



DIAGRAM 4

League Procedure for Handling Disputes

League shall severally contribute to the armed forces to be used to protect the covenants of the League."²⁷

A careful review of this League procedure for handling disputes (which is summarized in the diagram) will reveal that not all wars were made illegal by the League. Wars of self-defense were, needless to say, still legal; but, more important, there were several ways in which one state could attack another without "disregarding" the Covenant. If, for example, a state waited three months after a non-unanimous report of the Council on the dispute, it could then proceed to settle it through force without violating the Covenant. Several such "gaps" existed.

The gaps notwithstanding, the League Covenant promised important safeguards to its members. There was the promise in Article 10 (which Wilson considered to be the "heart" of the Covenant) that "The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League." In case of violation, or even the threat of aggression, the Council was to "advise upon the means by which this obligation" would be fulfilled. There was the promise of immediate and automatic economic sanctions under Article 16 to be used against those resorting to war in disregard of Articles 12, 13, or 15. Supplementing this would be the recommendation to the Members from the Council as to what armed forces they were to "severally contribute . . . to protect the covenants of the League."

The League had hardly commenced functioning before both Articles 10 and 16 were "interpreted."

In 1921 the three Scandinavian nations of Denmark, Norway, and Sweden were disturbed by the prospect of being called upon to shoulder a burden of economic sanctions out of proportion to their strength if Article 16 should be invoked against Germany. They sponsored a set of interpretative resolutions on the "meaning" of that article. The Second League Assembly unanimously agreed that:

3. *The unilateral action of the defaulting State cannot create a state of war: it merely entitles the other Members of the League to resort to acts of war or to declare themselves in a state of war with the Covenant-breaking State; but it is in accordance with the spirit of the Covenant that the League of Nations should attempt, at least at the outset, to avoid war, and to restore peace by economic pressure.*

4. *It is the duty of each Member of the League to decide for itself whether a breach of the Covenant has been committed. . . .*²⁸

²⁷ Article 16, Paragraph 2.

²⁸ This was followed by the injunction that "The fulfillment of their duties under Article 16 is required from Members of the League by the express terms of the Covenant, and they cannot neglect them without breach of their Treaty obligations." Nevertheless, they were to *decide for themselves*.