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SOME ASPECTS OF CANADIAN FOREIGN POLICY AFTER VERSAILLES

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IN the period following the signing of the Treaty of Versailles, those countries which had accepted membership in the League of Nations faced the necessity of finding a synthesis between their traditional policies and the obligations of the Covenant. In doing so, their efforts were in part directed toward giving the League the particular character or emphasis which fitted their own interpretation of its functions.

Canada sought membership in the League of Nations primarily as a recognition of its self-governing status. But League membership forced Canada to take a stand on a variety of international issues which were new in setting if not always in their essential characteristics. Prior to World War I, Canada's relations had been almost exclusively with the United Kingdom and the United States. In the inter-war period, its major concern continued to be with those countries. In what Mr. MacGregor Dawson has called the period of tentative centralization from 1920 to 1922, and the period of decentralization from 1922 to 1926[1] which was ushered in by the Chanak incident, Canada continued to work out in the Commonwealth the implications of its autonomy. At the Conference of Prime Ministers of 1921, Mr. Meighen demonstrated with vigour and effectiveness, Canada's concern for good relations between the United Kingdom and the United States.[2] But in addition to concerning itself with these relationships, Canada had to face the implications of its membership in the new international body, both in terms of what it believed the League should do and of what support it was willing to give the League in the carrying out of these purposes.

In an attempt to throw light on Canadian attitudes and policies in the League of Nations in the years from 1920 to 1923, three topics with which Canadians were particularly concerned have been singled out for special analysis: the relation of the Assembly to the Council; the question of international regulation of raw materials; and the problem of Article 10. The first of these topics is little known, and it is believed that there is new light to shed on all three. If one leaves aside constitutional developments in the Commonwealth and the relations between the United Kingdom and the United States, both of which have been treated in detail by others, they are the questions in which the Canadian attitude had the greatest influence in this early post-war period. Moreover, in their general implications they have great significance for the present time for they touch on three basic issues: the relation between small and great powers within international organization, the extent and character of international regulation, and the means of ensuring peace within the international community. In the period under consideration, they emerge as separate and distinct from one another but they have a measure of general unity through their

[1]R. MacGregor Dawson, *The Development of Dominion Status, 1900-1936* (New York, 1937), 36-103.

[2]See J. Bartlet Brebner, "Canada, the Anglo-Japanese Alliance and the Washington Conference" (*Political Science Quarterly*, March, 1935, 45-58).

effect on the shaping of the character of the League and from the Canadian point of view, through the personalities involved and the policies they exemplify. The first two of these subjects have their chief significance during the First Assembly of the League of Nations in 1920; the third is of importance throughout the period and for that reason will be treated last.

The First Assembly which met at Geneva in November, 1920, was in many ways decisive for the future development of the League. Like any good constitutional instrument, the Covenant left unsettled many questions of relationship and function. The first general gathering of League members had to concern itself with these questions and it was due to effective leadership, provided in part by Canadians, that the Assembly became a force in League affairs.

In a group which included a high proportion of well-known leaders such as Cecil, Barnes, Nansen, and Viviani, the Canadian representatives, Sir George Foster, the Hon. C. J. Doherty, and the Hon. Newton W. Rowell, ranked high. By some, the Canadian delegation was considered to be the most useful among those of the smaller powers, particularly for its effective work in committees, and Wilson Harris believed Rowell to be "among the eight or ten leading figures of the Assembly."[3]

When the Assembly first met in November 15, 1920, it had no officers, no committees, no rules of procedure, no plan of work. The extent of its functions and the character of its relation to the Council were still undetermined. It was in regard to the latter question that Rowell began to assume a leading role in the Assembly.

The discussion on the relation between the Assembly and the Council focused on three main points. The first was whether the League had an analogy in constitutional law in the relation between cabinet and legislature; the second was whether representatives in the Council and in the Assembly spoke for themselves or for their governments; the third was the knotty problem of concurrent jurisdiction. Both in his addresses in the plenary sessions and as Rapporteur with Viviani for the First Committee to which the question was referred, Rowell maintained a firm stand in support of an independent position for the Assembly and of a responsible attitude by the Great Powers. In opposition to the Italian representative, Tittoni,[4] he carried his point that not the individual delegates but the States represented on the Council "should be held accountable" for their decisions.[5] In regard to general relations between the Assembly and Council, it was agreed that the League of Nations had no analogy in constitutional law and was in fact a single organism having at its disposal two bodies through which its work could be done. In the more complex question of concurrent jurisdiction, Rowell eventually convinced Viviani that he should not suggest that residual powers belonged to the Council.[6] In the final Report, due to Rowell's action, there was no attempt to make precise definition of the spheres of activities of the Council and Assembly where these were not clearly designated in the Covenant.

The basis of Rowell's action was his desire to build up the authority of the Assembly. He spoke frankly in the plenary session of his personal agreement with the "substantial body of opinion . . . which would magnify

[3]Wilson Harris, *What They Did at Geneva* (London, 1921).
[4]For his speech, see *Assembly Records,* 1920, Eighth Plenary Session, 178 ff.
[5]*Assembly Records,* 1920, First Committee, Third Meeting, 12.
[6]Rowell papers, Rowell to Viviani, November 27, 1920.

the functions of the Assembly."[7] Recognizing, however, that agreement could not have been reached on resolutions which enlarged the functions of either the Assembly or the Council, he took recourse in the typically Anglo-Saxon expedient of avoiding precise definition, lest it subsequently form a limitation on the powers of the Assembly.

The action was more important than may appear at first sight. From the point of view of the League, it was a decisive move in preparing the way for the Assembly to develop into a strong representative body, with direct responsibility in any issue which properly belonged under the Covenant. The activities which the Assembly undertook in 1920 went far toward giving effect to this claim to full coordinate authority. Moreover, in emphasizing the responsibility of states for the declarations of their representatives whether in the Council or in the Assembly, there was an attempt, not always successfully implemented, to secure a close relation between international utterances and national policy. On this point, the stand taken by Rowell was in line with the general Canadian attitude that representatives speak not for themselves but for their governments. In regard to its attempt to keep the Assembly to the fore in League affairs, it illustrates a policy characteristic of all the Dominions. Only in the Assembly were the Dominions sure to be represented. The British Empire representative on the Council was in practice always the representative of the United Kingdom alone. Even after 1926 when one of the Dominions always had a seat on the Council, there was no feeling that it represented in any way the other Dominions. Thus it was only in the Assembly that Canada could be sure of exercising influence. The desire to protect the control of its own affairs, which played such a role in Canada's Commonweath relations, was a contributory motive for supporting the power of the Assembly. Lastly, the action demonstrated a Canadian interest in the affairs of the League which needs to be remembered when other more negative incidents are being considered.

* * * * *

The Canadian reaction to the second issue, that of international regulation of raw materials, centred around two points, the interpretation of the functions of the League, and the expediency of the approach as a means of solving the problem. The question had already been raised before the First Assembly met, and the Canadian attitude toward it had been indicated. At the first annual meeting of the International Labour Conference held in Washington, November, 1919, M. Digno Baldesi, the Italian workers' delegate had proposed that "The conference should draw the attention of the League of Nations to the importance of an equitable distribution of raw materials in preventing unemployment and to the expediency of setting up a Permanent Committee which would guarantee this equitable distribution among the various countries, according to their present need and future industrial requirements."[8] Rowell, who was serving as the Canadian government delegate, pointed out the impracticability of the suggestion, and maintained also that it was outside the jurisdiction of the Conference. A sharp discussion followed and the proposal was only

[7] *Assembly Records,* 1920, Fourteenth Plenary Session, 290.

[8] *Provisional Verbatim Record,* First Annual Conference, International Labour Organization, 20.

defeated by 43 votes to 40. This experience formed the backdrop for Rowell's statements on the subject in the First Assembly.

The issue was raised in that gathering by the Belgian delegate Lafontaine who maintained in his speech in the plenary session that the League of Nations should deal especially with the problem of armaments and with economic problems. Among the latter, he ranked raw materials which, he declared, should no longer be considered the possession of the country within which they were found but "must be at the disposal of all mankind, under conditions of as great equality as possible."[9]

Rowell, who spoke next in the plenary sessions, undertook to answer this directly. In introduction, he maintained it was necessary to keep a clear differentiation between the primary function of the League which was to prevent war and to substitute other means of settling international disputes, and the secondary functions such as those under Article 23 relating to health, transport, etc., which he felt should not be emphasized to the neglect of the League's primary function.

> In reference to the secondary function [he declared], I venture to submit that it is important that we should not seek to go outside the terms of the Covenant, that we should not seek to promote proposals here or elsewhere which cannot possibly be realized because they are outside the scope of the Covenant. The nations could not possibly submit to them without losing control of their own internal affairs. It is essential, if the League is to discharge its primary functions, that it should not consist of a few of the great nations of the world; it must consist of all the great nations of the world, and it should consist of those great nations, so soon as they are in a position to comply with the conditions of the Covenant and apply for admission.
>
> In considering this matter I think there is a viewpoint from the New World that it is wise for both the Council and the Assembly to consider. If there is one idea held more tenaciously than another on our side of the Atlantic it is that we must retain control of our own internal affairs. You can never expect the great nation south of Canada to become a party to this League so long as there is any suggestion or contention that you are going to interfere with the domestic affairs of that country. Therefore I think it is unfortunate to throw out to this Assembly and to the public any proposal to the effect that the Covenant of the League covers the question of raw materials. I submit, with respect, it is clear beyond peradventure that it does not. It is a question of tremendous importance to all the nations of the world. Everyone recognizes that. But to introduce it here and obscure the primary function of the League is only to militate against its efficiency and impair the position it should hold in the public estimation of the world.[10]

This is the statement which Signor Tittoni, the Italian delegate, declared "expressed so categorically a *non possumus* in connection with the matter of raw materials and their proprietary rights for the nation which possesses them." Later in his speech, Tittoni appealed with great eloquence "to those Powers who are the fortunate possessors of raw materials, to those Powers who are rich, not to wait for the request from the poorer Powers

[9] *Assembly Records*, 1920, Eighth Plenary Session, 164.
[10] *Ibid.*, 169.

and the Powers who are dependent upon them, but to come before this Assembly and say that they will waive their national interests and national egoisms in the general interest of humanity, justice and equality."[11]

The division of opinion concerning the functions of the League was equally obvious in the Second Committee where the issue was again raised. No conclusion was reached, however, and the opposition of the Canadian, Australian, and Indian representatives in the Committee prevented any resolution from being presented which implied that raw materials were a subject for international regulation.

Rowell's attitude to the issue was based on three major considerations. First and foremost, he did not believe that the Covenant provided for action of this type. A reading of the relevant article on which proponents of action based their claim makes it difficult not to accept his contention. Article 23 began "Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League"; and continued in section (e) "will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League." It was difficult, particularly for a lawyer, to read into this a justification for international regulation of raw material. Even if agreement were reached that such a subject did fall under this article, action could be taken only through international covenants and by the express consent of the governments concerned. Secondly, Rowell quite frankly believed that it was not a feasible approach to the issue because it would require a degree of regimentation in economic life and of outside control in internal affairs for which the Canadian people were not prepared. In the third place, Rowell still hoped for American membership in the League and as he said later, "any suggestion that the League of Nations sought to control or regulate the distribution of raw materials would put a weapon in the hands of the opponents of the League in the United States which might destroy any chance of the United States entering the League."[12] It was not the only occasion on which Canadian representatives constituted themselves the spokesmen for North America and endeavoured to prevent any steps being taken which they felt might militate against eventual American entry into the League.

The Canadian stand on raw materials at the First Assembly has been cited frequently as evidence of an unenlightened and selfish attitude toward an issue of international concern. Particularly was it attacked at the time of the Italo-Ethiopian conflict when it was suggested that the Canadian action in blocking inquiry into the question of raw materials had been a contributory cause of Italian expansionism.[13] In evaluating this contention, it is important to note that in fact the inquiry into raw materials was not blocked but was continued and that an elaborate report on the subject by Professor Gini was presented to the Second Assembly. By that time, however, it was not difficulty in securing raw materials which was the problem but difficulty in disposing of them. Hence, there was a change in approach which Rowell fully endorsed. Restrictions on the

[11] *Ibid.*, 178.

[12] Newton W. Rowell, "The League of Nations and the Italo-Abyssinia Dispute" (*Board of Trade Journal*, Nov., 1935).

[13] E.g. Escott Reid, "Did Canada Cause War?" (*Saturday Night*, Sept. 28, 1935).

distribution of raw materials were seen to have been a by-product of the general system of trade barriers in existence after the war. In regard to these trade barriers, Rowell later quoted with approval the Report of the Economic Committee to the Assembly in 1921 which while recognizing "the incontestable right which states have to dispose freely of their natural resources or of the output of their countries in respect of raw materials" warned against restrictions or differential regulations which might injure the production of other countries. "Had this position been taken at the First Assembly," Rowell maintained, "there would have been no occasion for any difference of opinion."[14]

It is unfortunate that a wider exploration of the economic problem did not take place at the First Assembly and that the issue of raw materials was not placed in the general setting where it belonged. Exaggerated claims were met by a sharp response which was justified by the legal context and the practical circumstances. But further consideration might have revealed more basic issues and pointed toward positive means of meeting them. In considering the Canadian attitude, however, it is important that neither in practice nor in declarations was any attempt made to support a principle of exclusive or widely differential regulations in regard to its exports.

* * * * *

The third issue to be considered, the attitude to Article 10, illustrates not only Canada's approach to the issue of preserving peace but also its thesis that in taking active measures there should be a differentiation of obligation determined by the extent of the responsibility for the settlement, the size and stage of development of the power concerned, and the degree of danger to which it was exposed. It is well known that already at the Peace Conference, the Canadian representatives had sought for the deletion of Article 10 of the Covenant which states 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 any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled." In a memorandum which did not become public until 1921, Doherty attacked the obligations of Article 10 "both generally, and from the point of view of countries in the condition and stage of development of Canada in particular." In general, he opposed it as embodying an "absolute obligation of mutual protection of existing possessions," which implied, he believed, a complete stabilization of the *status quo* without reference to the justice of particular titles of possession. Pointing out that territorial disputes were the most common cause of war, Doherty felt that the inflexibility of the guarantee would be inclined to lead to wars rather than to prevent them. If such a guarantee were to be made Doherty proposed that it should be by the Great Powers and specifically limited to the territorial settlement of the Peace Treaties. In any case, he opposed placing the obligation on Canada, partly because Canada had no responsibility for the settlement, partly because Canada was a nation "still merely in process of formation," partly because it imposed a mutual guarantee in which he believed the inequality between the risks

[14]Rowell, "The League of Nations and the Italo-Abyssinia Dispute."

run and the burdens imposed worked greatly to the detriment of Canada.[15] Implicit in the statement, is a belief which may well be questioned, that guarantees are dangerous because they freeze the *status quo*. There was also an emphasis on differentiation of function between great and small powers which was a not unnatural attempt to reproduce in the League a distinction present in the British Commonwealth relation.

Unsuccessful at the Peace Conference, although Doherty believed that they came "within an ace of succeeding,"[16] the proposal to omit Article 10 was reintroduced at the First Assembly, discussed at the Second Assembly, and referred to the Third Assembly, 1922. At that gathering, the representatives of the new Liberal ministry, having become convinced by conversations in Geneva that it would be impossible to secure the deletion of Article 10 at that time,[17] dropped the request for elimination of the Article and asked instead for clarification of its exact meaning and effect.[18] In particular they were interested in knowing whether it was "within the power of the Council to set the nations at war by their decision?" It was a reiteration, as the Hon. W. S. Fielding pointed out, of the questions which had been raised in the Canadian Parliament at the time when the Canadian government had sought approval of the Treaty of Versailles[19]—and it marked an interesting shift in emphasis from the Doherty memorandum, though apparently the shift was made perforce! In order to secure this clarification, two amendments were proposed by the Canadian delegation. The first was that the Council's advice on means to fulfil the obligation of the Article should take into account "the political and geographical circumstances of each State"; the second that a further clause should be added which read, "The opinion given by the Council in such cases shall be regarded as a matter of the highest importance, and shall be taken into consideration by all the Members of the League, which shall use their utmost endeavours to conform to the conclusions of the Council; but no Member shall be under the obligation to engage in any active war, without the consent of its parliament, legislature or other representative body."[20]

After a good deal of discussion, consideration of the fate of Article 10 was again adjourned. Before it was taken up by the Fourth Assembly in 1923, the opinions of twenty-five governments on the Canadian proposal had been received in answer to a Council request. Out of these answers and the discussions of the Fourth Assembly, the final step was taken. With the somewhat reluctant consent of the Canadian delegation, its points were incorporated in an interpretative resolution in place of the amendments it had proposed. In introducing the resolution, the Rapporteur, M. Rolin of Belgium, pointed out that it would not have much legal force but great moral influence. Along with others, he maintained in addition that the resolution in no way weakened the effect of Article 10.[21] The repre-

[15]League of Nations, Committee on Amendments to the Covenant, *Memorandum submitted by the Canadian delegation* (C.215, M. 154, 1921). Reprinted in G. P. deT. Glazebrook, *Canada at the Paris Peace Conference* (Toronto, 1942), Appendix C.

[16]*Journal of the Parliaments of the Empire*, 11, 4, Oct., 1921, 794-5.

[17]*Assembly Records*, 1922, First Committee, Fifth Meeting, 23, Lapointe.

[18]*Assembly Records*, 1922, Fifteenth Plenary Session, 215-16.

[19]*Canada, House of Commons Debates*, Second Session, 1919, I, 80, 91, 95, 103, 116, 129, 153, 157, 169, 190, 197, 212, 231, 385, 500.

[20]Quoted in *Assembly Records*, 1923, Twelfth Plenary Session, 75-6.

[21]*Ibid.*

sentative of Persia showed himself unconvinced on this point by casting the single negative vote against the resolution[22]—thereby preventing it, under the unanimity rule, from having binding force. Comparatively little concern was expressed, however, about this feature of the situation. From the Canadian point of view, it is interesting to note that Senator Gouin who followed the Rapporteur accepted that "The interpretation submitted by the First Committee makes no fundamental change in Article 10." All he asked was that Canada be given "a clear interpretation of Article 10, in order that we may know what obligations we have undertaken by signing the Covenant which has united us."[23]

Although the interpretative resolution differed markedly from the original proposal to delete Article 10, two major points had been secured. The recognition that political and geographical position should be a determining factor in making recommendations for action answered by indirection, the original point of differentiation of status and risk. In the second place, the agreement that constitutional authorities should make the ultimate decision in regard to specific means for meeting obligations protected Canada's jealously guarded autonomy. But between the original attempt and the final result, there was the difference between avoiding the obligations of a collective guarantee and securing an assurance that, in particular situations, the position of countries would be taken into consideration in proposing measures to be taken, and that individual rights of decision on action were safeguarded.

In seeking to evaluate the Canadian attitude in regard to Article 10 in relation to its general conception of how peace should be preserved, it is worth noting that the Doherty memorandum had accepted Canada's general obligation under the other Articles of the Covenant which it acknowledged "may subject her to becoming engaged in wars entered upon for the enforcement of the obligations of the nations Members of the League." This risk which Doherty considered to be "extremely remote," and which did not impose an absolute obligation of military or naval action, had the special justification that it was "the sanction of violation of the very Covenants into which all the parties are now entering." Moreover, in such cases Canada would be represented on the recommending body and so, as he pointed out "it will be her own decision for which she will be called upon to ensure respect."[24] These statements endorse the conclusion that, from the beginning, the Canadian action was motivated by the desire to safeguard Canada's ultimate right of decision in particular instances, by a belief in differentiation of function, and by reluctance to guarantee all existing territorial arrangements, not by unwillingness to assume some risks to support the procedures of the Covenant for the maintenance of peace.

The primary function of the League of Nations, Rowell had said, was "to prevent war and to preserve the world's peace by substituting some other method of settling international disputes."[25] Other states felt, and probably rightly, that the best way to prevent war was to establish a collective guarantee against aggression. The Canadian approach after

[22]*Ibid.*, 81.
[23]*Ibid.*, 80-1.
[24]C. 215, M. 154, 1921, cited above.
[25]*Assembly Records*, 1920, Eighth Plenary Session, 169.

Versailles was from a different angle. It emphasized the substitutes for war provided by other means for settling international disputes. Chief among these was placed the Permanent Court of International Justice. Progress in disarmament and full publicity for treaties were looked on as useful aids. Only secondarily and with reluctance did Canadian representatives face the possibility that force might ultimately be necessary. Even in the Doherty memorandum, however, it was accepted that the use of force might at some point be inevitable. Moreover, in 1923, the Canadian government explicitly accepted the obligations of Article 10, reserving only its right not to enter into war without the decision of its own legislature.

Over and over again, Canadian statesmen informed their League audiences that Canada looked for no individual advantage from the League, except as Doherty put it "the great benefit and advantage of living in the better world that we believe the League is destined to bring about."[26] Secure in its British connection (which was accepted comfortably as a means of protection however it might be eyed askance as a source of potential trouble through unwelcome commitments) and in its good relations with its southern neighbour, Canada could well afford in the early twenties to emphasize its blessings. Looked on from this perspective, and analysed with understanding of the motives, its actions were not uncommendable. At the moment when Canada was asserting its right of ultimate decision within the Commonwealth, it was not likely to do less within the League of Nations. It might, however, have recognized that there was some difference between accepting decisions made by the United Kingdom and acceding to the demands, or even desires of the great majority of the nations of the world, though had the latter had more consistency, it is difficult to say that Canada would not have done so. Similarly, Canada's emphasis on differentiation of function was an obvious outgrowth of its position within the Commonwealth. In addition, it had a justification which is generally recognized today.

Seen from the angle of building a strong League, Canadian policy had less to commend it. The attack on Article 10 weakened the faith of dangerously situated countries in the League's protective power. What symapthy was shown for the Canadian action came largely out of the hope that it might lead to American entry into the League, though the Canadian delegations were always careful to insist that this was not their motive. Their approach to the problem of peace was that war should be avoided rather than prevented. But though it was important to provide means of settling disputes, it was unrealistic in the existing stage of development of the international community not to face squarely the necessity of pledging collective action to prevent the securing of ends by force. Also the Canadian statement on raw materials undoubtedly rankled, though largely because it was not placed in its proper context. On the positive side was Canada's support of the position of the Assembly. So, too, was the high calibre of its delegation at the First Assembly and the active role it had assumed in League affairs.

Already in the first years of its League membership, Canada faced some of the most important issues of principle in international affairs with which it was to be confronted in the inter-war period. It was not wholly unprepared for them but the experience it could draw upon was limited.

[26]C. 215, M. 154, 1921, cited above.

Canadian statesmen were hopeful that international affairs could be conducted on the pattern of British Commonwealth relations. Canadian public opinion was confused by the intricacies of status. In the harsh events which succeeded the earlier period of discussion, both illusions and confusions were to be ruthlessly exposed. When Canada faces again the equally significant issue of principle which must be decided at the conclusion of this conflict, it will have not only knowledge of the inadequacies of a negative policy but also the experience of positive action in the war to guide it in accepting the full implications of its international position.