

The League of Nations and the Settlement of Disputes

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Reflecting the devastation of the conflict that had just ended, the League of Nations was established chiefly to deal with the problem of war. But how was that task to be approached? War is one of the oldest institutions of international society, and could hardly be outlawed simply by fiat. The best the drafters of the Covenant could hope to do was to try to organize international relations in such a way as to minimize the likelihood of war.

This was to be sought in a variety of ways. One was by reducing the means with which to fight wars—via disarmament. League members accordingly agreed to reduce their arms “to the lowest point consistent with national safety and the enforcement by common action of international obligations.” And, since it was believed that private arms manufacturers helped fuel the pre-war arms race, the Covenant said there were “grave objections” to this and spoke of the “evils attendant upon such manufactures” (Article 8). The second way of minimizing war was by providing political and legal machinery for the settlement of disputes and defusing the more dangerous ones before they threatened peace (Articles 12 to 15). Regular sessions of the Council and Assembly would also facilitate understanding between statesmen who could, if necessary, be called together quickly at a time of emergency.

The third way in which the League would minimize the danger of war would be by guaranteeing the security of its members. Collective security would be the means by which wrongdoers would be kept in check. Its operation rested upon three principles that lay at the heart of the system. First, states agreed that any war or threat of war was a matter of concern to all, and other League members had the “friendly right”

to call attention to anything that threatened to disturb peace (Article 11). Second, all members would protect each other’s territorial integrity and political independence (Article 10). Third, if aggression was committed, they would apply sanctions (Article 16).

This article focuses on the second of these paths—on the political settlement of disputes, the League’s endeavor to get disputes settled by means other than war. Its argument is that the success of the League in this area was primarily dependent upon what states—the disputants and interested observers—were willing to do. Thus, the League, as such, and its obligations were not decisive. There had to be the will on the part of states to use the League—and to proceed on the basis of the Covenant. For in a society of sovereign states what can and cannot be achieved by an organization depends upon what its members—states—are willing or not willing to do.

This was not always fully understood. As early as May 1920, when there was fighting between Russia and Poland, the Secretary General noted that he “frequently heard complaints that the League of Nations did not act”—which was, he said, due to the fact that “no Member [of the League] seemed ready to set its machinery in motion.”¹ And in 1926, a member of the Secretariat felt obliged to point out that:

The League is not and cannot be, in the present state of affairs, a sort of supernatural being hovering in space, as it were, and swooping down on a single nation. Its French title: “*Société des Nations*” must be taken literally: it is a society. It consists of members, and each of those members is a sovereign State. . . . The action of the Council, therefore, cannot be automatic. The Council cannot meet if it is not summoned, and it cannot be summoned except by the initiative of one of the members of the League. . . . If none of the members of the League moves, the League itself cannot move.²

THE COVENANT AND THE PEACEFUL SETTLEMENT OF DISPUTES

In accepting the Covenant, states agreed that unsettled disputes would be referred to third-party settlement and so defused before they threatened peace. Legal disputes would be referred either to the traditional procedure of arbitration or the newly-created Permanent Court of International Justice at The Hague. Political disputes would be handled by the political machinery of the League. Mainly, this meant the Council, which was envisaged as a deliberative body, hearing arguments from interested parties and issuing a report on the merits of the case. The rest would be left to member states.

It was thought that a statement of the facts and, if necessary, a public rebuke from the Council would carry immense force in ensuring good behavior.³ A state that acted in accordance with a unanimous report by the Council (excluding the parties to the dispute) had the implicit right to use force to reach a settlement on the proposed lines. But if the Council could not reach a unanimous report, or the dispute arose out of a domestic matter, states could settle the dispute as they saw fit, including resort to war. But before going to war they had in all cases to wait three months—to allow for passions to cool.

The Covenant recognized that there were circumstances when states were entitled to wage war (the famous “gaps” in the Covenant). But before doing so, they had to submit disputes to procedures of pacific settlement. In this way, sovereign rights were not infringed. States did not actually promise to disarm, to accept arbitration, or to concur in peaceful change—they simply agreed to cooperate in working toward these aims.⁴

If the League could not force states to settle disputes, but only assist them if they wanted to reach a settlement, two questions arise: what factors made states willing or unwilling to use the machinery of the League? And how do we account for the success or failure of the League in the pacific settlement of disputes?

FACTORS CONDUCTIVE TO THE PACIFIC SETTLEMENT OF DISPUTES

In all, the League dealt with over sixty disputes. However, it was in the first decade of its life that most successes were scored. In only eight disputes taken to the League Council (out of some thirty disputes handled by the League) had there been hostilities or a resort to war.⁵

Thereafter, the picture dims and, as one authoritative source put it, “the course of events between 1919 and 1939 may be described . . . from a diplomatic point of view as the breakdown of the machinery for the peaceful settlement of disputes.”⁶ This points to the first factor upon which pacific settlement depends: the climate of the period and of the society. Disputes are settled peacefully when there is a general feeling of oneness, a general interest in stability and peaceful relations, an absence of grave fears about security, and an absence from the international system of a threatening revolutionary power.

These were the circumstances of the 1920s—a time of general optimism and increasing prosperity. The economic revival of Europe toward the end of 1924, assisted by the stabilization of the German mark and the 1925 revaluation of the French franc at one-fifth its pre-war value, provided a foundation for the political *détente*. At the political level, France had to be pushed toward rapprochement (by Britain). But, nonetheless, by the mid 1920s, it seemed that this condition had been achieved. The 1925 Locarno Treaties⁷ and the unforgettable speech with which Briand of France welcomed Germany into the League in 1926,⁸ symbolized that reconciliation. A psychological change had taken place in European affairs: “for the first time since 1918, if not since 1906, people in western Europe could plan for the future without the shadow of a new Franco-German conflict over their lives.”⁹

During the Locarno honeymoon years of the mid-to-late 1920s, when the three great powers (Britain, France, and Germany) were (broadly speaking) united in their foreign policy aims, their foreign ministers held intimate and informal meetings. Other League members did not significantly clash over foreign policy and the major revolutionary power, the Soviet Union, was weak and preoccupied with the after-effects of the 1917 revolution. Certainly until the end of the cold war, the 1920s may be seen as not only the heyday of the League but also the best years of the twentieth century. Hand in hand with a high degree of trust and harmony went a readiness to accept the peaceful settlement of disputes and an emphasis on developing the League’s machinery for pacific settlement.

In the 1930s, the environment changed for the worse. The basis of the contemporary international economy had never been stable and economic discontent led to bitterness within

states and the break-up of cooperation without. It became clear that the fundamental problem of Franco-German rivalry had not been resolved. The revisionist powers were prepared to strike out and strong enough to challenge the status quo. Japan was the first, with her invasion of Manchuria in September 1931. Italy invaded and annexed Abyssinia in 1935-36. And bit by bit Hitler tore up the agreements upon which the status quo rested—in March 1935 he overturned Versailles and the disarmament settlement of 1926-27 by announcing German rearmament; a year later Locarno was in tatters when Germany remilitarized the Rhineland; German expansionism followed. In the face of these challenges, the other great powers were disunited and in disarray. Almost ineluctably, the world moved to war. The climate of the 1930s was not conducive to the peaceful settlement of disputes.

The second factor on which peaceful settlement depends is the identity of the dissatisfied powers. Their location—whether they are in an area of strategic importance, whether they have important neighbors, whether they are in a remote corner of the world with poor communications—will affect the response of other states. Their size and power is crucial. The great powers cannot be pushed around and a settlement cannot be imposed on them. Next best to being a great power is having a great power for a friend. A powerful protector makes it possible to resist the pressures of other states, even if they are channeled through an international organization. To be a friendless, weak state in a dispute with a stronger power is the worst of all worlds.

Linked to the last point, but distinct from it, is the attitude of other powers as expressed through the organization. Predominantly, this means the position or attitude of the great powers. Disputes among them, or in which one of them is involved, are not easily susceptible to peaceful settlement via the organization. But if the great powers are interested and *keen* on settling a dispute among smaller powers and on making the system effective, there is a very good chance that the dispute will be settled. As the senior British statesman, Austen Chamberlain, put it, “the League could make a contribution when sparrows were quarreling but was of little avail when eagles were fighting.”¹⁰

Finally, there must be a willingness to settle the dispute via the organization. This means that there must be acceptance of the right of the organization to propose terms, and the terms

proposed must be acceptable. For this to occur, there must be agreement, in principle, that the disputants’ primary interest lies in settling rather than prolonging the dispute. This means that the parties must be willing to compromise. At the same time, other members of the organization must be ready to bring pressure on those, whoever they are, who try to evade their obligations under the system. In the case of the League, this meant, in the final analysis, applying collective security.

Some case studies will illustrate these points.

CASE STUDIES IN THE SUCCESSFUL SETTLEMENT OF DISPUTES: THE 1920s

The Aaland Islands, 1920

The Aaland islands straddle the exit from the Gulf of Bothnia into the Baltic sea. At the end of World War I they were held by Finland and claimed by Sweden. Because the islands are nearer to Finland than to the Swedish mainland and are joined to Finland by a traversable ice field during winter, they were strategically important to Finland. Finland also claimed them because, after Sweden ceded them to Russia in 1809, they had been governed as part of the Grand Duchy of Finland. On the other hand, the islanders had been Swedish since the Middle Ages and, with Swedish support, claimed the right of self-determination after Finland declared independence from Russia in 1917. In May 1920, Finland granted autonomy to the province, hoping that this would remove agitation, but tension continued. It was suggested that Sweden was willing even to use force to settle the matter¹¹ and Finland, too, was said to be “prepared to fight to the last.”¹²

Even before the formal establishment of the League, Secretary General Eric Drummond was preparing plans for a possible solution to the dispute. This found favor with Britain who, in June 1920, exercised her friendly right to refer the dispute to the Council under Article 11,¹³ and called for a special meeting in London (to emphasize the separation of the League from the wartime Allied Supreme Council). The Finns said the dispute was not a matter for the League as it was domestic in nature; Sweden demanded a plebiscite. In this, the first dispute submitted to the League, the Council followed what was to become a familiar course of action. First, it requested the advice of the lawyers on the point that Finland

had raised. As the International Court had not yet been created, a three-man commission of jurists was asked to make a report. In September 1920, they announced that the dispute was not a domestic matter and the islands were subject to Finnish sovereignty. The Council then appointed a three-man group of rapporteurs—with British and French representation to add weight to the report—to draft a settlement. The rapporteurs duly recommended that the islands should stay with Finland. For, they argued,

To concede to minorities . . . the right of withdrawing . . . because it is their wish or their good pleasure, would be to destroy order and stability within states and to inaugurate anarchy in international life; it would be to uphold a theory incompatible with the very idea of a state as a territorial and political unity.¹⁴

However, the right of the Swedish islanders to maintain their way of life and the character of their community should be respected and preserved under a League of Nations guarantee. In addition, the islands should be neutralized and demilitarized.

In June 1921, the League Council accepted the recommendations. Sweden protested, but Finland was in control and the islanders were enjoying full linguistic, political, and religious liberty—indeed, they had the furthest-reaching minority rights under League protection. The problem then vanished until 1939 when it became the last significant issue before the League.

At the outset of its life, the League had triumphed in settling a dispute in which one of the parties—Finland—was not even a League member when the dispute first came before the world organization.¹⁵ Yet Finland was able to sit at the League Council table with the same rights and obligations as Sweden for the purposes of the dispute—and won. The prestige of the League rose and many successes followed from this case.¹⁶ The League succeeded because the disputants were two, law-abiding small European states with strong historical ties. Finland was willing to compromise to the extent of conceding measures that removed islanders' reasonable grievances. Sweden was diplomatically isolated at Geneva, had a weak government at home, and would have found it very difficult to act unilaterally. There were no great power interests involved, and the great powers were interested and keen not only on settling the dispute but on getting the new League machinery on its feet.

The Greco-Bulgarian Border Dispute, 1925

In October 1925, there was an affray on the Greek-Bulgarian border, between border guards (possibly over a gambling debt).¹⁷ The incident escalated into a Greek invasion of Bulgaria and fighting in which nearly one hundred men were killed. Bulgaria immediately asked for a meeting of the League Council. The Council's French president at once telegraphed the parties ordering them to stop fighting and to withdraw

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their troops from the battle zone within sixty hours. In a celebrated response, the parties complied, Greece ordering its troops to suspend their operations just two-and-a-half hours before a major offensive was to be launched.

The Council met in Paris three days after the initial Bulgarian appeal (the Swedish representative creating a precedent by arriving by air). As there was still some skirmishing, the League Council forcefully demanded a ceasefire and withdrawal by both parties within twenty-four hours. The parties agreed. This was confirmed by the British, French, and Italian military attachés who went by special train to the site of the incident. They were then asked to investigate the events leading to the crisis and report back to a Commission of Enquiry. The Commission swiftly recommended that Greece should pay Bulgaria £45,000 and two officers from a neutral country should keep the border under surveillance for two years and help put it on a safer footing.

As one writer put it, the crisis "might almost have been staged for the purpose of illustrating the potentialities of this new international instrument. . . . At that moment the League was more than a multilateral treaty, more than a piece of machinery for the convenience of governments. It was the Charter of a new World Order."¹⁸ This was largely because of a favorable configuration of factors. The crisis occurred just a week after the Locarno Treaties had been signed and the great powers were in

harmony. They were also keen that the League, into whose fold Germany was about to be admitted, should be successful. As a leading participant put it, "we were determined to take advantage of the opportunity to establish useful precedents for the future."¹⁹ It was also a time when there was much emphasis in the League Assembly on the need to develop the machinery of peaceful settlement.

There were no great power interests at stake in the dispute, and not only were Britain, France, and Italy united, but they were prepared to work through the League to show their harmony and their strong interest in European stability.²⁰ The crisis occurred in an area where Anglo-French power could easily make itself felt and the disputing powers were small, weak states. Neither disputant had very close contacts with any of the great powers and neither wanted war. Given that Bulgaria had been disarmed as an ex-enemy power, it was the duty of League members to render assistance. Bulgaria was also diplomatically isolated. A feeler put out to her former ally, Germany, met with no response, and she was bounded on two sides by Yugoslavia and Rumania with whom France was developing links. For its part, Greece was ruled by an unpopular, insecure dictator who could expect no international sympathy for his botched handling of the crisis. Greece was also suffering from political unrest, was in dire economic straits, and would have been vulnerable to threatened British naval sanctions. Moreover, both were vulnerable to pressure from the League as they were receiving League loans to resettle refugees.

CASE STUDIES IN THE SUCCESSFUL SETTLEMENT OF DISPUTES:

THE 1930s

Leticia, 1933-34

In 1922, Peru ceded to Colombia an area of undeveloped and virtually uninhabited land, Leticia, whose value lay in giving direct access to the mainstream of the Amazon. In September 1932, some freelance Peruvians drove out the few Colombian officials in Leticia. The Peruvian government disavowed any involvement in this action but declared it would have to protect her citizens, who had acted from patriotic motives. As tension rose, Brazil unsuccessfully attempted to mediate. The United States also tried its hand at mediation but failed. The United States then withdrew in February 1933, seemingly glad to hand the matter over to the League.²¹

League involvement in Leticia began in January 1933, when the League Council reminded the contestants of their Covenant obligations and they put their respective cases to the Council. In late February, Colombia invoked Article 15 of the Covenant (which concerned disputes likely to lead to war) and the Council unanimously (apart from Peru) demanded Peruvian withdrawal from Leticia. If Peru went to war, she would now have been liable to League sanctions. But this did not deter Peru who continued her bellicose course.

However, just as war seemed inevitable, the Peruvian president was assassinated and his successor, who had a greater appreciation of Peru's military unpreparedness, took a more conciliatory attitude. Eventually, Peru and Colombia agreed on a revised Council proposal: a three-man League commission would govern the area with the assistance of a seventy-five-man League force made up of Colombian soldiers and paid for by Colombia. For a year, the League flag flew alongside the Colombian flag until June 1934 when the district was returned to Colombia.

Once more the disputants were small states who had no close ties to great powers. However, the dispute arose in an area of traditional U.S. interest and the League recognized the vital importance of U.S. support by keeping in close touch with Washington, which was, in this case, willing to go along with the League. But it was not until Peru's attitude altered with a change of leadership that the organization could play a fruitful role as a go-between in negotiations. This is not to say that a settlement was easy—a breakdown of negotiations in the spring of 1934 saw renewed preparations for war, and the final agreement was not ratified until 1935. But, given Peruvian willingness to try to find a peaceful settlement, the League was able to provide her with an easy, face-saving means of withdrawal and, in a further act of delicacy, did not formally notify Peru that the League troops were in fact Colombian. In this case, the League "made a significant contribution to the peaceful solution of this dispute."²²

The Saar, 1935

The Saar was part of Germany until 1919. Its three-quarter million inhabitants were wholly German but France wanted to annex the territory—which had rich coal mines—in compensation for the wartime destruction of mines in northern France. This, however, was wholly contrary to the principle of self-determination,

and France was persuaded to agree that a five-man commission appointed by the League Council should rule the territory for fifteen years. After this, there would be a plebiscite on the region's future. The plebiscite duly took place under international supervision in January 1935 when 90.8 percent of the people voted to return to Germany. Reunification took place on 1 March 1935.

The plebiscite took place against a background of domestic excesses in Nazi Germany and with the local Nazi party making menacing noises. It was a very tricky situation, thought by some to be the most dangerous spot in the world at that time.²³ Anti-Nazis were intimidated, ghosts of German soldiers looked down from advertisements to warn passers by that "We died for you," and as the votes were taken, a huge crowd, arms outstretched in the Nazi salute, yelled the *Horst Wessel Lied* or *Deutschland über Alles*. That order was maintained was due to a 3,000-man League force drawn from four countries (Netherlands, Sweden, Britain, and Italy),²⁴ under a British commander and operating under the authority of a Saar governing commission.

The success of the League was due first to the fact that, although the region was a highly sensitive area, the neighboring great powers both found the plebiscite convenient and acceptable. Germany was certain to win and France had had plenty of time in fifteen years to learn that the Saarlanders did not want French citizenship. The other powers shared the wishes of France and Germany that the matter be over and done with as soon as possible. That the League was already in the area was propitious, providing no problem about the agreement of the host. Once more, the League had proved its value. It acted as a face-saver for France as surely in 1935 as in 1919 when annexation was forbidden. As a temporary administrator, it had enabled France to adjust itself to the idea of loss. And by providing an international force, violence was avoided.

CASE STUDIES IN THE FAILURE TO SETTLE DISPUTES PEACEFULLY: THE 1920s

Vilna, 1920-21

At the Paris Peace Conference, Lithuania successfully claimed ownership of its historic capital, Vilna, and its former overlord, Russia, concurred. But only about 2 percent of the city's inhabitants were Lithuanians. The majority (about 56 percent) were Poles and Poland

thus felt entitled to Vilna. After clashes between Polish and Lithuanian forces in the early autumn of 1920, Poland took its case to the League Council. With the agreement of the parties, the League established a military commission to guard a temporary demarcation line and the parties were persuaded to withdraw four miles on either side of the line. But the following day, irregular Polish forces, falsely pretending independence from their government,²⁵ broke the agreement and occupied Vilna on 9 October 1920. Poland claimed that it could not send troops against General Zeligowski because his action was unanimously approved by Polish public opinion. Lithuania, although not yet a League member,²⁶ appealed to the League under Articles 11 and 17 of the Covenant.

Since France refused to agree to a resolution insisting on the immediate withdrawal of Polish troops, the League proposed to organize a plebiscite that would be supervised by a League force drawn from eight to ten states. The Polish forces withdrew. Now, however, Lithuanian objections grew. Because there were so few Lithuanians in Vilna and because during their occupation the Poles had exerted pressure and propaganda in favor of a pro-Polish vote, Lithuania feared doing badly. The Soviet Union also indicated its objection to an international force so near its borders. States due to contribute troops to the proposed force began to get jittery and Switzerland refused to allow the passage of contingents through its territory. The idea of a plebiscite was dropped early in 1921, Vilna remained with Poland, and its sovereignty over the territory was recognized in March 1923 by the Conference of Ambassadors (i.e., the governments of the four World War I allies—Britain, France, Italy, and Japan—acting through their diplomats in Paris). Continuing Polish acts of bad faith and unreasoning Lithuanian obstinacy meant that it was not until 1927 that the League was able finally to end the state of war between the two countries. But hostility remained and it was only under Polish duress that Lithuania finally agreed to open diplomatic relations with Warsaw in 1938.

One (medium-sized) member had gotten away with aggression against a (small) non-member (who had accepted League obligations for the purpose of dispute), and had used methods in direct defiance of its Covenant obligations. The general excuse for the League's failure was that the dispute happened at so early a date in its life and the events were so compli-

cated that a different result could hardly be expected. Poland had the advantage not only of strength and possession, but the support of France who would not allow a case against a special ally to be judged purely on the basis of principle. The other great powers saw Poland as a bulwark against Russia and did not want it weakened too much. In any case, they did not want any further involvement in Eastern Europe, which was only on the margins of their interests and, in terms of contemporary means

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of communication, was geographically a far-away place of which west Europeans knew nothing. Its proximity to the Soviet Union and that state's edginess further complicated the picture. Poland was willing to accept a settlement via the League in a manner that would have confirmed Polish sovereignty, but Lithuania was not. And because Lithuania would not compromise and no one would put pressure on the Poles, Poland kept the fruits of her aggression. The most that can be said for the League is that the military commission, which remained in being until the beginning of 1922, "succeeded in stopping fighting . . . and by its presence in the contested territory for a number of months made a renewal of fighting on a large scale impossible."²⁷

Corfu, 1923

In the summer of 1923, an Italian general, three subordinates, and an interpreter were murdered (probably by Albanian brigands) in Greece while they were delimiting the Greco-Albanian border on behalf of the Inter-Allied Conference of Ambassadors. The Italian dictator, Mussolini, demanded humiliating apologies from Greece. Greece acceded to some of these but refused to agree to a speedy inquiry (with Italian participation) into the murders, the execution of culprits, and the payment of one-half million pounds within five days. Italy responded by bombarding and occupying the Greek island of Corfu.²⁸

The crisis coincided with the meeting of the fourth Assembly and there was considerable outrage at Italian action. Comparisons were drawn with Austria-Hungary's treatment of Serbia in 1914. However, Mussolini threatened to withdraw from the League if it even discussed the matter and, in effect, the League complied. The matter was dealt with by the Conference of Ambassadors on whose behalf General Tellini had been working. Greece agreed to make an apology and deposit fifty million lire in Switzerland while the International Court at The Hague decided on the amount of compensation to be paid. However, although only the Italian member considered Greece to blame for the murder, a few days later the Conference alleged negligence by Greece and insisted that the Greek deposit be forfeited to Italy. Thereupon, the Italian forces left Corfu.

The problem facing the League was how to impose a settlement on a great power. Italy was one of the permanent members of the League Council and the others did not want to get involved. France, in particular, was then occupying the Ruhr (an act of dubious legality) and could hardly make much fuss, especially since she wanted Italy's support for the Ruhr action. Mussolini was unpredictable and had threatened to destroy the League if it tried to intervene.²⁹ He had ordered his naval authorities to prepare for possible war against Britain,³⁰ whose Admiralty warned that the application of sanctions would require a declaration of war and the concentration of the Royal navy in the Mediterranean. Britain had neither the will nor the ability to do this. Greece, moreover, did not have too many friends. It was not seen as a poor country and was regarded as having done remarkably well as a result of the war in which it had not played a not quite heroic part. Thus the League failed. The dispute was not handled by the League, but by the great powers using their privileged position. Italy was seen to be getting away with aggression without being penalized, the moral authority of the League was weakened,³¹ and some regarded the episode as a prelude to Mussolini's invasion of Abyssinia in 1935.

However, a case can be set on the other side of the balance. The argument against the League is that the League should have handled it, and Mussolini should have been condemned—or at least not rewarded—for his aggression. But Greece itself muddied the issue by appealing initially to both the Conference of

Ambassadors and the League, and the Conference was involved anyway since the outrage had been committed against its agents. The Council had never been jealous of its prerogative in handling disputes and had "repeatedly said that if there [wa]s any hope of settling a dispute by other means, it w[ould] not insist on the use of its authority."³² Had it insisted on handling the crisis, the Council might have "exposed the League to the charge of going out of its way to make trouble in defence of its own prestige."³³ And whereas international organizations would be unwise to accrue prestige at the expense of their members, states *never* like losing face and great powers are especially sensitive of their honor. From this perspective, the French were sensible in trying to provide the Conference of Ambassadors as a bridge across which Mussolini could retreat. It could be seen as not condoning Mussolini's action, but rather as offering him a way out. And it is worth noting that Greece was willing to bow to Italian pressure not to use the League.

The route taken did not mean a supine attitude on the part of the Council. There are ways of making a point other than insisting on one's prerogatives or issuing an outright denunciation. Thus, when the Italian representative used language that challenged the right of the Council to deal with the dispute, Lord Cecil of Britain asked the interpreter to read aloud the articles of the Covenant about disputes between League members. In a tense and silent room this was a dramatic stroke and an astute maneuver:

For without bringing any allegation against the Italian Government, without entering into formal controversy with them, he made plain . . . the unhesitating view of Great Britain that every dispute of every kind between Members . . . *must* come before the Council if any State, however, small, should desire to bring it there. At the same time, without undue offence to a great and friendly power, he showed the world the firm intention of the British Government to uphold the Covenant.³⁴

Having side-stepped the issue by declaring that it had jurisdiction and handing the dispute over to the Conference of Ambassadors, the Council made suggestions to the Conference in the form of a report of proceedings in which the Greek representative had taken part. These represented "a clever compromise between the demands Italy had presented to Athens and the recommendations made previously by the Greek representative"³⁵ and, if they were not wholly accepted, they were accepted in the main.

Although Mussolini publicly proclaimed the Corfu episode a victory and had the overwhelming majority of Italians behind him, he knew he had been defeated. He might not have minded earning the label of being an international bully, but he had intended to keep Corfu and all he received was his indemnity. (He never forgave the Greeks or the British for refusing to support him.³⁶) It is salutary to consider that had such a crisis occurred before 1914, in all probability little would have happened. But now, in the Assembly, there existed a channel for the expression of small states' fury with a great power, and the Assembly's presence was important in forcing the Conference of Ambassadors to find some sort of reasonable solution. The impact of the new League morality had made itself felt, and Mussolini had been unable to ignore the League. The other great powers did not turn their backs on their League obligations. They were keen that the system should be seen as effective, but they sought to reconcile this with what they regarded as the least dangerous means of settling the dispute. The impact of the League can also be seen in the more dangerous Fiume affair when, after insisting on negotiating away from League system, Mussolini agreed to League involvement.

CASE STUDY IN THE FAILURE TO SETTLE DISPUTES PEACEFULLY: THE 1930s

The Chaco War, 1932-35

In terms of the numbers engaged, the casualties inflicted, and the financial cost, the Chaco war was a very destructive conflict that represented "the triumph of nationalist unreason over every sentiment of morality and common sense."³⁷ Bolivia and Paraguay both lay claim to the Chaco Boreal, a huge, little-known wilderness between them. Each was in effective control of a sector of the Boreal neighboring its frontier, and endeavors to extend sovereignty led to clashes in December 1928. The Secretary General brought the matter to the notice of the League Council that, however, was concerned about crossing the path of the Conference of American States, which happened to be meeting in Washington at the time. And so the League simply reminded Bolivia and Paraguay of their obligations as League members while the immediate quarrel was patched up by the Pan American Conference via a Commission of Inquiry and Conciliation (the Neutral Commission). Efforts to solve the underlying dispute

were unsuccessful. Four years later, in June 1932, further skirmishes led to a three-year war in which hundreds of thousands died, in appalling conditions—in one battle 10,000 Bolivians died of dehydration³⁸—and both countries were ruined.

After fifty years of provocation and mutual suspicion, neither side was prepared to compromise. They were interested not in peace, but in vindicating what they saw as the rightness of their cause. They, therefore, ignored appeals from the U.S. State Department and the Neutral Commission, as well as a declaration by all the other American states that they would not recognize any territorial arrangements that had not been reached peacefully.

When, therefore, Paraguay referred the war to the League³⁹ there was little the League could do and that little was made less by the involvement of various American agencies.⁴⁰ The Neutral Commission delayed keeping the League Council informed and joint, parallel, and individual negotiations (often prompted by rivalry) made matters chaotic.

The League began by suggesting a commission of inquiry. This was rejected by the Neutral Commission. The League then suggested an arms embargo. This, too, was rejected by the Neutral Commission. A second suggestion of an arms embargo won American support and the League set about organizing the embargo. But when the United States changed its mind, the proposal was dropped, and the League went back to the idea of a commission of inquiry. Bolivia and Paraguay agreed, but just as the commission was about to start work, the disputants asked for it to be delayed while Latin American neighbors mediated. Eventually, the commission reached Montevideo in November 1933. Bolivia accepted a ceasefire proposal but military victory had made Paraguay intransigent and the war resumed in January 1934.

At this point, the League suggested an arms embargo for a third time. Most League members agreed. However, they engaged in a game of “after you” until the United States took the lead after reports that five U.S. arms firms had advertised their wares in a single issue of a Bolivian newspaper. The League followed the United States in May 1934, and by December some thirty-nine League members, together with the United States and Brazil, had acted. However, Paraguay continued to receive arms from Argentina.⁴¹ By now Bolivia was in a bad way and she appealed to the League under Article 15 of the Covenant.

Bolivia was happy to accept a League call for withdrawal by both sides, a peace conference, and the settlement of the frontier question by the International Court. Having occupied the entire Chaco area and penetrated deep into Bolivian territory, Paraguay, not surprisingly, rejected this call. In response, the League recommended that the arms embargo against Bolivia be lifted and an indignant Paraguay gave notice of her withdrawal from the League on 24 February 1935. A few months later, the two exhausted states signed an armistice. But it was only in 1938 that they agreed on a peace treaty and Paraguay was awarded the fruits of conquest by gaining all but a small part of the Chaco Boreal. Bolivia gained the psychologically vital consolation prize of an outlet for trade on the Paraguay River.

Paraguay and Bolivia were two small states, removed from the centers of power and waging a war whose results would not affect any great power. Their leaders wanted war and they did not feel able to lose face or damage their careers by sacrificing what had become a symbol of national prestige. Bolivia, in particular, suffered until November 1934 from a leader who ignored advice from his ministers and his commander in the field that ran counter to his belief that Bolivia could win.⁴²

Another handicap was the absence from the League of the United States, whose mediatory efforts until 1935 were motivated more by jockeying for power and prestige with Argentina than a desire for peace. The League also felt unable to take any steps that might cut across measures being taken by American states and the various American organizations that were active in the field. But, even without these obstacles, what could the League have done? The contestants' neighbors were not prepared to break off financial and economic relations. European League members and the United States were considerably troubled by the depression and did not want to add to their economic worries by applying sanctions. Not until late in the day was there agreement on an arms embargo, and then it came about as a result of an American initiative and was voluntary and self-regulating. (Both belligerents continued to receive arms shipments until 24 December 1935.) There was certainly no intention of dispatching armed forces to a far-away dispute to assist the victim—and neither side was blameless—or to separate the combatants. And so no one got around to doing anything.

THE LEAGUE'S MECHANISMS FOR THE PACIFIC SETTLEMENT OF DISPUTES AND THE QUESTION OF THEIR EXTENSION

These case studies provide the basis for the claim that the primary factors influencing pacific settlement were external to the League. At bottom, everything depended on the relevant member state. But this is not to say that internal factors are wholly without weight. By refining existing mechanisms and introducing new ones, the League made a secondary, but nonetheless very valuable contribution to the settlement of disputes.

The Secretary General

One such innovation was the office of the Secretary General, whose sterling services were reflected in the extended powers of his UN successor. He had a limited arsenal that was usually exercised behind the scenes. However, on one occasion, over Chaco in 1928, he took it on himself (without authority) to raise the conflict at a Council meeting. His tact and discretion, his careful use of his office and confidential information, his shrewd judgment and contacts enabled Sir Eric Drummond, in particular, to play a helpful, trusted role.⁴³

Diplomacy by Conference

Another League mechanism that needs to be noted in this connection is diplomacy by conference. It was not new. The League Council represented an institutionalization of the nineteenth century Concert of Europe, which had met at times of crisis to settle the affairs of Europe. The Assembly had a forerunner in the Hague Conferences in 1899 and 1907, but it was not expected to play a significant role. However, it proved to have an unforeseen vitality as the representative organ of small, weak states.

Before World War I, third parties were involved in disputes only when their interests were directly affected or the overall peace of Europe was at stake. But now any war or threat of war was a matter of concern to all, and Geneva discussions exposed states to international pressures that, at the very least, led to a minor alteration in actions. Having now to explain or even justify behavior called for a degree of circumspection. The existence of the practice of diplomacy by conference made a difference.

During the Corfu crisis, the great powers regarded threats from outraged smaller powers

in the Assembly as an "omnipresent danger,"⁴⁴ and the fact that the Assembly refused to elect an Italian among its twelve vice-presidents (an honor usually accorded to great powers) was regarded as deeply symbolic.⁴⁵ In the Manchurian crisis, Japan was immovable, but even she had "considerable trepidation" about the Assembly debating its actions and "wanted to avoid at all costs" debate in that organ rather than the Council.⁴⁶ She also put tremendous resources and efforts into propaganda.

In Abyssinia, the conflict between national interest and support for the League led Britain and France to attempt the impossible: to act on League principles and yet sacrifice one of its members. Ignoble, perhaps, but they would not have gotten into such a mess if they had not cared about their obligations. And, unfortunately, they were confronting a dictator who had left the realm of common sense and was ready to see Europe "going up in a blaze" for the sake of his ambitions.⁴⁷

Article 11

The way in which states chose to draw the attention of the League to disputes also indicated cautionary circumspection. Conference diplomacy in those days was a gentlemanly affair and all recognized that it was easiest to reach compromise if no offense were given to a state's *amour propre*. Two Covenant articles were available for settling disputes: Article 11, which in effect offered an invitation to join with other states in finding a way out of an impasse, and Article 15, which set out the procedures for dealing with a dispute "likely to lead to rupture." As the former article was least likely to cause umbrage, it was the most used, and Article 15 was largely kept in reserve.⁴⁸ Some might say that this was too lily-livered. But the objective of Article 11 was to maintain peace, and it was the maintenance of peace rather than justice in which the League was interested.

Inquiry

Having been seized of a dispute, the most notable way in which the League attempted pacific settlement was by the use of independent inquiry (e.g., the Aaland Islands and the Greco-Bulgarian crisis). This reflects the theory to be found in the Covenant that inquiry was a very suitable means of pacific settlement:⁴⁹ the facts, it was assumed, could more or less speak for themselves and their uncovering would direct "right" action. Inquiry operated in conjunction the use of a rapporteur—a disinter-

ested member of the League Council in charge of a question—who usually set the terms of reference and appointed the members of the inquiry, who were chosen on the basis of competence rather than nationality. This last procedure was of great practical use.⁵⁰ As with inquiry, it was valuable in a stable society whose members were not intent on pushing their dispute to the limit.⁵¹

The League's success in disputes handled via inquiry in the early post-war years was due partly to disputants being favorably disposed toward agreement. This was because either the states concerned had a basically conciliatory outlook (e.g., the Aaland Islands) or they had recently been defeated and were not in a position to adopt any other attitude (e.g., the Greco-Bulgarian crisis). And at that time the League was dominated by France and Britain, who were broadly agreed on the need to keep peace and prepared to move with some energy in service of that end.

The Attempt to Perfect the Machinery of Peace

In the 1920s, the call for "compulsory arbitration"—the commitment to settle all disputes peacefully, i.e., to close the "gaps" in the Covenant that allowed war under certain circumstances—received considerable attention, and it is significant that the statesmen concerned wished to ensure that disputes were always settled by using the mechanisms of the League. The height of this attempt to perfect the machinery of peace was the so-called Geneva Protocol of 1924. In the words of the rapporteurs who presented the Protocol to the Assembly:

Our purpose was to make war impossible, to kill it, to annihilate it. To do this we had to create a system for the pacific settlement of *all disputes* which might ever arise. In other words, it meant the creation of a system of arbitration from which no international dispute, whether judicial or political could escape. The plan drawn up leaves no loop-hole; it prohibits wars of every description and lays down that all disputes shall be settled by pacific means.⁵²

However, the path to peace does not lie in drafting elegant plans that states cannot accept.⁵³ The Protocol fell because Britain regarded it as too onerous and firmly quashed any attempts to resurrect it. The "principles" of the Protocol did, nonetheless, have an impact: they were applied regionally in the Locarno Treaties, and the General Act of 1928 offered a

way of gradually building up a network of agreements to settle all disputes peacefully.⁵⁴ At the same time, the campaign for peace through law won much ground: most states accepted the compulsory jurisdiction of the International Court and in its short life it delivered thirty-two judgments and twenty-seven opinions, all of which were honored.⁵⁵ But as the 1920s gave way to the darker years of the 1930s, these achievements were revealed as insubstantial bases of peace.

The Balance Sheet

The main factors influencing the pacific settlement of disputes was not the League's mechanisms but the general policies of the states involved. The amount of time spent on trying to make institutional or legal improvements to the international system was thus misguided.

The progressive liberal assumptions behind the League and the endeavors to perfect the League's machinery of peace were flawed. They assumed the existence of a "rationality" that was based not on the process of logical deduction but on the espousal of peace as the prime value. Thus, it was assumed that precedence would fairly easily be given to respect for human life, to the outlawing of force, and to the pacific settlement of disputes. Once the facts were made clear and the benefits and evils of different courses of action were laid out, the public was expected to take over and ensure that disputes were settled peacefully. However, this assumes that what goes on internationally is no more than the sum of the democratic process within Anglo-Saxon democracies. (And, of course, the Covenant was largely an Anglo-American product.) But, to take just one example, it is doubtful whether public opinion had much impact on inter-war British foreign policy, and even though the British public supported League principles they were not at all keen on going to war for them.⁵⁶ The dynamics of inter-state relations are also missing from this view of international relations. These mistakes might have been understandable at the time, especially in the 1920s when conditions were so favorable for the League. But there is no excuse for Wilson's fundamental error in thinking that

the creation of the League of Nations would cause power to disappear from international politics. Power in international relations was to play the role of the police in a well-ordered constitutional state. Politics was to be transformed into a kind of common administration for the preservation of individual and general

interests. In this system, power would not be opposed by power, but by rational argument.⁵⁷

Competition for power is the *essence* of politics, whether at the domestic or the international level. The rights and wrongs of disputes are often hard to determine. On the rare occasions when a transgressor can be clearly identified, it can be costly to right a wrong—and that cost may be prohibitive if the wrong-doer is a great power. The task of decisionmakers is to pursue the interests of their countries as best they can—if they can at the same time serve the international interest so much the better. The creation of the League did not alter either the international system or international politics; they substantially changed the rules of the game and refined and added new instruments with which to play it.

And so, the success of the League depended on the willingness of its members to use it. When they were willing and the conditions were right, the League could help them. The use of observers—after the Greco-Bulgarian crisis of 1925, in Leticia and the Saar—provided the embryo of what would later become one of the more fruitful of this century's contributions to the maintenance of peace: peacekeeping. The success of any peacekeeping operation depends on the willingness of states to cooperate and refrain from war,⁵⁸ and this was present in all three cases. In the Greco-Bulgarian crisis, the use of observers helped to stabilize the truce at a time when the situation might easily have begun to unravel and assisted in putting the border on a sounder footing. In Leticia and the Saar, it provided the means whereby states could withdraw, helping considerably to lower the stakes and enabling the parties to reach a peaceful settlement.

For a third party's terms of settlement for any dispute to have a good chance of being accepted, disputants must want a settlement and the third party must be, or must be thought to be, independent. The great success of the International Court was due partly to the presence of both factors. Failing this, proposals will be accepted only if they have considerable persuasive force—that is, if there are any very good reasons for doing what the third party suggests. Sometimes the League's authority appears to have been sufficient: on two occasions the demand for a ceasefire was enough to stop states fighting. But looked at more closely, the crucial factor was the attitude of the great powers and their willingness to apply pressure via the League. Either—or both—conditions are

likely to be found only in a society that is stable, relatively united, and in which there are no grave fears about security. This was true of the 1920s, but not the 1930s. Equally, until the 1870s, the Concert of Europe succeeded because these conditions were met;⁵⁹ and they again re-emerged as the cold war ended in the late 1980s, giving new life to both the United Nations and the International Court.

But when the great powers themselves are involved in disputes, the scope for successful action is limited. The first example of a great power challenging the League, in the Corfu crisis, well illustrates this point. But, as indicated above, the League's very existence made a difference and Italy did not emerge unscathed. Likewise, when the parties want to keep matters in their own hands or do not want settlement—especially if one or more great powers are involved—there is little an organization can do (e.g., Corfu, Vilna, the Chaco War). The same is true when the international climate is tense (Europe of the late 1930s or the post-1945 cold war).

Thus, in the final analysis, it is up to states to solve their own problems and, in doing so, to make use, as they see fit, of such assistance available to them. And why not? This, after all, is the meaning of adult responsibility—which all of us, presumably, endorse.

NOTES

1. Minutes of a Directors' meeting, 5 May 1920, General 1920: 40/4199/854, LNA. Quoted in James Barros, *Office Without Power: Secretary-General Sir Eric Drummond 1919-1933* (Oxford: Clarendon Press, 1979), 115.

2. Paul Mantoux, "Action of the Council of the League of Nations in International Disputes," in *Problems of Peace, First Series, Lectures delivered at the Geneva Institute of International Relations, August 1926* (London: Humphrey Milford, Oxford University Press for the Committee of the Geneva Institute of International Relations, 1927), 92-93; Paul Mantoux, "On the Procedure of the Council of the League of Nations for the Settlement of Disputes," *International Affairs*, 5 (January 1926): 17.

3. As Lord Robert Cecil, one of the principal drafters of the Covenant, explained it: "For the most part there is no attempt to rely on anything like a superstate; no attempt to rely upon force to carry out a decision of the Council or the Assembly. . . . That is almost impractical as things stand now. What we rely on is public opinion . . . and if we are wrong about it, then the whole thing is wrong." House of Lords *Debates*, 21 July 1919. At the first Assembly in 1920, Cecil told a British journalist that "it should be realized that the League, above all, depends on public opinion. That is the propelling power. It will be the fault of the peoples if they do not, by their

faith and by their insistence on the use of the League, create a great international organization, making for peace, making for a better world." Sisley Huddleston, *In My Time: An Observer's Record of War and Peace*, (London: Jonathan Cape, 1938), 166.

4. There was only one reference in the Covenant to the League acting as opposed to its members accepting obligations to follow prescribed procedures. This was in that "any war or threat of war . . . is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and efficient to safeguard the peace of nations." (Article 11, paragraph 1.)

5. For a list of disputes, see *Ten Years of World Co-operation* (Secretariat of the League of Nations: 1930), 25-26. See also C.K. Webster and Sydney Herbert, *The League of Nations in Theory and Practice* (London: Allen & Unwin, 1933), 159, and F.H. Hinsley, *Power and the Pursuit of Peace: Theory and Practice in the History of Relations between States* (Cambridge: Cambridge University Press, 1967), 315. According to Hinsley, twenty disputes were settled by ordinary channels of diplomacy, thirty-five were successfully dealt with, and the remaining eleven were not resolved. I am grateful to Andrew Chandler for directing me to Hinsley's book.

6. E.D. Woodward & Rohan Butler, eds., *Documents on British Foreign Policy 1919-1939*, First Series, volume 1, 1919 (London: HMSO, 1947), iv.

7. With Britain and Italy acting as guarantors, Germany accepted her western borders at Locarno and promised to settle peacefully all disputes with France and Belgium. The British foreign secretary described the treaties as "the real dividing line between the years of war and the years of peace." Quoted in C. A. MacCartney, et al., *Survey of International Affairs, 1925*, vol. 2, (London: Humphrey Milford, Oxford University Press for Royal Institute of International Affairs, 1927), 56. Cf. Locarno "might well be characterized as the definitive World War I peace settlement." Jon Jacobson, "The Conduct of Locarno Diplomacy," *The Review of Politics*, 34 (1972): 68.

8. "We have done with the black veils of mourning for sufferings that can never be appeased, done with war, done with brutal and sanguinary methods of settling our disputes. True, differences between us still exist, but henceforth it will be for the judge to declare the law. Just as individual citizens take their difficulties to be settled by a magistrate, so shall we bring ours to be settled by pacific procedure. Away with rifles, machine-guns, cannon! Clear the way for conciliation, arbitration, peace!" League of Nations, Records of the Sixth Assembly, 7th plenary, 10 September 1926, 53. At the end of the speech there was a "demonstration so prolonged and universal" that the Assembly forwent an English translation: for nothing could "be suffered to disturb the deep impression that remained." Arnold J. Toynbee, *Survey of International Affairs 1926*, (London: Humphrey Milford, Oxford University Press for Royal Institute of International Affairs, 1928), 74.

9. F. S. Northedge, *The Troubled Giant: Britain among the Great Powers 1916-1939*, (London: G. Bell & Sons for London School of Economics and Political Science, 1966), 267.

10. Ian Nish, *Japan's Struggle with International-*

ism: Japan, China and the League of Nations, 1931-3, (London & New York: Kegan Paul International, 1993), 239. Chamberlain was foreign secretary from 1924 to 1929.

11. Arthur W. Rovine, *The First Fifty Years: The Secretary-General in World Politics, 1920-1970* (Leyden: A.W. Sijthoff, 1970), 54.

12. League Archives, 1920, Political 11/4639/468, 4 June 1920. Quoted in *ibid.*, 56.

13. Britain's role in referring the dispute was seen as "in the early days when the procedure need an energetic step to put it into action and is now [in 1933] hardly necessary." C. K. Webster, *The League of Nations in Theory and Practice*, (London: Allen & Unwin, 1933), 162.

14. Quoted in Arnold J. Toynbee, *Survey of International Affairs, 1920-1923*, (London: Humphrey Milford, Oxford University Press for Royal Institute of International Affairs, 1925), 236. This was important because there were many others in Europe who could raise the potent banner of national self-determination and wreak havoc with the post-war territorial settlements.

15. Finland joined on 16 December 1920.

16. Wainhouse, *International Peace Observation*, 15.

17. The sentry posts were just forty yards apart. Philip Noel-Baker, *The League of Nations at Work*, 2nd ed. (London: Nisbet & Co., 1927), 51.

18. Alfred Zimmern, *The League of Nations and the Rule of Law, 1918-1935* (London: Macmillan, 1936), 372-73.

19. Webster, *The League of Nations in Theory and Practice*, 164.

20. Even before the dispute arose, the British foreign secretary was discussing with his French and Italian counterparts the possibility of promoting peace through great power cooperation in potential trouble spots such as the Balkans. "If the great powers were agreed, they could at need impose peace on a little state that showed a disposition to disturb it," said Chamberlain. Peter J. Beck, "Impartial Soldiers as an Approach to Balkan Instability: The Example of the Peacekeeping Past," *East European Quarterly*, 17 (March 1983): 15-16.

21. Despite non-membership of the League, the United States attended meetings of the League Advisory Committee on Leticia.

22. Alan James, *The Politics of Peacekeeping* (New York, Washington: Praeger, 1969), 151.

23. Vernon Bartlett, *This Is My Life*, (London: Evergreen Books, 1941), 146. (Bartlett reported the plebiscite for the *News Chronicle*.) As Sheila Grant Duff (who covered the plebiscite for *The Observer*) also reminds us, 'The plebiscite is hardly ever mentioned in history books, so 'peacefully' did it take place and so 'foregone' was the conclusion. This is not how it felt at the time, nor should it be so regarded by historians.' Sheila Grant-Duff, *The Parting of the Ways: A Personal Account of the Thirties*, (London, Boston, Sydney: Unwin Paperbacks, 1984), 76.

24. This was recognized by the crowds who cheered the British, Dutch, and Swedes. The Italians were less popular as they had arrived marching with fixed bayonets as if they were an army of occupation rather than a police force to help assure a fair vote. (Bartlett, *This Is My Life*, 146-47.) The local police

had also been strengthened by a British officer and a detachment of British military police.

25. Webster, *The League of Nations in Theory and Practice*, 164; Robert Dell, *The Geneva Racket, 1920-1939* (London: Robert Hale 1941), 39.

26. Lithuania joined the League in 1921, over the objections of France.

27. Mantoux, *Problems of Peace*, 104.

28. Earlier that summer Mussolini had ordered that plans be drawn up for a landing on Corfu and, after learning there was no defensive artillery on the island, had put the navy on alert.

29. See Mack Smith, *Mussolini*, (Frogmore, St. Albans, Herts: Granada Publishing Co., 1983), 84.

30. Bernotti, *Cinquant' anni*, 132-3, DDI 7/2/229 (13 September 1923). Cited in *ibid*.

31. See Memorandum by Sir Eric Drummond (League Secretary General), "Corfu incident," League Archives, Political 1923: 11/30889/30508. Quoted in James Barros, *The Corfu Incident of 1923: Mussolini and the League of Nations* (Princeton: Princeton University Press, 1965), 254.

32. Mantoux, *Problems of Peace*, 95.

33. E.F.L. Wood, address on the fourth Assembly of the League of Nations, "Notes of meetings," *International Affairs* (November 1923): 269.

34. Philip Noel-Baker, *The League of Nations at Work*, 49-50.

35. Barros, *Office Without Power*, 270

36. Mack Smith, *Mussolini*, 85.

37. F. P. Walters, *A History of the League of Nations*, (London, New York, Toronto: Oxford University Press, 1969), 526.

38. Jessica Elio-Mansilla, *The Chaco War: Peace Negotiations, 1928-1938*, Keele University, unpublished MA dissertation, 1993, 13.

39. Under Articles 10 and 11 of the Covenant—but not under Article 15, which dealt with breaches of the peace.

40. These were the Pan American Commission of Enquiry and Conciliation in Washington, the Washington Commission of Neutrals, and the ABCP (Argentina, Brazil, Chile, and Peru) bloc of neighboring powers.

41. Brazil had left the League in 1926 (her withdrawal becoming effective in 1928). Argentina did not send a delegate to the Assembly after the withdrawal of her delegation at the first, 1920, Assembly. In September 1933, Argentina notified the League that the Argentine parliament had approved the Covenant.

42. Rout suggests that had Paraguayan and Bolivian policymakers agreed in 1932 to the peace proposals they accepted in 1935, they would have lost their jobs—and perhaps their heads. L. Rout, *Politics of the Chaco Peace conference 1935-39* (Austin Texas, London: 1970), 100. Cited in Jessica Elio-Mansilla, *The Chaco War*, 63. It is also noteworthy that Bolivia suffered from international friendlessness. As one of the participants put it, "Bolivia had fought on her own. . . . Paraguay, in contrast, had the advantage of having strong contacts. Unlike her, Bolivia had no friends in this war partly because Bolivia had not formulated a homogeneous foreign policy. Bolivia was sometimes with Peru, sometimes with Chile, Argentina and Brazil." T.G. Elio, *La paz y la Guerra del Chaco: una decision politica* (La

Paz: Los Amigos del Libro, 1988), 62-70. Quoted in Elio-Mansilla, *The Chaco War*, 65.

43. Drummond "was an unending source of ideas, advice, recommendations, proposals, schemes, and formulas, not merely to delegations, but often directly to those governments involved or to those governments not involved but interested in peacefully settling a particular question." Barros, *Office Without Power*, 397.

44. Barros, *The Corfu Incident of 1923*, 308. See also Margaret E. Burton, *The Assembly of the League of Nations* (New York: Howard Fertig, 1974), 290-92.

45. Likewise, First (Legal) Committee chose not to elect as its chairman, Scialoja, a brilliant Italian jurist who had ably filled this position in the two preceding years.

46. Nish, *Japan's Struggle with Internationalism*, 73, 193.

47. Quoted in Mack Smith, *Mussolini*, 227.

48. As Mantoux pointed out, Article 11 was "purposely vague, and does not suggest anything too dramatic or tragic. It makes it possible to bring a case before the Council without appearing to say that the house is on fire." Mantoux, *Problems of Peace*, 94. Up to the end of 1932, Article 11 was used twenty times, whereas Article 15 was used only twice—in Corfu (where it could not be applied) and in Manchuria (partly to get a reference to Assembly). Webster, *The League of Nations in Theory and Practice*, 161-62. Bolivia appealed to the League under Article 15 in 1934 (after the Chaco war had been underway for almost two years); in 1935, Abyssinia was referred to the Council under Article 15; and in 1939, Finland appealed to the Assembly over the Soviet invasion.

49. James, *The Politics of Peacekeeping*, 15-16. It was also an inheritance from the Hague Conventions of 1899 and 1907 whereby states agreed to establish a commission whose task was to facilitate a solution to a dispute (which did not involve honor or vital interests) by impartial and conscientious investigation. The report of the Commission was, however, to be confined to fact-finding and was not to have the character of an arbitral award. Inquiry by the Council under Articles 12 to 15 was intended to be an all-embracing examination of a dispute or situation that might lead to friction.

50. If the question was particularly difficult or delicate, or the rapporteur did not want to shoulder all the responsibility, the Council appointed a committee of its own members. It usually consisted of three, sometimes five members. See Mantoux, "Action of the Council . . .," 103.

51. Japan was the first great power wholly to reject the report of a commission of inquiry. When the Lytton report was adopted by the Assembly, the Japanese delegate walked out of the meeting and his country later withdrew from the League.

52. League of Nations, Benes-Politis Report. Benes was rapporteur for the third (reduction of armaments) committee, Politis was rapporteur for the first (legal) committee. The Protocol aimed at obtaining a definite, binding pacific solution for all disputes. All justiciable disputes were to be resolved by the Permanent Court. If states failed to resolve political disputes directly, resort would be to the

Council. If the Council failed to secure a settlement, the dispute would be submitted to arbitration unless all the parties preferred a political decision by the Council. Every solution reached by any of the methods indicated was to be binding upon the parties. If any party failed to carry out a solution so arrived at, the Council was to propose what practical cooperative measures the signatories were to take to induce the recalcitrant state to fulfill its obligations. If a state did not submit disputes to peaceful settlement or did not execute a settlement and its actions threatened world peace, it would be declared an aggressor. Signatories were then automatically obliged to assist the attacked state under the guidance of the Council. The whole Protocol was to become operative following the successful conclusion of a disarmament conference that was planned for June 1925.

53. Some got so carried away with their love of ideals or their eloquence that they came to believe "that there can exist, either at Geneva or in foreign offices, a sort of carefully classified card-index of events, or, better still, 'situations,' and that, when the event happens or the situation presents itself, a member of the Council or Foreign Minister can easily recognize that event or situation and turn up the index to be directed to the files where the appropriate action is prescribed." J. Fischer-Williams, *Some aspects of the Covenant of the League of Nations*, 238. Quoted in E.H. Carr, *The Twenty Years' Crisis 1919-1939: An Introduction to the Study of International Relations*, (London and Basingstoke: Macmillan, 2nd ed., 1978), 29.

54. In 1928, a League Commission drew up a set of model treaties that could serve as a guide for states who might wish to join in constructing a more extensive system of peaceful settlement. The League Assembly combined them into a general treaty (the General Act) whose four chapters provided for conciliation (Chapter 1), judicial settlement (Chapter 2), arbitral settlement (Chapter 3), and general provisions, combining the clauses that figured, mostly in identical form, in the other three chapters (Chapter 4). States could accede to all or any parts of the treaty and could also make reservations to their acceptance. To satisfy British objections, it was made clear that the approach of bilateral agreements (along the lines of Locarno) was not regarded as inferior. The General Act gave little satisfaction to its authors: the model treaties "remained little better than theoretical exercises, and the time and trouble spent on them provided easy weapons for those who sought to ridicule the League as an impractical gathering of sentimentalists and idealists." Walters, *A History of the League of Nations*, 384.

55. By contrast, at the beginning of 1990, its successor, the International Court of Justice, had given just thirty-three judgments and nineteen advisory opinions in more than double the number of years and in a world that for some time had been composed of more than twice the number. On peace through law see Lorna Lloyd, *Peace through Law: Britain and the World Court in the 1920s* (Cambridge: Royal Historical Society, Studies in History, 1995); Lorna Lloyd, "Philip Noel-Baker and peace through law," in David Long and Peter Wilson, eds., *Thinkers of the Twenty Years' Crisis*, (London: Oxford University Press, 1994).

56. As Manning put it, "In so far as Wilson's preference for democracies may have been grounded in a belief that they would be too pacific, if not too conscientious, to make war against the Geneva system, it may well have been wise; but what he apparently failed to foresee was that the democracies might be found too pacific, and not conscientious enough, to make war in its defence." C.A.W. Manning, "The 'Failure' of the League of Nations," in Carol Ann Cosgrove and Kenneth J. Twitchett, *The New International Actors: The United Nations and the European Economic Community*, (London: Macmillan, 1970), 111. The Abyssinian crisis evoked immense interest in Britain and the so-called "Peace Ballot" (in which eleven and a half million people—over half the number voting in the 1935 general election—voted) revealed considerable support for the League's principles: over ten million supported economic sanctions and 6,784,000 favored military sanctions. However, although public opinion affected government pronouncements, it had far less impact on the content of British foreign policy. Moreover, Hoare's loss of the foreign secretaryship after his infamous pact with Laval was due to parliamentary, rather than public, opinion. See Daniel Waley, *British Public Opinion and the Abyssinian War, 1935-6* (London: Maurice Temple Smith in association with the London School of Economics and Political Science, 1975), passim.

57. Karl Schmid, "Some Observations on Certain Principles of Woodrow Wilson," *Confluence*, 5 (Autumn 1956): 274.

58. On peacekeeping, see James, *The Politics of Peacekeeping*, and Alan James, *Peacekeeping in International Politics* (Basingstoke & London: Macmillan, 1990).

59. It is noteworthy that its predecessor, the Congress system, broke down because its basis was a defensive anti-French coalition and, as the Holy Alliance indicated, its members had differing views of international society.