

Inter Se and the League of Nations

The initial years of the League's operation posed significant questions about the nature of separate representation within the British Empire. The anomalous position occupied by India and the Dominions, as simultaneous members of both the British Empire and the League of Nations, would create legal challenges in defining the international entity of the British Empire, and would become increasingly complicated by the adherence of Ireland to the League in 1923. For many in the British Colonial and Foreign Offices, separate representation was initially little more than a symbolic formality to pay lip service to the Dominions' progression towards statehood.¹ Having been admitted to the League, rapid steps were carried out to mitigate the Dominions' and India's potential independence and international personality that was implied by separate representation. This was driven by the existential fear from the outset by members of the Colonial and Foreign offices, that, separate foreign policies would disintegrate the Empire:

We are making great efforts to ensure that the theory is maintained that there is one High Contracting Party in respect of the British Empire . . . When the war is over and we return to normal ways I think you will find it essential to lose no time in grappling with the problem of imperialising the conduct of foreign affairs. Unless that is done, the Dominions will be conducting their foreign affairs for themselves, and when that comes the unity of the Empire is at an end.²

¹ H. Lambert, 'Sir. H Lambert's Diary of a Visit to Geneva, November 1920 (1st Meeting of Assembly of League of Nations)', November 1920, CO 967/2, UK National Archives.

² Cecil Hurst, 23 April 1919, FO 608/162, UK National Archives.

In an attempt to define the status in foreign and League relations of the Dominions and India vis-a-vis Britain, the doctrine of 'inter se' was devised. Like some kind of Holy Trinity, with the Empire as an indivisible entity consisting of six separate parts, this implied that the relations between the entities in the Empire were not inter-state relations at all, rather relations between different parts of the devolved whole. It would then follow that the Dominions and India were not separate international persons from the United Kingdom.³

The advent of the League of Nations began to further complicate the doctrine of *inter se*. Whilst the Treaty of Versailles had been signed in the name of the King, as had traditionally been the case for treaties, the signing of international conventions posed a legal issue that would cement the Dominions' and India's separate status. Whereas Versailles had been signed as one signature by the British Empire, with its constituents under-signed, conventions to the League and other affiliated organisations such as the International Labour Organization (ILO), could only be signed as a member state, and not as the Empire.⁴ This implied separate ratification by different member states. Due to the separate nature of conventions, international organisations would thus provide a certain platform in which the imperial states could express a heterogeneity of policy.⁵

Moreover, the British themselves were unclear as to who represented whom in different League bodies. Whilst in the Assembly it was clear that each Dominion theoretically represented themselves, in the League Council there were debates as to what extent Britain represented itself or the Empire. Britain had a permanent seat on the Council, which gave it considerable political clout for intervening in affairs that might affect the Dominions and India. Attempts to see the Dominions and India formally represented by Britain on the Council, were rebuffed by the League Secretary, Drummond. As it had been ascertained in the Peace Conference that, the Dominions and India had the right to be part of the rotating non-permanent representation at the Council, the notion of the British permanent seat also representing the Dominions and India, clashed with the League's rules.⁶ Nonetheless, it revealed how the British

³ Gorman, *The Emergence of International Society in the 1920s*, 23.

⁴ Legal Section of the League of Nations Secretariat, 'Ratification of the Labour Convention', 7 May 1920, Legislative/Council & General/Progs/Nos. 35-40/1920, National Archives of India.

⁵ Verma, *India and the League of Nations*, 147.

⁶ 'Drummond to Balfour', 3 March 1920, R1577/40/3278/3298, League of Nations Archive; For more on India's role in the ILO and its accession to its Governing Body,

attempted to use *inter se* not as a coherent policy, but when it suited them – simultaneously as separate entities at the League Assembly and part of a unitary Empire at the League Council.

In practice, the applicability of *inter se* was fraught with difficulties. One of the queries raised with the League's proto-legal department was, whether under Article 15, Council disputes that were referred to the Assembly could give unfair advantage to Britain. This was particularly significant, as Article 15 governed cases where 'between Members of the League any dispute [was] likely to lead to a rupture'. Whereas Britain only had one permanent seat on the Council, it now had six imperial member-states in the Assembly. The query was sent to the future director of the legal section, Van Hamel who gave the example of a dispute between Canada and the United States (this was before the United States' decision not to join the League). If such a dispute was transferred to the Assembly, that *inter se* would potentially allow British Empire member states to vote as separate entities, giving it undue influence.⁷

Van Hamel's ruling on the matter was one of the earliest precedents set by the League Secretariat, that had tried to define the unique structure of British colonial membership of the League. Van Hamel accepted that both were full members of the League of Nations and had the same voting rights and that there was no distinction among members in the League Assembly. However, the Dominions' position was simultaneously considered thus: 'there is, however, no doubt that the relation between England and the Dominions is, also under the Covenant, that of a special Federation or Commonwealth'.⁸ This made it unimaginable to Van Hamel that, one part of the British Empire could be at war and another part neutral, in spite of the Dominions' supposed independence, which made the question of 'rupture' so prescient.

Moreover, Van Hamel contested other member states demands that in cases such as this, other states could be awarded matching votes when in a dispute with the United Kingdom. This issue had been raised during the Senate debates in the United States, where senators had pushed the United

see Thomas Gidney, 'The Development Dichotomy: Colonial India's Accession to the ILO's Governing Body (1919–1922)', *Journal of Global History*, 18 (23 December 2022): 1–22.

⁷ Joost van Hamel, 'Regarding the Question of the Votes of the British Dominions under the Covenant in Case of a Dispute between One Part of the British Empire and Another Members of the League of Nations', 15 October 1919, CO 537/1029, UK National Archives.

⁸ Joost van Hamel, 'Regarding the Question of the Votes of the British Dominions'.

States to respond to Britain's multiple votes by introducing their states as separate members of the League of Nations.⁹ Van Hamel, worried of the precedents that multiple voting could cause under Article 15 responded:

Attention may be called to the fact that the question may not only arise between the United States of America and Canada, but could as well arise between Japan in its relations with Australia, Belgium in its colonial relations with South Africa, Holland in connection with India. It would therefore never do to equalise, as is desired by some people in United States, the American and British votes by giving a plural vote to the United States. Other countries might claim the same thing.¹⁰

The response was to disallow Britain multiple votes, when responding to potential military situations or Council matters, although this did not formally mean that Britain's vote was technically superior to that of the Commonwealth countries, but rather that they would vote collectively in such situations.¹¹ This critical ruling by the International Legal Secretary would essentially define the Empire as one whole on issues of 'rupture', war, peace, and sanctions, but maintain separation for all other issues. Rather than contradict the British strategy of separate voting at Geneva, this complemented it. Though it did, in some instances, diminish the voting power of multiple votes (note that this ruling was only applicable in certain circumstances envisaged in Article 15, not in all votes), it helped maintain uniformity on issues of 'high diplomacy' among the Dominions in a way which was not imposed top-down by Britain, but by the League itself. Therefore, the League itself propagated the concept of *inter se* at the Assembly without the political ramifications of Britain having to do so on its own.

Whilst the British attempted to transform the anomalous situation created in Paris into a coherent policy, the League itself was also raising questions on the nature of membership that threatened to unravel *inter se*. Jurists were particularly anxious to resolve the question of, whether membership of the League constituted formal *de jure* international recognition of all of its members. This was significant, as an affirmative interpretation would result in inter-state recognition of the Dominions and India as equals in practice (though not necessarily *de facto*). A committee of leading jurists in the Secretariat was established to

⁹ 'Fix Vote Equal to Britain's'.

¹⁰ Joost van Hamel, 'Regarding the Question of the Votes of the British Dominions'.

¹¹ Joost van Hamel, 'Regarding the Question of the Votes of the British Dominions'.

investigate the question.¹² The first issue was whether the League Assembly could vote to admit a new member, that was not recognised as a state by an existing member. This was particularly pertinent in consideration of the many successor states, that had emerged from the remnants of the Russian and Austrian Empires, that were not fully recognised but sought admission. The responses were quite different. Van Hamel responded that states need not be fully recognised to apply, and that to require this would disqualify most applicants, but that members could use their vote in the Assembly if they felt that their recognition was an issue. The second question as to whether members in the League were automatically recognised as states was dismissed by Van Hamel. He stated that:

La reconnaissance de jure restera toujours un acte individuel de la part de chaque État, établissant des relations particulières entre l'État reconnaissant et l'État reconnu. Ces relations ne sont pas nécessairement tout-à-fait les mêmes que les relations collectives établies par l'admission comme Membre de la Société des Nations.¹³

For Van Hamel, the relationship between international recognition and membership, was different from the relationship that existed between the states at the League Assembly.¹⁴ The two other jurists on the Committee, Anzilotti and Kaeckenbeek however, returned a very different judgement. For states to be effectively bound by the League's resolutions and the votes made by its members, member-states had to legally recognise one another.

A 'Society' could not indeed exist, which did not involve between all its members legal relations; obligations and rights, which can only pertain between subjects of law.¹⁵

¹² Eric Drummond, 'Recognition of States and Their Admission to the League', 25 November 1920, R1453/28/8890, League of Nations Archives.

¹³ English translation: 'De jure recognition will always remain an individual act on the part of each state, establishing special relations between the recognising state and the recognised state. These relationships are not necessarily the same as the collective relationships established by admission to Membership of the League of Nations'. Joost van Hamel, 'Questions relatives aux relations entre l'admission comme Membre de la Société des Nations et la reconnaissance de jure d'un État', 25 November 1920, R1453/28/8890, League of Nations Archives.

¹⁴ Joost van Hamel, 'Questions relatives aux relations Entre l'admission comme Membre de la Société des Nations et la reconnaissance de jure d'un État'.

¹⁵ M. Anzilotti and M. Kaeckenbeek, 'Commendatore Anzilotti et Monsieur Kaeckenbeek donnent l'opinion suivante', 25 November 1920, R1453/28/8890, League of Nations Archives.

These contradictory rulings had important implications on the questions of *inter se*. For Anzilotti and Kaeckenbeek, formal international recognition by other states was a precondition to League of Nations membership, therefore a state would have to be recognised by others, prior to its admission to the League Assembly.¹⁶ If membership of the League conferred international recognition, how were the Dominions and India to be viewed? Was their international personality separate from Britain's or was it a devolved part of a unitary imperial international personality? For many nationalist movements, the League would have offered a tempting opportunity for automatic recognition, whilst an organisation that allowed discretion in its recognition, was less enticing.

ADMISSION OF NEW STATES TO THE LEAGUE

Despite the legal debates as to the nature of recognition of states at the Secretariat, the decision to admit new states was made at the League's Assembly. The initial years of the League of Nations were punctuated by a variety of conflicts emanating from the aftershock of the collapse of multi-national empires and the new world order created at the Paris Peace Conference. With the initial member states of the League admitted by virtue of having been signatories to the Versailles Treaty, debates rapidly emerged on which further states should be included as members and which should be excluded. This admission process that was debated on at the League Assembly would see a plethora of different types of states apply. These ranged from newly formed states in Eastern Europe seeking the legitimacy and protection of the League, microstates or city-states from Lichtenstein to the disputed territory at Fiume, leading to the omnipresent question of whether Germany had spent sufficient time in purgatory for it to re-enter international society.¹⁷

Whilst new forms of sovereignty were created in the aftermath of the Peace Conference, the significance of recognition and League membership became crucial for the survival of post-imperial revolutionary states. As the first League Assembly congregated in Geneva in the winter of 1920, Russian Bolshevik troops were in the process of overrunning many of the nascent post Russian-imperial republics, which were threatened with being reabsorbed into a new form of imperial rule. With its six votes,

¹⁶ M. Anzilotti and M. Kaeckenbeek, 'Commendatore Anzilotti et Monsieur Kaeckenbeek donnent l'opinion suivante'.

¹⁷ Wheatley, 'Spectral Legal Personality in Interwar International Law', 762.

the British Empire controlled about 14 per cent of the votes at the Assembly, giving it significant leverage in contributing to the two-thirds majority requirement for admission of new states. Ukraine, Georgia, Azerbaijan, Armenia, and the three Baltic states, all of which had broken away from the Russian Empire, sought League membership but were on the verge of full annexation by November 1920. League membership would have obliged the members to defend (*inter alia*) Ukraine and Armenia under Article 10.¹⁸ By the end of 1920, Britain and France had withdrawn their troops from the Russian Civil War, having little stomach for recommitting their troops to save these nascent successor states.

The emergence of new states in Eastern Europe, though fleeting for many of them, posed a significant query on the prerequisites for the admission of new states. These new criteria would shape the League's jurisprudence when assessing the admission of future applicants within the British Empire. Fourteen states applied for membership at the First Assembly to the League of Nations, yet only five would ultimately join. Article 1 of the Covenant allowed any self-governing state, colony or dominion to apply, yet what constituted a state had not been properly defined at Paris. For many of these new states, this simply meant supplying a proof of declaration of independence, and subsequent recognition from other governments.¹⁹

The Fifth Committee's prerequisites of self-governance, recognisable borders, international recognition, and a stable government played against many successor states of the Russian Empire under Soviet occupation. For the applicants in the process of being re-annexed by Russia, the Fifth Committee deferred admittance, until these states complied with the new prerequisites for League membership.²⁰ An attempt the following year in 1921, to get the League Assembly to accept the admission of the now-in-exile governments, was also rejected. However, states that had effectively survived the Russian reoccupation, notably Estonia, Latvia,

¹⁸ Arnulf Becker Lorca, 'Petitioning the International: A "Pre-History" of Self-Determination', *European Journal of International Law* 25, no. 2 (1 May 2014): 516–17.

¹⁹ 'Admission of States Not Mentioned in the Annexe to the Covenant', 13 August 1920, R1448/28/382/6071, League of Nations Archive.

²⁰ Lambert, 'Sir H Lambert's Diary of a Visit to Geneva, November 1920 (1st Meeting of Assembly of League of Nations)'.

and Lithuania and had concluded treaties with the Soviets, were allowed entry to the League in 1921.²¹

When it came to League membership, size mattered more than sovereignty. Within Europe, microstates such as Andorra, Liechtenstein, Monaco, San Marino, and the Vatican were all excluded from membership. Although not all these states were interested in membership, Switzerland pushed for the inclusion of Liechtenstein in particular.²² Their applications were rejected however, on the basis that they could not effectively meet their international obligations due to their small size.²³ The rejection of their applications was yet another blow to the principle of *de jure* sovereignty as a foundation for membership of the League, which housed colonies and Dominions who could preside over the future entry of states.

New members of the League of Nations also offered their own positions on the relationship between the League and statehood. One of the most ambitious plans to change League membership was put forward by Argentina at the General Assembly, arguing that membership should be automatic for sovereign states.²⁴ The Argentine plan was doomed from the outset by opposition from virtually all the great powers, especially France, who wanted to maintain Germany's isolation, and Britain, which would lose its position as a gatekeeper. Moreover, the Argentine delegation proposed the election of all members to the League Council by the Assembly, with compulsory jurisdiction by the International Court, and then withdrew from the Assembly when their proposal failed to pass. One of the members of the British delegation stated that, 'some cynic suggested that they wanted to avoid paying their subscription'.²⁵ Despite the

²¹ A conference and ceasefire backed by the League of Nations led to rapid British recognition of the Baltic states and streamlined their admission to the League 'The Baltic Conference – Foreign Office (Report No. 25)', 30 January 1920, R557/11/1284/2881, League of Nations Archive.

²² The Vatican saw the League and its Wilsonian values as a contender to their own universality and did not seek admission. Cormac Shine, 'Papal Diplomacy by Proxy? Catholic Internationalism at the League of Nations' International Committee on Intellectual Cooperation, 1922–1939', *The Journal of Ecclesiastical History* 69, no. 4 (October 2018): 787–88; 'Accession de la Principauté de Liechtenstein à la Société des Nations – M. Paravicini, Ministre de Suisse à Londres', 1920, R1448/28/1017/7330, League of Nations Archive.

²³ 'Report of the First Committee on the Position of Small States', 21 September 1921, R1453/28/15741/15741, League of Nations Archive.

²⁴ Lorca, 'Petitioning the International', 513–15.

²⁵ Lambert, 'Sir H Lambert's Diary of a Visit to Geneva, November 1920 (1st Meeting of Assembly of League of Nations)'.

Argentine challenge to the process of admissions, Article 1 gave Britain in particular, significant discretion in selecting members to join the League of Nations.

One of the so-called founders of the discipline of international relations, Alfred Zimmern, would later point out that the ‘difficulties about opening the League to all states, small or great, civilised or uncivilised, respectable or disreputable’ led to ‘compromise in which one can see legalism at grips with considerations both of a realistic and of an ethical order’.²⁶ International legalism both prior to the League’s creation and during its construction in Paris, had not really been ‘at grips’ at all with the creation of the post-war order, but had largely complemented it. The legal framework drafted at Versailles allowed enough discretion for Britain to vet the members of the League Assembly, keeping nascent Russian successor states out, whilst accepting quasi-sovereign entities such as the Dominions and India in. The rejection of microstates also revealed that the prerequisite of sovereignty, that was partially done away with during the Peace Conference, did not guarantee a state membership even once the League had begun to operate. This would be upheld, even as a quasi-sovereign Dominion such as the Irish Free State would later be admitted to the League.

CENTRALISING SEPARATE REPRESENTATION

In the first League Assembly in 1920, the British had tried hard to maintain the veneer that the Dominions and India were separate voting entities. Sir Henry Lambert, the Assistant Under-Secretary to the Colonial Office kept a diary of events at the first Assembly of the League in November 1920. He mentioned that the American Press at the Assembly believed that there was ‘too much British Empire’, although the minor points on which the Dominions had diverged, had been ultimately resolved through internal discussion.²⁷ The Canadian delegation was also situated in a different hotel from the other Empire delegations, a possible administrative muddle rather than a strategic choice but one which Lambert lamented:

²⁶ Megan Donaldson, ‘The League of Nations, Ethiopia and the Making of States’, SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 16 November 2018), 9, <https://papers.ssrn.com/abstract=3285894>.

²⁷ Lambert, ‘Sir H Lambert’s Diary of a Visit to Geneva, November 1920 (1st Meeting of Assembly of League of Nations)’.

It is, I think, a great misfortune that the Canadians are not in this hotel. They are much the strongest of the Dominion people. (I do not count South Africa because Cecil is in such a special position.) If they were here it would make the theoretical equality of the Dominions to which we all do lip service but which some of us (I sometimes think most of us outside of the Colonial Office) are apt to forget in the pressure of other interests, more real.²⁸

The British delegation itself also represented a diversity of opinions, as it contained individuals from different government departments. As Lambert suggested, many of the other members from other British ministries, especially the Foreign Office, were more sceptical of the status of the Dominions, as none of them had full diplomatic independence as of 1920. Lambert often echoed views of his superior at the Colonial Office, Lord Milner who had been opposed to separate membership for the Dominions during the Paris Peace Conference. Whilst it was important to publicly display the independence of the Dominions at the Assembly, Milner was anxious that the League would disintegrate the Empire and had pushed for as many inter-imperial meetings as possible to harmonise opinions.²⁹ These meetings were private, and the Press were not admitted.³⁰

Whilst the international semblance of the Dominions' independence of action had to be maintained, steps were quickly carried out to monitor and curtail any real independent action of the Dominion and Indian representatives. Much of this was carried out via Milner's subordinates in the Colonial Office, with Milner himself spending the winter of 1919–20 in Egypt. From Cairo, Milner expressed the importance of centralising communications of the Dominions and India at the League, and was disappointed that other Cabinet members did not take the issue, which he believed threatened imperial unity, as seriously as he did.³¹

The first action towards homogenising the British Empire's position at the League, was to centralise communications between the Dominions and the League through the British Cabinet Office.³² This had initially been problematic for the League's General Secretary, Eric Drummond, as

²⁸ Lambert, 'Sir H Lambert's Diary of a Visit to Geneva, November 1920 (1st Meeting of Assembly of League of Nations)'.

²⁹ Lloyd and James, 'The External Representation of the Dominions, 1919–1948', 485.

³⁰ Lambert, 'Sir H Lambert's Diary of a Visit to Geneva, November 1920 (1st Meeting of Assembly of League of Nations)'.

³¹ Alfred Milner, 3 January 1920.

³² 'Distribution of League of Nations Documents to the British Government through the Cabinet Secretariat. Storr to Drummond', 11 May 1920, R548/11/506/4295, League of Nations Archives.

the Versailles Treaty had been signed separately by the Dominions, which arguably meant that they had a right to direct communication. However, the situation was resolved by agreeing to send communications with the Dominions via the British Cabinet Secretary (and Round Table member) Maurice Hankey, who would then forward the communications to the Dominions.³³ By 1920, with the exception of Canada, who insisted on receiving its communications directly, all telegraphs to the Dominions would go through the Cabinet Office first.³⁴ Initially, the League Secretariat could contact the Canadian Prime Minister directly, but Milner intervened in May 1920 so that communication between the League and the Canadian government had to pass through the High Commission for Canada in London first.³⁵

In the case of India, communications were to be sent directly to the India Office in London, rather than directly to Delhi.³⁶ Any deviation from this tightly controlled route of information was met with anger from the Colonial Office. In the summer of 1920, the League of Nations' Secretariat had directly contacted an official in the Government of India, to prepare a report on the movement of silver coinage. The League Secretariat was reprimanded for not having sent the communication to the India Office in London first, rather than the Government of India in Delhi.³⁷ This overseeing of the channels of communication between the Dominions and India with the League Secretariat, revealed in practice their inferior status to a sovereign state that could exercise private communication with the League.

The centralisation and control of communications represented something more than Britain's attempt to control its Dominion appendages at the League. Milner, in his efforts to steer the growing independence of the Dominions back to a form of imperial federation, had intended for communications to pass through a new 'imperial clearing house'. This would be a stepping stone towards the notion of a centralised imperial foreign policy conducted by an Imperial Parliament. Milner brought his

³³ Eric Drummond, 7 October 1919, R1457/29/1428, League of Nations Archives.

³⁴ 'Telegraph Communication between the International Secretariat and the Canadian Government', 1920, R548/11/506/4308, League of Nations Archives.

³⁵ 'Hankey to Nicholson', 13 May 1920, R548/11/506/4308, League of Nations Archives.

³⁶ 'Letter to the Secretary General of the League of Nations Regarding Communications with the Government of India from Montagu', 9 June 1920, R548/11/506/4778, League of Nations Archives.

³⁷ F. W. Duke, 12 July 1920, Commerce & Industry/Foreign Trade/File 10, 1-9/Repository II, National Archives of India.

suggestion to a meeting of representatives of the Dominions and India, in preparation for the upcoming Assembly of the League of Nations. Here, Milner made the case that the 'imperial clearing house' would 'not be regarded as a purely British (United Kingdom) institution, but as common to all states of the Empire'.³⁸ This was a clear indication that Milner was attempting to formalise the process of centralising Dominion communications through new federalising institutions. Yet the support for imperial federation was losing traction. The Dominions had not secured separate representation to simply see a recentralisation back to London, of their cherished gains from the past decade, and the idea would not survive the end of Milner's tenure in the Colonial Office.

INTER SE AND INTRA-IMPERIAL DISPUTES

In the initial years of the *inter se* doctrine, the most significant factor in maintaining imperial unity was to avoid intra-imperial disputes being brought before the League. Any major contentions between the Dominions were to be resolved at the Imperial Conference, rather than in Geneva, to preserve the notion that though the Dominions were independent, the Empire was united in opinion. Despite some of the reforms in 1919, the continued discrimination against Indian migrants by the Dominions, was an ongoing splinter in intra-imperial relations. The new Indian legislature that began to operate in 1920 after elections, (which were boycotted by the Indian National Congress owing to Gandhi's 'Non-cooperation movement'), was also gagged from discussing any foreign affairs, as those were the preserve of the British Cabinet member, the Secretary of State for India.³⁹

Although the Indian National Congress refused to work through the official channels that the British had constructed, the anger against racist immigration laws in the Dominions was also shared by many Indian political moderates in the Legislative Assembly. These immigration laws were a symbolic mark that placed India in a position of inferiority to the Dominions in the Empire, damaging the moderates' aspirations for an eventual Dominion status.⁴⁰ Indian representatives had already raised the issue of immigration at the 1921 and 1923 Imperial Conferences, but the

³⁸ 'Conference of Representatives of H. M. Government, the British Dominions and India, Held in Lord Curzon's Room, Foreign Office', 8 November 1920, Commerce & Industry/Foreign Trade/File 10, 1-9/Repository II, National Archives of India.

³⁹ 'Miscellaneous Notes Relative to International Status of India', December 1927, 5, Mss Eur D545/22, British Library, India Office Records.

⁴⁰ Schmidt, 'India's Role in the League of Nations, 1919-1939', 83.

Dominions had shown a solid wall of resistance, claiming their right to domestic non-interference from Britain.⁴¹ Srinivasa Sastri, who had represented India at the 1921 Imperial Conference, would be a delegate the same year at the League of Nations.⁴² At the League, he infuriated the other British Empire delegations by supporting Japan over the right to open migration to 'C' class Mandates, particularly the former German colonies in the Pacific, which their new Mandatory Power, Australia hoped to keep devoid of Asian migration. The following year, an attempt by Sir Sivaswami Aiyar to raise the question of immigration, was blocked by Lord Chelmsford and Lord Peel (who took over as Secretary of State for India from Montagu in 1922). At a plenary meeting on the protection of minorities, the Maharajah of Nawanagar appealed to the South African representatives to improve the situation of Indians living in South Africa. When pressed on the matter, the Maharajah opted for discretion, arguing that 'It could never be my desire to wash, as we say, our dirty linen in public'.⁴³ Despite the Maharaja's caution, Viceroy Hardinge feared the influence of Indian politicians on the delegation, and decided to enforce a tighter gag on the Indian Legislative Assembly's input on Indian foreign relations.⁴⁴

The crisis over the debate on intra-imperial immigration, threatened to confirm Milner's earlier fears that separate League membership would lead to increasing co-operation of Dominions and external powers:

It has always been the aim of the Secretary of State to avoid any participation by Indian Delegations at League or other international meetings in the difficult question of immigration restriction; this is of the highest political importance to the Dominions (which regard it as a purely domestic question) on the one side and to Japan on the other; in any controversy Indian sentiment would side with the Japanese; it would be unpalatable to most Indian representatives to support the Dominion point of view and undesirable on imperial grounds that they should openly oppose it.⁴⁵

⁴¹ *Conference of Prime Ministers and Representatives of the United Kingdom, the Dominions, and India, Held in June, July, and August 1921. Summary of Proceedings and Documents* (London, H. M. Stationery Off. [printed by J. J. Keilher & Co., Ltd.], 1921), 34, <http://archive.org/details/conferenceofprimooimperich>; *Appendices to the Summary of Proceedings, Imperial Conference, 1923* (F. A. Acland, 1924), 116, http://archive.org/details/1924v6oi7p37a_1732.

⁴² For more on Sastri, see this wonderful biography by Vineet Thakur: *India's First Diplomat: V.S. Srinivasa Sastri and the Making of Liberal Internationalism*, 1st ed. (Bristol: Bristol University Press, 2021).

⁴³ Smith, *Sovereignty at the Paris Peace Conference of 1919*, 249–50.

⁴⁴ 'Miscellaneous Notes Relative to International Status of India', 5.

⁴⁵ 'Miscellaneous Notes Relative to International Status of India', 6.

Sastri's support of Japan at the League in 1921, was a clear statement of a growing cleavage in the Empire, as the Dominions discussed renewing the Anglo-Japanese alliance. Rather than represent India at the League a second time, Sastri would be sent on a tour of the Dominions in 1922 to report on the conditions of Indians within the Empire. The tour was largely unsuccessful, and only the Australian Government gave any consideration to Sastri's attempts to guarantee equal imperial citizenship for Indians, with South Africa being the most resistant.⁴⁶ Again, Smuts was recalcitrant on the issue of Indian migration, and was unofficially supporting White settlers in other African colonies against Indian rights to settlement. In 1923, the British Government published a new White Paper on the future of the Kenyan highlands, which upheld their reservation for White settlers, arguing that Indian migration (but not European) would lead to undue competition with Africans. Although the Government of India complained about the decision, Sastri called for an Indian boycott of international gatherings like the Imperial Conference and the League, so long as their delegations were dominated by British officers and India was gagged from expressing itself adequately over the rights of Indian migrants.⁴⁷

The Indian Legislative Assembly voted for retaliatory measures against Dominions that discriminated against immigrants from another Empire-member, which the Government of India instantly vetoed. Rather than boycott the Conference, Sapru who represented India at the 1923 Imperial Conference, took aim at Smuts as well as the Kenya questions, gaining a small victory of securing an imperial enquiry into the matter.⁴⁸ Sastri's tour was discussed, but the Conference came to few fruitful conclusions, though there were claims that the status of Indians within the Dominions, other than South Africa, were improved. However, the Imperial Conference also announced a formal gag on the discussion of the immigration question at the League of Nations.⁴⁹ The formalisation of this procedure at the Imperial Conference would make this a norm of Indian expression at the League:

at League meetings, for example, it is clearly desirable for the following reasons to avoid open ventilation of difference on political questions between Indian views and those of the Dominions of His Majesty's Government: (1) for the sake of imperial solidarity; it would be calamitous if imperial differences came before the

⁴⁶ Gorman, *Imperial Citizenship*, 126. ⁴⁷ Thakur, *India's First Diplomat*, 143–46.

⁴⁸ Thakur, *India's First Diplomat*, 147–49.

⁴⁹ Verma, *India and the League of Nations*, 291; Thakur, *India's First Diplomat*, ch. 6.

League of Nations for adjudication by foreigners; (2) because the League could not provide any effective remedy for an Indian grievance against a Dominion or His Majesty's Government; (3) because, so far as disputes between India and His Majesty's Government itself are concerned, there is no distinction ultimately possible between the policy of the Government of India and that of His Majesty's Government, by whom it is controlled, so that an Indian grievance against His Majesty's Government is a grievance against the Government of India or else its ventilation is the exposure of a difference within His Majesty's Government itself; (4) because it is one of the functions of the Imperial Conference to adjust differences between different parts of the Empire and because India could not have it both ways and claim that a dispute was both an international one suitable for appeal to the League and a domestic imperial one proper for discussion in the Imperial Conference.⁵⁰

The responsibility for enforcing the gag on Indian delegates was through the Secretary of State for India, but the British needed to retain the pretence of India's separate international status:

the Secretary of State must be careful to avoid action which would give the impression to outsiders or to the Indian public that India's new international status is a mere pretence. On the other hand, of course, it would have been harmful to foster any illusion that the new status means that India is really as independent as the Dominions in external affairs; if this had been done, sudden and complete disillusionment would have been almost certain to follow. The Secretary of State thus had to steer between Scylla and Charybdis, and a compromise, which has in the main been successful, was adopted.⁵¹

The role of the Indian Secretary of State was instrumental from the beginning of India's membership, for maintaining control over India's international expression. As the Covenant had no explicit rules about who could choose representatives, it allowed the Secretary of State for India to appoint members.⁵² For the first ten years of India's membership, representatives were appointed in the same way as at the Paris Peace Conference. To maintain British interests, the head delegate was a British officer, usually with experience of working in India. In the first three delegations, this role was carried out by Sir William Meyer, a liberal and friend of Montagu's, who had served most of his career in the Indian Civil Service.⁵³

Whilst the decision to include India at the League was to placate Indians on notions of India's growing constitutional readiness, the choice

⁵⁰ 'Miscellaneous Notes Relative to International Status of India', 5.

⁵¹ 'Miscellaneous Notes Relative to International Status of India', 6–7.

⁵² J. Walton, 'League of Nations Representatives of India at Forthcoming Meeting of the Assembly', 29 October 1920, IOR/L/E/7/1231, UK National Archives.

⁵³ Schmidt, 'India's Role in the League of Nations, 1919–1939', 92.

of Indian representatives often took on a more communal tone. Meyer's counterpart would be an Indian loyalist, usually with experience working within the British civil service or judiciary. The decision to appoint a Muslim delegate was a direct response to placate the Khilafat movement and its protest against the British threats of dissolving the Ottoman Caliphate. With the Secretary of State wielding the power of appointment, the selection of a Muslim delegate was seen as more important than the representation of any other community. The Maharajah of Bikaner thought it unwise that representatives should be chosen along religious lines, but was simultaneously pushing his own agenda of there being permanent representatives for India's Princely States.⁵⁴ The perfect candidate who could suitably represent both Muslims and Princes was found in the person of Syed Ali Imam. A respected barrister from Bihar, a Muslim, and Chief Minister of the South Indian Princely State of Hyderabad, Imam checked many boxes for representation.⁵⁵ Imam's desirability as a candidate was in many ways highly emblematic of Indian membership in the League of Nations as a whole – a symbolic commitment to representation, without actually being representative to anyone except Britain. The decision to appoint Imam, besides his credentials for the position, revealed one of the few attempts by the India Office to respond to the growing discontent through its League policy. However, this may have been one of the few venues open to placating Muslim sentiment in India, with Montagu becoming increasingly exasperated at the Paris Peace Conference by the British government's hard-line position on the Ottoman Empire.⁵⁶

The final senior representative would be a Prince. This, like in the Paris negotiations, seemed particularly anomalous as the Princely States were not represented as entities in Paris. Rather, the appointed Prince could be a token representative of Princely India at the League. The first Prince appointed was Sir Ranjitsinhji Vibhaji, the Maharaja of Nawanagar, who was an aristocrat and also something of a celebrity due to his talent as a cricket player in his younger years (Figure 3.1).⁵⁷

⁵⁴ Ganga Singh, 'Maharaja of Bikaner to Sir John Wood', 18 October 1920, Foreign & Political/Internal/Progs/Nos. 55/December 1920/Deposit, National Archives of India.

⁵⁵ John. B Wood, 'To Gangah Singh', 28 September 1920, Foreign & Political/Internal/Progs/Nos. 55/December 1920/Deposit, National Archives of India.

⁵⁶ Schmidt, 'India's Role in the League of Nations, 1919–1939', 92.

⁵⁷ Schmidt, 'India's Role in the League of Nations, 1919–1939', 96. Often known as "Ranji", he was one of the finest cricketers batsmen of his era, and has often been referred to as the 'Father of Indian cricket'.



FIGURE 3.1 Indian delegation to the First Assembly of the League of Nations. The senior delegates, seated left to right front: Maharaja Jam Saheb of Nawanagar (Ranjitsinjhi), William Stephenson Meyer, Syed Ali Imam.

Source: 'Indes – Groupe de la Délégation', 1920, PO46_OI_OI2. League of Nations Archive. Reproduced with the kind permission of the United Nations Archives at Geneva.

In 1922, an Indian League delegate, Sivaswamy Aiyer, gave a talk in New York lauding the virtues of the League and the Empire, stating that 'no sane Indian entertains a desire to break away from England', yet any positive publicity derived from India's position at the League had largely been lost.⁵⁸ The delegation may have given India a face in international politics but their inability to confront the Dominions at the League due to the principle of *inter se* restricted the delegation's ability to enact any change which might have validated the League in Indian eyes. With the growing radicalism against British rule in the Congress, political moderates began to represent an increasingly tenuous position. Sastri left the Indian National Congress in 1922 over the non-cooperation movement and formed the Liberal Party, a collaborative political party that aimed for progressive reform within the Empire. The same year, at the

⁵⁸ 'Hindu Delegate Praises the League', *New York Times*, 10 December 1922, Proquest, <https://search.proquest.com/docview/100091777?accountid=9735>.

Washington Naval Conference, Sastri, who headed the Indian delegation, was heckled by Indians in the audience at a town-hall meeting, on the subject of 'India's political situation' as a 'liar' and collaborator.⁵⁹ The following year, Sastri's liberals would be defeated in the elections by a breakaway faction of the Congress party called the Swaraj (self-rule) party.⁶⁰ But even Moderates like Sastri himself had begun to radicalise in opinion, with the continuing debate over the rights of Indians in the Dominions and Britain's decision to side with White settlers in Kenya making the Moderates' position increasingly untenable. Indian politics had undergone a paradigm shift since the end of the war, away from Sastri's initially more restrained form of politics, which had been prevalent several years earlier, but was now rapidly becoming obsolete.

CONCLUSION

The early years of separate representation revealed the many attempts to make sense of Britain's peculiar representation at the League, by both the League Secretariat and the British themselves. Separate representation had never been part of a long-term policy or government strategy, but a by-product of the rapidly shifting forms of imperial governance. Despite the inconsistencies, anomalies, and many legal irregularities of separate representation and *inter se*, League of Nations membership became an important facet within the definition of Dominion status.

The decision to retain Milner as head of the Colonial Office after the Paris Peace Conference, revealed an attempt to both promulgate separate representation but monitor and reign in the Dominions' actual international autonomy. Rather than championing Dominion self-governance, as many such as Smuts and Borden had insisted upon at the Peace Conference, Milner saw autonomy without proper guidance as an anathema for the existence of the Empire. By attempting to control communications as well as intra-imperial spats by redirecting them to the Imperial Conference, Milner was trying to push the Dominions' voice back through the Imperial Conference where the Round Table movement had always wanted it. This would attempt to limit independent action, so that separate representation would not threaten the cohesion of the Empire. Nor was Britain's clear infringement of other imperial member states'

⁵⁹ 'Indian Delegate Is Heckled Here', *New York Times*, 29 January 1922.

⁶⁰ Ray T. Smith, 'The Role of India's "Liberals" in the Nationalist Movement, 1915-1947', *Asian Survey* 8, no. 7 (1968): 615.

rights properly confronted. The League's tacit acceptance of British requests to centralise imperial communications, reveals that there was a qualitative difference between the nominally equal colonial member states and others.

Nonetheless, the First Assembly of the League showed that Milner and the Colonial Office were the main proponents of upholding separate representation, so long as it did not undermine imperial unity. Other departments, notably the Foreign Office, were initially less enthusiastic in engaging what they saw as a fictional performance of representation in Geneva.⁶¹ Yet their half-hearted approach to separate representation represented an end to the diplomatic near-monopoly they had wielded throughout the Empire's history. For the Dominions, League membership was the first step towards an independent foreign policy and their own foreign departments that would come into existence during the 1920s.

Milner's role in the Colonial Office ended in 1921, when he was replaced by Winston Churchill. Though hardly a radical himself, the end of Milner's tenure at the Colonial Office would signal an end to the short-lived attempt of resistance to autonomous Dominion foreign policies. Though the Empire would continue to attempt to harmonise League policy at the Imperial Conference, there would be a rapid drive towards autonomy in Dominion foreign policy after 1921. Despite the confederal origins of separate representation, *inter se* represented an attempt to retain a sort of federalising adhesive to keep together the symbolic coherence of the Empire. *Inter se* would outlive Milner's tenure in the Colonial Office, even as the Dominions began to formulate their own foreign policies.

The years following Milner's departure would see significant developments in the autonomy of Dominion foreign policy. The long-running debate on securing a bilateral security treaty with France, would come with important Dominion conditions. No longer would the Dominions automatically enter a European war without consultation, with Dominion Parliamentary assent now a necessary condition for the Dominion intervention.⁶² Although this proposed Franco-British alliance never came to fruition, the Chanak Crisis in 1922 over British demands

⁶¹ Lambert, 'Sir. H Lambert's Diary of a Visit to Geneva, November 1920 (1st Meeting of Assembly of League of Nations)'.

⁶² Alan Sharp, 'A Missed Opportunity?: Britain and the Negotiations for an Anglo-French Alliance in 1921–1922', *Revue française de civilisation britannique. French Journal of British Studies* XXVII, no. 1 (4 January 2022), <https://doi.org/10.4000/rfcb.8507>.

for Dominion support in Turkey, would play an important role in the assertion of Dominion independence in their foreign relations.⁶³

Nonetheless, this acceleration towards full statehood would not be replicated in India, which despite the 1919 Montagu-Chelmsford reforms, would see no significant devolutions of power in its foreign policy. India occupied a seat at the League which even some sovereign states had difficulty in acquiring in the initial years of the League, marking the organisation's lack of commitment to the principle of sovereignty as the basis for membership, even after the Peace Conference. Despite its exclusivity, India's delegation remained largely impotent, hamstrung by the doctrine of *inter se*, that disproportionately gagged India from raising the question of immigration at the League. Yet the League neither had a considerable impact on the growing nationalist discontent in India, nor did they assuage calls for full Dominion status or even for independence.

Whereas Milner's retirement from the Colonial Office came as a liberation for the Dominions, who no longer had to contend with the sceptical imperial federalist, it changed little for India. The growth in leaps and bounds of devolution for the Dominions after 1922 would contrast to India's state of unpopular Dyarchy, despite British assurances to foreign delegates at Paris to bring India to self-governance. The relationship between India and the Dominions would grow more tense, not just with the deepening of the power of the Dominions, but also with the accession of Ireland to Dominion status and League membership.

⁶³ The Chanak Crisis will be discussed in more depth in the following chapter.