

Oxford Public International Law



League of Nations

Christian J Tams

Content type: Encyclopedia entries

Product: Max Planck Encyclopedia of Public International Law [MPEPIL]

Article last updated: September 2006

Subject(s):

World War I to World War II

Published under the auspices of the Max Planck Foundation for International Peace and the Rule of Law under the direction of Rüdiger Wolfrum.

A. Introduction

1 The last of President Woodrow Wilson's Fourteen Points called for the establishment of 'a general association of nations ... under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike' (Wilson and Shaw 470; → *Fourteen Points of Wilson [1918]*). The League of Nations ('League') was to be that 'general association of nations'. It marks the international community's first attempt to establish an international organization with permanent institutions for the purpose of safeguarding world peace and of institutionalizing international co-operation (→ *History of International Law, World War I to World War II*; → *International Organizations or Institutions, History of*). In its ambitions, the League was without precedent in the long history of international relations.

2 Of course, plans for peaceful → *alliances* of nations had been advanced long before World War I, notably by the Duc de Sully, the Abbé de St. Pierre, William Penn, and Immanuel Kant. Penn in particular, in the late 17th century, had proposed a world parliament that would settle conflicts by a three-quarters vote of delegates and enforce the peace by the use of force when necessary (→ *Parliamentary Assemblies, International*; → *Use of Force, Prohibition of*), while Kant, in his 'Perpetual Peace', had argued for the establishment of a *foedus pacificum*, ie league of peace, as the cornerstone of the law of nations. To these progenitors, one has to add pacifist ideas gaining prominence during the late 19th century (→ *Peace, Proposals for the Preservation of*). These proposals were based on the premise that in order to secure peace and security, the → *sovereignty* of States had to be placed under law, and that the preservation of peace would have to be entrusted, at least partly, to international institutions. Inspiring as they might have been, these proposals however were never implemented. In terms of international practice, the League could draw on the experience of 19th century international administrative co-operation (→ *International Administrative Unions*), of co-ordinated Great Power hegemony within the → *Concert of Europe*, and of the → *Hague Peace Conferences (1899 and 1907)*. Yet it clearly went beyond all these precedents in that it aimed to establish a system of → *collective security* based on law and set up permanent institutions and a framework for the general co-operation of nations (→ *Co-operation, International Law of*).

3 It was the experience of World War I, discrediting the old European order, that provided the impetus for the establishment of the League. From 1917, British and French committees, chaired by Lord Phillimore and Léon Bourgeois respectively, had drawn up preparatory reports. Influenced by these reports, President Wilson and his advisor, Colonel House, produced their own drafts, to which the British politician and diplomat Lord Robert Cecil contributed. Finally, the pamphlet 'The League of Nations: A Practical Suggestion' by the South African General Jan Smuts, the first to be generally available to the public, presaged the institutional structure of the new organization and popularized the 'League idea'. At Wilson's insistence, the Paris Peace Conference began its work with the drafting of the new organization's founding document and for that purpose set up a Committee, chaired by Wilson himself. On the basis of a provisional text drafted by the American diplomat David Hunter Miller and his British colleague Cecil Hurst, the Committee produced a draft of the Covenant of the League of Nations ('League Covenant') within no more than 11 days. On 28 April 1919, the plenary assembly of the Peace Conference accepted the draft and decided to include it, as Part I, in the Peace Treaties of Versailles, St. Germain, Trianon and Neuilly (→ *Neuilly Peace Treaty [1919]*; → *St Germain Peace Treaty [1919]*; → *Trianon Peace Treaty [1920]*; → *Versailles Peace Treaty [1919]*). Thus linked to

the post-war settlement, the League's existence officially began on 10 January 1920, the date on which the first of the Peace Treaties—that of Versailles—entered into force.

4 In retrospect, the close link between the League and the Peace Treaties must be considered unfortunate. It meant that within the defeated countries—and notably Germany—the League, at least at the beginning, was viewed as part of a post-war settlement that was considered unjust. This however was but one of a variety of systemic problems facing the League. Perhaps most importantly, it never enjoyed the full support of all great powers. Notwithstanding President Wilson's decisive role in its creation, the United States of America ('US'), due to resistance within the US Senate led by Senator Henry Cabot Lodge, refused to join the new organization. The Soviet Union only acceded in 1934, by which time other important States such as Japan or Germany, which had by then been admitted, had already announced their withdrawal (→ *National Socialism and International Law*). Ultimately, the League was to prove powerless against the aggressive policies of these and other States, and was not to succeed in its attempt to maintain world peace (→ *Aggression*). Yet one should not belittle its achievements. In the immediate aftermath of the Great War, 'the League idea' generated an unprecedented level of hope and faith in international progress. The League itself became the first international organization with general competence and, for at least 15 years, functioned as a permanent forum of international co-operation. Moreover, by recognizing, albeit gradually, the importance of economic and social questions, it was to influence modern forms of international co-operation. Notwithstanding its sad demise, the founding of the League has justly been described as 'a forward leap of unprecedented extent and speed, accompanied by extraordinary changes in the conduct of international relations' (Walters 1).

B. The Organization of the League

1. Basic Issues

5 The League existed for a little more than 26 years. Its founding document, the League Covenant, consisted of 26 articles, which set out the League's main organs, contained complex provisions for the maintenance of peace and security, and very brief indications of its activities in other fields. It could be (and was at times) amended pursuant to Art. 26 League Covenant, which required the approval of a majority of League members, including all members of the League Council.

6 The League Covenant entered into force on 10 January 1920. In November of that year, the headquarters of the League moved to Geneva, as prescribed by Art. 7 League Covenant (→ *Host State Agreements*; → *International Organizations or Institutions, Headquarters*). It remained active there until the outbreak of World War II, when the League's technical services were moved to Princeton and its treasury to London. In 1940, the Secretariat was reduced to a skeleton staff and largely ceased to function. On 19 April 1946, the League Assembly decided to dissolve the League and to transfer its services, mandates, and property to the → *United Nations (UN)* (→ *International Organizations or Institutions, Succession*).

2. Membership

7 As a general association of nations, the League depended on the commitment of its members. Questions of membership thus were fundamental, and were addressed in the League Covenant's first substantive provision, Art. 1 (→ *International Organizations or Institutions, Membership*). The provision drew a distinction between original members of the League, and other entities admitted subsequently. Art. 1 (1) League Covenant confined original membership to the victorious signatories of the Peace Treaties of Versailles, St. Germain, Trianon, and Neuilly and 13 named neutral States, all listed in an Annex to the

Covenant (→ *Neutrality, Concept and General Rules*). While the number of victorious signatory States was 27, one of them, the 'British Empire', was considered to comprise not only the United Kingdom ('UK'), but also five additional units—Canada, Australia, New Zealand, South Africa, and India—all of which became League members in their own right. Of these potential 45 League members, three failed to ratify the Peace Treaty of Versailles and to take up membership: the US, the Hedjaz (an independent kingdom later to become part of Saudi Arabia), and Ecuador.

8 As regards new members, Art. 1 (2) League Covenant declared membership to be open to 'any fully self-governing State, Dominion or Colony' (→ *State*; → *Protectorates and Protected States*). New members had to give effective guarantees of their sincere intention to observe their international obligations as well as specific regulations with respect to its forces and armaments (→ *Guarantee*). Their admission had to be approved by two-thirds of the League Assembly. Between 1920 and 1937, 21 new members were admitted under this provision. They included the former enemy States Austria and Bulgaria, admitted in 1920, Hungary, admitted in 1922, Germany, admitted in 1926, and Turkey, which was admitted in 1932. Further, in 1934, the Soviet Union, which had not participated in the Peace Conference, and, in 1932, at least one former mandate territory, Iraq, became members (→ *Mandates*). One original Member State, the Kingdom of Yugoslavia, was re-admitted in 1944 after having left the League in 1941 (see also → *Yugoslavia, Dissolution of*).

9 In two provisions, the League Covenant addressed the termination of membership. In Art. 1 (3) League Covenant, express provision was made for the withdrawal of membership. Withdrawal depended upon two years' notice by the member and the fulfilment of all its existing obligations including those under the League Covenant. Art. 16 (4) League Covenant allowed for the expulsion of members that were in breach of their obligations under the League Covenant. While the provision—unlike many other expulsion clauses—did not qualify the types of breaches that could give rise to expulsion, it required a unanimous vote of the League Council, in which the member concerned was not however entitled to participate (→ *International Organizations or Institutions, Voting Rules and Procedures*). Between 1920 and 1942, no fewer than 20 members left the League. Of these, two States ceased to be members when they lost their independence—Austria and Albania. The Soviet Union was expelled in December 1939 following its attack on Finland. Furthermore, 17 members withdrew pursuant to Art. 1 (3) League Covenant. The most prominent instances were the cases of Japan, in 1933, after the League had criticized the invasion of Manchuria; Germany, in 1933, using the failure of the World Disarmament Conference as a pretext (→ *Disarmament*); and Italy, in 1937, following the League's condemnation of its invasion of Abyssinia. In terms of sheer numbers, the successive withdrawal of 11 out of the original 20 Latin American members was more relevant; it signalled a general feeling of dissatisfaction with the League's work in general and its involvement in Latin American conflicts in particular (→ *International Law, Regional Developments: Latin America*). Membership in the League was thus subject to much fluctuation. While few recognized States completely abstained from it, the circle of members was never static, which complicated the League's work considerably.

3. Organs

10 Pursuant to Art. 2 League Covenant, 'the action of the League' was to be effected 'through the instrumentality of an Assembly and of a Council, with a permanent Secretariat'. This brief provision listed the three principal organs of the League and instituted the now familiar system of international organizations possessing a plenary and a representative organ, and having a permanent administrative unit at their disposal (→ *International Organizations or Institutions, Decision-Making Bodies*). In addition, the League established a number of other commissions, committees, or organizations, some of

them already envisaged by the League Covenant. Equally envisaged in Art. 14 League Covenant was the creation of the → *Permanent Court of International Justice (PCIJ)*. Although the PCIJ became involved in the League's activities, it was not established by the League Covenant but by a separate document, the Protocol of Signature relating to the establishment of the PCIJ, and thus should not be considered a League organ. The same applies to the → *International Labour Organization (ILO)*, which was set up independently of the League, namely by the respective Parts XIII of the Peace Treaties of Versailles, St. Germain, and Trianon and Part XII Treaty of Neuilly.

(a) League Assembly

11 The League Assembly was the plenary organ of the League. Pursuant to Art. 3 (1) League Covenant, it consisted of 'Representatives of the Members of the League'. The drafters envisaged it as a periodic conference, inspired by the → *Hague Peace Conferences (1899 and 1907)*. Each member could send up to three representatives, but had only one vote (Art. 3 (3) League Covenant). The League Covenant did not regulate the working of the League Assembly in any detail, but merely prescribed that it was to meet 'at stated intervals and from time to time as occasion may require' either at Geneva 'or at such other place as may be decided upon' (Art. 3 (2) League Covenant). Unless otherwise indicated, its decisions on questions of substance were to be taken by unanimity (Art. 5 (1) League Covenant) (→ *International Organizations or Institutions, Decision-Making Process*). This strict requirement clearly complicated the League Assembly's work; it often forced it to hold long debates or not to take any action at all. It was only partly alleviated by the fact that in practice, abstentions were not to be treated as contrary votes, and that in some cases—notably disputes under Art. 15 League Covenant—the votes of conflicting parties did not count.

12 As regards its sphere of activity, the League Covenant conferred upon the League Assembly a number of specific functions, among which the following are particularly relevant:

- a) to decide, by a two-thirds majority, on the admission of new members of the League (Art. 1 (1) League Covenant);
- b) to select non-permanent members of the League Council, and to approve of any expansion of the composition of that body (Art. 4 (1) and 4 (2) League Covenant);
- c) to approve the appointment, by the League Council, of the League's Secretary-General (Art. 6 (2) League Covenant);
- d) to advise League members to reconsider 'treaties which have become inapplicable', and to consider 'international conditions whose continuance might endanger the peace of the world' (Art. 19 League Covenant).

In 1924, once the initial model of voluntary self-assessment had proved unworkable, the League Assembly also arrogated to itself, through an amendment to Art. 6 (5) League Covenant, the exclusive competence to decide on the contribution, by each of the members, to the 'expenses of the League' (→ *International Organizations or Institutions, Financing of*).

13 In addition to these specific powers, the League Covenant recognized the League Assembly's general capacity to deal 'with any matter within the sphere of action of the League or affecting the peace of the world'. Unlike Art. 12 Charter of the United Nations ('UN Charter'; → *United Nations Charter*), the League Covenant did not restrict the League Assembly's competence to deal with matters already addressed by the League Council. While, in practice, urgent matters were usually to be addressed by the League Council, there was no strict rule to this effect, and both organs possessed parallel powers. The general scope of the League Assembly's powers, as well as the parallelism just alluded to,

was also reflected in Art. 11 (2) League Covenant, pursuant to which League members could bring to the attention of the League Assembly or of the League Council any circumstance threatening to disturb 'international peace of the good understanding between nations'. Finally, Art. 15 (9) and (10) League Covenant provided that disputes addressed by the League Council could be referred to the League Assembly, either by decision of the League Council or at the request of any of the parties to the dispute. In this case, an eventual League Assembly report in which League Council members concurred, had the same force as a unanimous report of the League Council.

14 In practice, the League Assembly interpreted its function rather broadly, and inaugurated a number of practices that were to become typical features of the working international organizations (→ *International Organizations or Institutions, Internal Law and Rules*). Maybe most fundamentally, the Rules of Procedure provided for annual sessions (typically lasting three weeks), which assured regularity and allowed the League Assembly to develop a certain working routine. Extraordinary sessions, convened by the League Assembly itself or by a decision of the League Council, were held to deal with urgent matters such as Germany's accession to the League in 1926, the Manchurian conflict in 1931 or the Gran Chaco war in 1935 (→ *Gran Chaco Conflict [1928-35]*). All sessions were held in Geneva; they commenced with election of the League Assembly's President and Vice-President and a decision on the agenda. Of primary importance was the League Assembly's practice to work in commissions in which each member was represented (→ *Administrative Boards, Commissions and Tribunals in International Organizations*). Typically six of these were convened each year, to deal with legal issues (Commission I), technological and intellectual organizations (Commission II), disarmament (Commission III), budgetary matters (Commission IV), social questions (Commission V), and political matters including the mandates and → *slavery* (Commission VI). The designation of these commissions gives an impression of the broad range of issues addressed by the League Assembly. While the unanimity principle often forced it to settle on compromise solutions, the League Assembly thus emerged in practice as a body far more influential than initially expected.

(b) League Council

15 Pursuant to Art. 4 (4) League Covenant, the League Council was competent to deal 'with any matter within the sphere of action of the League or affecting the peace of the world'. Within the system of the League, the League Council was the smaller, representative organ, originally designed as the framework for the great powers to co-operate in matters of peace and security. Initial schemes had envisaged an ad hoc organ that would have met in order to consider particular disputes. In its eventual form, Art. 4 League Covenant however established a standing body that was to meet at least once a year in Geneva or 'or at such other place as may be decided upon' (Art. 4 (3) League Covenant). Its decisions on substantive issues generally (and with the exceptions referred to above in para. 11) had to be taken by unanimity (Art. 5 (1) League Covenant). Unlike under Art. 27 UN Charter, *each* League Council member thus enjoyed the → *veto* power on substantive issues.

16 This is relevant as the League Covenant (Art. 4 (1), (2) League Covenant)—like the UN Charter—distinguished between permanent and non-permanent League Council members. Permanent seats were to be accorded to each of the five Principal Allied and Associated Powers (the US, the UK, France, Italy, and Japan). The text of the League Covenant contemplated a League Council in which these would have been joined by four non-permanent members to be 'selected by the League Assembly from time to time in its discretion' (Art. 4 (1) League Covenant). In reality, however, the great powers never obtained a majority in the League Council. For once, the US failed to take its place, leaving four permanent and four non-permanent members. Moreover, the League quickly decided to increase the number of elective places on the League Council. Given the tortuous nature of

present debates about a reform of the UN Security Council, it is interesting to note that the composition of the League Council changed rather frequently (→ *United Nations, Reform*; → *United Nations, Security Council*). The League Covenant itself enabled the League Council, with the approval of the majority of the League Assembly, to name additional permanent and non-permanent members (Art. 4 (2) League Covenant). This it did in 1922 and 1926 when the number of elective places was increased to six and nine respectively. From 1926 onwards, the League Assembly elected three League Council members per year, each for a period of three years. As regards permanent seats, there was also some development. Upon their accession to the League, Germany and the Soviet Union were accorded permanent seats. Other States sought to obtain permanent membership as well but were unsuccessful; in one case—Brazil—this led to the candidate's withdrawal from the League. When Japan and Germany withdrew from the League, their places were taken up by non-permanent members. All this meant that by 1938, the League Council was composed of four permanent and eleven non-permanent members. By 1940, with Italy withdrawn and the Soviet Union expelled, the only permanent members left were France and the UK.

17 A representative organ, the League Council was able to meet at relatively short notice. Between 1920 and 1939, it held a total of 107 public sessions, ie approximately five per year. As regards its functions, it oversaw the work of many of the League's committees, commissions and organizations (on which see, paras 21–22 below). More importantly, Arts 11 to 17 and 22 gave the League Council the key role in the fields of international peace and security, and the mandates system. Its role and record in these areas is assessed below (see paras 23–32). As a general point, it is worth noting that even more than the League as such, the League Council, as the intended forum for co-operation between the great powers, was severely handicapped because it never enjoyed the support of all key nations. Until the mid-1930s, it was seen as an important, but never the exclusive, forum for international co-operation in matters of peace and security. The Peace Treaties excluded it from dealing with questions of → *reparations* and war debt, which were to be handled outside the League framework, by the Supreme Council, the Reparations Commissions, and the Conference of Ambassadors (→ *Debts*). The latter in particular sometimes usurped what might have been considered the genuine role of the League Council—eg, during the Corfu Affair of 1923, when the Ambassadors rather than the League brought about a settlement. From the mid-1920s, international co-operation, especially between European States, often took place within the Locarno system (→ *Locarno Treaties [1925]*). In fact, not infrequently, League Council meetings were made the occasion of simultaneous meetings of the Locarno powers. In short, it was the League Council (as the envisaged forum for great power relations) which suffered most evidently from the League's failure to attract the participation of key nations.

(c) League Secretariat

18 Art. 6 (1) League Covenant provided that a 'permanent Secretariat shall be established at the Seat of the League' (→ *International Organizations or Institutions, Secretariats*). It was to consist of a League Secretary-General, to be appointed by the League Council, with the approval of the League Assembly, and 'such secretaries and staff as may be required' (Art. 6 (1) League Covenant). Art. 18 League Covenant conferred upon the League Secretariat responsibility for the registration and publication of international treaties. More generally, it was to prepare and document the work of the League, and to provide for interpretation during debates.

19 In practice, however, the League Secretariat assumed a far more important role and became the veritable backbone of the League. Partly, this was but a natural consequence of its permanent character: through their constant involvement in the work of the League and their presence in Geneva, members of the League Secretariat acquired much needed expertise and experience. But the character of the League Secretariat was also decisively shaped by the personality of the League Secretary-Generals, and in particular the first officeholder, Sir Eric Drummond. Shying away from public political initiatives, he convinced League members to hire a considerable number of genuine League officers rather than, for example, staffing the League with national civil servants on secondment, as had been the rule in the administrative unions of the 19th century. The result of this was a League of Nations civil service of considerable size (approximately 700 staff), high reputation, and competence that shaped the modern understanding of the international civil service (→ *Civil Service, International*). It was a career service based on the principles of internationalism, independence, and neutrality, encapsulated in Art. I (1) Secretariat of the League of Nations Staff Regulations: ‘The officials of the Secretariat of the League of Nations are exclusive international officials and their duties are not national but international’ (Aufricht 440). On a more practical note, staff emoluments were calculated on the basis of salaries granted to the highest-paid officials in the League’s Member States, and the League sought to recruit candidates in an equitable proportion from the different Member States.

20 The internal organization of the League Secretariat mirrored the League’s increasingly diverse fields of activity. Headed by the League Secretary-General, his one deputy (two from 1932), three Under-Secretaries-General, and a legal advisor, it was divided into 11 sections: political, legal, financial and economic, reduction of armaments, transit and communication, mandates, administrative and minorities, social, health, intellectual co-operation, and information. In order to facilitate relations with League members, the League Secretariat also established a radio station—the ‘Radio Nations’—and maintained offices in London, Paris, Rome, Tokyo, and Berlin and created separate bureaux for Latin America. All this shows that during the life of the League, the League Secretariat clearly moved beyond the secretarial role that administrative bodies of earlier international institutions, such as the Universal Postal Union, had played. This is also borne out by the fact that high-ranking officials enjoyed privileges and immunities (Art. 7 (4) League Covenant; → *International Organizations or Institutions, Privileges and Immunities*); in addition, the staff rules provided for recourse to the League of Nations Administrative Tribunal, which was later to become the ILO Administrative Tribunal.

(d) Other Organs

21 The League Covenant itself already envisaged two permanent commissions, one dealing with questions of disarmament (Art. 9 League Covenant), one with mandates (Art. 22 League Covenant). The former was established in 1920 as an ‘Advisory Commission on Military, Naval and Air Questions’. Renamed and with a different composition, its main task was to prepare plans which eventually led to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare and the Locarno Treaties. The mandates commission, composed of individual experts, supervised the mandate system, eg, by dealing with the reports of mandatory powers and by handling petitions.

22 As the League’s activities became more specialized and diversified, the League Council and League Assembly established a host of other commissions and organizations. Prominent among these were the Economic and Financial Organization, the Communications and Transit Organisation, the Health Organization, the Refugee Organization (→ *Refugees, League of Nations Offices*) and the Committees on Traffic in Opium, Traffic in Women and Children (→ *Human Trafficking; → Narcotic Drugs and Psychotropic Substances*), and on Intellectual Cooperation. The proliferation of these bodies symbolizes the expansion of the

League's work in allegedly 'technical' matters outside its initial field of peace and security, a development to be addressed below (see paras 36–39).

C. The League's Main Fields of Activity

23 The League's activities were diverse and cannot be covered comprehensively here. Four aspects seem particularly relevant:

- a) international peace and security;
- b) mandates;
- c) the protection of minorities (→ *Minority Protection System between World War I and World War II*);
- d) functional co-operation, including the codification of international law (→ *Codification and Progressive Development of International Law*).

In addition to these, it is worth noting that the Peace Treaties conferred upon the League a number of specific functions. Notably, it was to act as the trustee of the government of the → *Saar territory*, and as the protector of the Free City of Danzig (→ *Danzig, Free City of*) and of Austria's independence. Finally, although not a field of activity proper, the principles governing the work of the League Secretariat laid the foundations of the modern law of the international civil service (see paras 18–20 above).

1. International Peace and Security

24 The League's central object, clearly expressed in the Preamble of the League Covenant, was to prevent future wars and to promote peace and security. The League Covenant addressed this main concern in a range of provisions. These were incomplete, lacked teeth, and ultimately could not prevent another war that was to bring far more bloodshed than the one from which the League had emerged. Yet, their very existence was revolutionary and marked a step away from the sovereign right to wage war, long regarded as an essential attribute of statehood.

(a) The Regime of the League Covenant

25 Arts 8 and 9 addressed the question of disarmament, rightly considered a prerequisite for lasting peace. In Art. 8 (1) League Covenant, League members recognized that in order to preserve peace, they would have to reduce armaments to the lowest limit consistent with national security. This implied the exchange of information about the scale of armaments as well as joint action against the private trade in arms (→ *Arms, Traffic in*). The League Council, aided by the Disarmament Commission, was to formulate plans to implement Art. 8 (1) League Covenant. Yet, the practical results of these provisions were limited. Only in 1932 did the League members convene a general conference, which however failed to yield a generally acceptable plan for disarmament.

26 Art. 10 League Covenant contained a guarantee against aggression, by which members undertook to respect and preserve the → *territorial integrity and political independence* of each other. While this could have become the cornerstone of an international system of → *collective security*, the provision was strangely decoupled from the → *sanctions* regime of Art. 16 League Covenant. If Art. 10 League Covenant was breached—ie in the case of aggression—the League Council was merely to 'advise' on the future conduct. Although

providing a major obstacle to US ratification of the League Covenant, this clause did not confer any executive powers on the League.

27 Art. 11 League Covenant went beyond mere proclamations by declaring ‘any war or threat of war’ to be ‘a matter of concern to the whole League’; the absence of war was thus considered an interest of the community as a whole (→ *Community Interest*). The provision also recognized the right of each member to bring to the attention of the League Council or the League Assembly any circumstance ‘which threatens to disturb international peace or the good understanding between nations upon which peace depends’. With respect to potential reactions, Art. 11 League Covenant remained relatively vague. It was completely silent on individual members’ rights of response, and merely stipulated, in a very general form, that ‘the League’ should take any action it deemed effectual to preserve peace.

28 Arts 12, 13, and 15 League Covenant approached the matter from the perspective of the conflicting parties. Just as with Arts 10 and 11 League Covenant, these provisions did not outlaw war altogether as a means of international relations. This step was only taken in 1928, with the adoption of the → *Kellogg-Briand Pact (1928)*. However, they established a complex system of dispute settlement, which entailed three specific prohibitions against war and which Art. 17 League Covenant sought to extend to non-members as well. Art. 12 League Covenant imposed upon members an obligation to settle peacefully all disputes ‘likely to lead to a rupture’, by submitting either to arbitral or judicial dispute settlement or to an inquiry by the League Council or League Assembly (→ *Peaceful Settlement of International Disputes*). As the first specific prohibition against war, members undertook not to resort to war until three months after an eventual decision, award, or report; the so-called ‘cooling off period’. Under Arts 13 and 14 League Covenant, disputes ‘suitable for arbitration’ could be submitted to arbitral or judicial settlement if the parties so decided. As the second prohibition against war, members agreed not to resort to war against parties complying with an award or decision. Disputes not submitted to → *arbitration* or adjudication were subject to an inquiry pursuant to Art. 15 League Covenant (→ *Fact-Finding*; → *International [Humanitarian] Fact-Finding Commission*). Under this provision, either the League Council—acting unanimously—or the League Assembly with a majority of members including all League Council members could adopt a recommendation for the settlement of the dispute. As the third prohibition against war, members agreed not to resort to war against parties complying with such a recommendation.

29 In order to safeguard the effective observance of these provisions, Art. 16 League Covenant provided for automatic sanctions against members violating the specific prohibitions against war; pursuant to Art. 17 (3) and (4) League Covenant, these could also be applied to non-members (→ *Treaties, Third-Party Effect*). At least on paper, these sanctions were far-reaching. Without any further decision by one of the League organs, individual members were to subject ‘the covenant-breaking State’ to ‘the severance of all trade or financial relations’ and to prevent its nationals from ‘all financial, commercial or personal intercourse’ with nationals of other States (→ *Economic Sanctions*). Moreover, Art. 16 (2) League Covenant envisaged military sanctions ‘to protect the covenants of the League’, recommended by the League Council and executed by the Member States’ forces.

(b) Its Failure in Practice

30 In practice, the system thus established proved unable to maintain peace and security effectively. This is not to say that the League was completely powerless. In a considerable number of instances, including the German-Polish conflict about Upper Silesia, the Åland crisis between Sweden and Finland, or the ‘War of the Stray Dog’ between Greece and Bulgaria, the League managed to prevent an escalation and successfully settled disputes (→ *Åland Islands*; → *German Interests in Polish Upper Silesia, Cases concerning the*; → *German Minority Schools in Upper Silesia [Advisory Opinion]*). Yet when international

relations became more antagonistic, and members showed less and less enthusiasm for the League's cause, it became evident that the League Covenant system lacked a central decision-making authority. Sanctions were thus hardly ever imposed, and when they were—eg, against Italy in 1936—they proved ineffective. What is more, proposals that would have strengthened the League Covenant's provisions—eg, by providing for a binding determination, by the League Council, whether there had been an aggression—failed to muster the required support. The Kellogg-Briand Pact, widely and rightly regarded as an important step towards a general prohibition of the use of force, did not remedy the systemic weaknesses of the League Covenant, as it did not provide for sanctions and was not integrated into the League's existing regime.

31 All this meant that the League was gradually reduced to irrelevance during the conflicts and crises of the 1930s. While condemning the 1931 invasion of Manchuria, the League failed to impose sanctions on Japan. On 4 July 1936 it adopted rather feeble sanctions against Italy following that country's invasion of Abyssinia and later agreed that its reaction had proven ineffective. In South America, the League's efforts to bring about a settlement between Bolivia and Paraguay during the Gran Chaco War were in vain, as were its attempts to intervene in the → *Spanish Civil War (1936-39)*. Finally, having remained largely silent over the rearmament of the Axis powers, the League had by 1939 lost all its authority and did not even discuss the outbreak of the World War II. By then, it had become clear that the League, deserted by nearly all its supporters, had failed in its central purpose—or rather that it had been failed by its members. Towards the end of World War II, considering options for a new world order, decision-makers therefore quickly opted for a new beginning in the form of a new organization and gave short shrift to all proposals for a revitalization of the old League.

2. Mandates

32 Peace and security were not the only concerns of the League Covenant. In Art. 22 League Covenant, it inaugurated a system of mandates, ie territories formerly administered by the defeated powers and henceforth placed under tutelage. Taking up the fifth and twelfth of President Wilson's Fourteen Points, Art. 22 League Covenant famously proclaimed mandates to constitute 'a sacred trust of civilisation'. Mandates were not administered by the League itself, but governed by mandatory powers such as the UK, France, or South Africa. Depending on the 'stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances' (Art. 22 (3) League Covenant), they were classified as 'A, B or C' mandates.

33 The League's mandate system was, at least partly, inspired by the belief in a civilizatory mission; to that extent, it obliged mandatory powers to respect the interests of the population and to accept a degree of international accountability. Yet in practice, mandates were often treated as colonies, and the supervisory powers of the League Council and the Mandates Commission—despite the critical role played by experts such as William Rappard—often remained ineffective. Out of 15 mandate territories, only one—Iraq—achieved independence before World War II. After 1945, most of the remaining mandates became UN Trust Territories and subsequently achieved independence (→ *United Nations Trusteeship System*). The mandate system however continued to attract much attention, both as an early instance of the international supervision of territorial administration and because of the ongoing dispute about South West Africa, a former 'C' mandate (→ *International Administration of Territories*; → *South West Africa/Namibia [Advisory Opinions and Judgments]*).

3. Minorities

34 Although the League Covenant—unlike President Wilson’s earlier drafts—made no express mention of minorities, their protection was to occupy a prominent place in the working of the League. This was but a natural consequence of the re-drawing of maps that took place after World War I, which was inspired by the principle of → *self-determination* but could not grant independent statehood to each and every ethnic group. In order to secure → *recognition*, new States such as Poland, Czechoslovakia, Albania, and Yugoslavia had to enter into agreements aimed at protecting their respective racial, linguistic or religious minorities (see also → *New States and International Law*). Similar treaties were concluded with States seeking recognition of territorial gains like Romania and Greece or admission to the League like the → *Baltic States*, Iraq, and Finland concerning the Åland islands. By and large, these treaties followed a similar approach. Seeking to ensure perfect equality among individuals and to enable minorities to preserve their peculiarities and characteristics, they required States to observe fundamental civil and political rights of members of minorities and to adopt special measures of protection; the latter, for example, concerning the use of minorities languages or the existence of social, cultural, or religious institutions.

35 The treaties themselves, or declarations relating to them, provided for a considerable degree of international supervision of the minorities regime. This was to be exercised by the League Council, which could take ‘appropriate action’ when faced with infractions and whose members could submit disputes concerning the application or interpretation of minorities treaties to the PCIJ for decision. In practice, the League Council soon established a petitions procedure, which involved the examination of complaints by a panel of three League Council members. The system thus established of course was far from perfect. For example, the petitions procedure was rather conciliatory and cumbersome. More importantly, the minorities regime was not universal but largely restricted to those central and eastern European States that had entered into minorities treaties. Still, it provided for a relatively coherent system of protection upon which future generations were to draw once the idea of minority protection had again become fashionable.

4. Functional Co-operation and Codification of International Law

36 Arts 23 and 24 League Covenant conferred upon the League a co-ordinating role with respect to a broad range of economic and social matters. In areas as diverse as disease control, freedom of communication, or commerce (the list of Art. 23 League Covenant being non-exhaustive), it was to encourage international co-operation between its members. In the first years of the League, this sphere of activity was denounced as ‘technical’ and sharply distinguished from the ‘political’ matters relating to peace and security. From the outset, however, this distinction was simplistic and it was rightly abandoned in the League’s final years, notably in the report entitled ‘The Development of International Cooperation in Economic and Social Affairs’ (‘Bruce Report’) for a League reform.

37 From today’s perspective, there is little reason to denounce international co-operation in economic and social matters—often also referred to as ‘functional co-operation’—as a mere technicality. Quite to the contrary, to have promoted and co-ordinated the growth of international co-operation remains one of the League’s lasting successes. It led to the ratification, by League members and non-members, of more than 100 conventions in all areas of international relations. These conventions, as well as resolutions by League organs, established a great number of international commissions or committees, in whose work many non-Member States actively participated. In some fields, such as refugee protection where the ‘Nansen passport’ became a household term, the work of these bodies gained a certain prominence (→ *Refugees*; → *Stateless Persons*). Yet the often low-profile work of League officers charged to monitor the implementation of agreements, eg, in the field of

drug traffic; provide → *technical assistance*, eg, during the financial reforms in Austria after World War I; or merely collect and publish information, eg, on diseases, was equally relevant. It meant that from the 1920s, international co-operation had reached an unprecedented level, both in depth and breadth.

38 By fostering the adoption of international agreements, the League also contributed to the codification and progressive development of international law, eg, in fields such as the → *law of the sea*, → *nationality* and statelessness, or the fight against slavery. Its role in this field however was not limited to promoting specific agreements. In addition, codification was approached in a more systematic way. Already the Committee of Jurists that prepared the Statute of the PCIJ had suggested that regular conferences for the advancement of international law be held, to proceed with the work of the Hague Conferences. From 1924, the League adopted that idea and began to work towards a codification conference. On the basis of preparatory reports by the Committee of Experts for the Progressive Codification of International Law and a Preparatory Committee, the League convened the 1930 Codification Conference at The Hague, charged to address questions of nationality, the → *territorial sea* and → *State responsibility* for injury to → *aliens*. The results of that Conference were rather mixed, with no report at all adopted on questions of State responsibility and some draft articles only on the legal status of the territorial sea. Yet the Conference did adopt agreements and resolutions on nationality and raised the general awareness of the need for codification. Experience with the 1930 Codification Conference also led the League Assembly to adopt a resolution on the procedure for future codification, which underlined the importance of close consultation with governments and of focusing on specific topics—lessons that were learned and that have since proved instrumental to modern attempts to codify and develop areas of international law.

39 It is interesting to note that in the 1930s, the League came to recognize the importance of international functional co-operation in economic and social matters, possibly to make up for its unimpressive record in the field of peace and security. The Bruce Report notably advocated the establishment of a central body for economic and social questions; however, its proposals were not pursued during World War II. It was therefore left to the UN to draw the necessary consequences from the League's experience. This it did by enshrining the importance of economic and social co-operation in the Preamble and Art. 1 UN Charter, and by setting up the UN Economic and Social Council (→ *United Nations, Economic and Social Council [ECOSOC]*). Yet one should not overlook that it was the League's broad approach to international co-operation that foreshadowed these developments, and that shaped our understanding of the nature of modern international organizations.

D. Concluding Observations

40 It is common to denounce the League as a failure. Even during its time, the League's seat had been dubbed 'the home of lost causes'. The preceding sections suggest a differentiated reading. In its central field, international peace and security, the League indeed was sidelined from the mid-1930s and could not prevent another world war. Whether this was due to systemic failures, lack of support for its cause, or both, remains an open question. It is worth noting however that especially in the 1920s, the League had managed to settle or defuse a number of international conflicts. In the field of disarmament, the League fell equally short of its ambitions and achieved rather meagre results. In contrast, the often unglamorous work of the League's social and economic institutions on balance was highly successful; it broadened and deepened the level of international co-operation. Together with the League's championing of minority rights, and to a lesser degree its efforts to control the international mandate system, the evolution of international functional co-operation thus counts among the League's lasting successes. Perhaps as importantly, at least until the mid-1930s the League was a framework for international co-operation and

provided a new forum for international relations. In the words of Art. 1 (4) UN Charter, it thus functioned as 'a centre for harmonizing the actions of nations'.

41 Finally, from a distance of more than 60 years, one can hardly avoid viewing the League as a precursor to the UN system. In nearly all respects, the UN's founders drew on the experience of the League. The League thus formed a blueprint for the creation of the UN—often to be copied, sometimes deliberately deviated from. Despite the demise of the old and the creation of a new organization, the League and the UN therefore should be seen as part of the same aspiration: of setting up a world order based on peace, security and law, and of fostering and co-ordinating co-operation between the members of the international community. It is this continuity, which Viscount Cecil, one of the League's founding fathers, then Lord Robert Cecil, expressed when he famously concluded the last League Assembly with the words: 'The League is dead, long live the United Nations!'

Select Bibliography

JC Smuts *The League of Nations: A Practical Suggestion* (Hodder & Stoughton London 1918).

W Wilson and A Shaw *President Wilson's State Papers and Addresses* (George H Doran Company New York 1918).

H Kraus *Vom Wesen des Völkerbundes* (Deutsche Verlags-Gesellschaft für Politik und Geschichte Berlin 1920).

F Pollock *The League of Nations* (2nd ed Stevens London 1922).

H Wehberg *Deutschland und der Genfer Völkerbund* (Oldenburg Leipzig 1923).

P Munch (ed) *Les origines et l'oeuvre de la Société des Nations* vols 1-2 (Gyldendal Copenhagen 1923-24).

W Schücking and H Wehberg *Die Satzung des Völkerbundes* (2nd ed Vahlen Berlin 1924).

C Rousseau *La compétence de la Société des Nations dans le règlement des conflits internationaux* (Péedone Paris 1927).

JS Bassett *The League of Nations: A Chapter in World Politics* (Longmans Green London 1928).

DH Miller *The Drafting of the Covenant* (Putnam New York 1928).

TP Conwell-Evans *The League Council in Action: A Study of the Methods Employed by the Council of the League of Nations to Prevent War and to Settle International Disputes* (Milford London 1929).

W Schücking 'Der Völkerbund' in B Harms (ed) *Volk und Reich der Deutschen: Vorlesungen gehalten in der Deutschen Vereinigung für Staatswissenschaftliche Fortbildung* vol 3 (Hobbing Berlin 1929) 52-84.

G de Rességuier *Les Sanctions militaires de la Société des Nations* (Les Presses Universitaires de France Paris 1930).

W Schücking, H Wehberg, and V Böhmert *Die Satzung des Völkerbundes* vol 1 (3rd ed Vahlen Berlin 1931).

J Ray *Commentaire du pacte de la Société des Nations selon la politique et la jurisprudence des organes de la Société* vol 1, vol 2 Supplements 1-4 (Sirey Paris 1931-35).

P Guggenheim *Der Völkerbund: Systematische Darstellung seiner Gestaltung in der politischen und rechtlichen Wirklichkeit* (Teubner Leipzig 1932).

T Marburg and JH Latané (eds) *Development of the League of Nations Idea: Documents and Correspondence of Theodore Marburg* (Macmillan New York 1932).

P Barandon *Das Kriegsverhütungsrecht des Völkerbundes* (Heymann Berlin 1933).

- CA Riches *The Unanimity Rule and the League of Nations* (Johns Hopkins Press Baltimore 1933).
- KW Davies *The Soviet Union and the League of Nations 1919–1933* (Geneva Research Centre Geneva 1934).
- PB Potter *The League of Nations and Other International Organizations: An Analysis of the Evolution and Position of the League in Cooperation among States* (Geneva Research Centre Geneva 1934).
- G Schwarzenberger *The League of Nations and World Order: A Treatise on the Principle of Universality in the Theory and Practice of the League of Nations* (Constable London 1936).
- O Göppert *Der Völkerbund: B. Organisation und Tätigkeit des Völkerbundes* (Kohlhammer Stuttgart 1938).
- GA Walz *Der Völkerbund: Die Entstehung der Völkerbundssatzung* (Kohlhammer Stuttgart 1939).
- A Zimmern *The League of Nations and the Rule of Law: 1918–1935* (2nd ed Macmillan London 1939).
- S Engel *League Reform: An Analysis of Official Proposals and Discussions, 1936–1939* (Geneva Research Centre Geneva 1940).
- ME Burton *The Assembly of the League of Nations* (University of Chicago Press Chicago 1941, reprinted by Fertig New York 1974).
- P de Azcárate *League of Nations and National Minorities: An Experiment* (Carnegie Endowment for International Peace Washington 1945).
- P-F Brugière *La sécurité collective 1919–1945* (Pedone Paris 1946).
- M Hill *The Economic and Financial Organization of the League of Nations: A Survey of Twenty-Five Years' Experience* (Carnegie Endowment for International Peace Washington 1946).
- H-J Schlochauer *Das Problem der Friedenssicherung in seiner ideengeschichtlichen und völkerrechtlichen Entwicklung: Akademische Antrittsvorlesung* (Hoffmann Köln 1946).
- WE Rappard 'Vues rétrospectives sur la Société des Nations' (1947) 71 RdC 111–225.
- P Barandon *Die Vereinten Nationen und der Völkerbund in ihrem rechtsgeschichtlichen Zusammenhang* (Rechts- und Staatswissenschaftlicher Verlag Hamburg 1948).
- G Niemeyer 'The Balance-Sheet of the League Experiment' (1952) 6 IntlOrg 537–58.
- FP Walters *A History of the League of Nations* (OUP London 1952).
- W Schiffer *The Legal Community of Mankind: A Critical Analysis of the Modern Concept of World Organization* (Columbia University Press New York 1954).
- B Dexter *The Years of Opportunity: The League of Nations, 1920–1926* (Viking Press New York 1967).
- J Barros *Betrayal from Within: Joseph Avenol, Secretary-General of the League of Nations, 1933–1940* (Yale University Press New Haven 1969).
- VY Ghebali *La Société des nations et la réforme Bruce: 1939–1940* (Centre Européen de la Dotation Carnegie Genève 1970).
- IL Claude *Swords into Plowshares: The Problems and Progress of International Organization* (4th ed Random House New York 1971) 41–56.
- P Gerbet, VY Ghebali, and M-R Mouton *Société des Nations et Organisation des Nations Unies* (Richelieu Paris 1973).
- RB Henig (ed) *The League of Nations* (Oliver & Boyd Edinburgh 1973).
- G Scott *The Rise and Fall of the League of Nations* (Hutchinson London 1973).

- VY Ghebali 'The League of Nations and Functionalism' in AJ Groom and P Taylor (eds) *Functionalism: Theory and Practice in International Relations* (University of London Press London 1975) 141–61.
- CM Kimmich *Germany and the League of Nations* (University of Chicago Press Chicago 1976).
- A Pfeil *Der Völkerbund: Literaturbericht und kritische Darstellung seiner Geschichte* (Wissenschaftliche Buchgesellschaft Darmstadt 1976).
- J Barros *Office Without Power: Secretary-General Sir Eric Drummond 1919–1933* (Clarendon Oxford 1979).
- United Nations Library Geneva (ed), *The League of Nations in Retrospect: Proceedings of the Symposium, Geneva 6–9 November 1980* (De Gruyter Berlin 1983).
- FS Northedge *The League of Nations: Its Life and Times 1920–1946* (Leicester University Press Leicester 1986).
- H Weber (ed) *Vom Völkerbund zu den Vereinten Nationen* (Deutsche Gesellschaft für die Vereinten Nationen Bonn 1987).
- P Yearwood 'On the Safe and Right Lines': The Lloyd George Government and the Origins of the League of Nations, 1916–1918' (1989) 32 *The Historical Journal* 131–55.
- K Magliveras 'The Withdrawal from the League of Nations Revisited' (1991) 10 *DickJIntlL* 25–71.
- TJ Knock *To End All Wars: Woodrow Wilson and the Quest for a New World Order* (OUP Oxford 1992).
- GB Ostrower *The League of Nations from 1919 to 1929* (Avery Garden City Park 1994).
- PJ Beck 'The League of Nations and the Great Powers, 1936–1940' (1995) 157 *WldAff* 175–89.
- G Beestermöller *Die Völkerbunds-idee: Leistungsfähigkeit und Grenzen der Kriegsächtung durch Staatensolidarität* (Kohlhammer Stuttgart 1995).
- TW Burkmann 'Japan and the League of Nations' (1995) 158 *WldAff* 45–57.
- C Fink 'The League of Nations and the Minorities Question' (1995) 157 *WldAff* 197–205.
- L Lloyd 'The League of Nations and the Settlement of Disputes' (1995) 157 *WldAff* 160–74.
- W Poeggel *Der Völkerbund als zwischenstaatliche Organisation für den Weltfrieden und die Haltung Deutschlands: Zum 75. Jahrestag der Gründung des Völkerbundes* (Rosa-Luxemburg-Verein e.V. Leipzig 1995).
- G Gill *The League of Nations from 1929 to 1946* (Avery Garden City Park 1996).
- United Nations Library Geneva (ed), *The League of Nations 1920–1946: Organization and Accomplishments. A Retrospective of the First International Organization for the Establishment of World Peace* (United Nations New York 1996).
- WF Kuehl and LK Dunn *Keeping the Covenant: American Internationalists and the League of Nations, 1920–1939* (Kent State University Press Kent 1997).
- A James 'The Peacekeeping Role of the League of Nations' (1999) 6 *International Peacekeeping* 154–60.
- A Anghie 'Colonialism and the Birth of International Institutions: Sovereignty, Economy, and the Mandate System of the League of Nations' (2002) 34 *NYUJIntlL&Pol* 513–633.
- N Matz 'Civilization and the Mandate System under the League of Nations as Origin of Trusteeship' (2005) 9 *MaxPlanckUNYB* 47–95.
- AHM van Ginneken (ed) *Historical Dictionary of the League of Nations* (Scarecrow Press Lanham 2006).

Select Documents

Covenant of the League of Nations (adopted 28 June 1919) 225 CTS 195.

F Knipping, H von Mangoldt, and V Rittberger (eds), *The United Nations System and Its Predecessors* vol 2 *Predecessors of the United Nations* (OUP Oxford 1997).

H Aufricht, *Guide to League of Nations Publications* (Columbia University Press New York 1951).

League of Nations (ed), *The Development of International Cooperation in Economic and Social Affairs* (League of Nations Geneva 1939) League of Nations Documents A. 23.1939.

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare (signed 17 June 1925, entered into force 8 February 1928) 94 LNTS 65.

Statute for the Permanent Court of International Justice: Protocol of Signature (signed 16 December 1920) (1920) Procès-Verbal of the Eleventh Session of the Council of the League of Nations 137.

Treaty of Peace between the Allied and Associated Powers and Austria (signed 10 September 1919, entered into force 8 November 1921) 225 CTS 482.

Treaty of Peace between the Allied and Associated Powers and Germany (signed 28 June 1919, entered into force 10 January 1920) 225 CTS 188.

Treaty of Peace between the Allied and Associated Powers and Hungary (signed 4 June 1920, registered 24 August 1921) 6 LNTS 187.

VY Gheballi and C Gheballi (eds) *Carnegie Endowment for International Peace: A Repertoire of League of Nations Serial Documents, 1919-1947* vols 1-2 (Oceana Publications Dobbs Ferry 1973).