Imperialism and Sovereignty: The League of Nations’ Drive to Control the Global Arms Trade

The League of Nations, created to prevent a repetition of the first world war through collective security, proved instead incapable of halting the rise of fascism and, finally, the horrors of the second world war. Historians of the interwar period have generally recognized this failure even while identifying extenuating circumstances that hindered the League's function, whether American refusal to participate or Great Power indifference. However, other aspects of the League’s mission tell a different story. In particular, an examination of the League’s efforts to control the international arms trade produces some evidence of long-term success while undermining the received wisdom about the causes of failure.

Focusing on the failure of collective security neglects what some contemporary observers and historians alike have seen as the League’s most important achievements. Felix Morley suggested in 1932 that the clauses of Article 23 of the League’s Covenant, its charge to halt white slavery and drug traffic, had proved more important than its collective security provisions. Wallace McClure in 1933 agreed that the League’s greatest successes grew from its ‘technical articles’. ‘History may yet render the verdict’, he wrote, ‘that by making men peaceful through just contentment, the work of the League based in large part upon these articles was its most effectual work for peace.’ Later analysis of the League has underlined what David Armstrong has termed ‘functionalism’, the idea that ‘political integration among states can best develop from more limited attempts at cooperation in specific functional areas’, whether refugees, post and communications, or arms trading. The League’s successes in health care, the drug trade, intellectual property

The author wishes to thank the journal’s anonymous reviewer as well as Paul Kennedy, Gary Ostrower, Heather Ruland, Zara Steiner and the other participants in Yale University’s International Security Studies Conference on the History of International Organizations for their helpful comments on an earlier version of this article.

rights and labour policy outlasted its otherwise disappointing legacy. More recently, Claudena Skran has underlined the League's ability to create a regime, i.e. 'the formal and informal arrangements created by states to deal with a particular issue', for international norms on refugees to alleviate untold human suffering.2

Disarmament was always central to the League's mission. Article 8 of the League's Covenant declared its intention to achieve 'the reduction of national armaments to the lowest point consistent with national safety'. Disarmament, however, had a neglected cousin. The Covenant's Article 23(d), one of McClure's 'technical articles', entrusted the League with 'general supervision of the trade in arms and ammunition'.3 This article contends that the League's struggle to regulate the global arms trade suggests a more complex understanding of the limitations on the League. The European powers, motivated by concern about the stability of their colonial empires, agreed on the need to control arms trafficking, and the USA concurred. Great Power consensus, however, revealed a more hitherto concealed but equally profound obstacle to the League's function: smaller states refused to approve measures they perceived as infringing on their sovereignty and security. Even Great Power support and the demands of effective international organization could not overcome the imperatives of national interest. Still, the League's power of moral suasion did establish norms of behaviour that long outlived the League itself.

That a state should limit its arms exports for the sake of the peace and security of other states is a modern innovation. In the Anglo-American legal tradition, for example, prohibitions on arms exports were wartime measures to keep valuable munitions available to home governments. The general principle, dating back to 1660, was that peacetime arms exports were not subject to regulation. As late as 1900, in response to the Boxer Rebellion, the British government believed that it could institute only a general prohibition on the export of arms, not a ban on shipments to a particular country. It was forced to enact new enabling legislation to prevent British arms from going to China.4

The case of the Confederate commerce raider Alabama, built in a British shipyard and crewed largely by British volunteers, demonstrated that private arms exports could have negative consequences for the exporting state, but simultaneously reaffirmed the principle that international law recognized no state obligation to halt private arms exports. Compensation to the USA for the

3 Walters, op. cit., 550.
extensive damage the *Alabama* had done to Union shipping during the American Civil War became part of the negotiations for the 1871 Treaty of Washington. While the American government wanted compensation for the actions of a British-built ship, the American case was complicated by the unfortunate fact that international law provided ‘no clear ruling as to the duties of neutrals with regard to the construction of belligerent warships’. Britain agreed to arbitration over a monetary award only to salvage relations with the USA, but declared that it had violated no principles of international law. The Treaty of Washington included an explicit declaration that ‘a neutral government is bound [to exercise] due diligence to prevent the fitting out, arming or equipping’ of vessels intended to make war against states with which it is at peace. The British government, however, included a reservation in the Treaty marking this as a *new* understanding, not one that had bound it during the Civil War. According to the Treaty, the British government ‘cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time’ when the *Alabama* claims arose. While the USA and Britain agreed ‘to observe these rules as between themselves in the future, and to bring them to the knowledge of other maritime powers, and to invite them to accede to them’, this meant that those principles were an accord between two states, not general international law.6

The 1890 Brussels convention introduced the international efforts to regulate the arms trade that prefigured later League of Nations action by establishing tight controls over the arms traffic in Africa. Ironically, the Brussels convention aimed not at arms trafficking but at ending the slave trade in Africa and ensuring stability in European possessions there, extending the earlier efforts of the 1885 Berlin Conference.7 Restricting the flow of arms was a means to that end and applied only to a particular and limited section of the earth’s surface — curbs on the arms trade in a particular region merely underlined a more general freedom to trade. The convention, signed by the USA and all colonial powers, agreed that the best means to end the slave trade was tighter control ‘under the sovereignty or the protectorate of civilized nations’ through an improved network of fortifications and transportation links. The contracting parties likewise agreed to a ‘restriction on the import of firearms’. ‘The pernicious role’ of firearms in ‘intestine war between indigenous tribes’ meant that safeguarding African populations would be ‘a radical impossibility if restrictive measures on the commerce in firearms and munitions are not established’.8

7 For the anti-slave trade provisions of the 1885 Berlin Conference, see *Nouveau Recueil Général de Traités*, 2nd series, vol. 10, 419.
8 Brussels Convention of 2 July 1890, chap. 1, art. 1, point 7, in *Nouveau Recueil Général de Traités*, 2nd series, vol. 16, 5–6, 8. Text in French.
While the Brussels Convention halted the flow of arms to colonial territories, the Second Hague Conference of 1907 kept arms shipments to sovereign states unfettered through a distinction between state and non-state suppliers. States could not provide munitions to belligerents without forfeiting their neutrality. The Hague Conference’s 13th Convention, on the rights and obligations of neutral powers in naval warfare, held that ‘the supply, in any manner, directly or indirectly, by a neutral Power to a belligerent Power, of war-ships, ammunition, or war material of any kind whatever, is forbidden’. The Conference’s Third Commission on naval affairs stated: ‘It goes without saying that a neutral State cannot furnish war-ships, arms, etc., to a belligerent in any manner.’ James Brown Scott, American adviser at the Hague Conference, cited the United States government’s supply of Civil War surplus arms to France during the Franco-Prussian War as a violation of international law: ‘The State is thus forbidden to furnish the means of war.’

Businessmen, manufacturers, and other non-state actors were, however, as free as states were restricted. Though the 1907 Conference forbade state supply of arms to belligerents, it explicitly preserved the right of private suppliers, in whatever state they might reside, to sell arms to whomever they pleased. While neutral states could restrict the actions of their citizens and subjects, they were under no obligation to do so. The 13th Convention held that: ‘A neutral state is not bound to prevent the export or transit, for the use of either belligerent, of arms, ammunition, or, in general, of anything which could be of use to an army or fleet.’ The 5th Convention, on neutrals in land warfare, used almost identical language: ‘A neutral power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or fleet.’ The Alabama case and the Treaty of Washington had not substantially altered international understanding of the right to trade in arms.

The Hague Conference appealed to precedent and practicality. ‘The practice has become established’, the Third Commission found, ‘that a neutral state is not bound to prevent the export of arms or ammunition destined for one or other of the belligerents.’ James Brown Scott agreed: ‘Does a strict and progressive neutrality prevent its subjects or citizens from doing the acts which the State is specifically forbidden to do[?] . . . Practice recognizes, and rightly so, a distinction between the intervention of the State and the activity of the individual.’ The Second Commission, handling land warfare, worked from the principle that neutral states must not suffer consequences from conflicts to which they are not party, and ‘any obligation [to halt arms exports] laid upon

---

10 13th Convention, chap. 1, art. 7, and 5th Convention, chap. 1, art. 7, in Scott, Hague Conventions and Declarations, op. cit., 211, 134.
the neutral State would cause the greatest difficulties in actual practice, and would create inadmissible interference with commerce.'

The Great War changed this consensus that private trade was inviolable. The first world war triggered a groundswell of public revulsion against arms manufacturers and traders, a change that made restrictions on the arms trade part of the Paris peace negotiations, and would later produce the American Neutrality Acts, a Royal Commission investigation in Britain, and H.C. Engelbrecht and F.C. Hanighen's *Merchants of Death*, a classic exposé of the arms industry. In addition, wartime rationing had led to the creation of comprehensive licensing systems for all exports, a practice the United Kingdom retained after the war for munitions. Representatives of the Powers met at the Paris suburb of St-Germain-en-Laye on 10 September 1919 to sign the 'Convention for the Control of the Trade in Arms and Ammunition'. As established in the preamble, the contracting powers did not regard the trade in arms in itself as harmful. Instead, two specific contingencies required a new convention. The first world war had 'led to the accumulation in various parts of the world of considerable quantities of arms and munitions of war, the dispersal of which would constitute a danger to peace and public order'. Not only were there more weapons available, but European colonial possessions were in greater danger of instability. Earlier restrictions on the supply of arms to Africa 'no longer meet present conditions, which require more elaborate provisions applicable to a wider area in Africa and the establishment of a corresponding regime in certain territories of Asia'.

The Convention accordingly established three principles to control the arms trade that would endure in the League's efforts to regulate munitions traffic. The first was licensing arms exports, a practice already established in the United Kingdom and some other producing states. St Germain prohibited all arms exports with one crucial exception: licensed exports. States signing the Convention 'reserve the right to grant . . . export licenses to meet the requirements of their Governments or those of the Government of any of the High Contracting Parties, but for no other purpose'. The world of arms trading was thereby to be limited to a circle of recognized governments signatory to St Germain, cutting off all those outside that restricted set.

---


13 Along with the arms trade convention, two other treaties were signed that day in St Germain-en-Laye: the peace treaty with Austria and a convention of the Powers on policy in colonial territories. See *Dictionnaire Diplomatique*, vol. 2, 631–4; ‘Convention for the Control of the Trade in Arms and Ammunition’ in *League of Nations Treaty Series*, vol. 7, 332–3.

14 Ibid., art. 1, 340–1.
The second principle was publicity. St Germain created a Central International Office under the League of Nations to gather statistical information on arms trading. States party to the treaty ‘shall publish an annual report showing the export licenses which it may have granted, together with the quantities and destination of the arms and ammunition to which the export licenses referred’.15

The final principle was restricting arms to the non-western world by banning arms shipments to ‘any country which refuses to accept the tutelage under which it has been placed’. Aiming to prevent the arming of insurgent movements, St Germain declared Africa (except for Libya, Algeria and South Africa), the Arabian Peninsula through Iran and north to Transcaucasia, and all Asian sections of the Ottoman Empire to be ‘prohibited areas’. In these ‘prohibited areas’, arms licensing was much stricter, and deliveries could only be carried out using ships and ports approved by ruling authorities.16

There was little doubt among representatives in Paris that keeping arms out of African and Asian hands was St Germain’s chief task. American diplomats were certain that St Germain’s purpose was protecting European empires. Representatives of France, Italy, Japan and Great Britain did not wait for St Germain’s ratification, but instead met in July 1920 in Paris and agreed informally to carry out its provisions in Africa and the Middle East. This was ‘the moral duty of all civilised States’, a duty that ‘can only be efficiently performed by agreement between the principal Powers’.17 In September 1921, the League’s Temporary Mixed Commission on Armaments recognized ‘the main purpose of the [St Germain] Convention was not to promote disarmament as among civilised States, but to prevent arms from getting into the hands of private persons or organisations, or of certain barbarous or semi-civilised peoples’, and the League found that St Germain’s only effect was on arms trafficking in the ‘prohibited zones’.18

Though St Germain was not a League of Nations initiative, the League was integral to its function and immediately took up its cause. Secretary-General

15 Ibid., art. 4, 341.
16 Ibid., passim.
17 Adee to Commission to Negotiate Peace, 17 October 1919: Foreign Relations of the United States 1920, vol. 1, 198; Commission to Secretary of State, 25 October 1919: ibid. On the July 1920 meeting, see testimony included in later correspondence on 1925 Conference in League of Nations Archives (hereafter LNA), C.758.M.258.1924.IX [ix–5], app. IV, 147–8. The League archives have been microfilmed, and the final set of brackets in each citation indicates the microfilm roll on which the document appears. Briefly, League document citations begin with a letter indicating their point of origin: A[sembly], C[ouncil], or C[ircular] L[etter], generally followed by a number indicating their place in the yearly sequence of documents issued. Citations end with the document’s year of origin usually followed by a Roman numeral indicating its subject: IX indicates disarmament. See Edward A. Reno, League of Nations Documents, 1919–1946: A Descriptive Guide and Key to the Microfilm Collection (New Haven, CT 1973–75).
Eric Drummond held that the ‘aim of the Convention being in conformity with the aims of the League, it is an interest of the League that as many countries as possible should become party to it’. That meant putting St Germain’s ratification on the League Assembly’s first agenda and urging non-member states to ratify it.\textsuperscript{19} Drummond, the League Council, the League Assembly and the Temporary Mixed Commission all agreed that the most important goal was ‘to bring the Convention into general operation at the earliest possible date, and all schemes for its improvement should, in our opinion, be subordinated to this principal aim’\textsuperscript{20}

Initial diplomatic reaction to the Convention was quite positive; it was signed by many minor powers and all major arms-producers: the USA, the United Kingdom, Belgium, France, Italy, Japan and Czechoslovakia. Despite this, few went beyond signature to ratification. As Denmark’s Harald Scavenius expressed the problem, his government, ‘although in full agreement with the principle of this Convention, cannot, at the present time, when only a few of the signatory Powers have ratified the Convention, give a final decision’. Bulgaria, Guatemala, New Zealand, Spain and Sweden all voiced what other states felt but would not say: they would not ratify unless all others would as well. Three years after the Convention’s signing, it had been ratified by some Central and South American countries (Brazil, Chile, Guatemala, Haiti, Peru and Venezuela) as well as China, Finland, Greece and Thailand [Siam], not enough to produce a workable Convention. The arms-producing states were conspicuous by their absence, and the Convention itself was a dead letter.\textsuperscript{21}

Opinion in the League of Nations blamed St Germain’s failure on American refusal to ratify it. If one of the world’s chief arms exporters would not participate, no other arms-producer would limit itself. After being badgered repeatedly, American Secretary of State Charles Evans Hughes finally told Drummond in July 1922 that the USA ‘finds itself unable to approve the provisions of the Convention and to give any assurance of its ratification’.\textsuperscript{22}

This recalcitrance did not stem from opposition to controlling the arms

\textsuperscript{19} Secretary-General memorandum, date uncertain, LNA, C.22, 1920 [ix–1]; circular letter of Secretary of Permanent Advisory Commission, 26 August 1920: LNA, C.L. 20/31/64 [ix–1]. The Permanent Advisory Commission on Military, Air, and Naval Questions was composed entirely of military professionals. Concerns with this arrangement led to the creation of the Temporary Mixed Commission which contained civilian representatives.

\textsuperscript{20} Secretary-General’s memorandum of 1 March 1921: LNA, M.21/4/66 [ix–1]. See also 4 March 1921: LNA, [C] 21/41/23 [ix–1]; 8 March 1921: LNA, [CL] 21/31/28; Secretary-General’s communiqués of 13 June and 12 August 1922: LNA, C.L. 58(a).1922 IX and LNA, C.L. 82.1922.IX [ix–2]; ‘Report of the Temporary Mixed Commission on Armaments’, 15 September 1921: LNA, A 81.1921 [ix–1], 16.

\textsuperscript{21} See LNA, C.89(b).M.48(b).1921.IX [ix–1], 1, 3–4, 7–8; Wood to Secretary of State, 1 May 1923: FRUS 1923, vol. 1, 33–7.

trade or popular opposition to the League of Nations. President Warren G. Harding opposed governmental sales of surplus ordnance. A January 1922 Congressional resolution and presidential proclamation gave Harding the power to halt arms exports to states in the western hemisphere to those in which the USA enjoyed rights of extra-territoriality and a state of domestic violence persisted — an elaborate euphemism aimed at China. Furthermore, American distaste for the League was, in fact, declining. By March 1922, Hughes was using unofficial representatives to participate in the League’s humanitarian efforts on behalf of women or against traffic in obscene materials. Hughes’s evaluation of the Convention, while finding much to object to, concluded: ‘It might be possible, if the provisions concerning the League of Nations were the only objectionable features, to cover them with proper reservations’, and later asserted that ‘the basic difficulties . . . regarding the Convention of Saint Germain would have existed had the League not been charged with its administration’. Problems came instead from St Germain’s ban on sales to states that had not signed it. This would have slashed American exports to Latin America and undercut American national security, wholly dependent on a vigorous private arms industry.23

The July 1922 ‘fait nouveau’ of American disinterest threw the League into turmoil until in April 1923 its Council approved sounding out American opinion on how St Germain could be made acceptable. Without American participation, all other considerations were secondary. Despite the League’s accommodating attitude, acting Secretary of State Phillips in September 1923 once again refused to have anything to do with League efforts to control the arms trade, though he did express sympathy with the aim.24 After this second rebuff, the League’s leadership decisively abandoned the old Convention and its troublesome ban on arms exports to non-signatories. Instead, it decided on a conference of both League member and non-member states to create a new accord. Would the American government participate?25

The answer, however surprising to the League, was yes. Once the United States government was promised that the new convention would be separate from the League, however formally, its calculations changed. The USA’s chief substantive objection to St Germain, that it would halt arms exports to Latin


24 See M. Salandra reports, 11 April 1923 and 16 April 1923 (stamped ‘Adopted by the Council’): LNA C.254.1923.IX and C.335(1)1923 IX [ix-3]. See also Secretary-General to members of Council, 21 March 1923: LNA C.208.1923.IX [ix-3]. Phillips to Grew (Bern) for relay to League of Nations, 12 September 1923: FRUS 1923, vol. 1, 38–40; also enclosed (in French) in Secretary-General’s memorandum of 18 September 1923: LNA, C.615.1923.IX [ix-3].

America, could be prevented by the presence of an American representative in negotiations. Hughes gave his representative in Switzerland instructions to attend meetings on the proposed convention and pledged ‘most careful consideration’ of any agreement. 26 After Joseph Grew, American Minister to Switzerland, returned to Washington to become Undersecretary of State, Hugh S. Gibson took his place serving as liaison with the league. The leader of the American delegation would be former Senator Theodore E. Burton, now on the House Foreign Affairs Committee. Allen Dulles, later head of the Central Intelligence Agency, also joined the delegation. 27

Preparatory meetings for a new Arms Traffic Convention began in February 1924, and by March it was clear that the assembled delegates were doing all they could to accommodate American sensibilities. By September 1924, a draft Convention was ready, and in December the League Council agreed to set the opening of a Geneva Conference on the issue for 4 May 1925. By January, 27 states had signalled their intent to participate, and the Soviet Union was the only major arms-producing state declining to attend. 28

In addition to distancing the agreement from the League, the proposed new Convention also met the American demand to allow arms exports to states outside the convention. Export licenses were still required but issued at the discretion of the exporting state. Furthermore, by the time the Arms Traffic Conference opened, the unfortunately-named ‘prohibited zones’, offensive to states finding themselves in one, had been renamed ‘special zones’. The head of France’s League of Nations Department recognized this as a distinction without a difference: ‘I am sure the countries placed in these zones will appreciate this politeness’, B. Clauzel said. ‘All the same they will still be subject to a special regime.’ 29

The Arms Traffic Conference itself opened on 4 May 1925 in Geneva with a grand welcome from its president, Count Carton de Wiart, former Prime Minister of Belgium, who saluted the USA and other League outsiders, Germany and Turkey. Six weeks of meetings would end in a self-congratulat-

26 Secretary of State to Grew, 1 and 2 February 1924: FRUS 1924, vol. 1, 18–20; Grew to Drummond, 2 February 1924: LNA, C.37.1924.IX [ix–4]. Fleming, op. cit., 221 mentions Grew’s reserved declaration that he would discuss an arms convention but not the subsequent active participation of American representatives at the Geneva conference itself.
27 Gibson is better known for his role as a neutral American diplomat in occupied Belgium during the early days of the first world war. See Hugh Gibson, 1883–1954 (New York 1956). On the make-up of the American delegation, see FRUS 1925, vol. 1, 27.
latory session on 17 June 1925 at which 18 states signed the new Arms Traffic Convention and others promised quick agreement, contingent only on approval from home.30

Despite the good intentions of all sides, the reformulated 1925 Geneva Convention would prove no more effective than its 1919 St Germain parent in curbing the arms trade. Geneva’s debates revealed the hidden conflicts earlier concealed by American recalcitrance. Contrary to the consensus of interwar public opinion, arms manufacturers — the ‘merchants of death’ — were not to blame for the League’s failure to regulate the arms trade. Not all representatives of arms-producing states were as sanguine as the Czechoslovak delegate, Dr Ferdinand Veverka, who felt that ‘nothing is easier than to convert factories for the manufacture of arms into factories for the manufacture of ploughs and other implements of peace’, but industrial interests were surprisingly silent at Geneva. It was the non-producing states, the ‘purchasers of death’, who brought crippling objections to Geneva. Sally Marks has pointed to the smaller European states as the chief devotees of the League and of collective security, but when faced with League action that might erode their defences, smaller states quickly rose to defend their sovereignty.31

This is not to say that arms-producers had no hidden agendas. The British Board of Trade feared that including poisonous gases in the scope of the Convention could cripple British chemical exports, while France sought to guarantee that Germany could not import arms the Versailles Treaty forbade it to manufacture. Britain was also worried that the Convention would hinder its ability to supply arms to the troops defending its far-flung empire, and won an exemption for armed forces over strenuous Turkish and Chinese objections.32 Despite these reservations, however, the arms-producing Great Powers agreed in principle that licensing and publicity were necessary and worthwhile steps. The smaller states at Geneva held no such belief. Both licensing and publicity were seen as intolerable infringements on sovereignty and security, and small states made every effort to ensure that no Geneva agreement would hamper their ability to arm.

Licensing raised questions about the Convention’s essential nature: was the international arms trade at its base legitimate or illegitimate? As de Wiart put it, would the arms trade function under ‘freedom of export subject to certain conditions’ or of a general ‘prohibition subject to certain exceptions’? The draft text took the second tack, proclaiming arms exports prohibited except under specific conditions, namely to a legitimate government under

30 The final text of the Arms Traffic Convention as signed on 17 June 1925 is readily available in FRUS 1925, vol. 1, 61–93.

31 Veverka was Czechoslovakia’s Minister to Switzerland and delegate to the League of Nations. See his speech, 6 May 1925: LNA, A.13.1925.IX [ix–6], 148. Marks, op. cit., 29–31.

a license from the exporting state. Smaller, non-producing states found this unacceptable as free export was essential to their security. As even *Merchants of Death* itself concedes, the League of Nations' effort to control the international trade 'was dominated by the insistence of the nonproducing countries that the producing countries *must* sell'. Otherwise, 'the non-producing countries would look upon [nationalization of arms manufacture] as a hostile act of the producing countries, to whose tender — or otherwise — mercies they would thereby be committed in a warring world'.

On the second day of the Conference's deliberations, the illusion of consensus over licensing was shattered. El Salvador's J. Gustavo Guerrero, vice-president of the Conference, re-opened issues raised in drafting the Convention's text, and prefigured the chief complaint of the non-producers: any restrictions on the arms trade put smaller states at the mercy of producers. 'It will', he declared, 'be difficult to bring our task to a satisfactory conclusion if we seek to render countries which do not produce arms dependent in some sense on the exporting countries and to create . . . two groups, one of which would control the other.' Licensing should, therefore, only be applied to 'backward peoples'. Furthermore, allowing exports to governments recognized only by the exporter created great potential for mischief. What if an arms-producer recognized an insurgency solely to increase arms sales? He argued that the solution was the 'noble policy' of the 'Great Republic' and El Salvador's 'elder sister' — the USA: refusal to recognize governments established by revolution or coup d'état.

Gustavo Guerrero pressed this theme over the first week of the conference. One producer might recognize a constitutionally-legitimate government while another recognized a rebel group, permitting exactly the destabilizing flow of arms the convention intended to prevent. He rejected the suggestion that his concern was parochially Latin American. 'I have overheard conversations', he declared, 'in which the view was expressed that this question of the recognition of Governments only concerns the States of Latin America which are — according to an unfortunate tradition — exposed to internal troubles.' His views, he insisted, were based strictly on the rights of individual states.

Representatives of other small states resented the right of producer-governments to decide through the power of licensing whether private manufacturers could supply them with arms. Greece's delegate to the League, Vassili Dendramis warned that under licensing

... a kind of condominium of the great States will be set up over the small non-producing States, which will, in reality, come under the control of the great. They will be at their mercy; they will be subjected to such economic and political conditions as may be imposed on them.

33 Engelbrecht and Hanighen, op. cit., 264, 266.
34 Gustavo Guerrero speech, 5 May 1925: ibid., 130–1; see also 8 May 1925 transcript of Gustavo Guerrero's remarks of 5 May, PRO FO 371/11033, 76 of print.
Other important advocates of consumers' rights were Sweden and Brazil, whose Admiral A.C. de Souza e Silva had complained in preliminary negotiations that licensing gave producers too much power.\textsuperscript{36} Turkey's Mehmed Tevfik Bey went furthest of all, arguing that governments should have no discretionary power to stop arms exports, that 'freedom to export . . . should be complete and unrestricted'. If the governments of arms-producing states could halt the flow of arms by denying licensing, the Convention would become a tool for the Great Powers to dominate the small. Tevfik Bey then, with Brazilian support, formally proposed an amendment to establish an absolute obligation to license all shipments to duly constituted governments. While producers halted this infringement on their discretionary powers, Turkey was at least able to put its concerns before the Legal Committee.\textsuperscript{37}

Iran in particular found constraints on its sovereignty painful. It was in the unique position as a League member in a 'prohibited zone', and the change in nomenclature to 'special zone' was no comfort. Even before the Geneva conference, Prince Mirza Riza Khan Arfa-al-dawla \[Arfa-od-Dowleh\] had told the League's Council in September 1923 that Iran had already enacted 'particularly severe legislation' against illegal arms trading and supported 'any equitable measure' to enforce that. Unfortunately, St Germain, 'signed in 1919 by certain Powers and drawn up without the participation of Persia', prevented lawful arms imports to Iran. Protesting against Iran's inclusion in the 'prohibited area', Arfa-al-dawla declared that the Iranian government 'cannot recognise the validity of any document which disposes of her sovereign rights without her assent'. The British Foreign Office refused to accept this argument, reminding the League that Iran's Prince Firuz, in a note of 27 March 1920, had accepted St Germain. Arfa-al-dawla had to assure Secretary-General Drummond that, first, Firuz had stipulated that Iran itself, not outside powers, would enforce the prohibited zone, and, second, that the Iranian parliament had never ratified St Germain, depriving Firuz's declaration of legal force.\textsuperscript{38}

At Geneva, the United Kingdom could not yield on Iran's place in the 'special zones', a question key to imperial security. Iran had to be included in the 'special zones' to prevent arms from drifting into northern India. To square this with Iranian insistence on equality, the British government hoped that, in return for its leaving Iran out of the 'special zones', Iran would

\textsuperscript{36} Dendramis speech, 6 May 1925: ibid., 137; Onslow to Foreign Office, 6 May 1925: FO 371/11033, 39 of print; de Souza e Silva remarks at meeting of Temporary Mixed Commission, 8 July 1924: LNA, C.758.M.258.1924.IX [ix-5], 178–9.

\textsuperscript{37} See 9 May 1925 remarks of Carton de Wiart and Mehmed Tevfik Bey: LNA, A.13.1925.IX [ix-6], 167, 170, 174; and proposed Turkish amendment, 11 May 1925: ibid., 177–8.

\textsuperscript{38} Arfa-al-dawla to League Council, 18 September 1923: annex to LNA, A.16.1924.IX [ix-4], 7; Salandra report, 26 September 1923: LNA, C.652.1923.IX [ix-3]; Yencken to League of Nations, 22 October 1923 (copy included with 7 November 1923 cover letter from Secretary-General): LNA, C.692.M.278.1923.IX [ix-3]; Arfa-al-dawla to Secretary-General, 4 February 1924 (copy included with 15 February 1924 cover letter from Secretary-General): LNA, C.47.M.21.1924.IX [ix-4].
crack down on gun-running. Arfa-al-dawla, on the other hand, was unstinting in his campaign to escape the ‘special zones’. In preliminary negotiations, he stressed Iran’s dangerous neighbours and ‘warlike and turbulent tribes’ requiring Iranian access to arms. He wondered why Iran, an ancient civilization, could not receive the same exception granted to Rhodesia and Spanish North Africa. Even Iran’s legitimate attempts to purchase weapons were sometimes blocked by an unnamed but easily identifiable ‘third power’.

Iran strengthened its position by invoking the issue of sovereignty and equality between large and small states. After the conference began, Arfa-al-dawla reminded the delegates that ‘Persia alone has been placed . . . in the prohibited zone’ and made equality a non-negotiable prerequisite for participation. Turkey and China, two other states with reason to feel aggrieved at unequal treatment, rose immediately to support Iran’s cause. President Carton de Wiart hoped to avoid a confrontation by passing the issue on to a subcommittee, but Arfa-al-dawla insisted that a matter of principle must be decided by delegates as a whole. Dendramis agreed: ‘It is essential for the General Committee to state whether a Member of the League of Nations, enjoying equal rights with all the other Members, should be placed in a position of inferiority.’

President de Wiart managed to pass the matter to the Geographic Subcommittee which, over the violent objections of the Iranian delegation, proposed excluding Iran from the ‘special zones’ but including Iranian territorial waters. The subcommittee’s formulation left the Persian Gulf and the Sea of Oman (with the Red Sea and the Gulf of Aden) part of a maritime ‘special zone’. General Habibolah Khan, bristling at the restrictions this would place on Iranian trade, protested that the clause was discriminatory and unacceptable. The 1890 Brussels Convention had placed similar restrictions on Iranian commerce, as a result of which ‘certain Powers succeeded in almost entirely stifling our navigation’. Unable to force a vote on whether a League of Nations Convention could come into force against the express wishes of the sovereign state affected, Habibolah Khan made a concrete proposal that the Sea of Oman and Persian Gulf be removed from the special zones.

Here the irresistible force of Iranian sovereignty met the immovable object of British imperial defence. The British position was that Iranian waters — what Sir Percy Cox of India called ‘the home of the arms traffic’ — had to be in the ‘special zones’. The Earl of Onslow, leader of the British delegation,

40 Arfa-al-dawla in discussion of draft convention, 5 February 1924 in LNA, C.758.M.258.1924.IX [ix-5], 43; 26 March 1924, ibid., 93-4; and 8 July 1924, ibid., 179.
42 Speech of General Habibolah Khan, 11 June 1925: ibid., 375-6, 378.
warned that removing Iranian waters from the ‘special zones’ would be a decision of ‘gravest concern’ to His Majesty’s Government. Arfa-al-dawla could only rally the anti-imperialist votes of Turkey and China. Britain mustered an imperial coalition of France, Italy and Portugal, along with Canada, India, Egypt and, perhaps surprisingly, Greece and the Irish Free State. The overwhelming majority simply abstained.43

Final recriminations came four days later. Cox repeated that the Persian Gulf was a hotbed of arms traffic, and that public order in India required the strictest regime. In a single six-month period, the Royal Navy had intercepted 12,000 rifles, 290 pistols, and two million rounds of ammunition, to say nothing of what had slipped through. The Iranian position was, Cox emphasized, ‘based mainly on sentiment, and, gentlemen, we cannot frame an Arms Traffic Convention on a basis of sentiment’. Cox feigned surprise at Habibolah’s concern; after all, the inhabitants of the Persian Gulf coast were not really Iranian, but ‘have still a large leaven of Arab blood and Arab residents among them’. The Gulf’s ongoing trade in slaves and children would be impossible without illegal arms, and allowing immunity to vessels flying an Iranian flag would only make matters worse. The best protection for Iranian rights was, in Cox’s view, British naval distaste, for ‘the overhauling of dhows on the high seas is a most difficult and unsavoury duty, which is exceedingly obnoxious to all naval officers’. They would accordingly never carry out a search without good cause. Habibolah Khan and the rest of the Iranian delegation, not surprisingly, found Cox’s arguments unconvincing. ‘If the British Empire delegations were a little less unyielding’, he declared, some accommodation might have been reached. As matters stood, ‘the Persian delegation, to its deep regret, feels bound to withdraw from this Conference’. He and Arfa-al-dawla would not return.44

The issue of publicizing arms-trading raised issues of security instead of sovereignty, but proved equally impressive at revealing stark differences between producer and non-producer states. Military intelligence militated against small states’ agreeing to publicity. As Dendramis noted, publishing arms imports and exports meant that ‘the secrets of the national defense forces of the small States will be compulsorily revealed, whilst the producing States will maintain complete secrecy as to their armaments’. This problem was worst for states bordering on the Soviet Union. The Soviet Politburo, despite or because of its active programme of arms imports and exports, had declined even to attend the Geneva Conference, and Eastern European states thus regarded the unilateral publication of their own munitions trade to be an unmitigated intelligence disaster.45

44 Cox speech and Habibolah Khan declaration, 15 June 1925: ibid., 399-400.
45 Ibid., 137; Politburo decision of 16 April 1925: Rossiiiskii tsentr dlia khraneniia i izuchenii dokumentov noveisheii istorii, f. 17, op. 3, d. 397, l. 2.
The Polish delegate General Kazimierz [Casimir] Sosnkowski, former minister of military affairs, made his concerns clear without explicitly mentioning the USSR, reminding the delegates that the Convention ‘will not extend to certain vast regions of the world. Some countries refuse to cooperate in any way or to agree to regulation of the problems of security in any form.’ Poland, then, ‘is obliged to model its entire policy to accord with the exigencies of the situation created by the refusal of the Power to which I have just referred to take part in the Conference’. General Toma Dumitrescu of Romania shared those concerns. Dumitrescu’s countryman, Nicolas Comnène, stressed how seriously he regarded the problem:

When we see difficulties constantly arising on frontiers in countries which I will not mention by name; when we witness all the provocations which arise — sometimes from beyond certain frontiers; when we know how well certain neighbouring countries are armed, I assure you, gentlemen, that we cannot talk lightly of a question of principle, for the very future of the countries we represent is at stake.

Sosnkowski’s solution was to allow any state to opt out of publicity if it bordered on an arms-producer’s rejecting the Convention.46

The Soviet problem arose again over ratification conditions. The draft text assumed that the Soviet Union would participate in the Conference and included it among the arms-producers who had to ratify the Convention for it to go into effect. Romanian and Polish delegates argued for keeping that clause, though there seemed no possibility of the Soviet Union’s signing. Sosnkowski observed that the Convention ‘clearly aims at strengthening the influence of public opinion’ — little use in a state like the Soviet Union which had none. How could the Convention deal with ‘a great producing country which refuses to sign the Convention, which can carry on widespread propaganda, and the strength of which is known to all of us’. As a compromise, Comnène proposed allowing Poland and Romania to ignore the Convention’s publicity requirement until Soviet Russia joined.47

After discussion in subcommittee, Estonia, Finland, Latvia, Poland and Romania all indicated their desire to opt out of publicity. Dr Zaunias of Lithuania (which did not share a border with the Soviet Union) also asked for this right, though he repeated what Norway’s Christian Lange had already observed: if Russia adhered to the Convention, Eastern Europe would be no better off. As the publicity requirement affected only imported arms, and the Soviet Union had a large production potential, even its adherence to the Convention would let it rearm secretly while Eastern European states published their purchases. Zaunias went further, expressing his concern that if states bordering on the Soviet Union were exempt from reporting (and this would, again, not include Lithuania) then Lithuania would in turn be

46 Sosnkowski and Dumitrescu speeches, 6 May 1925: LNA, A.13.1925.IX [ix–6], 139, 147; Comnène remarks, 12 May 1925: ibid., 192; Sosnkowski, ibid., 191.
47 Sosnkowski and Comnène speeches, 22 May 1925: ibid., 255, 257.
surrounded by states arming in secret. Since one neighbour, Poland, had already seized Lithuanian territory, Zaunias found this discomfiting.48

Sosnkowski objected strongly to Zaunias’s insinuations. Poland had only the most friendly intentions towards Lithuania, and the entire border question was definitely settled and ‘belongs to history’. This left it to the Great Powers to object to making exceptions for Soviet neighbours. Burton, leading the American delegation, commented that everyone wanted an exemption, leaving the convention meaningless. As Onslow put it, ‘If the opportunity is taken by a very large number of States to secure the exceptional treatment which this clause foreshadows . . . the object we have in view will be largely nullified.’ Despite Onslow’s concern, Eastern European states would never sign a Convention requiring them to divulge their arms purchases. The final Convention’s Article 29, as a result, explicitly preserved the right of Estonia, Finland, Latvia, Poland and Romania to opt out of the treaty’s publicity clauses.49

As Eastern Europe appealed for protection against the Soviet Union, smaller states in general tried another tactic to prevent disclosure of their arms purchases: linking publicity to conditions they knew would be unacceptable to larger producers. On 12 May Dumitrescu of Romania proposed linking publicity for trade to publicity for manufacture, putting an equal burden on arms-producers, but was unable to muster support.50 A second tack attempted to match controls on the arms traffic with strict control or even elimination of private manufacture.

French socialists and syndicalists had introduced this idea to the League, and the Temporary Mixed Commission determined as early as 1921 that ‘among the special measures likely to facilitate and hasten the general solution of the problem [of disarmament], none is more important than the regulation of private manufacture’.51 In the 1924 preliminary discussions of a new convention, French syndicalist Leon Jouhaux declared: ‘The Workers’ Group intends to propose the prohibition of private manufacture of arms and munitions, as it considers that this is the only way of preventing the evil effects attendant on their manufacture.’ To keep the USA’s participation, the Temporary Mixed Commission agreed to separate trade and private manufacture, though Jouhaux was adamant that the issue be not simply buried. He asked ‘whether it was desired to draw up an instrument of peace — in that case it was essential to stop manufacture — or whether it was desired to give purely formal satisfaction to public opinion’. Jouhaux ‘declined to take part in drawing up a draft the only object of which would be to ensure control by a group of great producing Powers over only such countries as it was to their

49 Ibid., 269–70; Article 29 of Geneva Arms Traffic Convention, in FRUS 1925, vol. 1, 74.
interest to do so'.\(^{52}\) Joseph Paul-Boncour, France’s representative at the League, declared as the Arms Traffic Conference opened that ‘if the Convention on the Trade in Arms is not speedily confirmed and supplemented by a similar convention on private manufacture, our work will be ineffective and to a certain extent will involve great injustice’.\(^{53}\)

Yugoslavia’s General Kalafatovich took up this idea and proposed on 12 May that the Arms Traffic Convention not go into effect until control over private manufacture had been achieved, something to which the USA would never agree. Given the general practicality and sophistication of the delegates at Geneva, Kalafatovich and the other supporters of his proposal must have been disingenuous when he declared that ‘the Serb-Croat-Slovene delegation has no idea, in submitting this amendment, of hindering or retarding the entry into force of the Convention. . . . Its desire is to give effect to that principle of equality which has already been recognized.’ Christian Lange of Norway objected that

\[
\ldots \text{it would be a bitter disappointment if we were to separate after signing a Convention containing . . . words to the following effect: ‘We have completed our work but the results attained will not permit of the Convention coming into force until the Greek Kalends, or, at any rate, until some perfectly indefinite date.’}
\]

Dumitrescu replied drolly that Norway enjoyed better neighbours than Romania.\(^ {54}\)

In sum, the delegates signed an Arms Traffic Convention on 17 June 1925 that left key dilemmas unresolved. The League’s smaller states had obtained little of what they wanted, and were faced with a Convention that could seriously endanger their security. With the exception of Eastern Europe, non-producers would have their arms purchases made public, and those purchases would still require approval of the exporting government. The hard choices to balance the interests of great powers and small states had not been made. Once the delegates left Geneva, predictably few states rushed to ratify and implement its provisions. In the inevitable clash between the surrender of sovereignty required for effective international action and the needs of national security and independence, international organization lost.

The League’s Assembly hurt ratification further by pushing immediately for control over private manufacture. Given tactics employed by smaller states at the Arms Traffic Conference, it is even possible this was deliberately aimed at derailing the Arms Traffic Convention. The Assembly, with Drummond’s con-

\(^{52}\) Jouhaux cover letter to draft convention assembled by Jouhaux, Oudegeest and Thorberg, 5 February 1924: enclosure to LNA, C.758.M.258.1924.IX [ix-5], 64; Jouhaux remarks of 7 February and 24 March 1924: ibid., 67, 73–4.


\(^{54}\) Kalafatovich, Dumitrescu, Dendramis and Lange speeches of 20 May 1925: Paul-Boncour, \textit{op. cit.}, 244–6.
currence, urged that the USA be brought into discussions on the elimination of private manufacture as quickly as possible. The Convention never approached the number of ratifications required to go into effect, and after some half-hearted attempts to assemble a Conference on private manufacture, the League’s focus eventually turned to general disarmament. Despite the much greater efforts expended on behalf of this idea, it never produced tangible results. When Hitler pulled Germany out of the Geneva Disarmament Conference on 14 October 1933, it was the end of all hope for comprehensive disarmament.

Still, it would be a mistake to see the League’s record on arms trade as a complete failure. From 1925 to 1938, the League did assemble a remarkable set of data on the world arms trade. The later work of the USA’s Nye Commission, Britain’s Royal Commission and independent investigators like Engelbrecht and Hanighen would have been impossible without the groundwork laid by the League. Furthermore, a combination of moral suasion and enlightened self-interest eventually convinced most major producers that untrammelled exports were not to their benefit. During the 1930s, most instituted peacetime licensing for arms exports: Belgium in 1933, Sweden and the USA in 1935, France in 1939, and finally Italy in 1956 and West Germany in 1961. This acceptance of licensing, while it has not prevented proliferation, illustrates the potential for even weak international organizations to set norms of behaviour. In attempting to overcome national interest, the League failed. In setting standards by which international behaviour might be judged, it achieved an unjustifiably forgotten success.

David R. Stone

is an assistant professor of history at Kansas State University. He is the author of *Hammer and Rifle: The Militarization of the Soviet Union, 1926–1933* (forthcoming).