

Instruments of international order



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Instruments of international order

Internationalism and diplomacy,
1900–50

Edited by
Th. W. Bottelier and Jan Stöckmann

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The League of Nations and the new uses of sovereignty

Lukas Schemper

Introduction

The founding of the first international organisations in the nineteenth and early twentieth centuries introduced an important instrument into the international order. Their creation facilitated new forms of inter- and non-governmental cooperation and led to the emergence of international governance in a number of areas.¹ Already prior to the First World War, international organisations started to influence the foreign relations of states,² began early experiments in international administration,³ facilitated the emergence of common regional and later international standards⁴ and enabled the transnational circulation of ideas and expertise⁵ that led to the internationalisation of policies in scientific, technical, political, social and humanitarian fields. Historians and legal scholars have shown how the emergence of international organisations, both intergovernmental and non-governmental, changed the scope of state authority since the late nineteenth century.⁶ They emphasised the role of international organisations as vehicles for liberal ideas against central government authority,⁷ for anti-communism and for nationalism.⁸ They have also problematised how governments began to value 'interconnectedness' as 'an indispensable tool of power', yet were torn between profiting from that interconnectedness and retaining sovereignty, 'national authenticity, autarchy, and uniqueness' (Madeleine Herren), even expanding their domestic role into the domains of economic and social regulation.⁹

This tension between preserving sovereignty on the one side and benefiting from the advantage of international cooperation on the other intensified in an unprecedented fashion with the creation of the League of Nations (hereinafter, the League) in 1920. Over the course of the League's existence, national governments, international bureaucrats, experts and activists not only discussed international and transnational challenges, but also debated what role and authority international organisations would have in the post-war world and what would remain the sovereign preserve of the state. Consequently, as this chapter argues, the institution that claimed to be

the first universal world organisation had a decisive and lasting impact on how state sovereignty was conceptualised and practised.

What does it mean to conceptualise and practise sovereignty in different ways? Sovereignty is an elusive concept and appears in many shades. In the aftermath of the First World War, political thinkers defined sovereignty in various ways: as the monopoly of the state to use legitimate violence (Max Weber), the ability to decide on the conditions of exceptions (Carl Schmitt) or the representation of the people (Woodrow Wilson).¹⁰ The political idea of a supreme, unchecked authority was unachievable in reality, as it presupposed the complete autonomy of a sovereign state in the world. The inter-war legal theorists Nikolaos Politis and Hans Kelsen clearly pointed out the impossibility of reaching such a goal.¹¹ Bearing these limitations in mind, the contemporary legal understanding of sovereignty is the ‘totality of powers that states have under international law’.¹² Sovereign power embraces not only the organisation of domestic public authority, but also the control of cross-boundary movements, and the international level (e.g. the mutual recognition of states or other entities), or what political scientist Stephen Krasner has termed Westphalian sovereignty, the exclusion of external actors from intervening in domestic authority.¹³ It is this last definition of non-interference, shaped by the views of eighteenth-century thinkers such as Emer de Vattel or Immanuel Kant, that continued to dominate diplomatic and international legal practice after the First World War.

These different types and levels of sovereignty show that the concept of sovereignty is inherently socially constructed.¹⁴ However, this social construction may change with the historical or geographical context. For instance, to what extent does sovereignty reside in legal criteria for state recognition, the congruence of territory and people, supposed ‘standards of civilisation’ or the monopoly of state violence at a given historical moment and place? In the same vein, as this chapter will show, the history of the League is a perfect illustration of the potential malleability of the otherwise timeless concept of sovereignty, of how older notions of sovereignty and statehood were debated, contested, re-evaluated and either preserved or reinvented in the *fora* of the world organisation. Despite the global reach of the League, sovereignty remained a legal fiction to much of the world outside Europe, as it was infringed upon or openly denied to it. Nonetheless, as this chapter attempts to show, the League also was an instrument occasionally used by peripheral actors to elevate their status in the international system.

Given the ubiquity of the issue of sovereignty within the scope of the League’s activities, an increasing number of scholars have turned to the world organisation in their studies of this issue. This text makes use of such research to demonstrate how the various conceptualisations and practices

of sovereignty were *instrumental* in shaping the international order. There has been a plethora of new research on the world body since the topic's 'rediscovery' by Susan Pedersen and others about a decade ago, and the League's 100th anniversary in 2019–20 further spurred interest in its history.¹⁵ While early scholarship was primarily concerned with its impact on the relationships between states, with a focus on traditional diplomacy and matters of war and peace, the current literature has emphasised the transnational dimensions of the League's work, focussing on previously understudied actors and their roles in fields as varied as minority protection and health. This approach has occasionally resulted in a relative neglect of topics such as international security and disarmament. As this text shows, the two strands of literature are complementary in the sense that both contribute to our historical understanding of sovereignty.

Numerous historians have highlighted the perceived globalisation and collective management of sovereignty within the League supported by the proliferation of various transnational entities, hubs and associated interconnected systems. This chapter underscores the enduring importance of the concept of sovereign states and the acknowledgement of contentiousness over sovereignty within the operations of interwar intergovernmental organisations. The different elements mustered in support of this argument and around which this chapter is organised are: (1) the implications of the League's legal basis (the Covenant) for dealing with sovereignty claims; (2) the ways in which the League aided the design of new interventionist and state-like instruments of international administration; (3) how the problems associated with the League's work in disarmament and security were related to issues of sovereignty; and (4) how the League's work in the social and humanitarian domain struggled with problems of sovereignty and called for a reinvention of statehood. These examples demonstrate how the League standardised, strengthened, expanded and globalised the model of the sovereign nation-state.

Redesigning state sovereignty through the League's Covenant

One way to analyse the issue of sovereignty is through the lens of the League's legal foundation, the Covenant, which created an international order that was full of contradictions about the relationship between sovereign states. They were supposed to be the only legitimate agents of this new order, albeit their 'Wilsonian sovereignty' would henceforth be based on peoples' self-determination.¹⁶ All sovereign states could join the organisation – at least on paper – although the defeated states of the war were at first excluded from membership and the criteria for sovereignty of many peripheral states

had yet to be established. The idea of the sovereign equality of all member states (*de jure*) was nevertheless a break from the nineteenth-century system wherein this was never presented as the obvious solution to the problems faced by states. The League set an important precedent in this regard, but this should not disguise the fact that it was also, in Pedersen's words, a 'League of Empires and would-be empires, unequal in size, competing as well as colluding, but all determined to defend their right'.¹⁷ This was reconcilable with Wilsonian liberalism, because, following a civilisational line of thinking, Wilson believed that those people excluded by race would only become fully sovereign once they were 'ready'. Inclusion and equality were only available to those who were eligible for it. While arguments for civilisational standards still dominated much of the debate around the question of accession of new member states, the League's existence still signified a novelty in the history of self-determination. Not only were already recognised smaller states like Argentina, Colombia and Iran able to use the League to foster their position in the international system, some peripheral and semi-peripheral entities such as Ukraine and the Iroquois also used the League as a forum to seek recognition as sovereign states (albeit unsuccessfully).

The League's rules for accession represent a change from nineteenth-century civilisational standards to more concrete legal procedures. Rather than basing exclusion of territories or populations on racial, cultural or religious grounds, the recognition of state sovereignty was grounded on specific technical requirements such as settled frontiers, stable government or commitment to obligations of international law. While this enabled the successful accession of countries like China and Ethiopia as full sovereign members, the League's mechanism of collective security failed to protect these states' sovereignty in the 1930s against Japan and Italy, respectively. While other entities such as the Iroquois were not recognised as sovereign states, the fact that their appeal was even debated at the League through the support of other smaller countries can be seen as a trend towards more inclusive rules for state recognition.¹⁸

Gradually, the League created new criteria of inclusion and exclusion, of legitimisation and delegitimation for admission of sovereign states and for those entities striving for statehood. However, the question still remained about what the existence of the League actually meant for the exercise of sovereignty by those states eligible to join. For them, the League was conceived by the Entente Powers as the sum total of those states that indeed did compose it, not a non-state actor with state-like functions as its own source of sovereignty. Yet one could still argue that the League had more autonomy than initially planned. Its council functioned like a 'sovereign court' (Leonard Smith) to which aggrieved state parties could bring their problems and whose decisions could potentially be enforced through sanctions, the

use of military force, or other forms of coercion.¹⁹ From a technical standpoint, the League secretariat itself had extraterritorial status similar to a national embassy.²⁰

Lastly, on a practical level, the League did indeed devote a considerable amount of effort to the domestic space of states, and not the space between them. One could object that the Covenant did mandate the non-interference of the Council in purely domestic interstate disputes. However, the wording was so ambiguous in defining what constituted a domestic dispute that it worried isolationists and internationalists alike.²¹ Eventually, the League Council was charged with important functions such as territorial and financial administration, which traditionally were the sovereign prerogatives of states.

New forms of international administration

Although the creation of the League had brought the promise of self-determination and equality among states, it seldom succeeded in fulfilling it.²² On the one hand, for countries like India and the British dominions, accession to the League as founding members represented emancipation and a modicum of recognition of sovereignty at least.²³ On the other hand, the decision as to which of these 'proto-states' should receive the privilege of being promoted to League membership was selective and did not prioritise the promotion of fair representation for diverse groups within the new organisation.²⁴ The membership of some territories was straightforwardly denied, and they were incorporated into the structure of the League as non-self-governing territories. Following the above-mentioned principles of Wilsonian self-determination, the Allied Powers reluctantly agreed to govern the ex-Ottoman and German territories, which they had conquered during the war, under 'mandates' from the League until the people in these mandates would be deemed ready for sovereignty and statehood. The threshold for statehood was not well defined, however.²⁵ Nevertheless, as legal historian Antony Anghie has rightly argued, this new system for (allegedly) ensuring the protection of non-European peoples meant a turning away from nineteenth-century positivist international law that endorsed their conquest and exploitation.²⁶ Anghie expanded on the issue of exploitation that the creation of the mandates signified, describing it as a separation of sovereignty and (Foucauldian) government, the latter which was mostly based on the furthering of economic development and the control of the economy.²⁷ Pedersen concurred with her authoritative study, agreeing that the mandate system denied the conquered powers full sovereignty. Furthermore, the publicity that the bi-annual reports on the practices of imperial rule

in the mandated territories received changed the parameters under which the mandated powers could govern. This does not change the fact that neither the Covenant that created the Mandates Commission nor the Hymans Report (1920) that established the framework of the League's oversight regimen specified where sovereignty lay. Neither the mandatory powers nor the League or the mandated territories officially exercised sovereignty, an ambiguity that the mandatory powers could use to their advantage. The system allowed for zones in which sovereignty was completely separate from administrative authority or was entirely excluded.²⁸

More direct was the League's oversight of territories in Europe as part of its security and conflict resolution policies. The League came up with several innovations: in the Memel dispute, only its port was internationalised while the territory itself was governed under sovereign law by Lithuania. However, in the case of Danzig, a 'free city' was formed as a semi-sovereign state with a League-appointed external supervisor. While the city enjoyed an extensive level of self-government in internal affairs, its external affairs were controlled by Poland, an arrangement historically referred to as suzerainty.²⁹ There were also cases of direct administration, in which, by institutional agreement, the League had the last word (*de jure*) and assumed all functions previously handled by governmental authorities. Such an arrangement was put into practice only in the case of the Saar Basin (under the treaty of Versailles) and the district of Leticia, which resulted from a League Council decision to address the conflict between Peru and Colombia over the territory in 1932. Historians have emphasised the precursory nature of these agreements, which became precedents for future types of territorial administration by international organisations after 1945 and the dispatching of international peacekeeping forces to places like Trieste in 1947 and Kosovo in 1999.³⁰ Despite these successes, this international system of direct administration by the League had limits and imperfections. For example, the international force deployed to Leticia by the authority of an appointed international commission was composed *de facto* entirely of Colombian troops, which had the positive result of reassuring Colombia that its sovereignty over the territory would be respected, while guaranteeing Peru that its population would not be mistreated.³¹ Other research has shown that France clearly intruded into the internal affairs of the Saar as a member of the international commission during which it exploited mining rights, maintained French troops on the ground and used the franc as the official currency.³² The failure of direct international administration was particularly blatant in the aborted idea of creating an international peacekeeping force composed of a number of League members and non-members under the aegis of the international organisation. The plan was to allow for the organisation of a plebiscite in the Vilna region in the context of the

Polish–Lithuanian conflict of 1921 without violating the sovereignty of the conflict parties, but budgetary constraints and a lack of political will among the League members caused the project to fail.³³

The work of the League's Economic and Financial Organization on the stabilisation of the financial crises in Austria, Hungary, Bulgaria and Greece was not inherently territorial, yet it was deeply interventionist in terms of economic sovereignty.³⁴ It stood for a new form of global governance as represented also by other interwar international organisations such as the Bank of International Settlements, which operated in formerly protected and isolated domains of national economic policymaking, including certain development policies, austerity objectives and restrictions on certain products and exports.³⁵ An often-discussed example is Austria, which received financial aid in return for compliance with a programme of economic reconstruction, budgetary retrenchment and austerity. The country's leaders feared that Austria would be relegated to a mere colony of the League and its creditors because its economic stabilisation was overseen by a Commissioner General of Austrian Finances of the League. A foreign advisor was installed at the Austrian Central Bank, reminiscent of the early colonial precedents of financial stabilisation in Egypt and the Ottoman Empire. In the case of Hungary, too, its government accepted a weakening of its sovereignty in the short term, through financial reconstruction in return for the prospect of a bolstered sovereignty in the long term.³⁶ In most cases, however, foreign demands for the control of economic policies on tariffs, taxation, public spending or the management of currencies met fierce opposition, as any state that permitted an external authority to have significant control over its economic matters was seen as surrendering too large a part of its sovereignty. The above comparison with financial stabilisation in nineteenth-century Egypt and the Ottoman Empire shows the general belief that only non-sovereign states in imperial contexts could be subject to such interventions. Jamie Martin has recently argued that it was precisely during the interwar period that organisations such as the League 'open[ed] the internal economic spaces of sovereign states', in and beyond Europe, to foreign intervention under the banner of international cooperation rather than direct coercion, to make it appear less like imperialism. The stated goal of international cooperation made the interests of competing empires or the profits of powerful capitalist enterprises more readily acceptable to domestic audiences.³⁷ A counterargument to that claim is found in Nathan Marcus's recent work on the international financial control of Austria.³⁸ Despite the instrument of conditionality, the League was more 'respectful of national sovereignty than nineteenth-century creditors' and held opportunistic abuse by other states in check by setting strict rules and conditions.

Disarmament and security

Similarly intrusive for states were questions of international security that related to the issue of national disarmament. Although, deliberately, only certain issues of international security and disarmament were organised through the League (notable exceptions were the Washington Naval Conference of 1921–22 or the Treaties of Locarno of 1925), the task of disarming was explicitly mentioned in the Covenant as one of the League's main purposes. This was where public expectations and support were the greatest, and it is also where the League failed most spectacularly; hence, historical research on the League pictures disarmament as both the organisation's 'greatest crusade and its greatest disappointment'.³⁹ State sovereignty continues to be cited as the main obstacle to general disarmament, as it touches on the core competence that states were unwilling to give up. This tendency can be identified in the relevant disarmament articles 8 and 9 of the Covenant, whose contractual obligations were deliberately ambiguous and vague, exacerbating fears across the political spectrum of a transfer of national sovereignty to the League through an international disarmament agreement.⁴⁰ Andrew Webster has described the distrust with which governments viewed the expert civilian members of the League's Temporary Mixed Commission on Armaments, a 'semi-state-actor' whose independent experts must be considered as 'trying to serve two masters, both the League's disarmament vision and their own national interests'.⁴¹ Even the more technical work of compiling and disseminating data on national armaments through a yearbook as part of a strategy of creating trust and 'moral disarmament' had to face unwilling governments; the argument was that considerations of national security and sovereignty had to be respected in the process of collecting data, making comparison across states difficult.⁴²

Despite the easily identifiable impediment of sovereignty, research has shown that the study of apparent failures can be just as rewarding, historically, as the study of successes. New investigations have accordingly focused on the weak bureaucracy and lack of autonomy of the League's Disarmament Section (which was at least partly to blame for the failure of general disarmament);⁴³ internationalist activism for disarmament around the League (strong enough to influence national debates, but ultimately unable to support the League in producing a general disarmament treaty);⁴⁴ the role of women in both material and moral disarmament;⁴⁵ attempts at creating disarmament agreements as a strategy of rival states to increase their own security;⁴⁶ and disarmament negotiations as the basis of new moral norms and practices of global governance.⁴⁷ These new approaches do not exclude, but actually require, a reappraisal of the role of sovereignty in different contexts.

The social and humanitarian domain

Alongside the related questions of territorial administration, international security and financial stabilisation, the League also developed extensive programmes in the social and humanitarian sphere. On a closer look, these interventions were related to the *raison d'être* of the League – to ensure peace – since humanitarian disaster could potentially lead to political unrest. Despite the fact that only one of the Covenant's twenty-six articles, article 23, dealt with social and humanitarian activities, the League and its Social Section, the Health Organisation and the affiliated International Labour Organisation (ILO) accomplished seminal work in the transnational fields of the prohibition of slavery, child protection, education, regulation of prostitution, drug control, public health and workers' rights, as well as refugee and minority protection. Despite this meritorious agenda, the League's humanitarian and social work was often infused with beliefs in Western superiority and racism, confidence in scientific methods for social betterment and an upper-class humanitarian sensibility.⁵¹ Some of this work was spearheaded by the head of the Social and Humanitarian Section, Dame Rachel Crowdy (1884–1964), who crafted strategies that involved direct intervention in issues concerning state sovereignty, advocating 'pooled sovereignty' in humanitarian and social matters.⁴⁸

Thus, it is not surprising that the League's policies and operations frequently foundered against the obstacle of state sovereignty; for them to be enacted would have ideally required a reinvention of statehood and territoriality. If life and its protection, according to a Foucauldian understanding, are central objects of modern political governance – either in the sense that traditional sovereignty is the right to take life or let live or that biopolitics is the exact opposite, namely the attempt to give life or allow to die – then any form of intervention touching on these states' rights must be seen as interference, undue or not, in a state's prerogatives.⁴⁹ For example, in the context of international health work in East Central Europe, concerns about jeopardising state sovereignty and compelling member states to allocate resources towards the welfare of citizens in other states imposed constraints on the League's scope of operation.⁵⁰ Whether this desire to care for the citizens of other states is proof of the emergence of an early transnational 'human rights' programme in the interwar period is heatedly debated among historians,⁵¹ but it is safe to assert that the interwar rights discourse constituted a challenge to state sovereignty.

The inclination of governments to support social and humanitarian interventions by the League in the affairs of other states was greater where the capacity to manage humanitarian crises and to exert sovereignty was perceived as weak. It could be argued that many interventions, whether

for relief, reconstruction (as development was then termed) or state building (*avant la lettre*), took place in what would be called, in modern parlance, semi-sovereign ‘failed states’ and had a strong security component to them.⁵² An informative example of this phenomenon was the creation of an international sanitary zone along the Polish–Russian border to deal with the emergence of epidemics after the First World War. This was a surveillance zone formed by quarantine stations, hospitals and hygiene institutes put under mixed jurisdiction and international oversight. In cases where state sovereignty appeared fragile, Western humanitarian actors, including the League and other international organisations such as the American Relief Administration and the Rockefeller Foundation, readily intervened. However, as can be seen from the example of the League’s Epidemic Commission in Poland, the perceptions of the interveners did not always match the situation on the ground. The directors of the international humanitarian mission in Poland anticipated working within a void of sovereignty; yet Poland lacked neither the expertise nor the ambition to assume the authority necessary for building up greater capacity with resources provided from outside. In fact, Central and Eastern European states such as Poland used internationalism and international cooperation to *strengthen* sovereignty rather than to allow its erosion.⁵³

Two other examples from the social and humanitarian domain that are closely related to the sovereign prerogatives of security and border control were the protection of minorities and the management of stateless persons. After the First World War, several states had to accept treaties to protect the rights of their minority populations in order to be recognised. It fell to the League to guarantee and supervise these agreements. To that end, it established a minority petition procedure, which created a path for minority groups to lodge transnational claims to improve international relations (though only for the minorities of newly created states). The petitions allowed minority populations that felt they were being unfairly treated to appeal directly to the League for redress without having their government interfering. While these petitions rarely led to noteworthy interventions, the procedure did widen the scope of action for stateless individuals, giving them independent standing in international law and endowing their cause with the publicity that it would otherwise not have received.⁵⁴ The minority protection by the League represented a first example of supranational state supervision in the ‘state’s management of internal difference’ and the emergence of a ‘spectrum of sovereignties’ (Jane Cowan).⁵⁵

The originality of the interwar European minority protection system as a form of non-territorial national autonomy has recently been put into perspective by new research showing that the attempt to disentangle the state from the nation through non-territorial arrangements predates the

First World War. It was pioneered in the Habsburg monarchy and its use appears to have inspired interwar discussions by transnational minority protection activists around the League.⁵⁶ Earlier research had insisted on the *caesura* represented by the minority protection system for better or for worse. For political scientist Stephen Krasner, the system was ‘more firmly institutionalized than any of the universal human rights regimes that have existed since the Second World War’, and was indeed the ultimate proof that the ‘Versailles regime [...] was informed by principles that were antithetical to the Westphalian model’. Notwithstanding this, he pointed out the ‘organized hypocrisy’ that this new sovereignty represented as it was only enforced when it suited the interest of certain Western states.⁵⁷ The minority protection system indeed created a new yardstick for sovereignty that these Western democracies henceforth applied to the ‘immature’ states of Central and Eastern Europe, similar to the exclusive standard of civilisation that European powers had previously applied to the ‘uncivilized’ world in nineteenth-century international law.⁵⁸

The League dealt not only with minority groups within states, but also with groups of people who did not belong to any state, contributing to the creation of the legal category of stateless persons. To protect them, it issued a travel document, generally known as the Nansen passport, that provided a modicum of international recognition. This practice was controversial for all sides: the stateless feared becoming a mandate of the League and some states saw the creation of this new legal category as an unwarranted intervention. In the end, the League’s practice also reconfirmed the principle of the state’s ultimate authority over border management and it did not put into question the international order that the League set out to ensure, based on state sovereignty and a clear distinction between national and international spheres.⁵⁹

The treatment of stateless persons was an example of the League’s general tendency to assume a leading role in the control of migration. The creation of an international regulatory procedure went hand in hand with a strengthening of domestic immigration control, not counter to it. The fact that governments sought international cooperation in tightening control (a break from the nineteenth-century view of free migration as a self-regulating process) was simply a recognition of the fact that no state could control migratory movements single-handedly. This conclusion was also evidenced by the work of the ILO’s International Emigration Commission, which was founded in 1921 and tasked by the League to develop blueprints of immigration laws for states to adopt. Its compilation of migration statistics and laws fostered nationalistic conceptions of migration. The same applied to interwar international conferences dealing with migration questions. The degree to which immigrant destinations such as the United States and Australia

participated in them set the stage for the international migration rights that were being adopted. When they participated, they used international institutions 'as platforms to disseminate ideas of national autonomy and self-determination' rather than to open borders. The result was the creation of a hollow 'universal right of migration' that could be suspended by the governments for any reason.⁶⁰ Part of the discussion on international migration centred on strengthening the passport procedure, which evolved along the same lines. The League's Committee on Communications and Transit and several international conferences tried to return to the open borders of the pre-war world. However, even self-proclaimed liberal states such as Britain had come to appreciate the increased ability to control mobility which they had become accustomed to during the war. The League had no choice but to content itself with assisting in the creation of a standardised passport system.⁶¹

The League's work in general, but in particular its work on social and humanitarian issues described above, relied on collaborations with voluntary agencies (later called non-governmental organisations – NGOs) and their staff. They participated in League committee meetings as assessors and experts and worked with members on the ground. Collaborations with humanitarian organisations such as the Red Cross (a movement that was explicitly mentioned by the League Covenant), the Save the Children International Union, the Young Men's Christian Association and the American Relief Administration allowed for humanitarian operations such as the repatriation of prisoners, the delivery of humanitarian aid for Russian refugees and the provision of nutritious meals for children in Central and Eastern Europe and the Near East.⁶² Following up on the proposal of the Italian humanitarian Giovanni Ciraolo, the League also collaborated with the ICRC and the League of Red Cross Societies in the creation of the International Relief Union, the first intergovernmental organisation tasked with responding to disasters in connection to natural hazards. My own research has uncovered how governmental rejections of this project were based on the assumption that such an international organisation would cut deeply into the sovereign prerogatives of states. Talk of a right to relief policy for people struck by disaster and an obligation (financial and material) for states to come to the aid of other countries out of mutual solidarity set off alarm bells in more than one foreign ministry at the time. Not seeing itself in a position to stop the project, but sensing the lack of wide governmental support for the scheme, the League Secretariat organised the meetings and the final international conference necessary to create an international governmental organisation separate from the League and then left its management largely to the non-governmental International Red Cross organisations.⁶³

The above examples show that the League's claim to humanitarian and social work brought a large number of NGOs and their lobbyists and networks into its orbit. On an informal level, it thus invigorated non-state activism, supported the emergence of an international civil society and facilitated global interactions between grassroots protagonists and elites.⁶⁴ On a formal level, it also elevated these non-state actors to new categories and recognised objects of international law, which still are with us today. This recognition went beyond the category of voluntary agencies, also including the various other actors discussed in this text such as peoples or nations seeking self-determination, minority groups, internationalised or mandated territories, mandatory powers and 'the international community'.⁶⁵ Some of these entities, previously of domestic jurisdiction, became subjects of international law in the eyes of interwar jurists as a result of the League's legal innovations.⁶⁶

Conclusions

In light of the League's expansive intervention into the affairs of states described in the preceding sections, can it be argued that the League assumed functions previously the domain of the central or local authorities of a state? The fact that the League had a health section as well as social and humanitarian sections should not disguise the fact that most of this work consisted in researching, advising and coordinating. As a political scientist and former staff member of various League Secretariat Sections, Egon Ranshofen-Wertheimer observed that operational and quasi-governmental activities, albeit limited, were more prominent in the earlier years of the League than they would be later, and then were increasingly restricted. He argued that amongst other reasons, this had primarily to do with the fact that the way in which the League was organised went directly against an extension of direct administration. The way in which the League was imagined in the Covenant, as a typical 'headquarters organization', did not provide the staff or budget for direct administrative tasks.⁶⁷ Adopting an entirely different approach, Heidi Tworek used the example of epidemic surveillance by the League's Health Organisation to argue that even where it did not carry out hands-on work on the ground, the world organisation (despite being a 'headquarters organization') managed to 'broker shared sovereignty' through its international information infrastructure. At times of deglobalisation, when the movement of goods and people was restricted, Tworek averred that the League remained a globalising force through the collection and dissemination of information, creating a world that had not at its centre

the nation state, 'but port cities, colonial networks, the sea, and the air'.⁶⁸

While the view of a globalised, shared sovereignty managed by the League in the interwar period is convincing given the large number of new transnational actors, nodes and networks that emerged around the League, the present analysis has emphasised the continuing importance of the concept of the sovereign state as well as the practice of recognising or disputing sovereignty in the workings of the intergovernmental organisation and its member states. The analysis of the League's design as outlined in its Covenant showed that the world organisation was theoretically centred on the idea of sovereign nation states. The League became an instrument through which some claims for sovereignty were declared legitimate while others were not, and some entities were recognised as sovereign and others not. This allowed for the accession of non-European states such as China and Ethiopia and the recognition of colonies such as India and the British Dominions as member states, elevating their status. Rather than curtailing the model of the nation-state, the League standardised and disseminated it.

In new forms of international administration that it spearheaded, the League experimented with new forms of rule that either separated administrative and sovereign powers altogether or created semi-sovereign entities. Nevertheless, some of these arrangements turned out to be back doors for conventional state interventions, whilst others were at least perceived as such. Some national governments that were on the receiving end of such interventions only accepted interference in the hope of bolstering their own sovereignty. In other cases, the League and its interventionist instruments led states to fend off attempts at intervention and in return expanded their own role. Even in instances where states rejected intervention, the League made governments aware of their responsibilities on certain subjects and therefore expanded and refined the responsibilities of the state. In other cases, the League did exercise influence by encouraging the harmonisation of laws and norms among states. The social and humanitarian work of the League as discussed in the last part of this chapter provided several examples of this dynamic. Regardless, the continuing importance of state sovereignty 'under' the world organisation is proof that the nation-state should not be neglected in the fields of international and global history, fields that have increasingly chosen international organisations and international society as objects of study.⁶⁹ While many of the studies referenced in this chapter concur that the worldwide spread of nation-states overlapped with and was connected to the establishment of international institutions, the dialectic relationship between these two phenomena is frequently hinted at rather than rigorously investigated.

Notes

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- 1 Examples of this were early public international unions such as the International Telegraphic Union (1865) and the Universal Postal Union (1874). For non-governmental cooperation, see the creation of the Universal Esperanto Association (1908) or the International Council of Women (1888), Akira Iriye, *Global Community: The Role of International Organizations in the Making of the Contemporary World* (Berkeley, CA: University of California Press, 2004), p. 20.
- 2 As examples, one may cite the creation of the Institute of International Law in 1873, which, for states, became an important private source of expertise on arbitration; and the creation of the Permanent Court of Arbitration in 1899, which could investigate the facts of an interstate dispute and provide arbitrators that states could draw upon to settle disputes. Daniel Gorman, *International Cooperation in the Early Twentieth Century* (London: Bloomsbury Academic, 2019), pp. 78–9.
- 3 Poignant examples were the Caisse de la Dette (1876) and the Ottoman Public Debt Administration (1881), which administered the bankruptcies of Egypt and the Ottoman Empire, respectively; and the creation of the international state, Etat indépendant du Congo through the Association Internationale du Congo. Madeleine Herren-Oesch, *Internationale Organisationen seit 1865: Eine Globalgeschichte der Internationalen Ordnung* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2009), pp. 20–1, 29–30.
- 4 For ways that nineteenth-century internationalism and international organisations have promoted certain standards of European civilisation, see Mark Mazower, *Governing the World: The History of an Idea* (London: Allen Lane, 2012), pp. 65–115 (law and science), and, for focussing on the exploitation of the environment, Joanne Yao, ‘“Conquest from Barbarism”: The Danube Commission, International Order and the Control of Nature as a Standard of Civilization’, *European Journal of International Relations* 25:2 (2019), 335–59.
- 5 An example of how private transnational networks predated the creation of an international governmental organisation is described in Sandrine Kott, ‘From Transnational Reformist Network to International Organization: The International Association for Labour Legislation and the International Labour

- Organization 1900–1930’, in Davide Rodogno, Bernhard Struck and Jakob Vogel (eds), *Shaping the Transnational Sphere. Experts, Networks and Issues from the 1840s to the 1930s* (New York: Berghahn Books, 2015).
- 6 Antonio Cassese, ‘States: Rise and Decline of the Primary Subjects of the International Community’, in Bardo Fassbender and Anne Peters (eds), *The Oxford Handbook of the History of International Law* (Oxford: University Press, 2012), p. 65.
 - 7 Irye, *Global Community*, p. 13.
 - 8 Glenda Sluga, *Internationalism in the Age of Nationalism* (Philadelphia, PA: University of Pennsylvania Press, 2014), p. 5.
 - 9 Madeleine Herren, ‘International Organizations, 1865–1945’, in Jacob Katz Cogan, Ian Hurd and Ian Johnstone (eds), *The Oxford Handbook of International Organizations* (Oxford: University Press, 2016), p. 96; Bob Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (New York: Routledge, 2009), ch. 8.3.
 - 10 An overview of these two approaches can be found in Leonard V. Smith, *Sovereignty at the Paris Peace Conference of 1919* (Oxford: University Press, 2018), p. 7; the initial references are Max Weber, ‘Wissenschaft als Beruf, 1917/1919; Politik als Beruf, 1919’, in Wolfgang J. Mommsen and Wolfgang Schluchter (eds), *Gesamtausgabe* (Tübingen: J.C.B. Mohr/Paul Siebeck, 1992), pp. 158–9; Carl Schmitt, *Politische Theologie. Vier Kapitel zur Lehre von der Souveränität*, 10th ed. (Berlin: Duncker & Humblot, 2015), p. 13; and Wilson’s Fourteen Points.
 - 11 For an overview of these debates, see David Mitrany, *The Progress of International Government* (New Haven, CT: Yale University Press, 1933), pp. 67–8.
 - 12 James Crawford, *The Creation of States in International Law* (Oxford: Clarendon Press, 2011), pp. 32–3.
 - 13 Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: University Press, 1999), p. 9.
 - 14 Thomas J. Biersteker and Cynthia Weber, ‘The Social Construction of State Sovereignty’, in Thomas J. Biersteker and Cynthia Weber (eds), *State Sovereignty as Social Construct* (Cambridge: University Press, 1996), p. 1.
 - 15 Susan Pedersen, ‘Back to the League of Nations’, *The American Historical Review* 112:4 (2007), 1091–1117. A great number of League-related studies in recent years also received an impetus at the conference ‘Towards a New History of the League of Nations’ co-organised by Pedersen with Patricia Clavin, Corinne A. Pernet and Davide Rodogno at the Graduate Institute of International and Development Studies in Geneva in August 2011. This research gained further traction through a variety of academic conferences around the centenary of the League and the ILO, some of which can be found on this list combined by the Geneva-based History of International Organisations Network (HION) webpage: <https://www.hion.ch/centenary-events> (accessed 10 September 2021).
 - 16 Smith, *Sovereignty*, p. 10.

- 17 Susan Pedersen, 'Empires, States and the League of Nations', in Glenda Sluga and Patricia Clavin (eds), *Internationalisms: A Twentieth-Century History* (Cambridge: University Press, 2017), p. 137.
- 18 Arnulf Becker Lorca, *Mestizo International Law: A Global Intellectual History 1842–1933* (Cambridge: University Press, 2014), pp. 263–87.
- 19 Smith, *Sovereignty*, pp. 13, 226, 232.
- 20 Herren-Oesch, *Internationale Organisationen seit 1865*, pp. 54–5.
- 21 Jamie Martin, *The Meddlers: Sovereignty, Empire, and the Birth of Global Economic Governance* (Cambridge, MA: Harvard University Press, 2022), p. 18.
- 22 Wilson, along with Korean, Indian and Egyptian nationalists, believed that the formation of the League would 'allow demands for self-determination to come before a tribunal of the world community, shifting the balance of power in colonial relationships away from the colonial powers'. Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (Oxford: University Press, 2007), pp. 183, 217–18.
- 23 Stephen Legg, 'An International Anomaly? Sovereignty, the League of Nations and India's Princely Geographies', *Journal of Historical Geography* 43 (2014), 96–110.
- 24 Nigel D. White, 'Article 1', in Robert Kolb (ed.), *Commentaire sur le Pacte de la Société des Nations* (Brussels: Bruylant, 2015), p. 97.
- 25 Susan Pedersen, 'Getting Out of Iraq – in 1932: The League of Nations and the Road to Normative Statehood', *The American Historical Review* 115:4 (2010), 975–1000.
- 26 Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: University Press, 2005), p. 116.
- 27 Ibid., p. 179.
- 28 Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: University Press, 2015), pp. 204–32; Pedersen, *Empires*, 2017, p. 122.
- 29 Erin K. Jenne, *Nested Security: Lessons in Conflict Management from the League of Nations and the European Union* (Ithaca, NY: Cornell University Press, 2015), pp. 90–108.
- 30 Ivan Ingravallo, 'L'administration directe de territoires dans la pratique de la Société des Nations', in Kolb, *Commentaire*, pp. 1224–30; Pierre-Etienne Bourneuf, 'La Société des Nations et la force internationale à Vilna (1920–1921): un projet précurseur pour le maintien de la paix?' *Relations Internationales* 166:2 (2016), 87–102; Pierre-Etienne Bourneuf, "'We Have Been Making History": The League of Nations and the Leticia Dispute (1932–1934)', *The International History Review* 39:4 (2017), 592–614, at 17.
- 31 Bourneuf, 'We Have Been Making History', 7.
- 32 Ingravallo, 'L'administration directe', pp. 1210–18.
- 33 Bourneuf, 'La Société des Nations', 101.
- 34 Patricia Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920–1946* (Oxford: University Press, 2013).

- 35 Martin, *The Meddlers*, p. 3.
- 36 Nathan Marcus, *Austrian Reconstruction and the Collapse of Global Finance, 1921–1931* (Cambridge, MA: Harvard University Press, 2018), pp. 79–80; Zoltán Peterecz, ‘Hungary and the League of Nations. A Forced Marriage’, in Peter Becker and Natasha Wheatley (eds), *Remaking Central Europe: The League of Nations and the Former Habsburg Lands* (Oxford: University Press, 2020), p. 165.
- 37 Martin, *The Meddlers*, pp. 3–5.
- 38 Nathan Marcus, ‘Austria, the League of Nations, and the Birth of Multilateral Financial Control’, in Becker and Wheatley, *Remaking Central Europe*, p. 142.
- 39 Andrew Webster, ‘The League of Nations, Disarmament and Internationalism’, in Sluga and Clavin, *Internationalisms*, p. 140.
- 40 Carolyn Kitching, *Britain and the Problem of International Disarmament, 1919–1934* (New York: Routledge, 1999); Emmanuel Bourdoncle, ‘Articles 8 et 9’, in Kolb, *Commentaire*.
- 41 Andrew Webster, ‘“Absolutely Irresponsible Amateurs”: The Temporary Mixed Commission on Armaments, 1921–1924’, *Australian Journal of Politics & History* 54:3 (2008), 373–88, at 388.
- 42 David Lincove, ‘Data for Peace: The League of Nations and Disarmament 1920–40’, *Peace & Change* 43:4 (2018), 498–529, at 498.
- 43 Haakon A. Ikononou, ‘The Administrative Anatomy of Failure: The League of Nations Disarmament Section, 1919–1925’, *Contemporary European History* 30:3 (2021), 321–34.
- 44 Webster, ‘The League of Nations’.
- 45 For example, through the Disarmament Committee of Women’s International Organizations of the Liaison Committee of Women’s International Organizations and its lobbying work at the League. Jaci Eisenberg, ‘American Women and International Geneva, 1919–1939’ (PhD thesis, Graduate Institute of International and Development Studies, Geneva, 2014), 254–73.
- 46 Webster, ‘Absolutely Irresponsible Amateurs’.
- 47 Ibid.; see also the older David R. Stone, ‘Imperialism and Sovereignty: The League of Nations’ Drive to Control the Global Arms Trade’, *Journal of Contemporary History* 35:2 (2000), 213–30, at 214.
- 48 Daniel Gorman, *The Emergence of International Society in the 1920s* (Cambridge: University Press, 2012), p. 12.
- 49 For Foucault’s understanding of sovereignty, see the overview Banu Bargu, ‘Sovereignty’, in John Nale and Leonard Lawlor (eds), *The Cambridge Foucault Lexicon* (Cambridge: University Press, 2014); one important reference in Foucault’s work on this issue is Michel Foucault, *Il faut défendre la société: cours au Collège de France, 1975–1976* (Paris: Gallimard/Seuil, 1997).
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- 51 The origins of human rights have been dated either to the Enlightenment period, the aftermath of the First World War, the 1940s or the 1970s. Lynn

- Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton & Co, 2007); Bruno Cabanes, *The Great War and the Origins of Humanitarianism, 1918–1924* (Cambridge: University Press, 2014); Mark Mazower, ‘The Strange Triumph of Human Rights, 1933–1950’, *The Historical Journal* 47:2 (2004), 379–98; Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: The Belknap Press of Harvard University Press, 2010).
- 52 The connection between peace and security with the creation of better social and humanitarian conditions was emphasised by the League’s staff itself. Rachel E. Crowdy, ‘The Humanitarian Activities of the League of Nations’, *Journal of the Royal Institute of International Affairs* 6:3 (1927), 153–69, at 154.
- 53 Patrick Zylberman, ‘Civilizing the State: Borders, Weak States and International Health in Modern Europe’, in Alison Bashford (ed.), *Medicine at the Border: Disease, Globalization and Security, 1850 to the Present* (New York: Palgrave Macmillan, 2006); Silverstein, ‘Reinventing International Health’, p. 75.
- 54 Mark Mazower, ‘Minorities and the League of Nations in Interwar Europe’, *Daedalus* 126:2 (1997), 47–63; Jane K. Cowan, ‘Who’s Afraid of Violent Language?: Honour, Sovereignty and Claims-Making in the League of Nations’, *Anthropological Theory* 3:3 (2003), 271–91.
- 55 Jane K. Cowan, ‘The Supervised State’, *Identities* 14:5 (2007), 545–78.
- 56 Börries Kuzmany, ‘Non-Territorial National Autonomy in Interwar European Minority Protection and Its Habsburg Legacies’, in Becker and Wheatley, *Remaking Central Europe*, 315–42.
- 57 Krasner, *Sovereignty*, pp. 95, 125–6.
- 58 Stefan-Ludwig Hoffmann, ‘Introduction: Genealogies of Human Rights’, in Stefan-Ludwig Hoffmann (ed.), *Human Rights in the Twentieth Century* (Cambridge: University Press, 2011), p. 13.
- 59 Mira L. Siegelberg, *Statelessness: A Modern History* (Cambridge, MA: Harvard University Press, 2020), pp. 49–82.
- 60 Adam M. McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008), pp. 335–44.
- 61 Peter Becker, ‘Remaking Mobility. International Conferences and the Emergence of the Modern Passport System’, in Becker and Wheatley, *Remaking Central Europe*.
- 62 For a succinct overview, see chapter 4 in Silvia Salvatici, *A History of Humanitarianism, 1755–1989: In the Name of Others* (Manchester: University Press, 2019).
- 63 Lukas Schemper, ‘Humanity Unprepared – International Organization and the Management of Natural Disaster 1921–1991’ (PhD thesis, Graduate Institute of International and Development Studies, Geneva, 2016).
- 64 Simon Jackson and Alanna O’Malley, ‘Rocking on Its Hinges? The League of Nations, the United Nations and the New History of Internationalism in the Twentieth Century’, in Simon Jackson and Alanna O’Malley (eds), *The Institution of International Order: From the League of Nations to the United Nations* (New York: Routledge, 2018), p. 4.

- 65 Nathaniel Berman, 'Drama Through Law: The Versailles Treaty and the Casting of the Modern International Stage', in Michel Erpelding, Burkhard Hess and Hélène Ruiz Fabri (eds), *Peace through Law: The Versailles Peace Treaty and Dispute Settlement after World War I* (Baden-Baden: Nomos, 2019).
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