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THE LEAGUE OF NATIONS

Lecture delivered by

Mr. Pierre Boal

at the

Naval War College
Newport, R.I.
10 January, 1930.

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MR. BOAL'S LECTURE

(Corrected to January, 1930)

THE LEAGUE OF NATIONS.

Lecture 10 January, 1930

The League of Nations came into being on January 10, 1920. The Covenant, which might be called its Constitution, formed an integral part, Part I, of the Treaty of Versailles.

The preamble to the Covenant sets forth the purpose of the League as follows (see Lecture 1.)

To carry out this purpose, besides the League itself, the following structures have been set up.

1. The International Labor Organization created by Part XIII of the Treaty of Versailles. Its budget is paid by the League, and it cooperates with the League in certain technical questions such as Refugees. Otherwise it is an autonomous organization.

2. The Permanent Court of International Justice at The Hague, popularly known as the World Court. The League pays the budget of the Court, drew up its statute, and through the Council may ask the Court for advisory opinions.

Organization of the League.

1. The Council is the executive body of the League. It consists of the fourteen following States:

Permanent Members: Great Britain, France, Germany, Italy and Japan.

Non-Permanent Members: Elected for a three year term, Peru, Poland, Yugoslavia, Canada, Cuba, Finland, Venezuela, Persia, and Spain. To ensure rotation of non-permanent members, a provision is made by which all states completing their term may not be elected again for a period of three years, unless as in the case of Spain and Poland they are declared re-eligible by a two-thirds majority of the Assembly.

The Council now meets three times a year unless there is reason for a special session. So far fifty-seven meetings have been held.

The Council in accordance with the Covenant "may deal with any matter within the sphere of action of the League or affecting the peace of the world."

All its decisions except on matters of procedure require a unanimous vote.

During the consideration of any matter specially affecting its interests, any State not represented on the Council, whether a member of the League or not, is invited to sit as a member of the Council.

The Council is especially concerned with the protection of minorities, mandates, the reduction of armaments, the Government of the Saar and the execution of all decisions of the Assembly.

It names commissions, deals with any problem brought before the League, and generally directs the whole work of the League.

2. The Assembly, like the Council "may deal with any matter within the sphere of action of the League or affecting the peace of the world".

It is a general conference of all members, fifty-four in number, which meets in September every year. It reviews the whole work of the League, passes the budget of about \$5,000,000, and by resolutions requests the Council to take up new work. Sometimes it elaborates draft conventions for signature or adherence. It elects the non-permanent members of the Council, and the Judges of the Permanent Court.

Perhaps its greatest value is as an international forum where any state, however small, may air its ideas, only naturally the greater the state, the more attention is paid to these ideas.

The Assembly works by Committees as do other international Conferences. There are six of these, Legal, Technical, Arbitration, Security and Disarmament, Internal Administration, Social and Political, on each of which

every State may have a representative.

All resolutions of the Assembly must be unanimous except on procedure. In practice this rule leads to compromise until all states are willing to accept resolutions, or at least abstain from voting against them.

3. The Secretariat is the permanent civil service of the League. It is composed of about six hundred officials from nearly forty nations appointed by the Secretary General and responsible to him, not to their respective Governments.

It does all the secretarial work of the League, including the preparatory work for the Council, Assembly and all Conferences, and executes their decisions.

The Secretary-General, Sir Eric Drummond, was appointed by the Peace Conference. He is an Englishman, and there are in addition a French Deputy Secretary-General, and Italian, German and Japanese Under Secretary-Generals.

The Secretariat is divided into eleven sections covering all aspects of the work of the League. These are the: Political, Juridical, Financial and Economic, Disarmament, Transit, Mandates, Minority and Administrative, Social, Health, Intellectual Cooperation and Information Sections.

The Secretariat possesses considerable weight in the League inasmuch as its members are experts in their respective fields, and have great influence with delegates to the Council, Assembly or Commissions.

Apart from the machinery already mentioned there are two sorts of permanent bodies set up by the League,

A. Technical Organizations.

B. Advisory Committees.

The first consist of the Financial and Economic Organization, the Transit and Communications Organization and the Health Organization. Of these the second is the most complete, and may be described briefly. It consists of:

1. An Advisory Committee composed of one member from States permanently on the Council and other States chosen by the General Transit and Communications Conference. Its duties are to prepare the work for the General Conference, assist the League in discharging the duties entrusted to it by the Treaties of Versailles and other treaties, in the investigation of any dispute in transit question, and report upon the working of conventions adopted by the General Conference. Its position in the Organization might be regarded as analogous to that of the Council in the League.

2. A General Transit and Communications Conference analogous to the Assembly, which has met three times since 1920. It may draw up international Conventions, make recommendations to the Governments, or submit resolutions

to the Assembly. The United States was represented at the last meeting in 1927.

3. The Transit Section of the League Secretariat which serves as the Secretariat of the Transit Organization.

B. The Permanent Advisory Commissions consist of the Permanent Advisory Committee for Military, Naval, and Air questions, the Economic Consultative Committee, the Permanent Mandates Commission, the Committee on Intellectual Cooperation, the Opium Advisory Commission and others. All these Commissions meeting periodically work in conjunction with Sections of the Secretariat. Frequently this work leads to the calling of international conferences to deal with questions which are ready for such treatment.

In addition temporary Committees are appointed by the Council from time to time such as the Preparatory Commission for the Disarmament Conference, which will finish its work when the Disarmament Conference is called.

Finally there are numerous administrative organs of the League, such as the Saar Governing Commission, High Commission for Danzig, Greek Refugees Settlement Commission and others which also work in cooperation with the appropriate sections of the Secretariat.

The method of the League on any subject consists of investigation by experts until an international conference can be called to draw up a convention. Even when a convention is drawn up the Secretariat does not cease work on the subject, but follows the working of the Convention, endeavors to encourage its ratifications, and investigates new work in connection with it which might lead to further conventions.

Turning now to the actual work of the League of Nations. The League may be viewed from three points of view:

1. The League to enforce the Peace Treaties. The League was entrusted with many duties by the Treaty of Versailles, such as the Government of the Saar, and responsibility for Danzig under its High Commissioner. It inherited in its early days other duties from the Conference of Ambassadors in Paris such as tracing the boundary between Poland and Germany in Upper Silesia, and the frontier between Poland and Czechoslovakia, and quite recently the responsibility of sending an enquiry Commission into Germany, Hungary, et cetera, in the event that the disarmament provisions of the Peace Treaties are not carried out.

Naturally these activities caused the League much

unpopularity among the Central Powers in its early days, and led to complaints that the Council was under Allied influence. Before 1924 the representatives on the Council did not consist of the first statesmen of the Great Powers, and the Council was sometimes overshadowed by the representatives of these Powers on the Conference of Ambassadors. Since 1924, however, it has been the custom for the British and French Foreign Ministers to attend the Council, and the entrance of Germany in 1926 removed the predominantly "Allied" character of the Council.

II. The League to Prevent War. The most important as well as the most interesting duty entrusted to the League is that of preventing war. In Article 10 of the Covenant "The Members of the League undertake to respect and preserve against external aggression the territorial integrity and existing political independence of all Members of the League".

Under Article 16 the members agree to cooperate in financial economic and, if necessary, military sanctions against any state which the Council declares by unanimous vote (not including the parties to the dispute) has broken its promises in the Covenant.

In this field the League has fallen short of the high hopes of some of its founders, but it has been at work

unremittingly on this problem by endeavoring to increase the security of member states, encourage arbitration and achieve the reduction of armaments promised in Article 8 of the Covenant.

An ambitious attempt in this field was the protocol for the Pacific Settlement of International Disputes drawn up at the 1924 Assembly, but not adopted because Great Britain was unwilling to ratify it. This document went much further than the Covenant in its automatic machinery it provided for the settlement of disputes.

Since the failure of the Protocol the League has encouraged arbitration treaties amongst its Members and treaties such as those of Locarno. The Assembly of 1928 has elaborated a General Act covering arbitration, conciliation and juridical settlement by the World Court, which is to be submitted to ⁸ States members and non-members of the League. A Committee of Eleven will meet early in 1930 to amend the Covenant in accordance with the obligations contained in the General Pact for the Renunciation of War, in order to eliminate the "gaps" in the Covenant which permit a state to go to war after a three months' delay if the Council is unable to reach a unanimous decision.

Since the founding of the League attempts have been made looking towards the reduction of armaments. The

Preparatory Commission for the Disarmament Conference was convoked in 1928, and after nearly three years work is still striving for an agreement which will allow a general Disarmament Conference to be called. The United States has been and is represented on the Preparatory Commission.

The machinery of the League to effect peaceful settlement of actual disputes has been used on many occasions. Perhaps the most notable instances have been:

1. The Aaland Island's Settlement concerning a dispute over the ownership of these Islands between Sweden and Finland. The question was brought in 1920 before the Council by the British Government under Article 11 of the Covenant as a "circumstance.....affecting international relations which threatens to disturb international peace." Eventually a Committee of Inquiry was sent to the Islands and its report, giving Finland ownership with guarantees that the Swedish character of the Islanders should be preserved, was accepted by both countries.

2. Vilna. The Polish-Lithuanian boundary was, by the Treaty of Versailles, to be fixed at a later date. In 1920 the Council sent a military commission to the spot to avert hostilities between Poland and Lithuania, which obtained the consent of both to a provisional agreement. In October, 1920, General Zeligowski took Vilna on his own initiative, and the Polish Government,

while disclaiming responsibility, took no measures to evict him. The Council succeeded in preventing hostilities in the Vilna district, but was unable to settle the boundary question which remained open.

In 1923 the Conference of Ambassadors, acting under the Treaty of Versailles, drew up the definite boundary including Vilna in Poland.

3. The Memel dispute was referred to the League by the Conference of Ambassadors, and was settled by another Commission of Inquiry under Norman H. Davis, giving Lithuania the city, but giving Poland rights of transit therein.

4. Corfu was seized by Italy as a reprisal for the murder of prominent Italians in Greece. The Council investigated the problem on the appeal of Greece, and made recommendations, but the Conference of Ambassadors, on whose business the murdered Italians had been, took over the question and effected a settlement along the lines suggested by the Council.

5. The frontier of Iraq with Turkey, including Mossul. A League Inquiry Commission suggested a delimitation which Turkey would not accept. The Permanent Court was asked for an advisory opinion as to the decision to be made by the Council, which it decided must be unanimous (not counting the parties) and was binding ac-

ording to the Treaty of Lausanne. Turkey refused to accept the Council's decision, but eventually came to an agreement with the British Government which made only a minor change in the League's delimitation.

6. The most successful instance of League action was in the Greco-Bulgarian dispute in October, 1926. The rapid and successful handling of this situation was probably due to the fact that the Great Powers would not tolerate an outbreak of war in the Balkans. Greece actually invaded Bulgaria following a frontier incident. The Bulgarians withdrew and telegraphed the Acting President of the Council, M. Briand. The Council met in three days, one member coming by airplane, and gave both powers twenty-four hours in which to inform it they had ordered a withdrawal, and sixty hours in which to complete this withdrawal. The military attaches of Great Britain, France and Italy at Belgrade were ordered to the spot to report to the Council the execution of its decisions. When the danger of war was past an Inquiry Commission was sent to Bulgaria to report on the responsibility and the damages to be paid.

III. The League to promote international cooperation. If the progress of the League as a guarantor of security would have disappointed some of those who founded it, its development in technical, humanitarian, health and economic fields would have astonished them greatly.

In this part of its work the political obstacles to international action are not so great, and its benefits more easily attained.

Some of the branches of this side of the League's activities may be mentioned briefly, preferably those of particular interest to the United States.

In the Financial field the reconstruction of Austrian and Hungarian finances was a valuable contribution to the rehabilitation of Europe. In both cases the currency had become practically worthless and new loans were powerless to prevent this collapse. The League floated international loans, created new banks of issue independent of the governments, and arranged for a twenty year moratorium in their reparation obligations. High Commissioners were appointed by the League with temporary financial control of these countries, the Commissioner to Hungary being an American, Mr. Jeremiah Smith. Within four years both countries were financially on their feet again.

Besides this work the League arranged loans for the settlement of Greek and Bulgarian refugees under the control of High Commissioners, Mr. Morgenthau, Mr. Howland and Mr. Eddy in the case of Greece, and arranged for a loan to Esthonia. The League has also been investigating the problem of double taxation and tax evasion.

The greatest accomplishment in the Economic field was the International Economic Conference in May, 1927, attended by many of the foremost bankers, industrialists and economists from all countries in the world.

The American delegation to this Conference consisted of Henry M. Robinson, Norman H. Davis, John W. O'Leary, Alanson E. Taylor, Julius Klein and others. The Conference did not draw up Conventions or come to decisions binding the governments, but endeavored to put before the world the opinion of its members on world problems of industry, commerce and agriculture.

Other economic work has been a Convention on Import and Export Prohibitions and Restrictions which the United States has signed and ratified and investigations concerning arbitral awards in commercial matters, Bills of Lading and Economic Statistics.

In endeavoring to secure freedom of Transit and Communication the League has dealt among other things with Simplification of Customs Formalities, river and railroad traffic in Europe, transmission of electric power, development of hydraulic power, maritime ports, reform of the calendar and passports.

The Social or humanitarian efforts of the League have included the traffic in opium, the traffic in women and children and other work. Its anti-opium activities have resulted in the Geneva Opium Convention of 1925, an Advisory

Committee on opium which meets regularly at Geneva and a Permanent Central Board. An opium enquiry has been carried out in Persia, and another now visiting the Far East.

The work in regard to the traffic in Women and Children consists of a Convention adopted in 1921, an Advisory Committee which meets regularly, and a special enquiry into the subject by a body of Experts. The United States has been interested in the humanitarian work of the League, and connected with it through observers and sometime delegations to conferences.

The suppression of slavery is provided for by a special Convention ratified by the United States. Early in 1930 a Commission consisting of a Liberian, an American, and a member appointed by the League, is, on the request of the Liberian Government, to make investigations concerning the export of slaves from Liberia to Spanish possessions in Africa.

The Health activities of the League has been very wide, extending into the Far East and Latin America, and has been aided financially by grants from the Rockefeller Foundation. There is a Bureau at Singapore which sends weekly information concerning epidemics to Geneva,

from where it is distributed throughout Europe. International enquiries have been made into Sleeping Sickness, Malaria, Cancer, Tuberculosis, Smallpox, Colera, Scarlet Fever, and other diseases. American doctors have been prominent in these activities. At the same time a great many publications are put out covering the international aspects of disease.

In the Treaties of Peace the German Colonies and parts of the Turkish Empire were turned over to various allied Powers to be administered "as a sacred trust of civilization" under Mandate from the League.

The most advanced, the A mandates, Palestine, Syria and Iraq, are administered "until such time as they are able to stand alone". It is interesting to note that a recent Treaty between Great Britain and Iraq provides for the entry of Iraq into the League in 1932, thereby terminating the Mandate.

The B mandates, Tanganyika, Kameruns, Togoland and Ruanda-Urundi, are administered upon a more permanent basis, and the C mandates, former German South West Africa, and islands and territories in the Pacific are governed by the Mandatory Power as integral parts of its territory.

Reports upon these territories are submitted annually to the Permanent Mandates Commission, which serves as an organ of publicity on the administration of the Manda-

tory Powers, who consist of Great Britain, France, Japan, Australia, New Zealand and Belgium.

All members of the League are guaranteed opportunities of trade and commerce equal to those of the Mandatory Powers. The United States has, by treaty with these Powers, received these same rights.

Apart from the League itself there are the two autonomous organizations referred to above, which must be sketched briefly.

The Permanent Court of International Justice, provided for in Article 14 of the Covenant, consists of 15 Judges, and has its seat at The Hague. It is competent to hear and determine any dispute of an international character which the parties concerned refer to it, and the Council and Assembly may also, with the consent of the parties, refer disputes to it for judicial decision.

Questions of fact as well as questions of law may be submitted. But no State may cite another before the Court unless this procedure is provided for by a treaty.

Such a provision is the so-called "Optional Clause" Article 36 of the Court Statute, by which the signatories to this clause accept as compulsory and without special agreement the jurisdiction of the Court in any legal disputes concerning:

1. The interpretation of a treaty.
2. Any question of international law.
3. The existence of any fact which would constitute a breach of international obligations.
4. The reparation to be made for such a breach.

The Permanent Court of International Justice, the "World Court" is quite distinct from the Permanent Court of Arbitration established in 1907. The World Court is a permanent institution sitting continuously, and handing down judicial decisions, while the latter is a list of names from which an arbitral tribunal may be made up for a specific case.

The Judges of the Court are nominated by the national groups of the Permanent Court of Arbitration. The requisite number of Judges is then elected for a nine year term by the Council and Assembly voting separately. Judge Moore, the former American Judge on the Court, and Mr. Hughes who is now sitting, were nominated by several of the national groups and elected in this manner. They have no connection with the United States Government.

In judgments the Court has four divisions:

1. The full court.
2. Court for Labor cases, of five members.
3. Court for Transit and Communication cases of five members.

4. Court for Summary Procedure of three members, which, by mutual agreement, may be utilized for more rapid action.

The Court may also give advisory opinions on the request of the Council, such opinions being handed down in the same manner as a judgment. In practice these advisory opinions have been at least as important as the judgments.

Presidents Harding and Coolidge both urged American membership in the World Court. On January 27, 1926, the Senate passed a resolution in favor of adherence with certain reservations, the second half of the fifth reservation being "nor shall it (the Court) without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest." The Court signatories meeting at Geneva in September, 1926, found themselves unable to accept these reservations as they stood, feeling in particular that the fifth reservation might be so construed in certain circumstances as to hamper the action of the Council in the settlement of a dispute.

No action was taken by the Government on the replies received from the members of the Court at the time, but on February 10, 1929, the question of the United States

joining the Court was reopened by Secretary Kellogg. As a result this question was considered in March by a Committee of Jurists, which included Mr. Root, and the measures adopted by them were finally approved by another conference of states members of the Court which met in Geneva on September 4.

The Protocol adopted provides a mechanism by which the Fifth Reservation of the Senate, as well as its other reservation, may be safeguarded in practice. In a dispute in which the United States "has an interest" the Court, following the precedent of the Eastern Carelia case, and according to the terms of Article 68 of the Revised Statute, cannot give an advisory opinion without the consent of the United States. In the small field of cases in which the United States "claims an interest" but does not actually have one; to the satisfaction of all parties, the following machinery is provided.

"When the Council considers asking the Court for an advisory opinion, the United States will be informed through a designated channel, and if the United States so desires, an exchange of views will be held between the Council and the United States as to whether the Council shall proceed with its request for an advisory opinion.

It is further provided that when the Court is asked for an advisory opinion, the Registrar of the Court shall inform the United States and if the United States so de-

sires, proceedings shall be temporarily stayed. Thus the United States will have a second opportunity of proceeding to an exchange of views with the Council.

If after this exchange of views the Council shall vote to proceed with the request for an advisory opinion, the vote of the United States will have equal weight to that of any other member of the Council. Furthermore, the United States is at liberty to withdraw from the Court at any time without any imputation of unfriendliness.

The other autonomous organization, the International Labor Organization, was formed to ensure "Social Justice" and "Humane Conditions of Labor." It consists of a general Conference analogous to the Assembly of the League, a Governing Body which acts as its directing body, and the International Labor Office at Geneva which forms its Secretariat.

The General Conference is composed of four delegates from each state, two representing the government, one the employers and one organized labor. The Conference adopts draft conventions which are submitted to the states for ratification, the most famous of which is the forty-eight hour Convention adopted in 1919, which has been ratified by fourteen states, but has not yet gone into effect.

The Governing Body is composed of four delegates each of eight leading industrial powers, two government, one employer and one labor as in the Conference. It meets four or more times a year.

The International Labor Office in Geneva collects data and information on all matters connected with industrial life.

It is divided into three divisions:

1. The Research Division.
2. Intelligence and Liaison Division.
3. Diplomatic Division which handles relations with the Governments.

The relations of the United States Government with the International Labor Organization have not been important, although the first General Conference was held in Washington in 1919. In this connection it might be mentioned that the Federal form of Government wherein labor legislation varies among the States would present obvious complications in ratifying labor conventions even if the United States were a member of this organization.

The attitude of the United States toward the League of Nations has undergone considerable changes. When the Covenant was drawn up, the United States was expected to play a leading part in the League. In 1920 the question of the United States joining the League was definitely

decided. Since then our cooperation with the non-political activities of the League has grown as these activities have become more extensive. In the questions regarding armaments, which concern all nations, the United States has been playing a full part. In general our attitude might now be said to be helpful cooperation in non-political questions.