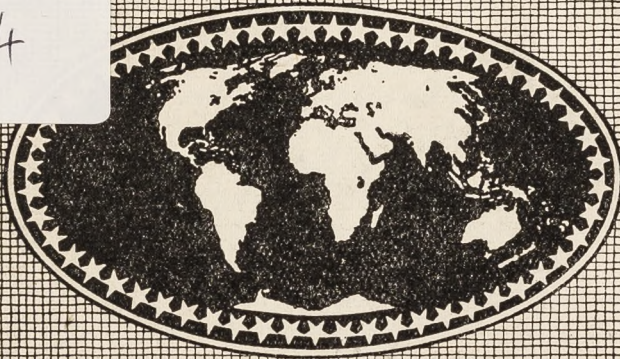


No. 173

PAMPHLET COLLECTION January, 1925

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LEAGUE OF NATIONS

UNION
POLICY

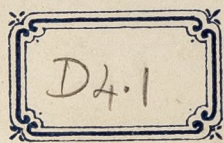
*An Address delivered
at a Meeting of the
General Council of the
League of Nations Union
by Professor Gilbert
Murray, LL.D., D.Litt.,
December 19, 1924.*

LEAGUE OF NATIONS UNION
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UNION POLICY

THERE has been quite a plethora of difficult political situations during the last few months, and I fully understand that the action taken by the Executive has not always satisfied the whole of the Union; we have had some letters from Branches complaining of inactivity. I will take several of the questions and tell you just what we have done or tried to do. I do not say that we have always been right. But I give you merely an historical account of what we have done and our reasons for doing it.

EGYPT

In the first place, let us take Egypt. I think it is on Egypt that there has been the greatest division, and, perhaps, I may also say the greatest confusion, of opinion. When the British Note to Egypt first came out I felt it as a shock, as I suspect most of you did. I immediately, instinctively, tried to look at it from the point of view of the League: "Is there anything here that the League can do?" Well, there was one thing quite clearly. We had demanded reparation of £500,000, a somewhat ill-omened sum which had associations connected with it, for the murder, the deplorable murder, of the Governor-General. That clearly was a thing that might have been referred to the International Court. Reparations form one of the things that the Court, by its constitution, is competent to decide. Unfortunately, from the League point of view, Zaghul Pasha had accepted that, and paid it without any question. So there was nothing to do there. I looked through the rest of the case very carefully, and, working by myself, and afterwards with one or two friends, I found nothing on which the League had any right of interference. I thereupon wrote a letter to the *Times* to the effect that, so far as I could see, there was no point on which the League had a right of interference, but that if any such point were discovered, or if any legitimate authority proposed to refer some question of international law to arbitration or the League, I

trusted that the British Government would meet any such proposal in the most liberal spirit, and be ready to refer to arbitration any question that can reasonably be referred to it. I then wrote—almost immediately—to an active and important foreign society saying very much what I have said to you—"I do not see that this is a case for the League; you, looking at it from another angle, may possibly think there is a case." I got an answer from them confirming my own opinion. At the next meeting of the Executive Committee we had before us all the documents that bore on the case, and a memorandum from our Intelligence Section. We discussed the whole matter very carefully, and I think the unanimous view of the Executive very much confirmed the impression which I had at the beginning and which this foreign society had: that is to say, there was no particular point on which the League had a case for intervening. We sent out a memorandum on the same lines as my letter to the *Times*.

Now you may say, and I am sure some people will very fairly say, "You are treating this matter as a point of law. Is there nothing in the spirit of the League?" That raises an extremely difficult question. If you approach your Government as a League of Nations Society and ask them to do something which you have no legal authority for asking, you are in a very difficult position. We did make some representations, and, as a matter of fact, I think that Mr. Chamberlain's speech before he went to the Rome Conference gave all that one could reasonably ask for the first step. He said, if you remember, that he was going to attend the Council. He referred to the Egyptian question, and said that he made this public announcement beforehand, that he was ready to give other members of the League any information and any explanation of British conduct and policy which might be of interest to them. You will say that that is not a promise to send things to arbitration. No, but it is a first step in a policy of the League spirit. The first thing to do is to say "We have done so and so. We think we were within our rights and that there is no legal objection. If you have anything to say, or anything to ask us, we are ready to

give you an explanation or information." It so happens that they did not ask Mr. Chamberlain for any information or explanation. In saying all this, I am not implying that the Executive unanimously, or in part, thinks that the whole of the conduct of the British Government is wise. That is a point on which the Union is not, as a rule, called upon to express any opinion. But speaking merely for myself, I think the immediate demand for reparations, and especially the naming of the £500,000, was not wise, nor do I think that the mention of the Nile water was wise. But with regard to any action that we could take as a League of Nations Union—that is what we did and those were the reasons which actuated us.

THE SUDAN AND THE NILE

There is one important constructive idea that has been unofficially put forward. I do not want to raise a question of priority, but I rather think it first came from the League of Nations Union. It is that instead of the condominium over the Sudan, Great Britain might ask to administer the Sudan as if it were a mandated territory. Of course it is not mandated—that has a special meaning—but it is quite possible that the British Government under the League should administer the Sudan on the same lines as a mandated territory. It is quite a valuable suggestion. But I think there is one objection which makes it impossible: at present we are trying to work our Treaty with Egypt, and under the Treaty there is a condominium between Egypt and Great Britain over the Sudan. There is now in power an Egyptian Government which is trying under very considerable difficulties to co-operate peacefully with the British Government. That being so, I should say, in the interests of peace and of good understanding, which are the objects at the back of the League of Nations, and to which we must attach the greatest importance, the thing we have got to do first is to see whether we cannot get again on to good terms with Egypt and enable this present Egyptian Government, which is, I think, undertaking in a most creditable spirit a very difficult task, to make the way towards appeasement and concord easy

rather than difficult. If so, we simply cannot begin by turning them out of the Sudan. If we were to demand that we should administer the Sudan as a Mandate the first step would be that we turned the Egyptians entirely out of it. I think, myself, that is a very serious, perhaps a fatal, objection to the policy. I am not at all certain, of course, that circumstances in future may not arise which may bring something of that kind into question again. And I think that we ought all to be of one mind that, if through any series of misfortunes there arises anything like a question between annexing the Sudan and administering it under a Mandate, the members of this Union would be unanimous against annexation.

It has been suggested that the Nile water should be administered by an International Commission. That was proposed by the Milner Commission, and I gather that His Majesty's Government is probably going to carry out that sort of policy. I do not think it is for us—this is a point on which there may be a difference of opinion—but I very strongly do not think it is for us pedantically to insist that it should be a League of Nations Commission in preference to its being an International Commission of another but quite satisfactory kind. Mr. Fisher, I see, has suggested that perhaps the protection of foreigners in Egypt may in some way be entrusted to the League. That is also a valuable suggestion. So much for the past.

NORTH AFRICA

Now as to the future. I feel that our action must be a good deal conditioned by certain larger questions. Remember, this trouble in Egypt has its parallels in other parts of northern Africa. Not to go farther into details and mention things that perhaps it is just as well not to mention, we all know that there has been very severe fighting in the Riff, and that the position of Spain there is difficult. I am inclined to think, and in fact it seems almost obvious, that the whole relations between the Moslem populations in the north of Africa and the great Powers of Europe are going to present an extremely difficult problem in the near future, and at some time or other the

Council of the League or some similar body will have very carefully to think out how this problem ought to be tackled. We all know the sort of spirit in which we hope that it may be handled. I won't try to define that now. I will only say that at Headquarters we have got a Committee working it out, and it will perhaps illustrate the sort of problem we think it is when I say that that Committee was drawn partly from our specialist Committee on the Near East and partly from our specialist Committee on Mandates.

IRELAND

There is another point which has just arisen in the last few days and on which, I think, information may be interesting to the Branches. It is a technical point more than anything else. I mean the action of the Irish Free State in registering the Treaty which constitutes them a British Dominion. They registered their Treaty with the League, I think, in July, and we, after some considerable delay which can easily be explained, refused to register it on our part in December and entered a certain objection to their registering it. Now as to that question. In the first place, I think nobody wishes for a moment to criticise the action or to call in question the perfect good faith of the Government of the Free State in registering their Treaty. They did a perfectly natural thing. Under Article 18 they are required—every Member is required—to register with the Secretariat of the League of Nations "every Treaty or International engagement." Well, why does H.M.G. object? To answer that question we must try to understand what the registration of a Treaty before the League really means. It apparently means that your Treaty is thereby put under the protection of the League, and if it is to be interpreted it must be interpreted by the International Court or by the Jurists' Committee of the Council. If it has to be enforced, then it is to the League you go for enforcement. Now *if that is the meaning of registration* one quite sees why the British Government has a very grave difficulty in agreeing to registration. A dispute of any sort about a Treaty among Members of the British Empire, among the Dominions, goes

naturally to the Privy Council. The Privy Council is habitually settling such matters. And I think it is a rather remarkable thing, and shows on the whole what a lot of sagacity and common sense there is in the British Empire, with all its faults, that I have never in my life, I think, heard any suggestion that the Privy Council was unduly prejudiced in favour of Great Britain or unduly prejudiced in favour of any particular Colony. Also, of course, the Privy Council is accustomed to British law and the historical growth of British institutions, and when it has this sort of question to deal with it knows how to handle it.

THE EMPIRE

There is an even more important point—that a dispute of this sort, a dispute within one of the great unities of the world, the British Empire, is very much better settled inside than by calling in foreigners to settle it. So I think that on all grounds of policy it is quite clearly very much more desirable that any disputes we have within the Empire should be settled by the Privy Council or by an Imperial Conference within the Empire.

But now as to the point of law. I am speaking entirely from my own unguided and unilluminated intelligence—we have not had time on the Executive to put our international lawyers on to this—but, ordinarily, this question is put in far too crude a way. On the one side they say “Every Treaty or international engagement must be registered. This is an international engagement.” On the other side, “No, this is a purely domestic affair.”

I saw, for instance, in a newspaper, that a dispute, if there were to be one, between Great Britain and the Free State would be just like a dispute between the French Central Government and Alsace-Lorraine. That, of course, is a gross exaggeration. What is the plain fact? It is quite a simple one. It is that the British Empire is a thing by itself. It is a new growth and it is not exactly like any other growth that has hitherto existed in the world. I am not for a moment suggesting that it is better, only that it is quite different, and the

word domestic happens to be a little too strong in one direction, whereas the word international is too strong in another. Before we can lay down any law about that, we want our Imperial lawyers—the best legal brains in the Empire—to try to discover the right phraseology and to define exactly what we do mean by the British Empire or Commonwealth, and what the exact relations of the various Dominions to themselves and to the mother-country are. I am not at all sure that we ought to define it at once. The thing is growing and changing, so that probably any rigid definition laid down now would bring us trouble in a few years. I hope that in due course the Irish Treaty will be registered. But I think that in the meantime the British Government is right in not handing over an agreement between the mother-country and one part of the Empire straight off to foreign tribunals to settle. I hope that I take you with me there.

I have seen with great distress that some of those political groups, and some of those organisations which are specially interested in the development of the British Empire—and I mean not in the sense of any grasping Imperialism, but in the development of the free self-governing British Dominions and their relations to one another—have adopted an attitude, perhaps not of hostility, but of a rather pettish criticism towards the League. The British Empire is a very great and growing institution, and the League is a very great and growing institution, and I am perfectly convinced that there is no opposition between them. There are points which have to be carefully considered, but I think that the British Empire is a great strength to the League, and I am convinced also that the League is a great help to the unity and good understanding which exist between members of the British Empire. I do not want to wear you out with legal or constitutional arguments, but may I just say this, which I hope is not too frivolous? At the Assembly of the League, naturally and rightly, the various groups of nations that have particular interests tend to have informal meetings; and the British Empire has quite regular informal meetings to discuss anything which it is likely as a whole to be interested in. So

when one Dominion has some question which it would like to put before the others it does so. Now those meetings of the Empire—I hope I am not saying something terribly indiscreet; if I am, remember I am an Australian—are extremely useful to the Dominion representatives for two reasons. If they did not go there their experience would be mostly confined either within their own Dominion or within the Imperial Conference. In the Imperial Conference the only person to fight against is the mother-country, and every now and again they make very spirited speeches towards the mother-country. They can ignore the existence of the rest of the world, and there is a real danger of their ignoring it. At the Empire Conferences of the League you have a feeling that there may be differences between the mother-country and the Dominions possibly—but they do not emerge, and you have the feeling of unity. Here you are, all you British, you English-speaking nations talking together, with this great mass of foreigners all round and outside—foreigners with whom you are on the best relations and with whom you are discussing things in the most friendly way, but who are rather different from yourselves. I believe that those meetings of the Empire at the Assembly of the League are one of the things that makes the Empire really feel conscious of its unity and its common blood. And it makes the consciousness of unity and common blood felt in the very best spirit that is conceivable, because it is never raised in a feeling of opposition. It is merely people with quite different points of view making their contribution to the common whole. Therefore, I merely want to say that this whole relation of the British Empire—one great and growing whole—to that other great and growing whole—the League of Nations—wants careful study and patient thinking out. And I am sure that they do help each other and do not conflict.

THE PROTOCOL

Lastly, I want to say a word or two about the Protocol. Perhaps the first and most important thing to say is that there is no pressing hurry to get the Protocol accepted. I do not

think we shall have a war in Europe for a year—I do not speak with any confidence, but still I do not think so—so that if necessary we can wait till next September. Also, I think we should be quite mistaken in saying that the Protocol must be accepted or rejected as it stands. It is easy for Great Britain to make reservations. It is not very difficult to go a little farther and propose amendments. And as a matter of fact, if you talk in confidence to those who know the Protocol best you generally find that if you press them there is some little amendment that they personally rather like. I could tell you, if you liked, the one that I want: but it is not worth troubling anyone with. But that being said, I do hope that the Union as a whole will realise the immense importance of the Protocol. It is an answer, just as the Treaty of Mutual Assistance was an answer, to a very real and increasing danger. The plain fact is that the Covenant has not done all that we expected of it. We did think that, when the nations signed the Covenant, we could then be sure two great pacts would be carried out. There was first the pact that each Member was pledged not to make aggressive war, not to make war at all without trying every possible means of peaceful settlement; and secondly there was the other pact, even more momentous and more difficult, that if any Member of the League was made the victim of aggression the others would stand together to defend it and to crush the aggressor. The Covenant was intended to rule war out from the affairs of civilised nations. Well, now, why has it failed? In the discussions on the Protocol, two points emerged. The nations met at the Assembly this year very much under the impression of the rejection of the Treaty of Mutual Assistance by Great Britain. There were other countries that had hesitated. There were some we knew were not going to accept—the Scandinavian countries, for instance; but the refusal of Great Britain came with exceptional emphasis and with destructive effect, and a great many of the nations of Europe with whose representatives I conversed were in a state very much approaching consternation. They felt “Here is Europe still insecure. The countries that are allowed to arm remaining armed to the teeth; the countries

that are not allowed to arm suspected of arming secretly; all the normal forces which will naturally lead from the calamity of the Great War to the greater calamity of the counter war which is to restore the balance! All those forces are progressing, and the League which we thought was set up as a barrier against them is not standing." The criticism was passed, and I think with some justice, on the Treaty of Mutual Assistance, that it contemplated too exclusively the military side of things. The military side is necessary. I think we, as good pacifists, must force ourselves to consider the real meaning of the pledge contained in the Covenant—that we are not only pledged to avoid war, we are also pledged to prevent war; and to prevent war we must use all our influence and all our strength. It is a terrible undertaking, but I believe we have made it and we must realise that we have. Now what criticisms especially were passed on the Covenant? There were two. The first was, that a great many nations, Canada and some of the Dominions, and a good many speakers in Great Britain, had shown a not altogether laudable adroitness in explaining away the meanings of Articles 10 to 16. It was perfectly natural. We had in this country—a peaceful country which had been dragged through five years of torment in the war—we had a horror of the name or thought of war, and we have it still.

But I think that these speakers did make a great mistake. They looked at the Covenant and they tried to explain that if you took a sentence exactly in this way or if you laid stress on this word and not on that one, then you could make out to yourself that there was no conceivable circumstance in which Great Britain need ever use force against anybody. That was all very well, but just think of the effect it made on the exposed nations. They took that at once to mean what it did mean—"Here is Great Britain, not the Government, but many important speakers, backing out from her most solemn engagement. This means that if we are attacked Great Britain won't defend us, and she is telling us so." That was very serious. What the Protocol does there is merely to add certain limitations and specifications which I think make the

engagement a little less sweeping than it was before. We are not bound to accept the particular proposals made by the League, although these must have been made, of course, in conjunction with our own advisers. But whatever we do we are bound to co-operate "loyally and effectively" to carry out the Treaty we have signed. I think that is a condition to which it is very hard for any honourable nation to object.

Then there is one other change which is of even greater importance. This has been obscured a great deal, and I hope I am not trespassing on your patience. We all know that under the Covenant you are bound to refer every dispute either to judicial decision by a Court, if it is suitable for that, or to arbitration by a special body of arbitrators, or to inquiry and report by the Council. Furthermore, under the Covenant if you get a judicial decision by the Court you must obey it. If you get a decision by the arbitrators you must accept it. If you get a unanimous report by the Council you must also carry it out. But if you do not get a unanimous report by the Council you are free to fight without the Council intervening. Let me say what the mind of the framers of the Protocol about that is. They said in effect, "We quite recognise that situations may arise which will be extremely difficult. You have a dispute between two countries which is likely to lead to war, and when it comes before the Council there is no legal point which is clear and which could be decided by the Court. The rights and wrongs are not absolutely clear and the Council takes two divergent views, is split into two opinions upon it." The framers of the Protocol said, "Well, even in that case let us arrange that there shall not be war," and they made arrangements into which I need not go, which are a little complicated, to ensure that even in that case there shall somehow be a decision. In the last resort it is a decision by arbitrators. Some people are terribly frightened of that. I received quite lately a letter from an old adherent of the League which really rather shocked me. He said, "After all, you cannot expect nations to submit to arbitration, or the like, on matters of honour or vital interest." Well, ladies and gentlemen, what

are we here for? Surely we have swept away those ideas of honour and vital interest long ago. I do not think that objection is sound. Equally do I think there is nothing in the objection that the abolishing of all war, the sweeping away of war beyond the civilised countries, will stereotype injustice or make it too difficult to reach a settlement. The real cause that stereotypes injustice, that makes nations ready to arm themselves, ready to fight, ready to resist every reasonable concession, is ultimately the fear of war. When you have got war out of the way you have then got full play for the real weapon of the League, which is the concentrated force of public opinion. Look at Article 19, by which the Assembly has the power to recommend the reconsideration of Treaties that have become inapplicable, or international conditions which menace the peace of the world, and you will see that it has only the power to "recommend reconsideration." But I want to suggest what the real value and force of Article 19 is. The Assembly does already focus public opinion. If I wanted to keep you all the afternoon I could give you case after case to show how terrified any nation is of being shown up before the world. It is the plain fact, and the League has this tremendous power at the Assembly of bringing public opinion to bear so that the miserable representative of some nation that is behaving wrongly has to stand up and explain what he is doing, why he is doing it, and whether he intends to go on. It is torture. Now what is the value of Article 19? It is that, if it were not there, any nation would say, "This concentration of public opinion upon us is unfair, it is unfriendly, you have got no right to do it." With Article 19 the League has definitely the legal right given it to bring public opinion to bear with a view to putting things right.

BRITAIN AND A PARTIAL ALLIANCE

There is just one point which I would like to add. People say that if the Protocol is rejected we must have an alternative. And they sometimes say they would have an alternative which would give France security. What is the alternative?

One alternative which is sometimes recommended by thoughtless people is a military alliance between Great Britain, France and Belgium. I cannot conceive how anybody who has not been brought up from childhood in the darkest cellars of the War Office can accept that as satisfactory. What would it mean? It would mean an alliance between France, Belgium and Great Britain, and an invitation to make an alliance on the other side, an alliance which might very likely be secret. I think common prudence would recommend that it should be secret. We should be in the state of the most extreme danger possible. Now what is the difference between the League and a partial alliance of that sort? The difference is simply this—that, with the partial alliance of the old sort you say, "Here am I and my friend; we are standing together. We have somebody over there in view, we do not actually call him the enemy, but we have got our eye upon him. He is adding to his Army, we will add to ours. He is adding to his Navy, we will add to ours. He adds again, we add again, until at some time or other one or the other feels strong enough to strike." What is the League idea? The League idea is that there are no special friends; there are certainly no predetermined enemies. All the nations of the world, or all of them who are willing to act, stand together, and are prepared in the last resort to strike, but only against the committer of the great international crime, War. The original name of the League of Nations, I believe, was the League of Nations against War—against War! War is the enemy, not Germany, not Russia, not any nation. They all stand with us, or we want them to stand with us. The enemy is War. I think we all ought to be quite clear that the whole force of the League of Nations Union is opposed to any special alliance between Great Britain and any other country. There is another version, a modification, and a slight improvement of that project which we ought to consider. Some people say, "Yes, but make that a nucleus, Belgium, France, England, and then invite Germany to come in, so that you have a great alliance of Great Britain, France, Belgium and Germany." There are two pretty clear objec-

tions. First, would Germany come? Germany will come into the League, I think we can now say with confidence, because in the League she is standing in a body which intends to hold all the civilised nations of the world. I very much doubt if she would come to be one and alone in a little ring of her late enemies. And secondly, what does it mean if you make a Treaty like that? You have signed the Covenant. Under the Covenant you are pledged to defend any country that is attacked by an aggressive war-maker. If you withdraw from that and say, "We will defend a little knot of the countries in the west of Europe," is not that giving notice to countries outside that you are not prepared to defend a victim of their aggression? Is it not almost saying—I do not like to mention the names of particular countries, but there are countries that have aggressive aims, there are countries that have grievances to work out, there are countries that are rather swollen with ambition at the present time—is it not saying to them, "Now is your chance. We stand aside in the little sheltered civilised group of western Europe. We will keep ourselves safe outside. In your regions do what you like"? That would be a most deplorable and retrograde step for Governments that have already put their signatures to the Covenant.

I have spoken, ladies and gentlemen, longer than I intended, but I think those remarks cover the main lines of policy, and perhaps to some extent meet some of the criticisms that have been passed on the Executive. We are faced now by extremely difficult problems in the near future. Fortunately, we have got time for dealing with most of them. I sometimes tremble to think of the problems that our children will have to solve. But in the meantime I think our course is clear. We have got to be faithful, you and I, to the faith that we have and that we profess. We must not forget the Great War. We must not forget the ideals and the prayers with which we came out from that Great War. Keep that faith alive. And for the Governments of the world—they have to remember that great first lesson which distinguishes good Government from bad—the duty of remaining faithful to their pledged word.