

## International Organisations

### Chapter 27

## THE LEAGUE OF NATIONS

### Definition and Essentials of International Organisation:

An International Organisation has been defined "as a forum of co-operation of Sovereign States, based on multilateral International agreement, and comprising of a relatively stable range of participants the fundamental feature of which is the existence of permanent organs with definite competences and powers acting for the carrying out of common aims."<sup>1</sup>

Following are the main essentials of International organisation:--

- (i) Its origin is based on multilateral International agreement.
- (ii) The institution has a personality of its own which is distinct from its individual members.
- (iii) It has permanent organs which carry out common aims.
- (iv) As compared to the will of all members, its organs exhibit autonomy of will.

**Chief Functions of International Organisations:** At present International Organisations perform many functions and their functions are constantly increasing. Due to paucity of space it is not possible to mention here all the functions performed by International Organisations. It will suffice to note here only those functions which are main in principle and which include other functions. Such functions are the following:--

- (i) The main function of International Organisation is that keeping intact the sovereignty of States and despite their different social systems, it established and expands peaceful co-operation among them.

1. Wojciech Morawiecki, "Some Problems connected with the organs of International Organisation", Int. Orgn., Vol. XIX No. 4 (Autumn 1965), p. 913 at p. 914.

- (ii) Its second main function is to ensure that the competition going on among the individual States remains peaceful.

**Origin:** <sup>موزوں طریقوں پر</sup> As aptly pointed out by Philip Noel Baker, "The League of Nations is the first attempt in history to furnish the international society of nations with a permanent and organic system of International Political Institution. This attempt was an outcome of the world war." The devastating effects of the First World War compelled all rights-thinking men of the world to make endeavours to establish an International Organisation which may be based on the respect for law and which may be able to establish peace and security in the world. During the First World War certain committees relating to Shipping raw materials, food materials, fuel, etc., were formed by the allied nations. The successful working of these committees encouraged the concept of International co-operation among the States. The League of Nations is often termed as "A Child of War". Although to a great extent this statement is correct, yet the nature of the Covenant of the League of Nations was to some extent, influenced by certain movements which had already started before the war. The first of such movements began with the Concert of Europe. The Concert of Europe was in itself the product of long and continuous development of International Organisation. The framers of the Covenant of League of Nations found the Concert of Europe as a model for establishing League Council on more or less similar lines. The second of such movement was precipitated by Hague Conferences of 1899 and 1907. The framers of the Covenant found these Conferences as a model for the League Assembly. It was their conviction that League Assembly could further develop its legislative functions as far as possible by the Assembly of League of Nations. The third movement appeared in the form of administrative and technical unions. Universal Postal Union is a glaring example of such unions. These movements or tendencies which had been developing for some time back before the start of the First World War, greatly influenced the nature of the League of Nations.

Although the desire for the establishment of an effective International Organisation had been expressed long before the First World War, yet it took the real form in the treaty of

Versaillais, 1919. During the War, a lot of propaganda was going on in Europe and America in official as well as unofficial fields to establish an effective International Organisation. Many proposals were being put forward in this connection. By the end of the First World War, the statements of the World had finally decided to establish the league of nations. Although their ideas were upto now not clear, yet they were at least definite about their desire to establish an organisation which might prevent further war and save the people of the world from the scourge and devastating effects of wars. In 1918 Lloyed George, the Prime Minister of Britain in one of his important speeches said, "We must seek by the creation of some International Organisation to limit the burden of armaments and diminish the probability of war" Robert Cecil, after assuming the office of Minister, proposed the formation of a Committee to prepare draft for establishing mutual co-operation among the nations and to maintain peace in the world. This proposal was accepted and a committee was formed under the Chairmanship of Lord Phillimore.

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Similarly, the French Government also established a Committee to study the plan for the establishment of League of Nations. The report of this Committee was much more clear and certain than that of Phillimore Committee. In the meantime, a significant event took place in America. On January, 8, 1918, President Wilson of America put forward his famous 14 point programme for the establishment of League of Nations. This 14 point programme included the proposals for the establishment of a Conference of the representatives of the Great Powers, a permanent Secretariat, Disarmament, Compulsory Arbitration and for military action against the members resorting to war and violating provisions of the proposed League of Nations. President Wilson gave an impetus and encouragement for the establishment of League of Nations. It would be wrong to contend that much of the credit for the establishment of League of Nations goes to President Wilson.

By the end of 1918, Lord Robert Cecil had prepared a draft which was known as "Cecil Draft". In December, 1918 General Smuts also put forward his proposals for the establishment of League of Nations. His proposals included the establishment of a General Conference, Council and Arbitration Court.

Thereafter, the President of America also put forward his second and third drafts for the same purpose. An official British draft was also prepared for the purpose. Ultimately the American and British proposals were compiled in joint draft known as "Hirst-Millar Draft". This joint draft was presented before the League of Nations Commission of the Peace Conference. On April 28, 1919, the Peace Conference accepted the draft which was given the final shape by the Commission and thus the Covenant of the League of Nations was adopted. It is significant to note that the Covenant was kept as a part of the treaty of Versailles, 1919. Thus finally the League of Nations was established on January, 10, 1920.

**Principal Organs of the League of Nations.** Following were the principal Organs of the League of Nations:--

(1) *Assembly*: All members of the League of Nations were represented in the Assembly. Each member could send its three representatives in the Assembly, although each member was entitled to have only one vote. Sir A. E. Zimmern has rightly remarked, "The assembly was not a Parliament" or any other organ of a system of world Government. It is simply the first outward and visible manifestation of the authority of the Rule of Law in the world." It may, however, be noted that one defect of the Covenant of the League of Nations was that the functions of the Assembly and the Council were not properly and specifically demarcated. However, there were certain functions which were exclusively performed by the Assembly. For example, it admitted new members by two thirds majority, nominated the non-permanent members of the Council and approved or ratified the appointment of the Secretary General.

(2) *Council*: The principal allied and associated powers were the members of the Council. That is to say, America, Britain, France, Italy and Japan were the permanent members of the Council besides this, four other members were elected by the League Assembly. It was, however, unfortunate and certainly detrimental for the future of League of Nations that America could never join it although President Wilson inspired and encouraged the establishment of League of Nations. Therefore, the place of America was filled by a smaller State which was elected by the Assembly. As noted earlier, the functions of the Council and the Assembly were not clearly

demarcated, the Council performed functions alongwith the Assembly, but there were certain functions which were exclusively performed by the Council. These functions included the nomination of additional members of the Council, preparation of plans for reduction of armaments, to advise the members in regard to the defence from external aggression and for maintaining territorial integrity of the members.

(3) *The Secretariat:* Although neither the idea of International Secretariat nor the concept of International civil service was entirely new, yet the League of Nations deserves credit for establishing an International civil service in the real sense of the term and it was a League experiment which was further developed and perfected by the United Nations. The Secretariat of the League of Nations comprised of 600 officers and subordinate officials. It was headed by the Secretary-General who was appointed by the unanimous decision of the Council.

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**Withdrawal of Membership N. B.** For this please see matter discussed under the heading "Is withdrawal of a member State from the U.N. Possible?" under the heading "Origin, Purposes, Principles, Membership, etc. of the U.N".

**Functions of League of Nations:** The League of Nations performed following main functions:

(1) The "Reduction of National Armaments to the lowest point consistent with national safety". (*Article 8*).

(2) To "preserve as against external aggression, the territorial integrity and existing political independence of all members of the League. (*Article 10*).

(3) The third important function performed by the League of Nations was to settle International disputes peacefully, (*Articles 12 and 16*).

(4) Yet another important function of the League of Nations was to bring about peaceful change in International relations.

(5) Last but probably the most important functions performed by the League of Nations was to maintain International peace and security.

Thus "The Covenant of the League of Nations was a multilateral treaty .... with two-fold objectives of preserving International peace and security and promoting International co-operation".<sup>2</sup>

**Weakness and Defects of the League of Nations:**  
Following were the main defects and weaknesses of the Covenant of the League of Nations:

(1) One of the main defects of the Covenant of the League of Nations was that all decisions of the Council were taken unanimously. Since the nations were divided among groups, it was not possible to decide many matters by unanimous decisions. Thus the unanimity principle which was incorporated to improve the efficiency of the working of the League of Nations proved to be detrimental and obstructed its day-to-day working.

(2) Yet another important defect of the League of Nations was that it did not completely prohibit war. The Covenant of the league of nations permitted members States to resort to war under certain circumstances. The Covenant provided that at the first instance members were under obligation to settle their International disputes through arbitration, judicial settlement or enquiry by Council. But if the problem was not resolved through these means they could go to war after the lapse of 3 months. That is to say, the main restriction imposed by the Covenant was that after the failure of the settlement of disputes through the above means, the nations had to wait for three months before resorting to war. Jurists have, therefore, rightly remarked that this was the main constitutional defect of the Covenant.

(3) Although President Wilson of America contributed much for the establishment of League of Nations, yet it was unfortunate that America could never become its member. The obvious reason for this was that the Covenant of the League of Nations was a multilateral International treaty, and therefore, before America became its member, it was necessary (in accordance with the provisions of American Constitution) that the consent or ratification of American Senate should have been

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2. Stephen S. Goodspeed, The Nature and Functions of International Organisation, at p. 33.

obtained. The American Senate never ratified and, therefore, America could never become the member of the League of Nations.

(4) Yet another defect the League of Nations was in regard to the constitutional provisions for the amendment of the Covenant. It provided that if any amendment of the Covenant was not acceptable to any State, then it would mean that member ceased to be a member of the League of Nations. This provision proved to be fatal because in the course of time a number of States ceased to be the members of the League of Nations.

(5) The League of Nations also provided for the withdrawal of the members. The members could withdraw from the League of Nations by giving a two years' notice. This provision also proved to be detrimental. In the beginning the League of Nations had as many as 62 members which in the course of time were reduced to only 32. It was perhaps for this reason that in San Francisco Conference in 1945 when the matters relating to withdrawal of the States from the United Nations was being debated, a majority of the members wanted that they should be no provision for the withdrawal of members. It was on account of this reason that the Charter of the United Nations contains no provision regarding withdrawal of members from the Organisation.

(6) The Council of League of Nations did not have the capacity to settle the International dispute peacefully.

(7) The League of Nations was also not capable to prevent great powers from attacking and exploiting smaller States.

(8) The League of Nations could not be termed as a universal International Organisation. In the beginning it had only 62 members which were later on reduced to 32 members.

(9) It was based on the policy of discrimination between great powers and smaller States.

(10) Yet another cause for the failure of the League of Nations was that the great powers always considered their selfish interest over and above all things. As remarked by P.B.

Potter. "The ultimate culprits in the failure of the League of Nations were the member States. It was not the League of Nations, but the Nations of the League which failed, insofar as there was failure."

(11) Last but not the least main defect of the League of Nations was that it failed, and failed miserably, to perform its main and primary function of establishing peace in the world.

**Factors and Events leading to the Dissolution:** In addition to the above defects and weakness of the League of Nations, certain events which took place, also led to the decline and ultimate dissolution of the League of Nations. Following are some of such main events:--

- (1) In 1923, Italy attacked an island named Corfu belonging to Greece. Greece raised this matter in the League of Nations. The League of Nations, instead of providing any assistance to Greece to resist the Italian invasion, gave its advice in favour of Italy.
- (2) In 1931, Japan attacked and conquered Manchuria. The League of Nations failed to take any effective action in this connection.
- (3) One of the important functions of the League of Nations was, as noted earlier, the reduction of national armaments to the lowest point consistent with national safety. It was, therefore, under the auspices of the League of Nations that Disarmament Conference was held in 1932. It was a landmark event insofar as the holding of such a Conference was concerned, but no tangible success could be achieved and this also proved to be detrimental for the existence of the League of Nations.
- (4) In 1935 Italy attacked Ethiopia. The League of Nations could not take any action against Italy.
- (5) In 1939 Russia invaded Finland. In this case also the League of Nations remained simply as a spectator and failed to take any action at all.