continents from European aggression. There would probably be no objection in the United States to a joint declaration of policy against interference in European political affairs. Such a declaration could be phrased in such a way as to keep within the spirit of the Covenant and therefore League members could avoid conflicts with their obligations under that instrument. The Leticia and Chaco affairs have shown that the League can interest itself in American disputes without opposition from the United States. On the other hand, it is extremely doubtful whether public opinion in the United States would agree to any declaration regarding the Monroe Doctrine which could be interpreted as a limitation upon the right of self-defense upon which the Monroe Doctrine rests. The abrogation of the Platt Amendment suggests a willingness on the part of the present Administration to rest upon its general rights under international law rather than upon special treaty rights even in the Caribbean area where we have been most jealous of our special interests.

It should be quite possible to phrase a joint declaration which would strengthen rather than weaken the basic policy of the Monroe Doctrine. The discussions attending the final conclusion of the Briand-Kellogg Pact show that a reservation of self-defense is greeted with suspicion. The danger is that such a reservation on behalf of the United States might counteract in the rest of the Americas the advantages of the proposed joint declaration. The problem is not insoluble. It ought to be recognized in the United States that our Latin American policy is a matter of primary importance and as fundamental in United States foreign policy as any part of the Monroe Doctrine itself. The negotiations would require great tact and skill in draftsmanship. The recent trend of United States policy in Latin America, both in the latter part of the Hoover Administration and under the present Roosevelt Administration, offers the most favorable basis for such a step which has ever existed. Even if immediate difficulties should prove insuperable, the continuing consideration of such a new policy should make its fruition increasingly more feasible.

PHILIP C. JESSUP

#### AFGHANISTAN, ECUADOR AND THE SOVIET UNION IN THE LEAGUE OF NATIONS

The membership of the League of Nations has been increasing progressively since 1920. When the First Assembly met on November 15, 1920, the League had 42 members. Six States—Albania, Austria, Bulgaria, Costa Rica, Finland and Luxemburg—were admitted to membership in 1920; three—Estonia, Latvia and Lithuania—in 1921; Hungary in 1922; Abyssinia and the Irish Free State in 1923; the Dominican Republic in 1924; Germany in 1926; Mexico in 1931; and Iraq and Turkey in 1932. The procession was joined, in September, 1934, by Afghanistan, Ecuador and the