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**“KELLOG-BRIAND PACT “
“PEACE AND DISARMAMENT TREATY OF 1928”**

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ABSTRACT:

The research deals with the war-renunciation pact and national policy, the Kellogg-Briand Pact, which was a reflection of American policy towards the world and Europe in general and France in particular, because France had always hoped to establish relations with the United States, which prevented the realization of that desire, including concluding an agreement. A bilateral relationship between the two parties to reject war and national politics in the 1920s, as these relations did not proceed at the same pace, as they witnessed stages of cessation as a result of the political and economic conditions between the two countries as a result of the effects of World War I, which affected all countries of the world, as the United States began to control the policy of rejection. The war was achieved by concluding a multilateral and open treaty to include all countries of the world, and this goal was achieved through the Kellogg-Briand Pact, which sacrificed many countries of the world, including France and the United States. Since the Charter was exposed from the beginning of its contract to a series of difficult challenges, including international crises between the member states of the Charter, the impact of the Charter's decisions on these crises, and the impact of the Charter's provisions on the development of the law of war after World War II.

Keywords: Kellogg-Briand Treaty, France, United States, law of war

The importance of studying:

It is important to research the importance and impact of the Kellogg-Briand Pact on the development of the law of war, because the pact did not include a prohibition of war, but this did not prevent it from having effects on the legal consequences of the war that followed, and several consequences were linked to the prohibition of war, especially after the emergence of negative effects. On the victorious and defeated countries in the First World War, especially from a political and economic perspective, so France took the initiative to conclude the pact with the United States, then it became multilateral, and its importance became apparent after the Second World War.

Research problem:

Condemning war constitutes a tool for national policy in the mutual relations between the countries of the world, led by the United States and France, out of France's desire, and thus their commitment to the policy of submitting to the decision to condemn war in all disputes that can be litigated, and they are keen by example not only to show their condemnation of war as a tool of national policy in their relationship, but to speed up the time in which state arrangements must be made for the peaceful settlement of state disputes and to eliminate forever the possibility of war between any of the powers of the world.

Search structure:

The research structure was in line with the historical-analytical research approach and has the following headings:

- The first axis: An overview of American-French relations 1914-1927.
- The second axis: negotiations and the conclusion of the Kellogg-Briand Pact 1927-1928.
- The third axis: The impact of the Charter on international crises and the development of the law of war.

The introduction:

After World War I, many countries of the world had a vision of abandoning war and they made efforts to achieve this. These efforts began by France to conclude a bilateral treaty with the United States of America to abandon war, but they agreed on a multilateral treaty or pact, the Kellogg-Briand Pact, before an international community against the perpetrators of the crime as a punishment for them, after many negotiations and discussions took place between France and the United States and then other countries and powers until it was agreed to be concluded. The Charter had an impact on the Manchurian crisis through the Soviet-Russian occupation of the post that preceded the conclusion of the Charter and then the Japanese occupation of Manchuria. The outbreak of hostilities between China and Japan, and then dealing with these two crises through the decisions of the Kellogg-Briand Pact, which became important and influenced later legal development.

• **Introduction: The peace treaties that preceded the Kellogg-Briand Pact**

During the nineteenth century, various developments led to the intensification of interactions between countries and contributed to the introduction of these ideas. From a political perspective, the Concert of Europe that emerged from the 1815 Vienna Congress is often considered an important step in the development of multilateral cooperation, as it refers to the system of informal consultation between European powers. Which was based on organizing international conferences, and made governments accustomed to the practice of high-level meetings before the outbreak of conflicts.

When World War I broke out, the brutality of the war convincingly demonstrated that there was a need for an international organization to maintain peace, and then the idea of the League of Nations gradually gained support among individuals and organizations during the conflict, and various figures, groups and associations emerged, including the League of Human Rights in France and the League of Peace Opportunities in The United States promoted this concept. However, the most influential initiative was presented by US President Woodrow Wilson in his Fourteen Points speech on January 8, 1918. Wilson called for the establishment of a peace settlement based on open diplomacy, the dismantling of Arms, and his last point was the formation of a General League of Nations. These ideas were not new, but with the open support of the American President, the creation of the League of Nations became a political priority. (F.R.U.S., Vol.1, Doc.1-24, December.8, 1918).

When hostilities ended, the League of Nations was an integral part of Wilson's agenda when he crossed the Atlantic to participate in the Paris Peace Conference, and the leaders of the other victorious power were more circumspect on the subject. Establishing an organization to avoid war is no longer considered a legitimate dream, but many of them formed governmental committees to study the issue, and establishing an organization to avoid war is no longer considered a dream, but rather has become a necessity.

The victorious powers of World War I came together to negotiate peace settlements, as the political document of the League was not an international treaty in itself and was included in the Treaty of Versailles which ended the war between Germany and the Allied Powers. (Mohamed, 2019, p. 7).

Among the other conferences that preceded the Kellogg-Briand Treaty was the conference to approve the Dawes Plan, which stipulated an end to the occupation of the Ruhr industrial basin, whose occupation by France in 1923 had caused an inflation crisis in Germany. In an effort to improve diplomatic relations and end disputes in Western Europe. The French Foreign Minister called for a conference to discuss ways to resolve differences between countries and develop a new plan for collective security in the region. This idea was presented to the British Foreign Minister, who was optimistic about the possibility of reconciliation between the Germans and the French and France ending the policy of new alliances through which it moved for the purpose of a siege around Germany after the World War. The first. (Abu Aliya, and Yaghi, 1993, pp. 393-400).

Among the treaties that were concluded with the aim of not resorting to the military option to resolve future disputes and turning to international organizations to resolve them was the Locarno Treaty of October 5, 1925. (F.R.U.S., Vol.11, Doc.6, February 14, 1925).

In all of these treaties and conferences held after World War I, they called for peace until 1927, when France took the initiative to conclude a treaty with the United States to renounce war and national policy, and this multilateral treaty was held in 1928.

The first axis: An overview of American-French relations 1914-1927

The American-French relations during the First World War were friendly and close. This courtship goes back to the American War of Independence due to the efforts shown by the French in achieving victory for the Americans. The two parties maintained this friendship until the outbreak of the First World War, when the United States appeared on the official and popular levels. Great sympathy with France in its plight, and the American people also showed widespread interest in the effects of that war on the French through the voluntary efforts they made towards them. (Al-Ghazi, 2010, p. 16).

Among this medical aid that France received from its American counterpart before the latter entered the war, approximately 40 informal American organizations were established that work to send aid of various types, and many doctors and other professionals offered their services in order to provide assistance to the French. (F.R.U.S,Doc.1346, October 30, 1914) When the United States entered the war in 1917, the French were astonished to hear the cheers of the Americans (F.R.U.S, Doc.20, 1917).

After the war ended, American-French relations changed as a result of Germany accepting the terms of the armistice based on the content of the letter that American President Thomas Woodrow Wilson addressed to Congress on January 8, 1918, which included his fourteen principles. The armistice was not the basis for reconciliation, but rather the negotiations that followed the armistice. It is the basis of the peace conference, and on this basis, the city of Paris was chosen as the location for the peace conference in recognition of the role that France played during the war and the horrors it faced. The peace conference opened its work on January 18, 1919, and an atmosphere filled with a spirit of hatred, tension, and the desire for revenge against the Central Powers prevailed. On the one hand, and the conflict of interests of the Accord countries on the other hand. (Bashir, 2015, p. 45).

One of the most important problems that American President Wilson faced with the French was the problem of determining the borders with Germany, especially after the return of French Alsace and Lorraine, which Germany had guaranteed and which at that time belonged to Russia in accordance with one of the principles called for by the American President. This was considered one of the important consequences in the peace conference, as France demanded By preventing Germany from establishing fortifications or the presence of permanent or temporary reserve forces on the left bank of the Rhine River or on the right bank, it wanted to include this problem in the contents of the Versailles Treaty. France wanted the left bank of the Rhine River to be demilitarized from Germany and at the same

time maintain military forces. Occupied France under the command of General Foch in the state of the Rhineland on the right bank of the river, and this is what the United States does not want on the one hand, because this will lead to further strangling the Germans and provoking extended hostility between them, and on the other hand Britain also does not want it, which saw the increase in influence. France on the European continent. Therefore, in his message addressed to the French delegation at the conference on May 19, 1919, the American President demanded the withdrawal of French forces from the German border lands and that his request be answered within three days. France was forced to give up its demand due to American and British pressure. This was in exchange for guarantees that they would defend France if it was exposed to any aggression from the German side. On this basis, France concluded a treaty with the United States on June 28, 1919, and it was called the Defense Guarantee Treaty (F.R.U.S., Vol. 1, Doc. 348, Jun 28, 1919). It guarantees the provision of security and protection on the one hand and the provision of American aid in the event of Germany violating the Rhine borders on the other hand. The French Parliament ratified the treaty in October 1919, but the American Congress did not ratify it and therefore the British government did not ratify it either, and thus it was This step is one of the factors paving the way for a decline in relations between France and the United States.

The United States expressed its desire to maintain its friendly relations with France and Britain, with the aim of destroying the British-Japanese entente that was concluded prior to World War I in 1902. The United States wanted to find an alternative to this entente through the establishment of a tripartite alliance that included Britain, France, and the United States. That this alliance does not conflict with the spirit of the Charter of the League of Nations, that is why it declared its readiness to cooperate with it to settle global problems and consolidate Arab peace, through a speech delivered by President Warren Gmail Harding (F.R.U.S., Doc. 87, February 6, 1922) before The opening of the Washington conference on one day indicated that the United States was seeking to limit arms, following in the footsteps of the French policy that called for this phenomenon at the peace conference. Although the latter singled out Germany only for its fear of restoring its military power again, the United States did not deviate from the French goal of rapprochement. Its purpose differed from the countries that feared its increasing influence, namely Japan, so the American-French harmony became evident during the sessions of the Washington Conference, and it was clearly evident when the United States came to the French desire to determine all types of naval fleet. (F.R.U.S., Vol.2, Doc.32, November 12, 1921).

The conference opened its work in Washington and lasted for three months. The French delegation was represented by Aristaed Briand (1862 - 1932), the Prime Minister of France, who publicly stipulated the conference sessions and his attempt to exploit the phenomenon of Americans' sympathy for the French people as a result of the repeated German attacks on France, the last of which was the attack in the war. World First, so France wanted to win this card to demand that the rates of arms reduction be determined to be equal to its British counterpart, declaring the reason for this to be its need for a suitable fleet in order to maintain communication with its colonies in South Africa and Southeast Asia. It also demanded the construction of a fleet of submarines consisting of (90) thousand tons to compensate for the

construction of a large fleet due to the presence of the large British fleet in Malta and Gibraltar, which makes British breathing in the Mediterranean impossible. Therefore, the conference resulted in several treaties, three of which France entered into. The first was the quadripartite treaty between the United States, France, and Britain and Japan on December 13, 1921, (F.R.U.S., Doc. 16, December, 13, 1921), under which the maritime powers in the Pacific Ocean determined that the signatory countries would respect their rights affecting their island possessions in this ocean, and in the event of a dispute erupting between them In this regard, the matter will be presented before a new conference, but if another country threatens these properties, the four countries will consult on the measures to be taken. (Al-Fatlawi, 2004, p. 203).

As for the second treaty, it was known as the Five-Year Treaty in which France, the United States of America, Britain, Japan, and Italy participated, and it was signed on February 6, 1922. Through it, the proportions of these countries' ownership of fleets were determined, and according to it, the percentage of the total tonnage of warships was determined, as the tonnage of ships became The total for the United States is equal to the percentage of the largest maritime country, which is Britain, which set the percentage of its fleets owning these ships at (5.5) and Japan's percentage was set at (6.3). As for France, its percentage prevailed over the Italian percentage and was set at (1.57), except France protested to the United States. The countries agreed on this percentage and its equality with Italy, considering that this percentage is insufficient in the face of German threats, in addition to the distance of its colonies from it and its need to secure this transportation. Therefore, France resisted attempts to reduce its naval forces of all types, and the reduction was limited to certain types, and down to French desire: The American government agreed that this treaty would not include naval types other than battleships and aircraft carriers (Al-Fatlawi, 2004, p. 206), as for the last treaty in which France participated, the Nine-State Treaty, which included the representation of all invited countries at the Washington Conference and was signed in February 6, 1922. The main goal of its meeting was to agree on respecting China's sovereignty and independence while maintaining the open-door policy. (Shukur, 2007, p. 126). The United States insisted on implementing this policy. Under this treaty, the major powers gave up some of their privileges in the Pacific Ocean, including the United States and France. The former gave up building new fortifications except for the ones in Pearl Harbor. As for France, it arranged to withdraw from Kwang Chu Wan (Littlefield, 1948, p. 205), and then renewed the ratification and confirmation of the nine-nation treaty between the United States and France on February 10, 1924, in Washington, D.C., provided that this treaty remained secret for the next five years. (Al-Ghazi, 2010, p. 43).

The United States did not commission the first Washington Conference on disarmament among the major powers, but rather continued its efforts to achieve this desire, and the European countries controlled it. Thus, in 1926, the League of Nations held the first meeting of the Preliminary Committee for the Conference on Disarmament for the period from May 18 to 26, noting that the League formed This committee has been in place since 1925, based on the decisions of the Versailles Conference. The United States participated in this committee, but it did not produce significant results that changed the decisions of the

Washington Conference. Then a conference was held in Geneva in 1927 attended by the United States, Britain, and Japan, and it did not agree. France agreed to appear in this conference, although the invitation had been extended to it by the United States, but in fact the conference participants themselves did not reach any agreement regarding arms reduction. (F.R.U.S., Vol.1, Doc.3, February 3, 1927).

It is possible that France had felt in advance that it could not achieve its goal in this conference and would not achieve what it aspired to, so it refused to attend it. However, by the middle of the year 1927 and successively into the next year, a shift occurred in the course of American-French relations through the international charter that It was renamed the Kellogg-Bryan Pact.

Here it must be pointed out that the course of American-French relations was noticeably affected by the question of American economic penetration in France in the interwar era. This is why France initiated a bilateral treaty with the United States to renounce war, but the United States wanted the treaty to be multilateral to achieve Its purpose.

The second axis: negotiations and conclusion of the Kellogg-Briand Treaty

It is the treaty named after French Foreign Minister Aristide Briand and United States Secretary of State Frank. B. Kellogg (1856 - 1937). This is to reject war and national politics in Europe after World War I, because the period of the 1920s was characterized by two contradictory processes in international relations. On the one hand, after World War I, with its deadly innovations in the field of weapons, peaceful ideas spread, and each victorious power loudly declared its desire for peace. And the need for disarmament. On the other hand, governments continued the arms race, and the general public became convinced that this was happening only because the occupying partners and competitors did not want to disarm, which in turn required ensuring security. The Versailles and Washington Conferences created inequality in the distribution of weapons, and virtually all negotiations resulted in the entrenchment of inequality, yet in 1925 countries were able to sign the Khseif Protocol prohibiting the use of chemical and bacteriological weapons. (F.R.U.S., Vol. 1, Doc. 6, February 14, 1925). Then the Locarno Conference in 1925, with its system of guaranteeing borders and mutual agreements between powers to resolve disputed issues through arbitration, opened the way for the development of peaceful relations and the establishment of a system of collective security. (F.R.U.S., Vol.1, Doc 8, February 17, 1925).

On April 6, 1927, Aristide Briand, Minister of Foreign Affairs of France, sent a statement to the Associated Press that was a message to the American people on the occasion of the tenth anniversary of the United States' entry into World War I. He said: "At a time when the idea of the Western world returns to the solemn history of the United States' entry into War, I address to the American people the most sincere expression of the fraternal sentiments and confidence which will always be held dear by the French people, I have not forgotten that it was my duty to be the first to inform you by an official letter from Mr. Sharp, the

Ambassador of the United States at Paris. , Vol. 11, Doc 1, April 6, 1927). The goal of it is to strengthen the friendship between the American and French peoples and establish a permanent state of peace between them according to proposals that lead to an agreement between the two countries that stipulates the prohibition of war as an instrument of national policy. He even said, “France hopes that those around it would like an atmosphere of trust and peace, and its efforts to achieve this are demonstrated by signing Agreements aimed at eliminating the danger of conflicts and at reducing armaments which our Government will sincerely seek, and also come in response to the ardent desires of the entire French people, who for more than half a century have been burdened by heavy military campaigns for four years in their territories of unprecedented devastation” (Department of State, May 28, 1927). In this way, the discussions highlighted disarmament and at least helped to clarify the common inspiration and goals shared between France and the United States at the political level. (F.R.U.S., Vol. 11, Doc 1, April 6, 1927).

Briand also made clear in his statement that France and the United States are democratic countries and each is on the same path, but the differences in views that may appear between them relate only to procedural issues, and even when they only relate to US issues, they at least make it clear to the people The American, with reservations, is to what extent France is prepared to go on the path of the only achievement related to its security. Briand also mentioned the role played by France at the Geneva Conference aimed at reducing the dangers and threats of war in the future by controlling industrial and chemical weapons, as France went further than That is when I proposed the establishment of the (General Staff for Peace) at the international level, and demonstrated that France is presenting at this particular moment its prominent peaceful motives by thinking about restructuring its armament from a purely defensive point of view, and the French Foreign Minister stated that the new military law submitted to The French Parliament had been drawn up by more aggressive men to prohibit militarism and intended for the first time to abolish the idea of profitable war, and to abolish the burden of war on all. (F.R.U.S., Vol. 11, Doc 1, April 6, 1927).

After this statement, the French Foreign Minister put it to the US Ambassador to France, Herrick, that France wanted to conclude an agreement with the United States, but he did not want to move unless the agreement was with Coolidge, that is, the US Secretary of State, and on June 2, 1927, Briand informed the Ambassador. The American government stated that his government had given him permission to inquire whether the American government was prepared to enter into diplomatic talks respecting a possible agreement of the type proposed in his personal statement made on April 6, 1927, after which the positive reception of these proposals was received by the American ambassador. Briand said that “the possible texts Such a proposed agreement had begun to be discussed by persons competent in the matter, and that in order to avoid complications, he reiterated once again that we would not overlook anything in this matter unless it should be fully accepted by the US Secretary of State” (F.R.U.S., Vol. 11 , Doc 664, June 2, 1927), and for his part, the American ambassador to France, through the Secretary of State, submitted a memorandum explaining Briand’s proposal, which was proposed to him on June 3, 1927. Accordingly, the memorandum was sent to Washington on June 10, and his proposal was formally submitted to His American

counterpart, Frank P. Kellogg, US Secretary of State, in order to sign a joint and bilateral treaty between the two parties to abandon the policy of war and resort to peaceful methods during international disputes between them. However, Kellogg was reluctant to begin accepting this invitation, and he was even unwilling to do so, so he met this proposal with coldness. There was no interaction with him. (F.R.U.S., Vol 11, Doc, 665, June 10, 1927).

According to US State Department documents, Mr. Briand's insistence on the necessity of starting negotiations without waiting for Mr. Kellogg's arrival in France seems to indicate that he was very keen to keep this issue in the public eye. A prominent paralysis during the Naval Conference meeting in Geneva (F.R.U.S., Vol. 1, Doc. 24, Washington, February 3, 1927) In order to divert attention, the vague wording and lack of precision in the draft also seem intended to give the effect of some kind of permanent alliance between the United States and France, which would certainly upset the major European powers. Others, such as Britain, Germany, and Italy, because it will make the neutral position of the United States during any European war in which France may become involved a very difficult matter, as France considers it necessary to violate our rights as a neutral country under this guarantee of non-aggression, and there is another point that the Foreign Minister did not address. French Briand is that the issue of France's obligations under the Covenant of the League of Nations to aid the League is to punish the aggressor state, and it may similarly be used internally in France to postpone the ratification of the debt settlement agreement and create a feeling that payment has become unnecessary. In order to avoid this interpretation, the United States will have to offer to win. A treaty on the same terms for England and Japan, especially since we are negotiating with them at the present time, and we cannot show them to feel it. Therefore, Kellogg met Briand's proposal coldly. Briand's idea of concluding an agreement with the United States was in fact proposed during the secret visit of Nicholas Moray Palter, President of Columbia University, to Paris. The latter met with the French Foreign Minister and the French project to establish an agreement between the two countries was discussed. This project consisted of (3) Articles, Article One: The High Contracting Powers solemnly declare, in the name of the French people and the people of the United States of America, that they reject and renounce resort to war as an instrument of their national sovereignty towards each other. Article Two: Neither side may seek to settle or resolve all disputes whatsoever. Whatever its nature or origin, which may arise between France and the United States of America except by peaceful means, Article Three: This law shall be ratified, and ratifications thereof shall be exchanged (in blank) as soon as possible. From there, it has full power. (F.R.U.S., Vol.11, Doc.260, Paris, June 22, 1927).

Balter met the idea with enthusiasm and encouraged it. When Kellogg expressed his lack of interest in the French project, he forced Balter to publish the proposal during a statement in the New York Times. He intended to stir up American public opinion with the project, and indeed this newspaper was able to draw attention to the proposal of the French Foreign Minister. Then The newspaper worked to escalate public opinion and direct it towards the issue of peace. On the other hand, there was another factor that contributed to achieving the French goal, when the project was proposed by Senator William Borah, a member of the American Senate, on September 27, 1927, where he showed his great enthusiasm for He

postponed the approval of a bilateral pact between the two countries, then he sent the proposal to the general public and was able to obtain the signatures of millions to accept it. In the face of this desire, Kellogg complied and sent a memorandum to the French government about the agreement between the two parties. He wanted to introduce some changes to the French proposal, but the French government stuck to its opinions. Regarding this issue, negotiations between the two parties were beset by some difficulties, especially after Kellogg expressed his desire to extend an invitation to all other countries to join this charter in order to expand it and not limit it to a bilateral treaty. France was the initiator of the idea and was the one who expressed its approval of Kellogg's proposal to extend an invitation to other countries, but it was unwilling to do so because it believed that this action would weaken the structure of the League of Nations, including the sanctions stipulated. On the other hand, this proposal raised many criticisms that were directed at For the American government, as it was considered by some to be a departure from its policy that it had drawn up after the war, which meant a return to a policy of isolation, but Kellogg announced on April 28, 1928 that this proposal did not affect the foreign policy of the United States, and he began to reassure its critics that this charter carried within it flexibility in self-defense. (F.R.U.S., Vol.11, Doc.796, Dec. 28, 1927).

The United States was keen to leave the door to joining this charter open to all countries wishing to do so (Serra Cosa, 2014, p. 18), and the US Secretary of State made it on December 28, 1928 during discussions he held with the French Ambassador Claudel in the United States, where He explained that the French Ambassador could not ignore the fact that the vast majority of the world's powers, including most of the countries that make organizing and promoting peace a subject of joint efforts made within the framework of the League of Nations, and that they are actually linked to each other through a pact that places them under mutual obligations, And also through agreements such as those signed at Locarno or through international agreements relating to guarantees of neutrality, which impose on them all obligations and duties, which cannot be contravened and which all member states of the League of Nations have adopted in a joint resolution aimed at condemning the war (League of Nations, Official Gazette, October 1927, p. 1444), States are directed to determine that the act to be condemned as an international crime is a war of aggression and that all peaceful means must be used to settle disputes of any kind which may arise between the several States and then or enact that the condition Which the United States, although a stranger to it, cannot refuse to take into account, just as any other country invited to participate in the negotiations must do, and that the United States will in no way abide by the provisions of the Covenant of the League of Nations, and that the French proposal presented in June The past, which aims to conclude a bilateral agreement, was drawn up in the light of the century-old relations between France and the United States, and the French government remains ready to negotiate with the American government on the same terms and on the same basis, and has never changed its position in this regard, but When the French government faced the United States initiative to propose a multilateral pact, it had to take into account the existing relations between the various powers that would be invited to participate in this pact. (F.R.U.S., Vol.X1, Doc.4, January 21, 1928).

At first, French Foreign Minister Briand refused to conclude the treaty proposed by the American Secretary of State (F.R.U.S., I would like to inform Your Excellency that Mr. Briand was pleased to find the remarks you have presented to the Committee as a fresh and cordial confirmation of the common inspiration which animates our two Governments who are anxious to cooperate in an international movement towards the establishment of effective peace in the world, and as an affirmation of this solidarity in the pursuit of a similar goal.” (F.R.U.S., Vol.1, Doc.12, March 30, 1928).

This means that the French government, at this stage of discussions and negotiations on a multilateral international treaty, and after studying all aspects, proposes to the American government that it take an immediate decision, because the remarks that French Foreign Minister Briand ventured to make in support of his latest proposal were inspired by a very sincere desire. In proceeding in a practical way to realize the proposal of a multilateral treaty by indicating the conditions best adapted to achieve the consent of all governments wishing to join the treaty, their consent is necessary. The Ambassador also made it clear that it was the secrets of the French government and its inclination to conclude a bilateral treaty and its rejection of a multilateral treaty in the presence of war. It was intended, so far as the American plan was concerned, to avoid the serious difficulties which would certainly be encountered in an aggressive war, and the French Government was at once prepared to join the United States Government in making an offer for the consideration of the Governments of Germany, Britain, Italy, and Japan, and the correspondence exchanged between France and the United States The United States, which took place since June 1927 in concluding a bilateral agreement and then changing it into a multilateral international treaty that the United States desires, with the change in wording that has become necessary under the new one, and countries that sign such an instrument should, without prejudice to their rights to legitimate defense within the framework of existing treaties, To issue an official declaration condemning the resort to war as an instrument of national policy, or in other words as a means of implementing its obligations and its spontaneous, independent policy. They specifically undertake among themselves to refrain from any attack or invasion and never to seek dispute or dispute of whatever nature or origin that may arise between them except by peaceful means, yet it will be clearly understood that the obligation can only exist on the signatories in retirement on Commitment, and this means that the treaty is open to the accession of all powers, and will not enter into force, after this power obtains universal acceptance, unless this power that will sign this treaty or join it agrees to enter into force, and in the event that one of the retiring powers violates the treaty, it will be Other retiring powers are automatically exempted in respect of that power from the obligations contained in the Treaty. The French ambassador said at the end of the meeting, “Your Excellency can be assured, during the course of these negotiations, of the sincere and fullest cooperation on the part of my various governments to always join without ambiguity or reservation to any undertaking in the cause of peace... France will feel confident that it is continuing the work that it has never stopped.” from implementing it in its foreign policy, and in fidelity to its previous international obligations of this kind.” An official aim to ensure, promote or extend the effective solidarity of nations for (F.R.U.S., vol.x1, Doc. 12, March 30, 1927).

For its part, the American government agreed to the French proposal and asked the French government to submit this proposal without further delay to the British, German, Italian and Japanese governments, for consideration and comment by the governments to hold preliminary discussions with the aim of reaching a general agreement. The United States of America sent cable No. (97).) to France, and telegram No. (33) to Germany, No. (34) to Japan, and No. (35) to Italy, (French Mistry of foreign, Doc. 243, April 5, 1928) and this is how the discussions that took place reached. between France and the United States to a point where it appears necessary, in order to achieve ultimate success, that the British, German, Italian, and Japanese governments each have an opportunity to decide formally what they will do regarding the extent of their existing commitments, if any, and that they do not constitute an obstacle to their participation with the United States in unconditionally renouncing war, After the United States and France officially agreed on this measure, the text of the original proposal presented by French Foreign Minister Briand in June 1927 was transmitted for consideration by the governments of other countries, along with the memorandums exchanged between France and the United States on the subject of a multilateral treaty to renounce war, after which a draft was transmitted. The Treaty constitutes the first form of any treaty which the United States is prepared to sign with France, Britain, Germany, Italy, Japan, and any other Governments of the same disposition or desire, and the Government of the United States requests the other Governments to inform them as soon as possible, whether Their Governments were in a position to express their interest in concluding the treaty, and if not, what specific amendments to the text of the draft might make it acceptable, since the proposed draft treaty which they had agreed to and had been fully and properly exchanged and negotiated agreed on the following articles:

- Article One: The High Contracting Parties solemnly declare, in the name of their peoples, their condemnation of resorting to war to resolve international disputes, and renounce it as an instrument of national policy in their dealings with each other.
- Article Two: The High Contracting Parties agree that the settlement or solution of all disputes that may arise between them, whatever their nature or source, may never be sought except by peaceful means.
- Article Three: This Treaty shall be ratified by the High Contracting Parties mentioned in the Preamble in accordance with their respective constitutional requirements, and shall enter into force between them as soon as all their several instruments of ratification have been created so that when it enters into force this Treaty shall remain as provided for in The previous paragraph is open as long as it is necessary for all other powers in the world to join it, and every document proving the state's accession to the treaty must be created. The treaty, upon its creation, becomes effective between the organizing state and the other party states to this treaty. It will be the duty of the American government to provide every government with mentioned in the preamble and every government subsequently acceding to this Treaty shall receive a certified copy of the Treaty and of each instrument of ratification or accession. (F.R.U.S., Vol.1, Doc.15, April 9, 1928).

15 countries agreed in principle to participate in it, including Britain, Japan, Germany, Poland, Czechoslovakia, Belgium and other countries, and this charter was signed on August 27, 1927 in the French capital. It was also called the Paris Charter, and the League of Nations ratified it in its sessions held between 3 On September 26, 1928, these countries declared their condemnation of the use of force as a means of international disputes. They also distinguished between legitimate and illegitimate war, as the first was intended to be a war of defense, while the second was considered a war of aggression, considering that the only way to resort to war was legitimate self-defense, which was decided by Havana Conference (French newspaper *Dedats*, April 3, 1928), and all parties agreed to settle all disputes in terms of nature and origin, so the number of signatories to the Charter increased to 96 countries. (F.R.U.S., Vol. 1, Doc. 133, 27, 1928).

As for the United States, the Senate ratified the charter in January 1929 by a very large majority, as American public opinion blessed the efforts made by their Secretary of State Kellogg with all seriousness as an achievement in the search for peace (Shukr, 2007, p. 135).

It can be said that the economic reasons were among the important reasons behind Washington taking such a step, i.e. concluding a multilateral treaty, because the United States emerged from the war with the greatest spoils, the highest profits, and the least losses, and its trading with the economies of the dominant and defeated countries, which was clearly demonstrated through its use of the debt issue as a pressure card. Through it, it achieved many political ambitions, but due to the growing wealth of its population and the increase in its production, in addition to its access to the raw materials that would ensure the perpetuation of its losses, it found it necessary to enter the field of international competition to obtain economic gains, so the direct way to achieve this goal was entering into an international pact. On the one hand, it carries a political nature that leads to economic aspirations. This charter came to be the best thing the United States of America could hope for in achieving its goals, on the one hand. On the other hand, the League of Nations Charter did not explicitly prohibit war completely, as it remained legitimate in many cases. Cases, but at least it prohibited the war of aggression, and countries in general realized the inadequacy of what was stipulated in the League of Nations Covenant, so they concluded the Kellogg-Briand Pact.

The third axis: The impact of the Charter on international crises and the development of the law of war

First: The impact of the Charter on international crises:

Among the international crises that the Pact had an impact on resolving was the hostilities that threatened between the Soviet Union and China in northern Manchuria in 1929. Both countries were signatories to the Kellogg-Briand Pact. It was the most difficult part of the world in which such a challenge could occur. The treaty, however, immediately took the United States to organize public opinion in favor of peace, and the American government communicated with the governments of Britain, Japan, France, Italy, and Germany, and then formally brought to the attention of the governments of the Soviet Union and China its obligations under the treaty, and later The same year, when hostilities effectively broke out

and Russian military forces crossed the Manchurian border and attacked Chinese forces, the American government contacted all signatories of the Kellogg-Briand Pact, proposing that they urge the Soviet Union and China to reach a peaceful agreement to resolve their differences. Seven and Thirty of the signatory countries came to the American opinion and expressed their positions, that is, reaching a peaceful agreement between the two parties. Although the two parties were very threatening, and that the Soviet Union forces had penetrated nearly a hundred miles into the borders of China, both parties agreed to restore The situation that existed and the invading forces, i.e. the Soviet Union, were immediately withdrawn from Chinese territory. (F.R.U.S., Vol.11, Doc.79-409, 1929-1930).

Another international crisis to which the Kellogg-Briand Pact occurred was the outbreak of hostilities between the Japanese and Chinese armed forces in the same part of the world, Manchuria. The situation was drawn to the attention of the Council of the League of Nations, which was already meeting in Geneva. The United States of America was invited to consult. Concerning the influence of the Kellogg-Briand Pact on this controversy, the American government immediately accepted, and appointed a representative to meet the Council for this offer, and the attention of the disputants was drawn to their obligations under the Pact by France, Britain, Germany, Italy, Spain, Norway, and the United States. The United States maintained its position of sympathetic cooperation with the efforts of the League of Nations, and of acting independently because it was not a member. In the League of Nations, it participated through diplomatic channels in seeking the Council's efforts at reconciliation. (F.R.U.S., Vol.1, Doc.921, May 24, 1932).

The United States made attempts to resolve the crisis, but it adhered to the policy of not imposing any sanctions, especially economic ones, on Japan. When France and Britain tried to question the American government because of its adherence to this policy, Washington responded that it supports the peaceful positions of the Japanese government, explaining why Japan took the initiative. This occupation process came as a result of the pressures facing the Japanese government from the military establishment, so the United States began paying its representatives at the Paris and Geneva conferences to oppose the sanctions while not recognizing the Japanese occupation and calling for a peaceful settlement between the two sides. (F.R.U.S., Vol.111, Doc.1-669, August 20-January 6, 1932).

On December 9, 1931, the Council of the League of Nations decided, based on the request of the Chinese government and American trends, to send an international investigation committee consisting of five members, in which France and the United States participated, to Manchuria to study the situation there. This committee was headed by Aerial Lytton, who was from Of British origin, the committee took its name from its chairman and became known as the Lytton Committee. The committee arrived in Manchuria in March 1932, and after the committee submitted its report to the General Assembly, despite these efforts, Japan occupied all of Manchuria, so the American government officially informed each of those countries and China. On January 7, 1032, it declared that it would not recognize any status, treaty, or agreement that might conclude the Kellogg-Briand Pact, and subsequently, on March 11, 1932, this measure taken by the American government was approved by the Assembly of the

League of Nations, at a meeting in which fifty participated. State, and on that occasion, and under those circumstances, a unanimous decision was taken, with Japan alone abstaining from voting, in which the Assembly declared to make Manchuria an autonomous state under the sovereignty of China, and not to recognize the State of Manchoukuo that Japan had established in Manchuria. Likewise, Members of the League of Nations not to recognize any status, treaty or agreement reached by means inconsistent with the Covenant of the League of Nations or the Kellogg-Briand Pact. (OFFICIAL Journal League of Nations, Special Supplement, No. (101), Geneva, 1932, p. 87).

It is worth noting that the Manchurian crisis was not the only one that struck Europe because it faced many problems. Relations between its countries became tense and this resulted in the emergence of political alliances and blocs. Thus, the Kellogg-Briand Pact was exposed to the first series of difficult challenges after its ratification in 1928, and the United States The United States is a leader in defending the Charter, and he confirmed in his speech on August 8, 1932, that he was not mistaken when he said on March 15, 1928, "If we want to abolish war, this must be done by concluding a specific treaty that formally obligates the parties not to resort to war with each other." (Department man of state, March 15, 1928, p.2).

The US Secretary of State also rightly and stubbornly fought for a ban on war devoid of any detailed definitions or reservations in his own words in his March 28, 1930, speech to the Political Education Association in New York, when he said, "This treaty is so simple and unconditional that the peoples of all nations can To understand it, it is a declaration that can be a rallying point for global feelings, and it is the foundation on which world peace is built." (New York Times, March, 28, 1930, p. 10).

- Second: The importance of the Charter and its impact on the law of war:

Although the Charter included a prohibition of war, it was not enforceable, but this did not prevent it from having effects on the legal consequences of the war that followed, as four consequences were linked to (the prohibition of war), namely: (Lesaffer, R.C.H., (1928), 2011, p.6)

First: By making war illegal, the Charter could provide an additional legal argument to make the aggressor state responsible for all costs and damages resulting from the war, as the Treaty of Versailles and other Parisian peace treaties did in the period 1919-1920, although there is no reference to this. Explicit to the Charter in the treaties, the 1947 peace treaties with Germany's European allies imposed reparations for war damages and costs due to them bearing their share of responsibility for the war (reparations after World War II).

Second: The International Military Tribunal in Nuremberg referred to the Charter to reject the argument presented by the defence, that the category of crimes against peace had only been introduced retroactively into international law under the Convention on the Prosecution and Punishment of War Criminals, the main European axis, to establish the court. The Tokyo Court also referred to the Charter. .

The Rights and Duties of States in the Case of Aggression of the World of 1939 at Harvard Law School also eased the strict duty of neutrality imposed on non-belligerent states existing under the laws and customs of neutrality, and allowed them to provide assistance to victims of aggression. In the preamble, other matters were referred to after the signing of the Kellogg Charter. Briand: After 1928, states rarely considered armed conflicts between states to be formal wars, but rather cases of aggression and self-defense, which allowed the strict duty of neutrality to be relaxed and non-belligerent states to provide assistance to a state on both sides.

Fourth: The illegality of war, which follows logically according to the general principles of law, is that no legal rights can emerge from it. In 1932, US Secretary of State Henry Lewis Stimson (1867 - 1950) stated this in response to the Japanese attack on Manchuria. The Monroe, Hallstein, Kellogg-Briand and Paris Principles on International Law.

The Kellogg-Briand Pact was influential in two other ways. First, the text served as a source of inspiration for subsequent texts and served as an important stepping stone toward the comprehensive prohibition of the use or threat of force in the UN Charter. In 1933, many Latin American countries were included in the 1933 Lamas Treaty, which was named after the Argentine Foreign Minister Carlos Saavedra Lamas (1878 - 1959). At the invitation of the Seventh International Conference of American States in the same year, most American states joined, including the United States. Later, eleven other states joined as well. The treaty condemned wars of aggression, imposed on the signatories to settle their dispute only by peaceful means, and forced them to Not recognizing any regional arrangement that was not reached through peaceful means. (Lesaffer, R.C.H., 1928, p.8).

The United Nations Charter was drafted to address some of the loopholes created by the Kellogg-Briand Pact, then replaced the term war with the term use of force and thus includes all measures other than war, except for self-defense, which is explicitly referred to in Article 51 of the United Nations Charter. Threats are also prohibited. By using force, secondly: Some researchers have found that it is possible to rely on the practices of states in the late 1920s and even the United Nations Charter for the illegality of the use of force under customary international law as a tool of national policy other than self-defense or violence, defending an ally and not new in itself. That states condemn aggression and even consider it illegal, but the Charter gave this position a stronger foothold in positive international law, and in their rejection of aggressive acts, states often cited the Kellogg-Briand Pact, but the Charter also had the effect of avoiding formal war and classifying their armed actions as much as possible. Possibility in terms of measures that do not rise to the level of war, which are often self-defense. (Lesaffer, R.C.H., 1928, p.9).

Therefore, the force of the Kellogg-Briand Treaty cannot be adequately divided, unless we assume that behind it lies the weight of the opinion of the whole world, which the Charter deliberately unites and gives every country that has joined it to express its moral judgment, and when the American government took responsibility for sending its memorandum dated January 7, 1931 It was a pioneer, and it appealed to new common sentiments and to the

untested provisions of the Charter. Its refusal to recognize the fruits of aggression may have been of little importance to the transgressor, but when the entire group of Necromantic nations took its stand alongside that of the American government, the situation was revealed in its true sense, a moral rejection. When it turns into condemnation by the whole world, it acquires a hitherto unknown importance in international law. (F.R.U.S., Vol. 1, Doc 356, August 8, 1932).

As the US Secretary of State emphasized in his speech on August 8, 1932, "The other consequence that followed this development in the Kellogg-Briand Treaty that I have been describing is that consultation among the signatories of the treaty when faced with the threat of violations becomes inevitable, that is, the effective summoning of the force of world opinion necessitates Discussion and consultation, as long as the signatories to the Charter support the policy that the American government has sought to establish during the past three years of arousing a united and lively spirit of public opinion as a penalty for the Charter. (F.R.U.S., Vol.1, Doc, 356, Ibid, 1932).

As long as this path is approved and supported, consultations will be held by the major countries in the world that have signed this charter as an event to unify this opinion, such as the path that was followed in the Sino-Japanese conflict last winter, which shows how natural and implicit resort was to consultation in this effort to mobilize opinion. The general world in the world at the moment when the situation arose threatened the effectiveness of this treaty, which the peoples of the world have come to regard as extremely vital to protecting their interests in practice. All the countries that consulted with it tried to activate the peaceful purposes of that treaty, and therefore the fact that the charter necessarily outlines the effects of consultation was not fully appreciated. On the part of its well-wishers who were very anxious to see it implemented through an official text of consultation, but with the clarification given by developments of the past three years of its importance, and the vitality with which it has imbued the positive construction on which it was based, the doubts of these well-wishers have been allayed, and the American people are expressing this The opinion is that each of the programs adopted by the Chicago Conference contains regulations that support the principle of consultation. Thus, the US Secretary of State supported the Kellogg-Briand Pact and evaluated it for the American people. (F.R.U.S., Vol. 1, Doc. 356, Ibid, 1932).

Conclusions

Many factors contributed to shaping the course of the relationship that linked the United States with France, which was the result of the World War, and even goes back to the first signs of the emergence of the United States. These relations were characterized by friendly rapprochement, so the two parties maintained this friendship until the outbreak of the First World War, when the United States demonstrated on both levels. The official government expressed great sympathy with France. After the war, France took the initiative to conclude a treaty with the United States to be joint to prohibit war, but the United States met the proposal coldly. The United States wanted some changes to the proposal, so the

negotiations proceeded, which were fraught with some difficulties, especially after the United States expressed its desire to extend an invitation to all other countries to join. To the Kellogg-Briand Pact in order to expand its scope and not limit it to a bilateral treaty, this goal was achieved in 1928 and a multilateral international treaty was concluded to renounce war.

- Economic reasons played a major role behind the United States of America's decision to conclude a multilateral treaty to prohibit war, because it emerged from the war with the greatest spoils, the highest profits, and the least losses, which became clear through its use of the debt issue as a pressure card through which it achieved many political ambitions. It is necessary to enter the field of international competition to obtain economic gains, so the direct means to achieve this goal was entering into the Charter, which would be the best thing the United States could hope for in achieving its goals.

The Kellogg-Briand Pact had an impact on the international crises after World War I, namely the attacks between the Soviet Union and China in northern Manchuria. Both countries were signatories to the pact, and it was the most difficult part of the world in which such a challenge to this treaty could occur. However, under Charter resolutions and the efforts of the League of Nations were able to restore the situation and neutralize the invading forces.

The Kellogg-Briand Pact (Paris Pact) is considered the most important international document prohibiting war in international relations in the period between the two world wars, because the Charter went further than the League of Nations in prohibiting war, while the Kellogg-Briand Pact prohibited war, whether it was The latter is a penalty for violating an international legal rule, or a means to achieve the national goals of states, regardless of the legitimacy of these goals, as war is placed outside the law as it is not an appropriate means of national policy.

Footnotes

1_ Versailles: It is a French city and the capital of the Seine-Oise province. It was built by Louis For more, see: Arafa Mahmoud Mustafa Muhammad, The Saar Province from the Versailles Conference of 1919 until the 1956 Agreement, (Aswan: 2019).

2_ Warren G. Harding: He was born in 1865 and belonged to the Republican Party. He was then elected to the Senate in the United States of America and worked in journalism. He then became the 29th President of the United States of America in the era 1921 - 1925, but he died in 1923. For more see: Abdul Wahab Al-Kayyali, The Political Encyclopedia, Part 4, Beirut, 1994, 21.

3_ Washington Conference: It was the conference that was held in Washington, on November 12, 1921, to February 6, 1922. It was a disarmament conference called for by the United States of America, and it was held outside the auspices of the League of Nations. For more see: (F.R.U.S., Vol.11, Doc.32, The Commiddion at Berlin (Dresel to the secretary of state, November 12, 1921)).

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14. F.R.U.S, Vol.111, Doc.1-669, occ4 Pation of Marchuria by Japan, beginning of Japanese military aggression, and efforts of the United states and other Powers to Preserve Peace, August 20 – January 6, 1932.
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