

LEAGUE OF NATIONS.

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Council and Members
of the League.

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APPLICATION OF THE PRINCIPLES OF THE COVENANT.

The Secretary-General has the honour to communicate to the Council and Members of the League of Nations the attached report submitted for the consideration of the Committee to study the Application of the Principles of the Covenant.

This informative report in no way prejudices the future decisions of the Committee.

Geneva, August 17th, 1937.

LEAGUE OF NATIONS

APPLICATION OF THE PRINCIPLES OF THE COVENANT¹

REGIONAL OR CONTINENTAL ORGANISATION
OF THE LEAGUE OF NATIONS

REPORT BY M. BORIS STEIN

1. An historical review of the political tendencies of continentalism and regionalism which have arisen since the foundation of the League of Nations reveals two main currents. The first is a tendency to replace the present League of Nations, which comprises the vast majority of the States of the world, by a federation of continental leagues. The other tendency is to add to the present structure of the League of Nations special agreements covering a particular region. If this region comprises States connected by geographical or other bonds, such a tendency may be termed *regionalism*. If, however, the region is an entire continent and if the organisation comprises all the States situated in it, this tendency may be called *continentalism*. It is therefore evident that the difference between regionalism and continentalism is only one of degree. Continentalism is merely regionalism in which the region attains the dimensions of a continent.

2. There is no doubt that a study of the first of these tendencies of regionalism or continentalism (the idea of replacing the existing League of Nations by a federation of continental leagues) is outside the scope of this report. The Assembly of the League of Nations, in entrusting the Committee with the duty of improving the Covenant of the League of Nations evidently could not recommend the examination of tendencies which reject the fundamental principles of the Covenant. To replace the League of Nations, which comprises countries irrespective of their geographic position, by a federation of continental leagues is a complete denial of one of the fundamental principles of the Covenant. This tendency will therefore not be considered in the present report. It will deal merely with the second of the tendencies mentioned in paragraph 1 — namely, the regional or continental organisation of the League of Nations, which does not reject but supplements the present organisation of the League.

3. Having thus defined the main subject of the present report, it is necessary from the point of view of method to make a distinction between this report and the other reports dealing with parallel subjects. In the development of the ideas of regionalism and continentalism since the foundation of the League of Nations, the theory of regional agreements of security undoubtedly occupies the first rank. The very valuable report by M. Paul-Boncour is devoted to the study of this subject. The present report naturally does not claim to repeat or supplement M. Paul-Boncour's report, in which the question of regional agreements is very thoroughly discussed.

4. With a view to the best classification and the best method of studying the ideas of the regional-continental organisation of the League of Nations (considering this idea as subsidiary

¹ Note by the Chairman of the Committee. — The Committee to study the Application of the Principles of the Covenant asked a number of rapporteurs to make a survey of the various questions on its agenda, in order to facilitate discussion. The present report has been drawn up in consequence of that decision, and is therefore a purely informative report, in no way binding upon the Committee or prejudging its future decisions.

and not as opposed to the existing organisation of the League), the subject of the present report should be divided into the following heads :

- (a) Regional-continental organisation in relation to the American continent ;
- (b) Regional-continental organisation in relation to the European continent ;
- (c) The effect of regional-continental organisation on the internal structure of the League.

The idea of regional-continental organisation in respect of other continents than Europe and America has been scarcely mentioned in writings and political discussions ; there is therefore no need to deal with it in the present report.

5. The idea of continentalism in regard to America is to some extent reflected in the Covenant of the League of Nations. Article 21 of the Covenant expressly mentions the Monroe doctrine. Since 1920, there has scarcely been an Assembly of the League of Nations in which this doctrine has not been touched upon in some form or other or in which attempts have not been made to interpret it in relation to the Covenant of the League. Very definite information on this subject is to be found in the Memorandum by the Secretariat No. 1 (Chapter V). It should, however, be observed that the existence of Article 21 of the Covenant on the subject of the Monroe doctrine and the discussions on this question have not, as far as the doctrine of the League of Nations is concerned, as yet led to the formation of a theory of American continentalism. A considerable development in the idea of continentalism in relation to America took place at the Pan-American Conference held in 1936 at Buenos Aires. The official report of the Conference mentions more than ten plans submitted by the various American delegations based almost entirely on the idea of continentalism. According to the classification adopted in the present report, these plans may be divided into two groups ; the first group includes plans based on the idea of continentalism as a substitute for the universal organisation of the present League of Nations — *e.g.*, the scheme for the organisation of the American League of Nations put forward by the delegation of the Dominican Republic, or the scheme for the creation of a Pan-American Court of Justice put forward by the Peruvian delegation, etc. The second group includes schemes based on the idea of subsidiary continentalism, such as the draft Pan-American Pact of Collective Security submitted by the Brazilian delegation, etc.

As stated above, it is impossible in the present report to study theories and plans which reject one of the fundamental principles of the League of Nations. The negative part of the ideas of American continentalism in relation to the present organisation of the League of Nations is therefore not taken into consideration. As regards the second group — namely, plans based on the subsidiary idea of continentalism, which are intended to supplement the general obligations of the Covenant of the League by special regulations establishing connections between the countries of a given continent (America) — it is absolutely impossible to study these plans independently of the reply to one of the questions appearing on the programme of work of this Committee — namely, the question of the co-ordination between the Covenant of the League and the Saavedra Lamas Pact. This question is dealt with in another report before the present Committee. It may be pointed out that the principles of co-ordination between these two pacts must serve as a basis for deciding whether the plans of American continentalism belonging to the second group (*i.e.*, those in which the continentalism is subsidiary) are not outside the subsidiary conception itself. The fundamental principles of this subsidiary conception will be explained below.

6. The principal scheme embodying the idea of European continentalism is undoubtedly the plan for European Union put forward in 1929 by M. Briand. It seems unnecessary to reproduce in the present report either the plan for European Union or the very interesting discussion which took place during the Assembly of 1930, and I will merely quote two paragraphs of the resolution adopted by that Assembly. These paragraphs emphasise the fundamental principles and the framework of subsidiary continentalism.

“ Being convinced . . . that close co-operation between the Governments of Europe in every field of international activity is of capital importance for the preservation of peace ;

“ Sharing the . . . opinion that such co-operation, whatever form it may assume, *should be within the framework of the League of Nations, in complete accord with the League and in the spirit of the Covenant, etc.*”

It is well known that, as a result of the discussion on the Briand plan, the Commission of Enquiry for European Union was set up. The work of that Commission represents a very thorough study of the idea of European continentalism, and is entirely in accordance with the conception of subsidiary continentalism. The idea is confirmed in the following remarks made by M. Politis : “ One conclusion is in my opinion certain : at the present time, the continental or regional aspect of certain questions is more apparent than ever ; *it would be of interest to examine separately all European questions, but without removing them from the universal framework of the League of Nations.*”

It should be added that the work of the Commission of Enquiry for European Union never went outside the framework of the League of Nations, was never opposed to the organisation of the League, and was always imbued with the idea of the subsidiary character of continental organisation. It may therefore be believed and hoped that these ideas are not dead and that they will, at a fitting moment, serve the cause of strengthening the Covenant of the League and all its activities.

7. The Briand plan is not the only one based on the idea of European continentalism. It should be observed that the proposals put forward by the French delegation at the Conference for the Reduction and Limitation of Armaments on November 14th, 1932, known as the "Paul-Boncour Plan", also embodied the plan of the European security pact.

Similarly, the draft Disarmament Convention submitted by the United Kingdom delegation to the Conference on March 16th, 1933, also embodies the plan of the European pact. Without entering into a discussion of these two pacts, which form a part of the report submitted by M. Paul-Boncour, it should be observed that there is an important difference between these two plans on the one hand and the Briand plan on the other. The three plans are not dissimilar from the geographic point of view, since all three relate to the States of the European continent as a whole. They are, however, different in substance: while the Briand plan embodies every field of *co-operation* between the States of the European continent, the Paul-Boncour plan of 1932 and the plan of the United Kingdom delegation of 1933 only concern *questions of security* in the relations between the States of the European continent.

8. As stated above, the present report will not deal with regional agreements, which are analysed in M. Paul-Boncour's report. It may be merely noted that this group of agreements includes the Rhine Pact (Locarno), the Balkan Pact, and lastly the mutual agreements of the countries belonging to the Little Entente.

9. The continental idea appears in the procedure for electing the non-permanent Members of the Council of the League of Nations. A recommendation adopted by the Assembly on December 11th, 1920, expressed the idea that three non-permanent Members of the Council should be chosen in Europe, three in America, one in Asia or any other part of the world. This idea of representation in the Council by continents has been maintained until the present time. Thus three (non-permanent) Members of the Council are American countries.

10. Certain *general conclusions* may be drawn from the above remarks:

(a) The idea of continentalism-regionalism itself is not incompatible with the fundamental principles of the League of Nations unless it is regarded as the idea of replacing the present League of Nations, which comprises the vast majority of the States of the world, by the federation of continental leagues. This latter conception is *in direct contradiction with the fundamental principles of the League of Nations*.

(b) The continental-regional system is only admissible as *subsidiary to the present organisation of the League of Nations*. The main object of this supplementary subsidiary structure must be *to strengthen and define general obligations incumbent upon all Members of the League*.

(c) In order to accomplish this object (consolidation of the Covenant and reinforcement of its general undertakings), a continental-regional organisation *must not go beyond the Covenant but must be in full agreement with its principal rules and be constructed in accordance with its spirit*.

(d) The continental-regional organisation may cover both questions of security and any other questions (for instance, economic questions) concerning the relations of a certain group of States.

11. The obligations assumed by the Members of a given continental-regional group cannot either annul or diminish the obligations assumed by all the Members of the League of Nations under the Covenant. On the other hand, the Members of the group may assume supplementary obligations going beyond the general undertakings of the Covenant but without being contradictory to it.

12. The Statutes of any continental-regional union must be in full agreement with the Covenant of the League of Nations and registered in accordance with the rules of the League.