

Research note

A Far-Eastern Locarno? Japanese Proposals for a Regional Security Pact in the 1930s

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Summary

Following World War I, nations were bent on making the Versailles peace arrangements work. Within the framework of the League of Nations, regional arrangements came to play an important role. Taking the 1925 Locarno Treaties concluded between Germany, France, Belgium, Great Britain, and Italy as the model, the Japanese Government, with Shidehara Kijūrō as foreign minister, hoped to contribute to strengthening peace in the Far East by adopting a similar policy. Although the plan did not materialize, this paper shows the lengths to which Japanese policy makers were willing to go to make their plan for peace and security in the Far East a reality.

Keywords: World War I, Versailles Treaty, League of Nations, collective security, peace in the Far East, Shidehara Kijūrō, China policy, Manchurian crisis

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Introduction

When we talk of regional organizations it is assumed that they are also likely to contribute to international peace and security. The European Union, for example, was seen by many as a first step toward a global order of peace, but lofty goals such as this are often forgotten. The Brexit vote has brought about a situation wherein the European project is in question, thus bringing to light the fact that a concept of a clear peace policy has been and is still lacking. In consequence it needs to be remembered that the original idea of European unity was to bring peace to Europe and the world and to renounce war. This article, regarding a particular episode during the interwar period, may serve as a lesson on how to conduct and set out the requirements for a peace policy that will benefit not only people in the Far East or in Europe but, since an international peace based on justice and order is the ultimate aim, will do the same for the whole of humanity. If today Europe rejects the UN concept of genuine collective security in favor of military self-defense, the danger is that it may have “consequences to world peace.”

The international order after the First World War

In the wake of the Armistice of 11 November 1918, the responsible powers in Europe and America earnestly sought “to establish some kind of international organization in order to prevent a future catastrophe” (Matsushita 1968, 15). Although Japan had been on the winning side, as Thomas Burkman writes: “In 1918 Japan emerged from the Great War [...] militarily insecure [...] Anxiety over Japan’s predicament coupled with a fleeting affair with Wilsonian idealism gave rise by the war’s end to a surge in internationalist thinking.” It was “argued that Japan’s interests could be best secured if the nation expanded its international role [...] and played an active part in global affairs” (Burkman 2014, 193; Burkman 2008).

Japanese ideas on the new international organization were documented in a six-page report put out on the very day of the Armistice by the Foreign Ministry’s Bureau for Political Affairs (*seimukyoku*). This report stipulated “three conditions” for a successful post-war organization: (1) its general endorsement by the world’s political leaders; (2) the readiness of states “to accept restrictions on their behavior”; and (3) “a viable system of sanctions.” The report further identified five “issues of concern to Japan”: (a) arms limitations and disarmament; (b) “economic opportunity: [...] opening of the closed economic systems created by the colonial powers”; (c) compatibility of League of Nations principles and bilateral accords such as the Anglo-Japanese Alliance; (d) limitation of national sovereignty; and (e) the question of Germany’s participation. (Japan hoped that Germany would become a member.) The report also prophesied that the League of Nations would encounter difficulties in reaching its high-placed goals if these conditions were not met (Burkman 1975, 98–99).

Japan considered the “racial question” important since it was directly related to the issue of commercial freedom in the European colonies. On 1 November, foreign minister Uchida Kōsai (Yasuya) [1865–1936] spoke about this before the Advisory Council on Foreign Affairs (*gaikō chōsakai*): “The persistence of narrow racial attitudes among nations casts doubt upon the feasibility of the League’s goals and creates the possibility that its establishment will be disadvantageous to the Empire” (*Suiusō nikki* 1966, 286; Burkman 2008, 45). Shortly afterwards, on 30 November, Komura Kin’ichi, chief of the European section of the Bureau for Political Affairs, advocated the following in a memorandum: (1) Japan must strive for acceptance of the principle of equal treatment; (2) Japan must promote an active world peace policy and a conciliatory foreign policy; and (3) Japan must fundamentally revise its arrogant China policy. As for the third point, this memorandum proposed that Japan should grasp the initiative in the abolishment of extraterritoriality and spheres of interest in continental China, should cancel the indemnity payments accruing to Japan for its part in militarily suppressing the “Boxer Rebellion” of 1899–1900, should pull all of its troops out from China, and should support the four-power financial consortium proposed by the United States (Burkman 1975, 102; Burkman 2014, 196). Ideally, “[a]fter Versailles, War and Navy Ministry research reports on arms limitation were replete with the thinking and language of *taisei junnō*” (Burkman 2014, 195). As Burkman has pointed out, *taisei junnō* or “conforming to world trends” was a traditional “concept of international accommodationism [that] had occupied a prominent place in the history of Japanese diplomacy since the Meiji Restoration...” (Burkman 2008, 25). These points represented, then, much of the Japanese Foreign Ministry’s contingency thinking as it related to the concept of a League of Nations.

Despite reservations which tended to reflect the shortcomings of the new League of Nations, to realize some of the above-named program points—in particular those regarding the racial question—Japan engaged herself in the League with extraordinary enthusiasm. In 1919, at the Versailles Peace Conference, Makino Nobuaki, a nobleman who had been called to represent Japan as delegate to the Conference by Saionji Kinmochi, Japan’s chief delegate (Connors 1987, 67), in turn saw to it that Dr. Nitobe was appointed to the League Secretariat (Burkman 2014, 197). Consequently, Nitobe Inazō [1862–1933] took on the responsible post of Under Secretary General in Geneva (Howes 1995). While geographically removed from Europe, Japan had a vital interest in peace there. There was an awareness of the fact that although “Japan was very distant from Europe, it had a great interest in European peace, for it knew that a small conflict on any European issue might ... entail consequences dangerous to world peace” (Matsushita 1968, 113). The League, held by many Japanese to be perhaps no more than a “European club,” nevertheless appeared in the European power game to play a secondary role. To many it was “not measuring up to the universalistic ideals that inspired its founding.” Nevertheless, Japanese spokespersons continued “to support the

principle of universality and [initially] to discourage the formation of regional peace machinery to displace the League of Nations” (Burkman 2014, 202).

The postwar international system was to a substantial degree grounded in the treaty accords of Versailles and Washington. Then, supplementary to this, in the late 1920s came the Kellogg-Briand Pact. The political atmosphere in Japan in the 1920s was in many ways similar to that in other parts of the industrial world. In the words of one Japanese scholar: “To some extent, the same trends toward progressivism and pacifism expressed in Woodrow Wilson’s idealism were at work in Japan” (Hata 1988, 283). The “wastefulness of isolated cultures,” so one had come to believe, was at its end, and, as Ernst Bloch remarked in 1918, the increasing interdependence of nation states seemed to make possible a “coming together of states in a federative way” (Bloch 1918, 432).

These concepts were nourished by ideas of “national self-determination or hopes that a ‘war had been fought to end all war,’” (Hall 1978, 308–309) and what was to be expected from cooperation with the League of Nations. Consequently, a proposal which was taken up by the Interparliamentary Union in 1924 was the “constitutional outlawry of war” (Wehberg 1931, 111). One of the resolutions announced in Bern on 27 August 1924, toward the end of the 22nd International Conference of the Interparliamentary Union (IPU; in Japanese *bankoku giin kaigi*, which is today called *rekkoku gikai dōmei*) stated:

The 22nd Interparliamentary Conference endorses the stipulation inserted in the Draft Treaty of Mutual Assistance voted at the Fourth Assembly of the League of Nations, by the terms of which war of aggression is described as an international crime, and recommends that proposals be submitted by the National Groups to their respective parliaments for amendments to the Constitution, such proposals a) To forbid resorts to war, except in the case of obligations under Art. 16 of the Covenant of the League of Nations. B) to make arbitration or other amicable or judicial means obligatory for the solution of disputes with other nations. (Union Interparlementaire 1925, 666; Wehberg 1931, 112ff)

It was in other words recommended that the prohibition of war be made an integral part of national constitutions.

The Conference went on to refer to “the obligation to appeal to a court of arbitration” and further stressed “the importance of securing the adherence of all nations to the optional clause of Art. 36 of the Statute of the Permanent International Court of Justice,” to submit their disputes to the Court. (Union Interparlementaire 1925). The IPU Resolution may have contributed to the drafting of the Geneva Protocol (*heiwa giteisho*), which also aimed at limiting national sovereignty in favor of the international organization of peace (Wehberg 1931,

39).¹ The documents and resolutions referring to the proceedings of the IPU conference were, needless to say, received by the Japanese Ministry of Foreign Affairs, studied and properly filed and kept in the Ministry's archives.

China and the “Manchurian crisis”

After the initial failure of the Tariff Conference of 1925, China attempted to unilaterally annul the treaties which it had concluded with the various powers and which were still in force. (Bau 1928, 183–184) On 13 January 1927, the new Chinese Government in Beijing sent a circular letter to the diplomatic missions in which it announced the entering into force of tariff autonomy as of 11 October 1926 and also the planned increase of the tax surcharge on imports starting on 1 February 1927, a date much earlier than previously agreed upon. The nationalist regime headquartered in Nanjing had already begun to impose supplemental taxes in southern China. Great Britain accepted these conditions, but it was too late (Bau 1928, 65–69). From early January into March 1927 the foreign settlements in Nanjing, Hankou and Jiujiang were attacked and forcefully placed under the control of the Chinese nationalists. In many cities there were armed clashes with Chiang Kai-shek's National Army. In March 1927 the British government tried to win Japan over in favor of a military intervention. But Japanese Foreign Minister Shidehara Kijūrō refused and “emphasized the principle of non-intervention in Chinese affairs in the Diet” (Bamba 1972, 215). The Foreign Minister did not allow himself to depart from his diplomacy of nonintervention (Tōru 1978, 68; Bamba 1972, 215). Toward the end of 1930, China's nationalist Foreign Minister Wang Zheng-ting (C.T. Wang) announced, on behalf of the Chinese Nationalist government in Nanjing, the annulment of all “unequal treaties” as of 1 January 1931 (Jordan 1991, 10ff). In considerable measure the refusal of Germany to sign the Nine-Power Treaty (Causey 1941, 365)² that had been devised by the 1921/22 Washington Naval Disarmament Conference encouraged the Chinese in their “revolutionary diplomacy” and perhaps contributed in a decisive way to “Shidehara diplomacy,” falling short of complete success (Schlichtmann 1998a, 83–90; Schlichtmann 1998b, 1–19). Had Germany signed the Treaty, this could have significantly strengthened the international order and possibly averted future calamities for Japan.

Naturally, the US Government also observed these changes with some trepidation. The China problem was without doubt no simple regional affair but one of truly global importance. US Secretary of State Henry Stimson was still convinced, until

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- 1 In the Geneva Protocol of the 5th Assembly of the League of Nations, on 2 October 1924, the [member] states declared themselves “ready to consent to important limitations of their sovereignty in favor of the League of Nations.”
 - 2 In October 1925 the American government, “carrying out the provisions of Article VIII [of the Nine-Power Treaty] formally invited Germany to adhere to the Treaty,” which Germany rejected (Causey 1941).

the Chinese-Russian dispute of 1929, like most of the world, that a permanent peace finally had a chance, and the “War to End all War” had “literally” achieved its purpose. “This illusion seemed shattered in the summer of 1929 when a sharp border conflict erupted between China and Soviet Russia over interests and treaty rights in North Manchuria” (Newman 1980, 25). For the Japanese, “because it was positioned between Soviet Russia and Japan’s colony of Korea,” Manchuria was important from the point of view of national defense (Newman 1980, 7). Thus the dispute may well have “encouraged the Japanese Army in their plans of military action in Manchuria” (Newman 1980, 2). Following the “Manchurian crisis” of September 1931, which in Japan led to the second Wakatsuki cabinet stepping down in December (and with it Foreign Minister Shidehara, who had stood for a meeting of minds among all parties), it became increasingly apparent that the League of Nations was unable to fulfill the lofty goals of collective security and of guaranteeing international peace. The conspiratorial activities of the Japanese military which accompanied the so-called “Manchurian Incident” made clear that the military leadership was now determined to forcefully push forward Japanese interests on the Asian mainland (Institute of Pacific Relations 1934, 11).³ This led to the establishment on 1 March 1932 of the puppet state “Manchukuo.” The summary report of the 1933 Institute of Pacific Relations Conference in Banff, Canada, noted that this was “a vast semi-colonial territory as large as France and Germany combined” and that “there has never been a puppet of such gigantic dimensions and of such potential wealth and economic importance as the newly formed state in Manchuria” (Lasker and Holland 1934, 11).

Although the Manchurian coup had been a success, there were protests even in Japan. The liberal *Asahi Shimbun* daily newspaper published cautionary opinions and Yokota Kisaburō, professor of international law at Tokyo’s Imperial University, gave a public address in which he expressed doubt as to whether the actions of the Kwantung Army headquartered on the leased territory of the Liaodong peninsula were consistent with the “right to self-defense” (Storry 1973, 87). Prime Minister Inukai Tsuyoshi [1855–1932] (Schlichtmann 2009, 99),⁴ who succeeded Wakatsuki Reijirō, was likewise convinced that the disposition of affairs being attempted by the military was misguided and was in principle not willing to hand over to the military a deciding role in the making of national policy. At the time of the appointment of the new Inukai cabinet, the emperor himself had warned of the “despotism of the military” and of the “lack of discipline” in the military (Ogata 1964, 138). Whether for this or some other reason, on 8 January 1932 an

3 “Japan [...] by reason of certain constitutional peculiarities is much more subject to the domination of her military and naval leaders acting independently of the parliamentary machine than is usually the case in Western countries” (emphasis added) (Institute of Pacific Relations 1934).

4 “The moderate Inukai Tsuyoshi, Wakatsuki’s successor as prime minister and concurrently prime minister, was known as a ‘friend of China’ and did not approve of territorial expansion through military intervention in ‘Manchuria’ or elsewhere in China.” He paid for these convictions with his life (Schlichtmann 2009, 99).

attempt was made to take the emperor's life in a bomb attack (Shidehara Heiwa Zaidan 1955, 494).

In a letter to his old friend, Uehara Yūsaku, dated 15 February 1932, Inukai wrote:

The end of the Manchurian Affair is approaching, but should an independent state be established, head-on collision with the Nine Power Treaty would be inevitable. I have therefore been working hard at keeping the form [...] My aim is to terminate the present crisis as soon as possible, and my ideal is to take the occasion to improve relations with China. (Ogata 1964, 139)

On 15 May 1932 Inukai was murdered by navy officers. On 27 March 1933, Japan announced its departure from the League of Nations and from then on would itself determine what was to be law and order in the region.

Prior to these events, the League of Nations had appointed Victor Bulwer-Lytton [1876–1947] to investigate the Japanese invasion of Manchuria, which had started on 18 September 1931. The final report of the so-called Lytton Commission was made public on 1 October 1932 and on 24 February of the following year, the League Assembly condemned Japan as the aggressor. Prior to that, starting in April 1932 Nitobe went to the United States and Canada to explain Japan's interests and course of action in Manchuria. According to Burkman "it turned out to be the most frustrating experience of his life" (Burkman 2014, 206).⁵ Expecting that the Americans were more likely than anybody else to understand the Japanese position, Nitobe complained: "We have learned many things from America, especially in dealing with neighbouring unstable governments, and when we put the lessons into practice we are severely criticised by our teacher" (Nitobe 1972, 232; Burkman 2014, 206).

It was not always aggression that shaped Japanese experience and pursuits as a colonial power in East Asia, which has a history dating back to the end of the 19th century. Japanese control over the Kuril Islands—still a disputed territory today—had begun in 1875 on the conclusion of the Treaty of Saint Petersburg; both Taiwan and the Kwantung Leased Territory had become Japanese dependencies in 1895 as a result of the Treaty of Shimonoseki following Japanese victory in the First Sino-Japanese War.

For the modern nation-state, the country's vital interests are paramount. When in October 1929 the American dollar suddenly plummeted on the international money market, silk exports to the United States, which were so essential for Japan's economy, dropped dangerously (Tsurumi 1927, 502). The Japanese economy managed to recover partly from the negative effects that the Tanaka policy had brought to trade relations with China. To those who had recently started demanding a harder line were now added new and more raucous calls by "frightened voices [...] for an autonomous diplomacy to secure reliable markets,

5 "His message was not well received or understood [...] he advocated Asian solutions to Asian problems" (Burkman 2014, 206).

dependable sources of raw materials, and a defensible regional order amenable to Japanese leadership.” (Burkman 1983, 305). These were reasons for Japan to now look after herself more forcefully than ever.

The Japanese proposal of a “security system for the Pacific area”

In October 1931, before the fall of the second Wakatsuki cabinet, a group of well-known political and academic figures, including Ishii Kikujirō [1866–1945], who had been Japan’s chief delegate at the League of Nations in Geneva between 1920 and 1927, Shidehara Kijūrō, Nitobe Inazō, and Makino Nobuaki [1861–1949] founded what was to become the *Foreign Affairs Association of Japan*. This organization was meant to play a role similar to that of corresponding organizations in the USA, England and other Western countries (Contemporary Japan 1932, 3).⁶ In June 1932 the first edition of the English-language journal *Contemporary Japan* appeared, meant to serve as a mouthpiece for Japanese foreign policy. The journal was published regularly even during the war years and afterwards until the 1970s. Japanese intentions were further articulated at the conferences of the *Institute of Pacific Relations* (IPR), which also reflected the foreign policy options of those civilian governments that appeared intermittently after 1932.

The proposal put forward in August 1933 at the 5th conference of the IPR in Banff, Canada, by two Tokyo Imperial University professors, Takagi Yasaka (who taught constitutional and diplomatic history) and the aforementioned Yokota Kisaburō,⁷ represented a positive, constructive response to a dilemma of international law.⁷ The “security pact for the Pacific region,” which they proposed, would include as the contracting parties Japan, China, the USA, the USSR, Great Britain and France, as well as four politically subordinate regional entities, namely New Zealand, Australia, Canada and Indochina. The journal *Contemporary Japan* published the proposal in its September 1933 issue. The proposed treaty encompassed a nonaggression pact, obligations of joint consultation and mechanisms for the peaceful resolution of conflicts. Taking the Locarno Pact as a model, according to Article 9 of the proposed treaty, conflicts would be subject to an “international tribunal.”⁸ Article 10 (or, in the version published in *Contemporary Japan*, Article 11) stated that this “tribunal” could be alternatively the Permanent Court of International Justice [PCIJ] in The Hague, the Permanent Court of Arbitration, or a

6 Contemporary Japan became the “voice” of the organization, aiming “to forge a link between this country and the outside world.”

7 Another of the conference participants was Takayanagi Kenzō, also at the time a professor at Tokyo Imperial University and one of the scholarly consultants for the journal *Contemporary Japan*, who later became one of the most vocal proponents of the post-war Japanese Constitution’s war-abolishing Article 9.

8 The wording of the article reflects in substantial measure that of Article 36, Paragraph 2 of the Statute of the Permanent Court of International Justice.

comparable *ad hoc* institution. Admittedly, the USA and the USSR had never joined the International Court of Justice, even though the American Congress had passed a protocol declaring that the USA would adhere to the PCIJ's Statute.

The liberally inclined Yokota Kisaburō, professor of international law at Tokyo Imperial University, considered one of Japan's most capable experts on international law, a member and also on the advisory panel of the journal *Contemporary Japan*, introduced Hans Kelsen to Japan and gave lectures on his *Reine Rechtslehre* (*Junsui hōgaku*). The proposed "Security Pact for the Pacific Area," which took as its models the institutions of international law that had been painstakingly built up since the First Hague Peace Conference (1899), was put together primarily by Yokota, who wrote in the September 1933 issue of *Contemporary Japan*:

I acknowledge that my proposed Pact has been formulated along the same lines as the ordinary peace machinery, that is, as that which has been adopted in Europe, America and other parts of the world. But I believe that the peace machinery to be built up in the Pacific cannot but follow the fundamental principles of such machinery elsewhere. (Yokota 1933, 430)

Nitobe Inazō, co-founder of the International Committee on Intellectual Cooperation [ICIC], which was brought into being under the aegis of the League of Nations in 1922 and is considered to be the forebear of UNESCO, had already at the Third Conference of the Institute of Pacific Relations held in Kyoto in 1929—after the entry of Germany and the USSR to the League—given a speech in which he had similarly emphasized regional components of peacekeeping mechanisms, saying:

As the League grows in membership and geographical dimensions, it will presumably be compelled to conduct some of its business in regional congresses. For, though theoretically and ideologically the concern of one nation is the concern of the whole world, there are, in practice, international questions that affect only restricted areas. Questions of this character can be best discussed by the parties interested in a regional gathering, under the general direction or oversight of the central body. (Burkman 1995, 202)

After the successful conclusion of the Locarno Pact, Foreign Minister Shidehara Kijūrō in 1925 welcomed the principle of such a regional agreement that would work to support the League of Nations system. In a speech before the 51st session of the National Diet he stated:

The Locarno treaties [...] regulate questions of purely European concern. But the atmosphere of confidence which these Treaties are known to have inspired in the political and economic situation of Europe cannot fail to clear the forward march of the League of Nations, and to exercise a salutary influence upon the general peace and progress of the world. (Japan Chronicle 1926, 106)

Shidehara would surely have welcomed something of this sort in the Far East. However, as Thomas Burkman pointed out, such an "order" would have to have

been essentially “more political than moral, more concrete than idealistic, and more regional than universalistic” (Burkman 1983, 305). What could Japan have done at the time to bring about the political conditions which would have allowed the establishment of an East Asian regional order comparable to the Locarno Treaty in Europe, binding together the most important states and giving positive shared recognition to existing borders and agreements?

Despite all political verisimilitude, as noted by Thomas Burkman, “[i]n the wake after the Mukden incident and Japanese withdrawal from the League, regional order became the central ideology of Japanese diplomacy” (Burkman 1996, 4). It was even proposed that the Institute of Pacific Relations itself serve as a model for an Asian league. The failure of a universal law of nations made the unofficial Japanese proposal for a regional order seem plausible. In 1933, after Japan had left the League of Nations, Nitobe warned at the Banff IPR Conference that the

“fundamental causes of international conflict [...] have their roots in divergent national economic policies [...] Some nations are endowed with the material blessings of nature out of proportion to the size of their populations, while the reverse is the case with others. How to adjust those obvious inequalities with the principle of ‘live and let live’ is the supreme test of enlightened statesmanship.” (Institute of Pacific Relations 1934, vii)

If this should not be achieved and a politics of [economic] blocs based on national egoism should become the norm, one could well expect the worst consequences in the future.

Even though no further official negotiations on the Asian Security Pact proposal materialized, and since matters had proceeded differently independently of such an arrangement, the concept was most likely sanctioned by the predominantly moderate liberal forces in the Foreign Office. However, the proposal put forward by the Japanese at the Banff Conference found little resonance among the other conference participants. Even though it was not an official initiative of the Japanese government (the proposal, needless to say, reflected some of the “political options” of Japan’s foreign policy, albeit ones that were to a great extent “executed [...] within guidelines laid down by the army”), it was probably intended more as a sort of “peace feeler.” So in reality, policy options were limited. “The diplomats were limping behind the army and navy, unhappily aware of international hostility to which the military was insensitive” (Nish 1977, 201).⁹ Only a quick and positive reaction at the diplomatic level and certain concessions to Japanese interests in Manchuria could have kept the largely autonomous military forces on the Asian mainland in their place. Since the party system was still intact and for the most part civilians occupied government positions, a positive international reaction might have brought positive results.

⁹ See also Institute of Pacific Relations (1934, 12), on how the proposal was received.

It is questionable, as one author has claimed (Hayashi 1971, 471),¹⁰ whether it was Japan that, by instigating the “Manchurian Incident,” destroyed the Versailles international system and in doing so was a step ahead of Germany. It is true enough that in the course of the 1930s the political parties saw a downturn in their practical ability to help steer international policy. We may, however, be surprised to see the range of well-considered activities which civil, political and academic forces in Japan continued to deploy in efforts to establish a regional “peaceful order” that would respect Japan’s legitimate interests and could at the same time count on the agreement of the Western powers.

The importance of the proposal for a “Far Eastern Locarno” in a fair evaluation of Japanese peace policy in the interwar period should not be underestimated. The Japanese excesses during the war and the tragic failure of their efforts to establish a stable order in the Pacific could have been prevented if such an instrument had been adopted. As exemplified by Shidehara diplomacy—“the Shidehara Kijuro clique” according to Lesley Connors—and the predominance of the *ei-bei ha* (Anglo-American group) in the Foreign Ministry, had international conditions been more favorable, the plan might have succeeded. There was no reason not to recognize Japan as a regulatory power with capabilities for promoting and upholding law and order in the region. Regardless of how one may today evaluate the potential Japanese role in preserving regional peace at that time, the European problems and the problems of a just order in the East issuing from the colonial realities were questions of global proportions that could only have been adequately resolved by an appropriate global, supranational organization.

Conclusion and thesis

The Far Eastern Locarno plan drew inspiration from an arrangement presumed successful in Europe. In nearly every regional framework, the ghost of universalism can be detected. One is reminded of the common explanation for the rise of feudalism in medieval Europe and *bakufu* Japan: that the memory of the universal empire of the past helped determine the shape of the decentralized order that displaced it. Similarly, the vestiges of universal order lay entrapped in the hearts of the drafters and woven into the blueprints of regional systems of the 1930s. (Burkman 2014, 216)

However, as history shows, the Japanese efforts for peace in Asia in the 1930s were hardly crowned with success. The Locarno Pact likewise finally encountered failure. From these failures, can some conclusions for the present day be drawn and if so, which ones?

Perhaps our query should lead us to ask if regional leagues of states are meaningful as preliminary steps to a universal confederation of nations and especially whether

10 Events could have taken a different, positive course if Germany had in 1925, when the proposal was brought before the German government, become an additional signatory to the “Nine-Power Treaty.”

they really (as is often claimed) necessarily contribute to global peace. Or can they perhaps only contribute to peace if the higher legal order, to which they would be subject, is already adequately furnished with “plenary powers,” already functioning and capable of carrying through its mandates? If we answer this last question in the positive, to which limitations must states commit themselves in order to realize an order of this sort? Since our theme has an “Asian” context, I would like to introduce two quotations which show how two Asians remember the Locarno Pact. The Indian diplomat A.C. Gupta, a member of the Interparliamentary Union who took part in its IPU 1952 conference in Bern,¹¹ recorded the following view:

Any international collaboration must presuppose a limitation on the sovereignty of individual states [...] What we require now is a world organization which will be authorized with the rights surrendered by other states [...] The civilized nations have failed in the case of the League of Nations, and I may not be quite wrong if I say the Locarno Pact was the first step leading to that failure. I have my own misgivings as to whether many of these European political organizations are not in a way neutralizing the effectiveness of the United Nations. (Bureau Interparlementaire 1952, 652 and 654; Uhlig 1988)

At the same 1952 meeting of the IPU in Bern, which, following the Second World War, represented something like a summation of experience from fifty years of the history of peace-oriented international law, diplomacy and international relations, the Pakistani representative Ahmed E.H. Jaffer expressed himself in a similar vein:

The world has already started thinking in terms of a universal state. The evils of the sovereign state and its incapacity to maintain peace are increasingly felt [...] In my opinion time is ripe for beginning to plan and shape organizations which will ultimately form the nucleus of world federation [...] in connection with the question of limits to state sovereignty discussed at this conference it has been made amply clear that one of the greatest impediments to real political and economic cooperation between the states is the sovereignty of states and that the remedy for the sufferings of mankind lies in curtailing and limiting that sovereignty [...] We ought to remember that the chief purpose in the creation of the sovereign national state has been to create an institution [...] capable of maintaining peace and order [...] For over many centuries the [sovereign] state has served its purpose well. But now the conditions of life prevailing in the world are proof enough of the fact that the state as the highest political institution does not secure all the man needs and does not fulfill all the essential purposes for which it was created [...] I personally feel that regional confederations of states or the creation of regional representative assemblies would have the effect of delaying the process of establishing a world Parliament or a world State, because regional super-states or assemblies would in the nature of things develop a sense of rivalry among themselves, and instead of co-operating with [p. 523] each other would run into conflict, very much like the modern sovereign state. (Bureau Interparlementaire 1952, 778)

11 I have elsewhere referred to Article 20 of Denmark’s 1953 Constitution which derives from this conference and which recognizes the transfer of sovereign rights to an international organization “for the purpose of furthering interstate legal order and cooperation.”

The views expressed at this 1952 IPU Conference led to the conclusion that the international order being striven for by Europeans, and since the beginning of the 20th century also by Americans and others, namely an ordering of affairs that was meant to promote peace, progress and justice, failed first and foremost because of the incapacity (or the lack of unity and trust) on the part of Europeans to help establish a legitimate supranational order through a limited, adequately defined renunciation of sovereignty.¹² (In fact, the Danish and Norwegian Constitution's peace provisions came out of the 1952 IPU Conference and are comparable to a number of European and other similar constitutional provisions.)¹³ Looking at all of these historical and legal precedents, which are still relevant today, the main issue is whether we have learned from history. It would seem, then, that the failure of an "international order" is inevitable if states do not resolutely decide upon a type of renunciation of sovereignty that truly fixes upon abolishing the "institution of war." This is clearly the historical experience. There is no doubt that the problem and unresolved task of the 21st century is the integration of Europe into the world community. In other words, how can Europe, putting into practice Immanuel Kant's vision of a *foedus pacificum*, be the point of departure that is necessary for a legally binding international order of world peace?

12 And all this in spite of numerous articles in constitutions first drafted in the interwar period, which might often appear to work in two directions: firstly, as pointed out by international law professor Knut Ipsen, as an "integration lever" (Integrationshebel) in regard to European political and economic integration and cooperation; and secondly (and most importantly) regarding an international organization capable of outlawing and abolishing the institution of war.

13 After WWII the German Constitution provided for legislation to start the process of empowering the United Nations (Article 24); the 1948 Italian Constitution provided for "limitations of her sovereignty necessary to an organization which will ensure peace and justice among nations" (Article 11); Denmark in 1953 suggested legislative action to transfer powers to international authorities "through a bill, to promote international legal order and cooperation" (Article 20); the 1965 Norwegian Constitution's Article 93 (today's Article 115) permitted limitations of national sovereignty with the aim "to secure international peace and security" and "promote international law and order and cooperation between nations;" the 1946 French Constitution accepted "the limitations of sovereignty necessary for the organization and defense of peace" (albeit "under condition of reciprocity"). Similarly, Japan's constitution aims for "an international peace based on justice and order." (Article 9, 1947) There are numerous such provisions in national European constitutions. Also worth mentioning is India's Article 51 which seeks, among other things, to "promote international peace and security," settle "international disputes by arbitration," and "foster respect for international law," and Article 12 of Costa Rica's Constitution which says: "The Army as a permanent institution is abolished."

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