# The Centenary of India's Membership of the League of Nations

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The League of Nations (LN) was conceptualized by the Treaty of Versailles,<sup>1</sup> which formally ended the First World War on 28 June 1919. The Treaty also created the International Labour Organization (ILO), a unique multi-stakeholder multilateral structure in which policies are decided by governments, employers and workers, without any government exercising veto power.<sup>2</sup>

India signed the Treaty of Versailles as a distinct legal entity, although she was a colony consisting of the territory of British India and Indian Princely States. In international law, India's signature was that of "an anomalous international person". However, this did not prevent India from participating on the basis of "legal equality" in the activities of both the LN and ILO with other sovereign states to reflect her evolving national interests and perspectives. How did India acquire a seat at the Paris Peace Conference of 1919 which resulted in the Treaty of Versailles? Was India's participation in the LN and ILO of relevance for contemporary India's multilateral diplomacy? These are the questions that arise when reviewing India's membership of the LN a century later.

## India and the First World War

The primary reason for India's signature on the Treaty was her immense military and financial contribution to the success of the Allied powers in the First World War. Britain had declared war on Germany on 4 August 1914. Mahatma Gandhi, who had just completed his epic twenty-one-year struggle in favour of equal rights in South Africa, arrived in London en route to India that very same day. After meeting Indian political activists in London, Mahatma Gandhi took the initiative to draft and sign a "Confidential Circular", dated 13 August 1914, containing an Indian offer to assist the British

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Government during the War.<sup>5</sup> The circular proposed to Indian political leaders in Britain "for the sake of the Motherland and the Empire to place our services unconditionally, during this crisis, at the disposal of the Authorities". The next day, in a letter to Charles Roberts, the Under Secretary of State for India, Mahatma Gandhi and his colleagues explained that "the one dominant idea guiding us is that of rendering such humble assistance as we may be considered capable of performing, as an earnest of our desire to share the responsibilities of membership of this great Empire, if we would share its privileges."

Mahatma Gandhi became Chairman of the Indian Volunteers Committee, which sought to enlist orderlies and nurses to tend to the wounded Indian soldiers arriving from battlefields in Europe. However, he fell ill with pleurisy, and was advised by the authorities in England to return to India. Accompanied by his wife, Kasturba, he returned to Bombay on 9 January 1915.

In its 1923 publication, *India's Contribution to the Great War*, the Government of India published a comprehensive account of India's participation in the war effort. Altogether, 1,302,394 Indian soldiers volunteered to fight as part of seven separate Expeditionary Forces across Europe, Africa, and Asia (including China) during the First World War. They were supplemented by 172,815 animals and 3,691,836 tons of supplies and stores. 121,598 Indian soldiers were the casualties of the War, including 53,486 dead, 64,350 wounded, and 3,762 missing or imprisoned as on 31 December 1919. The highest number of Indian casualties in the war occurred in West Asia (which includes today's Palestine/Israel, Iraq and Syria), including approximately 30,000 dead and 32,000 wounded.

Apart from this, India contributed equipment and stores worth over £80 million to the Allied war efforts until 1918. In terms of direct monetary contributions, India gave £146.2 million from its revenues towards the cost of the war up until the end of 1919-20. This included an offer made to Britain, at the beginning of 1917, of a lump sum War Loan of £100 million (valued at more than £ 6.4 billion at today's rate of exchange) as a special contribution towards the expenses of the war. The British Parliament passed a Resolution on 14 March 1917, accepting the offer which was taken from Indian revenues. Of this sum, nearly £75 million was raised in India by the war loans of 1917 and 1918, and the balance raised by the Government of India assuming the liability for interest on an equivalent amount of the British Government War Loan. Till October 2014, the British Government had not repaid fully the War Loans taken during the First World War.<sup>9</sup>

The Indian contribution to the war efforts came from both British India as well as the Indian Princely States. 29 major rulers of the Princely States of India offered their "personal services and the resources of their States for the war", and the rulers of Jodhpur, Bikaner, Kishangarh, Ratlam, Sachin, Patiala, Bhopal, and Cooch-Behar joined the Expeditionary Forces sent from India, along with Imperial Service Troops from their states.

# India and the Treaty of Versailles

Indian political demands to participate meaningfully in coordinating issues of common interest to the British Empire, especially international security and trade, came to a head during the meeting in Simla of the Viceroy's Legislative Council on 22 September 1915. Following an impassioned appeal for "official" Indian representation in the forthcoming meeting of the Imperial Conference, moved in a resolution in the Council, the Viceroy Lord Hardinge committed to recommending to the British Government that "India should be represented by the Secretary of State and one or two representatives nominated by the Secretary of State in consultation with the Viceroy". <sup>10</sup>

Subsequently, at the meeting of the British War Cabinet held in London on 23 December 1916, the participation of the British Dominions at a "special War Conference" was discussed. In addition to the four Dominions of Australia, Canada, New Zealand, and South Africa, the War Cabinet decided that, "having regard to the great services of India during the war…there could not possibly be any tenable objection on the part of the Dominions to the inclusion of a distinguished Native of India" in the representation led by the Secretary of State for India at the Imperial Conference. It left the decision on which Indian to include in the delegation to the Secretary of State for India.<sup>11</sup>

Between 20 March 1917 and 2 May 1917, British Prime Minister Lloyd George convened joint meetings of the Imperial Conference, which he called a "special War Conference of the Empire", and the "Imperial War Cabinet", which met on alternate days. <sup>12</sup> India was represented in these meetings by the Secretary of State for India Sir Edwin Samuel Montagu; the Maharaja of Bikaner Sir Ganga Singhji; the Parliamentary Under-Secretary of State for India, Sir Satyendra Prasanno Sinha; and the former Governor of the United Provinces of Agra and Oudh, Sir James Meston. <sup>13</sup> In his memoirs, Lloyd George wrote of Maharaja Sir Ganga Singhji's participation in the Imperial War Cabinet.

"Bikanir" as he was familiarly and affectionately called—the Indian Prince—was a magnificent specimen of the manhood of his great country. We soon found that he was one of "the wise men that came from the East." More and more did we come to rely on his advice, especially on all questions that affected India.<sup>14</sup>

Lloyd George had openly advocated the inclusion of India in discussions within the Imperial Conference and the Imperial War Cabinet to discuss the conduct of the First World War and the contours of an eventual peace settlement. Apart from looking at the deployment of Indian troops in the war, these discussions also included the future strategic role of British India in West Asia following the retreat and break-up of the Ottoman Empire. As Lloyd George emphasised, "the representation of India in the Imperial War Cabinet was the beginning of the open recognition of India's new status". This was consolidated by a resolution adopted by the Imperial Conference which placed India at par with the other Dominions of the British Empire at subsequent Imperial Conferences, marking "the first Imperial recognition of the altered status of India". The resolution asserted "the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations". The resolution asserted "the right of the Dominions".

Consequently, the British Empire delegation at the Paris Peace Conference (held in Versailles from 18 January 1919 and led by British Prime Minister Lloyd George) included three members representing India. They were Sir Edwin Montagu, Secretary of State for India; Sir Ganga Singhji, Maharaja of Bikaner; and Sir S. P. Sinha, then Member of the Governor of Bengal's Executive Council. Two places each were allotted at the Conference Table to the British Dominions of Australia, Canada, and South Africa, as well as to India. The Treaty of Versailles was signed by Sir Edwin Montagu as Secretary of State for India and Maharaja Sir Ganga Singhji of Bikaner. Altogether 33 signatory states (including India) are recognised by the Treaty of Versailles as "original members" of the LN. 20

## The Government of India Act, 1919

India's participation in the Paris Peace Conference was her first foray in multilateral diplomacy. This coincided with the opening of India's first diplomatic representation abroad through the Government of India Act, 1919, which created the position of a High Commissioner for India in the United Kingdom. For the first two sessions of the General Assembly of the League of Nations, the Indian delegation was led by the High Commissioner for India in London.<sup>21</sup>

A Royal Proclamation emphasised the intention of the British government to devolve political power in a phased manner to British India, as a "definite step on the road to responsible Government". The charter of the High Commissioner was to exercise the delegated powers of the Secretary of State and act on behalf of the Governor General of India. The Government of India Act, 1919 received Royal Assent on 23 December 1919, after having been successfully piloted through the House of Lords by Lord S.P. Sinha, who had been part of the Imperial Conference and Imperial War Cabinet as Under-Secretary of State for India, and a member of the Indian delegation to the Paris Peace Conference. The Process of the Indian delegation to the Paris Peace Conference.

The Government of India Act of 1919 did not result in Dominion Status for British India. It proposed a gradual devolution of political power through the system of a "dyarchy", falling short of the expectations articulated in Mahatma Gandhi's letter of 13 August 1914. This shortfall was compounded by the sequence of political events in India beginning with the brutal Jallianwala Bagh Massacre in April 1919.<sup>25</sup> The killing of innocent Indian civilians triggered the first non-violent non-cooperation movement against British rule led by Mahatma Gandhi. Eventually, this process culminated with India's independence from Britain on 15 August 1947.

### **India and the League of Nations**

As one of the "Principal Allied and Associated Powers" signing the Treaty, India became a founder-member of the League of Nations and the ILO. President Woodrow Wilson of the USA was the driving force behind the creation of the League of Nations. He chaired the Committee at the Paris Peace Conference in Versailles which drew up the Covenant of the League of Nations on 29 April 1919. The Covenant "outlined the League of Nations' three basic objectives: to ensure collective security, to assure functional cooperation, and to execute the mandates of peace treaties. However, the League of Nations could only begin to function, formally and officially, after the Peace Treaty of Versailles came into effect. Thus, the League of Nations was officially inaugurated on 10 January 1920". 26

During its existence, the LN proved ineffective in confronting the challenge of implementing the principle of international cooperation to promote international peace and security.<sup>27</sup> Under Article 5 of its Covenant, the LN was committed to taking decisions by complete consensus. Its early successes included the 1925 Locarno Agreements which brought about reconciliation between France, Belgium, Great Britain, Italy, and Germany, enabling Germany

to become a member of the LN and its Council in 1926.<sup>28</sup> However, the LN was unable to prevent the violation of the territorial integrity of its member states guaranteed in Article 10 of the Covenant, viz. the invasion of Manchuria in China by Japan in 1933, the annexation of Ethiopia by Italy in 1936,<sup>29</sup> and the invasion of Finland by the Soviet Union<sup>30</sup> in 1939. The fact that these violations had been perpetrated by permanent members of the LN Council illustrated the ineffectiveness of the LN, which directly led to the outbreak of the Second World War in 1939. In some ways, this issue continues to resonate a century later, with the United Nations Security Council being marked by growing polarization among its permanent members and their unilateral violations of the principles of the UN Charter.

India's participation in the LN and the ILO needs to be assessed against this broad backdrop. India did not become a member of the LN Council, which was dominated by the Principal Allied and Associated Powers. The LN Council was mandated by Article 4 of the LN Covenant to deal with "any matter within the sphere of action of the League or affecting the peace of the world." Instead, India engaged within the LN Assembly on issues relevant to her interest by supporting the implementation of the pertinent provisions of the Treaty of Versailles. She was able to do so by using her international legal status as a signatory to the Treaty, contributing to the evolving principles and legal architecture of multilateral relations.

The relevance of India's participation in the LN a century after she joined the organization can be seen in some of the current priorities of independent India's multilateral diplomacy at the United Nations. These focus on effective international cooperation to achieve objectives such as disarmament, counter terrorism, socio-economic development, and the peaceful settlement of disputes.

#### **Disarmament**

Article 171 of the Treaty of Versailles prohibited Germany from the manufacture of chemical weapons to be used in war.<sup>32</sup> The use of chemical weapons in warfare during the First World War had directly affected India. Allied armies, including troops from the Indian Corps, were the victims of a surprise attack by Germany using chlorine gas during the Second Battle of Ypres on 22 April 1915.

By the end of the First World War, all the major combatants had developed chemical weapons. This provided the incentive for India to join other members of the LN Assembly in the first attempt to outlaw the use of chemical weapons in warfare by negotiating legal obligations banning the use of such weapons.

The LN convened a Conference in Geneva between 4 May and 17 June 1925 for this purpose. The outcome was the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed on 17 June 1925, 33 which entered into force on 8 February 1928. India ratified the Geneva Protocol on 9 April 1930.

Independent India carried forward her commitment to universal chemical and biological weapons disarmament. In 1993, India actively negotiated the Chemical Weapons Convention (CWC), which strengthened the 1925 Geneva Protocol by outlawing the use of chemical weapons "under any circumstances". The CWC established an intrusive body, the Organization for the Prohibition of Chemical Weapons (OPCW), to monitor compliance with the CWC. India signed the CWC on 14 January 1993 and ratified it on 3 September 1996. In 2009, the OPCW confirmed that India had become the third country member of the CWC (after Albania and the Republic of Korea) to destroy its chemical weapons stockpile. On 19 January 2018, India became the 43rd member of the Australia Group, joining an informal group of countries committed to greater international cooperation to counter the spread of materials, equipment, and technologies that could contribute to the development or acquisition of chemical and biological weapons by states or terrorist groups. Section 2015.

# **Countering Terrorism**

In 1934, France proposed to the LN Assembly that it adopt a legal convention to counter terrorism, following the assassination of King Alexander I of Yugoslavia and the French Foreign Minister Louis Barthou (who had been briefly Prime Minister of France in 1913) by terrorists in Marseilles. The refusal of Italy, one of the permanent members of the LN Council, to extradite the accused terrorists who had taken refuge in Italy, was a major consideration behind the French proposal. Discussions on the French proposal were entrusted to a Committee for the International Repression of Terrorism by the LN Assembly. Final negotiations on a legal text were conducted at the LN in Geneva in the first half of November 1937. India was among the 24 members of the LN that adopted the Convention for the Prevention and Punishment of Terrorism on 16 November 1937. Britain did not sign this Convention.

The Convention required signatory states to enact national legislation making terrorist acts extraditable offences in case one of their nationals committed an

act of terror in a foreign country. It was this requirement that prevented the Convention from being ratified by many signatory states. In the event, India was the only member of the LN to ratify the Convention in 1941, and the Convention did not come into effect.

Independent India carried forward the intention of the LN Convention by tabling the first draft of a Comprehensive Convention on International Terrorism (CCIT) in the United Nations General Assembly in 1996.<sup>37</sup> The objective of the CCIT is to ensure effective international cooperation to counter terrorism by making terrorist acts extraditable offences, on the legal principle of "prosecute or extradite". India's initiative assumed urgency following the adoption of the use of cross-border terrorism as an instrument of state policy by Pakistan.

#### Socio-Economic Issues at the LN

The LN Assembly provided a forum for India to participate in the initial multilateral discussions on trade and economic issues. The two LN International Economic Conferences of 1927 and 1929 were watershed moments, providing the intellectual inputs for the eventual creation of multilateral financial and economic organizations under the United Nations. India's view was that any multilateral economic policies should not result in the use of tariffs to raise protectionist barriers and should recognise the specific role of agriculture on employment in countries like India. A resolution moved by India in the LN to examine the impact of the World Depression of 1929 on trade and economic issues was adopted.<sup>38</sup>

India's implementation of three of the provisions of Article 23 of the Covenant of the LN is illustrative of the impact of her membership of the LN on her domestic policies of socio-economic development. These related to increased international cooperation to counter trafficking in women and children, illegal trafficking in opium, and the prevention and control of disease.<sup>39</sup>

As a result of negotiation in the LN Assembly, India signed the International Convention for the Suppression of the Traffic in Women and Children on 30 September 1921, and ratified the Convention on 28 June 1928.<sup>40</sup> This Convention contained legal obligations for signatory countries to prosecute, or extradite, persons engaged in trafficking women and children, and to regulate the legal travel of women and children travelling on emigrant ships.

The Government of India had banned the export of opium to China in 1913. Following the Second Opium Conference held by the LN, India joined member-states in negotiating and signing the International Opium Convention at the LN in Geneva on 19 February 1925, and ratified it on 17 February 1926. This Convention dealt with controlling the production, processing, and trading of opium, including for medicinal uses. India had a significant stake in the discussions, as opium had traditional uses in Indian society, and British colonial administrators had called opium smoking a "social vice" without any criminal intent. This was followed by India's adoption of the LN 1931 Convention limiting the manufacture and regulating the distribution of Narcotic Drugs in July 1931.

Implementing the provisions of Article 23 of the Covenant on the prevention and control of disease by the LN resulted in regular exchanges of information between member-states on common health issues, including influenza, tuberculosis, and leprosy. Vaccines for diphtheria, tetanus, and tuberculosis were standardized for use world-wide. The establishment in 1922 of the International Health Organization (the precursor of the World Health Organization set up in 1948) was very significant for India.<sup>44</sup>

#### At the ILO

In addition to participation on issues related to labour harmony under Article 23 of the Covenant of the LN, India has played a role in raising issues specific to Indian labour at the ILO since 1919. In the process, India has used ILO standards to harmonise the Indian labour market with global labour standards.

In 1919, India negotiated and ratified a slew of ILO Conventions for limiting work in industrial undertakings to 8 hours a day/a 48-hour week, countering unemployment, and streamlining the night work of young persons and women. In 1921, India adopted ILO Conventions on rights of association and combination of agricultural workers, the application of a weekly rest period in industrial undertakings, and the medical examination of children and young persons employed at sea. In 1925, she adopted ILO conventions on workmen's compensation for occupational diseases and equality of treatment for foreign and national workers as well as compensation for accidents and, in 1926, the ILO convention on the simplification of examination of emigrants on board ship.<sup>45</sup>

India's participation in the ILO was also unique because it marked India's assuming a leadership role in multilateral decision-making from 1922 onwards.

Following the first ILO reforms in September 1922, India was designated as a "country of chief industrial importance", and joined other similarly designated countries as permanent members of the ILO Governing Council (who were not required to be elected). In 1927, Sir Atul Chatterjee, ICS, who was High Commissioner for India to the United Kingdom, and leader of the Indian delegation to the ILO, became the first Indian to be elected President of the ILO Conference. He chaired the ILO Governing Body in 1932. This was followed by the opening of the first ILO Office in India in 1928 (ahead of the ILO Office in China in 1930), and the appointment of an Indian (Dr P. P. Pillai) as the Head of Office. Dr. Pillai would later become independent India's first Ambassador/Permanent Representative to the United Nations in New York in 1947.

Independent India has built on these early interactions, with India's strong support for women's issues, including negotiating the formulation on gender equality in Article 1 of the 1948 Universal Declaration of Human Rights<sup>47</sup>; negotiating the steady growth of a competitive pharmaceutical industry that currently accounts for 20 percent of global generic drug exports;<sup>48</sup> and hosting the activities of the WHO South-East Asia Regional Office (SEARO) in India, which looks after issues concerning a quarter of the world's population.<sup>49</sup> Upholding ILO labour standards has helped India ward off attempts by major trading powers seeking to use labour standards for market access in the World Trade Organization negotiations.<sup>50</sup> Most recently, India negotiated and adopted Agenda 2030 on Sustainable Development with its 17 Sustainable Development Goals.<sup>51</sup>

## **Peaceful Settlement of Disputes**

While the LN Council was unable to prevent the use of armed force against its member-states, a more robust affirmation by countries was made outside the LN to renounce war altogether. On 27 August 1928, India joined 14 other nations in Paris who signed the Kellogg-Briand Pact negotiated between US Secretary of State, Frank B. Kellogg, and French Foreign Minister Aristide Briand.<sup>52</sup> Officially known as the "General Treaty for the Renunciation of War as an Instrument of National Policy",<sup>53</sup> the other signatories of this treaty included Germany (admitted to the LN in 1926), Italy, Japan, the United Kingdom and British Dominions, and India. It affirmed that all disputes or conflicts of "whatever nature" between states should be resolved only by "pacific means".

The "Pacific Settlement of Disputes" became Chapter 6 of the 1945 Charter of the United Nations. <sup>54</sup> During her membership of the United Nations, India has contributed significantly to implementing these provisions by contributing Indian troops to UN peacekeeping operations and offering the services of her diplomats at the United Nations. <sup>55</sup>

# **Intellectual Cooperation to Sustain World Peace**

The LN Assembly adopted a resolution in 1921 establishing an International Committee on Intellectual Cooperation (ICIC) "to examine international questions requiring intellectual cooperation". On 14 January 1922, the LC Council decided to constitute the ICIC of 12 eminent persons, including both men and women. On 15 May 1922, the LC Council agreed on the names of the 12-member ICIC, which included Professor D. N. Banerjee of Calcutta University, along with Albert Einstein, Marie Curie, and Henri Bergson, among others. On the control of the state of the control of the co

Professor Banerjee was succeeded by Professor Jagadish Chandra Bose in 1926. In 1931, Dr Sarvepalli Radhakrishnan was appointed to the ICIC, and stayed in it until 1938. He played an important role in the establishment of the Indian Committee of Intellectual Cooperation between 1935 and 1936 at the University of Mysore. Addressing the ICIC, Dr Radhakrishnan said that the main objective of international intellectual cooperation should be to "teach the rising generation the love of humanity and the greatness of peace. Let us impress on them the unity of mankind and the duty we owe to humanity as a whole."<sup>58</sup>

The activities of the ICIC, and the International Institute for Intellectual Cooperation hosted by France, led directly to the creation of the UN Educational, Scientific and Cultural Organization (UNESCO) in November 1945. The objective of UNESCO was to stress the "intellectual and moral solidarity of mankind" and, in so doing, prevent the outbreak of another world war.

#### Conclusion

In 1939, the LN failed to prevent the outbreak of the Second World War. Today, multilateralism is in crisis, primarily due to the assertive unilateralism of the major powers in the UN Security Council. Unchecked by the enforcement of international law as codified in international treaties registered under Article 102 of the United Nations Charter,<sup>59</sup> the threat to the principle of international cooperation on which modern multilateralism is anchored is very

real. It is, therefore, necessary to look at how multilateralism can be revitalised as the United Nations marks its 75th anniversary with a Summit on 21 September 2020.

India can play a leading role in coordinating such an initiative by building on the significant work done over the past century in multilateral fora on intellectual cooperation to strengthen international cooperation. A rapidly changing world requires such an initiative to be multi-stakeholder in nature, encompassing critical issues of human, environmental, and technological development. Perhaps the time has arrived for another "Dumbarton Oaks" moment in international relations, which could be launched at India's Raisina Dialogue in 2021!

#### Notes:

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- <sup>3</sup> Anand, R.P., "The Formation of International Organizations and India: A Historical Study", in *Leiden Journal of International Law*, 23, 2010, pp. 5–21, quoting T. Poulose in footnote 14 on p. 8; at http://www.publicinternationallaw.in/sites/default/files/articles/FormationsIndia.pdf, accessed 30 January 2020.
- 4 Ibid.
- <sup>5</sup> The Collected Works of Mahatma Gandhi (Electronic Book), New Delhi, Publications Division, Government of India, 1999, 98 volumes, Vol. 14, No. 224, 13 August 1914, p. 284; at https://www.gandhiashramsevagram.org/gandhi-literature/mahatma-gandhi-collected-works-volume-14.pdf, accessed 30 January 2020.
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- "Formation of the League of Nations", The Open University, at http://www.open.ac.uk/researchprojects/makingbritain/content/formation-league-nations
- <sup>14</sup> Note 10. p. 18.
- <sup>15</sup> Ibid., p.13.
- <sup>16</sup> Ibid., p.34.
- <sup>17</sup> Ibid. p.35.
- 18 "Paris Peace Conference, 1919", Vol. III, p. 7; Office of the Historian, US Department of State, at https://history.state.gov/historicaldocuments/frus1919Parisv03/pg\_7, accessed 30 January 2020.
- <sup>19</sup> Ibid. Annex II on Rules of the Conference, Rule II, p. 172.
- <sup>20</sup> See note 1. Annex.
- <sup>21</sup> See note 11.
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- <sup>24</sup> "Lord Sinha of Raipur and the Government of India Act 1919", UK House of Lords Library Briefing, 13 December 2019, at https://researchbriefings.parliament.uk/ ResearchBriefing/Summary/LLN-2019-0153, accessed 30 January 2020.
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- <sup>39</sup> See note 1, Article 23 (c) and (f).
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- <sup>59</sup> See note 53, Article 102. The LN Covenant's Article 18 required every international engagement or treaty to be registered with the LN Secretariat "to be binding". Article 102 of the UN Charter carries forward this requirement, stipulating that no party to any such treaty which is not registered with the UN Secretariat "may invoke that treaty or agreement before any organ of the United Nations". A good example of a registered treaty in the UN is the 1972 India-Pakistan Simla Agreement, registered in Volume 858, p. 71 as Treaty No. I: 12308 in July 1972.
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