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UNIVERSITY OF LOUISVILLE

FRANCE AND
AN INTERNATIONAL POLICE FORCE.

A Dissertation

Submitted to the Faculty

Of the Graduate School of the University of Louisville

In Partial Fulfillment of the

Requirements for the Degree

Of Master of Arts.

Department of History

By

Homer Castle White

Year

1934

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Chapter I
Historical--From the Greeks to Gargaz.

FRANCE AND
AN INTERNATIONAL POLICE FORCE

Chapter I
Historical--From the Greeks to Gargaz.

The basic principle of an international police force, the imposition of international justice upon nations by means of an international authority, developed through the attempts of men since the earliest stages of history to set up stable political organizations. According to Hobbes, men were forced to pool their strength to save themselves from a condition of violence and disorder in which their lives were "solitary, poor, nasty, brutish, and short", and characterized by a "continual fear and danger of violent death."¹ Therefore, it was necessary for men to renounce all their rights, and transfer them to a common authority who will be charged with their protection. A study of the development of this principle in the history of mankind is important to the understanding of the question of an international police force.

By 600 B. C. all the peoples of central and northern Greece had formed an association known as the Amphictyonic League.² This league was a union of city-states which were 'amphictyones', or neighbors, in reference to the sanctuary of Demeter at Anthela. The members of the Amphictyonic League took an oath not to cut off each other's water supply, and not to destroy each other's towns. The combined armed forces of the

1. F. W. Coker, Readings in Political Philosophy, p. 305.

2. Cambridge Ancient History, Volume III, p. 604. See also W. Evans Darby, International Tribunals, pp. 1-9. This interesting book contains a detailed account of various peace plans from the leagues of the ancient Greeks to the Hague Conferences.

League were to be used against any member who violated this oath.¹

This early Greek league was enshrouded with the halo of religion. The members formed several religious councils, comprising the representatives of the various cities, which met periodically, and each city had a voice in the joint management of the temples of Apollo. "These councils," says Breasted, "were among the nearest approaches to representative government ever devised in the ancient world."²

The members of the League did not hesitate to use their joint forces in assisting Delphi against Crissa. In fact, the war was even considered a Sacred War, this name being applied to it.³ These people were quick to apply the sanctions of armed force in aiding a fellow-member of their organization, an effective measure which modern states still refuse to adopt. The Amphictyonic League was one of the first experiments in the pooling of armed force, and the application of armed sanctions.

Two other Greek leagues are important. The first, the Confederacy of Delos, was formed in 477 B. C. This Confederacy possessed no definite constitution which outlined the duties and obligations of each member; indeed, it was more like an organization formed by a treaty of alliance between Athens, the predominant Greek city, and the other cities. Oaths were exchanged, and "the casting into the sea of masses of iron which accompanied the exchange of the oaths was intended to be symbolic of a determination

1. David Davies, The Problem of the Twentieth Century, p. 61.

This work will be referred to hereinafter as Davies.

2. J. H. Breasted, Ancient Times--A History of the Early World, p. 291.

3. Cambridge Ancient History, Vol. III, p. 604.

which should last until the metal floated to the top."¹

The object of the alliance was retaliation against Persia for the losses due to her invasion of Greece. The allies were bound to furnish their quota of ships and crews for the prosecution of the war against Persia, or if unable to furnish this material, they were to give their quota of tribute. A synod of the allies met periodically at Delos where the treasury of the League was also located. Its duties were probably to review the assessment of tributes.² The Athenians predominated in all the activities of the Confederacy of Delos. Athens was the great builder of ships; an Athenian was to command the combined fleet; and Aristides the Just was in charge of collecting the tribute money.³

The combined fleet of the Confederacy scoured the seas of pirates, and the combined armies drove the invading Persians completely out of the region of the Hellespont. The League had proved its worth; henceforth, Persia, or any other great Power, had to reckon with the combined forces of all the members of this combination if it dared to attack any city in the group. Here was "the first example of the establishment of an international navy and police force."⁴

The League possessed internal, as well as external, strength. Naxos, a member of the Confederacy, attempted to secede, but she was forced back into the group. Thus the union was

1. Cambridge Ancient History, Vol. V, p. 40.

2. Ibid, p. 41.

3. J. H. Breasted, Ancient Times--A History of the Early World, p. 339.

4. Davies, pp. 62-3.

preserved. Corystus, in the island of Euboea, whose inhabitants were considered of a different race from those of the rest of the island, refused to join the Confederacy, and she was forced into it against her will. Her inhabitants were treated kindly: they were neither expelled nor enslaved.

In spite of all the successful adventures of the Confederacy, it had one serious defect--the supremacy of Athens. This great Greek city-state controlled all the activities of the League. She decided which of the cities should furnish ships and which should furnish tribute; she commanded the fleets and armies through the selection of Athenian naval and military leaders; and she dictated the policies of the Confederacy. In the year 454 B. C. the treasury was transferred from Delos to Athens, and the growing power of this city transformed the Confederacy into an Athenian maritime league. Athens swallowed up the Confederacy of Delos.

There ought to be a lesson on this page out of the history of mankind. Davies points it out: "One of the lessons to be learnt from this first experiment in the creation of an international police force is that no single State should be able to secure a monopoly in the manufacture or construction of any weapons with which this force may be equipped."¹ Such a situation is a temptation to the great Power to use these weapons in her own defense, just as Germany, trusting in her great monopoly in the chemical industry to bring the Entente Powers to their knees, violated a great international treaty.²

1. Davies, p. 63.

2. Ibid, p. 64.

The last Greek league of importance is the Achaean League. It was formed after 300 B. C. With the rise of powerful commercial States in the Mediterranean regions, and the corresponding decline in the lucrative trade of the Greek cities, alliances became only natural. In northern Greece the Aetolian League filled the same need that the Achaean League filled in the south. The Greeks were making a last desperate effort to prevent their submergence in the growing Macedonian kingdom: it was a losing fight.

Beginning with a membership of twelve cities, the Achaean League rapidly expanded into an organization of seventy members.¹ The League officials consisted of a General, a governing board, a secretary, a treasurer, and an admiral, who were elected in mid-winter and assumed office in May.² The General, elected for a term of one year, commanded the combined army of all the cities, and the other officials had charge of all the matters of defence and foreign relations with States outside the League.³ Any citizen of any Greek city in the League could be elected to any of these offices.

The League appears to have possessed both an Assembly and a smaller Council. The Council, composed of delegations from all of the cities in proportion to population, decided foreign policy, received and sent ambassadors, and conferred federal citizenship. The Assembly, composed of the Council, officials,

1. Davies, p. 64.

2. Cambridge Ancient History, Vol. VII, p. 736.

3. J. H. Breasted, Ancient Times--A History of the Early World, p. 450.

and all citizens over thirty years of age, had the power of declaring war and making new treaties and alliances.¹

The cities in the League kept their internal power and their own law courts. All private law was beyond the power of the League: the internal sovereignty of each city was kept intact. A real curb was placed on the external sovereignty of each city, however, and no city had any power over its own foreign affairs, all foreign policy being reserved for the League. "--No city could send or receive ambassadors, make treaties, or wage war; a real service done by the Greek Leagues was that each prevented war between its own cities."² The military service of every citizen was due to the League alone, and every citizen paid the League's property-tax, though apparently each city was responsible for its collection.

In contrast with the Delian Confederacy which fell because of the supremacy of Athens,³ the Achaean League in southern Greece and the Aetolian League in northern Greece fell because Athens and Sparta were not members of their organizations. The Achaean League tried time after time to force Sparta into its membership, but every attempt met with defeat. After 225 B. C. this League began to break up, and although an Achaean member took an oath never to secede from it, many of them left its fold after the futile attempts to force Sparta into their membership. Like a huge tidal wave, the rolling masses of Macedonians swept away the last vestige of Greek alliances, and made themselves masters of all

1. Cambridge Ancient History, Vol. VII, pp. 737-8.

2. Ibid, p. 736.

3. See above, page 4.

Greece. So ended the last of the great Greek Leagues amid the rising glory of the Macedonian king and his great son, Alexander. But even the splendor of such a personage as Alexander the Great could not efface the political ideas left by the Greeks; and one of these, the idea that the armed forces of a league can be used to maintain peace and order, passed on to the Romans.

With the advent of the great Augustus to power in Rome, the so-called pax Romana began: Rome imposed peace upon the world by force. For some three centuries beginning with the advent of the Christian era there was comparative peace throughout the civilized world.¹ The "ravages of civil war, and the irresponsible exactions of partisan leaders"² came to an end.

Another historian writes thus about the Roman peace: "The benefits conferred upon the world by the universal dominion of Rome were of quite inestimable value. First of these benefits, --was the prolonged peace that was enforced throughout large portions of the world where chronic warfare had hitherto prevailed. The 'pax romana' has perhaps been sometimes depicted in exaggerated colours; but as compared with all that had preceded, and with all that followed, down to the beginning of the nineteenth century, it deserved the encomiums it has received."³

Looking back over the dark ages of history, Dante was struck by the wonderful reign of universal peace under the Roman aegis. He bases his political philosophy upon the proposition that a universal monarchy, such as the Roman Empire, is essential

1. Arthur Boak, A History of Rome to 565, A. D., pp. 243, 276.

2. Tenney Frank, Roman Imperialism, p. 353.

3. J. Fiske in The New Larned History, Vol. VIII, p. 7150.

to the happiness and tranquillity of mankind. He teaches the theory of the necessity of a common superior, contending that "there may be controversy between any two princes, where one is not subject to the other,--between them there should be means of judgment,--there must be a third prince of wider jurisdiction, within the circle of whose laws both may come."¹

In the same century that Dante was expressing these political tenets, another group of political entities were beginning to league together for the preservation of peace. In 1241 Hamburg and Lübeck made a treaty which is regarded as the basis of the Hanseatic League.² By the end of the thirteenth century, nineteen towns had adopted das lübische Recht. The purpose of this league of German towns was to suppress piracy, protect the trade routes, and above all "the maintenance of peace, indispensable to trade and industry."³

The Hanseatic League was very powerful for several centuries after its origin, and as its prestige grew, membership was eagerly sought, and expulsion became a severe punishment. On one occasion a member was expelled from the League for refusing to act jointly with its colleagues.⁴ It also clashed with Denmark and emerged the winner. All European countries regarded it as a political entity and negotiated treaties with it. Thirty-five towns were represented at a meeting of the League in 1418, and a close alliance was concluded for 12 years for mutual defense.

The revived League was not able to regain its old power,

1. F. W. Coker, Readings in Political Philosophy, p. 146.
2. Cambridge Medieval History, Vol. VII, p. 218.
3. Ibid, p. 219.
4. Ibid.

and it was doomed to split upon the rock of economic selfishness.

Vigorous competition between towns caused the bond of alliance to weaken, and in 1427 the League suffered defeats and losses in conflicts with the Danes. It found itself surrounded by powerful enemies--Denmark, the Scandinavian countries, Spain, the Dutch, the English, and the Russians. In spite of its internal disharmony and the ring of powerful foes, the Hanseatic League continued into the seventeenth century. This fact proves the inherent strength of the organization, and the farsightedness of its leader, Lübeck.

The great morning-star of the peace movement that still survives, appeared during the seventeenth century in the person of a Frenchman, Crucé. In fact, one of the most striking facts that presents itself to the student of peace problems is the outstanding work of the French. In the sky of peace of the seventeenth and eighteenth centuries twinkle brightly the names of Crucé, Henry IV, Sully, the Abbe de Saint-Pierre, Rousseau, and Gargaz.¹

Crucé proposed a union of the European nations as early as 1623.² His plan provided for a conference of ambassadors who should meet at Venice and settle all the disputes which should arise among the European monarchs. Force was to be used if nec-

1. Several authors of World War histories have written long chapters purporting to demonstrate the inherent belligerency of the French. For example, see Frederick Bauman's Let France Explain, particularly Chapters 1 and 5. In contrast, we have Von Moltke's statement, "Permanent peace is a dream, and it is not even a beautiful dream. War is an element in the order of the world ordained by God--." (S.P. Duggan, The League of Nations, quoted under his picture opposite page 48); and in comparison to the array of French names above we have only that of Immanuel Kant, a German Jew, who offered the only peace plan that came out of Germany during this period.

2. Emeric Crucé, a Parisian monk, wrote his remarkable book on international organization, Le Nouveau Cynee, in 1623. (See Hershey, p. 493, and footnotes.)

essary to make nations fall into line. All the kings of Europe were to agree that they would "swear to hold as inviolable law what would be ordained by the majority of votes in the said assembly, and to pursue with arms those who would wish to oppose it."¹ In making such a proposal, Crucé was emphatic in stating that he was seeking no special aggrandizement for his own country: his only concern was the establishment of universal peace. It is interesting to note that he was practical enough to see the necessity of using force to make recalcitrant nations keep their covenants. This great Frenchman was the forerunner of pacificism through force, a principle which is still a salient feature in French foreign policy. He was the one sent to prepare the paths of peace--the voice crying out in the wilderness of war.

While Crucé was expounding his theories of an European union, there appeared another great figure on the stage of human affairs. In 1625, Hugo Grotius, recognized the world over as the Father of International Law, published his famous work, De Jure Belli ac Pacis--The Law of War and Peace. This great Dutch scholar had been forced to flee his native country because of his political affiliations, and escaping from prison, he had come to Paris, where, under the care of Louis XII, he had been able to finish his monumental work on the laws of war and peace.

Grotius did not attempt to abolish war: his task was to humanize it. "Violence," says he, "is characteristic of wild beasts, and violence is most manifest in war; wherefore the more diligently effort should be put forth that it be tempered with

1. See W. Ladd, An Essay on a Congress of Nations, introduction by J. B. Scott, pp. xiii-xiv.

humanity, lest by imitating wild beasts too much we forget to be human."¹ Although he recognized certain justifiable causes of war, he appears to wish that wars could be abolished, and to this end he provides for alliances. He advocated the creation of a Christian league provided with an international army made up of national contingents. This league was to possess coercive sanctions. "--It would be advantageous, indeed in a degree necessary," he contends, "to hold certain conferences of Christian powers, where those who have no interest at stake may settle the disputes of others, and where, in fact, steps may be taken to compel parties to accept peace on fair terms."² Grotius recognized the fact that there would be nations who would not keep the peace, and he meant to punish such offenders by armed force.

The idea of an European union with an international army was further developed in the Grand Design of Henry IV.³ This plan looked forward to the establishment of a Christian republic in Europe in which disputes would be settled amicably, and in which war would be eliminated. There are two essential parts to Henry's

1. Hugo Grotius, De Jure Belli ac Pacis, Book III, Chap. XXV, Sect. II, p. 861. This work is edited by J. B. Scott, and is in two volumes, the second being an English translation. This quotation and all those which follow are from Volume II.
2. Ibid, Book II, Chap. XXIII, Sect. VIII, p. 563.
3. There is much discussion about the true authorship of Le Grand Dessein. The general view seems to be that Sully, Henry's minister, was its author, although he claims his master conceived the project. For a discussion of this controversy, see J. B. Scott's comments in his introduction to W. Ladd, An Essay on a Congress of Nations, p.xiv; Davies, note on page 72; Henry Sedgwick, Henry of Navarre, pp. 292-99; and Edwin Mead's comments in his introduction to E. E. Hale, The Great Design of Henry IV, p. xi.

plan: the first deals with the destruction of the House of Habsburg; and the second contains a scheme for the reconstruction of Europe into a confederacy of nations.

After the House of Habsburg had been overthrown and confined to the Spanish peninsula, Europe was to be rearranged into six hereditary monarchies, five elective monarchies, and four sovereign republics--a total of fifteen States.¹ These States would form the European union, and their representatives would "be constantly assembled as a senate, to deliberate on any affairs which might occur, to discuss the different interests, pacify the quarrels, clear up and determine all the civil, political, and religious affairs of Europe, whether within itself or with its neighbours."² The larger Powers would send four representatives, and the smaller Powers two, to the Senate, and the total number of Senators would be sixty-six. The combined forces of the league would be under the control of this group of representatives of the European governments. The plan also provided for smaller regional councils, possibly six in number, which would handle cases of less import, and from which such cases could be carried to the great council or Senate.

One of the most interesting features of Henry's plan was its provision for effective sanctions. A combined army and navy was to be established to enforce the decisions of the great council--a real international army and navy. Here was a practicable plan bearing the stamp of official approval of an Euro-

1. E. E. Hale, The Great Design of Henry IV, p. 33.

2. Ibid, p. 34.

pean king and his minister. Hale says, "The plan contemplated a grand army of Europe, of 320,000 men, and a navy of 120 vessels, to be provided in quotas agreed upon by the respective members of the association; and, from the beginning, the members of the association announced that no secession was to be possible or to be permitted."¹ According to Sully, several princes had agreed on their contingents and were ready to undertake the first part of the plan when the assassin's dagger ended the life of Henry.² The Great Design died with its author.

William Penn, devout Quaker and lover of peace, took up the work where Henry left it, and in 1693 he published his plan for the peace of Europe. He stressed the point that States, just as individuals, must be "constrained to bound their Desires and Resentment with the Satisfaction the Law gives."³ Men must be constrained to obey laws, since human nature is so depraved "that without Compulsion some Way or other, too many would not readily be brought to do what they know is right and fit, or avoid what they are satisfy'd they should not do--."⁴ Even this great Quaker saw the necessity of police force to sanction law.

1. E. E. Hale, The Great Design of Henry IV, pp. 84-5. See also pp. 23-4 for the list of quotas for the several states.
2. Ibid, p. 42. See also Henry Sedgwick, Henry of Navarre, Chapter XXVI, especially page 296.
3. William Penn, Plan for the Peace of Europe, Old South Leaflets, Volume III, Number 75, p. 4.
4. Ibid, p. 5. The Quakers maintain there is a distinction between force applied in a military sense and force applied in a police sense. Killing a soldier fighting in obedience to the commands of his sovereign is not the same thing as killing a burglar who maliciously breaks both human and divine laws. For further discussion of this point see C. E. Merriam, A History of American Political Theories, p. 31; and Edward Krehbiel, Nationalism, War, and Society, Introduction, pp. xix, and xi.

He proposed a European Parliament in which all the nations of Europe would be represented. This body would meet periodically to establish rules by which all the differences among the countries of Europe might be settled. If any nation refused to accept the decision handed down by the Parliament, and resorted to arms, "all the other Sovereignties, United as One Strength, shall compel the Submission and Performance of the Sentence, with Damages to the Suffering Party, and Charges to the Sovereignties that obliged their Submission(sic)."¹ All these decisions of the European Parliament would be reached by a three-fourths majority, and its official languages would be Latin and French.² Penn's plan fell upon stony ground.

The plan for some kind of European union received fresh impetus through the efforts of the Abbé de Saint-Pierre,³ who took advantage of his opportunity as secretary to one of the French plenipotentiaries to distribute his plan to all those who attended the peace conference held at Utrecht in 1713. He proposed to all the Powers of Europe that they sign a Treaty of Union and create a perpetual Congress.⁴ He stressed the point again and again that such a Union would provide perpetual peace both within and without their borders, and that it would give

1. William Penn, Plan for the Peace of Europe, Old South Leaflets, Volume III, Number 75, p. 6.
2. Ibid, page 10.
3. Charles Irénée Castel, abbé de Saint-Pierre, was born 1658 and died 1743. He wrote on politics and social institutions, and was elected to the Academy at Paris in 1695.
4. M. l'Abbé de Saint-Pierre, Projet pour rendre la Paix Perpétuelle en Europe, Preface, Volume I, pp. vj-viiij. This rare book was published at Utrecht in 1713.

them what all nations desired,--and still desire--absolute safety or security.¹

His plan is embodied in the proposed Treaty containing twelve fundamental articles which can be changed only by unanimous consent of the nations, and several other less important articles which may be altered by a three-fourths vote.² The Union will begin the moment at least two Sovereigns sign the Treaty. The important, or fundamental, articles provide for a perpetual Union to preserve peace, the creation of an European Congress, and the establishment of strong guarantees of security. An extremely important part of the Treaty is the eighth fundamental article which forbids any member State to declare war, and provides for the peaceful settlement of all disputes among the members of the Union. Should any Sovereign take up arms before the Union has declared war, or refuses to accept the decision of the Congress, he "shall be declared an enemy of the Union, and it will wage war on him, until he shall be disarmed, and until the decision and rules be executed; he shall pay the expenses of the war, and the territory which shall be won from him shall forever be separated from his domain."³ Another article provided for the forcing of other States into the Union if they refused to join it. The richest States were to contribute more money than the poorer States, but all were to provide an equal contingent of troops. Thus the predominance of any one

1. M. l'Abbé de Saint-Pierre, Projet pour rendre la Paix Perpétuelle en Europe, Preface, Volume I, p. xij.

2. Ibid, pp. 284-356: these pages contain the twelve fundamental articles. A translation into the English is found in J. B. Scott's introduction to W. Ladd, An Essay on a Congress of Nations, pp. XXIV-XXVII, and in W. Evans Darby, International Tribunals, pp. 70-97.

3. Ibid, p. 328.

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nation in the international army of the Union was prevented.

The sovereigns of Europe rejected this peace plan, and refused to create an international organization. "How different might the course of events have been;" Davies reminds us, "how different the economic condition of Europe today; how much suffering and misery might have been spared to the nations; if the emperors and diplomatists assembled in Vienna one hundred years later had taken to heart his sage advice; if they had incorporated in their Treaty one-fifth, nay, one-tenth, of the proposals adumbrated by Saint-Pierre."¹

An illustrious compatriot, Rousseau, received the works of Saint-Pierre from his nephew in 1754, and he set about to condense the good abbé's plan.² Rousseau, like his predecessor, attributes the original idea of an European union to Henry IV and Sully, and he says, "--assuredly Henry IV was not mad, nor Sully visionary."³ The great French philosopher did much more than condense the work of Saint-Pierre: he added to it his own ideas. Beginning with the underlying principle that the relation between nations is comparable to that of men without laws in a state of nature, he attempts to develop some type of international organization which will unite nations in the same way that individuals are united under their national laws.

The Abbé de Saint-Pierre would have had for his European

1. Davies, pp. 88-9.

2. J. J. Rousseau, Collection Complete des Oeuvres, Tome vingt-troisième, pp. 2-3. In this letter, dated December 5, 1760, Rousseau says he received the manuscripts from the Abbé's nephew six years before.

3. Ibid., p. 72.

Union an international army composed of national quotas, but Rousseau speaks of a great League army always ready at a moment's notice to prevent any member or members of the League from destroying or resisting it. This great army will constrain ambitious nations, and hold them within the limits of the laws of the confederation.¹ Rousseau notes that such a league must include the Great Powers; it must possess a great tribunal to administer justice; and it must possess a great international force to enforce the decisions of the tribunal and maintain peace. In order to establish such a confederation, he follows the method used by Saint-Pierre, that of proposing a Treaty which all the European nations shall sign.

This Treaty contains five articles which provide for the establishment of a permanent Congress of Europe with an international army. The fourth article points out in no uncertain terms who the offending nation will be--one who refuses to carry out the decisions of the alliance, makes preparations for war, negotiates treaties contrary to the confederation, or takes up arms to resist it or attack one of its members. Such a country will be called a 'treaty-breaker' (infracteur du Traite), and it will be placed under the ban of all Europe and considered as an outlaw. Here we have the first outlawry of war, and of the aggressor. The same article states that the armed forces of the confederation, acting conjointly and at the common expense, will proceed against any nation outlawed as a public enemy, until it has put down its arms, executed the decisions and rules of the Diet, re-

1. J. J. Rousseau, Collection Complete des Oeuvres, Tome vingt-troisième, pp. 27-8.

paired the wrongs, and paid for all the expenses of the war.

Rousseau realizes that thousands of details will arise in connection with such a scheme, but he says that is to be expected of any plan, and that it is not necessary at the outset to answer all the difficulties or to say how this or that will be, but that the necessary and important point is to show that it can be done.¹ He points out that such a confederation will provide absolute security for its members, a lightening of the burden of armament expenditure, commercial progress, and the happiness of all peoples. Sovereigns who stay out of the union are blind to their real interests, and are like a senseless pilot who "would rather sail among the rocks during a storm, than to anchor his vessel in safety."² If his project fails, it will not be because it is chimerical, but because "men are foolish, and it is a kind of madness to be wise in the midst of foolish people."³

While Europe was listening to the proposals of Rousseau, another native of France was toiling wearily in the galleys, dreaming of some plan by which mankind might be able to live in peace. In 1782, having served his sentence for a crime of which he says he was innocent, Pierre-André Gargaz appeared in Paris, and presented a manuscript to Benjamin Franklin. Too poor to pay the expenses of a luxurious mode of travel, zealous for the cause of peace, he had made the journey from the mountains of Provence to Paris on foot.⁴ Thus came Forçat Numero 1336⁵ to Franklin who

1. J. J. Rousseau, Collection Complete des Oeuvres, Tome vingt-troisième, p. 34.

2. Ibid, p. 65.

3. Ibid, p. 61.

4. J. Sparks, Works of Franklin, Vol. IX, p. 361.

5. Gargaz seemed to be proud of this title which means Galley-slave Number 1336.

was so struck by the simple charm of the man and his plan that he had several copies of the manuscript printed, and they were distributed to some twenty-nine representatives of other countries in Paris.¹

Gargaz suggested that each monarch should send a Mediator to a perpetual Congress which would meet at Lyons, or some other convenient place, and proceed to pass judgment upon all the differences of their masters, settling all questions by a plurality of votes.² He would allow each sovereign to maintain "an invariable number of Regiments, Companies, Officers and Chaplains for his Land and Sea services", but he proposed the limitation of the construction of fortifications within countries to a distance at least 2,500 "geographical paces" from the borders.³ Here is the germ of the idea of demilitarized zones.

In reply to the objection that peace is not possible, and that war is a scourge of God and cannot be avoided, he says, "Experience and common sense demonstrate clearly enough to every reasonable person willing to listen to them, that War is only a very evil product of the free Will of the aggressor Sovereigns; just as Peace is an excellent product of the free Will of defendant and pacific Sovereigns.-----It is always true that they (aggressor Sovereigns) are the sole authors of War, and that they could, if they knew how and were willing, avoid it."⁴

1. Pierre-André Gargaz, A Project of Universal and Perpetual Peace, p. 15. This little book contains both the English and French texts of his peace plan.
2. Ibid, pp. 11-12.
3. Ibid, pp. 18, 19.
4. Ibid, p. 24.

As far as sanctions are concerned, Gargaz provided that "each Sovereign of the union shall furnish all the aid that the Congress shall deem proper--."1 It is safe to imply that this aid would be in the form of both military and monetary contributions. The international army of this proposed European union would consist of national quotas.

1. Pierre-André Gargaz, A Project of Universal and Perpetual Peace, p. 17.

Chapter II
Historical--From Bentham to the World War.

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In England, between the years of 1786 and 1789, the great utilitarian philosopher Bentham was concerning himself with the problem of world peace. Believing that the happiest of mankind are sufferers by war, he lays down two fundamental propositions that shall form the basis of a plan of peace for Europe.

The first of these propositions provides for the reduction and fixation of the force of the several nations that compose the European system; the second, the emancipation of the distant dependencies of each State.¹ He thought that the colonial systems of France and Great Britain were the source of much war. Upon these important propositions he builds fourteen other proposals which concern chiefly the colonial and commercial rivalry of France and Great Britain. The thirteenth provides for "the establishment of a common court of judicature for the decision of differences between the several nations, although such court were not to be armed with any coercive powers."² As he develops his plan, however, he wavers from this stand on sanctions. Speaking of putting the refractory state under the ban of Europe,

1. Jeremy Bentham, Works, (Bowring edition, 1843), Vol. II, p. 546. His plan for an universal and perpetual peace is the fourth essay in his work on The Principles of International Law, and is found on pages 546-60 of this volume. The manuscripts are dated 1786-1789.
2. Ibid, pp. 547, 552.

he admits that "there might, perhaps, be no harm in regulating, as a last resource, the contingent to be furnished by the several states for enforcing the decrees of the court."¹ This admission is grudgingly given, and is supplemented by the statement that force might not be needed if there were real liberty of the press in each state to inform all peoples of the truth.

The great utilitarian thought his plan was practicable, and that it was time to adopt it. Stating that the time is ripe for such a proposal, he calls upon Christianity for assistance: "Who that bears the name of Christian can refuse the assistance of his prayers? What pulpit can forbear to second me with its eloquence,--Catholics and Protestants, Church-of-England-men and Dissenters, may all agree in this, if in nothing else. I call upon them all to aid me with their countenance and their support."² Here was a practical application of the philosophical teaching of the Utilitarians and their school--the greatest good for the greatest number--in the realm of international relations.

Over on the continent, the famous German rationalist, Immanuel Kant, came to the assistance of Bentham, writing two important essays upon the problem of peace.³ Against the evils of oppression and aggression, he claimed "there is no possible

1. Jeremy Bentham, Works, (Bowring edition, 1843), Vol. II, p. 554.
2. Ibid, p. 546. There is also a good account of Bentham's proposals in W. Evans Darby, International Tribunals, pp. 146-149.
3. The Principle of Progress, and Eternal Peace, which were published in 1793 and 1795 respectively. See Eternal Peace, and other International Essays of Immanuel Kant, translated by W. Hastie, and published by the World Peace Foundation at Boston, 1914. See also W. Evans Darby, International Tribunals, pp. 150-163.

remedy but a system of international right founded upon public laws conjoined with power, to which every state must submit,-- according to the analogy of the civil or political right of individuals in any one state."¹ This view together with the principle of inevitable urge towards international organization formed the basis of his peace propositions. He believed that his plan was "founded upon the nature of things, which compels movement in a direction even against the will of man."² Thus, according to his view, Time in its ceaseless flight will mold the world into a huge international state, even against the will of men who may attempt to oppose it.

Kant argues that nations may be regarded in the same light as men, and that "men living in a state of nature independent of external laws, by their very contiguity to each other, give occasion to mutual injury or lesion. Every people, for the sake of its own security, thus may and ought to demand from any other that it shall enter along with it into a constitution, in which the right of each shall be secured. This would give rise to an international federation of the peoples."³ This federation will possess a common tribunal, and Kant points out that no state has ever been moved to desist from its purpose by arguments, and some legal restraint backed by force is necessary for the effective working of a common tribunal.⁴

1. W. Hastie, Eternal Peace and other International Essays of Immanuel Kant, p. 65.

2. Ibid, p. 66. See also page 90.

3. Ibid, p. 81.

4. Ibid, p. 83.

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The nations of Europe saw the need of such proposals as Bentham and Kant had championed, and after the close of the Napoleonic Wars they formed the so-called Holy Alliance in 1815.¹ The real power that kept the peace in Europe during the first part of the nineteenth century was the Quadruple Alliance, but the Holy Alliance with its reactionary principles overshadowed it.

Under the auspices of the Quadruple Alliance, Metternich convoked four great congresses--Aix-la-Chapelle in 1818, Troppau in 1820, Laiback in 1821, and Verona in 1822. These congresses were called by the provisions in the famous Article VI of the Treaty of the Quadruple Alliance, which reads: "To facilitate and to secure the execution of the present Treaty, and to consolidate the connexions which at the present so closely unite the Four Sovereigns for the happiness of the World, the High Contracting Parties have agreed to renew their meetings at fixed periods, either under the immediate auspices of the Sovereigns themselves, or by their respective ministers, for the purpose of consulting upon their common interests, and for the consideration of the measures which at each of these periods shall be considered the most salutary for the repose and prosperity of Nations, and for the maintenance of the Peace of Europe."²

At the Congress of Aix-la-Chapelle in 1818, France was received into the membership of the Quadruple Alliance, thus

1. The Holy Alliance was formed by Russia, Austria, and Prussia, and was reactionary in character. Its doctrine of intervention was carried over into the Quadruple and Quintuple Alliances. The three Powers above and England formed the Quadruple Alliance, and when France was received into their membership it became the Quintuple Alliance. See Cambridge Modern History, Vol. X, p. 9; and C. J. H. Hayes, Political and Social History of Modern Europe, pp. 11-13.

2. Cambridge History of British Foreign Policy, Vol. I, p. 517.

forming the Quintuple Alliance. At the same congress it was suggested that the international army of the Alliance under Wellington should be kept at Brussels as a sort of European police force to watch over the established order; but the British, suspecting the reactionary designs of the autocratic members of the Alliance, were not ready to go this far.¹

The Congress of Aix-la-Chapelle marked the highest point reached in the dictatorship of the Concert of Powers. Appeals came to it from all parts of Europe. Several of the German Sovereigns sent appeals, and Charles XIV of Sweden was forced to fulfill certain stipulations in the Treaty of Kiel upon an appeal from Denmark.² Tsar Alexander proposed an international fleet in the Mediterranean to suppress piracy and the slave-trade, but Britain prevented its establishment. The British, acting according to national interests, mistrusted any scheme that would bring Russian warships into the Mediterranean.

At the Congress of Troppau in 1820, the three autocratic members of the Alliance--Russia, Austria, and Prussia signed the Troppau Protocol which sanctioned the principle of intervention. Great Britain rejected the Protocol entirely, and the end of the Alliance was in sight. The next year at the Congress of Laibach, failing to secure the commitment of the British to the principle of intervention, the other Powers proceeded to act alone. Austria received a mandate from the Alliance to intervene in Naples, and an Austrian army restored the former rights of the King of the

1. Cambridge Modern History, Volume X, pp. 12, 18.

2. Ibid, p. 19.

Two Sicilies.¹

After the Congress of Verona in 1822, a French army under the Duke of Angoulême marched into Spain and restored the autocratic Ferdinand to the throne.² This action was taken in spite of a sharp protest by Great Britain, and this nation informed France that any attempt to restore Spanish dominion or French authority in the American provinces would be followed by war.³ The Quintuple Alliance was drawing near its end.

On August 16, 1823, Canning approached Richard Rush, American minister in London, with proposals for concerted action by the United States and Great Britain in regard to the problem of the Spanish colonies. Nothing came of this interview, but a short time later President Monroe delivered his message to Congress which has since been called the Monroe Doctrine. It aimed at the prevention of the extension of the principle of intervention to the Western Hemisphere.⁴ The Monroe Doctrine combined with the policy of Canning broke the back of the Quintuple Alliance, and although another congress was called by the Allies in Paris in 1826, it accomplished nothing. It was really the clever tactics of Canning that split the Alliance. He refused to attend the congress called at Paris, and divided the Powers who did attend it, especially Austria and Russia. He could truly boast of the members of the Holy Alliance: "I have resolved them into individ-

1. C. J. H. Hayes, Political and Social History of Modern Europe, p. 45. (Vol. II)
2. Cambridge Modern History, Vol. X, p. 36.
3. Cambridge History of British Foreign Policy, Vol. II, p. 67. Canning had succeeded Castlereagh as British Minister of Foreign Affairs in 1822 after the latter committed suicide.
4. Ibid, pp. 71-72. There is also a clear explanation of the Monroe Doctrine in David Muzzey, The United States of America, Vol. I, p. 325.

uality."¹ Later France joined the British in co-operation with Russia, and the Quintuple Alliance was split into two camps-- Great Britain, Russia, and France against Austria and Prussia. It is interesting to note that these two groups became members of the twentieth century Triple Entente and Triple Alliance.

The Greek Revolution and wars of independence from 1821 to 1829 which aroused wide-spread European sympathy, and a wave of European revolutions during 1830 in France, Belgium, Italy, and Poland, brought an end to the Quintuple Alliance. These events, coupled with the policies of Canning and Monroe, broke the back of any successful intervention by its members. The last effective assertion of its principles was the intervention of Emperor Nicholas I of Russia to crush the revolt in Hungary in 1849.² The Concert of Powers had come to an end; the Balance of Powers was in the offing.

The Quintuple Alliance gives us three excellent examples of the establishment of peace through force in nineteenth century Europe--in Spain, Naples, and the Piedmont. No one can deny the effectiveness of its action. Unfortunately, however, it possessed no definite constitution defining the duties and obligations of its members, and it soon succumbed to the nationalistic policies of its members. It was a tool in the hands of its autocratic members, and was used to perpetuate autocracy and to suppress liberalism. It survived only as long as the individual interests of its members harmonized: it collapsed with the divergence of these interests.

1. Cambridge History of British Foreign Policy, Vol. II, p. 114.
2. Cambridge Modern History, Volume X, p. 39.

With the dissolution of the Quintuple Alliance, defective though it was, Europe plunged into new wars. Great Britain and France fought the Crimean War with Russia(1854-6), France fought Austria(1859), Prussia fought Austria(1866), and Prussia fought France(1870-1).¹ Evidently, there was need of some kind of organization among the nations of Europe.

Germany took the first step in the new system of organization--the Balance of Power. After Bismarck had played badly the role of 'honest broker' at the Congress of Berlin in 1878, spelling the doom of the shadowy Three Emperors' League by snubbing Russia, he bound his other ally to him with bands of steel in a secret defensive alliance in 1879. In 1882 Italy entered this group, and rounded out the Triple Alliance. The Triple Entente began in somewhat the same way. France and Russia formed the Dual Alliance during the years of 1891-3; France and Great Britain concluded the Entente Cordiale in 1904; and in 1907 these two agreements blossomed into the Triple Entente.² Thus, Europe was organized into two equal camps, and there was created an unstable condition of equilibrium which was to topple over like a house of cards.

Ironically, while the Balance of Power was being established in Europe, great peace movements were under way. The International Red Cross Society was formed at the Geneva Convention of 1864, and it is estimated that some 160 peace societies were formed between 1878 and 1914. The First and Second Hague Confer-

1. C. J. H. Hayes, Political and Social History of Modern Europe, Vol. II, p. 680.
2. Ibid, pp. 695 ff. See also, G. B. Manhart, Alliance and Entente, for texts of the treaties of the Entente and Alliance groups. Other references are W.L. Langer, European Alliances and Alignments; A.F. Pribram, Secret Treaties of Austria-Hungary; A.C. Coolidge, Origins of the Triple Alliance; and S. B. Fay, The Origins of the World War.

ences were held in 1899 and 1907, and arbitration treaties grew in number.¹ How paradoxical it all seems!

While these events were transpiring on the European continent, in America President Roosevelt faced the question of co-ordinating international justice with international force. In his message to Congress, December 6, 1904, he looked forward to the creation of an international police force. "It is not merely unwise," he told Congress, "it is contemptible, for a nation, as for an individual, to use high-sounding language to proclaim its purposes, or to take positions which are ridiculous if unsupported by potential force, and then to refuse to provide this force--."² He recognized clearly the inter-relation of the problems of security and disarmament, stating that "until some method is devised by which there shall be a degree of international control over offending nations, it would be a wicked thing for the most civilized powers,--to disarm."³ Complete disarmament is impossible, he maintained, because "under any circumstances a sufficient armament would have to be kept up to serve the purposes of international police," and he looks forward to the time when "in a more advanced stage of international relations" such a force will be established.⁴

Roosevelt, due to his role of peace-maker at the end of the Russo-Japanese War in 1905, received the Nobel Peace Prize in 1906. In his speech at Kristiana in May, 1910, he was emphatic in

1. See Amos Hershey, Essentials of International Public Law and Organization, pp. 89-100; C. J. H. Hayes, Political and Social History of Modern Europe, Vol. II, p. 684; and W. Evans Darby, International Tribunals, pp. 769 ff.
2. World Peace Foundation, A League of Nations, Vol. I, p. 296.
3. Ibid., p. 28.
4. Ibid.

in regard to the establishment by the Great Powers of "a league of peace, not only to keep the peace among themselves, but to prevent, by force if necessary, its being broken by others."¹ In the same speech he pointed to the lack of both executive and police power in the Hague Tribunal. "In any community of any size the authority of the courts rests upon actual or potential force; on the existence of a police", and "so it is with nations. Each nation must keep well prepared to defend itself until the establishment of some form of international police power, competent and willing to prevent violence as between nations."² Several great nations might form this league of peace, he believed, and "the ruler or statesman who should bring about such a combination would have earned his place in history for all time and his title to the gratitude of all mankind."³ It may not be altogether improbable that Roosevelt himself thought of being the one who should bring about such an organization, since following his speech and due to his influence, a World Federation League was formed in New York.

In 1914, during the early days of the War, he brought forward a plan for an international police force which would enforce the decisions of a "world league for the peace of righteousness."⁴ This league would guarantee the territorial integrity of each of its members, and would settle all disputes through an international tribunal. "Then, and most important," he remarked,

1. World Peace Foundation, A League of Nations, Vol. I, p. 29.
2. Ibid, pp. 29-30.
3. Ibid, p. 30.
4. Irving Fisher, America's Interest in World Peace, p. 78. Davies gives Roosevelt's plan in Appendix C, pp. 721-2, quoting from T. Roosevelt, Why America Should Join the Allies, pp. 43-46.

"the nations should severally guarantee to use their entire military force, if necessary, against any nation which defied the decrees of the tribunal or which violated any of the rights which in the rules it was expressly stipulated should be reserved to the several nations, the rights to their territorial integrity and the like."¹ As late as January, 1919, Roosevelt advocated our entering the League proposed by Wilson.²

The crest of public opinion reached its height in regard to the creation of an international force when a joint resolution was brought up in the House of Representatives and the Senate in 1910. This resolution is as follows:

"Resolved, etc.--That a commission of five members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war."³ (H-J. Resolution 223)

In the discussion that followed, Mr. Bennet of New York, who supported the resolution, pointed out that this commission might mean a considerable lightening of the tax burden by its proposed work. Strange as it may seem, some of the very

1. Davies, pp. 721-2, quoting from T. Roosevelt, Why America Should Join the Allies, pp. 44-46.
2. Irving Fisher, America's Interest in World Peace, p. 79. J. B. Bishop, Theodore Roosevelt and His Time, Vol. II, pp. 470-1 states that Roosevelt was diametrically opposed to a league of nations. Irving Fisher attacks this view in his preface. See also W. R. Thayer, Theodore Roosevelt, p. 203, and H. F. Pringle, Theodore Roosevelt, p. 603.
3. Congressional Record, Vol. 45, Part 8, p. 8545. This resolution is reproduced in Davies, p. 101, and in Martinus Nijhoff, War Obviated by an International Police, p. 179.

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men who perhaps had voted again and again large sums of money for far less worthy projects, objected very strenuously to this resolution on the grounds that it would entail the expenditure of some \$20,000. This objection was immediately squelched by Mr. Foster of Vermont who stated that some distinguished American citizens were willing to pay the expenses of the commission if Congress passed the resolution and made no appropriation. After much haggling by a body which some years later was to pour billions into the maw of war, the resolution was amended in this fashion:

"Provided, That the total expenses authorized by this joint resolution shall not exceed the sum of \$10,000, and that the commission shall be required to make its final report within two years from the date of the passage of this resolution."¹

Here are real starvation wages for proponents of peace! Five commissioners working for the space of two years for the sum of \$1,000 per year each, are called upon to deal with the most difficult problem that as ever confronted man.

Pointing out that the great defect of the Hague Tribunal was its inability to enforce its judgments, Mr. Bartholdt of Missouri declared, "--The world has no guarantee that some day some nation may not refuse to bow to the judgment of that court, and this points to the necessity of an international police force, to be maintained by the combined nations and supplied by them in proportion either to their population or, better still, to the

1. Congressional Record, Vol. 45, Part 8, p. 8546. Davies says in regard to this point, "It is a curious psychological fact that nations will willingly and almost cheerfully bankrupt themselves in the cause of war, whilst they loath the idea of taxing themselves in the cause of peace." (Davies, pp. 483-4)

volume of their international commerce."¹ He cited Roosevelt's speech at Kristiana in which the former president had advocated a combination of the great nations.²

The resolution was adopted by both Houses and was signed by the President on June 25, 1910, but the commission was never appointed. Taft first awaited the expressions of foreign governments in regard to their willingness to co-operate with the United States. Although the British gave a favorable answer to the inquiries of the American ambassador at London,³ Europe was in such a hotbed of suspicion in 1910 that such action was impossible.⁴ There was no report in 1912, and the World War put a definite stop to any further proposals.

It is interesting to note that even Senator Knox, later a bitter enemy of the League, publicly advocated an international federation of states with force at its command. Speaking at the University of Pennsylvania during the same month that the above resolution was passed, he said, "We have reached a point when it is evident the future holds in store a time when wars shall cease; when the nations of the earth shall realize a federation as real and as vital as that now subsisting between the component parts of single states, when by deliberate international conjunction the strong shall universally help the weak, and when the corporate

1. Congressional Record, Vol. 45, Part 8, p. 8546. The 'bareme' method might be used to determine the quotas of each nation, since it is based on the relative economic strength of each nation. The League uses this method in determining the expenses of each member. Davies has a good discussion of this method, see pp. 407-8, 516, 744-755.

2. See supra, pp. 29-30.

3. Davies, pp. 101-2.

4. World Peace Foundation, A League of Nations, pp. 31-2. See also Martinus Nijhoff, War Obviated by an International Police, pp. 182-3.

righteousness of the world shall compel unrighteousness to disappear and shall destroy the habitations of cruelty lingering in the dark places of the earth."¹

Two American naval officers, Commander Kinkaid and Rear-Admiral Goodrich, came forward with proposals for an international navy in 1911. The former outlined a plan by which an international naval force would be formed by the twelve leading nations of the world, each nation contributing an equal number of ships and men.² The latter proposed that real teeth be put behind the decisions of the Hague Tribunal in the form of a visible and powerful police force to execute them. "All this may not happen for years to come," declared Goodrich, "but the trend of events is in that direction, for in it is the only practical path of advance if the affairs of nations are to continue their development on lines parallel to those of the affairs of individual men--a logical and consistent supposition. It is hard to believe that any of the chief Powers could eventually decline to enter into such a compact--." ³

During this same period two other famous names are added to those who favored the use of armed force as an international sanction. Dr. Nicholas Murray Butler, President of Columbia University, stated that "so long as human nature remains human--the world at large will require an international police;--constituted of armies and navies."⁴ Andrew Carnegie, the great peace

1. C. A. Berdahl, The Policy of the United States with respect to the League of Nations, p. 26.
2. Martinus Nijhoff, War Obviated by an International Police Force, pp. 159-60.
3. Ibid, p. 171.
4. N. M. Butler, The International Mind, pp. 9-10.

advocate, speaking at the Palace of Peace in 1913, said, after proposing an association of nations, "These great powers should then engage to act in concert against disturbers of the World's Peace, if any such should present himself which would hardly be possible from the moment when such an association as I have mentioned became an accomplished fact."¹ Truly the period between the years of 1910 and 1916 was the golden age of American approval of armed sanctions to maintain peace.

The idea of coercion was carried a step further when the League to Enforce Peace was organized at Philadelphia, and held its First Annual Assemblage in Washington, on May 27, 1916.² Ex-President Taft was the president of the League, and President Wilson gave his approval to the movement by addressing the first meeting. The League included among its membership some of the most influential citizens of the United States.

President Wilson spoke these words at the first meeting of the League: "I am sure that I speak the mind and wish of the people of America when I say that the United States is willing to become a partner in any feasible association of nations formed in order to realize these objects and make them secure against violation---. I came only to avow a creed and give expression to the confidence I feel that the world is even now upon the eve of a great consummation, when some common force will be brought into existence which shall safeguard right as the first and most fundamental interest of all peoples and all governments, when coercion shall be summoned not to the service of political ambition or

1. Martinus Nijhoff, War Obviated by an International Police Force, p. 185.

2. World Peace Foundation, A League of Nations, Vol. I, p. 39.

selfish hostility, but to the service of a common order, a common justice and a common peace."¹ One of the greatest presidents of the United States thus gives the stamp of approval to the principle of "common force", "coercion", and "common peace"--in short, an international police force.

The program of the League to Enforce Peace was embraced in kind of draft treaty containing four articles which all the nations of the world should sign. These articles provided for the judicial settlement of all disputes, a council of conciliation, economic and military sanctions, and the codification of International Law.² The third article, the important coercive one, provides that "the signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing."³ The Executive Committee of the League declared that "it has been the general experience of mankind that sanctions are placed behind public organs of order as soon as confidence in their usefulness is established. This article makes that provision respecting methods of arbitration and conciliation."⁴ The Committee noted that in the past "the

1. World Peace Foundation, A League of Nations, Vol. I, p. 39. See also Robert Goldsmith, A League to Enforce Peace, pp. 93-4.

2. For the full text of these four articles, see Robert Goldsmith, A League to Enforce Peace, Preface, pp. xx-xxi; and C. A. Berdahl, The Policy of the United States with respect to the League of Nations, pp. 28-9. Also P. C. Jessup, American Neutrality and International Police, p. 159 (World Peace Foundation Pamphlets, Vol. XI, No. 3, 1928).

3. Robert Goldsmith, A League to Enforce Peace, Preface, pp. xx-xxi.

4. World Peace Foundation Pamphlet Series, Vol. VI, No. 6, December 1916, pp. 17 ff.

employment of such devices has been difficult because nations unconcerned with the disputes were under no obligations to assent to restrictions" and that the League to Enforce Peace "proposes to correct this defect by providing in advance for joint action."¹

These proposals were endorsed by Senator Lodge who was the Republican leader in the Senate at that time. In an address before a convention of the League in 1916, he said, "I think the next step is that which this League proposes and that is to put force behind international peace, an international league or agreement, or tribunal, for peace.---It was a year ago, that in delivering the Chancellor's address at Union College, I made an argument on this theory, that if we were to promote international peace at the close of the present terrible war, if we were to restore international law as it must be restored, we must find some way in which the united force of the nations could be put behind the cause of peace and law. I said then that my hearers might think that I was picturing a Utopia, but it was in the search for Utopias that great discoveries have been made. Not failure, but low aims is the crime."² Is it not strange that this man later advanced these very same arguments against the League of Nations, declaring that it was too dangerous and entangling, and that it was only an utopian dream of an impractical idealist?³

1. World Peace Foundation Pamphlet Series, Vol. VI, No. 6, December 1916, p. 20.
2. C. A. Berdahl, The Policy of the United States with respect to the League of Nations, pp. 31-32.
3. Ibid, p. 32. Berdahl says that his change of heart does not alter the fact that when he endorsed the program of the League to Enforce Peace, he was speaking as the responsible leader of his party in the United States Senate, and of his party in the country.

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It is clear that the League to Enforce Peace looked forward to the creation of an international army. Speaking in support of the League, and in opposition to William Jennings Bryan, Taft answers the objection that the United States would have to maintain a large army to perform her obligations under the third article of the League's program, by pointing out that we would not need a large army since we would be one of many contributors to the joint force.¹ Continuing, he said, "Now there are many who say that they are not in favor of this plan but they are in favor of an international police force. Well, what is the difference? We do not claim any patent on this plan and are quite willing to call it an international police force, but it must be constituted in a practical way, and when the joint forces are united and are doing the police duty of the world, it is true to say that they are not carrying on war, but enforcing peace.---I do not think that we have reached the time when force, as an aid to moral impulse, can be dispensed with."²

In the great Victory Program of the League to Enforce Peace, adopted at a meeting of the Executive Committee held in New York, November 23, 1918, it was declared that their proposals would "ensure peace by eliminating causes of dissention, by deciding controversies by peaceable means, and by uniting the potential force of all the members as a standing menace against any nation that seeks to upset the peace of the world."³ This Victory

1. International Conciliation Pamphlets, No. 106, September 1916, pp. 237-8.
2. Ibid, pp. 238, 241.
3. International Conciliation Pamphlets, No. 134, January 1919, p. 16.

Program was also adopted by the League of Free Nations Association of New York.¹

The Executive Committee of the League pointed to the Supreme War Council of the Allies as a precedent for the organization of an international force, and to the Allied Naval Council organized along similar lines.² In view of these examples it declared that "organization of the 'major force of mankind' to secure compliance with the law would be a very simple matter--."3

America, however, was not alone in demanding some kind of an international organization. Several distinguished men in Holland advocated the same idea. Professor Vollenhoven of Leyden University, addressing a Peace Congress at the Hague in 1913, stressed the fact that too often large national armies and navies maintained for defensive purposes become aggressive. "There is no better means of rooting out this criminal appetite," he argued, "than to root out the very instrument now at its disposal, that is to say, to replace the present national armaments by an international force."⁴

Baron van Asbeck, of the Royal Dutch Navy, brought forward a scheme for an international navy, in which all the individual powers should place their fleets under the mandate of the international authority. A Dutch military officer, Lt.-Gen. J. C. C. Den Beer Poortugael, a former Minister of War, rounded out van As-

1. International Conciliation Pamphlets, No. 134, January 1919, p. 18.

2. Basis of Permanent Peace, p. 12. This little pamphlet was published by the League to Enforce Peace, W. H. Taft, President, New York.

3. Ibid.

4. Martinus Nijhoff, War Obviated by an International Police Force, p. 80. See also Davies, pp. 108-110.

becks naval proposal by a like one for an international army. This great international army would be under the control of a permanent court of arbitration, or a special court composed of statesmen nominated by the various national governments.¹

Davies tells us of the formation of the League to Abolish War in Great Britain in 1916.² Its great principle was the establishment of an international police force. This English writer, whose book is most comprehensive on the subject of an international police, says of Herbert Stead, a founder of the League to Abolish War, "Herbert Stead, founder of the Browning Settlement, was an ardent and disinterested advocate of peace, but he never wavered in his conviction that without international sanctions treaties, pacts and conventions were powerless to avert the crime of aggressive war."³ Another prominent member of this League, G. N. Barnes, was a member of the War Cabinet, and a delegate to the Paris Peace Conference of 1919, and had much to do with the formation of the International Labor Organization. He gave voice to the ideals of British Labor in a speech before the Peace Conference on February 14, 1919, after the sanctions proposed by the French and Italians had been rejected in the framing of the Covenant, by saying, "--I should have been glad to have seen some provision for the nucleus of an international force which would be ready to strike against an aggressive nation."⁴ Even at the present time British Labor

1. For the proposals of these men, see Martinus Nijhoff, War Obviated by an International Police Force, pp. 83-107. See also Davies, pp. 108-110.

2. Davies, p. 113.

3. Ibid.

4. D. H. Miller, The Drafting of the Covenant, Vol. II, p. 575.

still calls for an international police force.¹

The League to Abolish War sent a delegation headed by Barnes to the Prime Minister, Lloyd George, in 1920 in regard to sanctions. Lloyd George and Balfour side-tracked the issue on the grounds that no perfect scheme was offered, arguing that the military commitments of the Great Powers were already so burdensome that none of them could spare any forces for the service of the League of Nations. "This interview," remarks Davies, "affords an illustration of the casual manner in which our rulers dispose of these vital problems."² Colonel House spoke in a disparaging manner of a peace delegation of ladies who visited him, and he seems to chuckle in glee over getting them into an argument with themselves.³

There was a prolific outburst of writing on the subject of an international force during this period. In America there appeared many documents for the organization of a world federation.⁴ Another writer suggests two proposals for the maintenance of peace when the War shall end; namely, the establishment of a Supreme Court of Europe to settle all disputes, and the creation of an international force subject to the orders of this Court. He claims that his plan seems to "prudent men, who try to base their reasoning about the future on past and present facts, the most promising

1. A Laborite motion presented in the House of Commons in November 1933 was rejected after a bitter debate by the vote of 409-54. The seventh point under this motion called for the creation of an international police force. (See the UP dispatch in Louisville Courier-Journal, Nov. 14, 1933)

2. Davies, p. 114.

3. C. Seymour, The Intimate Papers of Colonel House, Vol. II, p. 96.

4. Two of these are interesting: A Constitution for the United Nations of the Earth, by Edgar Brinkerhoff; and Magnissima Charta--The Great Solution, by Henri La Fontaine.

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method of protecting Europe from the recurrence of such a catastrophe as it is now experiencing."¹ This author was writing in 1914.

A few years later, another American urged a program for his country to present when the War should close. It included a World Tribunal whose decisions should be enforced by an international army and navy. He stoutly defends such a scheme as being practical. We have already seen the action of leagues in the past to maintain peace, he recalls, and "it cannot, therefore, be said that a proposition to combine the forces of nations against an aggressor is a novelty in human history."²

From this sketch of the events leading up to the close of the World War, and the Paris Peace Conference of 1919, it is clear that there was a definite sum of public opinion in the United States and in other countries in favor of real sanctions for the proposed League of Nations. It is extraordinary how such public opinion was undermined by opponents of the League.

1. C. W. Eliot, An International Force must support an International Tribunal, published by the American Society for the Judicial Settlement of International Disputes, Pamphlet No. 19, December 1914, pp. 3-4.
2. Everett P. Wheeler, A World Court and International Police, published by the American Society for the Judicial Settlement of International Disputes, Pamphlet No. 26, August 1916, p. 11.

Chapter III
The French plan for a League of Nations--Administration.

Chapter III

The French plan for a League of Nations--Administration.

The loss of life and the cost of the World War has never been accurately determined. Various estimates, both moderate and immoderate, have been advanced. Reliable observers have estimated the direct loss of life at approximately ten million, the indirect at thirty-five million; and the direct cost at \$186,000,000,000, the indirect at \$355,291,719,815.¹

The French bore the brunt of this staggering loss. They saw their rich mining region of the north destroyed, their towns and villages laid waste, and their youth sacrificed at the altar of Mars. They saw the introduction of new and horrible methods of warfare, especially the use of poison gas. Scientists all over the world were discovering new poisonous gases at an alarming rate of speed.² France wanted no more war.

As early as 1916, when the war was still in progress, President Poincaré asserted his nation's "horror of war and its passionate devotion to those policies which would prevent any return of the conditions that now prevailed--."³ In the same speech the President of France laid down three conditions of peace. These were the complete restitution of invaded French territory includ-

1. World Peace Foundation, A League of Nations, Vol. IV, April 1921, No. 2, p. 215. The direct loss of life are the actual losses of the War: the indirect loss of life includes the loss due to the declining birth rate and the increasing death rate caused by the War. Likewise, the indirect monetary loss is an estimation of the losses of the ships and commerce of neutrals, the capitalized value of human life destroyed, and the official reparations determined by the Reparations Commission.
2. See V. Lefebure, Scientific Disarmament, pp. 204-15; Fenner Brockway, The Bloody Traffic, pp. 233 ff.; S. Madariaga, Disarmament, pp. 187-98; and Frances Boeckel, The Turn Toward Peace, pp. 26-9.
3. Cosmos, The Basis of Durable Peace, p. 36.

ing Alsace-Lorraine, adequate reparations for destruction of property and violence to French citizens, and an international guarantee of national security in the future.¹ For the French the sine qua non of their program was the last point--national security,² and their plan for a League of Nations was built around this fundamental point.

No one can understand French foreign policy unless he recognizes the underlying principle of national safety, or security, which permeates it. The question of security runs like a silver thread through all the dealings of the Quai d'Orsay with other nations. French security is a logical result of both her geographical position and her past history. An American delegate to the Paris Peace Conference recognized quite clearly the peculiar situation of the French. "France," he says, "with forty millions of people and a decreasing birth-rate, lying next to Germany with seventy millions of people and an increasing birth-rate, required one thing--safety; a guaranty that she might go on living as a nation."³ Frank Simonds, a noted writer on European affairs, gives a clear explanation of the French view of security: "Twice invaded in less than half a century, France had, as a consequence of the first invasion, lost two flourishing provinces. As a result of the second, she had seen ten of her richest departments reduced to ruins. For the French people, on the morrow of the Armistice, therefore, the first condition of acceptable peace was that they

1. Cosmos, The Basis of Durable Peace, p. 36.

2. See R. S. Baker, Woodrow Wilson and World Settlement, Vol. II, p. 16, where he says, "Security, however, is always first on the French programme--ahead of reparations." See also F. Simonds, How Europe Made Peace Without America, pp. 92-3; and Denys Myers, World Disarmament, pp. 69-70, especially note 1 on page 69.

3. W. A. White, Woodrow Wilson, p. 399.

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should have permanent guarantees against a third attack. This was the primary condition of continued national existence."¹

This characteristic French policy is a natural one based upon past and present history. America, bounded on the east and west by vast stretches of water, on the north and south by relatively weak nations, secure behind her powerful navy, hypocritically points at the selfish policy of French security. She is seconded by Britain, another Power surrounded by stretches of water and possessing one of the most powerful navies of the world. It was the attitude of these two Powers which was to reject the French proposals for a League of Nations, and which was to drive the French back into the old system of alliances that had been one of the chief causes of the World War.

With this background in mind we can proceed to the discussion of the French plan for a League. The last of Wilson's Fourteen Points enunciated on January 8, 1918, provided for the creation of a "general association of nations--for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike."² With the prospect of victory the French set about to formulate their plan, and before the Peace Conference met for the first time on January 18, 1919, it was completed.³

1. F. Simonds, How Europe Made Peace Without America, pp. 92-3. See the same author's, Can Europe Keep the Peace?, pp. 154-6. He says that French policy can be summed up in one word--security. For a German view of French security, see R. Schmidt & A. Grabowsky, The Problem of Disarmament, pp. 113-21.
2. C. J. H. Hayes, Political and Social History of Modern Europe, Vol. II, pp. 763-4. See also Hershey, pp. 125-31.
3. D. H. Miller, The Drafting of the Covenant, Vol. I, p. 10. The French plan was drawn up during the summer of 1918. It bears the date of June 8, 1918, and was in the hands of Mr. Miller, a member of the American group, during the summer of that year. See also W. A. White, Woodrow Wilson, p. 402.

The French Ministerial Commission that drew up the French draft hoped to secure two results; first, "to protect the world in the future against any recurrence of the employment of brute force and attempts on the part of any nation to obtain universal supremacy," and secondly, "to establish the reign of justice on sure foundations throughout the world."¹ These words "sure foundations" must be emphasized. Since the days when Saint-Pierre had advocated the use of force to guarantee sûreté suffisante for the members of his league,² the French had sought for some means of guaranteeing their national safety, and the national safety of all those who would become members of their proposed league. By their attempt to describe this league that was to be formed as a "contractual and permanent organization" it may be seen that they wished an organization with clearly-defined duties and obligations. Only with such definitions could the nations of the world "exclude the existence of a mere dangerous truce and guarantee real peace."³

The French were accused again and again of attempting to set up an international state which would wipe out the sovereign rights of its members. The American and English delegates opposed the plan on this ground. White, one of the American delegates, regarded it as an attempt to establish a "superstate with a superarmy and a superstaff--."⁴ Lansing, another delegate, even opposed the guarantees later adopted in Article 10 of the Covenant; he was cer-

1. See Official French Plan for a League of Nations, Part I, section 1. The text of this plan is found in R. S. Baker, Woodrow Wilson and World Settlement, Vol. III, Document 17, pp. 152-162; D. H. Miller, The Drafting of the Covenant, Vol. II, pp. 238-246; and an abridged reproduction in World Peace Foundation, A League of Nations, Vol. IV, August 1921, No. 4, pp. 340-342. The text is reproduced in this thesis in Appendix I.

2. See supra, p. 14.

3. Official French Plan, Part I, section 1.

4. W. A. White, Woodrow Wilson, p. 402.

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tainly not in favor of the French scheme.¹ The English delegation stood with the Americans in regard to this interpretation.²

The French, however, state emphatically that "the object of the League of Nations shall not be to establish an international political State. It shall merely aim at the maintenance of peace by substituting Right for Might as the arbiter of disputes. It will thus guarantee to all States alike, whether small or great, the exercise of their sovereignty."³ Much, of course, hinges upon the meaning of the word "sovereignty". It seems that modern States have the habit of referring to the classical definition of Bodin⁴ and his school of absolute thought when they wish to avoid international organization. In practise such a position is untenable, since every treaty or agreement made between nations limit their action to a certain extent.

Davies devotes an entire chapter to the discussion of sovereignty. He says, "Clearly, in the international sense no nation is supreme: in other words, it does not exercise sovereignty over its neighbours. However confusing it may be, the idea of sovereignty appears to have been imported from the sphere of domestic politics and suddenly pitch-forked into the international arena.-----Aided and abetted by a fanatical nationalism, this conception of the sovereign State is based upon the absolutism of

1. H. W. V. Temperley, History of the Peace Conference, Vol. VI, 446. R. S. Baker, Woodrow Wilson and World Settlement, Vol. I, p. 228, says, "Even more strongly than House, Lansing was opposed to the use of force as a sanction for the authority of the League over recalcitrant members."

2. F. Morley, A Society of Nations, p. 14.

3. Official French Plan, Part I, section 2.

4. F. W. Coker, Readings in Political Philosophy, p. 230. Bodin defines sovereignty as "supreme power over citizens and subjects, unrestrained by laws." Davies, p. 191, says this idea has been carried over into international relations. Sovereignty has a double aspect--internal and external. See also Hershey, pp. 175-6, and notes.

self-defence, unrestricted competition and a complete denial of the right use of force, all of which express the negative aspects of international sovereignty."¹ Under his classification of states, Hershey points out that in confederacies, or leagues of states, even though the Union has organs and functions of its own, including the conduct of foreign affairs, "each State remains otherwise sovereign and independent, and also enjoys international personality."² After citing several instances under which the sovereignty of a State is limited, the same writer concludes, "It is generally held that the above limitations or restraints are not legal restrictions on sovereignty on the grounds that they are mere delegations of power, or that they do not really bind the will or power of the sovereign who has thus freely chosen to bind himself through auto-limitation or auto-determination."³ Among these limitations on sovereignty are treaties of alliance, guarantee, and mutual aid. Thus, it would seem that the French contention that their plan did not limit the sovereignty of national States rests upon substantial grounds.

Although the French regarded the scope of their proposed League as universal, they were not ready at that time to admit their enemies to its membership. They were not alone in this respect, however, for their allies stood with them.⁴ Only States which "solemnly undertake to be bound by certain rules in order to main-

1. Davies, p. 191.

2. Hershey, p. 180.

3. Ibid, p. 177. See also, E. C. Mower, International Government, Chap. VI, pp. 109-123.

4. Louisville Courier-Journal, January 25, 1919.

peace---and provided with representative institutions such as will permit their being themselves considered responsible for the acts of their own Governments"¹ would be eligible to enter the League.

The League of Nations was to be composed of two bodies--the International Council, and the Permanent Delegation.² Every State in the League was to be represented in the International Council, which was to meet yearly in ordinary procedure, but which could be called into extraordinary session upon request of any member or the Permanent Delegation. The latter organ of the League would be the same kind of an organ as the present Secretariat of the League of Nations, and would consist of 15 members chosen by the Council. Its duties would be to receive all communications destined for the Council, prepare reports, keep the archives, send out notices to members of the Council, and propose the calling of special meetings.

Although the International Council was not to be a super-state imposed upon the nations of the world, it was to possess real power. It would be constantly on the alert to maintain peace by "constant vigilance and the exercise of sufficient authority."³ This authority would be derived from the reciprocal undertakings given by each of the member States to use their economic, naval, and military power in conjunction with other members against any nation contravening the Covenant of the League.⁴

1. Official French Plan, Part I, section 3.

2. Ibid, Part V.

3. Ibid, Part IV.

4. Ibid.

The French sincerely believed that the public opinion of the world demanded that a strong league be created, a league capable of holding recalcitrant nations in check through force if necessary.¹ It was the idea of effective and powerful sanctions in the French proposals that caused an American delegate at the Peace Conference to declare that "their conception was that the League should be a superstate with a superarmy and a superstaff which should always be ready to scare the superdaylights out of Germany if she began mobilizing on the French frontier."² It was true--and natural--that France feared a strong Germany on her border, but this criticism with its recurring use of high-sounding prefixes strikes at the very foundation of international organization. Furthermore, if such a league could maintain peace between France and Germany, it would have an excellent chance to maintain peace among all the other nations of the world.

The International Council shall be clothed with the power to organize an International Tribunal before which all disputes among the members of the League may be settled amicably.³ The Council shall attempt to settle any dispute that arises by means of mediation, and failing in this step, it shall refer the matter to the International Tribunal, provided that the question is of a legal nature.⁴ If the dispute is not of a legal nature,

1. Charles Eliot in reviewing the book War Obviated by an International Police, by Martinus Nijhoff, said, "As the war drags on, two facts become clearer and clearer: first, that competition in armaments, and therefore periodic war, will go on, unless a firm league of nations competent to prevent war by force can be created when the war ends; and secondly, that this indispensable league need not contain any large number of nations." (American Journal of International Law, Vol. 9, 1915, p. 760)
2. W. A. White, Woodrow Wilson, p. 402.
3. Official French Plan, Part I, section 4, paragraph (1).
4. See Hershey, pp. 457 ff. Disputes of a legal nature are those to which more or less clearly established principles of International Law can be applied: those of a political nature are not covered by such principles.

it shall be decided by the International Council. This provision covers all disputes, both justiciable and non-justiciable; the first being settled by the Tribunal, and the second by the Council. The Tribunal receives its cases from two sources: first, the Council may decide that a dispute is of a legal or justiciable nature, and may submit the dispute to it for a decision; secondly, any member State may submit a dispute with another State to it.¹ The Tribunal shall have power to decide questions of law at issue between States "on the basis of custom or of international conventions, as well as of theory and jurisprudence", and in case of violations of International Law "it shall order the necessary reparation and sanctions."²

The International Council shall have power to enforce its decisions and those of the International Tribunal. At its demand "every nation shall be bound, in agreement with the other nations, to exert its economic, naval, and military power against any recalcitrant nation."³ The French plan by this provision gives effective and sure sanctions to the action of the Council. It does not advise or recommend a certain line of action in a given case, but it demands that the member States join in common accord against the offending nation, and to use all the power that they possess to maintain the peace of the world.

This part of their plan is the rock upon which all schemes

1. Official French Plan, Part I, section 5. See M. O. Hudson, The World Court, World Peace Foundation Pamphlet, Vol. XI, No. 1, 1928, p. 105. The Statute of the World Court cites as legal disputes, (a) The interpretation of a Treaty; (b) Any question of International Law; (c) The existence of any fact which, if established, would constitute a breach of an international obligation; and (d) The nature or extent of the reparation to be made for the breach of an international obligation. (Art. 36)
2. Official French plan, Part I, section 5.
3. Ibid, Part I, section 4, paragraph (4).

of international organization split. Most nations are unwilling to sacrifice, or limit, their sovereignty by placing their military forces at the command of an international authority. Wilson opposed the French proposals for a supervisory military commission, declaring that "no nation will consent to control--Americans--cannot--because of our Constitution."¹ He was the president of the Commission appointed to draft a Covenant for the League of Nations, and, together with the British delegates, led the fight against the French plan for a League.² Nationalism and Sovereignty, those twin enemies of world peace, combine at all times to prevent any real durable world association. "Unless the desire for peace," says a writer on international government, "and the degree of confidence in the similar desire of other nations are strong enough in the proposed members of the League to induce them to undergo a self-denying ordinance in the employment of military and naval forces, and to consent to place these forces at the disposal of an International Executive for the preservation of world peace, it seems unlikely that any treaty they may enter will possess enduring power.----Never and nowhere has it been found possible for a human association to dispense with the power to compel its members to observe its laws. Whenever this has been attempted it has failed."³

The French plan intended to place a restraint upon the members of their proposed league. The present League of Nations

1. D. H. Miller, The Drafting of the Covenant, Vol. II, p. 293.
2. R. S. Baker, Woodrow Wilson and World Settlement, Vol. I, p. 280.
3. J. A. Hobson, Towards International Government, pp. 85-6.

is organized on the basis of a Confederacy with the member States retaining practically all their sovereign powers; there is no real executive power, no sheriff, no police force.¹ This confederate character of the League tends to emphasize the approach to problems from a nationalistic standpoint. A writer on the question of world peace states the case plainly. "There is only one thing that will make war forever impossible between nations," he claims, "and that is the centralizing of their armed forces under the control of a representative world organization, the prohibition of all naval and air forces to the member states, and the restriction of their land forces to the normal requirements of an internal police. A federation of nations is the minimum of world organization under which this unification of armed forces, which is absolutely necessary for effective 'common action' to enforce international obligations, can be effected. At the same time a federation of nations preserves to the member states the largest measure of independence and autonomy in the management of their domestic affairs that is consistent with the abolition of international war."² The French plan contemplated the establishment of this kind of a League of Nations whose form would be more of a federal nature than a confederate one. The French clearly expressed their willingness to be bound in a federal world organization along with other nations, a willingness which was lacking among the Anglo-Saxon delegates at the Paris Peace Conference.³

The French plan provides for the maintenance of peace at

1. Oscar Newfang, The Road to Peace, pp. 25, 279-81, and passim. See also A. W. Spencer, Organization of International Force, Amer. Journal of International Law, Vol. 9, p. 46. He says that force is necessary in the establishment of international law just as it is in all other law.
2. Oscar Newfang, The Road to Peace, p. 327.
3. D. H. Miller, The Drafting of the Covenant, Vol. II, pp. 296-7.

all times. With the creation of the proposed league, there would be three instances of trouble. First, peace must be maintained among the member States; secondly, peace must be maintained between any member State and non-member States; and thirdly, peace must be maintained by preventing the spread of conflicts among non-member States to member States. The French plan attempts to define the duties and functions of the International Council in regard to all these possibilities.

In order to keep peace among its members, the Council shall use and develop the legal institutions created at the Hague, and in addition, shall organize another permanent international tribunal.¹ Should any dispute arise between member States the judicial machinery swings into action. If neither of the disputant States is willing to submit the dispute to the Council, third States may ask the Council to intervene. But the French draft does not stop here. Should no State ask the Council to settle the dispute which is menacing the peace of the League, the Council itself "shall be bound to take the initiative as regards such settlement."² It may begin its work by dispatching a commission of inquiry with power to investigate, gather material, and report the facts of the dispute. Such commissions had been

1. It must be admitted that the French plan is somewhat vague in regard to the judicial machinery of its proposed league. It speaks of the Hague, a Court of International Jurisdiction, and an International Court. Possibly the latter two terms refer to the same court, and is the international tribunal mentioned in Part I, section 4, paragraph (1) of the French plan. If this view is correct, it corresponds to the action that was taken by the members of the Commission who drew up the Covenant providing for the creation of a Permanent Court of International Justice--the World Court.(Art. 14) It must be remembered that the French plan is only a rough outline that was never discussed in the meetings of the Commission, and therefore these vague provisions were not clarified.
2. Official French Plan, Part IV, section (1), paragraph 2.

provided for the Hague Court.¹ The Council may dispense with the commission of inquiry, and use its good offices and mediation, or remind the disputants that the Hague is open to them. If all these attempts to settle the dispute fail, the Council shall take steps leading to a certain settlement. It shall decide whether the question is of a legal nature, in which case it shall then "order the disputant States to submit their difference to the Court of International Jurisdiction."² The decision of this International Court shall be enforced by the Council, if necessary, by resorting to diplomatic, legal, economic, and military sanctions.³

The French plan contemplated, thus, the creation of a World Tribunal whose decisions should bear real weight, inasmuch as the united force of the League would be behind them. It is the kind of court that has already been established within nations, and which has been the only means of maintaining internal order. Many American peace societies had advocated the establishment of such a court before the Paris Peace Conference met.⁴ "The problem of the right use of force," Davies reminds us, "has still to be solved in the realm of international relationships. The framers of the Covenant evaded the issue. They refused to recognize that amongst all civilised and democratic communities force can only be morally expressed in the performance of a police function. They failed to distinguish between this function and the right of self-

1. J. B. Scott, The Hague Conventions and Declarations of 1899 and 1907, pp. 45 ff. See also Hershey, pp. 461 ff. for a discussion of commissions of inquiry.
2. Official French Plan, Part IV, section (i), paragraph 4.
3. These sanctions are discussed in the following chapter.
4. E. P. Wheeler, A World Court and International Police, American Society for the Settlement of International Disputes, Pamphlet No. 26, August 1916, pp. 15-16. See also supra, the last part of Chapter II.

defence. Consequently, their projected scheme of disarmament was still-born, and the right to make war remains."¹

If the dispute between member States is not of a legal nature, the International Council shall deal with the question directly. It shall at first proceed along friendly lines by offering mediation. Should this method fail, it shall then proceed to "define the terms according to which the dispute shall be settled in a manner which shall respect the rights of each State and the maintenance of peace."² After having reached a decision which it considers just, the Council shall notify the States concerned, and call upon them to accept the decision. At this stage of the process, the dispute is considered as being between all the members of the League and the member which refuses to accept the decision. "Should the State concerned refuse to accept the decision after having been summoned to do so, the International Council shall notify to it the coercive measures of a diplomatic, legal, economic, or military nature to be taken against it within a specified time."³ Here is an international executive body which has the power to demand the settlement of all disputes, either by means of its own decisions, or those of the courts, and to enforce all these decisions reached.

The International Council shall also have the power to settle all disputes between a member State and non-member States. It shall first attempt to settle the dispute in an amicable manner by using all possible means of conciliation. Failing in such at-

1. Davies, p. 358. See his entire chapter on "The Right use of Force", pp. 340-358.
2. Official French Plan, Part IV, section (i), paragraph 6.
3. Ibid.

tempts, it will decide what further steps shall be taken, and shall place all the forces of the League at the disposal of the member State if no settlement is reached.¹

In disputes and conflicts between non-member States the International Council is bound to prevent their extension to concern members of the League. It is difficult to localize wars because of the ramifications of commerce, and the interdependence of nations, and there would be few instances in which such conflicts would not menace the peace of an international organization. In such a case, the International Council shall be bound to use all its power to prevent the extension of these conflicts, and to use its influence to settle them in a peaceable manner.²

Thus all possible disputes are provided for in the French plan for a League of Nations. There is, however, one important point on which the draft is silent; namely, the question of voting in the International Council. The plan provides for representation of all States on the Council, but it does not say whether these decisions shall be reached by a majority, three-fourths, or unanimous vote. Of course, if the plan had been discussed by the Commission which drew up the Covenant, these defects could have been corrected.

1. Official French Plan, Part IV, section (ii).

2. Ibid, Part IV, section (iii).

Chapter IV
The French plan for a League of Nations--Sanctions.

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The French plan makes adequate provisions for effective sanctions. A sanction is generally regarded as a means of enforcement similar to the penalties of municipal law--a penalty armed with coercive power.¹ The Executive Committee of the League to Enforce Peace had defined a sanction as "the justified employment of forceful methods to insure the observance of law or to enforce it when an attempt to disregard it is made."²

Some authorities consider coercive sanctions as unnecessary to the maintenance of peace, while others hold the opposite view. Professor Dewey, of Columbia University, holds that sanctions are both impracticable and undesirable.³ In answering this argument, Raymond L. Buell, research director of the Foreign Policy Association, states, "Except for the rapidly disappearing philosophical anarchists and a few religious sects such as the Mennonites and Shakers, all schools of political and ethical thought recognize that within the state force is a necessary corollary of law.---Unlike the use of force within the state, however, force in international relations has not been a corollary of international law or of an international organization which composes differences between states, as differences between individuals within a state are composed.---Force harnessed to law means order; force exercised in the absence of law means anarchy."⁴

1. E. C. Mower, International Government, Chap. XXX, pp. 521-39. See also C. Eagleton, International Government, Chap. III, pp. 66-86; and Hershey, pp. 7-11.
2. World Peace Foundation, Pamphlet Series, Vol. VI, No. 6, December 1916, pp. 17-18.
3. Foreign Policy Association, Are Sanctions Necessary to International Organization?, Yes--R. L. Buell: No--John Dewey, Pamphlet No. 82-83, Series 1931-32, June 1932, pp. 23 ff.
4. Ibid, p. 3.

The same writer states that "to be logical, the no-sanctions school should support complete non-resistance--a doctrine which cannot possibly be made the basis of any kind of society," and he concludes, "it is well to preach the importance of 'good faith'; it is well to insist 'upon removing underlying causes of dispute' in international relations, just as it is important to preach the Golden Rule. But these doctrines mean little to society until institutions are established which will carry them into effect."¹ It has been pointed out by many others that the great weakness of the League of Nations lays in its inability to apply sanctions to offending nations--its lack of enforcing power. Dr. Albert Hindmarsh, of Harvard University, is among this number.

"There are those," he says, "who firmly believe that recurrent neglect, inability, or unwillingness of members of the international community to fulfill their international obligations can be overcome by moral influences alone: but it is foolhardy at this stage of development of international society to assume that international justice and order can be left entirely to a law-abiding sentiment which, even if it exists universally, does not prevent constant violation of international standards. A sense of international morality is a slowly accumulating result founded, in part at least, on the existence of those very coercive sanctions for which it is often suggested as a substitute."² The French draft for a League of Nations adopts this view of

1. Foreign Policy Association, Are Sanctions Necessary to International Organization?, Yes--R. L. Buell; No--John Dewey, Pamphlet No. 82-83, Series 1931-32, June 1932, p. 22.
2. A. E. Hindmarsh, Force in Peace, p. 13.

the necessity of effective sanctions. It devotes two parts, II and III, to the discussion of four types of sanctions--diplomatic, legal, economic, and military.

When the International Council, or the Court, arrives at a decision, and one of the parties to the dispute refuses to accept it, the Council shall proceed to apply the sanctions provided in the plan. It shall begin with diplomatic sanctions, placing the delinquent State under the ban of all the member States until it is willing to accept the decision. The diplomatic sanctions fall under three headings: first, the severance of all diplomatic ties; second, the withdrawal of all exequaturs granted to the consuls of the offending State; and third, the exclusion of the offending State from all the benefits of any international conventions to which it may be a party.¹ Such action would have far-reaching effects. Under the application of these measures, all the ministers and ambassadors of the offending State would be dismissed by the members of the League, and all the representatives of the various member States would be recalled. The delinquent State would be cut off from all the public opinion of the world; its nationals would not have any diplomatic representation in the territory of the member States and they would be left to the mercy of prejudiced foreign courts; and its trade relations would suffer.

Such a nation would be a pariah among the other nations of the world. Russia was in such a position immediately after the introduction of the Bolshevist regime, and although she was later recognized by most of the European nations, she hailed with joy American diplomatic recognition, and the exchange of diplomatic

1. Official French Plan, Part II, section (1).

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relations which finally came from the United States in 1933.

There is no doubt that she suffered many losses because of the lack of recognition prior to that time.¹

The withdrawal of diplomatic officials is usually regarded as a form of protest which indicates strained relations. It shows a strong sense of disapproval, and in many instances is followed by war.² The French intended that this step should bring the offending nation to the realization that it would be followed by more serious consequences if it persisted in its refusal to accept the decision of the Council or the Court.

The withdrawal of the exequatur would also seriously affect a State. Consular officials, unlike diplomatic representatives, are stationed at every important commercial city in the world. The United States has over a hundred in Canada alone.³ These officials have many important duties. Whereas the diplomatic representatives deal with the governments of foreign States on matters of diplomatic interest, the consular agents deal with private individuals in foreign States on matters of economic and commercial interest. They are probably the most important commercial representatives a nation has in foreign countries. Among their duties are the protection of their nationals abroad, acting as arbitrators or judges, gathering trade statistics, performing a host of notarial functions, overseeing the execution of commercial treaties,

1. For a good discussion of the effects of non-recognition, see Chesney Hill, Recent Policies of Non-Recognition, International Conciliation Pamphlet, No. 293, October 1933, passim.

2. Hershey, p. 541, see note 17.

3. C. Eagleton, International Government, pp. 202 ff.

and engaging in a vast number of shipping duties.¹ All of their rights, privileges, and immunities are granted by the country to which they are sent through the issuance of an exequatur, a document which recognizes their commission from their own country, and permits them to exercise their duties in the foreign country.² Every State has a right to refuse the exequatur to consuls, or to withdraw it at their pleasure; but the withdrawal of an exequatur is considered as a serious step, and should be taken only after "ripe reflection".³ Thus, these sanctions in the French plan would effect the great economic interests of the offending State, and would paralyze its foreign trade and investments.

The third step in the application of diplomatic sanctions is the exclusion of the offending State from any benefits it may receive from international conventions to which it is a party. Every modern State of importance is a party to numerous conventions of an international character, such as, the Universal Postal Union, Telegraph Union, Monetary Union, and certain conventions respecting patents, copyrights, weights, and measures.⁴ Many benefits accrue to States who are members of these conventions, and the French plan would certainly provide a means of depriving these States of such benefits if this diplomatic sanction were applied.

A modern illustration of the effects of this type of sanction may be found in the case of Manchukuo. The Advisory

1. For the duties of a consul, see Hershey, pp. 419-21; C. Eagleton, International Government, pp. 172-3; and E. C. Mower, International Government, pp. 203-4.
2. See Hershey, p. 418, note 6. An exequatur may be an official document, or the consul may merely receive word that he is recognized.
3. Ibid, p. 418, note 8.
4. For a list of international conventions, see C. J. H. Hayes, Political and Social History of Modern Europe, Vol. II, pp. 682-3; E. Krehbiel, Nationalism, War and Society, pp. 132-4; and E. C. Mower, International Government, pp. 242 ff.

Committee of the Assembly prepared a report recommending steps which should be taken in consideration of the non-recognition of this puppet State, and sent it to the members of the League on June 7, 1933.¹ The report of this Committee contained instructions to prevent the accession by Manchukuo to various international conventions. Members of the League were to refuse to agree to the admission of Manchukuo to the benefits of these conventions.

The Advisory Committee reminded the members of the League that Manchukuo was not a member of the Universal Postal Union, and was not entitled to its privileges. It recommended to them the request of China that "the Universal Postal Union--notify all Member States that all postal service in Manchuria was temporarily suspended, that all mails destined for Europe and America would be forwarded respectively via the Suez Canal and the Pacific Ocean and requesting all post offices to do the same with mails destined for China, and that all stamps issued by Manchukuo would be invalid and all mail matter or parcels bearing these stamps would be charged postage due."² The Committee also advised the members of the League to pass legislation prohibiting transactions in currency issued by Manchukuo, and to prevent the quoting of such currency on their official foreign exchanges.³ No passports issued by this puppet State was to be accepted or recognized. "It is impossible," concludes Professor Hill, "to predict the results of these measures, in case states agree to apply them, but they do not appear sufficiently drastic to destroy Manchukuo, though they will doubtless

1. Chesney Hill, Recent Policies of Non-Recognition, International Conciliation Pamphlet, No. 293, October 1933, pp. 389, 455.

2. Ibid, p. 389.

3. Ibid, pp. 389-90.

have some injurious effects."¹ Apparently his conclusions are sound, since this State, though handicapped to a certain extent by the non-recognition policy of the important nations of the world, continues to exist. Such an exclusion from the privileges of international conventions would be far more injurious to great States, however, than to an undeveloped State like Manchukuo. Furthermore, the offending State under the French plan would have the assurance that more drastic steps would follow if it did not yield.

Should these diplomatic sanctions fail, the French plan provides for further sanctions of a legal nature. According to these provisions of the French plan, any offenses committed, encouraged, or tolerated by any of the members of the League against its fellow-members renders it liable to pecuniary damages. This part of the French plan was borrowed from Article 3 of the Hague Convention of October 18, 1907.² The legal sanctions also impose certain hardships upon the nationals of the offending State, and although they will not be deprived of the advantages of common law, nor punished for acts for which they are not responsible, many advantages will be withdrawn from them in the loyal States.³

All articles of association, conventions regarding the protection of copyrights and industrial property, and conventions under private international law⁴ which are in effect between the various members of the proposed League and the offending State

1. Chesney Hill, Recent Policies of Non-Recognition, Intl. Conciliation Pamphlet, No. 293, Oct. 1933, p. 390.
2. See J. B. Scott, The Hague Conventions and Declarations of 1899 and 1907, p. 103. Compare with Official French Plan, Part II, section (2), paragraph (a).
3. See below, p. 65, footnote 2.
4. Hershey, pp. 5-6. International Private Law decides conflicts between two systems of national law in cases affecting private rights; such as, the validity of foreign marriages, wills, and contracts, questions of residence, domicile, and nationality.

will be suspended.¹ The nationals of the faithless State would also have no recourse to the courts of law in the member States.² Ordinarily, under the rights of States in International Law, no country should exclude foreigners from the protection of its courts. The International Council created by the French draft would be able to bring real pressure to bear upon the recalcitrant State by revoking these rights, and by ordering the member States to refuse to execute any court judgments in favor of its nationals. Member States could also seize any real estate or movable property belonging to the nationals of the offending State. All of these measures are in addition to the ordinary rules of criminal jurisdiction, or to any other measures the League might take.

More important than either diplomatic or legal sanctions are economic sanctions. For these the French plan makes full provisions which will place the recalcitrant State under an absolute commercial, industrial, and financial ban. The present League of Nations has this effective weapon for maintaining peace in its hands, but it has no power to insure its execution. Article 16 of the Covenant provides for the severance of all trade relations with the covenant-breaking State, but the Council of the League can only recommend such action. Under the French plan, the International Council would demand the member States to apply these sanctions, and they are bound to comply with its orders.

A Committee, headed by Nicholas Murray Butler, made a study of economic sanctions, and concluded that they were a very

1. Official French Plan, Part II, section (2), paragraph (b).
2. Ibid, see Part II, section (2), paragraph (b). There is a certain vagueness in this section of the French plan. It states that they will not be deprived of the advantages of common law, and also that they will be excluded from recourse to the Courts of Law.

effective means of maintaining peace. Their chief advantage is due to the fact that they act as a threat. "General knowledge, in any country considering aggressive action, that world-wide economic sanctions might be invoked against it," concludes the Committee, "would certainly call into action the fears of business and industrial interests in that country; and their influence, exercised entirely directly and within the country, would in many cases suffice to turn the scale against the contemplated aggression."¹ These sanctions, obviously, would bear more heavily upon great industrial nations than on backward or agricultural nations.

The French plan attempts to deal with the difficult question of the enforcement of economic sanctions by providing for a blockade and a hostile embargo.² It has been pointed out that the Covenant of the League of Nations provides for an economic boycott in Article 16 with no means of insuring its enforcement.³ An economic boycott is undoubtedly a paralyzing weapon, but its application calls for concerted action, and police ships are needed to make it effective and to prevent smuggling.⁴

The commercial losses caused by the blockade would, of course, depend not only upon how long it lasted, but also upon

1. Evans Clark, Boycotts and Peace, A Report by the Committee on Economic Sanctions, Nicholas Murray Butler, chairman, page 257. This work is an admirable, intelligent study of economic sanctions, and is a fruitful source of information for those interested in this subject.
2. The French plan (Part II, sect. (3), paragraphs (a) and (b)) contemplates a pacific blockade of the ports of the offending State to prevent all commercial intercourse with it. This blockade would be more of a hostile than a pacific nature. The embargo is of a hostile nature, also, since it provides for the seizure of the ships of the offending nation in the ports of the member States. (See Hershey, pp. 539-41 for an explanation of blockades and embargoes.)
3. Davies, p. 464, footnote 1.
4. S. Duggan, League of Nations, pp. 120-1. For difficulties of enforcement, see also Evans Clark, Boycotts and Peace, Chap. 13, "The Difficulties of Enforcement", pp. 247-53.

the self-sufficiency of the boycotted¹ State. Highly industrialized States such as England, Japan, and perhaps, Belgium, would suffer much if their food supply was cut off; or even if their commercial intercourse alone were stopped, and food were allowed to enter. On the other hand, the United States and Russia would not suffer to such a great extent because of their great natural resources and agricultural districts.² During the World War, Germany, through her submarine policy, had Great Britain on the verge of disaster.³ Germany also suffered greatly all through the World War from the blockade of the Allies.

Although the United States exports but some 10% of her total production of goods, this small percentage is enough to make the difference between prosperity and depression in its business cycle.⁴ Due to the fact that the index number for all goods in the United States rarely falls or rises more than ten points from the base number, a loss of 10% of her trade would create the worst depression she has ever seen.⁵ Here are some of the things that might happen: loss of income from the \$17,000,000,000 in private foreign investments; crisis on the Stock Exchange; cotton, two cents a pound; the collapse of the fertilizer trade; wheat and hog prices lowest in national history; farm mortgage foreclosures and bank failures; coffee, tea, and sugar prices rise to famine

1. The term "boycotted" is used in a general sense rather than in its technical sense in this work. In its general sense it refers to the State excluded from all commercial intercourse by the member States of the agreement.
2. Evans Clark, Boycotts and Peace, pp. 330 ff. These tables give the natural resources and dependence on food supplies of the great nations of the world.
3. C. J. H. Hayes, Political and Social History of Modern Europe, Vol. II, p. 747; Davies, p. 322; and Evans Clark, Boycotts and Peace, p. 238.
4. W. E. Spahr, Economic Principles and Problems, Vol. I, p. 601.
5. Evans Clark, Boycotts and Peace, p. 207.

heights; rubber price increases 500%; overseas steamship lines ruined; tin-plate industry forced to shut down; and a huge number of unemployed.¹ If our own country, probably the most self-sufficient one in the world, should suffer such hardships, how much more must other nations suffer! The boycott of one nation, China, affected Japan so much that she sent troops into Shanghai; how much more would the combined efforts of the members of the League of Nations have affected her.

The economic sanctions proposed by the French plan would reach the proportion of complete non-intercourse with the offending State. Such is the state of modern blockades by belligerent powers, whereby the distinction between contraband and non-contraband reaches the vanishing point, and all goods are excluded from the blockaded State. Nations would be brought face to face with the fact that isolation is a myth, and although advanced industrial nations could replace imports with substitutes, they would find their economic system in a confused state.

Numerous objections have been made to economic sanctions. It has been argued that they are impracticable, inasmuch, as to insure their success, universality of action is necessary. In view of the fact that many large nations might remain outside the League, it could not act with unanimity and effectiveness.² The temptation to trade with the boycotted State would be great, since the rise in prices would make such trade lucrative. In studying this question, the International Blockade Committee ap-

1. Evans Clark, Boycotts and Peace, p. 210.

2. E. C. Mower, International Government, p. 528.

pointed by the Council of the League of Nations upon request of the Assembly in 1920, held the view that the members of the League who declared the blockade had the right to make it effective against all States, including non-members.¹ The economic blockade proposed in the French plan could be made effective by the extension of the definition of contraband to cover all goods entering the blockaded State.

Such a definition might draw a sharp protest from powerful non-member States who might regard such action as interference with their rights of commerce. On the other hand, the International Council might regard this action as unjustifiable interference in its endeavor to maintain peace. It is unlikely that any non-member State would care to risk a war with the international forces of the League that the French draft proposed to create, while it is very conceivable that non-member States might even co-operate with the League in its work of maintaining peace. It has been suggested that the United States should co-operate in this manner with the present League of Nations.² Universality of action among the members themselves would be insured because the French plan provides for previously arranged plans to protect the member States, and binding obligations which force them to comply with the demands of the International Council.

Another objection is made to economic sanctions on the

1. P. C. Jessup, American Neutrality and International Police, World Peace Foundation Pamphlets, Vol. XI, No. 3, 1928, p. 75.
2. Ibid, pp. 106-7. Jessup suggests that the United States consent to a revision of the existing rules of neutrality, and to ratify a general treaty by which she could co-operate, passively or actively, in reprisals against an offending State.

ground that some nations suffer more than others in their application. Those States whose trade with the boycotted nation is relatively slight would suffer less than those States whose trade with it was large.¹ This suffering would be especially intense if the blockaded State were the source of important raw materials. To this argument, we may answer that few nations are absolutely sole sources of any one raw material, and the members of the League may be able to supply it during the blockade. There is no doubt of the validity of the argument that enforcing nations would bear an unequal burden in the application of economic sanctions, but as the Committee on Economic Sanctions points out, "a selective program of economic pressure could be devised which would seriously embarrass the treaty-breaking state without imposing excessive hardships or inequities on the enforcing nations."² The French draft permits of such alterations in its contents, since it states that it presents only "this rough outline".³

A third argument has been advanced against such sanctions; namely, that by cutting off the food supplies of the blockaded State, the civilian class must suffer from starvation.⁴ It is the argument on humanitarian grounds. "I greatly doubt," declares one of the members of the Committee on Economic Sanctions, "that, under such circumstances, the public opinion of the world would countenance measures which would require the wholesale starvation of a civilian population."⁵ This argument is worthy of considera-

1. E. C. Mower, International Government, p. 518. See also, Evans Clark, Boycotts and Peace, pp. 19-20.
2. Evans Clark, Boycotts and Peace, p. 22. A selective program would allow a certain amount of trade to continue.
3. Official French Plan, Part II, section (3), paragraph (d).
4. W. I. Hull, International "Sanctions" p. 9. This little pamphlet is published by Philadelphia Yearly Meeting of Friends.
5. Evans Clark, Boycotts and Peace, p. 20. The Committee on Economic Sanctions was financed by the Twentieth Century Fund founded by Edward Filene of Boston.

tion, since aggressive warfare usually results from the existence of powerful military cliques, and since public opinion is usually controlled by a subsidized press. Hence, it is desirable that the French plan be modified in some way without weakening its effectiveness. If food were not exempted altogether from the boycott, it might be restricted to a certain extent by allowing limited amounts to enter the offending State. Any system of penalties must not lose its severity; neither must it become inhumane. It may be added, too, that all such arguments overlook the deterrent effect of the boycott.

The last part of the economic sanctions of the French plan outline certain credit restrictions imposed upon the recalcitrant State. Such restrictions include the prohibition of the issue by the offending State of public loans in the territories of the member States, and the refusal to allow the quotation of its stock on the official exchanges of the member States.¹ These provisions strike at both the private and public interests of the offending nation.

The member States may enforce these sanctions in various ways. They may rule adversely on the eligibility to discount or to holding, by banks under their supervision. Thus the eligibility of bills to discount can be used to keep foreign countries out of the financial markets of any State, and would be a hard blow to an aggressor nation.² The flotation of loans in the member

1. Official French Plan, Part II, section (3), paragraph (d).
2. Evans Clark, Boycotts and Peace, pp. 309 ff. Chapter 18 deals with the question of the effect of credit restrictions on various nations. The subject is thoroughly presented in this fine study.

States by the offending nation could be prevented, thereby impairing its ability to wage war, since it is generally believed that a modern war cannot be waged by a State deprived of all economic assistance from the outside.¹ In this modern age when business supersedes nationalism, and the dollar is more venerable than the flag, it is not unlikely that the commercial class would bring strong pressure to bear upon its country to accept the decisions of the International Council or the International Tribunal.

The effectiveness of credit restrictions would, of course, depend to a great extent upon the need of the recalcitrant State. Attention has also been called to the fact that modern governments have great resources of credit within their own borders when their people are whipped up to a high pitch of enthusiastic patriotism.² We will recall how our own country responded to the Liberty Loans during the World War. In spite of all these weakening influences, the economic boycott and restriction of credit would be a powerful factor in maintaining peace among nations.³

The most important part of the French plan is the section containing the provisions for military sanctions. The French draft has a detailed account of the organization, strength, and duties of an international military force to insure the execution of the decisions of the Council and Court. This international force is the heart of the French plan for a League of Nations, and

1. C. Eagleton, International Government, p. 80.

2. W. I. Hull, International "Sanctions", p. 8.

3. One writer has summarized economic sanctions thus: "It would mean refusing to recognize the nation, its officials, its acts, papers, stamps, citizens, ships, goods, declining to trade with it, refusing loans, cancelling bonds and stocks listed at boards of trade, putting discriminating tariffs on its goods, etc." (E. Krehbiel, Nationalism, War and Society, p. 237)

when the League of Nations Commission refused to accept such a drastic provision in the Covenant that was adopted, the French felt that their feet had been swept out from under them.

The French idea that sanctions are necessary to international organization raises the much discussed question of the analogy of national and international laws, and the necessity of force as a concomitant of law. The French maintain the force theory which teaches that in the last analysis government and law rest upon force; international government is no exception to this rule, and its laws must bear enforcing sanctions or penalties.¹ "What has the ordinary citizen to say to these proceedings?" says Davies. "He may not be a legal expert, but he understands that courts of justice do not function properly unless the services of the policeman can be requisitioned."²

With this idea in mind, the French provided that the decisions of the International Council and Tribunal should be enforced in two ways; namely, by an international force, or by one or more great Powers members of the League, acting under a mandate from the Council.³ The military force placed at the disposal of the Council will also be used to overcome any forces which may be opposed to the League of Nations in the event of an armed conflict.⁴ Thus, it would have to possess superiority in both numbers and armament. "Unless this superiority existed," Davies argues, "no State-member---and especially those which were

1. See E. C. Mower, International Government, p. 232. Also Davies, Chapter IV, "The Evolution of Sanctions", pp. 154-77.

2. Davies, p. 177, and Section X, page 176. See also S. Duggan, A League of Nations, pp. 113-4; and E. Krehbiel, Nationalism, War and Society, Chapter XIII, pp. 105-13.

3. Official French Plan, Part III, section (i), paragraph (1).

4. Ibid, Part III, section (i), paragraph (2).

neighbours of non-member States---would enjoy a sense of security nor would they be able to repose any confidence in the international authority for protection against outside aggression."¹ The same writer, who tackles the problem of an international police force in a practical manner, suggests a means by which an international force may be provided with superiority in armaments. After calling attention to the fact that there are three categories of organized force--municipal constabularies, national police, and international police--he points out that each category may be distinguished by its weapons: "The constable, as we have seen, is armed with truncheon, sabre and revolver. The national policeman, rehabilitated in his pre-war quarters, is equipped with rifles, machine guns, armoured cars, artillery of pre-war types and a naval force, comprised of the older vessels, sufficiently powerful to police his coasts. To the international policeman are allotted the new weapons evolved in the war--submarines, poison gas, aeroplanes, and tanks, together with the newer types of naval craft and artillery."² In this way, superiority for the international force proposed in the French draft could be secured through the differentiation of weapons.³

An international force may be organized in several ways. First, an international body may levy and maintain an international land and sea force directly; secondly, an international body may draw quotas, or contingents of forces, from the several member

1. Davies, p. 362.

2. *Ibid*, p. 329.

3. For an excellent study of this principle, see Davies, Chapter VIII, "The Differentiation of Weapons", pp. 296-339. Note especially pp. 332-3.

States; and thirdly, a combination of the first and second--that is, an international force levied by the international authority plus a reserve composed of national contingents contributed by the member States.¹ The French plan contains the second method. According to its provisions, "the International Body shall determine the strength of the international force and fix the contingents which must be held at its disposal."² A similar scheme for an international police force was drawn up by a former Minister of War of Holland. He provided that "each State would be obliged to supply and to pay its own contingent, the size of which, as regards the army, would be determined by its population, as regards the navy by the extent of its sea borders, and by the importance of its resources."³

The quota system, advocated in the French draft, has several disadvantages: (1) There would be no real guarantee that the member nations would honor their obligations to furnish the quota when called upon to do so; (2) This system does not eliminate competition between the War Offices or Admiralties, and National Staffs may scheme to upset the arrangements of the International Authority; (3) Secession of member States is too easy under this system, and they may denounce their treaty obligating them to provide a contingent for the international force without incurring any serious disability; and, (4) This system does not provide for the important principle of the differentiation of weapons.⁴

1. S. Duggan, A League of Nations, p. 124. See especially Davies, Chapter X, "An International Police Force", pp. 360-82. For the various means of organization see ibid, pp. 368 ff.

2. Official French Plan, Part III, section (ii).

3. Martinus Nijhoff, War Obviated by an International Police, pp. 100-101.

4. Davies, pp. 371-3.

On the other hand, the quota system has certain advantages. These are: (1) The recognition of the right use of force as a police function in the relationship of States with each other; (2) This scheme would probably serve as a basis for real disarmament among the nations, according to the degree of security it afforded; (3) This system would involve fewer and less drastic changes in the national war establishments than the introduction of other far-reaching schemes; and, (4) It would be bound to afford a certain measure of security for the members of the League.¹ Norman Angell, noted British author and economist, believes that nations should organize such an international force to maintain peace. "Now, for the purpose of this war, seven nations have combined against Germany and Austria. Why," he argues, "for the purpose of a permanent peace should not eight, or for that matter eighteen, undertake to combine against any one nation that commits aggression upon its neighbours."²

The French draft provides for the determination of the strength of each contingent by giving the International Council the authority to fix the number to be contributed by each member. Each member State, however, settles all matters relating to their recruitment.³ The strength of the national contingents would depend upon the scope of their duties. They would be called upon at various times to assist the local authorities to maintain order, they would garrison dependencies and colonies of their State, they would be called upon to resist any sudden invasion or aggression,

1. The most of these advantages and disadvantages are noted by Davies, pp. 369-73. He explains fully both sides of the subject.

2. Martinus Nijhoff, War Obviated by an International Police, p. 211.

3. Official French Plan, Part III, section (ii).

and they would constitute the national contributions to the international force.¹ It would have been impracticable for the French to have attempted to determine the strength of these contingents in their draft, since the Council could settle this question and work out some equitable method of apportionment to each nation.²

The French plan provided for the appointment of a permanent international Staff to investigate all military questions affecting the League of Nations. Each member of the League would be represented on this Staff, and all the members would submit a list from which the Council would appoint the Chief and Deputy Chiefs of Staff, who would serve for a period of three years.³ The duties of the Permanent Staff are fully outlined in the draft, but all its action is under the supervision of the International Body, or Council. It would be charged with inspecting the international forces to be recruited by each member State, and recommending measures to procure uniformity in the armaments and training of these forces. Its recommendations may be imposed upon member States by the Council.⁴

The Permanent Staff would naturally be interested in the

1. Davies, pp. 384-5.

2. See Davies, pp. 407, 516-18, and 744 ff. He suggests three principles by which the ratio of national contingents may be determined. These are: (a) On the basis of population; (b) On the basis of the status quo, or existing armies; (c) The "bareme" standard of measurement. (see page 407) The first two are inequitable because of the large populations of backward countries like India and China, and the disarmament status of the Central Powers. The third method, used by the League of Nations to determine the annual money contributions of its members, takes into account the economic importance of the various States, and has been worked out for the League by a body of experts. It is obviously the best method, Davies thinks.

3. Official French Plan, Part III, section (iii). This Permanent Staff is similar to the Supreme War Council of the Allies during the War. The League to Enforce Peace approved the creation of such an organization. (See Basis of Permanent Peace, published by the League to E.P., p. 12)

4. Official French Plan, Part III, section (iv)

character of the troops, the extent of their training, and other military factors, since it would be responsible for their conduct after mobilization has been declared. This valuable knowledge "can only be acquired through the closest liaison between the national and international staffs."¹ Since the national contingents are destined to act in concert, and since a heterogeneous force labors under a disadvantage in comparison with a homogeneous army, the French draft is logical in providing that "military instructions shall be given in each member State in accordance with rules designed to procure, as far as possible, uniformity in the armaments and training of the troops destined to act in concert."²

Any scheme of inspection is bound to create a certain amount of friction between the national governments and the International Body. When the French delegation attempted to create a supervisory commission for the League of Nations they ran up against the opposition of the American and English delegations. This commission was "unacceptable" and was voted down by the Anglo-Saxon group,³ but authorities agree that there must be some method of supervision in any disarmament scheme.⁴

There is no reason, however, why the investigations of this Permanent Staff proposed by the French draft could not be carried on with a minimum of friction between the national governments and the International Council. Bourgeois, one of the French delegates to the Peace Conference, stressed this point when he advocated the supervisory commission. Pleading for the passage of

1. Davies, p. 414.

2. Official French Plan, Part III, section (iv).

3. D. H. Miller, The Drafting of the Covenant, Vol. I, p. 243.

4. See Davies, Section XV, pp. 419 ff.

his amendment, he stated, "I wish to add that I did not speak of a commission that would go round to these countries to do its verifying. We can leave to one side the form under which this verification will be carried out---we do not prescribe any form; we do not use the word 'inspection'; we avoid the word 'control'; we ask only for proof that the declarations are made in the general interest of the Society.---We all have good faith, but there may be some country who fails in the compact---."1 Davies believes that supervisory commissions should not be inquisitorial, but they should assume the character of a close liaison between the respective staffs which are engaged in the task of mutual protection.2 To accomplish this task "the national governments may appoint liaison officers to the staff at international headquarters, whilst the latter would send military attachés to be accredited to the national governments."3

An International Army must have a Commander-in-Chief, and the question arises--how shall he be appointed? We will recall that the Allied Forces did not function well until Foch assumed supreme command.4 Much criticism has been directed at the French draft in this connection, and critics have accused France of trying to dominate the International Army that their League would possess. Baker is among this group. "If the French, for example, could get a league which was a military alliance with an international army(commanded, of course, by French generals) and the possibility of universal compulsory military service--which

1. D. H. Miller, The Drafting of the Covenant, Vol. I, pp. 248-9.
2. Davies, p. 421.
3. Ibid.
4. See C. J. H. Hayes, Political and Social History of Modern Europe, Vol. II, p. 752. See also p. 734 of the same work, where Hayes points out that the early success of the Central Powers was due in part to their unity of command.

they tried to get--," he claims, "they would the more than glad to have it tied up with and knit into any treaty that might be made."¹ The French draft, however, states that the "International Body shall appoint, for the duration of the operations to be undertaken, a Commander-in-chief of the international forces."² Every nation would be represented on this International Body, or Council, and would have a chance to secure this post for one of its generals.

France certainly did not dominate in the proceedings of the Commission on the League of Nations.³ Her draft was ignored, and all her attempts to amend the articles of the Covenant which the American and British delegations rapidly pushed through the Commission were futile. In view of these facts, how could France dominate an International Body which was intended to include American and British representatives, and have her generals appointed to head an international army?⁴

The manner in which the Commander-in-Chief is selected is indeed important. A plan championed by a former Dutch Minister of War, provided that "the Commander-in-Chief would be chosen by lot, and taken from a list of generals, upon which each of the co-operating States would place the name of a general, who, in turn, would be the commander of the army during one year, while

1. R. S. Baker, Woodrow Wilson and World Settlement, Vol. I, p. 277. (The parenthesis belongs to the quotation, but I have underlined the words in it.--The author)
2. Official French Plan, Part III, section (v).
3. See below chapter V, pp. 83-108.
4. The French do not dominate the present League of Nations to such an extent as to insure them the election of a Commander-in-Chief, if such an office existed. There are blocs in the Assembly more powerful than the Franco-Polish-Little Entente group. See F. Morley, A Society of Nations, pp. 582-4; and W. E. Rappard, International Relations as viewed from Geneva, pp. 163-4. Morley rates these blocs in this order according to their power: (1) British Empire; (2) Latin-American group; and (3) Franco-Polish-Little Entente group. He thinks the power of the last group is diminishing.

each State would give at least one officer to the general staff and at least one to the commissariat."¹ The High Constable of the International Police Force proposed by Davies, whose office is similar to that of the French Commander-in-Chief, "would be appointed by the international authority, to which alone he would be responsible for the conduct of the duties entrusted to him.--- The High Constable should hold office for a limited period of, say, not less than three and not more than five years. At the expiration of his term he should not be eligible for reappointment and would then retire from the force."²

Thus, it would seem, that the appointment of the Commander-in-Chief by the International Body, as the French draft proposes, is the most desirable method of selecting that officer. On the other hand, Poortugael's proposal that each State should be represented on the General Staff is more desirable than the provision in the French draft that the Commander-in-Chief shall nominate his Chief of General Staff and the officers who are to assist him.³ Evidently, the French plan does not contemplate a permanent Commander-in-Chief, since it states that he is appointed for the duration of the operations to be taken, and his powers shall cease when the International Body so decides.⁴

Critics may think the French draft is too drastic; radicals may think it not drastic enough. President Wilson had argued that "a force must be created, a force so superior to that of all nations

1. Martinus Nijhoff, War Obviated by an International Police, p. 101.
2. Davies, pp. 457-8.
3. Official French Plan, Part III, section (v). See also Martinus Nijhoff, War Obviated by an International Police, p. 101. Poortugael is a retired Lieutenant-General, and a former Minister of War of Holland.
4. Official French Plan, Part III, section (v).

or to that of all alliances, that no nation or combination of nations can challenge or resist it."¹ The French answered with their plan, and Wilson and the British rejected it.

1. D. H. Miller, The Drafting of the Covenant, Vol. II, English Minutes, p. 292; French Minutes, p. 460.

Chapter V
France and the Commission on the League of Nations.

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The French draft for a League of Nations, which we have discussed in the two preceding chapters, with its emphasis upon armed sanctions in the form of an international army, was distasteful to both the American and English delegations. Wilson had thought of the possibility of using international police as late as December 10, 1918, but thinking that such a plan could not be worked out in one conference, he had turned to the economic boycott as the most effective sanction for a League of Nations.¹ Consequently, the French scheme was discarded before the First Plenary Session of the Peace Conference met on January 18, 1919, and it was replaced by Wilson's smaller list of subjects.² Even the principles of the French plan were utterly disregarded by both the American and English delegations, who proceeded to put through their own program.³

At the Second Plenary Session of the Peace Conference, January 25, 1919, the Commission to draw up a draft for a League of Nations was appointed.⁴ This Commission, composed of 19 members, 2 for each of the five Great Powers and 1 for each of the nine smaller Powers, chose President Wilson as its chairman. In spite of his early views, and perhaps due to the influence of his advisors, President Wilson led the fight against the French type

1. C. Seymour, The Intimate Papers of Colonel House, Vol. IV, pp. 280-1. This work will be cited hereinafter as Seymour.
2. H. W. V. Temperley, A History of the Peace Conference, Vol. I, p. 252. This work will hereinafter be cited as Temperley.
3. R. S. Baker, Woodrow Wilson and World Settlement, Vol. I, p. 280. See also F. Morley, A Society of Nations, p. 14.
4. Temperley, Vol. I, p. 256; Seymour, Vol. IV, pp. 290-1; and D. H. Miller, The Drafting of the Covenant, Vol. I, p. 76. This last work will be cited hereinafter as Miller.

of a League of Nations with strong military sanctions.¹ The French draft was presented to the Commission when it began its meetings;² but only the Hurst-Miller draft, as its name implies, an Anglo-American compromise, was used as a basis of discussion at the meetings of the Commission.³ Critics may say that France won the lion's share of advantages at the Paris Peace Conference, but she certainly did not do so in the League of Nations Commission.

An Italian draft was also presented to the Commission. This document provided for strong sanctions which as a last resort included "joint war on the recalcitrant State by all the loyal members of the Society of Nations."⁴ It also stated that the Contracting Parties "shall be bound to comply with the request" of the international authority.⁵ It was also brushed aside by the dominant Anglo-American group.

At the Second Plenary Session of the Peace Conference, after seconding Wilson's resolution pertaining to the establishment of a League of Nations, Lloyd George made a stirring speech. "Had I the slightest doubt in my own mind," he said, "as to the

1. F. Morley, A Society of Nations, p. 35. He says, "President Wilson's willingness to put almost unlimited authority in the hands of a small group of Powers--a willingness which went so far as to envisage the establishment of an international army--resulted first in causing acute anxiety to his advisers, and later in giving substantial arguments to the forces opposed to American membership in the League." See Wilson's statement in regard to an international force, above pages 81-2.
2. Miller, Vol. I, p. 132, says that despite the fact that the French and Italian drafts are appended to the Minutes of the First Meeting of the Commission, they were not submitted that day. They were probably submitted by the Second Meeting, since Bourgeois refers to them during the Third Meeting. (Miller, II, 261) At the Tenth Meeting, Bourgeois refers to the fact that they had not been used as a basis of discussion by the Commission. (Miller, II, 318)
3. Miller, Vol. I, pp. 130 ff. See also R. S. Baker, Woodrow Wilson and World Settlement, Vol. I, p. 280.
4. Miller, Vol. II, p. 253. Art. 29, paragraph (m) of Italian plan.
4. Ibid, Vol. II, p. 253. Art. 28 of Italian plan.

wisdom of this scheme, it would have vanished before the irresistible appeal made to me by the spectacle I witnessed last Sunday. I visited a region which but a few years ago was one of the fairest in an exceptionally fair land. I found it a ruin and a desolation.--- I saw acres of graves of the fallen. And these were the results of the only method, the only organized method, the only organized method(sic) that civilized nations have ever attempted or established to settle disputes amongst each other. And my feeling was: surely it is time, surely it is time that a saner plan for settling disputes between peoples should be established than this organized savagery."¹ These are stirring words, but the speaker was not willing to organize an effective League with effective sanctions to maintain the peace of the world.

The Commission on the League of Nations held ten meetings between February 3rd and February 13th, and five meetings between March 22nd and April 11th.² Its work during this period of time was confined to a critical re-working of the Hurst-Miller draft upon which the British and American delegations were in agreement.³ Working rapidly, and laying aside certain questions in regard to armed force for later discussion, the Commission was able to lay a draft Covenant before the Third Plenary Session of the Peace

1. International Conciliation Pamphlet, No. 139, June 1919, p. 37.

2. American Journal of International Law, Vol. XIII, p. 185; Seymour, IV, 305; and Temperley, II, 25. Miller, Vol. II, contains all the English and most of the French Minutes of the meetings of the Commission. The members of the Commission were:

U.S.--Wilson, House.	China--Koo.
Brit. Emp.--Cecil, Smuts.	Portugal--Reis.
France--Bourgeois, Larnaude.	Serbia--Vesnitch
Italy--Orlando, Scialoja.	Greece--Veniselos.
Japan--Makino, Chinda.	Poland--Dmowski.
Belgium--Hymans.	Roumania--Diamandy.
Brazil--Pessoa.	Czecho-Slovak Republic--

China--Koo.
Portugal--Reis.
Serbia--Vesnitch
Greece--Veniselos.
Poland--Dmowski.
Roumania--Diamandy.
Czecho-Slovak Republic--
Kramar.

For names of members of Commission, see Temperley, III, 54-6; Miller, II, 696-7, 816-7; and F. Morley, op. cit., p. 79.

3. Temperley, VI, 440; and Seymour, IV, 305. See above p. 84.

Conference on February 14, 1919. During the discussions of this Commission, the only recourse France had was to attempt to insert amendments into the Anglo-American draft, since her own draft had been rejected.¹

At the fourth meeting of the Commission, the discussion centered about Article 10 of the Hurst-Miller draft² which provides that no nation shall resort to war without previously submitting the questions involved either to arbitration or to the Council. Bourgeois took the opportunity to raise the point of clearing up the obligations of members of the League in cases where sanctions would be applied. The Minutes of the Commission are vague in regard to his proposals, but Miller, in his notes, says that he "advocated a more stringent, perhaps an absolute, agreement against war."³ In fact, notes the same observer at the Conference, "Bourgeois raised the point of no war."⁴ Thus, it would seem, that the French delegate was proposing responsibilities in the form of effective sanctions and clearly-outlined obligations to prevent, as far as possible, all future wars. This view accords with the spirit of the French draft, and the statements of the leading French delegates made again and again at the meetings of the Commission.

The French expressed their desire to prevent future wars throughout the meetings of the Peace Conference. Clemenceau struck

1. R. S. Baker, Woodrow Wilson and World Settlement, Vol. I, p. 280. See also, Miller, Vol. I, p. 246; and Morley, A Society Of Nations, p. 121.
2. Miller has an excellent key to the comparison of the various articles of the Hurst-Miller draft with those of the Covenant of February 14. (See Miller, Vol. I, p. 129.)
3. Miller, Vol. I, p. 174. See also Minutes (French), Ibid, Vol. II, pp. 431-2.
4. Ibid, Vol. I, p. 174. (The italics are mine--The author)

the keynote in his opening speech before the First Plenary Session of the Peace Conference on January 18, 1919, when he stressed the importance of security, and the need of "effective guarantees against an active return"¹ of the old war spirit. Again, at the Second Plenary Session, January 25, Bourgeois had called attention to the need of creating an organization with sufficiently powerful sanctions "to assure obedience to the common will of civilized nations."²

At the fifth meeting of the Commission, February 7, Miller notes, in regard to the discussion of Article 14 of the Hurst-Miller draft,³ that the principle of sanctions received unanimous assent.⁴ Lord Cecil proposed an amendment substituting the words "break or disregard" for "to be found by the League to have broken or disregarded."⁵ Although of paramount importance, it passed without comment, and the question as to what State is the aggressor, and how the question of aggression is to be determined in a given case, was left open. This particular point is still a thorn of contention in any proposed scheme to outlaw war by aggressor nations.

At this same meeting, the French supported the amendments offered by the Belgian delegate to the Commission. These amendments would have bound League members not to go to war with any

1. International Conciliation Pamphlets, No. 139, June 1919, p. 26.

2. Miller, Vol. II, p. 162.

3. Article 16 of the February Covenant, and also of the present Covenant.

4. Miller, Vol. I, p. 180.

5. Ibid, Vol. I, pp. 180-1.

party complying with the recommendations of a majority report from the Council, and would have pledged League members to execute faithfully decisions reached by the unanimous report of the Council, excluding the disputants.¹ These proposals had the support not only of the French and Belgian, but also of the Greek and Serbian, delegations. Lord Cecil and President Wilson opposed them,² and they were passed over at the moment, and referred to a subcommittee. Bourgeois did not think well of the articles concerning sanctions, expressing the hope "that a clearer statement might be made of the cases in which the sanctions of the League would be applied---." ³

Throughout the meetings of the Commission the struggle between France and her continental allies on the one side, and the dominant Anglo-American combination on the other, is very pronounced. The former group had suffered most from the war, and were still surrounded by their former enemies whose potential war resources were great.⁴ Hence, they demanded a League with powerful sanctions: one which would be able to guarantee real security from war. The latter group had not seen the invasion of enemy troops on their own soil, and they were protected by vast stretches of water patrolled by the two largest fleets in the world. Hence, they demanded a loose confederative League which would not embroil them in the disputes of the continental States; one which would guarantee the maintenance of peace through the exercise of less stringent sanctions than the French proposed.

1. Miller, Vol. I, p. 177. See also F. Morley, A Society of Nations, pp. 93-5.
2. Miller, Minutes, Vol. II, p. 269. America and England did not wish such binding obligations.
3. Ibid, Minutes, Vol. II, p. 270.
4. Potential war resources includes natural resources and manpower. Germany, of course, was deprived of much of her actual war material--warships, men, and armaments.

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Temperley has called attention to this struggle. "Very naturally," he says, "those states which by bitter experience knew most of the sufferings of war, and by the accident of position were most exposed to them, were not anxious to give up the protections of the old order, such as they were, except for definite promises of assistance under effective sanctions. No less naturally the great non-continental states, with their less intimate knowledge of the horrors of land-warfare and their tradition against interference and alliance, were less in bondage to fear, and, while fully intending to meet the demands of duty and honour, preferred to leave the particular decisions to posterity. The result was a compromise---." ¹ One might add that if there were a compromise, it was between the American and English delegations; not between the two groups we have named.

Their draft having been discarded, the French came forward with amendments to Articles 6, 8, and 14 of the Hurst-Miller draft ² at the eighth meeting of the Commission. Bourgeois read a lengthy paper, and asked that it be inserted in the minutes. He especially stressed the failure of the Covenant as drafted to provide for the certainty of execution of its decisions, even in case of unanimous agreement. "In view of the necessary consequences," declared Bourgeois, "it is imperative that stronger provisions be introduced in order to protect a State acting in good faith against a State which is acting in bad faith. Otherwise it would happen that nations faithful to their international obligations would suffer as the result of an organisation effective in appearance, but

1. Temperley, Vol. VI, pp. 441-2.

2. Articles 7, 8, and 16 of February Covenant. For the text of the February Covenant, see Miller, Vol. II, pp. 327-35. It is annexed to the minutes of the tenth meeting of the Commission.

in reality a trap for nations of good faith. Our Commission certainly does not want this---."1

He then proceeded to offer the three amendments. The first one referred to Article 14 of the Hurst-Miller draft which concerned the application of sanctions. The French proposed that after one of the contesting parties had refused to accept the verdict of the tribunal, or the unanimous decision of the Executive Council, the latter should ask the Associated Governments to apply appropriate sanctions from among those listed in the same article.² This amendment was referred to the drafting committee.

The second French amendment drew down upon it the bitter opposition of the Anglo-American group. In regard to the reduction of national armaments as envisaged in Article 8 of the Hurst-Miller draft,³ Bourgeois proposed that the Executive Council "establish an international control of troops and armaments, and the High Contracting Parties agree to submit themselves to it in all good faith. It will fix the conditions under which the permanent existence and organisation of an international force may be assured."⁴ The French were facing the problem of war in a realistic manner,

1. Miller, Minutes, Vol. II, p. 290. For the paper which Bourgeois read, and which was inserted in the minutes, see Vol. II, pp. 290-3 (English), and Vol. II, pp. 458-62 (French).
2. A comparison of the English and French Minutes of the eighth meeting of the Commission which contain the paper submitted by Bourgeois reveals certain discrepancies. Under the paragraph beginning with the numeral 1, the English Minutes begin "Article 11" (Miller, II, 290), while the French Minutes begin "L'article XIV" (Miller, II, 459). Again, under the second amendment, the last paragraph in the English Minutes reads, "I offer this as a new amendment to Article 8." (Miller, II, 292), while the corresponding French Minutes read, "I offer this new amendment to article XIII." (Miller, II, 461). It would seem that in the first case the French Minutes are correct, and in the second, the English. It is easy to understand such discrepancies in the numbering of the articles, since they were being changed from time to time.
3. Article 8 of February Covenant.
4. Miller, Minutes, Vol. II, p. 292.

while Wilson was facing it in an idealistic manner. The former considered some form of supervision necessary "to put a stop to preparations for fresh wars on the part of nations acting in bad faith, and to protect honest nations against every sudden attack--"¹, while the latter believed that "the only method by which we can achieve this end lies in our having confidence in the good faith of the nations who belong to the League."²

The third French amendment was of little concern to the Commission. It was included in the Covenant of February 14, and remains in the present Covenant.³ Article 6 of the Hurst-Miller draft was to be amended to forbid the admission of any nation which does not possess representative institutions and a responsible government, and which has no sincere intention to abide by its obligations.

The second amendment drew the fire of opposition in the debates which followed its presentation, because of the fact that it contained the elements of supervision or armaments and international force. Larnaude, the second French delegate on the Commission, was afraid that all the sacrifices of the war would be vain if a strong League of Nations were not created. "Can it be thought," he contended, "that we shall pass immediately from the state of intensive militarism in which we live to a state of practical disarmament? To-day we are in a period of transition. We must have national contingents always ready to reassure the States within the League. The sacrifice which is asked of each State will be negligible beside this. The idea of an international force is

1. Miller, Minutes, Vol. II, p. 292.

2. Ibid, Vol. II, p. 297.

3. Ibid, Vol. I, p. 208. These notes are Miller's. Article 6 of the Hurst-Miller draft is Article 7 of the February Covenant, and Article 1, paragraph 2 of the present Covenant.

bound up with the very idea of the League of Nations, unless one is content that the League should be a screen of false security."¹ Wilson replied that "we are ready to fly to the assistance of those who are attacked, but we cannot offer more than the condition of the world enables to give."²

Bourgeois evinced France's willingness to have her armies controlled by the League, but Wilson countered with the statement that "any control, by whatever name it may be called, will be too offensive to be adopted", and then added a verbal promise in these words, "All that we can promise, and we do promise it, is to maintain our military forces in such a condition that the world will feel itself in safety. When danger comes, we too will come, and we will help you, but you must trust us. We must all depend on our mutual good faith."³ Wilson was opposed to any control of national armaments by the League, although Bourgeois had declared that he used the word 'control' in the sense of 'surveillance' or 'verification'.⁴ The French regarded the proposed "controlling" Commission as the co-ordinating factor in assembling the national contingents, and using them against aggressive States.⁵

Wilson sympathized with the French to a certain extent, but he was thinking of the great difficulty of getting the United States into the League. He attempted to straddle the question. After stating that America could not consent to such control by the

1. Miller, Minutes, Vol. II, p. 296.

2. Ibid, Vol. II, pp. 296-7.

3. Ibid, Vol. II, p. 297.

4. Ibid, Vol. II, p. 295.

5. Compare this supervisory Commission with the Permanent International Staff proposed in the French Plan for a League of Nations, above pp. 77 ff.

League because of her constitution, he admitted, "Some plan must be worked out by which every country shall have a sufficient force, first, to maintain its national security, secondly, to contribute to international safety.----I know how France has suffered, and I know that she wishes to obtain the best guarantees possible before she enters the League, and everything that we can do in this direction we shall do, but we cannot accept proposals which are in direct contradiction to our Constitution."¹

As far as control of her armaments is concerned, France does not consider that she is losing any degree of dignity in accepting it, spoke Bourgeois. "It is a common measure of mutual guarantee," he continued, "which has nothing offensive in it, since it would apply equally to all the Great Powers, and since it is made by common accord amongst them all. We are dealing with everyone on the footing of perfect equality, and we do not think that this step would involve any sacrifice of independence."² Cecil assayed the role of arbitrator, offering to the French a proposed permanent commission to "advise" the League of Nations on military and naval questions.³ Cecil's proposal later became Article 9 of the February Covenant, and is Article 9 of the present Covenant. The French amendments were placed in the hands of a drafting committee composed of Cecil, Larnaude, Veniselos, and Vesnitch, along with the other articles that had been passed by the Commission.⁴

This drafting committee met on February 12, 1919, and the French again insisted on the adoption of their amendments into

1. Miller, Minutes, Vol. II, pp. 293-4.

2. Ibid, Vol. II, p. 297.

3. The League has such a body at the present time--The Permanent Advisory Commission appointed in 1920. An additional Commission, the Temporary Mixed Commission was created in the following year. This second Commission was reorganized in 1924 under the name of the Co-ordination Commission. (See Hershey, pp. 508-9, footnotes.)

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the draft Covenant. Lord Cecil, opposed to binding obligations, was willing to grant only a Permanent Commission to advise the League on military and naval questions. When the French showed little interest in this sop, Cecil reminded them that if the League were not successful, Great Britain and the United States would offer an alliance treaty to guarantee them security.¹ The drafting committee finished its work that same day.

On the following day, February 13th, the Commission held an all-day session, its ninth and tenth meetings. At the afternoon session, the tenth meeting of the Commission, the French again argued for their International Armaments Supervisory Commission and an International General Staff. Miller says in his notes that the afternoon meeting began with "a very long debate on the French amendments to Articles 8 and 9; these modified somewhat the earlier French proposals, but still contained the idea of an International General Staff. They were unacceptable and necessarily were voted down, the only concession made by Cecil being the insertion of a few words in Article 9---." ² It was the last stand for the French delegates, for they knew that on the next day the Covenant would be presented to the Peace Conference in plenary session, and they debated at great length.

Bourgeois pointed out that his commission would not run around snooping into the affairs of the different countries to do its verifying. An international committee can make arrangements for the manner in which the supervisory Commission shall work. He maintained that nations "are obliged to foresee that certain states,

1. Miller, Vol. I, pp. 216-7. See also R. Lansing, The Peace Negotiations, a Personal Narrative, p. 179. He regards the proposed Treaty of Alliance as intended to remove the French proposals for an International Military Staff and an independent Rhenish Republic.

2. Ibid, Vol. I, p. 243.

even those that are in the Society, may fail in their agreements; if that were not the case, we would not have to make provisions against those who violate the compact. We all have good faith, but there may be some country who fails in the compact, whether it violates an article of the compact, or conceals its preparations. ---It is indispensable that some verification be made."¹ Other delegates, notably Kramar of Czechoslovakia, urged military control of Germany, but the French did not associate themselves with this group. France urged that all nations, including themselves, be subjected to the same requirements.²

During his verbal duel with Wilson, Bourgeois spoke these challenging words, "Now if you do not establish a control--I don't use the word in the sense which shocks you--if you do not establish an inspection, if you let nations organize in silence and in secret unknown forces or war measures, which will rapidly develop; then in place of decreasing the risk of war, on the contrary you encourage war."³ Disregarding this warning, the Commission by a vote of 12-3 smothered the French attempt to insert a provision for their supervisory Commission into the Covenant.⁴

The other French proposal would have created an International General Staff, although Bourgeois did not call it by that

1. Miller, Vol. I, pp. 248-9.

2. Ibid, Vol. I, pp. 247-8.

3. Ibid, Vol. I, p. 250.

4. Ibid, Vol. I, p. 251; Vol. II, Minutes, p. 319. Bourgeois, Larnaude, and Kramar (Czechoslovakia) voted for the amendment. For the text of this amendment, see Miller, Vol. I, p. 260. It provided for "une commission chargée des constatations nécessaires." See also Davies, pp. 420-1. He also thinks that some kind of supervision is necessary, even though it is admitted to be ineffective and unsatisfactory.

name. The French delegate argued in this fashion: "Must not certain eventualities be prepared against? Must not the existence of a permanent organization, which I will not define, and which I do not call a general staff, but a permanent organism charged with anticipating and preparing the military and naval means for the execution of the obligations imposed by the present convention on the contracting parties, be considered and provided? This organization must be able to keep up a continual correspondence with the different countries and to call the attention of all of them to what it is necessary to provide and prepare, so that, if the menace becomes certain, and if the aggression actually occurred, no time will be lost, and all will be done which shall be necessary to block the aggression."¹ This permanent organism to study and prepare plans which will insure effective League action in case of aggression was intended to be a separate article in the Covenant, and Larnaude thought it was very modest in comparison with the earlier French demands for an international army.²

Thus, it may be seen that the French were being pushed back in all their attempts to institute an international army, and were forced to moderate their demands. Failing in their attempts to gain the international force, they desired permanent machinery for bringing sanctions into force without delay. This machinery was contemplated in the above amendment which provided for the creation of a body whose duty would be to work out schemes of co-operation in advance.³ They were holding their ground doggedly,

1. Miller, Vol. I, p. 254.

2. Ibid, Vol. I, p. 255.

3. Temperley, Vol. VI, pp. 447-8. The texts of this amendment and the other one creating a supervisory commission are found in the French Minutes, Miller, Vol. II, pp. 491.

but they were fighting a losing battle. Cecil, who was in the Chair¹, refused conciliation. Seeing the hopelessness of the situation, Larnaud called for a vote on the amendment. Although the French regarded their amendment as a happy medium between their first proposals and Cecil's proposed commission, the Commission considered it too drastic and rejected it.²

In consideration of the French tactics, it must be remembered that they were forced to act at a great disadvantage. Bourgeois called attention to this fact: "Please note that we are in a somewhat delicate situation, for we are always in the position of discussing a text that was never our own. We can act only by amending the text proposed by the Chair, and that gives our interruptions an aspect that I truly regret---."³ Any amendment that the French might bring forward would be colored with this intruding appearance, and would seem to the Anglo-American group as an attempt to throw difficulties in the path of the Commission.

The rest of the Covenant was duly adopted at this meeting of the Commission, and was presented to the Third Plenary Session of the Peace Conference on the next day, February 14. President Wilson delivered the report of the Commission to the Peace Conference, and read the Covenant. He called the Covenant "a practical and a humane document", and made the statement that "armed force is in the background in this programme, but it is in the background, and if the moral force of the world will not suffice,

1. Wilson was absent from the afternoon meeting of Feb. 13, because he had to attend a meeting of the Council of Ten. Cecil took his place in the Chair. (Miller, Vol. I, p. 240)
2. Miller, Minutes, Vol. II, p. 321; and Vol. I, p. 259. The number voting for and against is not given.
3. Ibid, Vol. I, p. 246. See also R. S. Baker, Woodrow Wilson and World Settlement, Vol. I, p. 280.

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the physical force of the world shall."¹

In spite of the fact that certain American delegates did not wish that he speak of the French amendments before the Conference, Bourgeois did so.² He expressed the hope that some consideration for the French proposals might be secured, and that they might be brought before the public opinion of the world along with the Covenant. He also stressed the point that measures must be prepared beforehand to put a brake on the action of aggressive nations, and that France reserved the right to propose her two amendments at a future time.³ Many members of the Conference expected him to "make a dramatic protest against the failure of the League Covenant to provide for an international standing army for policing the world."⁴ These men were sadly disappointed, for as Mr. White tells us, "He lit no oratorical fire.---No heat of debate was in the ceremony; nothing of the hour when the French threatened to block the whole scheme because France was left without an international standing army---."⁵

Mr. Barnes, noted British Labor leader, expressed the point that the sanctions in the Covenant were vague. "I should have been glad," he said, "to have seen some provision for the nucleus of an international force which would be ready to strike against an aggressive nation. This, I know, cuts into the idea of the sovereignty of nations, but I hope that---the affiliated states---

1. Miller, Minutes, Vol. II, p. 562. (I have added the italics)
2. Seymour, Vol. IV, p. 317. Colonel House says, "We tried to get Bourgeois not to mention any of the reservations he had made concerning the Covenant, but our efforts were futile---."
3. American Journal of International Law, Vol. 13, pp. 185-6.
For Bourgeois' speech see Miller, Minutes, Vol. II, pp. 568-73.
4. W. A. White, Woodrow Wilson, pp. 408-9.
5. Ibid, p. 409.

can adjust their national life so as to admit of a greater degree of co-operation than is in this document."¹ The same wish was expressed by Veniselos in these words, "I should be glad if this constitutional opposition could be removed and if a contingent could be fixed, which each State would be obliged to keep up with a view to intervention, if necessary."²

The next day, February 15th, Wilson sailed for the United States with this Covenant for a League of Nations.³ He was away from Paris for a month, from February 14 to March 14. Meanwhile the French were looking in other directions for security. On the same day that Clemenceau was shot and wounded by a Communist, Foch insisted on the limitation of the boundaries of Germany to the Rhine for the protection of France.⁴ A few days later, Clemenceau urged the creation of a Rhenish Republic.⁵

Wilson returned in early March bringing with him the demand of American public opinion for some reservation concerning the Monroe Doctrine in the Covenant. There were several other proposed changes, but the important problem was to please the people of the United States.⁶ The British and American delegations immediately put their heads together, and worked out several changes in the Covenant on March 18, before the Commission resumed its meetings.⁷ The Anglo-Saxon steam-roller was being oiled up again.

1. Miller, Minutes, Vol. II, p. 575. Unfortunately for the French, Barnes was not appointed on the Commission. For the view of British Labor, see above, p. 41, note 1.
2. Ibid, Vol. II, p. 576.
3. Ibid, Vol. I, p. 276. See also, Seymour, Vol. IV, p. 319.
4. Seymour, Vol. IV, pp. 332-3, 331.
5. Ibid, Vol. IV, p. 334.
6. Miller, Vol. I, pp. 276 ff.
7. Ibid, Vol. I, pp. 279 ff. See also Vol. II, Document 24, pp. 580 ff.

The Commission resumed its meetings on March 22, 1919, holding its eleventh meeting on that day. Throughout the Covenant the words "States Members of the League" were substituted for those of "High Contracting Parties". Toward the close of the meeting, as the discussion centered around Article 8, the French brought up their proposed amendment concerning a supervisory commission to inspect national armaments. Bourgeois reported that this amendment had been unanimously adopted at the recent international meeting of League of Nations societies in London.¹ He reiterated that such verification was necessary to world peace, and that it could be arranged in such a way that it would not be offensive to the susceptibilities of any State.

Veniselos tried to offer a compromise plan for the French and Anglo-American delegations by proposing that the Council of the League undertake the necessary investigation instead of the commission proposed by the French.² His efforts were in vain, however, before the unyielding opposition of Cecil and Wilson.³ Cecil argued that such a commission was unnecessary, since no nation could hide its military activities, but Larnaude replied that at a certain battle in the World War the French army had been surprised by a larger number of German soldiers than had been expected. He also reminded Cecil of the secret deadly weapons of the Germans during the War--liquid fire and large cannon.⁴ These arguments were unavailing, and when the amendment was not accepted, Bourgeois

1. Miller, Minutes, Vol. II, p. 343.

2. Ibid.

3. Ibid., Vol. I, p. 320: see also, French Minutes, Vol. II, pp. 509 ff. Wilson seems to have opposed this amendment on the ground that it smacked of a super-State. He also had in mind the principles of the American Constitution.

4. Ibid., French Minutes, Vol. II, p. 510. Miller's own notes are both concise and significant: "French amendment proposed. President objects to it. Veniselos proposes a compromise---. President again objects. Cecil objects." (Vol. I, p. 320)

reserved the right to present it again to the Commission and the next plenary session of the Peace Conference.¹

At the twelfth meeting of the Commission on March 24, the French came forward with a modified form of their old amendment for an international general staff.² The permanent organization that the French proposed to create would concern itself with preparing plans of military and naval action which would be submitted to the Council in case of a threatened attack or any danger of a warlike character. Its chief function would be the prevention of surprise attacks by Covenant-breaking Powers. Such a body is contemplated by David Davies in his elaborate scheme for an International Police Force. He calls it an Operations Board, and makes it consist of representatives of all the military branches--Naval, Military, Chemical, and Air--under the chairmanship of the High Constable. "---This Board," he explains, "would be responsible for the preparation of the tactical schemes and policing strategy to be employed by the composite force. When called upon to do so, they would submit these schemes to the international authority for approval."³

Wilson replied that inasmuch as France had a member on the Council, she would be able to give the danger signal, and insist upon some plan of action or co-operation: Cecil clung to his so-called compromise Article 9, providing for an advisory commission. At this stage of the procedure, Hymans of Belgium attempted to play

1. Miller, Minutes, Vol. II, p. 343.

2. Ibid, Vol. II, pp. 344 ff. See also F. Morley, A Society of Nations, pp. 155-60, especially note 42. Bourgeois accused the newspapers of misinterpreting his amendments.

3. Davies, p. 456.

the role of conciliator: he fared as badly as had Veniselos during the eleventh meeting.¹ The British and American delegates were absolutely "opposed to the idea in any form of words."² The French again made a reservation in regard to this amendment, as they had done at the previous meeting.

The French delegates also proposed to apply the sanctions of Article 16 to the International Tribunal of Article 13. This proposal would have put real teeth behind the decisions of that body. Such a strong potion was too powerful for the Anglo-American group to swallow, and it was not accepted.³ This proposal was by no means a new one; it had been suggested before by the French.⁴

After a two day adjournment the Commission held its thirteenth meeting on March 26. There was a long discussion between the French delegates on one side, and the British and American on the other, concerning withdrawal from the League. The former desired a League from which withdrawal would be difficult, while Wilson argued that such a League would impair the sovereignty of nations, and that the United States Senate would reject a Covenant which did not provide for easy withdrawal.⁵

Toward the close of the meeting, as the revised text of the Covenant was about to be referred to a drafting committee, Bourgeois reminded the Commission of the two French amendments providing for a "verifying" disarmament commission and a commission to prepare tactical measures. He was prevailed upon, but not

1. Miller, Minutes, Vol. II, p. 347. See above, p. 100.

2. Ibid, Vol. I, p. 324. See also, F. Morley, A Society of Nations, pp. 155-60.

3. Ibid, Vol. I, pp. 333-4.

4. Seymour, Vol. IV, pp. 314-15. At the ninth and tenth meetings House notes that the French wanted to put something in the Covenant about the Hague Tribunal. One is struck with the distrust of the French by House.

5. Miller, Minutes, Vol. II, pp. 357-8.

without some difficulty, not to demand a final vote on these proposals.¹

The last two meetings of the Commission, the fourteenth and fifteenth, were held on April 10 and 11. The Covenant which had been in the hands of the revising committee was presented and discussed: the French amendments were not included in the document. When, at the fourteenth meeting, the discussion reached Articles 8 and 9, Bourgeois again reserved the right to bring forward his amendments before the plenary session of the Peace Conference which was to be held in a few days. At the same meeting Wilson and Cecil pushed through the Commission the Monroe Doctrine amendment, even though the French opposed it. A British amendment giving League members liberty of action in case the Council rendered no unanimous report regarding a dispute was adopted at the fifteenth meeting in spite of French opposition.²

Baron Mankino of Japan made his plea for the recognition of the principle of race equality by amending the Preamble of the Covenant. His proposal was well-received, and in spite of the fact that it received 11 of 17 votes, Wilson declared it not adopted for lack of a unanimous vote.³ The liberty-loving British and the dem-

1. F. Morley, *A Society of Nations*, p. 175.

2. Miller, *Minutes*, Vol. II, p. 380. See also Vol. I, p. 455, where Miller notes that this amendment was accepted.

3. *Ibid*, Vol. II, p. 392. See also Vol. I, p. 464. House and Wilson refused to vote on the Japanese amendment (Seymour, Vol. IV, p. 428). The eleven votes cast in favor of the amendment were by the following States: Japan (2), France (2), Italy (2), Brazil (1), China (1), Greece (1), Yugoslavia (1), and Czechoslovakia (1). Two members of the Commission, Smuts and Hymans, were absent. The negative vote was not taken, but the British seem to have been the chief opponents of the amendment, and the American delegation abstained from voting.

ocratic Americans were not among the group voting for the Japanese amendment. In fact, Wilson made a special ruling that a unanimous vote was necessary when an objection was pressed by a Power. Larnaude dissented from this ruling, claiming that it was not in accordance with previous rulings, but Wilson over-ruled him.¹ In accordance with this ruling, the French could have blocked every attempt to leave out their own amendments if they had wished to do so; yet we find that they yielded to the opposition of the Anglo-American group, and rather than disrupt the meetings of the Commission they preferred to lose their amendments.² Is it little wonder that Japan has withdrawn from an organization which since its very beginning has regarded her as an inferior member of society because of her race?³

The Commission reported its Covenant to the Fourth Plenary Session of the Peace Conference on April 28, 1919. Baron Makino again spoke in favor of his amendment, expressing the deep regret his people felt because the Commission had not accepted their proposal of race equality.⁴ Bourgeois also presented the French amendments to Articles 8 and 9 providing for a supervisory armament commission and a commission to prepare tactical measures. Speaking at great length, he argued that the sovereignty of States is not absolute, but limited by the rights of other States, and that limits

1. Miller, Vol. I, p. 464. Wilson claimed that the French had not made definite objections in regard to the rejection of their amendments. "In other words," says Miller, "Wilson ruled in this case that unanimity was necessary when an objection was finally pressed." (*Ibid*)
2. Seymour, Vol. IV, p. 428, see footnote. Even House was forced to admit that the French could have blocked the revising of the Covenant if they had pressed their objections. See *ibid*, Vol. IV, pp. 430-1 for the final attitude of the French in removing all objections to the passage of the Covenant even though their proposals had been rejected.
3. F. Morley, A Society of Nations, p. 206, footnote 59. In February, 1932, a Japanese representative on the Council remarked on the inferior treatment of Japan by other Powers.
4. Miller, Minutes, Vol. II, pp. 702-4.

ought to be fixed to the absolute sovereignty of States by effective and sure sanctions being placed in the Covenant.¹ The object of the League of Nations is to assure the maintenance of peace, he continued, but the Covenant places no real obligation upon the member States to furnish military contingents which will be necessary to accomplish this end. The limitation of armaments is a necessary condition to world peace, and Bourgeois showed how this end would be effectively accomplished by the proposed commission provided by the French amendments. Denying that the general staff proposed by his nation would take the form of a dangerous super-State, the French delegate declared that it would prepare military measures and be on guard for any source of trouble. "This Commission, we repeat, will work only under the instructions of the Council; its studies will always be directed toward a purely defensive end."²

Bourgeois also reminded the Peace Conference that two meetings of great associations advocating a League of Nations held at London and Paris had endorsed his amendments. These associations included English, American, Italian, Belgian, Roumanian, Yugoslavian, and Chinese delegations. The British Labor Party and Trade Union had advocated the control of armaments.³ Casting the spotlight back on the horrible struggle that had just ended, he proceeded, "We can say that the spirit of mankind throughout the entire world looks forward to that certainty that such horrors shall never again be experienced, and therefore, the time is favorable to arm powerfully the guardian institution to which we wish to trust the defence

1. Miller, Minutes, Vol. II, pp. 706-7. See also Hershey, pp. 175-6.

2. Ibid, Vol. II, p. 710.

3. Ibid, pp. 710-11.

of civilization.---What responsibility will be that of the authors of the great Charter if, through some lack of foresight, the absence of guarantees which are easy to secure, or the refusal to make some sacrifice, they increase, be it in the smallest measure, the risks of such a catastrophe!"¹

Striking at those who accused France of acting entirely in her own behalf in advocating these amendments, Bourgeois concluded his speech thus: "We French do not speak merely in the name of our seventeen hundred thousand dead, but in the name of those innumerable dead who gave their lives for the cause of Right on all the frontiers of Europe, and who wished that their children and their children's children be safe from such slaughter---."² His pleas fell upon deaf ears, and the Covenant was adopted without the French proposals providing for effective international action in case of aggression and breach of obligation.³

France was defeated, but she went down with colors flying. Colonel House himself was forced to pay a tribute to her great spirit. "---Clemenceau allowed nothing to interfere with the prompt ratification of the Covenant, not even the scruples of the French delegates themselves," says the Colonel. "The objections of the French delegates, which might have spelled ruin for the American programme, were finally swept aside by the French Prime Minister himself."⁴ We will recall that the Italians withdrew their delegation when their demands for certain territory were refused at

1. Miller, Minutes, Vol. II, pp. 711-12. His speech is entirely in French in the Minutes.

2. Ibid, Vol. II, p. 713.

3. See F. Morley, A Society of Nations, pp. 213-16 for a good discussion of the French attitude in the meetings of the Commission.

4. Seymour, Vol. IV, pp. 430-31.

the Peace Conference: the French, however, yielded when their demands for a stronger League were rejected.

Thus ended one phase of work at the Paris Peace Conference, and each nation thought its representatives had sacrificed the most. "In France, it has been said that Clemenceau was the dupe of Wilson and of Lloyd George; in the United States that Wilson was the plaything of Lloyd George, and in England Mr. Keynes has written that M. Clemenceau turned the trick alone."¹ The same great French statesman flings out this challenge: "Let them ask themselves what they would do if they were placed in her position. Then they will understand our state of mind."²

1. Andre Tardieu, The Truth About the Treaty, p. 102.

2. Ibid, p. 472.

Chapter VI
The French Disarmament Proposals of February, 1932.

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A brief survey of the period from the beginning of the League of Nations until the Disarmament Conference of 1932 shows that France never gave up her fight for a stronger League.¹ The French demand for guarantees was approved in principle by an Assembly resolution considering disarmament and international guarantees as closely connected, and the principle of the famous Resolution XIV were embodied in a Draft Treaty of Mutual Assistance which was submitted to the League Assembly in September, 1923.² This Treaty provided security for those States which disarmed, but its obligations seemed too binding for Great Britain, and she opposed it.

The Draft Treaty was followed in 1924 by the Protocol for the Pacific Settlement of International Disputes, or the so-called Geneva Protocol. This document emphasized the principle of obligatory arbitration and judicial settlement of disputes as a step toward security.³ It was adopted by the League Assembly on October 2, 1924, and was signed by several small nations immediately.⁴ This great pact which correlated arbitration, security, and disarmament was opposed by Great Britain, and it followed the Draft Treaty into oblivion.⁵

1. A. E. Hindmarsh, Force in Peace, p. 115.
2. League of Nations, Plenary Meetings of Third Assembly, 1923, p. 291. For text of the treaty see, A. E. Hindmarsh, Force in Peace, Appendix II, pp. 198-207 (This work will be referred to hereinafter as Hindmarsh).
3. G. Hosono, International Disarmament, pp. 153-4; Hindmarsh, pp. 117 ff.; D. H. Miller, The Geneva Protocol, passim; and Hans Wehberg, The Outlawry of War, pp. 26-32.
4. League of Nations, Plenary Meetings of Fifth Assembly, 1924, 28th Meeting, pp. 10-11. See also D. H. Miller, The Geneva Protocol, p. 5.
5. Hans Wehberg, The Outlawry of War, pp. 30-1; and Hindmarsh, p. 120. For text of Protocol see Hindmarsh, Appendix III, pp. 208-20; and Davies, Appendix L, pp. 774-84. See also, D. H. Miller, Annex B, pp. 132-55 (Both French and English).

These futile attempts to attain security for the continental countries of Europe were followed by the Locarno Treaties. This series of pacts practically guarantee the territorial status quo resulting from the frontiers between Germany, France, and Belgium, and provides for the arbitration of disputes.¹ Entering into force on September 14, 1926, soon after the admission of Germany into the League of Nations, these treaties were hailed as a new era in the beginning of real peace.²

In 1927, Briand, Foreign Minister of France, addressed a message to the American people on the tenth anniversary of the entrance of the United States into the World War, and this seed grew into the Paris Peace Pact the next year.³ This instrument provides that each Signatory shall renounce war as an instrument of national policy, and as the solution of international controversies; and each Signatory agrees that it will never seek to settle disputes or conflicts except by pacific means.

How effective have these attempts, in which France played a leading part, been? Dr. Hindmarsh of Harvard University says, "Two of these attempts, the Draft Treaty of Mutual Assistance and the Geneva Protocol, failed; a third, the Locarno treaties, applies only to a limited region of the world and to only a few states."⁴ Another American scholar says of the fourth, "There is no legal obligation in the Pact of Paris upon the United States or any other Power to join in police action against a state which runs amuck in

1. Hindmarsh, pp. 121-4; and Hans Wehberg, The Outlawry of War, pp. 32 ff.
2. Ibid. For text of Locarno treaties, see Hindmarsh, Appendix IV, pp. 221-25; Hans Wehberg, op. cit., Appendix 3, pp. 131-33; and 54 League of Nations Treaty Series, pp. 290 ff. The most important treaty of this group is the Treaty of Mutual Guarantee signed by Great Britain, France, Germany, Italy, and Belgium.
3. D. H. Miller, Peace Pact of Paris, pp. 7-9. For text see Hindmarsh, Appendix V, pp. 226-28; and League of Nations Treaty Series, Vol. 94, pp. 58 ff.
4. Hindmarsh, pp. 122-23.

the world, and no external body is called to point out the duty to the signatories in case violation occurs."¹

Thus, it may be understood why Briand proposed a scheme for a United States of Europe, when speaking before the Assembly of the League of Nations, on September 5, 1929. "---This association will be primarily economic," he declared, "still, I am convinced that, politically and socially also, this federal link might, without affecting the sovereignty of any of the nations belonging to such an association, do useful work---."² All these proposals came to nothing, and when the Disarmament Conference met in February 1932, the French had drawn up a scheme for an International Police Force for the League of Nations.³

The first part of the French proposals of February, 1932, concern the placing of civil and bombing aircraft at the disposal of the League of Nations. It is generally recognized that one of the most dreaded and dangerous weapons of modern warfare is the airplane. It played an important role in the World War, and since then it has been developed enormously, so that it is considered one of the most important factors in the national defence preparations of many countries today. A German expert claims that the destructive force of the airplane is a hundred times greater now than it was during the World War, and that the next war will feature large-scale air attacks in which civilian

1. James T. Shotwell, War As An Instrument of National Policy, p. 221.
2. League of Nations, Records of Tenth Ordinary Session of Assembly, 1929, 6th Meeting, p. 6. See also Edouard Herriot, The United States of Europe, pp. 49-51.
3. For an account of the Disarmament Conference see League of Nations, The League from Year to Year, (1931-32), pp. 28-46. For a German account see R. Schmidt and A. Grabowsky, The Problem of Disarmament, pp. 55-112, especially pp. 68-9 which gives an excellent chart showing the organization of the Conference--the Bureau, the General Commission, and the six Sub-Commissions.

populations will suffer much.¹ The French plan views "this war arm whose character is the most specifically offensive and the most threatening to civilians" as an instrument which offers "the aggressor a particularly cruel weapon for use against non-combatants."² In order to solve the problem, the French propose two lines of action.

The first line of action calls for the internationalization of Civil Air Transport under a regime to be organized by the League.³ Although it is almost universally recognized that no disarmament plan which disregards the limitation and regulation of civil aviation can be successful,⁴ this question has been repeatedly side-stepped. Both the Washington Conference of 1921, and the London Naval Conference of 1930 evaded the issue.⁵ The Preparatory Disarmament Commission reached the conclusion that "the possibility of using civil aviation for purposes of war renders the limitation of the latter inoperative if the former is not limited in respect of numbers and allowable features."⁶ The

1. Fenner Brockway, The Bloody Traffic, pp. 224-5. This is a quotation from Lt.-Gen. von Metzsch, a war-time member of the German General Staff.
2. French Disarmament Proposals of Feb. 1932, Chapter I. The text of these proposals may be found in Appendix II of this work.
3. A scheme for such an air transport company appeared in France in a French monthly publication on November 15, 1931. It provided that each country should have a representative on the administrative board of the company, and that the subsidizing of international air lines may only be made by the company. The League may requisition all aircraft. An international air transport company with a capital of 50 million Swiss francs is provided for, and each State is to receive the same share of this capitalization which will give each State the same influence in the company. The aircraft equipment of this company is to be subject to the complete supervision of the League of Nations. (See R. Schmidt and A. Grabowsky, The Problem of Disarmament, pp. 173-4. This work will be referred to hereinafter as Schmidt & Grabowsky)
4. K. W. Colegrove, International Control of Aviation, pp. 127 ff. This work will be cited hereinafter as Colegrove.
5. Ibid.
6. League of Nations, Objective Study on the Internationalisation of Civil Aviation, Official No.: Conf. D/C.A. 9, p. 45.

French fear the menace of the present German development of civil aircraft, and her fear is shared by other countries in Europe.¹ England is considered very vulnerable to an aerial attack, and she has not forgotten how the Zeppelins visited her during the last war.²

The French propose that individual nations agree to forbid the construction of aircraft capable of military use by their nationals; unless such aircraft is intended for transport use, in which case, it would come under the regulatory powers of the League.³ The maximum tonnage of authorized aircraft is to be determined by the Contracting Parties. The plan further proposes the creation of an international civil air transport service which shall operate under the auspices of the League.⁴ The League alone has the authority to build and use machines of greater tonnage than private aircraft, and it must give its approval to the number, type, and tonnage of machines used by the various countries.⁵ All orders for material for the international civil aviation service are to be distributed fairly and in accordance to conditions fixed by a convention of the Powers. The League is to be given the "exclusive, permanent and inalienable right" to requisition all machines for the International Civil Air Service, and all Powers agree not to em-

1. Schmidt & Grabowsky, p. 133. Montgelas, who writes this article, holds the argument untenable that large air transports can be easily changed into bombing machines. Other authorities hold otherwise---Davies, p. 260 and footnotes; Colegrove, pp. 127, 135; Fenner Brockway, The Bloody Traffic, p. 226; and League of Nations, Objective Study on the Internationalisation of Civil Aviation, Off. No.: Conf. D/C.A. 9, pp. 45-6.
2. Colegrove, p. 125. See also H. R. Knickerbocker's article in Louisville, Herald-Post, March 24, 1934. He points out that both England and France fear the present Reich Air Defence League and the German commercial air fleets.
3. French Disarmament Proposals of February 1932, Chapter I, Part 1, Section (a).
4. See above, page 111, footnote 3.
5. French Disarmament Proposals of February 1932, Chapter I, Part 1, Sections (b) and (c). This provision refers to lines between the home country and its colonies.

bargo or sequesterate these machines, but to facilitate the League's right to requisition them by all means in their power.

These French proposals for the international control of aviation are not entirely new. An International Aerial Congress met at Paris as early as 1889 to study questions of aviation when the balloon was the only successful means of flight.¹ The question was studied at the Paris Peace Conference of 1919.² Every consideration of international control runs counter to the problem of national sovereignty. Only the French face the problem boldly, and base their disarmament proposals upon the internationalization of civil aviation.

The second line of action calls for the limitation of bombing aircraft, and the agreement not to build machines above a certain tonnage for national use.³ These provisions have two aims: first, to give the League of Nations a superior air force; and secondly, to limit the bombing aircraft of the contracting parties. The French plan distinguished between two categories of bombing aircraft. The first category included bombers capable of carrying great loads of explosives whose tonnage will be fixed by the Contracting Parties. The Contracting Parties are to agree that they will not build such machines in the future; and should they own them at the time this plan comes into force, they agree to transfer them to the League of Nations. These heavy bombers will form the nucleus of an International Air Force.

1. Colegrove, pp. 40 ff. See also, League of Nations, Objective Study on the Internationalisation of Civil Aviation, Off. No.: Conf. D/C.A. 9, p. 7 for a list of International Air Conferences held before 1914.

2. Colegrove, pp. 55 ff.

3. French Disarmament Proposals of February 1932, Chapter I, Part 2, Section (a). See explanatory table annexed to the French proposals.

The League of Nations is to decide where this air force will be stationed. The problem of finding a base for the air fleet may be arranged in several ways. The League might purchase enough territory from some power to form the base, or the member States might be willing to cede the required territory to the League. Davies suggest four classes of territory which may be used as bases for international forces. These are mandated areas, neutralized or demilitarized zones, strategical geographical points, and small States.¹ For examples of such areas we may cite the A, B, and C Mandates, and the demilitarized zones of the Rhine territory, the shores of the Dardanelles and Bosphorus, and the boundary between Turkey, Bulgaria, and Greece. World strategical points are found at Aden, Gibraltar, Malta, Singapore, Djibouti, Corsica, Yap, the Hawaiian and Asland Islands, Suez, and Panama. Albania, Monaco, Latvia or Estonia, Honduras, Newfoundland, and Haiti are examples of small States which might be willing to lease their territory to the League of Nations as a base for their international forces.²

The national aircraft is comprised of two classes. The tonnage of the first class will be fixed at a certain limit below the tonnage of the heavy bombing planes belonging to the League.³ The second class includes all those machines whose tonnage is greater than the first class, and not as great as the heavy bombing class belonging to the League.⁴ All machines belonging to the

1. Davies, pp. 464 ff.

2. Ibid, pp. 467 ff. See also Hershey, pp. 187-91; and Article 22 of the Covenant of the League of Nations.

3. French Disarmament Proposals of February 1932, Chapter I, Part 2, Sections (a) and (b).

4. These provisions are clearly shown in the explanatory table annexed to the French proposals.

first class will be left, in all circumstances, at the disposal of the Contracting Parties; but those of the second class can be held only as subject to the disposal of the League of Nations. It is specifically mentioned that they are to be used in the eventuality of the application of Article 16 of the Covenant.¹ At the same time, these machines will be permanently under the inspection of the League of Nations.

This second class of machines held at the disposal of the League by the member States, may be used by them only in case they are suffering from an air bombardment by an aggressor nation, and in such a case it must notify the League of Nations of such action. Thus, it may be seen that these provisions of the French plan are based upon the principle of the differentiation of weapons; that is, the League is to be armed with the heaviest bombing planes, and the members of the League are armed with bombing planes of a lower tonnage.² The French scheme would give the League an International Air Force which would be supplemented by heavy bombers held at its disposal by the member States. Many proponents of international police have stated that an International Air Force may be able to perform the duty of policing the world alone, and that under the control of the international authority the airplane may become the emissary of justice, "and for the first time in the history of mankind it may be possible to make the writ run to the uttermost parts of the earth."³

1. French Disarmament Proposals of February 1932, Chapter I, Part 2, Section (c).
2. The principle of differentiation of weapons has been discussed above, page 74.
3. Davies, p. 440. He also states that "in the future the international air force may be regarded as the 'policeman' of the world." (Ibid, p. 441)

The principle of differentiation is used in the second chapter of the French proposals in regard to the other two branches of the military service. In this short part of their plan, the French propose to place certain material of land and naval forces at the disposal of the League of Nations, and only those Powers who agree to do so shall have the right to possess such materials.¹ This material is designated as batteries of heavy long-range artillery; capital ships carrying guns exceeding 8 inches, or of a tonnage exceeding 10,000 tons; and submarines with a certain tonnage to be agreed upon. German writers consider that such provisions are not only impracticable, but are also aimed at Germany, since her ships carry guns of 8 inches or more.²

This earmarked material will be used in the application of the sanctions provided for in Article 16 of the Covenant of the League of Nations. This feature is an important part of any successful international policing system. It is necessary that member States of a successful world organization renounce their rights to acquire new and dangerous weapons, and to transfer these rights to the international authority. "Any infringement of this obligation on the part of States-members should be visited with the most condign punishment, for upon its honourable observance rests the whole fabric of the international police force."³ Only in case of aggression may the individual Powers possess the right to use this material held at the disposal of the League, and only then, after due notification to the League. This exception springs from the

1. French Disarmament Proposals of February 1932, Chapter II.
2. Schmidt & Grabowsky, p. 134. This chapter on "International Force and Common Action, the French Proposal" gives an interesting analysis of the French proposals from a German viewpoint.
3. Davies, p. 395.

right of self-defence.

The third chapter of the French proposals carries to completion the organization of an international police force. The first two chapters of their proposals may be regarded as providing material and equipment for this force, in addition to the equipment it may possess. The third chapter provides for the establishment of an international police force to prevent war, and additional contingents of coercive forces to repress war and bring assistance to the State which is a victim of aggression.¹ Tardieu, speaking before the Disarmament Conference a few days after the French proposals had been submitted, voiced the intention of his country to strengthen the League of Nations. "I ask you to heed the voice of France," he pleaded, "when she asserts that peace can never be assured until the fabric of the League has been strengthened in truth and fact."² These provisions of the French scheme, claimed another delegate to the Conference, "ought to have been proposed long ago when the League was founded" and "the Uruguayan delegation would vote for the principle on which the French proposal was based and would be prepared to co-operate in examining the methods by which it might be applied."³

The French proposals seem to envisage both a fixed international police force which is "permanently available with complete freedom of passage to occupy in times of emergency areas where a

1. French Disarmament Proposals of February 1932, Chapter III, Sections (1) and (2).
2. League of Nations, Records of the Conference for the Reduction and Limitation of Armaments, Verbatim Records of Plenary Meetings, Vol. I, pp. 62-3. (Series A)
3. Ibid, Minutes of the General Commission, Vol. I, p. 62 (Series B)

threat of war has arisen",¹ and additional contingents to strengthen this force should its preventive power be too weak and a conflict break out. The strength of the international police force would depend upon the duties it would be called upon to perform, and also upon the strength of the armaments of both members and non-members of the League of Nations. Such a force would be very large at the outset, since it would have as possible adversaries large member or non-member States, and combinations of these States.² After the strength of the international police force has been determined, the French plan provides that the League shall arrange for its command. The selection of a Commander-in-Chief would be a delicate task, and this important provision is wisely left in the hands of the League by the French.³

The duties of this police force are primarily of a preventive nature. It will occupy areas in which a threat of war has arisen, assist the action of the League's commissioners in these areas, and utilize all other conservatory measures to prevent war --in short, it will do police duty. Should this police force be unable to prevent the outbreak of a conflict because of the strength of the offending nation, the Contracting Parties undertake to supply additional contingents to aid the police force to pursue further coercive measures. These contingents will insure the inter-

1. French Disarmament Proposals of February 1932, Chapter III, Part (a). The French plan speaks of two contingents, one under Part (a), and one (depending on the place of conflict) under Part (b). Seemingly, the plan does not provide for an international police force assembled in a definite place, but an international police force made up of contingents held by the various nations. This view accords with Tardieu's explanation of the three classes of force at the disposal of the League. (See League of Nations, Records of the Conference for the Reduction and Limitation of Armaments, Verbatim Records of Plenary Meetings, Vol. 1, p. 62. (Series A).)
2. For a good discussion of the size of an international police force see Davies, pp. 481 ff., and tables on pp. 746 ff.
3. See above, pp. 79-81.

national police force a superiority of strength over its opponents. Another feature of the French plan must be pointed out. The duty of this enlarged police force is no longer preventive: it is now repressive!¹ Coming to the aid of the victim of an aggressive country, the police force will endeavor to suppress the conflict.

The strength of the additional contingents of each State will depend upon the regions in which the conflict is raging. The French proposals designate three possible areas of hostilities: first, a conflict outside Europe; secondly, a conflict in Europe, but not along the frontiers of the member State; and thirdly, a conflict in Europe in which the aggressor has a common frontier with the member State.² In each of these cases, the size of the contingent furnished by each State would be determined by the place of conflict, and would be greatest when the aggressor had a common frontier with it. France suggested certain forces that she was prepared to offer in each instance, and in case the aggressor has a common frontier, she provided that the size of the contingent could be decided in agreement with the League.

All of these forces operating under the League are to have complete freedom of passage, a right bitterly criticized by German opponents of the scheme.³ It must be pointed out that the Covenant of the League of Nations contains a similar provision, although not in such an absolute sense as the French plan provides.⁴

1. French Disarmament Proposals of February 1932, Chapter III, Sections (1) and (2). The words 'prevent war' and 'repress war' are used in connection with the police force and the contingents respectively.
2. *Ibid*, Chapter III, Part (b).
3. Schmidt & Grabowsky, p. 135. Montgelas accuses France of wishing to make Germany a passage-way and halting-place for French armies of assistance.
4. See Article 16, Paragraph 3 of the Covenant of the League of Nations.

The latter part of the third chapter of the French proposals also provide for the supplying of other land and naval material, including tanks or similar armoured implements, to the forces operating under the League. The undertakings of each State in this respect would only operate if the forces of the League reached a certain minimum to be determined, and the contributions shall be proportioned in an equitable manner.

The provisions of the third chapter of the French plan may be criticized on the grounds that they are nationalistic in character; and they may be equally defended on the grounds of self-interest and self-preservation. Just as individuals are concerned when they know a criminal is running amuck in their immediate neighborhood, so are nations equally concerned when a criminal nation is committing acts of violence and aggression near its borders. The contention of certain German writers that the provision for additional forces in case the aggressor has a common frontier, is a thrust at Germany is only partially true.¹ It is a thrust at every nation that borders on France, and at every aggressor that borders on any other nation. The provision works both ways, and looking at it from the opposite standpoint, it is likewise a German thrust at France, if the latter nation is the aggressor.

Montgelas sums up his objections to the French plan for an international police force in the following words: "The formation of a fully internationalized League army is to be condemned from the moral standpoint, further, owing to difficulties regarding accomodation and supreme command, and owing to the enormous expense,

1. Schmidt & Grabowsky, p. 135.

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it is not capable of being put into practice."¹ He believes, as do most Germans, that disarmament should precede security, while the French hold the opposite view that security should come first.

The fourth chapter of the French proposals contains provisions for the protection of civilian populations in the event of a conflict. The use of projectiles which are incendiary, or contain poison gases or bacteria, is forbidden to all air, land, and naval forces.² Attempts have been made from time to time to prohibit such warfare, and in spite of the fact that nations have solemnly agreed not to use these materials, they are ever at work developing more deadly gases. All modern governments have chemical research committees.³

Bombardment from the air, or by artillery, is restricted to a certain zone in which the conflict is raging, the size of which will be determined by the Conference. Only air bases and emplacements of long-range artillery lying outside this zone are exceptions to this rule. A similar provision is made in regard to air bombardment along the coast line, with the same exceptions concerning air bases and artillery emplacements located outside this zone. Even within the costal zone, air bombardment is not

1. Schmidt & Grabowsky, p. 136; see also, pp. 130-1. He states that "the main objection is a moral one; for there can be few men who would be ready to fight at the command of an international authority against, it might be, their own country." (p. 131) The Civil War gives an answer to this objection. In that struggle we see Americans fighting each other, and men in the North giving their lives to maintain the Union. We may recall that President Cleveland sent Federal troops into Chicago in 1894 to put down the Pullman strike. State militia are used constantly in coal strikes and other disturbances, and sometimes men are killed. For an answer to the enormous expense of an international force, see Davies, pp. 578-80. "The cost---in terms of cash will be far less than the total expenditures on existing armaments." (Davies, p. 580)
2. French Disarmament Proposals of February 1932, Chap. IV, Part (a).
3. Davies, pp. 149 ff. See also, Fenner Brockway, The Bloody Traffic, pp. 273 ff.

permitted, except under certain conditions laid down in Convention IX of the Hague,¹ and this Convention will continue to govern all naval bombardment.

All these provisions are intended to insure a certain degree of protection to civilian populations in case a conflict arises. Civilian populations suffered much during the World War, and new weapons of death, such as poison gas and bacteriological agencies, are well adapted for attacks upon large cities. "The distinction between the fighting forces and the civilian population were thin during the last war;" Davies reminds us, "in the next it will probably disappear altogether."² Even in exercising its police functions, the international force, the French believe, should provide all the protection possible for the civilian populations of every country.

The last chapter of the French proposals lay down certain conditions for the organization of peace. These conditions are necessary to the successful operation of the first four chapters of their plan. The foremost of these is common action. No disarmament plan can really be successful, declare the French, until each nation feels that it has security. The problem of dis-

1. For text of this Convention, see Soule and McCauley, International Law, pp. 197-8. (Published by U. S. Naval Institute); and Hershey, pp. 644-647, and footnotes. This Convention forbids the bombardment of undefended ports, towns, villages, dwellings, or buildings. It permits the bombardment of military works, military or naval establishments, depots of arms or war material, and workshops or plants which may be utilized for the needs of hostile fleets or armies. These may be destroyed by bombardment if local authorities refuse to destroy them within a fixed time, but it is necessary to give adequate warning followed by a reasonable time of waiting.

2. Davies, p. 41. See also his footnotes on the same page.

armament is at present acute because no country feels that it has any promise of safety should it reduce its armaments.¹ The Turkish delegate to the Disarmament Conference held the same view of security, and his answer to the question was the establishment of a world federation. "I do not underestimate the importance of the French delegation's proposals," he said. "I admit that I have not had time to study them in detail, but I believe I see in them a first step towards the internationalisation of armies which would lead to the abolition of national forces, since the one would be incompatible with the other. If that is the French delegation's intention, this system too may provide a means which will inevitably lead to total disarmament."²

Among other considerations for the organization of peace, France proposes compulsory arbitration; clear definition of the aggressor; guarantees that decisions will be made rapidly and that the international forces will act correspondingly; a clear codification of the rules of International Law; and the international control of the execution of all agreements concerning armaments.³ This last clause reminds us of the French attempts in 1919 to get a supervisory commission for national armaments.⁴

One of the most difficult of these problems is the defi-

1. See Davies, p. 146. "The truth is that disarmament is at a standstill, and that it will never become operative so long as it is divorced from security and sanctions." (*Ibid*) See also Turkish statement in respect to this question, League of Nations, Records of the Conference for the Reduction and Limitation of Armaments, Verbatim Records of Plenary Meetings, Vol. I, p. 113. (Series A)
2. League of Nations, Records of the Conference for the Reduction and Limitation of Armaments, Verbatim Records of Plenary Meetings, Vol. I, p. 113. (Series A).
3. French Disarmament Proposals of February 1932, Chapter V.
4. See above, pp. 90 ff.

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nition of the aggressor, since any coercive scheme will serve no purpose unless an agreement is reached which will determine who is the guilty nation.¹ The best solution to this perplexing problem might be not to lay down a fixed definition of an aggressor, but to leave the international authority decide in every case who is the nation at fault.²

Wickham Steed, an English writer of note, regarded the French plan highly. Its importance to him lies in the fact that "it is the first serious attempt to state correctly the terms of the disarmament problem."³ Disarmament, he further states, will become possible, because a "world-wide police force engenders a feeling of safety from war by weakening or destroying belief in the likelihood of successful international crime."⁴

The chief feature of these proposals of the French were to strengthen the League of Nations by providing it with an international air fleet and an international police force. In these proposals is revealed the old French policy that we have studied in the preceding chapters--the policy of security through common action.

1. For a concise account of attempts to define the aggressor nation since the days of Thucydides, see Davies, pp. 136-142. See also, ibid, pp. 469-70. German critics object to the French plan of common action because of the difficulty of defining the aggressor (Schmidt & Grabowsky, pp. 131-2). The definition of the aggressor nation will be discussed more fully in the following chapter.
2. Hans Wehberg, The Outlawry of War, 105-6. He thinks the Council or some other "high instance" should be given the right to determine the aggressor in each case, if possible by a "qualified majority of votes." (p. 105)
3. Review of Reviews, 87:45-6, March, 1933. This article entitled, "International Army for the League of Nations?" is made up of the views of Von Seeckt, Wickham Steed, and Pierre Vionot--A German, Englishman, and Frenchman. The German discovers a thousand things wrong with an international army.
4. Ibid.

Chapter VII
The French Disarmament Proposals of November, 1932.

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The first French proposals of 1932, presented in the last chapter, created a lively burst of criticism. The British press mistrusted France, declaring that she was putting forward an impossible scheme which she knew would not be accepted, in order to justify her own policies and perpetuate the war treaties.¹ The German press regarded the proposals as "so much hypocrisy and cynicism", and the Italian press feared that such proposals would create a super-State, and reduce members of the League of Nations to a state of vassalage.² German newspapers railed at the French demand for security.³

A well-known American magazine claimed that "the best thing about the French proposal for an armed police force to be placed at the disposal of the League of Nations is that it has no chance whatever of being accepted.--The World Tomorrow is convinced that an international armed police force would be neither effective nor ethical--or necessary."⁴ David Davies, staunch advocate of a police force, rushed to the rescue. "The need is for a realist acceptance of the principle of an international police force," he argued; and pointing to the weakness of the League in the Sino-Japanese conflict, he said, "The main reason, however, for their pitiful exhibition of pusillanimity was the fact that there are at present no effective international sanctions in ex-

1. Literary Digest, 112: February 20, 1932, "A League Police Force?"

2. Ibid.

3. Ibid., 112: April 9, 1932, p. 17, "Why Tardieu grieves the Germans."

4. The World Tomorrow, March 1932, p. 71, "What about International Police?"

istence."¹

With the cannon of the Far East booming almost in their ears, the delegates to the Disarmament Conference adopted only a colorless Resolution weakened by reservations.² Although this Resolution of July 23, 1932 did not contain any of the drastic measures proposed by the French, it did leave a path for further discussions of their proposals.³ The two burning questions of equality of rights and guarantees of security--the problems of Germany and France--were not even mentioned in the Resolution.⁴ It must be pointed out, however, that the Resolution of July 23, 1932 contained the prohibition of aerial bombardment; the quantitative and qualitative limitation of land artillery; and the establishment of permanent international control. France, though unsatisfied with the Resolution, voted for it, Herriot, declaring that his nation "would not be willing at any price to shoulder the responsibility for raising difficulties or for delay."⁵

During the summer and fall of 1932, while Germany was away from the Conference because she had been denied equality of armaments, France drew up her new proposals in which she offered

1. The World Tomorrow, June, 1932, p. 189, "In defense of International Police."
2. For text of this Resolution see League of Nations, Records of the Conference for the Reduction and Limitation of Armaments, Minutes of the General Commission, Vol. I, pp. 153-156 (Series B); League of Nations, Monthly Summary, Vol. XII, No. 7, July 1932, pp. 208 ff.; League of Nations, The League from Year to Year, 1931-32, pp. 34-9; and International Conciliation Pamphlets, No. 285, December 1932, pp. 506-11.
3. Chapter IV of the Resolution of July 23, 1919. This chapter states that the Resolution does not prejudice the attitude of the Conference towards other measures or political proposals submitted by various delegations.
4. International Conciliation Pamphlets, No. 298, March 1934, p. 68.
5. League of Nations, Records of Conference for the Reduction and Limitation of Armaments, Minutes of the General Commission, Vol. I, p. 195. (Series B).

to admit the principle of juridical equality contingent upon an organization able to assure security to all.¹ These new French proposals were intended to synthesize the main principles which had emerged during the first series of meetings of the Disarmament Conference. Massigli, French delegate to the Conference, opened the discussion of his country's proposals, and summed up the principles on which they were based. Two of these are important. "First of all," he said, "the essential principle that, between disarmament and the development of security through the organization of peace, there is an indissoluble link.---Lastly, the French plan is attuned to the principle, which has been proposed to you, of equality of status in a regime ensuring security to all States."²

The Memorandum which accompanied the French proposals contained the same idea that there could be no successful disarmament plan that did not provide for the security of nations. The problem of disarmament, according to the French view, has two parts, a technical one and a political one. The first concerns actual disarmament, and the second concerns the establishment of some kind of international organization which will provide security for those nations who disarm. In these two aspects of the problem of disarmament, declare the French, "progress must be made on parallel lines."³ There is clarity of reasoning in this scheme: no nation ought to

1. International Conciliation Pamphlets, No. 298, March 1934, p. 69. "The effect of this was to reverse the order of responsibilities for the success or failure of the Conference, because the good faith of France became apparent to all."(Ibid)
2. League of Nations, Records of the Conference for the Reduction and Limitation of Armaments, Minutes of the General Commission, Vol. II, p. 216.(Series B) This volume will be referred to hereinafter as Minutes(GC,II).
3. See Memorandum by the French Delegation, p. 1. This Memorandum is part of the French Disarmament Proposals of November 14, 1932 which is placed in Appendix III of this thesis.

to disarm without the assurance that it will find safety in some kind of international organization.¹

The main obstacle to real disarmament, as pointed out by the delegate from Greece, is fear, and this factor in international relations must be removed through some strong form of international organization. What kind of organization should this be? "I conceive it," continued the same delegate, "as an edifice supported by three main pillars: the first, moral, the renunciation of all recourse to force; the second, legal, the possibility of settling all differences by judicial means; the third, political, a system of mutual assistance.---All three together are the delineation of a civilised society, that is to say, a society in which it is prohibited to carry arms."² The same speaker declared that in order to establish this international organization nations would have to make sacrifices, but "the greater the value of that which we desire to acquire---the greater must be the price we pay, and that which the world is at present striving to acquire is of such sovereign worth that there should be no haggling over the price."³ Believing that the French proposals contained these essential principles, the delegate from Greece, Politis, gave them his hearty approval.

The first chapter of the new French proposals states that all Powers should endorse the principles arising out of the Pact of Paris, and recognize the fact that any war undertaken in breach of this Pact is a matter of interest to them. Upon the breach, or

1. See Davies, pp. 412 ff.

2. Minutes(GC,II), 31st Meeting, February 6, 1933, p. 232.

3. Ibid.

threat of breach, of the Paris Pact, all the Powers shall concert together to agree upon what steps should be taken.¹ Provisions are made for the effective prohibition of direct or indirect economic and financial relations with the aggressor State, and the non-recognition of any de facto situation resulting from a breach of an international undertaking. This last provision is in line with the policy of the American government and the other Powers in their non-recognition of the puppet State of Manchukuo.²

The second chapter, the shortest of the entire plan, merely states that the principles laid down in the first chapter make it possible for the Members of the League to give full effect to the obligations devolving upon them under the Covenant, to the treaties made in accordance with the Covenant, and especially, to the loyal application of Article 16 of the Covenant. Litvinoff, the Soviet delegate, criticized these two chapters on the ground that only the first one would apply to all the Powers represented at the Conference; whereas, the second has in view merely the Members of the League.³ He also called attention to the fact that the first chapter mentions the application of sanctions to the aggressor State violating the Paris Pact, and that the definition of the aggressor was still an unsettled question. In regard to this difficult problem he offered an excellent draft which attempted to define the aggressor as the State which is the first to take any of the following actions:

1. French Disarmament Proposals of November 1932, Chapter I, Sections (a) and (b). The Paris Peace Pact, called also the Briand-Kellogg Treaty or the Pact for the Renunciation of War, has been discussed above, p. 109.
2. See above, pp. 62-4.
3. Minutes, (GC,II), 31st Meeting, February 6, 1933, p. 235.

- "(a) Declaration of war against another State;
- (b) The invasion by its armed forces of the territory of another State without declaration of war;
- (c) Bombarding the territory of another State by its land, naval or air forces or knowingly attacking the naval or air forces of another State;
- (d) The landing in, or introduction within the frontiers of, another State of land, naval or air forces without the permission of the Government of such a State, or the infringement of the conditions of such permission, particularly as regards the duration of sojourn or extension of area;
- (e) The establishment of a naval blockade of the coast or ports of another State."¹

These proposals of the Soviet delegation formed the basis of a report by the Committee on Security Questions regarding the definition of the aggressor which was later presented to the Conference.²

Taking up this delicate question, Paul-Boncour, speaking for France, agreed with Litvinoff. "I have always been struck," he remarked, "by this difficulty of designating the aggressor, which seems to be regarded as insuperable.---It seems to me that, at all events when there is a concrete case, the aggressor generally reveals himself so plainly that, if we really wish to do so, we can always name him.---Litvinoff has formulated proposals which, taken as a whole, approach very closely to the actual definition

1. Minutes, (GC, II), 31st Meeting, February 6, 1933, pp. 237-8. This Soviet draft contained another clause listing a number of situations of a political or economic nature that should not be accepted as justifications of aggression. Litvinoff regarded this clause as important because of the attitude of capitalistic countries toward his country. His fears were not wholly unjustified, since Paul-Boncour himself admitted that "in that list of cases of aggression he has attempted to plant a few arrows in the hide of the capitalist States." (Minutes, (GC, II), 33rd Meeting, February 8, 1933, p. 262).
2. See Minutes, (GC, II), 63rd Meeting, May 24, 1933, pp. 499-502, especially p. 501. The Committee also added the case in which a country supported armed bands which set out from its own territory and invaded that of another country.

given in the French plan, the most concrete and clear definition--namely, that the aggressor is the country that invades or attacks any other country by sea, by land, or by air."¹ Most of the Powers represented at the Conference found no difficulty, as the delegate from Norway observed, in accepting the points enumerated in the first two chapters of the French plan.²

Chapter III, the longest and most important part of the French plan, outlined both political and military arrangements for the organization of continental Europe, based upon adherence to the Geneva Protocol.³ This system is only practicable if a sufficient number of important Powers agree to it. The fundamental object of the political arrangements is to define the conditions in which each Signatory shall be entitled to the co-operation of the other Powers. In this respect, all cases of aggression--attack or invasion by foreign forces--establish the right to mutual assistance; and in order to ascertain the necessary facts for the Council of the League of Nations, Commissions, consisting of diplomatic and military attaches appointed by the Council, shall be established in each signatory State.⁴ These Commissions are available at all times, and if any Power believes itself to be threatened or alleges that it has been attacked, it may demand that these Commissions gather the facts. Hence, these bodies partake primarily of a

1. Minutes, (GC,II), 33rd Meeting, February 8, 1933, p. 262.

2. Ibid, 32nd Meeting, February 7, 1933, p. 249. See also, 33rd Meeting, Feb. 8, 1933, p. 253, where the Turkish delegate, Tevfik Rustu Bey, thinks that the first chapter will be accepted unanimously.

3. See above, p. 108, for a discussion of the Geneva Protocol. See also Hershey, pp. 150-1, 471 (footnote 34).

4. French Disarmament Proposals of November 1932, Chapter III, Section A, Paragraph 3. In regard to aggression, paragraph 1 of the same section, admits three exceptions to their definition of aggression; namely, the existence of an agreement to the contrary, self-defence, and common action. Cases of invasion under these categories is not aggression, states the plan.

fact-finding nature.

Another part of the political arrangements for the European system provided for the compulsory acceptance of the General Act of Arbitration in order to insure the peaceful settlement of disputes between the Signatories.¹ Any signatory State refusing to conform to the principles of arbitration, to execute arbitral awards and decisions, or to take action when the Council has established the fact that an international undertaking has been violated, shall be liable to any measures which the Council shall decide upon; and these measures shall be faithfully applied by the Contracting Parties.

A most important feature of these political arrangements is the provision that in all its decisions in these cases the Council shall require only a majority vote. Here is a definite attack on the principle of unanimity, a practice which many critics of the League regard as its greatest obstacle to effective action.² The Spanish delegate voiced approval of this part of the French proposals. "In the first place," he remarked, "I note with approval the suggestion for making the Council's authority more effective and more operative by dropping the principle of unanimity. Sooner or later we shall have to advance along that line, if we are anxious

1. The General Act of Arbitration was the result of a series of reports made by the Committee on Arbitration and Security to the Assembly in 1928. Its object is to enable States to adopt standard engagements for the settlement of disputes, and to avoid the development of alternate procedure, which will occur if there is no agreed model. (See World Peace Foundation Pamphlets, Vol. XII, No. 1, 1929, Nine Years of the League of Nations, 1920-28, pp. 202-204; and League of Nations, Verbatim Record of the Ninth Assembly, 1928, 18th Plenary Meeting, Sept. 25, 1928) German critics oppose the General Act because it implies, they maintain, the recognition of the status quo in Europe. (Schmidt & Grabowsky, p. 104)

2. Davies, p. 197; and Hershey, pp. 504-5, especially footnote no. 29.

that international law should attain to its full stature in the free acceptance by each State of the decisions of the organised international community. This new principle, which it would be highly desirable to make universal, is contained in the continental pact proposed in the French plan."¹

The opposing view of the principle of a majority view was expressed by the delegate from Netherlands. His principle arguments were that it violated the constitutional principles of the Covenant; the decisions of the Council would be binding on Members who had no part in making them; heavy obligations would be placed upon some States by others whose obligations might be small; and finally, that it would reverse the principle of the Covenant which provides that States bearing the greatest responsibility for the maintenance of peace should possess the greatest influence in decisions.² These arguments are, in general, those of the unanimity school.

The military arrangements of the French plan have two prime objectives: first, the reduction of the offensive character of national forces; and secondly, the specialization of certain military elements in preparation for the rendering of mutual assistance.³ Here is the ubiquitous principle of French policy--the indissolubility of disarmament and security. To achieve the first of these objectives, the French plan provides that the land defence

1. Minutes, (GC, II), 31st Meeting, February 6, 1933, p. 240.

2. Ibid, 32nd Meeting, February 7, 1933, p. 246. Article 5 of the Covenant of the League of Nations provides for a unanimous vote on decisions in the Assembly or Council, and a majority vote in either body of the League on matters of procedure.

3. French Disarmament Proposals of November 1932, Chapter III, Section B.

forces of European Powers shall be standardized to a uniform type-- that of a national short-service army with limited effectives. This provision is based upon the principle of qualitative disarmament, for it is generally recognized that a military system composed of long-service effectives is better adapted for offensive or aggressive warfare, than one composed of short-service effectives.¹ Benes of Czechoslovakia said of this proposal, "The idea of reducing European arms to a uniform general type and of transforming professional armies into short-service armies not adapted to a sudden offensive cannot but evoke our sympathies."²

In regard to the organization of this short-service army, the provisions of the French plan have been summed up thus: "When estimating effectives the conditions peculiar to each State and in particular the inequalities and variations in the recruiting resources of the signatory Powers should, in conformity with Article I of the Covenant, be borne in mind. Likewise account should be taken of pre-regimental and military instruction received in political formations as well as of the effectives of the home police force."³ It must be added that the short-service defensive army of each country is not to contain but a limited number of long-service effectives who will act as instructors and officers; neither shall it have at its disposal powerful mobile material of an of-

1. Paul-Boncour mentions this fact also in his final speech on the French plan: "Professional armies are better suited to rapid attacks, to coups de force, to adventures, than those short-term armies taken from the heart of the nation, who are called up for periods of training, who then return to their homes, and who, before they can again become armies, must be mobilised and trained over again." (Minutes, (GC, II), 33rd Meeting, February 8, 1933, p. 260)
2. Minutes, (GC, II), 30th Meeting, February 3, 1933, p. 227.
3. League of Nations, Monthly Summary, Vol. XII, No. 11, November, 1932, pp. 322-23. There is an excellent summary of the French plan of November 1932 in this number of the Monthly Summary, pp. 322-23.

fensive nature, such as powerful artillery and tanks. These provisions are designed to disrobe national armies of their offensive garments.

Along with this uniform short-service army, the French plan provides for specialized units in each country composed of long-service effectives armed with the powerful materials prohibited to the national armies, and each nation is to place this contingent at the permanent disposal of the League of Nations. It will be noticed that the character of these long-service quotas will be essentially professional; and in order to render speedy aid to a State which is the victim of an aggression, they will be constantly ready for action. All stocks of war material apart from that needed by the specialized contingent is to be stored in each of the contracting States under international supervision, and if needed, it will be placed at the disposal of the parties in whose aid collective action is taken. Only in case of legitimate self-defence shall this specialized contingent, or these military stores, be used by any country. Legitimate self-defence, as defined by the French plan, means "the repulsing of armed forces which have entered by violence the territory of the State which is defending itself."¹

Thus, it will be noticed that these proposals of the French are based upon the principle of the differentiation of weapons, which, as we have seen,² has been urged by many advocates of an international police force. The German delegate, Madolny, criticized this feature of the French plan, noting that "according

1. French Disarmament Proposals of November 1932, Chapter III, Section A, Paragraph 1.

2. See above, pp. 74, 115.

to the French plan, however, aggressive material would not be really abolished but would be retained. It would be assigned to the national contingents forming the forces of the League of Nations, or would be kept at the latter's disposal in the territory of the former owner. The German delegation considers that this procedure would render qualitative disarmament illusory."¹ This criticism is natural, coming as it does from a disarmed State. The French view, however, seems logical, since "nations can only disarm under conditions analogous to those which, within a nation, have made possible the disarmament of the individual citizen, who has only consented to be disarmed when he no longer felt the need for weapons because guarantees of security had been created by social organization and individual defense by individual means could be dispensed with."²

Other provisions of the French scheme are the eventual uniformity of all the war material of the various countries, both that of the national and international contingents; the international supervision of the of the execution of all obligations of the Signatories; and the international manufacture and supervision of war material. The private manufacture of arms has been condemned not only by the League, but also by peace societies all over the world.³

1. Minutes, (GC, II), 29th Meeting, February 2, 1933, p. 221.
2. International Conciliation Pamphlet, No. 298, March 1934, p. 60. This fine article by Nicolas Politis, Minister of Greece at Paris and Vice-President of the Disarmament Conference, gives an excellent review of the work done, or left undone, by the Disarmament Conference up to the fall of 1933.
3. Article 8 of the Covenant of the League states that the private manufacture of arms and munitions is "open to grave objection." It further provides that the Council shall advise how the evil effects of such manufacture can be prevented. A League Commission has reported that private armament firms have fomented war scares, bribed Government officials, spread false reports, controlled newspapers, and formed international rings and trusts in order to increase their sales. (See Fenner Brockway, The Bloody Traffic, pp. 38 ff; and The Secret International, published by the Union of Democratic Control, London.)

It is indeed high time that an end should be put to such scandals as have been revealed by the actions of such men as Shearer and Zaharoff.¹ It will be noticed that one of the provisions enumerated above reveals the persistent claim of the French that no disarmament plan is practicable which omits some form of supervision. This supervision, according to the French scheme, will be "regular and permanent" and will "involve an investigation at least once a year."²

In regard to the standardization of continental armies, Paul-Boncour claimed that it was necessary in order to attain real disarmament: "We must have standardisation in order to have comparison; we must have comparison in order to have reduction.---I do not see how we can contemplate any practical reduction of land effectives unless we carry out this standardisation first."³ The provision for the standardization of the continental short-service armies was based upon the idea of an equality of defensive status, and one German critic was forced to say of it, "A novel feature and, to a certain extent, meeting Germany's claim for equality of rights, is the proviso, that a uniform type of army based on short military service is to be gradually established in the whole of Europe."⁴ The bitter pill for the Germans, however, was the provision in the French scheme that these arrangements were to be

1. Shearer, an American, was paid by three large American shipbuilding corporations--The Bethlehem Shipbuilding Co., The New York Shipbuilding and Drydock Co., and the American Brown Boveri Corporation--to prevent any effective disarmament from coming about at the Geneva Naval Conference, 1927. (Fenner Brockway, The Bloody Traffic, pp. 159-63) Sir Basil Zaharoff, connected with English armament firms, scoured the European continent in search of markets, and made a fortune from the deaths of thousands. (Richard Lewinsch, Sir Basil Zaharoff, The Mystery Man of Europe, passim.)

2. French Disarmament Proposals of November 1932, Chapter III, Part IV.

3. Minutes, (GC, II), 33rd Meeting Feb. 8, 1933, p. 260.

4. Schmidt & Grabowsky, p. 104.

brought about by successive stages in such a manner that neither the forces nor the armaments expenditure of any State shall be increased, unless the Conference approves of such action.¹

At this point, an analysis of the first three chapters of the French plan reveals the presence of concentric circles; that is, the first chapter concerns all the nations of the world; the second, all the Members of the League; and the third, all the nations of Europe. This characterization of the scheme was well expressed by the Belgian delegate, Bourquin: "What does it propose to do to improve the organisation of peace? It is at this point that we come upon one of the ingenious ideas by which it is characterised--namely, the conception of the so-called 'concentric circles'. On the outside there is the universal plan, on the inside there is the European plan. The obligations become stronger and more definite in proportion as the area is narrowed. It is an ingenious idea, because it would in practice be impossible to induce all the nations of the world to accept certain obligations to which the States of Europe may, on the other hand, submit in their common interests. For our part, we give our entire approval to this method, which seems to us the only method capable of yielding positive results."²

Certain nations are loath to send their armies "across the seas" to assist other nations far away. The French recognize this fact, and the above provision makes the obligations assumed correspond to the interests involved. The importance of the Euro-

1. French Disarmament Proposals of November 1932, Chapter III, Part V. Compare with the German criticism, Schmidt & Grabowsky, p. 104.
2. Minutes, (GC, II), 30th Meeting, Feb. 3, 1933, p. 229.

pean pact was stressed by Paul-Boncour in these challenging words: "Wake up, Europe! Instead of asking the four quarters of the globe for the guarantees you need, can you not find them in yourself? When we have made that effort, perhaps we shall be justified in asking others to supplement it. That is the idea of the French plan."¹ A logical argument indeed!

The fourth chapter of the French proposals states that naval and overseas forces cannot be subjected to the continental system that is outlined in chapter three, but these forces are to be limited and specialized for the particular tasks which they may be called upon to perform. Such tasks would embrace the protection of territories abroad, defense of the coasts of the home territory, and participation in measures of mutual assistance. Persistently pressing their idea of security, the French proposed that the reduction of fleets should be made contingent upon some kind of regional agreement--for instance, a Mediterranean Pact. This agreement would include certain restrictions on the use of naval bases, an agreement on the part of the signatories to consult one another, and co-operation in cases of mutual assistance.² German critics object to such agreements, as well as to any scheme of disarmament based upon prior considerations of security.³

One of the chief objections of the German delegate to the French plan was that it contained no concrete proposals for disarmament.⁴ This charge is not strictly true, and Paul-Boncour

1. Minutes, (GC, II), 33rd Meeting, Feb. 8, 1933, p. 261.
2. French Disarmament Proposals of November 1932, Chapter IV.
3. Minutes, (GC, II), 29th Meeting, Feb. 2, 1933, p. 221. See also, Schmidt & Grabowsky, p. 104.
4. Ibid.

called attention to the fact that his country's plan did provide for disarmament. He pointed out the provisions of the French plan which called for qualitative reductions in those categories of vessels which have been recognized as the most offensive, by means of the qualitative reduction of the characteristics "at present fixed for certain types of war vessels", and quantitative reductions of tonnage for both large and small navies on a relative basis. He also pointed out that certain bombing aircraft were to be abolished, and that double reduction was to occur in regard to both the number and service of effective.¹

The latter part of the fourth chapter provides that all contracting Powers possessing naval forces shall, when called upon by the League, supply the emergency assistance to which the State victim of an aggression is entitled. The Convention shall, of course, fix the proportion of vessels in every category which each nation will contribute for this purpose. This provision adds to the specialized land forces the assistance of a naval arm.

The fifth, and last, chapter deals with air armaments. It recalls that the Resolution adopted by the Conference on July 23, 1932, contained provisions for the complete prohibition of aerial bombardment, the abolition of bombing aircraft, and the international regulation of civil aviation--the first two conditions being subject to the acceptance of the last one. Many of the delegates at the Conference wished to abolish bombing from the air without any dependent stipulations, while others wished to do so, as the French, only under certain conditions. Sato of Japan made a lengthy statement on this subject, stating among other things

1. Minutes, (GC, II), 33rd Meeting, Feb. 8, 1933, p. 257. Compare, French Disarmament Proposals of November, 1932, Chapters III and IV.

that "in view of the technical improvements which were constantly being made, and of the facility with which civil aircraft could, when necessary, be used for military purposes, it was inconceivable that, when dealing with questions relating to air armaments, and more especially bombing from the air, no account should be taken of the use to which civil aircraft could be put in time of war."¹ The French held this view also, and claimed that satisfactory results could be obtained through a regional agreement in which all the great air Powers of Europe, both continental and non-continental, would participate.

In order to fully achieve the desired end of prohibition of aerial bombardment and the abolition of bombing aircraft, an European Air Transport Union is provided for in the French plan. This organization will entrust the management and supervision in Europe of public air transport to an international body which, at the same time, will provide safeguards against the use of civil aircraft for military purposes.² This same proposal, although in a broader form, had been made by the French in their February proposals when they advocated the internationalization of civil air transport.³

The fifth chapter also provides for the full completion of the international police force by requiring that not only should specialized air units be placed at the disposal of the League, but also by suggesting that a real international air force should be created, and maintained permanently by the League of Nations.⁴

1. Minutes, (GC, II), 77th Meeting, June 8, 1933, p. 631. The British proposals were being discussed at this time.
2. French Disarmament Proposals of November 1932, Chapter V, Section (2).
3. See above, pp. 111 ff., especially note 3, page 111.
4. This provision clears up somewhat the vagueness of the February proposals in regard to an organic international force. See above, pp. 113, 114; and 118, footnote 1.

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This international air fleet will be composed of the bombing aircraft which is forbidden to national air forces, thus ensuring to the League an effective means of carrying its decisions into execution. The personnel of this League air force will be recruited directly from volunteers from the different nations on the basis of quotas which will be determined by the Conference.¹

Such a League air force would be truly international in character. It would be the only real organic force at the disposal of the League, since the land and naval contingents intended for common action would be held in the various countries. These provisions are wise and practicable: nations are not ready to jump with one leap to the creation of a complete international force of land, air, and naval units. Lange, of Norway, criticized any plan which left the League's contingents in the hands of national States, and he paid a glowing tribute to the French suggestion for an organic international air force in the following words: "---I regard the idea of a force organically international in character as far more practicable and also as politically realisable under certain conditions. In the first place, this force must be conceived of as a specialised and limited force. The French suggestion for an air force seems to me to fulfil these conditions. Why limited? For a very simple psychological reason. It is essential that the men who will be called on to undergo training, if necessary to give their lives in the service of the international organisation we are now attempting to construct, must be imbued with a new spirit of international loyalty. These men exist, but they are still the exception. We must therefore begin by creating a nucleus around

1. French Disarmament Proposals of November 1932, Chapter V, Section (3).

which a more considerable force will be able to develop little by little according to the possibilities and needs of the situation."¹

This international psychology is not altogether a new thing. Speaking of the personnel of his international police force, Davies says, "In this new sphere, however, they will not by any means be the first arrivals. They will discover that their advent has been preceded by that of the Secretariat of the League of Nations. This contingent, consisting of about five hundred persons drawn from over fifty nationalities, has already sworn allegiance to the new confederation of states and in doing so has displayed the highest patriotism.----Similarly the personnel of the international police will enjoy the same position as has been accorded to the Secretariat at Geneva----." ²

Attention should also be called to the provision in the French plan that the personnel of this international air force is to be recruited from the various nations on the basis of a quota system. ³ Thus, the real international character of the air force will be assured, and it will not include too many nationals of any single country. Such an important feature will, as Davies observes, ⁴ tend to reduce any friction that may arise between member states and the international authority.

A survey of these French proposals taken as a whole reveals several important conclusions. It will be noted that it is

1. Minutes, (GC, II), 32nd Meeting, Feb. 7, 1933, p. 250.
2. Davies, pp. 441-42. In 1925, the Secretariat of the League consisted of about 465 persons of 34 different nationalities, including both men and women. This group of men and women constitute a sort of International Civil Service. (See Hershey's excellent footnote, p. 505, footnote no. 32)
3. We have already discussed the advantages of the 'bareme' formula which would be an excellent method of determining the quota of each country. (See above, p. 77, footnote 2)
4. Davies, p. 444. We will recall that the supremacy of Athens destroyed the Delian Confederacy. (See above, p. 4)

based upon the principle of regional agreements--particularly the European pact of chapter three which is the heart of the plan. Paul-Boncour called attention to the fact that the European nations had rejected the Draft Treaty of Mutual Assistance and the Geneva Protocol on the ground that universal legislation was impossible, and that the French had modified their plan to take into account geographical regions. It is not right then, claimed the French delegate, to say now that universality is preferable.¹ The French had attempted to correct their proposals in answer to the former arguments that they were utopian, but the German and English delegations were like the children playing in the marketplace--they wished neither to dance to the strains of universality, nor to sing to the melodies of particularity.

Again, the French proposals intended not to abolish armaments but to internationalize them. Many delegates, particularly the German, favored the abolition of offensive weapons and armaments, and objected to this part of the French scheme. The German objection runs thus: "Now, instead of aiming at a prohibition of bombing aircraft per se, the French proposals purport to reserve the most efficacious means of aerial bombing warfare for the League of Nations. Thus the League of Nations is to maintain, so to speak, if not the privilege then at least the preference in the use of the most inhumane means of modern warfare!"² Others, however, have pointed out that abolition of weapons will not assure

1. Minutes, (GC, II), 33rd Meeting, February 8, 1933, p. 260.

2. Schmidt & Grabowsky, p. 176. These objections were made to the February 1932 proposals of the French, but were voiced again by Nadolny in reference to the November proposals. (Minutes, (GC, II), 29th Meeting, February 2, 1933, p. 221) See also, Davies, pp. 329-35 where he tells how he would arm his international police. He would hand over all poisonous gases to the international police force also. (Davies, pp. 399-400)

the abolition of war, because other weapons will be invented with which to continue the waging of war.¹

Another feature of the French plan, as we have noticed, is its so-called concentric circles. This idea gives practicality to the proposals, since it makes the obligations assumed correspond with the interests involved. There are agreements for almost all the nations in the world in chapter one, agreements for all the members of the League in chapter two, and agreements for all the nations of Europe in chapter three.

Lastly, the proposals are based upon the idea that security and disarmament are indissolubly linked. With this principle in mind, the French propose to add legal and political clauses to their disarmament plan,--stipulations that will really bind nations to come to the assistance of the victim of an aggressor. Many of the smaller nations of Europe agree whole-heartedly with this doctrine, but any effective solution of the problem is nullified by the objections of Great Britain, the lukewarmness of Italy, the isolation of the United States, and the opposition of Germany.²

We should not close this subject of an international police without saying that the French idea of security, or national safety, is no new idea for that nation. Since the days of Crecé and Henry IV, as we have seen in the first chapter of this work, this principle has permeated every international proposal advanced by that country. The World War only brought into prominence for

1. International Conciliation Pamphlets, No. 298, March, 1934, pp. 59-60.
2. See Minutes, (GC, II), p. 223 for Mr. Eden's (Great Britain) view; p. 219 for Baron Aloisi's (Italy) view; and pp. 226-3 for Herr Nadelny's (Germany) view. The United States is not yet willing to accept the feeble obligations of the Covenant of the League of Nations.

the French their desire for safety. The doctrine of security is realistic--it is based upon the principle that a law-abiding spirit is not enough in this world of imperfection, and that in the last analysis laws are obeyed because of the penalties that are attached to them.

Municipal communities would regard any idea to abolish their police force and legal penalties as childish; yet, whenever the idea is suggested that the same principle be applied to maintain international order, the same critics might scoff at it. France offers to the world the proposal for an international police force to maintain international peace and order: thus far the world has refused to consider this proposal.

APPENDICES

Document 17.

Official French plan for a League of Nations.
(printed as annex to minutes of the Commission)

Annex 2 to Minutes of First Meeting, League of Nations
Commission.

DRAFT ADOPTED BY THE FRENCH MINISTERIAL COMMISSION
FOR THE LEAGUE OF NATIONS.¹
(Translation)

I.

Statement of the Principles to be taken as Basis of the League
of Nations.

The problem of the League of Nations is one which forces
itself upon the consideration of every Government. Historically,
the idea is a very old one, which took shape when the civilized
States assembled at the two Hague Conferences in 1899 and 1907.
Practically, during the present war, it has been taken up afresh
under various forms by the Allied Governments in their official
declarations, by President Wilson in his note of December, 1916,
and even by our enemies in their replies to the Papal Note of the
16th August, 1917. It is, therefore, impossible to avoid the
study of the question: it can and must be considered quite apart
from the questions which form the subject proper of the Treaty of
Peace.

1. In declaring that a sense of justice and honor compelled
them to carry on the war thrust upon them by the aggressive ac-
tion of the Central Powers until a joint and decisive victory had
been gained, the Allies intend to convey that one of the results
of that victory should be (a) to protect the world in future against
any recurrence of the employment of brute force and attempts on

1. R. S. Baker, Woodrow Wilson and World Settlement, Vol. III,
pp. 152-62. See also, D. H. Miller, The Drafting of the
Covenant, Vol. II, pp. 238-46. (This document is used by
the permission of Mr. Baker)

the part of any nation to obtain universal supremacy, and (b) to establish the reign of justice on sure foundations throughout the world.

They declare that, in order to secure conditions which will exclude the existence of a mere dangerous truce and guarantee real peace, it is necessary to provide for the contractual and permanent organization of international relations, by the constitution between States, of the association to which universal public opinion has given the name of "the League of Nations."

2. The object of the League of Nations shall not be to establish an international political State. It shall merely aim at the maintenance of peace by substituting Right for Might as the arbiter of disputes. It will thus guarantee to all States alike, whether small or great, the exercise of their sovereignty.

3. The scope of the League of Nations is universal, but, by its very nature, it can only extend to those nations which will give each other all necessary guarantees of a practical and legal nature, and which, in loyal fulfillment of their given word, solemnly undertake to be bound by certain rules in order to maintain peace by respecting Right, and to guarantee the free development of their national life.

Consequently, no nations can be admitted to the League other than those which are constituted as States and provided with representatives institutions such as will permit their being themselves considered responsible for the acts of their own Governments.

4. The League of Nations shall be represented by an international body, composed of the responsible heads of Governments or of their delegates.

This international body shall have the following powers:-
(1) It shall organize an international tribunal.

(2) It shall effect the amicable settlement of disputes between the States members of the League by means of mediation, preceded, if necessary, by an enquiry in the terms of the Hague Convention of 1907.

(3) In the event of an amicable settlement proving impossible, it will refer the matter to the International Tribunal, if the question at issue is upen to a legal decision; otherwise it shall itself decide the matter.

(4) It shall enforce the execution of its decisions and those of the International Tribunal; at its demand every nation shall be bound, in agreement with the other nations, to exert its economic, naval, and military power against any recalcitrant nation.

(5) Every nation shall likewise be bound, at the demand of the International Body, to exert, in common accord with the other nations, its economic, naval, and military power against any nation which, not having become a member of the League of Nations, shall attempt, by any means whatsoever, to impose its will on another nation.

5. The International Tribunal shall pronounce on all questions submitted to it, either by the International Body or by a State having any dispute with another.

It shall decide and pronounce upon questions of law at issue between States, on the basis of custom or of international conventions, as well as of theory and jurisprudence.

In cases of violation of such law, it shall order the necessary reparation and sanctions.

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II.

Diplomatic, Legal, and Economic Sanctions.

(1) Diplomatic Sanctions.

These sanctions, the result of which will be to place the delinquent State for a shorter or longer period under the ban of the member nations, fall under three headings:

(a) The suspension or breaking off of the diplomatic relations existing up to that period between such State and other member States of the League of Nations;

(b) The withdrawal of the exequatur granted to the consuls of such State;

(c) The exclusion of the State in question from the benefit of any international conventions to which it may be a party.

(2) Legal Sanctions.

On the other hand, certain sanctions of a legal nature will enable the League of Nations, according to circumstances, to enforce respect of the principles which it is called upon to protect.

(a) Thus offences committed, encouraged, or tolerated by one of the members States may render it liable to pecuniary sanctions which will be applied to it by the International Court of Justice, in accordance with the general principle laid down by Article 3 of the Hague Convention of the 18th October, 1907, as to the laws and customs of war.

(b) There are, moreover, other sanctions of a legal nature which, without entailing the direct pecuniary responsibility of the State concerned, will exert a very marked and immediate influence on the attitude and decisions of its representatives, by reason of the sacrifices it will impose on the private interests of the citizens themselves. There will be no questions of depriving the latter of

the advantages of common law, or of punishing them for acts for which they are not directly answerable; but that national unity which confers responsibilities as well as benefits, will doubtless permit of the temporary withdrawal from them of the exercise of a faculty which, although not indispensable to existence, nevertheless tends to facilitate it.

The following may be instanced as particularly efficacious measures from this point of view: the suspension, as regards subjects of the recalcitrant State, of all Articles of Association, conventions relating to the protection of author's copyright and of industrial property, and conventions under private international law concluded between that State and the other States, members of the League of Nations; the exclusion of nationals of the recalcitrant State from recourse to the Courts of Law in the countries members of the League; the refusal to grant the exequatur in the said countries as to the execution of judgments pronounced by its Courts in favour of the nationals; the seizure and sequestration of real estate or movable property belonging to its nationals in the said countries; the prohibition of commercial relations and even, nature with subjects of the States belonging to the League of Nations.

The foregoing to be without prejudice to any legal sanctions applicable under the ordinary rules of criminal jurisdiction to the individual whose outrages upon law or whose actions may have endangered the maintenance of peace, or to the subsidiary measures which the League of Nations may think well to take in order to secure conviction, in case it is not ensured by the Government to the jurisdiction of which the criminal is subject.

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(3) Economic Sanctions.

Other sanctions of an economic nature can be employed by the League of Nations, by which it will be enabled to exercise an efficient control over the recalcitrant State, by various measures which may extend to placing it under an absolute commercial, industrial, or financial ban.

The principal measures in question are:

(a) Blockade, consisting in the prevention by force of any commercial intercourse with the territory of the State in question.

(b) Embargo, i.e., the seizure and temporary sequestration, in the ports and territorial waters of the member States, of ships and cargoes belonging to the delinquent State and its nationals, as also the seizure of all goods destined for such State.

(c) Prohibition of the supply of raw materials and foodstuffs indispensable to its economic existence.

(d) Prohibition of the issue by such State of public loans in the territories of the member States; refusal to allow stock issued elsewhere to be quoted on the official Exchange, and even withdrawal of any previous permission for the quotation of the stock of such State.

The sanctions thus provided will be all the more efficacious and their application will be all the more prompt, in that the member States will have previously arranged to protect themselves against any reprisals to their prejudice, by means of an economic organization adapted to facilitate their cooperation and mutual assistance.

This rough outline will show that the League of Nations will not be without weapons with which to enforce its decisions, and to im-

pose on any disturbing elements that "Peace by Justice," the maintenance of which will be its raison d'être.

III.

Military Sanctions.

(i) International Forces.

The execution of the military sanctions of land or at sea shall be entrusted either to an international force, or to one or more Powers members of the League of Nations, to whom a mandate in that behalf shall have been given.

The International Body shall have at its disposal a military force supplied by the various member States of sufficient strength:

(1) to secure the execution of its decision and those of the International Tribunal;

(2) to overcome, in case of need, any forces which may be opposed to the League of Nations in the event of armed conflict.

(ii) Strength of International Contingents.

The International Body shall determine the strength of the international force and fix the contingents which must be held at its disposal.

Each of the member States shall be free to settle as it deems best the conditions under which its contingent shall be recruited.

The question of the limitation of armaments in each of the member States will be dealt with elsewhere.

(iii) Permanent Staff.

A permanent international Staff shall investigate all military questions affecting the League of Nations. Each State shall appoint the officer or officers who shall represent it, in a proportion to be determined later.

The Chief and Deputy Chiefs of Staff shall be appointed for a period of three years by the International Body, from a list sub-

mitted by the member States.

(iv) Functions of the Permanent Staff.

It shall be the duty of the permanent International Staff to deal, under the supervision of the International Body, with everything relating to the organization of the joint forces and the eventual conduct of military operation. It will in particular be charged with the task of inspecting international forces and armaments in agreement with the military authorities of each State, and of proposing any improvements it may deem necessary, either in the international military organization or in the constitution, composition, and method of recruiting of the forces of each State.

The Staff shall report the result of its inspections, either as a matter of routine or at the request of the International Body. Military instructions shall be given in each member State in accordance with rules designed to procure, as far as possible, uniformity in the armaments and training of the troops destined to act in concert.

The International Body shall be entitled, at any time, to require that the member States introduce any alteration into their national system of recruiting which the Staff may report to be necessary.

(v) Commander-in-chief and Chief of General Staff.

When circumstances shall so require, the International Body shall appoint, for the duration of the operations to be undertaken, a Commander-in-chief of the international forces.

Upon his appointment, the Commander-in-chief shall nominate his Chief of General Staff and the officers who are to assist him.

The powers of the Commander-in-chief and his Chief of General

Staff shall cease when circumstances become such that an armed conflict is no longer to be feared, or when the object of the military operations has been attained.

In either case, the date at which the Powers of the Commander-in-chief and the General Staff shall cease shall be fixed by a decision of the International Body.

IV.

Scope and Functions of the International Body.

Public opinion among civilized nations, which regards The Hague Conference as a step towards the recognition and application of the principle of justice and equity as guarantees of the security of States and the well-being of their peoples, is unanimously demanding a fresh effort in the same direction. Although it has seen arbitration applied in cases of ever--increasing importance, and likewise the creation of an international judicial organization and the institution of a system of enquiry and mediation, it still considers as indispensable the establishment of more concrete guarantees, in order that peace may be secured by the reign of organized justice.

The question thus arises of the institution of a permanent international Body to carry into effect the real aims of the League of Nations.

There is no question of making the League of Nations a super-State or even a Confederation. Any such idea is rendered impossible by respect for the sovereignty of States, by the diversity of national traditions and of political and judicial standards, by the differences in systems of administration and opposition of economic interests; but public opinion among the free nations would be disappointed if the result of the present crisis were not

to be the institution of an International Body capable of contributing, by constant vigilance and the exercise of sufficient authority, to the maintenance of peace.

In conformity with the statement of principles adopted by the Commission on the 18th January, this Body, constituted in the form of an International Council, will derive its authority from the reciprocal undertakings given by each of the member nations to use its economic, naval, and military power in conjunction with the other members of the League against any nation contravening the Covenant of the League.

(i) Maintenance of Peace Between the Member Nations.

The Council shall devise and apply all means for the prevention of international disputes.

To this intent--

1. The International Council shall maintain and develop the International legal institutions created at The Hague and call for international decisions to supplement them as may be required.

2. The International Council shall, either at the demand of the parties or at the instance of a third State, effect an amicable settlement of differences menacing peace between the member States; in default of any such demand, (it shall be bound to take the initiative as regards such settlement.)

3. It shall, in the first place, proceed either by means of good offices, and of mediation (preceded, if necessary, by an enquiry in the terms of the First Hague Convention of 1907), or by reminding the disputant States that the permanent Court is open to them.

4. Should no amicable settlement be thus obtained, the Inter-

national Council shall consider whether the question is of a legal nature, in which case it shall order the disputant States to submit their difference to the Court of International Jurisdiction, which is competent to deal with the matter in the terms of Section IV of the First Hague Convention; in default of a compromise being effected by agreement between the parties, the Court of The Hague shall be competent to draw up such compromise by extension of Article 53 of the said Convention;

5. The International Council shall ensure the execution of the decisions of the International Court, if necessary, by resorting to the application of diplomatic, legal, economic, and military sanctions.

6. Should the International Council consider that the matter is not of a nature to be finally settled by a legal decision, it shall deal with the question direct.

It shall in the first instance attempt to promote an amicable settlement, and, should it not itself be successful in so doing, it shall define the terms according to which the dispute shall be settled in a manner which shall respect the rights of each State and the maintenance of peace.

This decision shall be notified to the States concerned, it being intimated to them that as from such date no dispute exists between the contestant States, but between the entirety of the member States and the State which, by refusing to accept such Decision, violates the very principles of the League. Should the State concerned refuse to accept the decision after having been summoned to do so, the International Council shall notify to it the coercive measures of a diplomatic, legal, economic, or military

nature to be taken against it within a specified time

(ii) Defence against Non-Member States.

Should a non-member State attempt to impose its will on any member State upon any pretext whatsoever, the International Council, shall, after having employed all possible means of conciliation, decide upon the steps to be taken and shall cause all legal, diplomatic, and military action at the disposal of member States to be employed against such State.

(iii) Precautionary Measures against the Spread of any Conflict between Non-Member States.

Should conflict threaten to break out between two nations who are not members of the League of Nations, the International Council shall be bound to prevent any risk of its extension in such a manner as to concern member States, and to use all means in its power to arrive at a peaceful settlement.

V.

Composition of the International Council, and of the Permanent Delegation.

The International Council representing all the nations subscribing to the Covenant for securing peace by organized legislation shall be constituted as follows:-

1. Each member State shall be represented by the head of its Government, or by a representative of such Government having sufficient power to bind the liability of his State.

2. A plenary meeting of the International Council alone shall be empowered to decide questions coming within its jurisdiction. It shall make known the rulings given in the case of disputes between States, and, should any such State refuse to accept the

ruling, it shall cause the (corresponding) sanctions to be carried into effect by the governments of the member States.

3. The International Council shall hold its ordinary meeting once a year. The date and place of the following meeting shall be settled at each such meeting.

4. The members of the International Council shall agree inter se concerning the appointment of members of the Permanent Delegation which shall, between the meetings, receive all communications destined for the said Council, prepare its reports, etc., keep its archives in safe custody, and, in cases of emergency, send out notices to members of the Council and propose the calling of a special meeting,

5. The Permanent Delegation shall consist of 15 members. Their term of office shall be years, and they shall be eligible for reelection.

6. The International Council shall define the powers of its Permanent Delegation.

7. The International Council shall call an extraordinary meeting at the suggestion of the Permanent Delegation (see paragraph 4 hereof), or at the request of one or more of the member states.

June 8, 1918.

Appendix II.

Official Number: Conference D. 56
Geneva, February 5th, 1932.

Proposals Of The French Delegation.¹

The Government of the Republic, conscious of the gravity of the problem to be solved, is convinced that, in accordance with previous work of the League of Nations, the Conference should deal with this problem as a part of general policy.

This is all the more important since it meets at a time of economic and moral tension, at a time of general disturbance and uneasiness, when events emphasise the absolute necessity of a better organisation in a tormented world.

The Government of the Republic is anxious to honour the promise contained in its memorandum of July 15th, 1931, and to reply to the repeated appeals made by the League of Nations, notably in the resolution of the Assembly of 1927. It intends thus to fulfil a double duty.

It assumes that, on the basis of the draft Convention of 1930, action will be taken with the least possible delay.

Further, it presents herewith proposals for placing civil aviation and bombing aircraft, and also certain material of land and naval forces, at the disposal of the League of Nations* for the creation of a preventive and repressive international force;

(* Or, in the case of the accession of States non-members of the League of Nations, of which several have taken part in the work of the Preparatory Commission, at the disposal of the international authority which would be constituted to ensure their co-operation.)

1. See League of Nations; Conference for the Reduction and Limitation of Armaments, Conference Documents Vol. I, pp. 113-116, Geneva 1932.

for the political conditions upon which such measures depend; and, lastly, for new rules providing for the protection of civil population.

I. Proposals to Place Civil Aviation and Bombing Aircraft at the Disposal of the League of Nations.

The Government of the Republic proposes, in the first place, to the Conference a series of measures dealing with the newest arm of war, now increasing immoderately in size and technique with consequent disorganisation of prices and international competition--this war arm whose character is the most specifically offensive and the most threatening to civilians.

Bombing machines capable of carrying great loads and having a wide radius of action which enables them to conduct operations far within the territory of belligerent countries offer the aggressor a particularly cruel weapon for use against non-combatants. It is to such machines that the following provisions refer:

1. Internationalisation of Civil Air Transport under a Regime to be organised by the League.

This internationalisation, already studied by certain Governments for economic and financial reasons, would include:

(a) The undertaking by the Contracting parties not to permit their nationals to construct (with the exception of orders placed in accordance with the conditions fixed in paragraphs (b), (c) and (d) hereafter) or to employ machines capable of military use. The maximum unladen tonnage of authorised aircraft will be to this end and in accordance with the advice of their experts, limited by the Contracting parties to x tons for aeroplanes, x' for seaplanes and x'' cubic metres for dirigibles.

(b) The creation of an international civil air transport service entrusted to continental, inter-continental or inter-colonial organ-

isations, to operate air transport under the auspices of the League of Nations, which alone will have the right to build and to use machines of greater tonnage than that indicated in the preceding paragraph.

(c) The right to create lines between the home country and colonial territories presenting particular interest for one or more of the Contracting parties, provided always that they undertake to bear the costs, if requested to do so by the League of Nations, and that they submit to the League for its approval the number, the type and the unladen tonnage of the machines to be used.

(d) The fair distribution, according to their capacity, between the aviation industries of the different countries, of orders for material for international civil aviation, in accordance with conditions to be fixed in an annexed convention.

(e) The exclusive, permanent and inalienable right for the League of Nations to requisition all machines for the International Civil Air Service.

(f) The guarantee of the Contracting Parties not to place an embargo on machines belonging to the International Civil Air Service and not to sequester them, but to facilitate the League's right of requisition by all means in their power.

This internationalisation of civil aviation is the necessary condition of the proposals which follow.

2. Limitation of Bombing Aircraft.

The problem to be solved has two aspects of equal importance.

On the one hand, it is necessary that, in order to carry out its preventive and, if need be, its repressive action against war, the League of Nations should dispose of a superiority in air strength.

On the other hand, it would be inadmissible for a State suffering from an air bombardment, in violation of the rules laid down in Chapter V below, not to retain the full use of all its air strength in order to reply to this flagrant act of aggression.

In order to reconcile these two necessities, the Government of the Republic proposes:

(a) The contracting parties undertake not to retain, or not to build in the future for their military air forces, machines having an unladen tonnage exceeding a limit to be fixed by the contracting parties in consultation with their experts, at y tons for aeroplanes, y' tons for seaplanes and y'' cubic metres for dirigibles.

Machines of tonnage above this limit will be set aside for the constitution of an international military air force. Consequently, they will be transferred by those contracting parties who own them when the Convention comes into force, to the League of Nations which will decide where they have to be stationed and will organise the command of the International Air Force.

(b) In the military air forces of the different States, two categories must be distinguished:

(1) Machines which will be left, in all circumstances, at the disposal of the Military Air Forces, and the unladen tonnage of which will be decided by the contracting parties after consultation with their experts and will not exceed z tons for aeroplanes, z' tons for seaplanes and z'' cubic metres for dirigibles;

(2) Machines the unladen tonnage of which comes within the limits y and z and which will conform with the rules of paragraph (c) below.

(c) The inclusion of aeroplanes, the unladen tonnage of which comes between z and y tons, in the Air Forces they are entitled to possess, is only authorized to those contracting parties who under-

take to place them at the disposal of the League in the eventuality of the application of Article 16 of the Covenant and of common action by the League of Nations. These machines will be permanently under the inspection of the League.

(d) Any contracting party suffering from an air bombardment in violation of Chapter V below, on the sole condition that it notifies the League of Nations, will be entitled immediately to use all its air forces including those machines earmarked to be at the disposal of the League of Nations. The contracting party will also, ipso facto, be freed from its own obligations vis-a-vis the aggressor.

The above provisions, while ensuring to the League its superiority of air strength, result in limiting bombing aircraft as regards number, power and use.

II. Proposals to Place Certain Material of Land and Naval Forces at the Disposal of the League of Nations.

The same problem arises in the case of certain land and naval material as arises in the case of bombing aircraft. The French delegation offers a similar solution--namely:

(a) Only those Powers which undertake to place them at the disposal of the League of Nations in the event of the application of Article 16 of the Covenant and of common action by the League shall have the right to possess such materials;

(b) In the case of aggression contrary to the rules laid down in Chapter V of the present proposals, the said Powers, after notifying the League of Nations, will recover the full right to dispose of all such means of defence;

(c) The material coming under the present section includes:

Batteries of heavy long-range artillery;
Capital ships carrying guns exceeding 8 inches or of a tonnage exceeding 10,000 (W.T.) tons;
Submarines with a tonnage exceeding n tons.

III. Creation of an International Force.

The object of the third French proposal is to set up on behalf of the League of Nations and apart from the measures provided in Chapters 1 and 2:

(1) An international police force to prevent war;

(2) A first contingent of coercionary forces to repress war and to bring immediate assistance to any State victim of aggression.

(a) The police force will be permanently available with complete freedom of passage to occupy in times of emergency areas where a threat of war has arisen, and to assist the action of commissioners of the League of Nations on the spot, and also to contribute to all conservatory measures within the scope of the Convention to improve the Means of Preventing War and of Article II of the League Covenant.

This police force will be made up of contingents furnished by each of the contracting parties in a proportion to be determined. France is prepared to contribute a mixed brigade, a light naval division and a mixed group of reconnaissance and fighter aircraft.

The League of Nations will arrange for the command of the international police force and will be entitled to inspect its component elements.

(b) The first contingent of coercionary forces would, in conformity with the undertakings to be assumed by contracting parties, be made up of elements of strength varying according to the regions concerned.

These undertakings entered into by States towards the League of Nations would oblige them to come to the help of any

State victim of aggression with forces of definite strength constantly available. The contracting parties would have the option of increasing this contribution on the recommendation of the Council of the League (Paragraph 2 of Article 16 of the Covenant) or, in the event of aggression, with a view to applying regional conventions of mutual assistance coming within the scope of the Covenant.

The undertakings of the various States would differ according to the place of the conflict--a conflict concerning another continent from that to which the State belongs; a conflict concerning the continent to which the State belongs; a conflict in which the aggressor has a common frontier with the contracting State.

France is prepared to undertake the following contributions:

In the case of a conflict outside Europe: a mixed brigade, a light naval division, a mixed group of aircraft, material for land warfare without personnel, and munitions;

For a conflict in Europe: a division of all arms, a naval division, a mixed group of aircraft, material for land warfare with personnel, and munitions;

For a conflict in Europe in which the aggressor has a common frontier with France the contingents provided for in the preceding paragraph, and, in addition, forces, the strength of which would be decided in each case in agreement with the League.

As far as material for land warfare is concerned, the contracting parties which possess tanks or similar armoured implements, as well as heavy field artillery, undertake to contribute from them to the forces which will be placed at the disposal of the League under the conditions mentioned above.

In these various eventualities the undertakings of each State would only become operative if the forces thus placed at any

moment at the disposal of the League reached a minimum total to be determined, and if there were equitable proportion between the contributions of the principal States.

IV. Protection of Civilian Populations.

In addition to the preceding provisions, the Government of the Republic proposes the adoption of the following rules which can be adopted unconditionally:

(a) The use by aeroplanes and by land or naval artillery of projectiles which are specifically incendiary or which contain poison-gases or bacteria is forbidden, whatever the objective.

(b) Any bombardment either from the air or by artillery is forbidden at a distance of more than x kilometres from the front line in land warfare. The only exceptions admitted to this rule concern the bombardment of air bases used by belligerents or of the emplacements of long-range artillery.

(c) Along the coast air bombardment is forbidden behind a zone of a depth of x kilometres except on air bases and on batteries of artillery. In this zone of x kilometres air bombardment is not permitted except under the conditions laid down by Convention IX of The Hague for naval artillery acting with or without preliminary warning according to the cases mentioned in Article 2 of the said Convention.

(d) The use of naval artillery will continue to be governed by the provisions of Convention IX of The Hague.

(e) Any flagrant violation of one of the rules stated in the present chapter will be regarded as prima facie evidence that the State guilty thereof has resorted to war within the meaning of Article 16 of the Covenant of the League of Nations.

V. Conditions for the Organisation of Peace.

The Government of the Republic is fully aware that the above proposals entail political measures, which alone permit and guarantee their successful operation.

It affirms once more that no substantial reduction of armaments can be brought about by empirical and technical means. Whoever desires the end--and the end is essential--must also desire the means. There must be a change of method; in future we must seek in common action that security which each nation has hitherto endeavoured to abstain from its own force alone.

This is the very spirit of the Covenant. We must give vitality to its stipulations, which, ever since we began to discuss their application, have been constantly interpreted along the line of least resistance.

The present Conference offers the best opportunity that has ever occurred to make a definite choice between a League of Nations possessing executive authority and a League of Nations paralysed by the uncompromising attitude of national sovereignty. France has made her choice. She suggests that the other nations should make theirs.

The measures without which the above proposals would be ineffective and even unthinkable include amongst others compulsory arbitration; definition of the aggressor; guarantees as to the rapidity of the decision of the authority controlling the international law, which is still insufficiently precise, but the permanent and contractual elements of which result from international treaties and pacts; and the international control of the execution of all agreements concerning armaments.

These provisions, in regard to which the French delegation reserves the right to make concrete proposals are an integral part

of the enquiries carried out by the League of Nations during the last twelve years. All the elements of the necessary solution are brought together.

Such a solution would be not only an important step towards a general and contractual limitation of armaments and towards their reduction, but also a great advance in the organisation of peace.

As the proposed organisation would have to be general, the execution of the undertakings which the various Powers would declare themselves ready to accept will be held in suspense until the ratification of the final Convention by all the contracting parties.

The Government of the Republic furnished in its Memorandum of July 16th, 1931, and in the Annexes to that Memorandum precise details of the modification of its armaments and the reductions which it has already brought about of its own accord, in execution of Article 8 of the League Covenant, since it came into force and since the conclusion of the Locarno Agreements.

These reductions, which the political conditions based on the existing order of things have rendered possible to France, are a pledge of her determination not only to fix them by treaty, but also, once co-operation has taken the place of isolation, to endeavour to achieve further reductions on the lines of the present proposals and of the fundamental guarantees to peace which these proposals would ensure.

Annex.

Explanatory Table of Chapter I of the above Proposals.

<u>Military Aircraft</u>	<u>Tonnage</u>	<u>Civil Aircraft</u>
Bombing machines capable of carrying great loads, set aside for the International Air Force; not allowed for national aircraft.		
Y-----Y		
National aircraft placed at the disposal of the League in the eventuality of the application of Article 16 of the Covenant.		International Air Transport Service
Z-----Z		
Military aircraft left, in all circumstances, at the disposal of the contracting parties.		
	X-----X	Private Aircraft.

Note--X, Y and Z to be determined by the Conference.

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Geneva, November 14th, 1932.

Memorandum by the French Delegation.¹

In putting forward the proposals contained in the present memorandum, the French delegation lays no claim to direct the work of the Conference into entirely new channels. Having endeavoured to interpret the lesson to be drawn from the discussions which have been pursued at Geneva for the last eight months and adhering to the resolutions already adopted, it hopes that a large number of delegations will recognise the expression of their own views in the proposals which it is putting forward, and that the Conference, after studying this text, will find therein a system which, combined with previous proposals and particularly with those of President Hoover, will enable it to bring its task rapidly to a successful conclusion.

From the debates which have been going on since February 2nd, 1932, certain lessons may be drawn.

It is now realised that "the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations" cannot be hoped for unless account is taken, as provided in Article 8 of the Covenant, of the geographical situation and special conditions of each State and even of each continent.

It is also realised that the possibility of a reduction of armaments is closely bound up in the minds of Governments with the conditions of security which exist or which may be created.

1. See League of Nations; Conference for the Reduction and Limitation of Armaments, Conference Documents, IX. Disarmament 1932. IX. 58.

At every stage of the debates, this notion of security, conceived not only for the advantage of one or several countries, but in the interests of all, has re-appeared. Thus the problem before us has revealed itself to be political as much as technical; in the sphere of disarmament and in the sphere of security progress must be made on parallel lines.

With this conclusion is connected another, which on the occasion of the discussions aroused by President Hoover's proposals met with unanimous approval--namely, that the task which lies before the Conference consists in increasing the comparative power of the defence through decreases in the power of the attack. With this end in view, reductions of effectives and quantitative and qualitative reductions of material have been contemplated. Considered from the aspect of material alone, there appeared to be a danger that the problem would prove insoluble; then, when effectives came to be considered, the difficulty arose of comparing different types of military organisation, each of which has its own special requirements and uses. The French delegation is convinced that the Conference, if it is to succeed, must not hesitate to examine the problem as a whole. It is much less important to enquire whether a particular type of material can facilitate aggression than to determine the form of military organisation which in a given area and in given political conditions would make a policy of aggression more difficult. Once this has been determined, the different armies of the area considered will by degrees have to be brought into line with this type.

By this method, and by this method alone, can a solution be found for a problem which has recently arisen in an acute form before the Conference.

While the French Government has objected to the conditions in which the claim for equality of rights has been put forward, while it does not recognise the force of the legal arguments on which this claim is based, and while it persists in the belief that any solution involving re-armament would be unacceptable as being contrary to the very purpose of the Conference, it has never denied that the problem was among the political problems brought up before the Conference, as was stated by the French Prime Minister on July 22nd, 1932, in the General Commission. The French delegation has every confidence that its proposals would permit of an equitable solution of this problem in the interests of general peace by the progressive equalisation of the military status of the various countries and by an equal participation in the burdens and advantages of the organisation of common action, all question of re-armament being ruled out.

Such being the complexity and multiplicity of the questions which are before the Conference, the French Government considers that it would be vain to endeavour to solve them all here and now by means of a plan of universal application. It therefore proposes that--subject to the adoption of a General Convention defining for all the Powers their obligations as regards limitation, reduction and supervision of land, sea and air armaments--provision should be made for an organisation for Europe capable of solving the problem of the reduction of armaments in that continent both in its political and in its technical aspects. The arrangements to be concluded will fix the reciprocal measures, whether more extensive or more definite, regarding limitation, reduction and supervision, which the States participating in this organisation will accept as

a counterpart for mutual obligations in the matter of security and in relation with the conditions peculiar to Europe and to each one of them.

The French Government hopes that this European system will appear, to the Powers which will not belong to it, to be of sufficiently great general importance, from the point of view of the consolidation of peace, for them to render its application possible by agreeing, for their part, to give full effect to the guarantees arising out of the pacts by which they are already bound: the Pact of Paris or the Covenant of the League of Nations. Without this acceptance the plan would be impracticable.

Accordingly, the French delegation has the honour to submit to the General Conference for the Limitation and Reduction of Armaments the following proposals which form an indivisible whole.

PROPOSALS.

Chapter I.

All the Powers taking part in the work of the Conference shall be called upon to establish in an effective manner the following principles, which are generally recognised to be a necessary consequence of the Pact for the Renunciation of War:

(a) Any war undertaken in breach of the Paris Pact is a matter of interest to all the Powers and shall be regarded as a breach of the obligations assumed towards each one of them;

(b) In the event of a breach or threat of breach of the Paris Pact, the said Powers shall concert together as promptly as possible with a view to appealing to public opinion and agreeing upon the steps to be taken;

(c) In application of the Pact of Paris outlawing war, any breach

of that Pact shall involve the prohibition of direct or indirect economic or financial relations with the aggressor country. The Powers shall undertake to adopt the necessary measures to make that prohibition immediately effective;

(d) The said Powers shall declare their determination not to recognise any de facto situation brought about in consequence of the violation of an international undertaking.

Chapter II.

The application of the principles laid down in the previous chapter will make it possible to give full effect to the obligations devolving upon the Members of the League of Nations under the Covenant and under the treaties they have concluded in conformity with the principles of the Covenant: the General Convention on Means of Preventing War, the Convention for Financial Assistance.

France considers the effective and loyal application of Article 16 of the Covenant as an essential element of the plan she has worked out.

Chapter III.

The special organisation for Europe, which has already received a first realisation in the Locarno Treaties--which it must be understood must not be affected by any of the provisions of the present plan--will involve political arrangements and military arrangements. This organisation entails in the first place their acceptance by a sufficient number of Powers, regard being had to their importance and geographical position, in order that the security of each of them should be ensured in all circumstances.

Section A.

The fundamental object of the political arrangements will be to define the conditions in which each of the States forming part

of the European organisation will be entitled to the co-operation of the other contracting States.

1. These arrangements will establish the right to assistance when a territory under the authority of one of the signatory Powers is attacked or invaded by foreign forces. An aggression as thus defined cannot be taken to include certain cases such as the existence of an agreement to the contrary, the case of self-defence (i.e., the repulsing of armed forces which have entered by violence the territory of the State which is defending itself), and action undertaken in execution of Article 16 of the Covenant of the League of Nations or specially authorised for any other reason by the Council or Assembly of the League.

2. The object of the assistance will be to put an end to the aggression, and to create a de facto situation which will allow of a fair settlement of the consequences of the aggression.

3. The Council of the League of Nations will decide that assistance shall be given on simply ascertaining that an attack or invasion has taken place.

In order to facilitate any steps that may be necessary to ascertain the facts, there shall be established in each of the signatory States a commission consisting of diplomatic agents and military, naval and air attaches accredited to the Government of that State, the members of this commission being appointed by the Council of the League of Nations. Any State which believes itself to be threatened or alleges that it has been attacked may demand that the necessary measures be taken to establish the facts.

4. The peaceful settlement of disputes between States which have signed the European agreement will be ensured by the compulsory

accession of those States to the General Act of Arbitration.

Should one of the signatories refuse to conform to the methods for the peaceful settlement of disputes, or to execute an arbitral award or judicial decision, or to take necessary action when the Council of the League has established that there has been a breach of an international undertaking, the other party will submit the matter to the Council, which will decide what steps are to be taken. The contracting Powers will lend assistance in carrying the decision into effect.

5. In the cases considered above, the Council's decisions will be taken by a majority vote.

6. To enable first-aid to be given without delay to any State entitled to the assistance provided for in paragraphs 2, 3 and 4 above, the contracting Powers will agree to the specialisation of portions of their military forces under the conditions laid down in Section B below.

Section B.

Corresponding to the political arrangements in section A above, there will be military arrangements aiming, on the basis of an equality of defensive status, at:

(1) Reducing the offensive character of the national forces in accordance with the principle laid down in the American proposal of June 22nd last;

(2) Specialising certain elements with a view to the most urgent operations involved in the common action provided for in paragraph 1 of Article 8 and paragraph 2 of Article 16 of the Covenant of the League of Nations.

I.

(a) The land forces assigned for the defence of the home frontiers of the States of continental Europe will be reduced to a uniform general type--that of a national short-service army with limited effectives--not adapted to a sudden offensive.

For this purpose, under the conditions defined in paragraphs (b), (c) and (d) below, as and when those conditions are fulfilled, the said forces will be organised on the following bases:

Their effectives and period of training shall be fixed so as to secure their defensive character, in conformity with the provisions of Article 8 of the Covenant of the League of Nations--that is, in such a way as to ensure the national security of each State, taking account of its geographical situation and circumstances. In particular, the numerical limitation of the short-service effectives will be adapted to the inequalities and variations of the resources of recruitment of the various signatory Powers; the same will apply to the period of training, which will have to include, in a form to be determined, the time spent in pre-regimental training or in military training received, for example, in political organisations.

(b) Apart from the specialised elements for common action referred to in paragraph II, no contracting party will be able to retain in the forces assigned for the defence of its home territory units consisting of professional effectives or soldiers serving longer than the period fixed for its national army.

(c) The professional or long-service effectives (instructors, specialists and cadres) of the national armies referred to in paragraph (a) will be limited on common bases and in relation to the effectives of those armies.

(d) The effectives of home police forces of a military character, more especially those living in barracks, will be limited on a basis of calculation common to all signatory States. Any excess over the figure resulting from these calculations must be set off by an equivalent reduction in the effectives defined in paragraph (c).

(e) There shall be prohibited, for the national armies of the contracting Powers, at least all powerful mobile material, especially such as would facilitate an attack on permanent fortifications (powerful artillery and powerful tanks). It is quite obvious that the General Convention will have to be established in conformity with these restrictions of material and with the provisions which follow.

II.

(a) Each of the contracting Powers will place permanently at the disposal of the League of Nations, as a contingent for joint action, a small number of specialised units consisting of troops serving a relatively long term and provided with the powerful materials prohibited for the national armies.

In order to be able, at the first call from the League of Nations, and according to plans drawn up by a delegation of the League's Permanent Advisory Commission, to provide the speedy aid to which any State party to the European arrangements would be entitled in the conditions contemplated in Section A above, these specialised contingents will be kept constantly ready for action, and will be formed on similar lines. The Convention will stipulate the quota to be contributed by each State for such purpose.

(b) Apart from the normal armament of the contingents contemplated above, any mobile land material which is prohibited for the national armies contemplated in Section I will be stored in each of the contracting States under international supervision. These stocks will, if necessary, be placed at the disposal of the parties in aid of which collective action is taken.

(c) Any contracting party engaged in legitimate self-defence,

as defined in the political arrangements in Section A above, will regain the free use of the contingent maintained by it and of the stocks of materials in its territory.

III.

In all the contracting Powers, war materials, both those of the national defensive armies and those of the contingents for common action, will gradually be made uniform, their manufacture being internationally supervised and organised.

IV.

There will be organised among the contracting Powers a regular and permanent supervision of the execution of their obligations in regard to their armaments. This supervision will involve an investigation at least once a year.

V

The general organisation--to be established within a period to be fixed--being defined on the foregoing bases, the successive stages of its establishment will be settled, all arrangements being made for any of the parties concerned to be given at any time the necessary safeguards in regard to effectiveness and the value of the forces to be compared, and to ensure that there is no increase of forces or expenditure on armaments for any State, apart from any exceptions duly justified and accepted by the Conference.

Chapter IV.

Naval and oversea forces are evidently not affected directly by a continental system of the kind set out above.

They stand primarily in relation, on the one hand, to the special needs for the protection of the territories for which certain Powers are responsible overseas, as well as for the defence of the coasts of the home country or colonies and of the communication

by sea, and on the other hand to the naval or military forces of such Powers as may not be parties to the arrangements proposed in Chapter III.

That will not make it any less necessary to maintain the interdependence of the general system of military reductions adopted on the European continent and of the limitation of sea and oversea armaments.

Oversea forces should strictly, therefore, be calculated and specialised for the particular tasks incumbent upon them; the resulting limitations shall be fixed by the General Convention.

As regards naval forces, the solutions to be contemplated, whether in connection with security or in connection with the limitation and reduction of armaments, necessarily find a place within a general framework applying equally to all maritime Powers. But the conclusion at the Washington Conference of the Pacific Agreement which made possible the signature of the Naval Treaty of 1922 has clearly shown the advantage of regional understandings of a political character for the purpose of facilitating the reduction of fighting fleets. If such was the effect of an agreement whose scope was limited to certain restrictions on the use of naval bases and a simple undertaking on the part of the signatories to consult one another, it is reasonable to suppose that very much larger reductions of tonnage would be facilitated by agreements organising, with all the necessary stipulations of detail, the co-operation of fleets in cases analogous to those contemplated in Section A of Chapter III. This applies in particular to the case of the conclusion of a Mediterranean Pact between the naval Powers concerned.

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However this may be, it is in accordance with the spirit of the Hoover proposals that, in the case of naval armaments as in that of land armaments, the principal reductions should be effected in those categories of vessels which have been recognised as the most offensive by means of the qualitative reduction of the characteristics at present fixed for certain types of war vessels.

As regards quantative reductions, since, under the terms of the Hoover proposal, "the naval armaments have grown up in mutual relation to one another", it will be desirable to look for "real and positive" reductions of tonnage, while leaving this relativity as it stands.

Consequently, subject to a special system applicable to fleets whose aggregate tonnage does not exceed 100,000 tons, the uniform percentage of reduction to be accepted should apply to the aggregate tonnages declared in 1931 by the different naval Powers in reply to the questionnaire of the Council of the League as to the position of their armaments.

It is unnecessary, from the standpoint of armaments, to distinguish, in the case of naval forces, between general and specialised forces. But, for the purpose of supplementing at sea the land action provided for in Chapter III, Section B, II, every contracting Power possessing naval forces shall, when called upon by the League of Nations, supply the emergency assistance to which any State which is a victim of aggression would be entitled under the conditions laid down in Chapter III, Section A. Such assistance shall include a certain proportion of vessels of every category, that proportion being stipulated beforehand in the Convention.

Chapter V.

It is clear that, like the naval forces, the air forces cannot be directly affected by a continental system like that outlined in Chapter III. Nevertheless, in the matter of reduction of air armaments it would now appear possible to take a most important step forward within the framework of the General Convention, in view of the fact that the Conference, acting on the proposals put before it for qualitative disarmament (to which were added the proposals of President Hoover), provided in its resolution of July 23rd last for the total prohibition of bombardment from the air, subject to special guarantees of security in connection with non-military aviation.

It will be all to the good, however, if these results are defined, when the time comes, in a regional system, which can be made even more effective in the case of the air, if all the great air Powers of Europe--continental and non-continental--agree to participate.

Consequently, in addition to the provisions already proposed in the draft Convention of the Preparatory Commission, the French delegation proposes the following body of measures:

(1) All bombardment from the air shall be prohibited and bombing aircraft shall be abolished under the conditions for which the resolution of July 23rd provides;

(2) The necessary provisions for this purpose shall be settled in principle by the General Convention; but these will be supplemented by a special arrangement with regard to the air, applicable to Europe alone, regarding points which do not form part of the general agreement --in particular, concerning the establishment of

a "European Air Transport Union", which will entrust the management and supervision in Europe of public air-transport to an international body, and will ensure the application of a system of safeguards against the use of civil aircraft for military purposes;

(3) The importance of the obligations assumed in connection with the air is so great, and the consequences of their violation would be so serious, that it appears essential to give the League of Nations, at any rate in Europe, a powerful means of action capable of immediate intervention as necessity arises to guarantee the execution of the obligations in question. Specialised air units, as in the case of the land army, possessing more powerful machines and more powerful equipment than the ordinary air units, will be able to place adequate means of action at the disposal of the League.

Going still further in this category of ideas, certain delegations, including the French delegation, have already suggested the establishment of an organically international air force to be set up and maintained permanently by the League of Nations. The provision of material for the force will be made easier by the abolition of bombing aircraft in the different national air forces, these aircraft being handed over to the League in accordance with executory regulations to be drawn up. Staff will be provided by direct recruiting from volunteers of different nationalities in accordance with a quota system to be laid down.

In conclusion, be it noted afresh that the several parts of this plan constitute one indivisible whole. Examination has shown it to be based integrally on the application of the Pact of Paris and of the Covenant of the League of Nations, from which the French Government has declared its doctrine to be derived.

This plan can only be carried out by stages, each of these stages being justified and naturally introduced by the experience gained in the previous ones. This means that its success will depend on the progress of the confidence which must grow up between peoples and on the loyalty with which it is carried out. It presupposes the concentration of efforts and the determination to overcome the inevitable difficulties and not to sacrifice the realities of positive action to facile negations or criticisms.

France has desired to perform this duty, which is an imperative one for every country.

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