League of Nations

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The Treaty of Versailles was signed on 28 June 1919, the same day on which the League of Nations was founded, with the principal goals of safeguarding world peace and promoting international cooperation. The League of Nations Covenant, as part of all of the Paris peace treaties, is viewed as the instrument for monitoring those treaties. The League was a key agent in the transition from a world of formal empires to a world of formally sovereign states.[1] Despite its effectiveness for international cooperation, the League failed to safeguard peace.

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Introduction
In a speech to Congress on 8 January 1918, Woodrow Wilson (1856-1924) presented the “Fourteen Points,” the last of which called for a general association of nations to be formed to afford “mutual guarantees of political independence and territorial integrity to great and small states alike.” After Wilson and others discussed various proposals, such a general association of nations came into being as the League of Nations.

Emergence of the Idea of the League of Nations

Since the Middle Ages, scholars and statesmen had considered the idea of a covenant of nations as a general means of safeguarding peace. In the “Project for Perpetual Peace” of 1712/1713, Abbé de Saint-Pierre (1658-1743) presented a template for the later League of Nations, while Immanuel Kant (1724-1804) first used the German term Völkerbund. Efforts by governments to codify international humanitarian law found expression in the Hague Conventions of 1899 and 1907, with the resulting establishment of the Permanent Court of Arbitration in The Hague. The Institut de Droit International and the International Law Association, both founded in 1873, were related private initiatives. All of these efforts, mentioned here by way of example, represent responses to progressively international economic relations and the international peace movement. It was in this context that statesmen from the Entente powers as well as neutral countries and Germany, in addition to private organisations such as the League to Enforce Peace (USA) and the League of Nations Society (UK), proposed a world peace alliance during the First World War. Presenting a plan for a League of Nations entitled “Proposals for the Maintenance of Future Peace,” former deputy foreign secretary Lord Robert Cecil (1864-1958) became one of the most diligent proponents of the idea, along with Prime Minister David Lloyd George (1863-1945) and, later, French Prime Minister Alexandre Ribot (1842-1923) and Woodrow Wilson, the latter was one of the strongest proponents of a global peace alliance. In his famous speech before Congress on 8 January 1918, Wilson impressively set forth his vision of ending war for all time through a peaceful international order. That peaceful order was to be built on basic principles such as a league of nations, nations’ right to self-determination, and collective security. In mid-1917 Prime Minister Lloyd George established a commission, chaired by Walter Phillimore (1845-1929), which later presented an initial report in March 1918; the chairman of the French government commission, Léon Bourgeois (1851-1925), published his report in June of the same year. Subsequently, South African General Jan Christian Smuts (1870-1950) presented a plan entitled “The League of Nations: A Practical Suggestion” in December 1918.

Supported by his closest aid Colonel Edward House (1858-1938), Wilson began to elaborate a draft covenant for a league of nations, while incorporating ideas contributed by both Robert Cecil and Smuts.
Setting up the League of Nations at the Paris Peace Conference

Wilson’s goal at the Paris Peace Conference was to both establish his plan for a peaceful world order and have the Covenant for the League of Nations tied to the peace treaties.

On 3 February 1919 the US president was appointed to chair a commission, which had the task of defining the terms of what was to become the Covenant. To negotiate the emerging League of Nations in Paris, each of the Great Powers was represented by two envoys; the British government, for example, sent Jan Smuts and Robert Cecil, while Léon Bourgeois and Ferdinand Larnaude (1853-1942), dean of the law faculty of the University of Paris, represented the French government. Besides the envoys of the Great Powers, five representatives of the smaller powers attended the League Commission meetings at Hotel Crillon. Protesting the over-representation of the Great Powers, the smaller powers under the leadership of Belgian Foreign Minister Paul Hymans (1865-1941) ultimately succeeded, with the support of France and Italy, in getting through their proposal to supplement the League Council with an additional four delegates of the smaller powers. During the struggle for these additional representatives, Hymans confronted Cecil by arguing: “What you propose is a revival of the Holy Alliance of unhallowed memory.”[15]

No later than 14 February, Wilson presented to the Peace Conference a draft covenant, which was ultimately based on the proposal by lawyers David Hunter Miller (1875-1961; USA) and Cecil Hurst (1870-1963; UK). In their draft they had in turn incorporated ideas put forth by Cecil and Smuts as well as House and Wilson.[16] Wilson subsequently returned to the United States to gather support for his plan. There he was confronted with strong Republican opposition. On Wilson’s return, the Peace Conference unanimously approved a revised draft of the Covenant of the League of Nations on 28 April 1919.[17] As the Covenant was included in the Treaty of Versailles, 28 June 1919 is considered the official signing date of the 26 articles of the Covenant of the League of Nations.[18] The Covenant became effective as of 10 January 1920, upon ratification of the Treaty of Versailles.

Functioning of the League

The League of Nations launched its activities as of 16 January 1920.[19] Its primary goal was to safeguard international peace. Correspondingly, the preamble to the Covenant contains a commitment by the Member States to a relative ban on war, to just and honourable relations between nations, to establish international law, and to respect treaty obligations.[20]

The Covenant is undoubtedly a historic document of primary importance, reflecting an ideal state of affairs that could not, however, be maintained in reality, as would become clear very shortly.[21] Indeed, it was already apparent in the terms of membership.

Membership and institutions

The League of Nations distinguished between original Members and states later accepted into the
League, while a “Dominion or Colony” could also join the body (Art. 1(2)). The “original” Members included the allied powers and associated states as well as neutral countries, that is, the 32 signatory states of the peace treaties. The second membership category included the 13 states that acceded to the Covenant within two months of when it came into force. The original group of 45 states decreased by three after the United States, Ecuador, and the Hejaz (Arabia) failed to ratify the peace treaties. The United States’ refusal to join was a first indication of the League’s ultimate demise.

Between 1920 and 1937, 21 nations joined the League and 17 withdrew. Such withdrawals took place in fact without observing stipulated conditions, such as a two-year notice period (Art. 1(3)). Only once, in 1939 when the Soviet Union attacked Finland, was a country expelled based on Art. 16(4), violating an obligation set out in the Covenant. The composition of the League’s Council was affected by the accession and withdrawal of states. The Council was made up of the five representatives of the principal allied and associated powers (permanent Members) and representatives of four other League Members (non-permanent Members). It was up to the Assembly of the League to designate the other four Members (Art. 4(1)), which led to frequent disputes among the Member States. Instead of the originally intended ratio of five permanent to four non-permanent Council Members, the ratio was a balanced 4:4 after the United States failed to join. Germany became a permanent Member in 1926 but later relinquished its seat to the Soviet Union after withdrawing in 1934. The number of non-permanent Members was increased to six in 1922. By 1938 the Council consisted of three permanent and 11 non-permanent Members. The Council was obliged to meet at least once a year. Decisions by the Assembly and Council were required to be unanimous (Art. 5(1)).

In addition to the Assembly and the Council, the League’s principal organs included the Permanent Secretariat (Art. 2-7). The Assembly consisted of three representatives of a Member State at most but with each state having only one vote. Regular sessions were held according to an agreed schedule. Extraordinary sessions could be convened in response to current events, such as the session held to vote on acceptance of the German Reich into the League. The Assembly’s responsibilities comprised “any matter within the sphere of action of the League or affecting the peace of the world” (Art. 3). This mandate overlapped with that of the Council, which resulted in duplication of tasks to some degree. The permanent Secretariat (Art. 6), with its seat at the “Palace of Nations” in Geneva, had the tasks of keeping records and managing the League’s extensive business affairs and served as the League’s “memory bank.” Its head was the General Secretary, initially Sir James Eric Drummond (1876-1951), who was succeeded by Joseph Avenol of France (1876-1951); Seán Lester (1888-1959) of Ireland was the last to hold the office (from 1940 to 1946). All representatives of the League’s Member States and the delegates to the League had diplomatic status and all offices were equally open to men and women alike (Art. 7(3)). In addition to liaison offices at London, Rome, Paris, Tokyo, and Berlin, the Secretariat had its own radiotelegraph station: Radio-Nations at Prangins near Geneva. At Geneva, internationalism was put into practice, institutionalized, and acted out; yet interwar internationalism depended less on faith and more on structure, with a genuinely transnational officialdom its beating heart, an approach now
known as the “spirit of Geneva.”[27]

The Covenant provided for auxiliary bodies to be established to assist the Council when unable to meet its responsibilities, specifically commissions for military affairs (Art. 9) and for mandates (Art. 22).[28] Art. 14 provided for the establishment of a Permanent Court of International Justice, which was not a League body.

Arbitration, Collective Security, and the Relative Ban on War

The League of Nations’ main task in policy matters was to safeguard world peace by institutional means, based on the two pillars of peaceful arbitration and collective security. Disarmament was seen as a prerequisite, as Wilson had already proposed in the fourth of his Fourteen Points in 1918. The Member States accordingly undertook to reduce “national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations” (Art. 8). With the aid of the relevant commission, the Council was to formulate plans for disarmament. Even the first attempt at such plans, the Geneva Protocol of 2 October 1924, failed due to rejection by Great Britain. The Council subsequently established a commission in 1925 to prepare an international disarmament conference.[29] The “World Conference for the Reduction and Limitation of Armaments” convened on 2 February 1932 in Geneva and was later interrupted in late July due to lack of progress, only to be continued in early 1933. Adolf Hitler (1889-1945) had become German chancellor in January and his rearmament plans were diametrically opposed to the conference goals. Thus, on 14 October 1933, he not only left the conference but even declared Germany’s withdrawal from the League.[30] While this meant the League’s failure in the disarmament issue, various initiatives by the Member States did in fact meet with success.

In addition to arms reduction, the core themes of the Covenant are: a relative ban on war, peaceful arbitration of disputes, and collective security. Art. 10 committed the Members to a comprehensive guarantee of the territorial integrity and independence of all League Members and empowered the Council to take appropriate measures in case of a failure to comply with these obligations. The territorial status quo as of 1920 was thus protected and ensured. Countries claiming territory after the First World War were consoled with Art. 19 of the Covenant but were not successful in having international borders reviewed, which would have required a unanimous Assembly decision.[31] The Treaty of Locarno, which guaranteed the German-Belgian and German-French borders as drawn in the Treaty of Versailles, later supplemented Art. 10.

The Covenant does not contain a general ban on war. Specifically, Art. 11 declares any war or threat of war to be a matter of concern to the League. In the early years of the League, the Member States invoked that article in almost every dispute. Based on the Covenant, the Member States were obliged to resolve disputes peacefully, with three potential means specified: arbitration, judicial settlement, or enquiry by the Council (Art. 12). Art. 13 details the types of disputes, potentially related to the interpretation of a treaty, any question of international law, or a breach of any international
obligation (Art. 13(2)). The Member States undertook to respect court decisions and to not resort to war against any country complying with such a decision. Disputes had to be submitted either to a court stipulated on an ad hoc basis or to the Permanent Court of International Justice referred to in Art. 14 and later established in The Hague in 1920. Art. 13 proved lacking as a legal basis and various League Member States later signed arbitration or settlement agreements such as the Treaty of Locarno. Art. 15 defined the elaborate settlement procedure. In only few cases did the League initiate Art. 15 procedures, among them the Manchuria Crisis (1931-1933), while Haile Selassie (1892-1975) also invoked the article on the eve of the Abyssinian War. Of the 24 disputes referred to the Council of the League of Nations between 1921 and 1936, it resolved only five cases successfully, all of these involving small or medium-sized countries, while six cases remained unresolved.

The aforementioned articles infer the possibility of a legal war after certain deadlines had been observed, in cases involving self-defence against an intransigent party or where arbitration failed due to a lack of a unanimous Council decision. In the event of a legal war, the attacked states and all League Members were free to act; in other words, in addition to self-defence, it was permitted to aid parties legally resorting to war. The League of Nations was incapable of achieving a relative ban on war and much less a general prohibition. In contrast, initiatives by various statesmen appeared more promising at first. Specifically, the 1925 Treaty of Locarno banned war and guaranteed Germany’s current western borders, while the Kellogg-Briand Pact of 27 August 1928 renounced war as a means of last resort for resolving international disputes. Such a multilateral agreement nonetheless had no mechanisms for ensuring enforcement or proving guilt. The Kellogg-Briand Pact had much greater symbolic than practical importance.

The League committed itself to the principle of collective security, as expressed clearly in Article 16: “Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall ipso facto be deemed to have committed an act of war against all other Members of the League ...” Any violation was sanctioned through economic or financial boycott or by expelling the perpetrator from the League (Art. 16 (4)). The Council was to decide the military support to be contributed to the League’s armed forces by the various Member States. The main shortcoming of Art. 16 was to make participation in economic and military sanctions dependent on the individual Member State’s judgement as to whether a case for applying sanctions did indeed exist. Besides that, the Council could only propose sanctions under unanimous vote – with the exclusion of the aggressor. Thus, just one Council Member could block the sanction regime. This meant the death of automatic sanctions, the basis of the collective security system. Non-members were also to be included in the system of collective security, regardless of whether they were involved in disputes amongst themselves or with a Member State (Art. 17). The League could not implement the principle of collective security in practice and applied Art. 16 only once (without effect), against Italy in the Abyssinian conflict of 1935/1936. While the League Members had committed to economic sanctions, it was recognised that these alone were ineffective. The League Members were not obliged to take
military action.

The Mandate System

The parties at the Paris Peace Conference discussed the option of establishing a mandate system based on Smuts’ earlier proposal.[39] While the latter’s main interest was in controlling German South West Africa, Wilson hoped to achieve peace without annexations. Ultimately, the Paris Peace Conference agreed on a plan to put all “conquered territories in trust” as “mandates” under the League of Nations.[40] Administration of the mandate territories was entrusted to a Permanent Mandates Commission which was supported by the League Secretariat and consulted regularly in Geneva beginning in 1921.[41] The League pursued a kind of civilising mission, in line with Wilson’s fifth point: “the well-being and development of such peoples” was “a sacred trust of civilisation” (Art. 22) and thus the “advanced nations” were entrusted with “the tutelage” of peoples “which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves” (Art. 22).

It should be noted in this context the attempt, as early as February 1919, of the Japanese delegate to the Paris Peace Conference, Count Makino Nobuki (1861-1949), to have the League Commission enshrine the “principle of racial equality” in the Covenant. In arguing for the proposal, Makino cited racial and religious prejudices, which had often been the cause of wars in the past. Yet, facing opposition from the representatives of the British Dominions, the suggestion was rejected.[42]

The participants at the Paris Peace Conference set up a system of mandates to be applied to the German colonies and the Arabic-speaking territories of the Ottoman Empire. Great Britain and France received the majority of mandates, while Japan, South Africa, Australia and New Zealand, and were awarded smaller portions. Italy was awarded none at all.[43]

At the Paris Peace Conference, the participating states discussed the issue of Armenia and sought a mandate. However, the United States and the European powers all refused to accept the mandate. The League of Nations subsequently declared that it had neither the funds nor the troops to be able to guarantee Armenia’s integrity.[44] Depending on developmental progress, the inter-allied supreme commission classified various territories as A, B, or C mandates.[45] The system was to be discontinued when the countries became independent. Only Iraq (1932) and Lebanon (1943) finally gained independence and only Iraq became a League Member.[46] “The Mandates System didn’t really help states climb the ladder to independence, to the contrary it appeared to create pressures the other way.”[47] By establishing the mandate system, the League of Nations both undermined and underpinned colonialism – it was foremost the colonised peoples who, hoping for self-determination, were bitterly disappointed: “The new era of self-determination had come, but it was one of conflict rather than cooperation.”[48]
In addition to safeguarding peace, the League had set as its goal “to promote international cooperation.” In accordance with that goal, it sought to bring under its control all existing and future international conventions; it also committed to ensuring related standards in areas such as conditions of labour and just treatment of “native inhabitants,” as well as to supervising agreements governing traffic in women and children and opium and the arms trade (Art. 23). Although the League was not successful in becoming an umbrella for existing organisations, it was able to establish new organisations, as stipulated in Art. 24. These included the International Labour Organisation, the Economic and Financial Organisation, and the League of Nations Health Organisation.

**Challenges Stemming from the First World War**

The League’s early years were initially overshadowed by the United States Senate’s refusal to ratify the Covenant and the Treaty of Versailles. It was only in August 1921 that the US signed separate peace treaties with the countries it had earlier opposed in WWI. While securing for themselves all of the economic rights specified in the Treaty of Versailles, the Americans assumed none of the Treaty’s obligations relating to security policy.[49] Other inter-allied organisations, such as the “Supreme War Council” and the “Conference of Ambassadors,”[50] also existed at the time, against which the League was hardly able to enforce its policies. The same applied to the reparation claims stemming from WWI. Related issues were entrusted to the Reparation Commission under French leadership,[51] while the League of Nations was tasked with drafting plans for the economic and financial recovery of Austria and Hungary.[52] To collect reparations payments, successive attempts were made through the Dawes (1924), Young (1930), and Hoover plans (1931) until reparations were suspended at the Lausanne Conference (16 June to 9 July 1932).[53]

A serious challenge that came to light very early on was the link established between the Covenant and the Treaty of Versailles. Specifically, the League of Nations was responsible for implementing the new territorial order laid down in the Treaty of Versailles. This entailed drawing the German-Polish border in Upper Silesia in 1921, enforcing the Klaipėda (Memel) Convention (8 May 1924), and instating a High Commissioner for Danzig (17 November 1920). This is probably why the German government viewed the League as an instrument of the WWI victors. Consequently, the German Liga für Völkerbund and pacifists sought vigorously to swing public opinion in favour of the League and to have Germany admitted.[54] France was scrupulously watchful of Germany, to ensure its compliance with the Treaty of Versailles, and demanded corresponding guarantees, thus delaying Germany’s admission. France and Germany made their signing of the Locarno Treaties conditional on Germany’s admission to the League of Nations. The German Empire was allowed to join on 8 September 1926.[55] In 1935 the League of Nations organised and held the Saar referendum when the League’s trusteeship of the territory, limited to 15 years, expired. The plebiscite resulted in a clear majority and the Council voted the return of the Saar territory to the German Empire.[56] Although the League condemned Hitler’s invasion of the demilitarised Rhineland in 1936, no
sanctions followed.[57]

Based on the peace treaties, the League assumed additional responsibilities, including the protection of minorities. This became necessary because the peace treaties had drawn new international borders that separated certain ethnic groups from their “mother countries.” The Covenant did not include minority rights, which were instead enshrined in sub-treaties (such as Germany’s treaty with Poland, called the “Little Versailles Treaty”), while the League safeguarded the stipulated rights as part of overseeing the peace treaties. The League’s minority policy can be seen as constructive and lending to peace, but it was thwarted by conduct of individual states. Nonetheless, with such tedious procedures in place, legal protection could hardly be expected from the League.[58]

“Demise” of the League and Conclusion

With the United States refusing to join, the League of Nations fell short of its goal of universality and was subsequently doomed to failure – it ultimately remained a largely “eurocentric organisation.”[59] Frequent fluctuation in membership exacerbated its ineffectiveness, as did the inadequate system of institutions lacking a base for legal enforcement.[60] Until the mid-1930s, the League proved effective as an international discussion forum for leading statesmen, providing a new mode of expression in international policymaking. The League nonetheless failed in the end because its Member States continued to pursue national interests and act independently without regard for the organisation. With its mechanisms of arbitration and collective security, the League contributed to deescalating conflicts in the early 1920s, such as the German-Polish controversy over Upper Silesia (1921), the Aaland crisis between Sweden and Finland (1920), and the dispute involving Greece and Bulgaria (1925; “War of the Stray Dog”).[61] The League proved ineffective, however, in responding to the increasingly frequent conflicts that arose beginning in the 1930s, apparently due to its failure to resolve the disarmament issue.

In international cooperation, the League achieved a positive scorecard: its organisations and commissions were linked in global networks and played a key role in areas including the abolition of slavery, control of the opium trade, resettlement of refugees, and the protection of women and children from illegal trafficking and exploitation.[62] The numerous economic experts working for the League established new forms of global decision-making, such as that embodied in the International Labour Organization (ILO), which not only shaped the twentieth century but has continued to influence developments up to the present. This has led to heightened transparency and manageability of the global economy.[63] Many legal theoreticians view the League as one of the seminal factors in the emergence of international law.[64] An example here is the establishment of the Permanent Court of International Justice, the predecessor of what is now the UN International Court of Justice. Beyond that, the League of Nations can be regarded as a form of “public diplomacy,” serving to moderate discussions over common standards. While its role in crisis prevention is overestimated, the part played in shaping international policy is underestimated. The League of
Nations resulted in independent global mechanisms involving cross-border contacts. Those mechanisms, superseding the scope of conventional foreign policy, have been additionally expanded in application beyond global management of the world economy.[65]

An integral component of the peace treaties, many critics saw the League as a constituent element of the post-war order shaped in Paris. Above all, linking the organisation to the Treaty of Versailles appears unfortunate in retrospect and explains why the League of Nations was never fully recognised as the first universal peace organisation.[66]

The League of Nations still existed legally when the United Nations assumed responsibilities as of 24 October 1945. Finally, on 18 April 1946, 34 representatives of its Member States resolved unanimously to dissolve the League effective 19 April 1946, with all of its rights and duties and assets and liabilities transferred to the UN.[67] At the last session of the League, Lord Robert Cecil asked: “Is it true that all our efforts for those twenty years have been thrown away? For the first time an organisation was constructed, in essence universal, not to protect the national interest of this or that country … but to abolish war. The League had been a great experiment.”[68]

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Notes

7. ↑ Schücking / Wehberg, Satzung 1924, pp. 6-10.
9. ↑ Details in: Yearwood, Peter J.: Guarantee of Peace. The League of Nations in British Policy 1914-1925, Oxford 2009. Lloyd George established a “round table” on the league idea in 1917, in which his private secretary Philip Kerr (1882-1940) played an influential role (see pp. 41ff). Lloyd George delivered a speech on 5 January, summarizing the war goals pursued by his government: “First, the sanctity of treaties must be reestablished; secondly, a territorial settlement must be secured based on the right of self-determination or the consent of the governed; and, lastly, we must seek by the creation of some international organisation to limit the burden of armaments and diminish the probability of war.” Cited in Walters, F.P.: A History of the League of Nations, New York 1950, p. 20.
11. ↑ Schücking / Wehberg, Satzung 1924, pp. 5-10.
17. ↑ Schücking / Wehberg, Satzung 1924, p. 27.
18. ↑ Ibid., p. 25.
25. ↑ Ibid.
26. ↑ Ibid., p. 603.
Additional commissions were set up, such as to prepare for the disarmament conference, to combat slavery, and to control narcotics trafficking; the High Commissioner for Danzig, the Saar Basin Governing Commission, and the High Commissioner for Refugees assisted in special policy matters.


Köck / Fischer: Das Recht 1997, p. 157. The Council was entrusted with drafting a statute for the Permanent Court of International Justice; following revision, the statute was approved by League Members on 16 December 1920. The Court, seated in The Hague, took up work in late 1921; cf. Raumer / Vierhaus, Friede 1971, pp. 41-44.


Köck / Fischer, Das Recht 1997, p. 189.


Schwabe, Weltmacht 2007, p. 77.


57. ↑ Viewing the Franco-Soviet Treaty of 2 May 1935 as incompatible with the Locarno Treaties, Hitler withdrew from the latter and subsequently invaded the demilitarized Rhineland. While the League of Nations and the Western powers condemned the action by Germany as a breach of the treaties, they did not consider any sanctions. Cf. Pfeil, Völkerbund 1976, pp. 135-137.


60. ↑ A total of 17 states later left the League of Nations: Brazil in 1928, in response to Germany becoming a Council Member; Japan, not wishing to bow to the Council resolution on the Manchurian conflict, left in 1933; National Socialist Germany withdrew in 1933, unwilling to submit to international armament restrictions or to League of Nations control; Austria (after annexation by Germany) and Albania (after Italian occupation in 1939) were countries that withdrew from the League as a result of relinquishing sovereignty; and the Abyssinian War lead to Italy’s departure in 1937.

61. ↑ For useful written studies, see note 2 and Susan Pedersen, Back to the League of Nations 2007.


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