

ASPECTS FROM THE ACTIVITY OF THE LEAGUE OF NATIONS (1919-1932). THE COVENANT OF THE LEAGUE OF NATIONS

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Abstract. *Finally we can say that the failures of the League of Nations were not due so much to the existence of a totalitarian power, but to the wish of the democratic states to keep the peace with any price. These democratic states made to the expansionist states concessions, sacrificing for this the territorial integrity and independence of the smaller states. This peace, thus implemented, was a false one and was not of long duration. It was based on the older principles of the balance of the powers and not on the democratic objectives of the League of Nations Pact. This is why it was possible a new conflagration that could not be avoided.*

In spite of its failures, the League of Nations organisation has still the merit to be a road opener in the field of international cooperations between states.

Keywords: *League of Nations, Covenant, Versailles, war, negotiations, organization, diplomacy, interwar.*

The honorable initiative that was the creation of the League of Nations and the Covenant of the League of Nations had at their base the idea of their founding father, the American President Woodrow Wilson, who benefited of two mandates at the presidency of United States of America, between 1912-1920. We could say that the president Woodrow Wilson was a man that thought beyond his time. He was an idealist, not because the ideas promoted by him haven't been good, but because they were unapplied in that moment. When he urged the European states to apply a better treatment to Germany, as a country defeated in the First World War, otherwise another war was likely to emerge he wasn't aware that the future will prove that he was right. Unfortunately, the interbelic world wasn't prepared for the acceptance of the idea of equality of the states independently of their wealth or power, the elaboration of certain norms of international law valid for all states which to be applied efficiently in practice or for disarmament, democratic ideas, in essence, proposed by Wilson.

The attitude of Wilson towards the war was somehow ambiguous. In 1914 he was an important supporter of the neutrality of United States towards the war in Europe. However United States did not stay out of the conflict entirely offering with generosity its involvement as mediator in its solutioning, fact demonstrated by the presence of colonel House in Europe with the purpose to negotiate the signing of peace in Europe, a failed mission though. In January 1917, when the Germans started the submarine war by attacking American vessels, Wilson pronounced for the entrance of United States in the war. At January 22, 1917, president Wilson held a speech in front of the Senate entitled "Peace

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without Victory”, understanding by this syntagm the instauration of a common peace after the war, no adversary shouldn't have strive the other part, it would have follow a peace without victory, when the victor will not make the defeatet powers to kneel completely under the economic and military sanctions burden. But, what it actioully followed was the signing the Treaty ffrom Versailles that was a genuine “Diktat” for Germany.

The Covenant of the League of Nations

By this Covenant of the League of Nations (annexed to the Treaty of Versailles), the “high contracting parties”, member states of the present international organisation agree to accept the obligation of no resort to war, to accept the concept of „open diplomacy” between member states, to accept the international law as guiding „the conduct among governments”, to respect the justice and the treaty obligations.

The Article 1 of the Covenant mentions the original members of the Covenant „the signatories” (of the Pact) named in the Annex of the Covenant of the League of Nations. The accession of a state to the newly created organisation is possible after a *Declaration of the respective state* after being deposited at the Secretariat two months before the coming into force of this Covenant. Future states (not mentionned in the Annex), asserts the article, can become members of the Pact after their admission is agreed by 2/3 of the members of the Assembly of the League of Nations. A member of the League can redraw from the League after two years' notice to do so.

The Article 2 of the Covenant mentions the organisation (bodies) of the League of Nations which provides the good functioning of the League: Assembly, Council, Permanent Secretariat.

Article 3 of the Pact defines the Assembly and its organisation. Thus the Assembly is formed from the representatives of the members of the League of Nations. It reunites at given intervals at the seat of the League or in other places previously decided upon. The Assembly can deal at its reunions with any problem from the sphere of action of the League of Nations or which effects the peace of the world. Each member of the League has one vote in the Assembly and no more than 3 Representatives.

Article 4 defines the Council and its obligations. The Council is formed from the representatives of „Principal Allied and Associated Powers, together with Representatives of four other members of the League” selected by the Assembly.

With the consent of the majority of the Assembly, the Council „may name additional members of the League whose Representatives can be members in the Council.

The Council meets from time to time, at least once at a year, at the seat of the League and can deal at its reunions with all matters from the sphere of activity of the League or impending the realisation of the peace of the world. At the Council's reunions each state represented in the Council shall have one vote and a single representative.

According to Article 5, “decisions at any meeting of the Assembly or of the Council shall require the agreement of all Members of the League represented at the meeting”. All of the matters of procedures in the Assembly or Council should be supervised by these two bodies while matters of procedure require the majority of votes.

Article 6 consecrates the permanent Secretariat of the League of Nations, that has the seat in Geneve and comprises the Secretary General and the staff of the Secretariat. The staffs and the secretaries are appointed by the Secretary General with the consensus of the League. The General Secretary is present at the Assembly and Council Reunions and acts according to his function. The members of the League pay for its expenses in a proportion established by the Assembly.

Article 7 establishes Geneva as a seat of the League of Nations, but the place can be changed according to a decision of the Council. Article 7 establishes, in continuation, that both men and women can compete for jobs in the League of Nations, so we see from here the idea of the equality of genders. The representatives of the League and officials of the League should enjoy „diplomatic privileges and immunities”. The buildings and the property of the League are inviolable.

Article 8 says that one of the objectives of the members of the League is to reduce the national armaments to the lowest necessary level for the preservation of national security. The plans for reduction of armaments shall be formulated by the Council. These plans can be reconsidered and revised any ten years. It is forbidden the manufacture by private investments of munition and arms. These manufactures should be prevented, limited to the bare necessities the production of arms on the territory of the League of Nations. The interchange of information concerning the reduction of armaments between the members of the League is free and undertaken by the League of Nations member states.

Article 9 establishes a Commission to advise the Council to fulfill the obligations of Article 1 and 8 „on military, naval and air questions generally”.

According to Article 10 the members of the League of Nations preserve the territorial sovereignty and political independence of the members of the League against any external aggression. The Council, in case of aggression, advises on the means to be implemented further on.

The Article 11 of the League of Nations explains that “any war or threat of war” is a matter of concern for the entire organization named League of Nations which is enabled to take the most wise decisions in order to safeguard the peace among the nations. Any member of the League can bring the attention of the two institutions (Assembly and Council) on the arising matters of conflict in international relations.

In the Article 12 of the Covenant of the League of Nations, it is mentioned that any dispute that can arise among the members of the organization that can cause a malfunction of the organization can be submitted for arbitration or judicial settlement in front of the Council and the parties will not start a war before 3 months after the arbitration and judicial decision of the Institution in that matter. After the settlement of dispute, the Council is required to make a report on the issue.

Article 13 mentions that the members of the League agree that any divergent interest will appear among them, they will send the subject matter to arbitration or judicial settlement. In the quest of pacific settlements of disputes, the disputes are submitted to arbitration or judicial settlement (in this case the care is referred to Permanent Court of International Justice or any tribunal agreed by the parties).

The Article 14 of the Covenant of the League of Nations gives a role of the Council of the organization to formulate and submit adoption plans for the League of Nations members in order to set forth a Permanent Court of International Justice which had to be capable to solve any international dispute between the parties and enact also advisory opinions in the matters concerned.

Article 15 mentions that parties involved in a dispute must send notice to the Secretary General that makes all the arrangements for a full investigation. The Council will make efforts to achieve a settlement of the dispute and if the dispute is settled a statement in these sense will be enacted. In the opposite case when the dispute is not settled, the Council should publish otherwise a report.

Article 16 mentions that if, in spite of the Article 12,13 and 15 of the Pact, a state resorts to war, measures of severance of all trade and financial relations with that state will be undertaken by the member states, but, also, it will be provided all inter-course between the nationals of the member states of the Pact and the nationals of the state which resorted to war. The Council of the organization will thus recommend with the view of military, naval, air forces to be used by the League against the respective state. Another provision of this Article 16 is that any member of the League of Nation, who violated the fundamental principles of the League of Nations can by a vote of the Council be eliminated from the organization.

Article 17 consecrates the principle that in the occurrence of a conflict between a state that is member of the League of Nations with a state that is not member of the League of Nations or between states that are not members of the League of Nations, the respective states will be firstly invited to become members of the League of Nations and only after that, Article 16 will be applied.

Article 18 provides that all treaties and international engagements undertaken by a member of the League of Nations should be registered in front of the Secretariat and very soon published. All the treaties of the League of Nations which bind the League of Nations members must be registered in front of the organisation.

Article 19 asserts that the Assembly of the League of Nations might advise from time to time the reconsideration of the treaties by the League of Nations member states and the ones inapplicable be eliminated. The Assembly should evaluate the international conditions that still pose problems for the security of the world.

Article 20 mentions that the League of Nations members accept that the present Covenant can abrogate all obligations and understandings between members which are inconsistent with its provisions. In case when a member of the League of Nations, after asserting its membership in the organisation, undertakes obligations inconsistent with the principles of this covenant, the respective state should look to ask the release from these obligations.

Article 21 asserts that nothing written in the Pact will not affect the validity of international arrangements, such as the treaties of arbitration and regional understanding conceived for preserving the maintenance of the peace and order.

Article 22, asserts the Covenant, foresees that colonies and territories that after the First World War do not belong anymore to their sovereign states which governed them before, will be continued to be civilised according to this Covenant. These people will be put under the tutelage of advanced nations who will accept this task and the colonies will be governed under the form of mandates by mandatory states. Some territories belonging to Turkish Empire reached a stage a development, in which their existence can be ensured and can be provisionally administered by mandatory powers. But in Central Africa and South-West Africa, these peoples are in lower states of development and, thus, the role of the mandatory power increases. Mandatory states must render to the Council of the League of Nations an annual report with reference to administrated territory. The Council must explain the degree "of authority, control or administration to be exercised by the Mandatory" in case that this aspect was left undecided by the members of the League. It follows to be constituted a Permanent Commission in order to receive and examine the annual reports of the mandatory states and further guide the Council in this respect.

Article 23 mentions the obligation that the members of the League of Nations will maintain human conditions of labour for men, woman, children, in their country, in countries with which they have economic relations or interests enabling international

organizations to act in this sense; the native inhabitants placed under their control will enjoy a faire treatment; the League will generally supervise the execution of agreements in the field of traffic of women, children, opium, dangerous drugs. There will be supervised trade with arms and ammunitions in zones of common interest. The League of Nations will ensure the freedom of communications and transit so necessary in commercial relations of the League of Nation members; will prevent and controll the evolution and expansion of deseases.

Article 24 asserts that under the umbrella of the League of Nations they will be put all international bureaux established by the General Treaties. These bureaux will be put under the tutelage of the League of Nations. In the matters of overall importance that are under the surveillance of a general convention and, in the same time, they are not put under the controll of such an international bureaux, the Secretariat of the League of Nations, can collect and distribute relevant information and can enterprise any other necessary information.

Article 25 asserts that under the tutelage of the League of Nations, it will develop its activities a newly created organisation, national Red Cross in the domain of health protection, preservation of desease and the cure of human suffering around the world.

Article 26 says that ammendments to this covenant will be implemented when the League of Nation members will ratify them, the states being represented in the Council and in the Assembly. This ammendment does not bind a state necessarily, the state can express its dissent, but in this case it cease to be a member of the League.

Starting from the Covenant of the League of Nations and from the very beginnings of the evolutions of this organisation and closing its analysis in 1932 (the date when the present article was written), Eduard Benes (Benes, 1932), political men of interwar period, tries to see how the occurent economic and political crises in vogue in 1932 had impacted on the activity of the League of Nations starting to analyse the mission and general objectives of the League of Nations established in 1920. El arată că Liga Națiunilor avea și un puternic fundament moral such as that the democracy and social and racial justice should have been basis for political constructions. Benes makes reference to the 26 articles of the League of Nations and their content. Thus the states were oblidge not to start a war, they were oblidge to reduce the national armaments, were oblidge to subject all issues arisen between them to the arbitration in front of the League or in front of the Council, they were oblidge to maintain the solidarity between them, so as integrity and political independance in front of the danger of external aggression. Any act of war is considered to be as a war against all member states of the League of Nations, asserts Benes. The author shows that in the decisional process used by the League of Nations is used, most often, the rule of unanimity, it follows to transplant the principle of democracy in the sphere of international order (Benes, 1932: 68) One of task that belonged to the League of Nations at its creation was to establish the peace amongst the nations. Before the war, national interests prevailed in politics but, in the framework of this organization the member states have to realize that they have to harmonize their interests among them and to formulate common ideals, moral and material interests and to act together to achieve them. (Benes, 1932: 68) To act within the League of Nations, asserts Benes, meant much more, to transform the political culture of the electors and to rebuilt the ideas of political parties and national parliaments. (Benes, 1932: 69) League of Nations had to have an important role in the establishment of peace, order and security. In case of agressions the LN bodies had the task to adopt proper measures and to sustain these measures. (Benes, 1932: 69) One of the objectives of the League was the desarmation.

The covenant of the League of Nations gave to this organisation the right to inspect all the international treaties. Public opinion do not deny the role of the League of Nations in the field of arbitration. Some of the conflicts appeared after 1919, were the consequences of the way in which the First World War was concluded points out the author. One first conflict reminded by the author was the conflict between Finland and Sweden on Aland Islands. In 1921, it was acknowledged the sovereignty of Finland on the isles with the promise made to Sweden that the isles will never be used as fortresses. (Benes, 1932: 71) Another conflict arisen in the framework of the League of Nations was the Polish-Lituanian dispute on the city of Vilna arisen in the autumn of the year 1920. The Council was helped by a Commission and established neutral zones on the disputed territory, preventing thus a war. Another dispute arisen within the League of Nations, pointed out by Benes, the partition of Upper Silesia (Benes, 1932: 72) It was taken place a plebiscit and Silesia was partitioned between Poland and Germany, each side having the duty to respect the ethnic minorities found under its controll. Other conflicts in which the League of Nations was involved emphasized by Benes was in solutionning of Memel problem, in the reglementation of the frontiers between Poland and Czechoslovakia, the Javorina issue, between Czechoslovakia and Hungary, and between Yugoslavia and Hungary. In 1923, it has arisen, also, a conflict between Greece and Italy when after a diplomatic incident, Italy occupied Corfu island. Another conflict, mentioned by Benes, was the conflict between Greece and Bulgaria when a Greek sentinnelle was shot by a bulgarian one. In 1931 it was brought in front of the Court of Geneve the conflict between China and Japan. It followed a few weeks of open war and after that it follows diplomatic negotiations. As a consequence, it was created an independant state Manciuoko under the Japanese leadership.

Another domain of action of the League of Nations is the fact that it acted as a genuine guardian of the treaties. (Benes, 1932: 75) The Briand –Kellog pact and its ratification lead to the conclusion that violence as an instrument o solutionning the conflicts will be abandonned.

An important issue brought forward in the framework of the League of Nations is the desarmation. More desarmation was considered to bring more security (Benes, 1932: 77) Desarmation meant more that all the signitures of the Pact and all the treaties of arbitrage and conciliation of the League. In the view of the League of Nation, the issues of desarmation was not concerning only the security of the respective state, but is was concerning the whole League of Nations.

The League of Nations, according to Benes, developed important activities in the economic field, social welfare and the culture. The idea of prezerving the peace developed very well in the framework of the League of Nations, the solutionning the political problems arisen by the way of arbitrage as well, the promotion of a deepen economic cooperation between member states and the undertake to stabilize regions like Austria, Hungary, Bulgaria. Another idea promovated by the League of Nations was the promotion of intellectual cooperation, being created two centers fostering this objective: 1). International Institute for Intellectual Cooperation (Paris) and 2) International Institute for Educational Cinematography (Rome). Last but not least, Benes proposed that international efforts in the educational domain should continue and be fostered by the League.

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