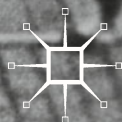




# THE LEAGUE OF NATIONS, INTERNATIONAL TERRORISM, AND BRITISH FOREIGN POLICY, 1934–1938

MICHAEL D. CALLAHAN



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and British Foreign Policy, 1934–1938

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palgrave  
macmillan

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ISBN 978-3-319-77199-1      ISBN 978-3-319-77200-4 (eBook)  
<https://doi.org/10.1007/978-3-319-77200-4>

Library of Congress Control Number: 2018934639

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The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

*For  
Christy, Mackenzie, and Jack*

## ACKNOWLEDGEMENTS

A number of individuals and institutions have contributed to this book. Portions of my research in the United Kingdom and Geneva were funded by a grant from the American Philosophical Society and the Frances Willson Thompson Chair of Leadership Studies at Kettering University. I am greatly indebted to Mrs. Eileen Dubin for providing me with materials from the extensive research collection of her late husband, Martin David Dubin. I have also benefitted from the encouragement at various times from Benjamin W. Redekop, Karen Wilkinson, and R. M. Douglas. M. W. Daly gave me much support and kindness as well as invaluable editorial advice. Lastly, I owe particular thanks to John W. Coogan. It embarrasses me to admit how much I relied on him throughout this project. Not only did he read and comment on this book in almost all of its forms since its inception, but he continuously inspired me to complete what an anonymous panelist for the National Endowment of the Humanities once called “a matter of faith.”

For assistance in examining or for permission to quote from materials I am pleased to thank the archivists and staff at the British National Archives; the British Library; Birmingham University Library; the Bodleian, Oxford; the King’s College Archives Centre and the Churchill Archives Centre, Cambridge. I am indebted to the Dowager Countess of Avon for permission to consult the papers of her husband, the first Earl of Avon. I also wish to express my appreciation to Bernhardine E. Pejovic, Jacques Oberson, and the staff at the League of Nations Archives in Geneva. I am also grateful to Bruce Deitz at Kettering

University Library and for the services at Michigan State University Library. While every effort was made to identify and trace the owners of copyright material, I sincerely apologize if any copyright has been infringed.

I am most thankful, however, for my family. My wife, Christy, and our two children, Mackenzie and Jack, fill my life with love and purpose. For what it is worth, this book is dedicated to them.

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## CHAPTER 1

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# Introduction

On October 9, 1934, an assassin shot King Alexander I of Yugoslavia as he arrived in Marseilles to begin a state visit to France. Louis Barthou, the French foreign minister, who was riding in the car beside the king, was wounded in the melee and died later.<sup>1</sup> Evidence quickly established that the attack was an act of state-supported international terrorism. Alexander's murderer was a member of the Internal Macedonian Revolutionary Organization (IMRO), a separatist group that operated on both sides of the Bulgarian-Yugoslav border.<sup>2</sup> His three accomplices were Croatians who belonged to the Ustaša (Insurgent) Croatian Revolutionary Movement, which carried out attacks from sanctuaries in Hungary and Italy.<sup>3</sup> The terrorists' ultimate goal was to destabilize the multi-ethnic kingdom of Yugoslavia and create new nation states. Before going to Marseilles, the four conspirators had met at an Ustaša training camp in Hungary. Much like the shooting of the Archduke Franz Ferdinand at Sarajevo twenty years before, Alexander's murder sparked an international crisis that threatened the peace of Europe. France was allied with Yugoslavia; Italy backed the Hungarians. In the background were alliances and individual states interested in either defending or changing the political status quo in Eastern and Central Europe. As Anthony Eden, soon to be Britain's foreign minister, recalled in his memoirs, "the dangers were clear enough, all the ingredients of the fatal weeks before the first world war were there again."<sup>4</sup>

While these terrorist attacks had important similarities, their repercussions were very different. Europe avoided war in late 1934 largely because of the peacekeeping efforts of the League of Nations. According to the preamble of its Covenant, the main purposes of the organization were “to promote international cooperation and to achieve international peace and security.”<sup>5</sup> These central aims were accomplished in 1934, an achievement that represents the League at its most effective.

Alexander’s murder caused much initial shock and confusion. Yugoslavia, joined by its allies Czechoslovakia and Romania, accused Hungarian authorities of supporting the terrorists who carried out the attack. Hungary denied responsibility and insisted on defending its honor. With strong leadership from Britain and France, the League made it possible for states to find common ground and adopt a unanimous resolution to this potentially dangerous dispute which preserved the peace that all sides wanted.<sup>6</sup> As part of this successful mediation, Geneva also sought to confront the serious threat of international terrorism. Guided by a proposal from the French government, jurists and officials from several countries spent the next three years drafting two international conventions.<sup>7</sup> The first classified specific terrorist acts, as well as conspiracies to commit them, as international crimes.<sup>8</sup> The second provided for the establishment of the world’s first permanent international court to punish terrorists.<sup>9</sup> While both conventions were examples of constructive collaboration between states, reaching agreement was complicated and deeply divisive. As political realities in Europe rapidly changed, this accomplishment became largely irrelevant, increasingly technical and symbolic. In the end, few governments supported Geneva’s anti-terrorism project in itself. In contrast to the League’s success in keeping the peace in late 1934, the collective attempt from 1935 to 1938 to combat state-supported terrorism illustrates the progressively restrictive limitations on the organization’s effectiveness.

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Scholarly interest in the history of the League has greatly increased in recent years.<sup>10</sup> Since the end of the Cold War, a growing number of historians and political scientists have discovered Geneva’s many and wide-ranging humanitarian, economic, social, legal, and technical activities.<sup>11</sup> Some are also giving attention to how the League worked in complex ways to implement as well as extend the organization’s central aims.<sup>12</sup> This new research has provided a much more balanced understanding of what Geneva actually accomplished, and why that mattered,

than earlier works that emphasized the organization's flaws and failures in light of the Munich agreement and the Second World War.<sup>13</sup>

The League of Nations was designed as a permanent, peacetime world-security organization. From its beginnings, it defined "peace" and "security" in terms of the experience of the First World War. "Cooperation" in various facets of international life meant diminishing the mutual misunderstandings and unintended provocations that many assumed had brought about war in 1914. A decade after the armistice of 1918, Article 231 of the Treaty of Versailles, often called the "war guilt clause," was already widely, if quietly, regarded as a simplistic embarrassment. Flaws in the international system, not deliberate plotting of aggression by Germany and Austria-Hungary, had caused the "Great War." Geneva's perceived purpose was not to deter wars of conquest, but to provide mechanisms by which men of goodwill, such as the architects of the Locarno accords of 1925, could resolve international differences through diplomacy.

In order to achieve this peace and security as well as promote such cooperation, League member states promised not to resort to war, to foster good relations between governments, to observe international law, and to respect all treaty obligations.<sup>14</sup> The vast majority of the world's sovereign states were League members by 1934. But both within and outside of the organization some observed that preventing war required an understanding of the root causes of political instability.<sup>15</sup> Peace depended on changing the way that states viewed themselves in relation to each other. New rules and systems for organizing international behavior were essential. This more expansive conception of global security work would require constructive conciliation, steady reform, and negotiated revision of international agreements.

Geneva addressed a wide range of daunting problems as part of this larger effort to bolster global security. The organization handled some thirty different international disputes in its first decade, several of which centered on the Balkans.<sup>16</sup> The League also took responsibility for controlling the international arms trade, aiding refugees, and protecting ethnic minority groups.<sup>17</sup> It supported humanitarian work, encouraged financial and economic collaboration, promoted public health and social welfare, fostered freedom of international transit and communications, and supervised the administration of dependent peoples in Africa, the Middle East, and the Pacific.<sup>18</sup> Geneva mediated a number of border settlements in Europe.<sup>19</sup> It also championed intellectual cooperation,

facilitated the codification of international law, and supported the activities of the Permanent Court of International Justice.<sup>20</sup> Under the auspices of the League, governments agreed to criminalize slavery and the slave trade, the commerce in certain dangerous drugs and pornography, and traffic in women and children.<sup>21</sup> Such tasks not only contributed to world peace and security, but also made the League of Nations central to many of the transformative forces shaping the interwar period.

Despite this global impact, the League was profoundly limited, misunderstood by scholars as well as the general public. By 1920 it had already become clear that the United States would not join the organization, and that the universalist rhetoric of President Woodrow Wilson was delusional. States instead returned to traditional forms of international relations and regarded the League as an administrative mechanism and moral force, not a panacea. Thus, from the start the organization functioned in ways that few, including Wilson himself, had predicted.<sup>22</sup> Other states, including Brazil and Japan, further weakened the organization when they withdrew from it.<sup>23</sup> After Germany announced in 1933 its intention to withdraw, it ceased to participate in any League activities. Latin American and Asian members complained about what they regarded as the predominance of European influence in the organization. Aside from the Union of South Africa (a British dominion), Liberia and Ethiopia were the only African member states in 1934. The admission of Mexico, Turkey, Iraq, Afghanistan, Ecuador, and the USSR compensated for some of these defections, but did not alter the fact that the League always lacked the authority that Wilson had envisioned to enforce global peace.

The League's influence was severely constricted in other ways as well. Geneva was not responsible for major international settlements such as the Washington Treaties of 1922 and the Locarno settlement. While some states viewed the organization's machinery as a means to institute reform and foster peaceful revisions to settlements over time, others saw it as tool to perpetuate the postwar status quo and resist change despite altered conditions. Above all, the League did not prevent many acts of aggression, including conflicts in the Far East, South America, Ethiopia, and Spain. It obviously did not halt the outbreak of the Second World War. After the Japanese invasion of Manchuria in 1931 and the rise of Nazi Germany, a growing number of member states came to realize that the League as constituted simply could not stop aggression by a great power. None of this, however, demonstrates the organization's

unimportance. Rather, it indicates that the League was never what some of its prominent founders promised; its peacekeeping authority was always circumscribed by international power constraints beyond its control.

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The scholarly literature on Geneva's role in ending the Hungaro-Yugoslav crisis of 1934 and the organization's subsequent anti-terrorism work is scanty and fragmented.<sup>24</sup> Standard accounts of the League offer little or nothing on the matter.<sup>25</sup> Despite a huge amount of available archival material and published resources, there are no books on the subject.<sup>26</sup> More importantly, while Geneva's contribution to peace in the 1920s is now receiving reassessment, the secondary literature still largely discounts the organization's achievements and distorts how it actually functioned during the following decade. Many scholars continue to contend that states did not or could not use the machinery of the League to ease political tensions and address serious problems.<sup>27</sup> A study of Geneva's response to the terrorist attack at Marseilles challenges such assumptions.

Adolf Hitler and Nazi Germany were not the source of all of Europe's problems during the 1930s. Much European political violence was deeply rooted in the ideological and ethnic conflicts developing in the east and southeast of the continent.<sup>28</sup> The creation of the League was a reaction against a world war that, whatever its long-term causes, was precipitated by chronic instability in the Balkans. Yugoslavia, along with Romania and Czechoslovakia, greatly benefitted from the peace treaties signed after the First World War. Austria-Hungary was divided, with each part losing substantial amounts of land and population. Bulgaria also suffered. Italy gained, but not as much other states. Both Italy and Hungary supported those groups and governments who insisted that they had lost territories they were entitled to under the principle of nationality and that therefore demanded revision of the peace treaties. From the start, therefore, governments and individuals supporting the postwar order faced "revisionists" whose national aspirations could be fulfilled only at the expense of other states. This made for an inherently unstable political situation in Europe that constantly threatened to degenerate into insurrection, terrorism, and even war.

Managing these myriad sources and symptoms of political violence in the Balkans was vital to the League of Nations from its origins. Geneva's actions after Alexander's murder prove that the organization not only could carry out this essential peacekeeping duty, but could do

so in constructive and often creative ways. It also was able to continue to foster the development of experimental legal methods and institutions designed to address specific international problems. Yet as with earlier settlements under the auspices of the League, successful resolution of the international crisis of late 1934 was imperfect and limited. It was a diplomatic compromise that required concealing certain facts while distorting others—the sort of solution that states aligned on all sides of an international dispute can choose to accept when they are genuinely determined to prevent war for fear of where it might lead. Such determination was absent in 1914 and would be again in 1939.

Reexamining the role of the League of Nations in settling the dispute between Yugoslavia and Hungary also has implications for the study of British foreign policy, especially the meaning of “appeasement” during the 1930s.<sup>29</sup> Britain was indispensable to the League’s resolution of this dispute and was actively involved in Geneva’s subsequent anti-terrorism efforts. Alexander’s assassination traumatized Britain’s minister in Belgrade, Neville Henderson, and had a lasting impact on his diplomacy.<sup>30</sup> He went on to serve as the British ambassador to Germany from 1937 to 1939. Eden was Britain’s representative on the League Council and was a central actor in resolving the international crisis in 1934. In retrospect, he rightly called it “a dispute of the type which the League of Nations was well qualified to handle.”<sup>31</sup> Later, as minister for League of Nations affairs and then as foreign secretary, Eden ensured that Britain participated in Geneva’s efforts to combat terrorism for the next three years. Sir John Simon, the foreign secretary between 1931 and 1935, also helped to avert a potentially dangerous conflict from erupting in Europe after Alexander’s murder and took a personal interest in the question of international terrorism. As the home secretary from 1935 to 1937, he was essential in shaping British policy on the issue.

Britain, with a range of global interests, considered preserving Geneva’s moral authority and maintaining stability in European affairs as of fundamental importance. If the League had a role to play in international relations, it was to help correct the flaws of the postwar order and preserve the peace. The terrorist attack at Marseilles alarmed London because it threatened to widen an already dangerous division in Europe. Britain wanted to stay out of any military conflicts that might result. Only a few months earlier, when Austrian Nazis assassinated Chancellor Engelbert Dollfuss, Simon told British Prime Minister Ramsay MacDonald that “[w]e must

keep out of trouble in Central Europe at all costs. July, twenty years ago, stands as an awful warning.”<sup>32</sup>

Memories of 1914 drove the British government firmly and consistently to urge restraint on all sides after Alexander’s assassination. While Simon initially feared that public demands for “justice” and calls to end “terrorism” were only likely to make the situation more dangerous, Yugoslavia’s formal appeal to the League Council under the provisions of the Covenant ultimately made a negotiated and peaceful resolution to the crisis possible. For Britain, this settlement was example of reconciliation and appeasement within the framework of international cooperation. Historians seeking to explain the roots of the conciliatory attitude that eventually led to the Hoare–Laval Pact in late 1935 or the initial reactions to the Czech crisis in early 1938 need to understand how Britain responded to the terrorist attack at Marseilles in 1934.

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This book examines the intersection of the League of Nations, state-supported terrorism, and British foreign policy in the 1930s. It attempts to explain how Geneva’s role in preventing the terrorist attack at Marseilles from leading to war in 1934, as well as its role in drafting two international conventions to suppress and punish terrorism between 1935 and 1938, demonstrate both the organization’s function and limits. This study aims to contribute to debate about the utility of the League, the impact of state-supported terrorism on the international order, and the nature of British foreign policy after Hitler’s rise to power. It also seeks to add to the scholarship on the history of modern international criminal law and legal procedure. In particular, this book offers reappraisals of the efficacy of one of the central security provisions of the Covenant and the scope of the League’s more far-reaching security agenda. It contributes to the enormous historical literature on appeasement and explores how the British government’s attitudes toward international terrorism were shaped not only by the actions of other states, but also by Britain’s legal and moral obligations to the organization itself. These attitudes were informed by national traditions, domestic politics, individual personalities, and an awareness of Britain’s limited options in confronting international crises in the 1930s.

While the League demonstrated that it still had effective peacekeeping authority in late 1934, its complex and often vexed efforts to combat terrorism in the years that followed were even more complicated by a



number of new factors. The most important of these was Nazi Germany. The League's anti-terrorism efforts were designed to deter or punish emulators of Alexander's assassination, not contend with the sorts of challenges that Hitler posed. His regime never participated in this collective response to international terrorism.<sup>33</sup> In sharp contrast to most British and French statesmen, Hitler considered war and the threat of war legitimate tools of international relations.<sup>34</sup> His actions simply overwhelmed the various debates about combating terrorism. Despite widespread determination to avoid repeating the First World War, Geneva's anti-terrorism project was increasingly divorced from the shifting realities leading to a new and very different global conflict. As the League deteriorated, direct threats to peace in Europe changed from Hungary and Italy aiding anti-Yugoslav terrorist groups to a far more dangerous great power's willingness to use force or the threat thereof to achieve its international objectives. In essence, state-supported political violence became subsumed in "war" rather than "terrorism."

Geneva could not attain the unattainable. The League did, however, provide an effective means for preventing the outbreak of a potentially dangerous and unpredictable conflict in Europe in 1934. It could not stop "Hitler's War" of 1939, but it did help to avert a repetition of the "Great War" of 1914. The League also enabled its members to cooperate in exploring ways to respond to the danger of international terrorism, a problem that remains among the most important and difficult in international relations. They did so with much the same lack of success the contemporary world has seen. Still, these same member states, along with other groups and individuals, were able to use Geneva's anti-terrorism project to advance their own objectives as the international situation changed between 1935 and 1938. France demonstrated loyalty to its European allies and portrayed itself as willing to develop new international laws and legal institutions to promote international cooperation. Britain showed public support for League principles while avoiding new international commitments. Other powers tried to strengthen the organization's capacity for collective action as jurists and academics championed a range of legal reforms. But in order to place the 1930s within a broader historical context, it is necessary to know how Geneva settled a serious international dispute resulting from a terrorist attack in Europe in 1934 and took organized action against state-supported terrorism between 1935 and 1938 in an effort to preserve peace in an increasingly uncertain world.

## NOTES

1. Among the many, sometimes contradictory, accounts are Stephen Graham, *Alexander of Yugoslavia: The Story of the King Who Was Murdered at Marseilles* (New York: Yale University Press, 1959); Vladeta Milićević, *A King Dies in Marseilles: The Crime and Its Background* (Bad Godesberg: Hohwacht, 1959); Allen Roberts, *The Turning Point: The Assassination of Louis Barthou and King Alexander I of Yugoslavia* (New York: St. Martin's Press, 1970); Roger Colombani and Jean-René Laplayne, *La Mort d'un Roi: La vérité sur l'assassinat d'Alexandre de Yougoslavie* (Paris: Éditions Albin Michel, 1971); and François Broche, *Assassinat de Alexandre Ier et Louis Barthou: Marseille, le 9 octobre 1934* (Paris: Bolland, 1977).
2. For more on IMRO, see Hugh Poulton, *Who Are the Macedonians?* (Bloomington and Indianapolis: Indiana University Press, 1995), pp. 79–85 and James Frusetta, “Common Heroes, Divided Claims: IMRO between Macedonia and Bulgaria,” in John R. Lampe and Mark Mazower, eds., *Ideologies and National Identities: The Case of Twentieth-Century Southeastern Europe* (Budapest and New York: Central European University Press, 2004), pp. 110–30.
3. For more on the Ustaša, see James J. Sadkovich, *Italian Support for Croatian Separatism, 1927–1937* (New York and London: Garland, 1987) and Mark Biondich, “‘We Were Defending the State’: Nationalism, Myth, and Memory in Twentieth Century Croatia,” in Lampe and Mazower, eds., *Ideologies and National Identities*, pp. 54–81.
4. Eden's memoirs, in three volumes, appeared with inconsistent publication details. Avon, Earl of (Anthony Eden), *The Eden Memoirs: Facing the Dictators* (Boston: Houghton Mifflin, 1962), p. 120.
5. For the full text of the Covenant, see, [http://avalon.law.yale.edu/20th\\_century/leagcov.asp](http://avalon.law.yale.edu/20th_century/leagcov.asp).
6. “Minutes of the Eighty-Third (Extraordinary) Session of the Council,” *Official Journal*, 15th year, No. 12, (Part II), (December 1934), pp. 1759–60. For the full text of the Council's resolution, see Appendix B.
7. Ibid., p. 1739 and “Proposed Bases of an International Convention for the Suppression of Terrorism,” Annex 1524, pp. 1839–40. For the full text of the French proposal, see Appendix A.
8. For the full text of the convention, see Appendix C.
9. For the full text of the convention, see Appendix D.
10. For more, see, <http://www.h-net.org/~diplo/IHS/> the online resources compiled by the Indiana University Center for the Study of Global Change, <http://www.indiana.edu/~league/bibliography.htm>, as well as

the list of scholars currently working on the League of Nations, available at: <http://leagueofnationshistory.org>.

11. For a few recent examples, see Akira Iriye, *Global Community: The Role of International Organizations in the Making of the Contemporary World* (Berkeley: University of California Press, 2002), pp. 9–36; Mark Mazower, *Governing the World: The History of an Idea* (New York: The Penguin Press, 2012), pp. 116–88; Daniel Gorman, *The Emergence of International Society in the 1920s* (Cambridge: Cambridge University Press, 2012), Chapters 2 and 3; and Glenda Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press, 2013), Chapter 2.
12. Martyn Housden, *The League of Nations and the Organisation of Peace* (Harlow, UK: Pearson, 2012), pp. 3–19. In addition to Housden's excellent introductory text, see Zara Steiner, *The Lights That Failed: European International History, 1919–1933* (Oxford and New York: Oxford University Press, 2005), pp. 349–86 and 565–601. Also see Peter J. Yearwood, *Guarantee of Peace: The League of Nations in British Policy 1914–1925* (Oxford: Oxford University Press, 2009) and Patricia Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920–1946* (Oxford: Oxford University Press, 2013).
13. A few prominent examples from the 1970s include George Scott, *The Rise and Fall of the League of Nations* (London: Hutchinson & Co., 1973); Elmer Bendiner, *A Time for Angels: The Tragicomic History of the League of Nations* (New York: Alfred A. Knopf, 1975); and James Avery Joyce, *Broken Star: The Story of the League of Nations* (Swansea: Christopher Davies, Ltd., 1978).
14. For a contemporary overview of international law during this period, see Green Haywood Hackworth, *Digest of International Law*, 8 vols. (Washington, DC: United States Government Printing Office, 1940–1944), vol. II, pp. 1–46.
15. For examples, see League of Nations, Forward by Sir Eric Drummond, *League of Nations: Ten Years of World Co-operation* (London: Hazell, Watson & Viney, Ltd., 1930), p. 49 and William E. Rappard, *The Geneva Experiment* (London: Oxford University Press, 1931), pp. 68–86.
16. For detailed accounts of three of these conflicts, see James Barros, *The Corfu Incident of 1923: Mussolini and the League of Nations* (Princeton, NJ: Princeton University Press, 1965); James Barros, *The Åland Islands Question: Its Settlement by the League of Nations* (New Haven, CT: Yale University Press, 1968); and James Barros, *The League of Nations and the Great Powers: The Greek-Bulgarian Incident, 1925* (Oxford: Clarendon Press, 1970).

17. For more, see David R. Stone, "Imperialism and Sovereignty: The League of Nations' Drive to Control the Global Arms Trade," *Journal of Contemporary History*, vol. 35, no. 2 (April 2000), pp. 213–30; Claudena M. Skran, *Refugees in Inter-war Europe: The Emergence of a Regime* (New York and Oxford: Oxford University Press, 1995); and Carole Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878–1938* (Cambridge: Cambridge University Press, 2004).
18. For more, see Michael D. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914–1931* (Brighton and Portland: Sussex Academic Press, 1999) and *A Sacred Trust: The League Nations and Africa, 1929–1946* (Brighton and Portland: Sussex Academic Press, 2004). Also see Iris Borowy, *Coming to Terms with World Health: The League of Nations Health Organisation, 1921–1946* (Frankfort: Peter Lang, 2009) and Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015).
19. For the League's role in the settlements of the borders of Vilnius, Memel, and Upper Silesia, see Walters, *A History of the League of Nations*, pp. 105–9, 152–8, and 302–5.
20. For a contemporary study of the Permanent Court of International Justice, see Manley Ottmer Hudson, *The World Court, 1921–1934* (Boston: World Peace Foundation, 1934).
21. For an overview of the League's activities in 1934, see the League of Nations Association, *A Brief History of the League of Nations 1934 Edition* (New York: The League of Nations Association, Inc., 1934).
22. While never a member of the League, the United States did actively participate in a number of committees and commissions of the organization as well as the Permanent Court of International Justice. For more, see Warren F. Kuehl and Lynne K. Dunn, *Keeping the Covenant: American Internationalists and the League of Nations, 1920–1939* (Kent, OH and London: The Kent State University Press, 1997).
23. Walters, *A History of the League of Nations*, pp. 196, 389–90, 497, and 788 and Thomas W. Burkman, *Japan and the League of Nations: Empire and World Order, 1914–1938* (Honolulu: University of Hawai'i Press, 2008), pp. 194–209.
24. The most comprehensive analysis is Martin David Dubin, "The Political and Diplomatic Context of International Terrorism" in *International Terrorism: Two League of Nations Conventions, 1934–1937* (Millwood and New York: Kraus International Publications, 1991), pp. 1–99 and "Great Britain and the Anti-terrorist Conventions of 1937," *Terrorism and Political Violence*, vol. 5, no. 1 (Spring 1993), pp. 1–19. The best single

- study of the Hungaro-Yugoslav conflict is Bennett Kovig, "Mediation by Obfuscation: The Resolution of the Marseille Crisis, October 1934 to May 1935," *The Historical Journal*, vol. 19, no. 1 (1976), pp. 191–221. A useful short account of Britain and the League's anti-terrorism efforts is Charles Townshend, "Methods which all civilized opinion must condemn": The League of Nations and International Action against Terrorism" in Jussi M. Hanhimäki and Bernard Blumenau, eds., *An International History of Terrorism: Western and Non-Western Experiences* (London: Routledge, 2013), pp. 34–50. The best legal study is Ben Saul, "The Legal Response of the League of Nations to Terrorism," *Journal of International Criminal Justice*, vol. 4, no. 1 (March 2006), pp. 78–102. Also see J. J. Lador-Lederer, "A Legal Approach to International Terrorism," *Israel Law Review*, vol. 9, no. 2 (April 1974), pp. 194–220; L. C. Green, "Aspects of Terrorism," *Terrorism*, vol. 5, no. 4 (1982), pp. 373–400; and Geoffrey Marston, "Early Attempts to Suppress Terrorism: The Terrorism and International Criminal Court Conventions of 1937," *British Year Book of International Law*, vol. 73 (2002), pp. 293–313. Well-researched recent studies are Paul Knepper, *International Crime in the 20th Century: The League of Nations Era, 1919–1939* (New York: Palgrave Macmillan, 2011) and Mark Lewis, *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919–1950* (Oxford: Oxford University Press, 2014), especially pp. 122–49. A helpful survey is Randall D. Law, *Terrorism: A History* (Cambridge, UK: Polity Press, 2009), pp. 142–59.
25. The standard treatment remains Walters, *A History of the League of Nations*, pp. 599–605. Also see Scott, *The Rise and Fall of the League of Nations*, pp. 313–6; Bendiner, *A Time for Angels*, pp. 306–11; and George Gill, *The League of Nations: From 1929 to 1946* (Garden City, NY: Avery Publishing Group, 1996), pp. 134, 135, and 147. Works that make no mention of the League's anti-terrorism efforts include F. S. Northedge, *The League of Nations: Its Life and Times 1920–1946* (New York: Holmes & Meier, 1986); The League of Nations Archives, *The League of Nations 1920–1946: Organization and Accomplishments: A Retrospective of the First Organization for the Establishment of World Peace* (New York and Geneva: United Nations, 1996); Ruth Henig, *The League of Nations* (London: Haus Publishing Ltd., 2010); and Marit Fosse and John Fox, *The League of Nations: From Collective Security to Global Rearmament* (New York: United Nations Publications, 2012).
  26. A particularly valuable resource is Dubin, *International Terrorism: Two League of Nations Conventions, 1934–1937*. This work includes a set of eighteen microfiche that contain nearly 1800 pages of documents, the bulk of which are excerpted from official published sources as well as

- some unpublished correspondence. It also contains a useful chronology of events and an extensive glossary.
27. One recent exception is Pierre-Etienne Bourneuf, “‘We Have Been Making History’: The League of Nations and the Leticia Dispute (1932–1934),” *The International History Review*, vol. 39, no. 4 (August 2017), pp. 592–614.
  28. For more on this general point, see Donald Bloxham and Robert Gerwarth, eds., *Political Violence in Twentieth-Century Europe* (Cambridge: Cambridge University Press, 2011), particularly pp. 1–39.
  29. The scholarly literature on this subject is vast. A good place to start is Paul Kennedy and Talbot Imlay, “Appeasement,” in Gordon Martel, ed., *The Origins of the Second World War Reconsidered: A. J. P. Taylor and the Historians*, second edition (London and New York: Routledge, 1999), pp. 116–34. Also see Peter Neville, *Hitler and Appeasement: The British Attempt to Prevent the Second World War* (London and New York: Hambledon Continuum, 2006) and Terrance L. Lewis, *Prisms of British Appeasement: Revisionist Reputations of John Simon, Samuel Hoare, Anthony Eden, Lord Halifax and Alfred Duff Cooper* (Brighton and Portland: Sussex Academic Press, 2011).
  30. On Henderson’s career in Belgrade, see Peter Neville, *Appeasing Hitler: The Diplomacy of Sir Neville Henderson, 1937–39* (London and New York: Macmillan Press and St. Martin’s Press, 2000), especially pp. xiv and 14–9.
  31. Avon, *Facing the Dictators*, p. 132.
  32. Simon to MacDonald, July 27, 1934, Simon Papers, Bodleian Library, Oxford (BLO), MSS.Simon 79/39-40.
  33. On earlier efforts to combat prewar anarchism, see James Joll, *The Anarchists*, second edition (Cambridge, MA: Harvard University Press, 1980) and Richard Bach Jensen, “The First Global Wave of Terrorism and International Counter-Terrorism, 1905–1914,” in Hanhimäki and Blumenau, eds., *An International History of Terrorism*, pp. 16–33.
  34. In addition to those sources cited above, see Norman Rich, *Hitler’s War Aims: Ideology, the Nazi State, and the Course of Expansion* (New York and London: W. W. Norton, 1973); Donald Cameron Watt, *How War Came: The Immediate Origins of the Second World War, 1938–1939* (New York: Pantheon Books, 1989); and Gerhard L. Weinberg, *Hitler’s Foreign Policy 1933–1939: The Road to World War II* (New York: Enigma Books, 2005).



## CHAPTER 2

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# “The Chief Danger in Europe at Present”

The League of Nations was already facing a number of difficult challenges before the terrorist attack at Marseilles in 1934. Japan’s invasion of Manchuria, the rise of Hitler in Germany, and the failure of world disarmament had altered perceptions of the League, and how it functioned as a peacekeeping organization. International relations in general were being transformed, as some governments persisted in hoping to preserve the postwar order while others demanded changes. The policies of Europe’s great powers were central to this increasingly dangerous political divide as the League’s interests and their own diverged. French Foreign Minister Louis Barthou, for one, contended that the hostility between Italy and Yugoslavia over the future of the Balkans was the main threat to European peace. An understanding of the shifting diplomatic context of the early 1930s is essential for explaining why the individuals associated with the League, particularly the makers of British foreign policy, responded as they did to King Alexander’s assassination.

At the same time, the old problem of organized political and ethnic violence continued despite the 1919 peacemaking efforts and creation of the League. Much as before the First World War, southeastern Europe remained a focal point for such violence, forcing governments to consider the nature and implications of “terrorism,” both domestic and international. While many identified terrorism as a danger to peace, there was little discussion over how best to counter or even define it. Some jurists advocated expanding the League’s role in unifying criminal

law among states, the better to prevent and punish certain forms of political violence. Others, especially the British, expressed skepticism about a collective response to terrorism, let alone criminalizing it under international law. While Hungary and Yugoslavia publicly clashed over the issue at Geneva, and worries about political instability in Europe had intensified in the months before Alexander's murder, there was no sense of urgency about cooperating to combat state-supported terrorism. The terrorist attack at Marseilles would provide the missing incentive for an international approach to the problem as well as for a settlement of the international crisis it would spark.

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After the First World War, the victors cobbled together the "Kingdom of the Serbs, Croats, and Slovenes" from the former Austro-Hungarian provinces of Slovenia, Croatia, and Bosnia-Herzegovina, the independent states of Serbia and Montenegro, and Macedonian lands previously part of Bulgaria. This arrangement satisfied some Balkan peoples while frustrating many others. An original member of the League of Nations, the kingdom was plagued by internal political and ethnic turmoil from its founding. League officials recognized privately that the Belgrade government actively discriminated against non-Serbs, who comprised more than 60% of the population.<sup>1</sup> Many within this population not only had political expectations that differed from those of the Serbs, but also they did not share a common interpretation of history, harbored deep-rooted ethnic and religious hatreds, and often identified with different neighboring sovereign states including Albania and Bulgaria. As early as 1922, the leader of the main Croatian political party, Stjepan Radić, called on Geneva to dissolve the new kingdom and create an independent Croat state.<sup>2</sup> When a Serb politician murdered Radić in 1928, his widow and other Croats looked to the League to investigate the crime.<sup>3</sup> Macedonian organizations in Europe and North America routinely pressed the League to support Macedonia's "struggle for liberty and independence."<sup>4</sup> Fear of instability and separatism finally convinced Alexander to establish a royal dictatorship in early 1929. In October, he changed the name of the country to "the Kingdom of Yugoslavia" and resorted to harsh measures to preserve national unity.

This proved difficult. Yugoslavia's problems with separatists only worsened as a series of bombings and shootings in the early 1930s killed hundreds of people.<sup>5</sup> Many of these attacks were carried out by the Internal Macedonian Revolutionary Organization (IMRO), a terrorist organization



dedicated to independence for Macedonia, a territory divided between Greece, Bulgaria, Albania, and Yugoslavia. IMRO was based in Bulgaria with the tacit support of right-wing government officials in Sofia, but it also received aid from Benito Mussolini's fascist Italy.<sup>6</sup> After a military coup in Bulgaria in May 1934, the new government subdued the group in an effort to restore internal order and improve ties with other Balkan states including Yugoslavia. While IMRO's influence rapidly diminished, it continued to cooperate with other anti-Yugoslav groups, particularly the Ustaša.

The Ustaša movement had emerged in the late 1920s. Its leader was Ante Pavelić, a member of one of the smaller nationalist Croat political parties elected as a deputy in the regional assembly in Zagreb in 1927. He fled to Austria soon after Alexander proclaimed his royal dictatorship, then sent an "Appeal to the League of Nations" in September 1929 calling on the secretary-general to defend the "Croat nation" against "the autocrat of Belgrade."<sup>7</sup> He made a second appeal to the League a few weeks later.<sup>8</sup> After a brief period in Germany, Pavelić moved to Rome where the government gave him asylum and financial support. While many members of the Ustaša followed Pavelić to Italy, others found sanctuary in Hungary at a farming commune that also served as a terrorist training camp near the Yugoslav border. With a monthly subsidy from the Italian Ministry of Foreign Affairs, the Ustaša developed on the fascist model and forged close ties with IMRO in the common aim of overthrowing Alexander's regime and replacing it with new independent states.

Increasing numbers of terrorist attacks in 1934 only made the question of internal stability and territorial integrity more vital to Yugoslavia. Along with Czechoslovakia and Romania, the kingdom benefitted from terms of the Paris peace treaties and other settlements that established the map of postwar Europe.<sup>9</sup> Many territorial gains those states secured flagrantly disregarded nationality and thus violated the principles of Woodrow Wilson's original Fourteen Points. Czechoslovakia emerged from the ruins of the former Austro-Hungarian empire and was comprised of Czechs, Slovaks, Germans, Hungarians, Rusyns, among other minorities. Romania acquired lands previously ruled by Austria, Hungary, and Russia. Even defeated states such as Bulgaria and Hungary had ethnic minority populations. Wilson and others admitted the treaties' serious defects and assumed that the League of Nations would sort them out peacefully over time as the resentments of the war

receded.<sup>10</sup> The “protection of minorities” at the time was called one of the organization’s “most difficult and delicate tasks.”<sup>11</sup> While Yugoslavia, Czechoslovakia, and Romania agreed to safeguard the rights of minority populations, all three states viewed the peace treaties as constituting a final, permanent settlement backed by the collective obligations of the Covenant. In 1920 and 1921, they formed the Little Entente against “revising” the treaties and redrawing national boundaries.<sup>12</sup> Poland, a “new” state reconstructed from large swaths of the former German and Russian empires (including areas inhabited by Belarusians and Ukrainians), staunchly opposed such revisions for the same reason. France, determined to protect itself against a revived Germany, entered into military alliances with Poland and the Little Entente powers in the 1920s. Both Greece and Turkey formally associated themselves with the Little Entente in opposition to “revisionism” by signing the Balkan Pact in February 1934.<sup>13</sup>

“Revisionism” was pressed not only by national minority groups such as the Macedonians and Croats, but also by the governments of Albania, Germany, Austria, Hungary, and Italy. Czechoslovakia, with its large ethnic German population, resisted “revisionist” pretensions, particularly those of Hitler after he came to power in 1933 and announced that Germany would leave the League. The Czechs and their Little Entente allies also feared Austrian imperial revanchism; the frontier between Hungary and Yugoslavia was particularly contentious, as many Hungarians hoped to regain lands lost after the First World War.<sup>14</sup> Hungary’s aid to anti-Yugoslav separatist groups was part of this larger aim to “revise” the postwar borders in the Balkans and recover some of these lands. Italy had long-standing ambitions in Albania, Greece, and Yugoslavia and was willing to provoke an international crisis and openly undermine Geneva’s authority.<sup>15</sup> While Czechoslovakia tended to function as a parliamentary democracy, most of the other states in the region did not. Many had right-wing governments backed by their respective militaries.<sup>16</sup> By the late 1920s, Rome had established close ties with Austria and Hungary. Mussolini’s support for the Hungarians went so far as to include shipping them weapons prohibited by the Treaty of Trianon. One result was that relations between the Little Entente and the major “revisionist” states in Europe were usually bad.<sup>17</sup> Another was that Czechoslovakia, Romania, and Yugoslavia were among the most consistent defenders of the League of Nations as well as of the principle

of respect for all treaty obligations in the years before the Marseilles terrorist attack in 1934.

Despite Italy's support of terrorist groups and its collaboration with "revisionist" states, Mussolini's foreign policy in the late 1920s and early 1930s was often ambiguous and contradictory.<sup>18</sup> Fascist Italy was a leading member of the League and a permanent member of its Council. Italian nationals participated in all important political and technical activities of the organization.<sup>19</sup> Italy was a signatory of international conventions and agreements, including the Kellogg-Briand Pact signed by fifty-four other nations in 1928 in an effort to promote international peace. In the same year, the Italian government opened the International Institute for the Unification of Private Law in Rome under League auspices.<sup>20</sup> In the aftermath of the Ustaša's repeated failures to topple the Yugoslav regime, Mussolini began to cut financial aid to the group; the Duce's foreign policy advisors pointed out the potentially dangerous international consequences of supporting it and began to urge an accord with Belgrade.<sup>21</sup> While he continued to endorse Croatian separatism, in April 1934 Mussolini told the head of the Italian delegation at the League, the respected diplomat Baron Pompeo Aloisi, that the Croats in Italian territory were "useless and dangerous."<sup>22</sup> In a speech at Milan three days before the shootings at Marseilles, Mussolini made vague references to "the possibility of an understanding" with Yugoslavia, an Italo-French rapprochement, and his hopes for "a true and productive peace."<sup>23</sup>

Italy went beyond words in opposing some forms of "revisionism" and acts of political violence. Mussolini wanted to preserve Austria's independence from Germany and was willing to cooperate with Czechoslovakia, France, and Britain in this effort. When Austrian Nazis murdered the Austrian chancellor in July 1934 in an attempt to overthrow the government and achieve unification with Germany, Aloisi denounced this act of "terrorism" and compared it to the attack at Sarajevo in 1914.<sup>24</sup> The Duce ordered 40,000 troops to the border and threatened military intervention. Italy's actions helped the authorities in Vienna suppress the insurrection.<sup>25</sup> Hitler was humiliated and Berlin's relations with Rome were badly damaged.

While Italy wanted Austria to remain independent from Germany, Yugoslavia wanted Austria to remain independent from Italy. Alexander deeply distrusted Mussolini. Relations between the two states were

poor, and did not improve after Italy, Austria, and Hungary signed the Rome Protocols in March 1934, further strengthening their already close political and economic collaboration. Making matters more difficult was evidence emerging from the trial of those arrested after an attempt on Alexander's life the previous December, which the king said convinced him that Rome had aided the plot.<sup>26</sup> After Hitler signed a ten-year non-aggression treaty with Poland in early 1934, Berlin began to exploit Yugoslav differences with Italy in an attempt to pull the Yugoslavs closer to Germany. These efforts resulted in a commercial treaty in May; Alexander increasingly regarded a potential union between Austria and Germany as no threat to his kingdom.<sup>27</sup> In August, the Yugoslavs admitted to allowing more than a thousand Austrian Nazis to enter the country as refugees, but insisted they were receiving no aid from his government.<sup>28</sup> A few weeks before the king's assassination, Nevile Henderson told the Foreign Office that if Austria could not be genuinely independent, the Yugoslavs would prefer it were dependent on Germany rather than Italy. "She feels, in fact, so strongly about the latter that she might go to war rather than submit to Austrian dependence on Italy which she considers tantamount to the abandonment by herself of her own right to security."<sup>29</sup>

The shifting foreign policy of the USSR had significance for Yugoslavia and this increasingly dangerous international context as well.<sup>30</sup> Throughout much of the 1920s, the Soviets criticized the peace treaties and supported communist groups abroad as a matter of principle. The USSR was not a member of the League and had a long-standing territorial dispute with Yugoslavia's ally Romania over the status of Bessarabia. Moscow actively championed the dissolution of the Yugoslav kingdom and the independence of the Macedonians, Croats, and Slovenes.<sup>31</sup> While the USSR gradually began to adopt a less hostile attitude toward the West in the late 1920s, the threat of Nazi Germany convinced Moscow to accelerate this cooperation and participate in Geneva's security system. The Soviet regime remained ideologically opposed to the postwar global order, but was more urgently interested in containing Hitler. In the summer of 1933 the USSR signed non-aggression pacts with the Little Entente powers. Later in the same year the USSR and Italy agreed to a treaty of friendship, neutrality, and non-aggression. Only a few weeks before the attack at Marseilles, despite opposition from a handful of anti-communist states, the Soviets joined the League as a permanent member of the Council.<sup>32</sup> When Foreign Minister Maxim

Litvinov addressed the Assembly for the first time in September 1934, he declared that war was no longer "a remote theoretical danger" and called on the organization to oppose those seeking to redraw the map of Europe and Asia "by the sword."<sup>33</sup>

The state most responsible for helping the USSR gain entry into the League was Yugoslavia's lone great power ally, France.<sup>34</sup> The Soviets and French shared a fear of Nazi Germany. France had the largest army in western Europe, the world's second-largest overseas empire, and a network of military alliances. Its often harsh and militaristic public image reflected a more complicated aim either to protect French security by holding the Germans to the terms of the Treaty of Versailles or to negotiate any revisions with Berlin from a position of relative strength. The Locarno agreements of 1925 had improved Franco-German relations; after Hitler announced that Germany would leave the League and his government began to increase military spending, relations worsened. French military expenditures remained far greater than Germany's, but were invested in a purely defensive strategy. By 1934, military commitments to Poland and Czechoslovakia made by earlier French governments under different political and military circumstances were growing burdensome. France still promised to defend its allies, but investment in the Maginot Line rather than mobile forces meant the French had no offensive capability to project power into Eastern Europe. Besides, the French people were increasingly pacifistic.<sup>35</sup> Partly as a result, therefore, France's dependence on Britain deepened substantially. Few French leaders opposed all peaceful change to the postwar order, but most were more resistant to it than the British. Nonetheless, Paris continued to consider the League of Nations important for asserting France's great power status in the world and to maintaining peace with Germany. A French national, Joseph Avenol, was secretary-general of the organization from 1933 to 1940.<sup>36</sup>

Barthou was determined to enhance his country's security in the face of the growing German threat and burgeoning dilemmas.<sup>37</sup> He advocated a strong defense, greater international cooperation within the framework of the League, and more robust bilateral relations with current and potential allies. In eight months as foreign minister he visited Poland, Czechoslovakia, Romania, Yugoslavia, and Geneva.<sup>38</sup> He opened negotiations with both the USSR and Italy, worked to bring the former into the League, and wanted the Soviets to help contain Germany. He hoped to resolve French and Yugoslav political conflicts with Italy as

another way to restrain Hitler.<sup>39</sup> While Barthou knew that many obstacles lay ahead, the main purposes of Alexander's meeting with the French foreign minister in October 1934 were to reaffirm France's support for the Little Entente and to discuss Yugoslavia's relations with Italy—the most immediate threat to peace in Europe in Barthou's view.<sup>40</sup> Although intensely pessimistic about these talks, the king was willing to grant Italy certain economic concessions in exchange for guarantees of Austrian and Albanian independence and Italian promises to control anti-Yugoslav separatist groups.

The remaining great power directly concerned with European stability and the success of the League was Britain, where the organization enjoyed widespread popular support. Britain was a permanent member of the League Council and contributed the largest share of the League's budget. At Geneva the British government participated in the peaceful settlement of a number of international disputes, including its own with Persia over sudden cancellation of the Anglo-Persian Oil Company's contract in 1932.<sup>41</sup> But despite its huge empire and prominent position at Geneva, many contemporaries were convinced that British power was waning.<sup>42</sup> In the late 1920s, military spending as a proportion of GDP had declined, while domestic spending had risen dramatically. The fragmentation of the world economy into rival currency blocs in the early 1930s had severely undercut Britain's already declining export trade. In this context, British support for the League of Nations was not disinterested.

Within the League, Britain shared France's broad aims of preserving peace and defending Geneva's moral authority. Yet London and Paris repeatedly clashed over the means to these ends. They often distrusted each other and worked at cross purposes. Britain had no desire to underwrite France's eastern alliances or get involved in Balkan disputes. Yet some within the Foreign Office, including the permanent under-secretary from 1930 to 1937, Sir Robert Vansittart, argued as early as 1933 for greater Anglo-French-Italian cooperation against Nazi Germany and for Austria's independence.<sup>43</sup> By 1934, Simon broadly shared this view and hoped that Mussolini indeed would join Britain and France in restraining Hitler.<sup>44</sup> British officials viewed the eastern Mediterranean in general and Suez in particular as vital to Britain's imperial security and trade. Few were optimistic about relations between Italy and Yugoslavia. One of Sir John Simon's advisors remarked in May 1934 that it was "[a] thoroughly bad outlook—but King Alexander and Mussolini may all the same still

find themselves in the same camp—as fellow satellites of Hitler!”<sup>45</sup> Britain was not allied with Yugoslavia though it often stood with Belgrade’s ally France. All were members of the League and the British government did not want the kingdom to collapse or an international crisis in the Balkans to escalate into another European war. Memories of 1914 were still fresh and anti-war feeling in Britain was strong.<sup>46</sup>

On a more fundamental level, there were those on both ends of the British political spectrum who advocated revising the peace treaties and reforming the League. There was almost universal agreement that the treaties were replete with flaws that had to be corrected before they led to another needless war. Adverse to continental commitments, loathing the USSR, and increasingly aware of Britain’s military weakness, a considerable body of political opinion held that a revisionist policy of “appeasement” was the only rational option. The question for Simon and his colleagues in 1934 was not whether to make concessions to states with legitimate grievances against the postwar order, it was when to do so and how to persuade the League and the rest of the world to agree.

The most prominent advocate of the League of Nations within the British government was Anthony Eden.<sup>47</sup> He had fought in the trenches on the Western Front and had lost two of his brothers during the war. “We are all marked to some extent by the stamp of our generation,” Eden wrote years later. “[M]ine is that of the assassination in Sarajevo and all that flowed from it.”<sup>48</sup> Involvement in the World Disarmament Conference at Geneva from 1932 to 1934 established his reputation internationally, and within the Conservative Party, as a spokesman for British foreign policy. He was appointed Lord Privy Seal in late 1933 and regularly took Simon’s place in Council meetings at Geneva. While Eden’s personal relations with Simon deteriorated over time, the two tended to agree on the general direction of policy and viewed Germany as Britain’s most dangerous potential enemy. A mission in early 1934 to Paris, Berlin, and Rome to discuss disarmament enhanced Eden’s public standing, particularly with influential pressure groups such as the League of Nations Union (LNU).<sup>49</sup> Despite the League’s many limitations, Eden was convinced that Britain had a central role to play in European affairs within the framework of the organization, and insisted that his government’s central aim was “in one word, peace.”

The most effective instrument for this purpose they [the British government] believe to be the League of Nations, for the League embodies the

only machinery at present in existence for promoting collective action. Nor is that its only merit. It is the citadel of democracy in the present difficult times. Even the representative of a dictator, when he comes to Geneva, becomes a unit in an international democracy.<sup>50</sup>

Eden was not alone, however, in recognizing that this “citadel of democracy” had changed profoundly since its creation. By 1934, the League was no longer primarily an association of victors looking to protect territorial gains. International conditions that had engendered the organization were gone; many postwar territorial gains were simply indefensible in the long run. “Appeasement” was how Britain and France tried to correct the flaws of the peace treaties. To the British and French, the League had evolved into a mechanism for revising the postwar order gradually, in a managed and peaceful way. But Italy was increasingly dissatisfied; and Japan finally abandoned the League. Under the Weimar government Germany had entered, then under the Nazis abruptly left. The United States was never a member. Russia, ever opposed to the status quo, came to Geneva to pursue its own revolutionary agenda. While Yugoslavia, Romania, Poland, and Czechoslovakia continued to view the peace treaties as conclusive, others, including Austria, Bulgaria, Germany, and Hungary, considered them illegitimate and untenable. There was an inherent conflict between those that had benefitted from the peace treaties and those that considered themselves unfairly hurt by them. If this conflict was not resolved peacefully, it would be settled by war. For France, the League provided a means for pressing peaceful change on allies without formally breaking those alliances. For Britain, Geneva could serve the cause of peace by helping states to settle their differences through mediation and concession rather than by force or the threat of force. This was a central assumption that underpinned British “appeasement” policy in the 1930s.

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Geneva’s role in unifying criminal law and establishing international criminal jurisdiction had direct consequences for the eventual international legal response to the problem of state-supported terrorism.<sup>51</sup> While the thinking behind these advances pre-dated the war, they were a source of controversy among legal scholars, police forces, national governments, and international penal law associations.<sup>52</sup> Certain provisions of the Treaty of Versailles, the creation of the Permanent Court of International Justice, and the adoption of international agreements such



as the Kellogg–Briand Pact convinced a number of legal experts that an international criminal law already existed and had jurisdiction over states as well as individuals in certain circumstances.<sup>53</sup>

Several specialized institutions argued that League member states needed to do more to strengthen, extend, and enforce this law.<sup>54</sup> The International Association of Penal Law's president in 1934 was Henri Carton de Wiart, formerly the prime minister and minister of justice of Belgium.<sup>55</sup> Carton de Wiart was also the chairman of the International Bureau for the Unification of Criminal Law. As the Belgian delegate to the League of Nations since 1928, he was a persistent advocate for legal reform. In this he faced stiff resistance from those insisting that criminal law was solely a domestic matter and that differing legal traditions among sovereign states made unification almost impossible.<sup>56</sup> This lack of consensus hindered international cooperation. One prominent exception was a conference held under League auspices in 1929 that resulted in the International Convention for the Suppression of the Counterfeiting of Currency, an agreement that came into force in early 1931 and had implications for extradition, police and judicial cooperation, and the exchange of information concerning criminal activities between signatory states.<sup>57</sup>

The League Secretariat understood in 1934 that the subject of extradition and the concept of a "political crime" were particularly thorny.<sup>58</sup> Most international legal experts admitted that, in the absence of specific treaty terms, there was no obligation under international law to extradite so-called "political criminals." In general, states granted extradition for acts that were criminal under the law of the extraditing as well as the applicant state. A number of states had long traditions of granting asylum to "political refugees." But there was no universally accepted definition of "political crimes" or of how a state should regulate foreigners in its territory bent on harming other states.

Nonetheless, the debate over international criminal law intensified in the early 1930s. In 1931, the League Assembly asked outside organizations, including the International Bureau for the Unification of Penal Law and the International Criminal Police Commission, for recommendations.<sup>59</sup> They duly suggested that the League urge states to standardize extradition laws, improve international police cooperation, and adopt "the uniform wording of the legal definitions which in the concordant view of the States must be regarded as constituting a danger to international relations."<sup>60</sup> They also proposed that the International Bureau

for the Unification of Penal Law act as a central advisory agency to the League. Many states, including France, Czechoslovakia, Yugoslavia, Italy, and Poland, welcomed the recommendations, at least in principle.<sup>61</sup>

Britain was hostile to this effort. Leslie Stuart Brass, a legal advisor in the Home Office, huffed that parliament would never alter Britain's criminal law to conform with "a code prepared by certain international enthusiasts on a continental basis" who seemed to think "that progress lies in International Conventions."<sup>62</sup> Britain's formal observations to the League were no less negative. London bluntly declared that the general aim of aligning the criminal law of all states to a uniform system was "misconceived and impractical." While questions affecting police work and criminal procedure such as counterfeiting, human trafficking, and the illicit drug trade occasionally called for special international action, the British insisted that there were no other criminal matters that currently required "international action."<sup>63</sup>

This clash sharpened when the First Committee, the standing body of the Assembly responsible for constitutional and legal questions, met in 1933 to discuss the recommendations. The *rapporteur* was Vespasian V. Pella from Romania.<sup>64</sup> In addition to serving in the Romanian parliament in the 1920s, Pella had a distinguished career teaching criminal law.<sup>65</sup> He had been a member of Romania's delegation to the Assembly of the League since 1925 and was a leading figure in both the International Bureau for the Unification of Penal Law and the International Association of Penal Law. As a longtime advocate of universal criminal jurisdiction and as secretary-general of the Bureau, Pella had helped to draft the recommendations now before the First Committee.<sup>66</sup>

The British delegation opposed almost all of these proposals.<sup>67</sup> Pella's final report to the Assembly acknowledged deep division within the Committee. Some delegations were convinced that "[c]riminal law should, by itself becoming international, adapt itself to the growth in crime incident to the increasing transformation and internationalisation of contemporary life." Others, including Britain, argued that unification of criminal law was impossible between states with widely different legal traditions; the only way to reach any agreement was "to isolate one specific and well defined question and study it separately." Given these differences, Pella submitted a resolution that called for no immediate action.<sup>68</sup> At least one official within the Legal Section of the Secretariat knew that the British delegation was responsible for drafting this final

recommendation.<sup>69</sup> As a result, the League devoted little official attention to the subject of international crime before the terrorist attack in Marseilles.

Outside the League, however, the topic received more attention. In particular, legal experts discussed the meaning of "terrorism" as an "international crime." In 1927, jurists attending the first international conference for the unification of penal law, in Warsaw, compiled a list of specific "offenses against the law of nations" such as piracy, the slave trade, pornography, the trade in women and children, and drug trafficking.<sup>70</sup> Another crime the delegates clumsily termed "intentional use of any instrument capable of producing a public danger."<sup>71</sup> During a subsequent conference held in Brussels in 1930, the steering committee added the word "terrorism" in brackets after this category in an effort to clarify the phrase.<sup>72</sup>

This addition proved controversial. Some insisted that the word was neither defined nor a legal concept.<sup>73</sup> After much debate—during that conference and at another the following year in Paris—over the phrase "acts of terrorism," delegates decided to invite a group of jurists to study the problem and present their conclusions in Madrid in October 1933.<sup>74</sup> Several prominent specialists delivered reports.<sup>75</sup> Jean-André Roux, a judge in the Supreme Court of France and the secretary-general of the International Association of Penal Law, argued that "terrorism" was indeed a useful legal term and proposed that states begin establishing penalties in national criminal law in order to punish this offence. Delegates from France, Belgium, Spain, and several Eastern European countries agreed.<sup>76</sup>

Raphael Lemkin, from Poland, a lecturer on comparative law and with prosecutorial experience, urged the conference not to discuss "terrorism" at all. Efforts to define the term had failed because

"Terrorism" does not constitute a legal concept; "terrorism," "terrorists," "acts of terrorism" are expressions employed in the daily speech and press to define a special state of mind among perpetrators who still carry out from their actions the particular offences. Therefore ... terrorism does not present a uniform design, but embraces a large variety of different criminal acts.

For Lemkin, this fundamental conceptual problem required a series of new provisions "relating to acts so harmful and dangerous to the

international community that their character as offences against the law of nations" would not raise any objection. He called such acts "transnational dangers" since they threatened "the interests of several States and their inhabitants." The specific offences he suggested should fall into this wider category were "acts of barbarity" including "acts of extermination" directed against ethnic and religious groups, acts of vandalism, "provocation of catastrophes in international communications," and "the propagation of human, animal or vegetable contagions." He offered a draft convention designed to repress such "transnational dangers," but did not expressly include attacks directed against either a state or a head of state.<sup>77</sup>

While the League did not formally declare "terrorism" an international crime before 1934, there were thus already member states and specialized organizations endorsing the concept of an international criminal jurisdiction and encouraging Geneva to expand it. There were also those, including Carton de Wiart and Pella, who were determined to advance proposals for new international laws that criminalized acts intentionally threatening states and their inhabitants. At the same time, some powerful League member states, principally Britain, flatly rejected these notions and were extremely skeptical about the value of international conventions in decreasing crime except in tightly limited and well-defined areas.

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While there was much debate surrounding the concept of "international crime," few could deny that acts of political violence were common before the attack at Marseilles.<sup>78</sup> After Yugoslav frontier guards were involved in a series of shooting incidents along the Hungarian border in late 1933 and early 1934, the Hungarian government complained to Geneva.<sup>79</sup> Citing Article 11(2) of the League Covenant, Hungary formally asked for the Council in June 1934 to mediate:

[i]t is also to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.<sup>80</sup>

The Yugoslavs defended themselves by insisting that the rise of violent attacks in the kingdom had external causes. Recent border incidents were

part of Belgrade's efforts to combat a "band of terrorists" who had been trained to carry out "criminal activities against the public order and security of the Yugoslav State" and had "found a large degree of hospitality on Hungarian territory." A terrorist "headquarters" existed at the communal farm called "Janka Putszta," a few miles from the frontier, where anti-Yugoslav insurgents enjoyed the "benevolent tolerance" as well as the "active collaboration" of Hungarian authorities.<sup>81</sup>

The League Council pressed the two states to resolve the matter peacefully but devoted little scrutiny to either the facts of the case or the complex underlying problems involved. After several weeks of direct negotiations, a League official reported in August that the results "were reasonably satisfactory."<sup>82</sup> Yugoslavia agreed to take steps to reduce the danger of serious incidents on the border in exchange for Hungary's pledge to place stricter controls over Yugoslav nationals seeking refuge in the country.<sup>83</sup> "Of course," noted the official, "time would show whether the agreements were executed in a satisfactory way."<sup>84</sup> He would not have to wait long to discover that they had resolved virtually nothing.

There were other indications of rising Balkan tensions. Sir Eric Drummond, the former secretary-general of the League now serving as British ambassador to Italy, reported in June that the Yugoslavs continued to complain that "refugees and émigrés—Bulgarians and others—were being maintained in Italy close to the frontier."<sup>85</sup> In late August, the French minister in Belgrade told his Foreign Ministry that the Yugoslavs believed "Croat terrorists" still had active support from Italy, which was, moreover, carrying out a propaganda campaign against Yugoslavia.<sup>86</sup> He repeated these accusations the following month, mentioning terrorist groups in Hungary, Austria, and identifying Pavelić and his organization in Italy.<sup>87</sup> French and Yugoslav security services were aware of a possible attack against the king before his visit to Marseilles on October 9, but had few specifics and were poorly prepared.<sup>88</sup> In a telegram to the Foreign Office dated October 6, Henderson warned that the king probably would not change his attitude toward Italy soon.<sup>89</sup> Nonetheless, Simon hoped that Alexander's visit to France would serve to "improve the atmosphere" in Europe and ease tensions.<sup>90</sup> Barthou was hopeful too. He told Eden during a meeting in Geneva in mid-September that deteriorating relations between Yugoslavia and Italy "were indeed [the] chief danger in Europe at present" but said that he would try "to bring all possible pressure to bear" on the Yugoslavs to accept

peaceful change in order to improve them. The political stakes were high and the task of getting the king to accommodate Mussolini was daunting, but the international situation was far from desperate. While Barthou admitted that he was anxious about the future, he did not think that there was an “immediate danger of war.” Eden reported that Barthou had “great confidence in King Alexander.”<sup>91</sup>

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It is impossible to know whether Barthou or Alexander would have achieved their policy aims or would have acted much differently from their successors. Avenol told an interviewer in 1951 that “the only representative who understood Hitler” was Barthou and that after his death there was nothing but “confusion.”<sup>92</sup> Eden wrote in his memoirs that neither France nor Yugoslavia “was to know such decisive leadership again” and that it was “inconceivable that Barthou would have been equivocal to the point of horse-trading over the Italo-Abyssinian conflict, or that King Alexander would have compromised with Hitler.”<sup>93</sup> Yet the degree of success that both Barthou and Alexander sought was highly unlikely in the larger context in which the two men had to maneuver by 1934. France was trapped by military commitments that it could no longer keep, its sympathies to revisionists in central Europe and the Balkans, its fear of Hitler, its support for the principles of the League, and the hardening anti-war mood of its own people. On the other side, Yugoslavia was similarly ensnared by its determination to preserve a post-war order it had no unilateral ability to maintain, its efforts to eliminate internal and external threats to its unsustainable national unity, and its reliance on a waning great power ally while surrounded by a growing number of powerful potential enemies.

This divergence between interests and the ability to defend them was only becoming deeper with time and was one of the reasons for increasing anxiety about the peace of Europe. A military confrontation between Yugoslavia and any of its enemies could quickly draw in a number of other states on both sides, including one or more of the great powers. The likely political consequences of such a conflict were significant, perhaps even catastrophic. In the short term, Alexander’s assassination shocked everyone into confronting this danger directly. It awakened frightening memories of 1914–1918 and once again tested the peacekeeping functions of the League. The immediate result was the avoidance of a potentially calamitous war. In the longer term, the terrorist attack at Marseilles gave Geneva the impetus it needed for making a

collective effort to combat the problem of state-supported terrorism, one of the underlying causes of political instability in the 1930s.

## NOTES

1. Minute by H. Rosting to Erik Colban (Administrative Commissions Section with responsibility for questions concerning the protection of minorities), 13 Oct. 1921, League of Nations Archives (LNA) 11/14890/14890. Also see "Note on the Political Situation in Yugoslavia" by M. Popovitch (Information Section), 3 Aug. 1928 and copy of "The Croats Under Yugo Slavian [sic] Rule: The Result of an Inquiry by Rhys J. Davies, M.P. and Ben Riley, ex-M.P.," Oct. 1932, LNA 11/6324/6324.
2. Radić to League, 13 Aug. 1922, LNA 11/23110/2310.
3. Dr. Ivan Pernar (Croatian Peasant Party deputy) to Sir Eric Drummond (secretary-general of the League of Nations), 6 Sept. 1928, and Marie Radić to League, 12 Sept. 1928, LNA 11/6324/6324.
4. For examples, see Comité Exécutif des Sociétés Macédoniennes to League, 22 Dec. 1920; Central Committee of the Union of the Macedonian Political Organizations of the USA and Canada to League, 14 Oct. 1926; and "A Declaration of the Sixth Annual Convention of the Macedonian Political Organizations of the U.S.A. and Canada" to League, 25 Nov. 1927, LNA 11/18469/8352. Also see Ligue des Partis des Paysans Croates de l'Amérique du Sud to League, 10 July 1930; National Representation for Independence of Croatia to League, 1 Dec. 1930; "Resolution and Protest Against the Jugo-Slavian Dictatorship" issued by the Croatian Fraternal Society of Canada, 8 June 1931; League for Croatian Freedom to League, 14 May 1931 and Circle of the Croatian Sons and Daughters No. 18 to League, 1 July 1931, LNA, 11/6324/6324.
5. Stephen Graham, *Alexander of Yugoslavia: The Story of the King Who Was Murdered at Marseilles* (New York: Yale University Press, 1959), pp. 211–28.
6. For more, see Stefan Troebst, *Mussolini, Makedonien und die Mächte 1922–1930: Die 'Innere Makedonische Revolutionäre Organisation' in der Südosteuropapolitik des faschistischen Italien* (Köln: Böhlau Verlag GmbH & Cie., 1987).
7. Pavelić to Drummond, 1 Sept. 1929, LNA 11/6324/6324.
8. Pavelić to Drummond, 12 Sept. 1929, LNA 11/6324/6324.
9. The most important peace treaties were the Treaties of Versailles (Germany), Saint-Germain-en-Laye (Austria), Neuilly-sur-Seine (Bulgaria), Trianon (Hungary), and Lausanne (Turkey).

10. On Wilson, see John W. Coogan, "Wilsonian Diplomacy in War and Peace" in Gordon Martel, ed., *American Foreign Relations Reconsidered, 1890–1993* (London: Routledge, 1994), pp. 71–89, particularly p. 84.
11. League of Nations, *League of Nations: Ten Years of World Co-operation* (London: Hazell, Watson & Viney, Ltd., 1930), p. 357. Also see Susan Pedersen, "Back to the League of Nations," *American Historical Review*, vol. 112, no. 4 (October 2007), pp. 1100–3.
12. For more, see Magda Ádám, *The Little Entente and Europe, 1920–1929* (Budapest: Akadémiai Kiadó, 1993).
13. The signatories of the Pact of Balkan Entente were Yugoslavia, Romania, Greece, and Turkey. For the text of the pact, see League of Nations, *League of Nations Treaty Series*, vol. 153 (1934), pp. 155–9.
14. See file containing the correspondence and reports of the Frontier Delimitation Commission to the League, 1921 to 1922, LNA 11/17643/17643. Also see the correspondence of the Mixed Hungaro-Serb-Croat-Slovene Arbitral Tribunal, 1928–1929, LNA 11/9119/9119 and Hungarian petitions protesting the Treaty of Trianon and the demarcation of the border, 18 Nov. 1928, LNA 11/5426/5426.
15. R. J. B. Bosworth, *Mussolini* (London: Arnold, 2002), pp. 245–55 and 283–5.
16. For more, see Anthony Polonsky, *The Little Dictators: The History of Eastern Europe since 1918* (London and Boston: Routledge & K. Paul, 1975).
17. For example, as early as 1919 the League received reports of alleged abuses committed by Yugoslav troops in Austria, Hungary, and Albania. See copy of Delegation of the German-Austrian Republic to Georges Clemenceau (President of the Peace Conference), 8 Sept. 1919, LNA 11/1143 and 5658/1143; copy of "Report by Sir George Clerk in regard to his recent trip to Buda Pesth [sic]," 20 Nov. 1919, LNA 11/23/24/1178; and M. E. Durham (honorary secretary of the Anglo-Albanian Society) to Paul Mantoux (director of the Political Section), 16 Aug. 1920, and Anastas Pandele (president of the Pan-Albanian Federation of America) to Léon Bourgeois (president of the League of Nations), 18 Aug. 1920, LNA 11/6284/1240.
18. In particular I rely here on Esmonde M. Robertson, *Mussolini as Empire-BUILDER: Europe and Africa, 1932–36* (New York: St. Martin's Press, 1977) and H. James Burgwyn, *Italian Foreign Policy in the Interwar Period, 1918–1940* (Westport, CT: Praeger Publishers, 1997).
19. For more, see Elisabetta Tollardo, *Fascist Italy and the League of Nations, 1922–1935* (London: Palgrave Macmillan, 2016).
20. League of Nations to FO, 9 Mar. 1934, FO 371/18550 and Hans Aufricht, *Guide to League of Nations Publications: A Bibliographical*



- Survey of the Work of the League, 1920–1947* (New York: Columbia University Press, 1951), pp. 281–5.
21. Baron Pompeo Aloisi, *Journal (25 Juillet 1932–14 Juin 1936)* (Paris: Plon, 1957), pp. 25–6, 90, 177, and 213–4. Also see Burgwyn, *Italian Foreign Policy in the Interwar Period*, p. 75.
  22. Aloisi, *Journal*, p. 187.
  23. *Le Temps*, 8 Oct. 1934, p. 1. Also see Gyorgy Reti, "The Marseilles Outrage of 1934 and Gombos's Fourth Meeting with Mussolini: Blackmail, Subjection or Expression of Common Interest?" *East European Quarterly*, vol. 39, no. 1 (April 2005), pp. 1–12.
  24. Aloisi, *Journal*, pp. 205–7.
  25. For more, see Gottfried-Karl Kindermann, *Hitler's Defeat in Austria 1933–1934: Europe's First Containment of Nazi Expansionism*, translated by Sonia Brough and David Taylor (London: C. Hurst & Co., 1988).
  26. Henderson to Sir Orme Sargent (assistant under-secretary of state for foreign affairs), 26 Apr. 1934, Henderson Papers, UK National Archives, London (NA), formally the Public Record Office (PRO), Foreign Office (FO) 800/267 and Henderson to FO, 6 May 1934, FO 371/18457. Also see Paul-Émile Naggjar (French minister to Yugoslavia) to Barthou, 10 Sept. 1934, *Documents Diplomatique Français, 1932–1939* (DDF), Ire Série (1932–1935), tome vii, 278, p. 408.
  27. Frank C. Littlefield, *Germany and Yugoslavia, 1933–1941: The German Conquest of Yugoslavia* (Boulder, CO: East European Monographs, 1988), pp. 11–23.
  28. Naggjar to François Piétri (navy minister and interim foreign minister), 13 Aug. 1934, DDF, Ire Série (1932–1935), tome vii, 96, pp. 160–1 and Henderson to FO, 27 Feb. 1935, FO 371/19577.
  29. Henderson to Simon, 25 Sept. 1934, *Documents on British Foreign Policy 1919–1939* (DBFP), Second Series, vol. xii, 112, pp. 120–22. Also see Henderson to FO, 6 May 1934 and 16 June 1934, FO 371/18457.
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37. For the best study of Barthou in English, see Robert J. Young, *Power and Pleasure: Louis Barthou and the Third Republic* (Montreal and Kingston: McGill-Queen's University Press, 1991).
38. Arranging Alexander's visit to France took several months. See Henderson to Vansittart, 19 Mar. 1934; D. J. Cowan (deputy minister to Yugoslavia) to E. H. Carr, 28 June 1934; Henderson to FO, 28 June 1934; and Sir George R. Clerk (British ambassador to France), 17 Sept. 1934, FO 371/18457.
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40. A few weeks before Alexander's scheduled visit to Marseilles, Paul-Émile Naggiar, France's minister to Yugoslavia, provided an analysis of Italo-Yugoslav relations. Naggiar to Barthou, 10 Sept. 1934, *Documents Diplomatique Français, 1932–1939* (DDF), Ire Série (1932–1935), tome vii, 278, pp. 407–8.
41. Citing Article 15 of the Covenant, the British government contended that the cancellation was “likely to lead to a rupture” with Persia. Simon argued the case before the Council and a peaceful agreement was reached in April 1933. See F. P. Walters, *A History of the League of Nations* (London and New York: Oxford University Press, 1960), pp. 571–3.
42. For more, see David Reynolds, *Britannia Overruled: British Policy and World Power in the Twentieth Century* (London and New York: Longman, 1991), pp. 114–44 and B. J. C. McKercher, *Transition of Power: Britain's Loss of Global Pre-eminence to the United States, 1930–1945* (Cambridge and New York: Cambridge University Press, 1999).
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44. Memorandum by Simon, 24 Sept. 1934, DBFP, Second Series, vol. xii, 108, pp. 115–6 and Roi, *Alternative to Appeasement*, pp. 57–81.
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  49. Copy of "Memorandum on Tour of European Capitals with Mr. Anthony Eden" by Lord Cranborne (parliamentary private secretary) dated Feb. 1934, Avon Papers, Birmingham University Library (BUL), AP 13/1/24 and copy of Gilbert Murray (chairman of the LNU) to Eden, 6 July 1934, Murray Papers, Bodleian Library, Oxford (BLO), Mss. Gilbert Murray, 361/12. For more on the LNU, see Donald S. Birn, *The League of Nations Union 1918–1945* (Oxford: Clarendon Press, 1981).
  50. Untitled notes for speech dated "1934," Avon Papers, BUL, AP 3/1/24c.
  51. Green Haywood Hackworth, *Digest of International Law*, 8 vols., (Washington, DC: United States Government Printing Office, 1940–1944), vol. I, pp. 334–6. Also see Martin D. Dubin, "The Political and Diplomatic Context of Interwar International Terrorism," *International Terrorism: Two League of Nations Conventions, 1934–1937* (Millwood, NY: Kraus International Publications, 1991), pp. 21–31.
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58. Memo by Emile Giraud (Legal Section of the League of Nations) entitled “De l’obligation des Etats de respecter l’ordre politique et public des autres Etats,” 8 Feb. 1934, LNA, 3A/15985/15085 and memo by Hugh McKinnon Wood (Legal Section of the League of Nations) to Avenol, 4 Dec. 1934, LNA, 3A/15085/15085.
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60. “Joint Reply Submitted to the Secretary-General by the Seven Organisations Consulted on the Questions of the Gradual Unification of Criminal Law and the Co-operation of States in the Prevention and Suppression of Crime,” League of Nations, “Records of the Fourteenth Ordinary Session of the Assembly, Meetings of the Committees, Minutes of the First Committee,” *Official Journal*, Special Supplement No. 116 (1933), pp. 38–42. Also see International Criminal Police Commission to Members, 10 June 1932, MEPO, 3/2052.

61. For examples, see French Foreign Ministry to League, 22 Nov. 1932; Yugoslav Foreign Ministry to League, 5 May 1933 and Italian Foreign Ministry to League, 13 June 1933, LNA 3A/3943 and 5064/198. For the responses of other governments, see files contained in LNA 3A/198.
62. Brass to Norman Kendal (assistant commissioner "C" [Crime], Metropolitan Police), 29 Aug. 1932, MEPO 3/2052. Also see copy of Kendal to Dr. Bruno Schultz (International Criminal Police Commission), 16 Feb. 1933, MEPO 3/2052.
63. FO to League, 11 Apr. 1933, LNA 3A/3544/198.
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71. *Ibid.*, pp. 59–67 and 116–30.
72. Simon Sasserath, ed., *Acts de la IIIe Conférence Internationale pour l'Unification de Droit Pénal (Bruxelles, 26–30 Juin 1930)* (Brussels: Office de Publicité, 1931).
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93. Earl of Avon (Anthony Eden), *The Eden Memoirs: Facing the Dictators* (Boston, MA: Houghton Mifflin, 1962), pp. 132–3.



## “The Most Stupid of Political Crimes”

“The King and M. Barthou are dead and the future is darkly uncertain,” *The New York Times* declared the day after the terrorist attack at Marseilles. All of Europe feared “grave complications.”<sup>1</sup> In London, *The Times* called it “a horrible crime” that “shocked the conscience of civilised Europe.”<sup>2</sup> According to *Le Temps* in Paris, the shootings were a “criminal act” that could have “profound political repercussions.”<sup>3</sup> Since Alexander’s assassination was captured on film, it was not long before cinemas across Europe and North America were adding to the sense of deepening international crisis. One newsreel told audiences that the king was “a victim of a tragedy that is rocking the very foundations of Europe.”<sup>4</sup> Another claimed that Alexander, “the most threatened man in Europe,” had been killed by “a Croatian terrorist” who was “bound by a blood oath.”<sup>5</sup> Given the sensationalist nature of the newsreels, the British government warned the film industry against showing unedited versions in Britain.<sup>6</sup> In France, Yugoslavia, and elsewhere the newsreels were eventually banned or heavily censored.<sup>7</sup> Few needed the press pointing out that “no one forgets tonight that it was the assassination in Sarajevo that started the World War.”<sup>8</sup>

Memories of 1914 underpinned the overall sense of dread in the first few volatile days after the attack. Governments quickly reexamined their policies in the wake of the sudden loss of two of Europe’s most prominent political leaders. Jeers greeted some of the condolences; Italy and Hungary scrambled to deny any responsibility and divert attention, even



as evidence increasingly implicated them both. If Yugoslavia made formal accusations or even issued an ultimatum at least the threat of a violent reaction would be almost inevitable.

The Marseilles attack also made the larger question of terrorism a matter of serious debate. While most states routinely condemned political violence and expected the French police to conduct a criminal investigation, some now began to advocate international action against terrorist organizations. But others feared alienating Italy or provoking Hungary and thereby putting an end to plans for greater political cooperation in Europe, especially in containing Nazi Germany and maintaining peace. By 1934, most European statesmen understood that the League of Nations could itself never require such international action, particularly not of a great power determined to oppose it.

The news from France rattled Britain. Simon's initial response was to exercise caution and avoid involvement. Britain's minister in Belgrade, however, was distraught, and he pressed his superiors to demonstrate firm public support for Yugoslavia against its enemies. After receiving intelligence that there was evidence substantiating Yugoslavia's charges against Italy and Hungary, the Foreign Office prepared its diplomats in Rome and Budapest for the likely international complications. Simon continued to urge calm and hoped that British influence could keep Europe from repeating the mistakes of 1914.

In a speech timed to coincide with Alexander's funeral, Simon hoped to defuse the current crisis centered on the Balkans as well as secure a range of British interests. Given the experience of the World War, he was certain that no nation or statesman could want to repeat it. But Simon made clear that Britain would accept no new commitments in Europe and had no intention of addressing the complicated question of international terrorism. The British government's policy in October 1934 was neither to achieve justice nor defend Yugoslavia's rights, but to do what they thought should have happened in July 1914: joining other great powers to urge restraint and keep the peace despite a provocative act of state-supported terrorism.

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The first reports of what had happened in Marseilles caused confusion and alarm.<sup>9</sup> It was not until late afternoon that officials in Paris and London knew that Alexander was dead.<sup>10</sup> Word of Barthou's death came a short time later.<sup>11</sup> Just before midnight, the French ambassador in

London told his government that Simon feared "grave consequences."<sup>12</sup> In Belgrade there was widespread fury; the Yugoslav prime minister was in "a state of grief and despair."<sup>13</sup> The government averred that the army could preserve the kingdom's unity, even as Italy and the Croats were widely blamed for the crime.<sup>14</sup> The next day, demonstrations in Zagreb and Sarajevo turned violent with attacks on the Italian consulate, Catholic offices and even convents, and Croat shops.<sup>15</sup> A bomb exploded at Sarajevo's central post office.<sup>16</sup> There were rumors that the Italians had ordered a "state of readiness" for at least two army corps and had increased troop levels on the frontier.<sup>17</sup> In a telegram sent on October 12, the British minister in Belgrade summarized the mood:

Position is that everyone here is in a state of frantic emotion[.] [F]ortunately passions are divided particularly against the French who took insufficient precautions, against Italians who are known to have encouraged political refugees[,] and Croats who are believed to have supplied actual assassins.<sup>18</sup>

These passions only intensified the next day, when Yugoslavia's permanent delegate to the League of Nations, Konstantin Fotić, told the press in Geneva that Alexander's murder had been planned in Italy.<sup>19</sup>

The atmosphere in Rome was similarly tense. Much as in Serbia in 1914, high-ranking officials were either unaware of how involved their own government was with terrorist groups or seemed unprepared for the consequences of that involvement. When Aloisi learned of the "massacre" at Marseilles, he noted in his diary that "our first preoccupation" was to establish the identity of the assassin. He hoped that the Ustaša in Italy were not responsible.<sup>20</sup> He despaired that the attack would ruin all his plans for negotiating with France. Paolo Cortese, the official in the Foreign Ministry responsible for Croat affairs and one of Mussolini's most loyal supporters, assured Aloisi the day after the attack that internal revolts led by Croatians, starting "today or tomorrow," would lead to the disintegration of Yugoslavia.<sup>21</sup> Mussolini told Hungary's prime minister, Gyula Gömbös, that he would not express any personal regret over Alexander's death, but the Italian government offered formal condolences to Yugoslavia and dispatched a naval escort for the return of the king's body.<sup>22</sup> Aloisi considered it "good for us" when Pierre Laval, a seasoned right-wing politician and former prime minister who favored improving relations with Italy, was appointed to succeed Barthou as

foreign minister, but the international situation was still “very grave,” and the latest news from Belgrade “very bad.”<sup>23</sup> For Italy, much now depended on what Yugoslavia did, and how the other powers reacted.

The British and French governments were in disarray during the first days of the crisis. Neville Chamberlain told his sister that “these dreadful [and] shocking assassinations have thrown Europe into the melting pot again at a critical moment and no one quite knows what is going to happen.”<sup>24</sup> Eden, perhaps the leading Francophile in the British government, wondered if Barthou’s death might hamper Anglo-French relations at the League.<sup>25</sup> The French prime minister, Gaston Doumergue, said that “one of the lessons of the crime was the ever increasing necessity, in this shifting world, for the closest collaboration between Great Britain and France,” though he offered no suggestions of how to achieve this before retiring into private life a few weeks later.<sup>26</sup> His successor, Pierre-Étienne Flandin, and Laval as foreign minister, were (at least to Eden) “unwelcome.”<sup>27</sup> British officials in Paris assumed that uncertainty would persist; French popular anger with the security services was “bound to cause wide repercussions throughout the country.”<sup>28</sup> At the same time, the commander of the British Mediterranean fleet wondered whether ship movements should be altered in order to avoid “any action likely to be considered as having any special political significance.”<sup>29</sup> The French government complained that British newspapers were criticizing Paris’s foreign policy and suggesting that the Yugoslav government’s own treatment of minorities was to blame for the Marseilles crime.<sup>30</sup> Above all, both the French and British were anxious about Yugoslavia’s internal stability and the kingdom’s already strained relations with Italy.<sup>31</sup>

Simon was extremely careful during these first days of the crisis. In a telegram to the Yugoslav government, he expressed the British government’s “abhorrence” of the crime, but struck out the words “cowardly” and “abominable” from the original draft to avoid reinforcing the sense of outrage in Belgrade.<sup>32</sup> During a British cabinet meeting on the morning of October 10, he stressed to his colleagues that it was too early to estimate the outcome of the attack but immediately referred to Yugoslavia’s long-standing domestic divisions by repeating the early reports that Alexander and Barthou had been assassinated by “a Croat fanatic.”<sup>33</sup> The foreign secretary also indicated that these internal problems were so deep that it was an open question whether Yugoslavia could survive without Alexander. The Croats were demanding “autonomy,” while “the politicians” wanted to return to constitutional government.

He speculated that "some military Junta" might rule the country "under a Regency during the minority of the new King"—implying that this might be the best way to maintain order in the short term, though it would leave many of the kingdom's underlying political and ethnic problems unresolved.

Simon spent more of the cabinet's time considering possible "external reactions." His assessment of the situation was neither sanguine nor alarmist. It was likely, he said, that Yugoslavia would remain aligned with France and with those states hoping to preserve the postwar order. He anticipated "an abusive outburst" by the Yugoslav press against France, but Barthou's death "might have some moderating effect in this connection." Although Belgrade had recently shown signs of "flirting" with Germany, those overtures seemed insubstantial. As for the seven states on Yugoslavia's borders, there was no reason to think that any would take advantage of the present opportunity to intervene with force or the threat of force. "The possible exception was Italy," but what mattered most was what happened inside Yugoslavia. "If the Kingdom of Yugo-Slavia showed signs of breaking up," he warned, "the Italian Government might try to strengthen their position by such action as moving the Italian Fleet to the Dalmatian Coast." Since all of this was little more than conjecture and raised potentially thorny questions about Britain's policy toward Italy, the foreign secretary's advice to the cabinet was that "there was nothing useful that we could do" other than extend official condolences and await events.<sup>34</sup>

Simon's hesitancy illustrated the gravity of the situation as well as the fear of repeating the mistakes of 1914. They were also a reflection of the foreign secretary's particular training and personality. Unlike many of his colleagues in government, he was not born into great wealth; his political career was founded on his reputation as a brilliant lawyer.<sup>35</sup> He was elected an MP in 1906 and before the First World War entered government as solicitor-general, then became attorney-general. During the war, he served as home secretary and briefly as an officer in the Royal Flying Corps.<sup>36</sup> When the Liberals split in 1931, Simon led one section and became foreign secretary in MacDonald's government. He would later return to head the Home Office before becoming chancellor of the Exchequer and eventually lord chancellor from 1940 to 1945. Widely praised and even feared for his logical mind and sharp intellect, Simon was often criticized for seeming indecisive, insincere, and unimaginative.<sup>37</sup> Nonetheless, his brand of nineteenth-century Liberalism,

and experience in the law rather than diplomacy, shaped his view of the world. Like many men of his generation, he viewed the war of 1914–1918 as a hideous waste of life that responsible governments had a moral obligation to try to prevent from ever happening again. For Simon, remaining wary and watchful in the immediate aftermath of Alexander's assassination and hoping that other states would do the same was the only rational and principled policy.

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Simon's most important—but also often his most biased and misleading—source of information about the political situation in Yugoslavia during this first stage of the crisis was Henderson, in Belgrade. Most scholars have underestimated how much the terrorist attack at Marseilles changed Henderson personally.<sup>38</sup> It altered not only his analysis of British foreign policy in particular, but also of European affairs in general. Henderson took Alexander's murder particularly hard. On October 11, he told the Foreign Office that the king's assassination would have “deep repercussions” and “encourage those who for one reason or another desire the disruption of Yugoslavia or seek personal advantages from removal of the strong hand.”<sup>39</sup> He insisted that the kingdom's unity and stability was in all of Europe's interest: “I would consequently regard some statement to this effect on the part of His Majesty's Government in Parliament or in the press as eminently desirable and appropriate particularly at this moment.” He gave similar advice the next day, insisting that Britain had to take the lead in helping Yugoslavia “preserve its balance in this crisis.”<sup>40</sup> When Buckingham Palace initially resisted sending a member of the royal family to Alexander's funeral, Henderson was outraged. In a telegram to the Foreign Office, he said that he was “most emphatically of [the] opinion that His Majesty should be represented by [a] Royal Prince at the funeral.” He reminded officials that “the King of Yugoslavia was our ally in the late war just as much as the King of the Belgians” and that King George V was godfather to Alexander's son.<sup>41</sup> The Palace quickly declared that Prince George, the Duke of Kent, would attend the funeral.<sup>42</sup>

Henderson exposed just how raw his feelings were in a private letter to his sympathetic friend Vansittart two days after the king's death. “I still find myself wondering whether I shall wake up and find it is all a nightmare. I am absolutely miserable.” He called Alexander “a great man,” whose loss was “a disaster of the first magnitude.” Henderson

confessed that he had "told him things which would make the august hairs of the F.O. stand on end" in conversations while dining with the king, taking drives with him, yachting down the Danube, hunting, or stopping at one of Alexander's many houses, where Henderson had "spent days together with him."

Do you wonder, Van dear, that I am terribly distressed? It was not a case of the King of Yugoslavia and the British Minister but two lonely people who were just great friends. He helped me a lot and I think I helped him a little and I was just awfully fond of him.

Such close relations were highly unusual and may have caused Vansittart to wonder if this "help" always served Britain's interests. While the British minister hoped to offer similar companionship and advice to Prince Paul, Alexander's cousin, the crown prince, who now would serve as regent, Henderson admitted: "I have been trying to think objectively but I find it too hard, so you must decide." He ended by saying that "the thought of staying here now that the King is gone is more than I can bear."<sup>43</sup> These personal feelings of anger and grief, along with a firm conviction that Yugoslavia had been the victim of an international crime that must not go unpunished nor ever occur again, influenced Henderson's professional actions and advice in the weeks and months to come.

Henderson's friendship with Alexander is of deeper significance for understanding the British minister's personality and British policy in the 1930s. In his memoirs, written after serving as British ambassador to Germany during the crucial period between 1937 and 1939, Henderson noted how on at least one occasion he chose to spend time with Alexander shooting chamois in the countryside rather than welcoming and entertaining members of a British parliamentary commission visiting Belgrade.<sup>44</sup> He also remembered feeling "more emotion at King Alexander's funeral than I had felt at any other except my mother's."

Moreover, behind my personal grief was the conviction, which I felt strongly at the time, and which has been confirmed by everything that has happened since, that the death of the King was a tragedy not only for Yugoslavia but for the Balkans and for Europe.<sup>45</sup>

Despite "everything that has happened since," Henderson also took pride in being unpopular with those in Belgrade who "disliked my

intimacy with King Alexander” because they thought that “I sometimes told his Majesty more than they esteemed to be good for a dictator’s ears.” In the then-former British minister’s opinion, “one of the disadvantages from which all dictators suffer” was being “at the mercy of their entourage and particularly their secret police.”

A few years later I discovered that this was particularly the case so far as Hitler was concerned.... Long before I left Germany I used to think there was probably no one in Europe less well informed than Hitler of the true state of affairs both inside and outside Germany. By that I mean that he heard or learnt only one side of every question, which in the event was that side which the Nazi War Party in Germany wanted him to know.<sup>46</sup>

According to this interpretation of the coming of the Second World War, if Hitler had been more like Alexander and had simply let Henderson explain “the true state of affairs,” the Führer never would have been misled by the warmongers of his party who controlled him. Alexander, “a friend to whom I was utterly devoted,” apparently had convinced Henderson that dictators could be moderate and pacific, but only after having the British persuade them “to listen to reason and to choose negotiation rather than resort to force.”<sup>47</sup>

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The initial public responses to the attack at Marseilles elsewhere were more varied, but few ignored its political significance. Avenol deplored Yugoslavia’s “cruel and tragic loss” and expressed his grief at the “sudden end of fruitful and all too brief labours” of Barthou.<sup>48</sup> Both he and the president of the Council represented the League at Barthou’s funeral in Paris on October 13.<sup>49</sup> In the United States, the press predicted that Yugoslavia would eventually appeal to Geneva and accuse Hungary of supporting the “band of terrorists” responsible for the crime.<sup>50</sup> A memorial service in Washington, DC was attended by Eleanor Roosevelt along with high-ranking government officials.<sup>51</sup> In Germany, the British ambassador, Sir Eric Phipps, described press comment as “sympathetic and restrained,” but most German newspapers insisted that the crime was entirely a domestic matter for Yugoslavia.<sup>52</sup> According to the British minister at Budapest, the press took “the correct official attitude” while, in private, “most Hungarians sympathize with Croatia and think [the] King of Yugoslavia deserved his fate.”<sup>53</sup>

London took a particular interest in Italy's reaction. When Drummond reported from Rome on October 10 that the "Italian press express profoundest horror at the murder of King Alexander of whom long and flattering obituaries are published," few in the Foreign Office were convinced.<sup>54</sup> One official minuted that "[e]ven if Italian intentions were the worst, their wisest course would be to lie low and wait for internal trouble in Yugoslavia."<sup>55</sup> Another agreed, noting: "I don't think we can foretell Italian policy from these first reactions of the Italian press."<sup>56</sup> Drummond tried to dispel any possible doubts in a more detailed dispatch a few days later.

To sum up, the Italian press have expressed themselves on this lamentable occasion in an entirely correct, and, as I believe, sincere manner. The Italian nation, as a whole, no less the Head of Government himself, have been profoundly shocked by the tragic events of Marseilles and no disposition whatever has so far been shown to draw any political advantage.<sup>57</sup>

This conclusion prompted R. A. Gallop, a junior Foreign Office official who had served at the legation in Belgrade, to comment that "it is difficult to believe that the principal beneficiary is not shedding crocodile tears!"<sup>58</sup> Another detected "an undercurrent of fear that Italy should be accused of having instigated the crime."<sup>59</sup> Drummond instead only noted that "in spite of recent tragic events" the Duce "was in excellent form; generally pleased with the world and perhaps as a result more optimistic than usual."<sup>60</sup>

Despite Mussolini's apparent mood, worries about a possible war only increased as the press outside Italy began to report that Alexander's assassination was indeed an act of international terrorism.<sup>61</sup> Many of these reports served divergent political agendas. In an editorial entitled "Europe and Terrorism," *Le Temps* called "terrorist organizations" a threat to peace and "our civilization." Therefore, "[a]ll governments have the duty to co-operate loyally in repressing terrorism which is poisoning the international atmosphere."<sup>62</sup> Within a week of the shootings, *The Times* along with other British newspapers stated as fact that Barthou and Alexander were victims of a "Terrorist Plot."<sup>63</sup> The public learned that the assassin had been a member of "a Macedonian secret society" and the French police had arrested two suspects with forged Czechoslovak passports who confessed to belonging to "a Croat terrorist organisation" with a "headquarters" in Hungary.<sup>64</sup> Czechoslovakia's



foreign minister, Edvard Beneš, was accused of being behind efforts to place blame on Hungary; the Hungarian press called him “[t]he great poisoner.”<sup>65</sup> By the time of Alexander’s funeral, there were press reports that the assassin was indeed a “terrorist leader” of IMRO and that police had captured the last of his three accomplices and were searching for their “alleged terrorist chief,” Ante Pavelić.<sup>66</sup> Articles in the conservative *L’Écho de Paris* as well as newspapers in Czechoslovakia directly implicated Hungary in the crime and called on the League of Nations to investigate “Hungary’s guilt.”<sup>67</sup> *Le Populaire*, the organ of the French Socialist Party, concluded that regardless of whether “the terrorist act” in Marseilles was carried out “by a Croat group, or Macedonian, or Croat-Macedonian,” it was “a fascist crime” since all received support from Hungary, Italy, and Germany.<sup>68</sup> Socialist leader Léon Blum warned that the latest evidence “accentuated the analogy between Marseilles and Sarajevo” and proved the attack was “one terrorism in the service of three fascisms.”<sup>69</sup> In the USSR, *Pravda* offered similar conclusions, with a cartoon depicting a uniformed Nazi sitting at a desk adding the names “Barthou” and “Alexander” to a list on the income side of an account book.<sup>70</sup>

Such public accusations of state-supported terrorism prompted a range of responses from Berlin, Rome, and Budapest. Each quickly attempted to deny or distort the charges. The German Foreign Ministry called assertions that Germany in any way supported the activities of Croat groups “utterly tendentious” and instructed the heads of its European missions to dispute any such suggestion.<sup>71</sup> The *Gazzeta del Popolo* in Italy declared that the assassin was not a “political refugee” at all but rather a Yugoslav national “who had lived in a Yugoslav town until a few days ago when he left to carry out his plan.”<sup>72</sup> Thus, the plot had no ties to Italy or any other foreign government. Mussolini told the British ambassador that he understood the feelings of the Yugoslav people, who were “in a state of nervousness and were inclined to blame Italy” rather than their own government.<sup>73</sup> As long as these sentiments were limited to “newspaper articles and polemics” he would ignore them, but he warned that “if deeds took the place of words” then a “grave state of affairs might ensue.” Mussolini insisted he still hoped that relations with Belgrade would improve, depending “on internal events in Yugoslavia.”<sup>74</sup>

The Hungarians flatly denied that the assassins belonged to the camp at Janka Putszta; and they condemned “the principles of political

terrorism" entirely.<sup>75</sup> Newspapers rejected as "absurd" the allegations that either Hungary or Italy could be "in a certain degree the spiritual instigators of the crime."<sup>76</sup> Hungary's honor had been impugned, they wrote, and the accusers ought to be made to answer for their falsehoods before the League.<sup>77</sup> The Hungarian Ministry of Foreign Affairs went so far as to insist that there was "no camp of Croat emigrants in Hungary whatever."<sup>78</sup> After Czech authorities interrogated a Czechoslovak national living in Budapest whose passport number was the same as that found on Alexander's assassin, the Hungarian government formally protested calling this as an attempt to link the assassination with Hungary.<sup>79</sup>

Privately, many French officials now began to use the word "terrorism" to describe what had happened in Marseilles. They were also convinced that foreign governments had supported the terrorist organizations responsible for the attack. As soon as Yugoslav authorities were certain of the assassin's identity, Belgrade reminded the French of the long-standing "collusion between Macedonian and Croat terrorists" as well as of "the help that these terrorists receive in Italy and Hungary."<sup>80</sup> Paris warned most of its European embassies of the possibility of fresh attacks by "Croat terrorists" during Alexander's funeral, which was scheduled for October 18.<sup>81</sup> The Yugoslav Foreign Ministry also received its first hints, within days of King Alexander's murder, that Belgrade might take action to address the crisis. The Yugoslav foreign minister, Bogoljub Jevtić, told the French minister in Belgrade, Émile Naggiar, that Yugoslavia already had convincing proof that the attack in Marseilles had been planned in Hungary and Italy. His government could hand over all its evidence about these "terrorist organizations" to the League in an effort to expose "the truth" about this "scandal" and put an end to it.<sup>82</sup> Yet since Jevtić did not say that he actually would submit a formal appeal to Geneva, the French had reason to hope that this was nothing more than an empty threat and an example of how emotions were running high within the Belgrade government.

Other Eastern European governments agreed with Yugoslavia that it was the victim of state-supported terrorism and that something ought to be done about it. Beneš told British officials of his personal opinion that the Hungarian Government had "definitely a certain responsibility" for Alexander's murder.<sup>83</sup> The Czech press reported similar accusations, with some newspapers urging the Yugoslavs to take their case to the League.<sup>84</sup> In Bulgaria, the director of police announced that fingerprint records confirmed that the assassin was indeed a leading member of IMRO who

had left the country to train Croat terrorists.<sup>85</sup> The USSR, aware that Italy was aiding “right-wing elements” in Croatia worried more about what it described as Germany’s “secret” efforts “to incite troubles and acts of terrorism throughout Europe.”<sup>86</sup> Soviet officials again suggested in public that Berlin had at least “inspired” the shootings at Marseilles and argued that such terrorist attacks were a genuine threat to international peace.<sup>87</sup>

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Britain took this threat no less seriously. Henderson was one of the first British officials to describe the attack at Marseilles as an act of international terrorism and to put the blame on Italy and Hungary, particularly the latter. He was also among the first to insist on an organized response in order to prevent further attacks. On October 15, he repeated the latest news from Yugoslavia that the assassin was a member of IMRO who had been affiliated with a “Croatian terrorist band ... organised and trained in Hungary.” While Henderson said he had begged the Yugoslav government again to refrain from any violent incidents with Hungary, he “personally fear[ed] reaction more against that country than Italy” since there was “little reason to doubt as to activities at Janko Pushta [*sic*] camp.” The Hungarians might “pretend to be incensed” at accusations of assisting terrorists, but “it will be difficult to absolve them from complicity or at least connivance.” He argued that it was time to take international action to control all refugee sanctuaries since they were of “a dangerous nature in various countries of Europe.”<sup>88</sup>

Henderson’s views initially found little support within the Foreign Office. One junior official agreed that a police inquiry into the Marseilles crime “will almost certainly establish Hungarian indirect responsibility, and Hungary may have to swallow her medicine.”<sup>89</sup> Orme Sargent, an influential assistant under-secretary of state, commented that since Italy’s cooperation was important to a number of British and French interests in Europe, “if any foreign country is to be implicated in the assassination it is on the whole better that it should be Hungary rather than Italy.”<sup>90</sup> It would “be all to the good” if the assassin were a member of IMRO since the group

is universally recognised as a society of political assassins. The only trouble here is that it is almost equally well known that Italy in recent years has been financing the [I.]M.R.O. as part of their anti-Yugoslav policy.

As hard as Sargent thought it would be to keep Italy out of the controversy, the idea of any sort of collective action against international terrorism would only make matters worse.

There is a good deal of point in what Sir N. Henderson says ... about the danger of these refugee organisations in foreign countries, and it is quite possible that the Yugoslav Government may raise the matter at Geneva, but it will be one very difficult to handle and still more difficult to solve.<sup>91</sup>

Simon, who had already made it clear that he did not want to antagonize Italy, much less involve the League in an open-ended controversy over outside support for anti-Yugoslav separatist groups, noted Sargent's minute but made no written comment.<sup>92</sup>

Britain's foreign secretary did not refrain for long. On October 16, the Foreign Office produced a detailed memorandum based on reports from the Secret Intelligence Service (SIS) assessing "the complicity of Hungary and Italy in Macedonian-Croat terrorism." The SIS (also known as MI6) during the interwar period worked closely with the diplomatic service, and reported on the Comintern and Nazi Germany as well as about the extent of state-supported terrorism in Europe. Since it was probable that the French police enquiry would "produce revelations involving Hungary or Italy or both in indirect responsibility for the assassination," officials advised preparation for likely international repercussions.<sup>93</sup>

The memorandum explained that the Yugoslav minister in London had alleged that "Croatian terrorists were being trained and furnished with armed assistance in Italy."<sup>94</sup> The Foreign Office asked for a report on these allegations from "secret sources," which confirmed that most were "well founded." Other "independent information" proved that Italy and Hungary were giving terrorist groups arms and money. As a result of the League Council session the previous May, Hungarian aid to Croatian terrorists was now a matter of public record. While it appeared that both Italy and Hungary had discouraged terrorist activities in recent months and may have broken up most of the camps by summer, there was "a *prima facie* case that up to the spring of 1934, if not till September, Croatian terrorists were maintained and given active support on Italian and Hungarian soil." In addition, evidence from both Italian and Macedonian sources proved that the Italians had also been subsidizing IMRO for years and more recently had been active in bringing

the Croats and Macedonians together. Thus, while it appeared that the activities of terrorists had recently been curtailed, the Foreign Office memorandum concluded unequivocally that “the indirect responsibility of both Hungary and Italy, and especially the former, for the death of King Alexander is as firmly established as is that of Germany for the death of Dr. Dollfus, and we must be prepared for this to emerge at the enquiry.”<sup>95</sup>

Sargent called this memorandum “very damning.”<sup>96</sup> Simon agreed but, ever the lawyer, said “I don’t quite see how all this can come out—even under the amazing use of hearsay permitted in Latin countries—at a police enquiry about the assassination at Marseilles.”<sup>97</sup> He was worried enough, however, to warn Drummond in Rome and the British minister in Budapest, Sir Patrick Ramsay. The stakes were high, particularly as the official mourning period in Yugoslavia was coming to a close and everyone was aware that the crisis could worsen very quickly, much as in July 1914. On the one hand, Simon wanted the two diplomats to understand why he would continue to urge Italy and Hungary to exercise “considerable moderation and restraint” especially if the Yugoslavs publicly accused either government of indirect responsibility for Alexander’s murder.<sup>98</sup> On the other, exposing the full extent of Mussolini’s anti-Yugoslav activities might make any Franco-Italian rapprochement impossible. Britain saw Italy as vital for deterring German aggression in Central Europe as well as for reaching an agreement on rearmament, leading to Germany’s return to the League. Concealing Italy’s support for terrorist groups might not only help to prevent an immediate conflict in the Balkans, but it could also improve the chances for a general European settlement.

The Foreign Office’s task now was finding a way of informing Drummond and Ramsay both quickly and quietly. The usual procedure in such cases was for London to send someone to brief its diplomats personally, with nothing in writing. Given the seriousness of the crisis, the SIS had no objection to letting each of them have a copy of the memorandum “for their personal information only and for burning after perusal.” Above all, the SIS insisted that the Foreign Office emphasize “the extreme secrecy” surrounding the section detailing Italy’s role in forging the link between IMRO and the Ustaša:

The information in that paragraph emanated from a source in a very delicate position and it should on no account be divulged by the Ambassador, or the Minister, to anyone—not even to their staffs.<sup>99</sup>

Under these exceptional conditions, Sir Owen O'Malley, head of the Foreign Office's Southern Department, immediately copied the memorandum to Drummond and Ramsay but not to Henderson, perhaps because officials considered it unnecessary or were uncertain that he could keep the information to himself. In a note marked "personal [and] secret," O'Malley warned that the murder of King Alexander could still "provoke international complications" and the information concerning how Italy brought together the two terrorist groups responsible for the attack at Marseilles "should be divulged to no one."<sup>100</sup>

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Alexander's funeral offered fresh opportunities for diplomatic maneuvering as well as giving rise to heightened concerns about how Yugoslavia would ultimately respond to the mounting evidence of Italian and Hungarian support for the terrorist organizations that had murdered the king. There were reports in a number of newspapers in the days leading up to the rites that Belgrade might address an ultimatum to Hungary immediately afterward.<sup>101</sup> Henderson dismissed these rumors, stating that while the "period after the funeral is [a] dangerous moment for [an] outbreak of resentment," he was sure the government in Belgrade would "maintain calmness and reason." Nonetheless, what the Yugoslavs wanted, the British minister wrote, "is to make known to the world where the ultimate responsibility for the assassination lies."<sup>102</sup>

The rumors and omens from Belgrade worried Ramsay, who warned that any such steps were "most dangerous to the peace of Europe."<sup>103</sup> In Paris, officials tried to maintain equilibrium by standing behind the Yugoslavs in public and pressing them in private to avoid provoking the Italians.<sup>104</sup> As part of this effort, the president of France attended the king's funeral as did the minister of war and the minister of the navy, the significance which could "escape no one." Because Barthou, like Alexander, had "met his death at the hands of a Croatian terrorist," the two countries now shared "an unbreakable bond."<sup>105</sup>

The Little Entente looked to demonstrate a similar sense of solidarity. Beneš and Nicolae Titulescu, the Romanian foreign minister, represented their respective governments. Beneš was aware of the press reports of a potential ultimatum, but insisted that the Yugoslav government was "morally, if not contractually, bound to consult her partners in [the] Little Entente before taking so important a step," and he would "certainly discountenance it."<sup>106</sup> He did not, however, rule out actions short of a formal ultimatum.

Italy sent the Duke of Spoleto, a cousin of King Victor Emmanuel III, to Alexander's funeral. According to Aloisi, the duke reported no signs of Yugoslavia's eminent disintegration.<sup>107</sup> Some 500,000 people attended, and the procession of European princes, statesmen, and generals was accompanied by military detachments from France, the Little Entente powers, Britain, Greece, and Turkey.<sup>108</sup> The duke also said that while the Yugoslavs had treated him with "impeccable courtesy," the regent, Prince Paul, expressed his regret that the friendship Yugoslavia had previously shown toward Italy was never reciprocated.<sup>109</sup>

Germany viewed Alexander's funeral as an excellent public relations opportunity. Hermann Göring attended as "special representative of Herr Hitler in the latter's capacity as Commander-in-Chief of [the] German armed forces."<sup>110</sup> Berlin saw a chance to embarrass Italy and France while laying the foundations for better relations with Yugoslavia. Göring flew to Belgrade in Lufthansa's newest airliner and on the day of the funeral drove through the streets in an open car while giving the Nazi salute.<sup>111</sup> He laid a wreath inscribed "To Our Heroic Former Enemy" at the memorial of the Unknown Warrior, gave press interviews, met Prince Paul, and declared pointedly that Germany would "never tolerate ... Yugoslav emigrants on her territory who would plot against the safety and authority of the Yugoslav State."<sup>112</sup> In a funeral oration, Göring called Alexander a leader who "played in his country the part of Hitler."<sup>113</sup> The German minister in Belgrade ballyhooed Göring's performance as "a complete success from the point of view of propaganda for the German cause."<sup>114</sup>

Henderson offered similar praise for Britain's actions at Alexander's funeral, but he urged the British government to demonstrate firmer public support for the kingdom, even if it meant angering Rome.<sup>115</sup> He wrote King George V that there was "a great deal of rubbish talked and written about the possibility of trouble in this country." Any "discontent" in Croatia was unlikely to lead to any "serious trouble." Henderson, a product of his class and times, compared Yugoslavia to the British Empire: "the Croat in general is very much like the South-Irish, never satisfied with anybody or anything but himself."<sup>116</sup>

Nevertheless Yugoslavia has come to stay and the sooner the Italians realise the fact the better for Europe. ... [I]f they go on working for the disruption of this country, which they will never achieve, they will one day push the Yugoslavs into the arms of Germany, which would be disastrous for all Europe.

Henderson went on to tell the King in rather simplistic terms that "the little countries of Europe" looked to England "to keep them from being bullied from the big."<sup>117</sup>

Henderson was even more emotional in a private letter the same day to Vansittart, who was on a working holiday in Italy, where he met the Duce and his under-secretary of state for foreign affairs, Fulvio Suvich.<sup>118</sup> Henderson knew that on October 19 the foreign secretary would deliver a major speech at Northampton on the subject of Alexander's murder.<sup>119</sup> He warned Vansittart that anything less than unequivocal public support for Yugoslavia could destabilize Europe and severely damage Britain's interests.

I shall be bitterly disappointed if the Secretary of State is not very definite in his speech at Northampton to-night. We can save the whole situation if we are definite; we can jeopardise it if we are indefinite. It is up to you, but do not ask me thereafter to do this or that afterwards if you are not definite.<sup>120</sup>

Henderson was not disappointed. In a speech that few historians have examined closely, Simon advanced several different diplomatic objectives.<sup>121</sup> But his was a policy with a number of unrecognized contradictions and underlying assumptions. He openly endorsed Yugoslavia's territorial integrity while overtly flattering Mussolini's influence in Europe. He denounced assassination as a political crime and praised the League of Nations for contributing to understanding between states. Above all, he was intent on avoiding the errors that the great powers had made twenty years earlier. Simon was convinced that governments really wanted to avoid the horrors of modern warfare and was determined to dispel any notion either at home or abroad that Britain would let itself be drawn into anything like the war of 1914–1918. Many of his core assumptions and proposed solutions would continue to underpin British policy for the next several years.

Simon began by calling political assassination "not only the most wicked, but the most stupid of political crimes" because it seldom accomplished its intended result. He admitted that it was "inevitable" that the shootings at Marseilles should remind people of the murder at Sarajevo and cause them to fear "new and grave trouble for Europe." On this point, he insisted that the two cases did not provide a parallel but a contrast. The terrorist attack that killed Archduke Ferdinand instantly



provoked a violent conflict in which states rapidly took sides. "Nothing of that sort can happen now." Much had changed since 1914. Instead of armed hostile nations ready to "leap at one another's throat," the realities of global conflict had transformed how modern states viewed the nature and purpose of political violence.

Now we have had the bitter experience of four years of war, and when we survey this stricken and shattered world, we can realise not only the horror, but the uselessness of slaughter. The antiquated method of blood-letting as a cure for national fever is rejected, not only by conscience, but by the experience of mankind.

The existence of the League of Nations was a direct result of this experience. The organization's ultimate value was "not to be measured merely by making a list of its concrete successes and failures," but by how much it contributed to good understanding between states by providing "an outlet for, and encouraging resort to the practice of, inter-communication which has made the ordinary habit of European statesmen." Simon did not suggest that Geneva was the place for governments to make public accusations and demand satisfaction. Instead, the League offered a practical alternative to the threat of the use of force by providing a means for political leaders to confer with each other quickly and quietly in order to avoid the sort of tragic misunderstandings and mistakes made in 1914.

Simon said nothing about seeking "justice" for Yugoslavia or taking collective action against state-supported terrorism. He instead took particular pains to appeal to Italy as a potential partner in preserving peace. He complimented the speech Mussolini had given three days before the attack at Marseilles expressing his desire to improve relations with France and Yugoslavia. The purpose of Alexander's trip, the foreign secretary claimed, had been a further step "in the direction of a general understanding, such as that outlined by Signor Mussolini." At the same time, Simon echoed Henderson's view that Yugoslavia was now "a great State" that showed no signs of dissolution. Yet "without of course incurring any new commitments of any kind," much less encouraging any formal appeals to Geneva, he affirmed that Britain was "counseling patience and moderation in all directions."

For, as the firm friends of peace, we feel sure that it is in the interests of Europe as a whole to facilitate the difficult task which confronts the new

Yugoslavian Government, and that a strong, united, prosperous, and contented Yugoslavia is a major European interest.<sup>122</sup>

Simon's speech received almost entirely favorable attention. Henderson reported that Jevtić was delighted and considered it "historic."<sup>123</sup> Yugoslav officials said that was the first time that the foreign minister of a great power had declared that the unity of Yugoslavia was of vital interest for all Europe.<sup>124</sup> The British minister told Simon that "your language will do more than anything else to steady the people in this country."<sup>125</sup> The French chargé d'affaires in London, Roger Cambon, suspected that Henderson was responsible for the tone of the speech, and he told Paris that Simon's reference to the League targeted the Little Entente powers, whose representatives everyone knew were meeting the same day as the speech.<sup>126</sup> Dino Grandi, the Italian ambassador in London, expressed "warm appreciation" for Simon's remarks, which would be "greatly appreciated in Rome."<sup>127</sup> Drummond reported that the Italian press gave the speech full coverage, and the British ambassador in Berlin said much the same about the major German newspapers.<sup>128</sup> As far away as Australia, readers were reassured by headlines that London saw "No Likelihood of War."<sup>129</sup>

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Simon was particularly pleased with how his speech was received in Belgrade and Rome and hoped that it would mark the beginning of the end of this latest international crisis. Instead of seeming either partisan or indifferent, he was convinced that Britain had presented itself as calm and conciliatory. The foreign secretary would soon discover, however, that the crisis was about to enter a more complex and openly confrontational phase. The Belgrade government did not want "close watching and careful handling" by Britain.<sup>130</sup> Symbolic gestures, sympathetic speeches, and conventional police investigations were not enough. Urging "inter-communication" and quiet diplomacy at Geneva was also entirely inadequate. Much to Simon's dismay, others increasingly claimed that the world owed the Yugoslavs justice and retribution, and action to prevent any recurrence of terrorist attacks. Italy and Hungary would have to cooperate. As Ramsay had warned the Foreign Office a few days earlier, such demands were "most dangerous to the peace of Europe."

## NOTES

1. *The New York Times*, 10 Oct. 1934, p. 1.
2. *The Times* (London), 10 Oct. 1934, p. 15.
3. *Le Temps*, 11 Oct. 1934, p. 1.
4. "Alexander Murdered," 9 Oct. 1934, Universal International News, Newsreels 1932–1935, DVD50, compiled by S. Schoenherr, available at: <http://history.sandiego.edu/gen/newsreels/>. Also see, <http://www.youtube.com/watch?v=RfxL67Uqp6E>.
5. "Assassination of Alexander and Barthou," 9 Oct. 1934, Fox-Movietone News, Special Media Archives Services Division (NWCS-M), National Archives at College Park, MD, 100408, cited in Keith Brown, "The King is Dead, Long Live the Balkans! Watching the Marseilles Murders of 1934," April 2001, available at: [http://www.watsoninstitute.org/pub\\_detail.cfm?id=132](http://www.watsoninstitute.org/pub_detail.cfm?id=132).
6. Meeting of the Cabinet, 17 and 24 Oct. 1934, CAB 23/80 and "Assassination of King Alexander and M. Barthou: Cinematographic Film. Memorandum by the Home Secretary," 22 Oct. 1934, CAB 24/251.
7. Naggjar to Foreign Ministry, 27 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 535, p. 871 and ft. 1. Also see *The New York Times*, 11 Oct. 1934, p. 2.
8. *The New York Times*, 10 Oct. 1934, p. 15.
9. For examples, see Ronald Hugh Campbell (minister plenipotentiary in Paris) to FO, 9 Oct. 1934, received 4:55 p.m., FO 371/18458 and Foreign Ministry to Frédéric Knoble (chargé d'affaires in Belgrade), 9 Oct. 1934, 5:15 p.m., DDF, 1re Série (1932–1935) tome vii, 431, p. 681. Also see *Le Temps*, 11 Oct. 1934, pp. 1–3.
10. Foreign Ministry to Knoble, 9 Oct. 1934, 5:40 p.m., DDF, 1re Série (1932–1935), tome vii, 432, p. 682; Consul General Keyser (Marseilles) to FO, 9 Oct. 1934, dated 5:35 p.m., received 8:40 p.m. and Campbell to FO, 9 Oct. 1934, received 5:55 p.m., FO 371/18458.
11. Campbell to FO, 9 Oct. 1934, received 5:50 p.m. and Campbell to FO, 9 Oct. 1934, received 6:30 p.m., FO 371/18458.
12. Charles Corbin to Foreign Ministry, 9 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 434, p. 683.
13. Cowan to FO, 9 Oct. 1934, FO 371/18458 and copy of report R. D. Macrae (British consul at Zagreb) dated 12 Oct. 1934 attached to Henderson to FO, 13 Oct. 1934, FO 371/18458.
14. Knoble to Foreign Ministry, 9 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 433, p. 682.
15. Cowan to FO, 10 Oct. 1934, and report by H. Stenbock (British Consulate in Sarajevo), 10 Oct. 1934, attached to Henderson to FO,

- 12 Oct. 1934, FO 371/18458. Also see Knoble to Foreign Ministry, 10 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 441, p. 692 and *The New York Times*, 12 Oct. 1934, p. 1.
16. According to Stenbock, the crowd of 400–500 “young Serbs of various classes” was finally dispersed with the help of the local fire-brigade. See report by Stenbock, 10 Oct. 1934, attached to Henderson to FO, 12 Oct. 1934, FO 371/18458.
  17. Sir Walford Selby (British minister to Austria), 10 Oct. 1934 and Henderson to FO, 11 Oct. 1934, FO 371/18458. Also see Naggjar to Foreign Ministry, 13 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 462, p. 726.
  18. Henderson to FO, 12 Oct. 1934, FO 371/18458.
  19. Baron Pompeo Aloisi, *Journal* (25 Juillet 1932–14 Juin 1936) (Paris: Plon, 1957), p. 226. Also see Vladeta Milićević, *A King Dies in Marseilles: The Crime and Its Background* (Bad Godesberg: Hohwacht, 1949), pp. 64–71.
  20. Aloisi, *Journal*, p. 225.
  21. *Ibid.*, p. 226.
  22. *Ibid.* Also see R. J. B. Bosworth, *Mussolini* (London: Arnold, 2002), p. 283.
  23. Aloisi, *Journal*, p. 227.
  24. Chamberlain to Ida Chamberlain, 13 Oct. 1934, Robert Self, ed., *The Neville Chamberlain Diary Letters*, vol. 4, *The Downing Street Years, 1934–1940* (Aldershot, UK: Ashgate, 2005), p. 92.
  25. Diary entry, 9 Oct. 1934, Avon Papers, BUL, AP 20/1/9–16. Also see copy of Eden to Viscount Cranborne (Conservative MP), 10 Oct. 1934, Avon Papers, BUL, AP 14/1/290a.
  26. Campbell to Simon, 10 Oct. 1934, Simon Papers, BLO, MSS. Simon 79/107. Also see copy of Eden to Doumergue, 10 Oct. 1934, Avon Papers, BUL, AP 14/1/290a.
  27. Avon, *Facing the Dictators*, p. 122. Also see P. M. H. Bell, *France and Britain 1900–1940: Entente and Estrangement* (London and New York: Longman, 1997), pp. 178–9.
  28. Clerk to FO, 11 Oct. 1934, FO 371/18458 and Campbell to Simon, 10 Oct. 1934, Simon Papers, BLO, MSS. Simon 79/107.
  29. FO minute, 10 Dec. 1934, FO 371/18458.
  30. Corbin to Foreign Ministry, 11 and 15 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 451 and 470, pp. 705–6 and 739–40.
  31. Pierre Laval (now foreign minister) to the French ambassadors to Great Britain and Italy, 13 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 463, pp. 727–8.

32. Copy of draft telegram dated 10 Oct. 1934, attached to FO minute by Sargent, 10 Oct. 1934, FO 371/18458. Simon initialed the telegram on 10 Oct. 1934.
33. Meeting of the Cabinet, 10 Oct. 1934, at 11:00 a.m., CAB 23/80.
34. Ibid., and Meeting of the Cabinet, 17 Oct. 1934, at 11:00 a.m., CAB 23/80. Also see FO minute by Sargent, 10 Oct. 1934, FO 371/18458.
35. I rely here on David Dutton, *Simon: A Political Biography of Sir John Simon* (London: Aurum Press, 1992).
36. Simon was solicitor-general from 1910 to 1913, attorney-general from 1913 to 1915, and home secretary from 1915 to 1916. For more, see Dutton, *Simon*, pp. 14–47.
37. Ibid., particularly, pp. 324–39.
38. A notable exception is Peter Neville, *Appeasing Hitler: The Diplomacy of Sir Neville Henderson* (London and New York: Macmillan Press and St. Martin's Press, 2000), pp. xiv, 14–8, 168, and 175–6.
39. Henderson to FO, 11 Oct. 1934, FO 371/18458.
40. Henderson to FO, 12 Oct. 1934, FO 371/18458.
41. Ibid.
42. FO minute, 12 Oct. 1934, FO 371/18458.
43. Copy of Henderson to Vansittart, 11 Oct. 1934, Henderson Papers, NA, FO 800/267.
44. Neville Henderson, *Water Under the Bridges* (London: Hodder & Stoughton, 1945), p. 193.
45. Ibid., p. 197.
46. Ibid., p. 192.
47. Ibid., pp. 198 and 213–4.
48. League of Nations, *The Monthly Summary of the League of Nations*, vol. xiv, no. 10 (October 1934), p. 248.
49. Ibid. Also see Robert J. Young, *Power and Pleasure: Louis Barthou and the Third Republic* (Montreal and Kingston: McGill-Queen's University Press, 1991), p. 226.
50. *The New York Times*, 13 Oct. 1934, p. 4.
51. Sir Ronald Lindsay (British ambassador to the United States) to FO, 18 Oct. 1934, FO 371/18460.
52. Sir Eric Phipps to FO, 9 Oct. 1934, FO 371/18458.
53. Sir Patrick Ramsay to FO, 11 and 12 Oct. 1934, FO 371/18459 and Ramsay to FO, 14 Oct. 1934, FO 371/18459.
54. Drummond to FO, 10 Oct. 1934, FO 371/18458.
55. Minute by Sir Owen St. Clair O'Malley (counsellor), 11 Oct. 1934, Drummond to FO, 10 Oct. 1934, 371/18458. O'Malley was head of the Southern Department, the department of the Foreign Office concerned with Italy, the Balkans, and Turkey.

56. Minute by Sargent, 11 Oct. 1934, Drummond to FO, 10 Oct. 1934, 371/18458.
57. Drummond to FO, 12 Oct. 1934, FO 371/18458.
58. Minute by Rodney Alexander Gallop (first secretary, Southern Department), 16 Oct. 1934, Drummond to FO, 12 Oct. 1934, FO 371/18458.
59. Minute by Sargent, 20 Oct. 1934, Drummond to FO, 12 Oct. 1934, FO 371/18458.
60. Drummond to FO, 15 Oct. 1934, FO 371/18457 and Drummond to Simon, 16 Oct. 1934, Simon Papers, NA, FO 800/289.
61. For examples, see *The Times* (London), 10 Oct. 1934, p. 14; *The New York Times*, 10 Oct. 1934, p. 15 and *Le Temps*, 11 Oct. 1934, p. 1.
62. "Bulletin du Jour," 13 Oct. 1934, *Le Temps*, 14 Oct. 1934, p. 1.
63. *The Times* (London), 15 Oct. 1934, p. 14. Also see *The Daily Mirror*, 10 Oct. 1934, p. 1, *The Daily Express*, 13 Oct. 1934, p. 1 and *The Daily Mail*, 13 Oct. 1934, p. 1.
64. The two men were Milan (Ivan) Rajić and Zvonimir Popišil. *The Times* (London), 12 Oct. 1934, p. 14; 13 Oct. 1934, p. 12 and 15 Oct. 1934, p. 14. Also see *The New York Times*, 13 Oct. 1934, p. 1 and *Le Temps*, 11 Oct. 1934, p. 2 and 14 Oct. 1934, p. 1.
65. Ramsay to FO, 16 Oct. 1934, FO 371/18459.
66. The third accomplice was Mijo Kralj. *The Times* (London), 17 Oct. 1934, p. 14.
67. Ramsay to FO, 12 and 14 Oct. 1934, FO 371/18458 and Sir Joseph Addison (British minister in Prague), 16 Oct. 1934, FO 371/18459.
68. *Le Populaire*, 12 Oct. 1934, p. 1.
69. *Le Populaire*, 14 Oct. 1934, pp. 1 and 3.
70. Edward Coote (first secretary at the British embassy in Moscow) to FO, 20 Oct. 1934, FO 371/18459.
71. Circular of the Foreign Ministry, 25 Oct. 1934, *Documents on German Foreign Policy 1918–1945*, (DGFP) Series C (1933–1937), vol. III, 268, p. 530. Also see *The Times* (London), 19 Oct. 1934, p. 13 and 20 Oct. 1934, p. 11 and François-Poncet to Foreign Ministry, 17 Oct. 1934, DDF, Ire Série (1932–1935), tome vii, 484, pp. 771–4.
72. Drummond to FO, 12 Oct. 1934, FO 371/18458.
73. Drummond to FO, 15 Oct. 1934, FO 371/18457.
74. Ibid. Also see Charles Pineton de Chambrun (French ambassador to Rome) to Foreign Ministry, 17 Oct. 1934, DDF, Ire Série (1932–1935), tome vii, 481 and 482, pp. 767–8.
75. *The Times* (London), 11 Oct. 1934, pp. 14 and 16.
76. Ramsay to FO, 11 Oct. 1934, FO 371/18459 and Ramsay to FO, 14 Oct. 1934, FO 371/18458.

77. Ramsay to FO, 16 and 17 Oct. 1934, FO 371/18459.
78. See copy of communiqué issued to German press by the Hungarian Legation in Phipps to FO, 14 Oct. 1934, FO 371/18459.
79. Ramsay to FO, 12 and 15 Oct. 1934, FO 371/18458 and Edmond Petit de Beauverger (French chargé d'affaires at Budapest), 14 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 467, pp. 734–7.
80. Naggjar to Foreign Ministry, 14 and 15 Oct. 1934; Chambrun to Foreign Ministry, 15 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 465, 468 and 471, pp. 733, 737–8, and 740.
81. Foreign Ministry to the French diplomatic representatives to Rome, Berlin, Vienna, Berne, Prague, Warsaw, Budapest, Bucharest, and Sofia, 14 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 466, p. 734.
82. Naggjar to Foreign Ministry, 15 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 468, p. 738.
83. Clerk to FO, 16 Oct. 1934, FO 371/18459.
84. Addison to FO, 16 Oct. 1934, FO 371/18459.
85. Sir Charles Henry Bentinck (British minister to Bulgaria), 17 Oct. 1934, FO 371/18459.
86. Charles Alphand (French ambassador to Moscow) to Foreign Ministry, 12 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 457, pp. 718–9.
87. *The New York Times*, 21 Oct. 1934, p. 16.
88. Henderson to FO, 15 Oct. 1934, FO 371/18458.
89. Minute by Gallop, 15 Oct. 1934, Ramsay to FO, 14 Oct. 1934, FO 371/18458.
90. Minute by Sargent, 16 Oct. 1934, Henderson to FO, 15 Oct. 1934, FO 371/18458. On Sargent's role in the Foreign Office during this period, see Keith Neilson, "Orme Sargent, Appeasement and British Policy in Europe, 1933–39," *Twentieth Century British History*, vol. 21, no. 1 (December 2010), pp. 1–28.
91. Ibid.
92. Ramsay to FO, 14 Oct. 1934 and Henderson to FO, 15 Oct. 1934, FO 371/18458. Simon initialed the first file. The second is marked as "seen" by him.
93. Minute by Gallop, 17 Oct. 1934, FO memo dated 16 Oct. 1934, FO 371/18459.
94. FO memo dated 16 Oct. 1934, FO 371/18459.
95. Ibid.
96. Minute by Sargent, 18 Oct. 1934, FO memo dated 16 Oct. 1934, FO 371/18459.
97. Minute by Simon, 18 Oct. 1934, FO memo dated 16 Oct. 1934, FO 371/18459.

98. Draft of O'Malley to Drummond and Ramsay, 27 (?) Oct. 1934, FO memo dated 16 Oct. 1934, FO 371/18459. In the original draft, O'Malley crossed out a final paragraph that suggested "[y]ou will appreciate that in the circumstances it behooves the Italian [and] Hungarian Gov[ernmen]ts to exercise considerable moderation and restraint and to place no obstacle in the way of the bringing to book of those responsible for the crime."
99. Unidentified minute, 26 Oct. 1934, FO memo dated 16 Oct. 1934, FO 371/18459.
100. Draft of O'Malley to Drummond and Ramsay, 27 (?) Oct. 1934, FO memo dated 16 Oct. 1934, FO 371/18459. For Ramsay's largely dismissive response to the memo, see Ramsay to FO, 10 Nov. 1934, FO 371/18461.
101. Clerk to FO, 16 Oct. 1934 and Henderson to FO, 17 Oct. 1934, FO 371/18459. Clerk cited stories "this morning" in the *New York Herald* as well as *L'Écho de Paris* and the *Daily Herald* while Henderson admitted that the "[r]umour of ultimatum to Hungary was popular subject of discussion several days ago" in Belgrade. Also see *The Times* (London), 19 Oct. 1934, p. 18 and *The New York Times*, 21 Oct. 1934, p. 15.
102. Henderson to FO, 17 Oct. 1934, FO 371/18459.
103. Ramsay to FO, 17 Oct. 1934, FO 371/18459.
104. Foreign Ministry to Naggiar, 17 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 479, pp. 765–6.
105. Clerk to FO, 14 Oct. 1934, FO 371/18458.
106. Clerk to FO, 16 Oct. 1934, FO 371/18459.
107. Aloisi, *Journal*, p. 227.
108. Stephen Graham, *Alexander of Yugoslavia: The Story of the King Who Was Murdered at Marseilles* (New York: Yale University Press, 1959), pp. 264–5.
109. *Ibid.*, p. 228.
110. Phipps to FO, 17 Oct. 1934, FO 371/18459.
111. Henderson to FO, 1 Nov. 1934, FO 371/18457. Also see Anthony Read, *The Devil's Disciples: Hitler's Inner Circle* (New York: W. W. Norton & Co., Inc., 2004), pp. 378–9.
112. Henderson to FO, 21 Oct. 1934, FO 371/18459.
113. Minute by Gallop, 18 Oct. 1934 and clipping of *The Times* (London), 18 Oct. 1934, Phipps to FO, 371/18459.
114. Viktor von Heeren (German minister to Belgrade) to Foreign Ministry, 22 Oct. 1934, DGFP, Series C (1933–1937), vol. III, 263, pp. 516–9.
115. Henderson to FO, 29 Oct. 1934, FO 371/18460 and Henderson to FO, 1 Nov. 1934, FO 371/18457.



116. Copy of Henderson to George V, 19 Oct. 1934, Henderson Papers, NA, FO 800/267.
117. Ibid. In a letter signed by Clive Wigram dated 24 Oct. 1934, the king politely thanked Henderson for his letter and his "most interesting account of the funeral ceremonies at Belgrade."
118. *The Times* (London), 20 Oct. 1934, p. 11. Also see Lord Vansittart, *The Mist Procession: The Autobiography of Lord Vansittart* (London: Hutchinson, 1958), pp. 501–2 and Michael L. Roi, *Alternative to Appeasement: Sir Robert Vansittart and Alliance Diplomacy, 1934–1937* (Westport and London: Praeger, 1997), p. 71.
119. See various minutes attached to Henderson to FO, 11 Oct. 1934, FO 371/18458 and to Clerk to FO, 16 Oct. 1934, 371/18459.
120. Copy of Henderson to Vansittart, 19 Oct. 1934, Henderson Papers, NA, FO 800/267. Henderson also gave Vansittart a copy of the letter he had written to King George V.
121. For the text of the speech, see *The Times* (London), 20 Oct. 1934, p. 14. Also see extracts attached to FO minute dated 20 Oct. 1934, FO 371/18459.
122. Ibid.
123. Henderson to FO, 22 Oct. 1934, FO 371/18459.
124. Naggiar to Foreign Ministry, 29 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 545, p. 883.
125. Henderson to Simon, 21 Oct. 1934, DBFP, Second Series, vol. xii, 146, p. 164.
126. Cambon to Foreign Ministry, 22 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 500, p. 802.
127. Simon to Drummond, 22 Oct. 1934, FO 371/18459.
128. Drummond to FO, 22 Oct. 1934 and Phipps to FO, 22 Oct. 1934, FO 371/18459.
129. *The Advertiser* (Adelaide), 22 Oct. 1934, p. 16 and *The Sydney Morning Herald*, 22 Oct. 1934, p. 12.
130. Copy of Simon to George V, 22 Oct. 1934, Simon Papers, NA, FO 800/289.



## CHAPTER 4

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### “A War Before the War”

The period between Alexander’s funeral and Yugoslavia’s formal appeal to the League of Nations on November 22, 1934, was marked by much uncertainty and tension. As the initial shock began to fade, a deepening split both between and within governments emerged over how to respond to the terrorist attacks at Marseilles. While the British foreign secretary was gratified by the reactions to his Northampton speech, he still did not know what actions Yugoslavia or its allies might take. Simon hoped that “counseling patience and moderation in all directions” and perhaps a few quiet discussions at Geneva would prove enough to prevent a repetition of the reactions to what had happened in Sarajevo twenty years earlier. Anything more posed serious dangers.

Simon perceived that the trigger of conflict in 1914 had not been the assassination of Franz Ferdinand but Austria-Hungary’s insistence several weeks later on defending its “rights and interests” by demanding that Serbia cooperate in finding and punishing those responsible for the crime. That had prompted Russia to defend the rights and interests of the Serbs, and so on, until millions found themselves mired in a global catastrophe. The British government did not want a war in 1934. As a result, they did not want Belgrade to appeal to Geneva demanding “justice” or call for an organized response to the problem of international terrorism. Either would likely lead to a public and unpredictable clash with Hungary, Italy, or both; Geneva simply could not force a great power such as Italy to submit to such demands if it resolved to

reject them. This, not terrorism itself, posed the greater threat of war in Britain's view.

French officials were in an especially difficult quandary. Widely blamed for not having provided better security for Alexander's visit, and aware that some in the Yugoslav government favored rapprochement with Germany even if that weakened ties with France, the French government worried about anything that might undermine the League, hamper chances of improving Yugoslavia's relations with Italy, or force France to take sides in a public dispute between Belgrade and Rome.<sup>1</sup> The Yugoslavs and their Little Entente allies, moreover, wanted Laval to ask Italy to declare formally its respect for all existing treaties as well as to postpone his meeting with Mussolini scheduled for early November.<sup>2</sup> Like Britain, France was willing to placate both the Italians and Hungarians in order to preserve peace, but was finding this difficult to do in the face of growing political pressure from the Little Entente.

Despite resistance from Britain and France, the Yugoslav government spent these weeks increasingly calling for accountability for Alexander's murder as well as for some sort of international effort to prevent such attacks from occurring again. Belgrade argued that state-supported terrorism represented a form of organized violence backed by "revisionist" states looking to destroy the postwar political order. Before the Yugoslavs took their case to Geneva, however, they worked in concert with their Little Entente allies and other Balkan states to sway public opinion and build support for collectively combating international terrorism. This effort had some success, but did nothing to persuade Britain. It also angered Hungary and sharpened the divide between those states that insisted on enforcing the peace treaties and those that advocated revision. At the same time, Belgrade's diplomatic efforts to extradite two Ustaša leaders from Italy to France provided Simon with another opportunity to draw the distinction he saw between the course of justice and the cause of peace.

Meanwhile Henderson, in Belgrade, went to extraordinary lengths to influence British policy, in a way that undercut his own government. Henderson's personal feelings continued to color his advocacy of Yugoslavia's presumed "rights and interests." His progressively rebellious behavior ultimately resulted in a direct clash with Simon over who defined British foreign policy.

By mid-October, resistance in London to any formal Yugoslav appeal to the League of Nations had stiffened. Officials assumed that such an appeal would mean accusing both Hungary and Italy of complicity in Alexander's murder. Even if the Yugoslavs decided to implicate the Hungarians alone, Rome was likely to support them. While helping to prepare for Simon's speech at Northampton, one Foreign Office official initially suggested trying to dampen the various accusations appearing in several foreign newspapers by instructing Henderson to inform the Yugoslavs that "their correct course would be to approach the League of Nations."<sup>3</sup> O'Malley promptly rejected this idea. He counseled against "a League inquiry" unless the situation got "really dangerous."<sup>4</sup> "So do I," Simon minuted.<sup>5</sup> Short of an overt act of aggression, or any threat or danger of such, it was best for all involved to keep quiet and avoid exchanging potentially provocative recriminations at Geneva. Such an enquiry, O'Malley wrote, would mean that "a tremendous lot of perfectly filthy linen would be very publicly washed, with the risk of raising rather than allaying animosities." The vituperations in the press was second only "to the dangers of the matter in question viz the harbouring of terrorists," something best handled "officially" and "confidentially" if not ignored altogether.<sup>6</sup>

Aware of Simon's determination to avoid any further deterioration of the European situation, his other permanent officials were even more circumspect. Sargent argued that it was one thing for a foreign secretary to give private advice to other governments about restraining their press, but quite a different matter for him to criticize the press of foreign countries in public. It would be "safer and quite sufficient" to confine any remarks to "a general recommendation in favour of caution and moderation, without any direct reference to the press either of Hungary or the Little Entente."<sup>7</sup> Reaffirming his wary but watchful policy, Simon underlined the phrase "a general recommendation in favour of caution and moderation" without further comment and ultimately made no mention of either the foreign press or even the question of "terrorists" in his speech, preferring the more legalistic phrase "the crime at Marseilles" instead. Similarly, he struck out the entire paragraph of the minute that raised the possibility of a League investigation of the attack. As far as he was concerned, the matter was settled.<sup>8</sup> A crime—not an act of war—had been committed on French soil. Any official investigation should be conducted by the French police.

The Yugoslav government quickly demonstrated that Simon's view was too optimistic. Nikola Uzonović, the prime minister and leader of the Yugoslav National Party, remained dedicated to Alexander's principles of national unity, centralized government, and secularism.<sup>9</sup> The ambitious and seasoned Jevtić quickly aligned himself with Prince Paul, the king's cousin and now regent for the underage King Peter II. While Uzonović and Jevtić were political rivals, both worried about the Croatian Peasant Party, various other non-Serb opposition parties, and the growing influence of reactionary Serbian politicians. The first two groups called for democratic reforms and greater federalism, the third urged maintaining if not tightening the royal dictatorship. Complicating matters was Prince Paul, who gave early indications of favoring compromise with Yugoslavia's various ethnic factions and of easing many government controls, while insisting that as a caretaker there was little he could do.<sup>10</sup> As a result, Yugoslav leaders confronted sharply competing pressures to act. Securing speedy and public accountability for the king's murder promised to strengthen the government's popularity at home. A collective effort to combat international terrorism could diminish the threat of future attacks and preserve the postwar order that legitimized the kingdom's existence in the first place.

On October 19, the same day as Simon's speech, Jevtić met Beneš and Titulescu, along with the foreign ministers of Greece and Turkey, in an extraordinary joint session, in Belgrade, of the Permanent Council of the Little Entente and the Permanent Council of the Balkan Entente. The purpose of the meeting was to reach "a ministerial decision on the situation arising out of the assassination of King Alexander and M. Barthou."<sup>11</sup> Both Beneš and Titulescu had well-established international reputations. An academician and leader of the Czechoslovak independence movement, Beneš had been a delegate to the Paris Peace Conference and served as a member of the League of Nations Council from 1923 to 1927. A powerful figure in Czech national politics and influential in international relations, Beneš harshly criticized the self-described "revisionist" states.<sup>12</sup> Titulescu, Romania's permanent delegate to the League since 1921, had become foreign minister for the third time the day after the Marseilles attack. A professor of civil law at the University of Bucharest, he had been a member of the League Council and had served as president of the General Assembly in 1930–1931. Titulescu often worked closely with Beneš and shared his hostility toward revision of the postwar treaty structure.<sup>13</sup>

Despite their strong support for and relative influence at Geneva, the three members of the Little Entente were careful to gather as much political and public backing as they could before appealing to the League. Jevtić assured the French minister at Belgrade on the day of the joint session that it was not his government's intention to initiate any hasty procedures in Geneva. But since "certain governments" had helped the "professional killers" at Marseilles, the League needed "a general plan" for respecting the internal security of every member state. Alexander's assassination was not an ordinary crime, but was a consequence of "a terrorist system," the "artificial creation" of foreign states who were "determined to change the map of Europe" by force. Put simply, terrorism was a means to engage in what he called "a war before the war." A formal appeal to the League might be averted if revisionist states would simply admit to the futility of supporting terrorist groups and cooperate in putting an end to them. Failing this, Yugoslavia and its allies could still go to the Assembly, the Council, or both.<sup>14</sup> What some considered a "political crime" requiring the action of the police and the courts, the Yugoslavs saw as the first shots in an act of aggression against a state—something contrary to the League Covenant.

The ministers attending the joint session in Belgrade issued two official communiqués.<sup>15</sup> The first was signed by the Little Entente powers, the second by the states comprising both the Little Entente and Balkan Entente. These contained no ultimatums, made no specific accusations, and omitted any direct mention of the League or international law. But the foreign ministers declared that the Marseilles attack had been directed not only against Alexander and his kingdom, but "was in fact an outrage against the present state of affairs of Europe." Although never mentioning "revisionism," the first communiqué insisted that the entire international postwar order was at risk. It also struck a resolute tone by declaring that "whatever comes, the States of the Little Entente will not be deflected from their present policy by terrorist acts."<sup>16</sup>

A second communiqué was more detailed and prescriptive about the danger of international terrorism. The attack at Marseilles was a crime "committed under the influence of forces beyond the frontiers" as a matter of foreign policy. It and many other terrorist acts had recently aimed at weakening alliances or robbing those states "which have recently achieved national unity" of their political leaders. It was necessary for all states to cooperate in finding and punishing those responsible for this latest terrorist attack. Yet, again without mentioning the League, the

five signatories insisted that states needed to work together to stop the spread of “international anarchy.” Further, they demanded that

measures be taken to prevent the recurrence of such acts. If the necessary measures are not taken and carried out in loyalty and good faith, new and most serious disputes will necessarily follow.

Thus, not only did both the Little Entente and Balkan Entente identify terrorism as an increasingly serious danger to international relations, but they now made their first coordinated and public call a collective response. Without asking for Geneva’s formal intervention, they nonetheless left that option open if steps for suppressing terrorism were not soon “carried out in loyalty and good faith.”<sup>17</sup>

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In at least one respect, these two communiqués achieved their intended purpose. Remembering how a series of ultimatums had marked the descent into world war twenty years earlier, press opinion in the wake of the official statements was overwhelmingly positive. The public had reason to conclude that Balkan governments genuinely wanted to preserve peace as well as work collectively in confronting the underlying problem of international terrorism. *The New York Times* described the outcome of the conferences in Belgrade as “moderate and dignified.” As a consequence, “[t]here is likely to be consistent and firm pressure on all countries concerned to clean up nests of political exiles which are a menace to all.”<sup>18</sup> *Le Temps* was pleased that there were no ultimatums or even direct accusations. It considered the call for international action against terrorism proof of the Little Entente’s determination to uphold “the general security” of Europe as well as “international morality” in general.<sup>19</sup> A few days later, the paper provided summaries of press reactions from around Europe, almost all of which were favorable.<sup>20</sup> *The Times* considered the statements “strong in character, though not sensational” and drew special attention to the Little Entente’s appeal for international action against state-supported terrorism.<sup>21</sup> However, none of these commentaries suggested that the crisis was over or dismissed the distrust Yugoslavia and other states in the Balkans still felt for Italy and Hungary.

A number of European foreign policy advisors remained unconvinced that the Yugoslavs and their allies were sincere or that their proposals were practical. For a variety of reasons, some contended that there was no genuine interest either in Yugoslavia or Italy in confronting the

problem of international terrorism. At the British Foreign Office, Gallop pointed out that "Yugoslavia herself would not emerge with clean hands from any general enquiry into 'crimes committed under the influence of forces beyond the frontiers.'" <sup>22</sup> The German minister in Belgrade went further, arguing that the Yugoslavs were acting largely out of a sense of fear and confusion rather than righteous indignation. <sup>23</sup> In his view, the kingdom's leaders were trying to dampen political opposition at home and seek protection abroad against Italy. <sup>24</sup> Drummond reported from Rome that Mussolini continued to claim that Italy had "nothing whatever to fear from the most searching investigations," but most of the government-influenced Italian press insisted that an international enquiry was unnecessary since Alexander's murder had no links with "foreign elements." <sup>25</sup> Few outsiders believed either of these positions. The French ambassador in Moscow relayed the opinion of a Soviet source who was certain that Rome would in fact dread any detailed enquiry and would only agree to innocuous "resolutions relative to the future" in order to avoid one. <sup>26</sup> Given Belgrade's supposed internal difficulties and Rome's apparent outward disingenuousness, many informed observers predicted that there would be no meaningful organized action against international terrorism.

Both the French and British ministers in Belgrade saw the situation differently. Naggiar reported that the Yugoslavs were not only following a policy of determined moderation, but were serious about wanting the Italians to cooperate in investigating Croat terrorist organizations in Italy. <sup>27</sup> Henderson went so far as to suggest that "extirpation" of the Ustaša would not only benefit Yugoslavia as a whole but might "prove a boon for Croatia itself" by allowing "the Serb to feel kindly disposed to the Croat." <sup>28</sup> As he saw it, while more than one foreign power threatened the territorial integrity of the kingdom, "[t]here can never be any stability in the Balkans so long as Italy has political ambitions there." <sup>29</sup>

It is, in this connexion, completely erroneous to hold the Balkans responsible for the menace to the peace of Europe which they undoubtedly constitute. It is, and always has been, the intrigues of Europe in the Balkans which are so hazardous to the peace of the European world.

Thus, according to Henderson's interpretation of history, Austria-Hungary had been a European but not a Balkan state, and its "intrigues," not the assassination of Franz Ferdinand by terrorists supported by



Serbia, caused the outbreak of the First World War. Such a view reinforced the British minister's opinion that the Yugoslavs were innocent victims while Mussolini was repeating the mistakes of the past that had led to war in Europe.

The most hostile reaction to the two Balkan declarations came from Hungary. Attacks were on the rise once again in the Czech and Yugoslav press, as were accusations from Little Entente representatives that terrorism was a tactic of "revisionism."<sup>30</sup> The problem for officials in Budapest was the publicity of the ties between Hungarian authorities and violent anti-Yugoslav groups, not these ties themselves. The various revisionist states continued to insist that their grievances against the postwar order were not only legitimate, but should be addressed through a process of collective negotiation and concession. Both Britain and France were willing to consider peaceful revisions of the peace treaties within the framework of the League, but not if public opinion believed that "revisionism" meant violence or the threat of violence. This is why Budapest expressed particular outrage over the publication in *Vreme*, the semi-official organ of the Yugoslav government, of photographs of the Hungarian foreign minister and prime minister beside photographs of Ustaša leaders. Ramsay reported his Yugoslav counterpart's having told him that the Marseilles murder had resulted from Hungary's "diabolical revisionist policy," and he accused senior Hungarian political and military officials, including the chief of police, of complicity.<sup>31</sup>

This appears to be [the] outcome of Little Entente conversations and I need hardly warn you that a concerted attempt to implicate [the] Hungarian Government and to confuse revision policy with Marseilles murder with a view to discredit the Hungarian Government and its policy is fraught with grave danger to peace.<sup>32</sup>

Ramsay's report set off fresh alarms in London, where officials were assuming that Henderson was successfully restraining Belgrade and that the Yugoslav government would "maintain calmness and reason."<sup>33</sup> Were the Czechs exploiting the Marseilles crime in their own rivalry with Hungary? Gallop wondered if the Foreign Office should immediately telegraph Henderson to indicate "our anxiety at the course which events appear to be taking."<sup>34</sup> O'Malley, of whom the Hungarian minister at London had formally asked if the British government could intervene in Prague and Belgrade to bring the press campaign to an end,

strongly agreed.<sup>35</sup> He even proposed sending the telegram in a code the Yugoslavs could read in order to make sure that the government in Belgrade was aware of London's renewed unease.<sup>36</sup> Sargent supported the idea but insisted on doing so using a secret code.

I think a telegram on the line suggested by Mr. O'Malley is called for, but the situation in Belgrade is so uncertain that we must give Sir N. Henderson full discretion as to the manner in which he gives his advice. In fact I have no doubt that he is already giving the advice unsolicited, but a telegram from the Secretary of State in such circumstances strengthens the hand of a Minister, who can then say that he is speaking on instructions and not merely on his own initiative.<sup>37</sup>

Sargent also considered the situation sufficiently serious to warrant special instructions to the British missions in Belgrade and Prague about press campaigns against Hungary.<sup>38</sup> In particular, he wanted the British minister in Prague, Sir Joseph Addison, to speak to Beneš, whose own political party's newspaper was responsible for some of the most vocal agitation against the Hungarians.<sup>39</sup> From Britain's point of view, Czechoslovakia's hostility toward Hungary, not Hungary's involvement in the murder of Alexander, now endangered peace.

After meeting Sargent, Simon approved the telegrams.<sup>40</sup> The one to Henderson was particularly pointed, warning that Ramsay's concerns "raise unavoidable doubts as to whether [the] Yugoslav Government really can or wishes to 'maintain calmness and reason.'"<sup>41</sup> The telegram went on to ask if Belgrade intended to do anything to prevent the press attacks against Hungary and if the Yugoslavs planned to recall their minister from Budapest. Simon reminded Henderson of Britain's policy of urging restraint from all sides.

But I shall find [carrying out this policy] difficult unless I get through you substantial reasons for thinking that Yugoslav opinion [and] policy will not be dragged at the heels of Czech animosity against Hungary into provocative and immoderate pronouncements or actions.

The foreign secretary was willing to continue to trust Henderson and give him a great deal of latitude, but he wanted the minister working in Belgrade to keep things quiet. He also feared that the Little Entente was exploiting the Marseilles crime to equate "revisionism" with terrorism,

a charge that would not only serve to provoke the Hungarians and the Italians, but that also undermined a central assumption underpinning Britain's "appeasement" policy.

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While the Foreign Office awaited replies from Addison and Henderson, a different internal argument over the connection of international law and diplomacy once again exposed Britain's distinction between "justice" and "peace." On the day before King Alexander's funeral, Italian police arrested Pavelić and one of his top lieutenants, Eugen Dido Kvaternik, in Turin.<sup>42</sup> The news caused a sensation.<sup>43</sup> The authorities interrogated the two men twice, the second time based on questions the French police supplied, and both denied complicity with the assassination. Yugoslav officials flatly rejected these denials and urged the French to request extradition of Pavelić and Kvaternik to France.<sup>44</sup> The Italians had already privately indicated to the French that a formal extradition request would probably be rejected; the extradition treaty with France excluded "political crimes," or those acts determined to have been committed for political motives as a direct challenge to a government.<sup>45</sup> The Italian penal code, like others throughout Europe, had a similar exclusion designed to provide the possibility of sanctuary for foreigners accused of treason, sedition, or other "political" acts, including assassination. Thus, under both international and domestic law, Italy was not obliged to extradite "political criminals," even if an Italian court found evidence sufficient to support claims the French government might make against them.<sup>46</sup>

The Yugoslavs sent an early signal that a refusal to extradite would have serious political consequences. According to Drummond, the Yugoslav minister in Rome told him on October 22 that Pavelić and Kvaternik were not "political criminals." They were instead "Croat terrorist leaders," whose denials to the Italian police could not be taken at face value; Croat separatists currently under arrest in Yugoslavia had confessed to taking their orders from Pavelić and Kvaternik. Yugoslavs would surely see Italian refusal to extradite as evidence that the Italians had something to hide. It would also indicate that Italy had no intention of cooperating in measures to prevent terrorist acts.<sup>47</sup>

Within the Foreign Office, only Gallop, who despite his service at the legation in Belgrade was one of the most junior clerks in his department, strongly supported the Yugoslavs. "The acid test of Italian intentions towards Yugoslavia," he wrote, "will be less their formal expressions of

sympathy than their attitude towards Croatian and Macedonian refugees and the two ringleaders Pavelic [*sic*] and Kvaternik in particular." In his view, there was "no reason to doubt" that these two were "the actual instigators of the crime;" Britain should not "entirely disinterest ourselves in the course of justice." He suggested telling Rome that "we are anxious to see those responsible brought to book" by having both men extradited to France.<sup>48</sup>

O'Malley immediately and strongly disagreed: "If a foreign government were in parallel circumstances to act as Mr. Gallop suggests we should act, we should tell them to mind their own business." Any sort of intervention at this stage would do nothing but harm.<sup>49</sup> Simon was adamant in opposing interference in the legal processes of another state, particularly an important European power like Italy. The best course to improve the European situation over the longer term required respect for the rule of law rather than looking for ways to circumvent it for short-term political purposes. Any attempt to address state-supported terrorism would raise complex legal and political questions.

I do not myself know the grounds on which "there is no reason to doubt" that P[avelić] and K[vaternik] were the actual instigators. Anyhow, "the course of justice" is that suspects should not be extradited without evidence given in the court of the country where they *are* by those who want them forcibly removed elsewhere. I am sure that we should not involve ourselves in advice to a foreign Gov[ernment] on such a point.<sup>50</sup>

Given Simon's towering legal reputation and unequivocal position against diplomatic intervention in Roman judicial proceedings, the Foreign Office gave no instructions to Drummond about Pavelić and Kvaternik. How Belgrade might respond to this "acid test" of Italy's attitude toward Yugoslavia's demands for "justice" was not Britain's overriding concern. From the foreign secretary's point of view, the greater interests of peace were better served by leaving the whole question of extradition to the French government and the Italian courts to sort out through ordinary legal and administrative channels. The British would have to return to this difficult issue of extradition law and what constituted a "political crime" as the international crisis evolved. In late 1934, however, the government was determined to avoid such issues if at all possible.

At the end of October, the French and British governments were still working to keep the most serious diplomatic repercussions of the Marseilles attack under control. Neither endorsed the Little Entente's call for international action against organized international terrorism and both hoped to discourage the Yugoslavs from addressing the problem in any public way. French officials remained worried that Alexander's assassination had badly damaged relations with Yugoslavia and were hoping to deflect criticism that France would abandon the kingdom in order to appease Italy.<sup>51</sup> At the same time, Laval was convinced that Mussolini, whose distrust of Germany was deepening, was anxious to resolve outstanding issues in Franco-Italian relations. Yugoslavia's open hostility toward Rome might prevent agreement.<sup>52</sup> London too desired speedy Franco-Italian rapprochement, but stressed the "exceptional importance" of including Yugoslavia in any potential accord. The British argued that the possibility of rapprochement and avoidance of a divisive clash over state-supported terrorism required Yugoslavia and its allies to stop accusing the Hungarian government of complicity in the terrorist attack at Marseilles, particularly in public.<sup>53</sup>

Addison's initial response to the Foreign Office's complaints about the Czech press campaign against Hungary briefly eased some of London's anxieties. Before meeting Beneš, the British minister admitted that the anti-Hungarian agitation was "unwise and unfortunate from a British standpoint," but that the sentiments and language were actually "mild according to local standards." It was simply too much to expect the Czechs to refrain from making use of such a "splendid opportunity for propaganda."<sup>54</sup> He suggested that the newspaper attacks on Hungary were also designed to draw attention from "the real accomplice" of the terrorists, namely "the criminal negligence of [the] French authorities." His advice was that these latest public outbursts not be taken seriously. "The Czechs hate and fear the Hungarians irrespective of any press articles."<sup>55</sup>

After the interview with Beneš, Addison reported that while the Czechs still wanted concerted international action against "all these terrorist activities on foreign soil," they now agreed with Laval and the governments of Yugoslavia and Romania that they would await the result of the French police investigation at Marseilles. If the results of such an enquiry were to necessitate joint action, "they would then all four concert together as to what form this action should take." Pressed on whether such joint action might include an appeal to the League, Beneš

had insisted that nothing had been decided, or would be decided, until the French police enquiry had concluded.<sup>56</sup> This assurance, confirmed by the Yugoslav foreign minister, satisfied the Foreign Office.<sup>57</sup> Gallop discerned "a fairly substantial breathing space" before having to worry about bringing the whole question of the control of "political agitators" before the League.<sup>58</sup> After meeting the head of the European Department at the Quai d'Orsay, the first secretary of the British embassy told O'Malley that the question of state-supported terrorism was unlikely to be raised at Geneva any time soon. With any luck, the French police enquiry would "drag on" until everyone "lost all interest in it."<sup>59</sup>

One official who lost no interest, however, was Henderson. In a long and sharply worded telegram responding to the Foreign Office's specific questions for Belgrade, the British minister once again sprang to Yugoslavia's defense. Having met Prince Paul and Jevtić the day before, Henderson declared, "I have no hesitation in answering you that [the] Yugoslav Government intends to maintain [an] attitude of calm and reason." Jevtić had not only expressed renewed gratitude for Simon's Northampton speech, but also pledged he would limit as far as possible "any undignified action or press comments." Henderson contended that Ramsay's latest warnings of a "grave danger to peace" were simply exaggerated and alarmist. It was "inevitable" that "public indignation is particularly exhibited against Hungary," since there was "little reasonable doubt about terrorist activities" there. As for Italy, the British minister said that he had carried out his instructions to counsel the importance of avoiding "unfriendly" comments. He also suggested that the Yugoslavs give Rome a chance to cooperate with the French investigation and prevent future terrorist attacks. While he said that the worst was over and that "any talk of war is absolutely unjustifiable," he cautioned that this could change if Italy refused to extradite Pavelić or if proof of Hungarian complicity became "more demonstrably evident" and Hungary refused to help identify everyone involved in Alexander's murder.<sup>60</sup>

Henderson repeated many of these points even more emphatically over the next two days. He reported Prince Paul's "guarantee" of "calm and reason."<sup>61</sup> A second telegram, copied to Drummond and Ramsay, argued that the Yugoslavs had "behaved remarkably well under great provocation," but had a right to expect satisfaction from the outside world.

All this country asks is full enquiry into origin of conspiracy. If justice is denied them in this respect temper of government now entirely reasonable

will eventually become more bitter but even so I do not anticipate ill-advised action.

Since Yugoslavia had “loyally accepted” the British government’s advice of moderation, he urged London “in equity” now to exert “similar pressure at Rome and Budapest” to induce “more good will” in cooperating with the French police enquiry.

In my opinion the whole future development of Italian and Yugoslav relations depends on this. It is also [a] test of Mussolini’s professed good intentions. A gesture from Italy at this moment might turn entire current of opinion here.

He insisted that the French minister in Belgrade shared his view, asserting that the French police had ample proof of Hungary’s involvement in Alexander’s murder. While admitting that “no public use can be made of such information,” he thought that London “should be aware of [the] facts in this respect” in order to understand why the Yugoslavs were the innocent victims of an international crime and deserved sympathy and fairness.<sup>62</sup>

Henderson took this opportunity to side with the Little Entente about the dangers that international terrorism posed for the postwar order. He also endorsed the claim of a direct link between anti-Versailles “revisionism” and the attack at Marseilles; “such terroristic methods” could “hardly commend themselves in a civilised world.” The “key to the situation lies to-day at Rome and Budapest and not at Belgrade. Everywhere else and even in Bulgaria good will is being shown in the French efforts to get to the bottom of the plot; only in Italy and Budapest is this not the case.” Simon marked a number of sections of this telegram and underlined these last two sentences.<sup>63</sup> He did so not to record his approval; he considered concern for justice above concern for peace as potentially perilous. Rather, he was signaling his awareness that his minister in Belgrade appeared to be promoting the assumptions and prejudices of his Yugoslav hosts over his own government’s policy.

Now, despite praising the foreign secretary for “doing more than anything” to help Yugoslavia keep to “the narrow but truly difficult path of dignity and restraint,” Henderson insisted in a letter to Simon that it was a mistake to regard Alexander’s assassination “from any other angle than that of a revisionist attempt to profit from chaos in Europe.” An open

confrontation over this problem, at the League, could only be averted if the Italians and Hungarians immediately accepted Yugoslavia's call for united action against international terrorism. "These terrorist organisations could not have existed in Hungary and Italy without encouragement and connivance."

Whatever the absolute proofs, there is no getting away from that fact. This history of the Borgatáro and Janko Pushta [*sic*] camps is truly a scandal and the only way to prevent Yugoslavia or France from bringing the whole question up before the League is to get Italy and Hungary to act of their own volition.<sup>64</sup>

In his view, "everything will go perfectly calmly here if only Italy and Hungary will play the game and help instead of hindering the French enquiries into the roots of the murder conspiracy."<sup>65</sup> For Henderson, this meant having the revisionist states extradite those responsible, shut down all terrorist training camps, and end support for terrorist groups. If the British government hoped to preserve peace and avoid the risks inherent in a formal enquiry at Geneva, Simon had to do more than counsel "patience and moderation in all directions."

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Bombarding the Foreign Office and Simon with argumentative telegrams and letters was not enough for Henderson. He took extraordinary steps not only to influence British policy, but also personally to put pressure on the Italians and Hungarians to meet Yugoslavia's demands. He and his French counterpart in Belgrade agreed "in the general interests of peace" to send a joint telegram to their governments "on the situation created by the murder of the King."<sup>66</sup> This claimed that Yugoslavia was, and would remain, a strong and united kingdom; the Yugoslav government had shown "complete restraint and a full sense of their international responsibilities." The Italian and Hungarian governments now must prove their goodwill in order to bring about détente in their relations with Yugoslavia; "[a] gesture in this sense is hoped for from Rome even more than from Budapest." If not, "a serious situation might arise."

It would be desirable for [the] British and French Governments to draw attention of [the] Italian and Hungarian Governments to these facts. In the present phase of the crisis it is at Budapest and Rome that recommendations of wisdom and prudence should be addressed in the most friendly but also most serious and solemn manner.<sup>67</sup>



This joint telegram had direct implications for French and British policy. Laval still planned to visit Rome to discuss several issues, including Italy's relations with Yugoslavia.<sup>68</sup> While France was willing to negotiate, he told the British that Italian demands for certain French colonial concessions in northern and eastern Africa were "wholly unreasonable." The French foreign minister wanted to settle European questions first. He contended that an understanding among Italy, Yugoslavia, and Czechoslovakia on defending Austria would not only deter Germany but would pave the way to reconciliation between Italy and the Little Entente. In addition, since Belgrade remained deeply uneasy about a possible Franco-Italian accord, Laval confided that he would go to Rome only with the concurrence of the Yugoslavs. The Italians, he said, were "feeling also a certain responsibility" for the Marseilles murder and would "now prove more tractable"—if Italo-Yugoslav relations did not deteriorate further.<sup>69</sup>

Simon discussed Laval's plans with the French ambassador on October 30. The foreign secretary wanted France to come to terms with Italy and noted the conciliatory speech Mussolini had given in Milan a few days before Alexander's murder. "[W]e had exerted ourselves to the utmost," Simon contented, "both in Rome and in Belgrade, to induce moderation and remove danger after the tragedy of Marseilles." Differences over colonies in Africa were unimportant when compared with "the prize of European appeasement." He warned that if the Franco-Italian situation did not improve now, "it might get worse for some time to come, and in that case the consequences might be far more grave than anything which was at stake in these minor disputes."<sup>70</sup>

Neither the Quai d'Orsay nor the Foreign Office found the joint Henderson-Naggiar telegram helpful in improving Italo-Yugoslav relations or contributing to "European appeasement." It not only raised the new possibility of a coordinated Anglo-French approach to the continuing crisis but advised taking a harder line toward Mussolini. The joint telegram also implied that the two ministers personally considered the Italian government accessory to the Marseilles crime, which put them into direct confrontation with their own governments. As a consequence, Paris abruptly summoned Naggiar home "for consultation."<sup>71</sup> A far more troubling problem for British officials was that Henderson had copied the irksome telegram to Rome and Budapest in "R" code, an unenciphered form used only for low-level messages. Two copies of this code had disappeared from the British embassy in Rome in 1925.<sup>72</sup> The result, as Gallop

pointed out, was that the telegram had "been read almost certainly by the Italian, and very probably by the Hungarian Government." This, along with everything else, now made the entire question "an extremely delicate one." Since neither Rome nor Hungary was likely to cooperate in any international enquiry "for fear of revelations compromising them," it was vital to avoid anything that might "embitter Yugoslavia" or "give her a legitimate grievance and endanger peace."<sup>73</sup>

The joint telegram perplexed Drummond. He defended the Italians. After his interview with Mussolini and the Duce's Milan speech, Drummond denied that disruption of Yugoslavia was Italian policy. While he thought it unlikely that an Italian court would grant a French request to extradite any Croats, the general question of refugees and terrorist groups might be "treated internationally;" these organisations were "by no means confined to Italy though recent unhappy events have given particular prominence to Croat camps and activities here."<sup>74</sup> Given Drummond's longer experience and wider reputation, his opinion on Mussolini's attitude toward the Balkans was not only far more influential in London than that of the two ministers in Belgrade, but also corresponded with the broad aims of both French and British policy toward Italy in late 1934.

Simon was deeply annoyed by the joint telegram and rejected almost all of Henderson's various suggestions. The British government's preference was for letting France and Italy negotiate with each other on matters involving the Balkans.<sup>75</sup> The foreign secretary held emphatically that "[i]t is *not* desirable to give advice in Rome" as Henderson proposed. It was "entirely wrong" that his minister had "informed the Italian authorities that he is advising me to take a particular course vis-à-vis Signor Mussolini."<sup>76</sup> Such behavior called into question Henderson's judgment and raised doubts about his general understanding of who made British policy—and who was responsible for carrying it out.

The Foreign Office drafted two terse replies to Henderson. The first focused only on policy. Since the questions arising out of King Alexander's murder were primarily judicial in character and currently under investigation, Simon could not

with propriety take political action which would imply that I had formed a judgement while still very inadequately informed about a large number of essential facts. To do so would be to expose ourselves to a deserved rebuff and to sacrifice whatever influence we have in Rome.

In contrast to Henderson's warnings about Yugoslavia's desire "to see international action against terrorists set on foot," the British government would rather continue to expect that the criminal law of each country would "be rigourously enforced and extradition treaties scrupulously observed." There were "numerous and formidable obstacles to any effective international action outside normal judicial and treaty procedure."<sup>77</sup> Official policy was to let traditional diplomacy and established legal processes take their course.

The second reply was particularly blunt and directly addressed Henderson's conduct. Simon allowed that it had been a "mistake" not to send the joint telegram in a secret cipher. He chastised the minister for telling Mussolini "that you and your French colleague distrusted Italian motives and methods," exposing the British government to political embarrassment in both Rome and Paris and endangering current efforts to improve relations between Italy and Yugoslavia.<sup>78</sup> The Foreign Office was determined to refrain from the sorts of missteps and provocations that had led to war in 1914.

The damage was done. The Italian chargé d'affaires in London formally enquired whether the British government had received a request from the Yugoslavs to press Italy and Hungary for "more active measures" to aid in the investigation into the Marseilles crimes. If so, the Italians asked for assurances that Britain would do nothing of the sort. Sargent responded that there was no such request and it was impossible to answer a hypothetical question. Britain assumed that Italy was anxious to help "in getting to the bottom of this frightful crime committed at Marseilles" without any outside prompting.<sup>79</sup> In a minute marked "seen by S[ecretary] of S[tate]," Sargent added: "I suspect that this somewhat curious démarche is the result of the Italian Government having read Sir N. Henderson's telegram."<sup>80</sup>

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"Much regret mistake which was entirely due to oversight of mine" was Henderson's response, but only weeks later and after he knew that Yugoslavia would indeed submit a formal appeal to the League of Nations.<sup>81</sup> Henderson's actions were almost certainly not a "mistake," however, as both he and Simon must tacitly have known. The British minister had not only aligned himself with his French counterpart in an attempt to strengthen his position in Belgrade, but had also used a compromised code in a deliberate effort to influence his own government's policy. London nonetheless was aware of Henderson's willingness to

take "very unusual" steps "on his own responsibility."<sup>82</sup> But he was not recalled to explain his actions; his value as an interpreter of the Yugoslav government outweighed his unreliability as a subordinate. While the historical record confirms that the British minister was in London at the end of November, and that he "talked in a very casual and scrappy way" with O'Malley, his presence might have been explained by his attendance at the wedding of Prince George, Duke of Kent, to Princess Marina, Prince Paul's sister-in-law.<sup>83</sup> There is no evidence that Henderson met Vansittart or Simon. Nor was there any change in the British minister's pro-Yugoslav attitude or his unorthodox behavior after his return to Belgrade.

Henderson's "mistake" not only illustrated disagreements about Yugoslavia within the British government, but it also reflected the split between Britain and the Little Entente, with France caught in the middle. Despite the common desire to avoid repeating the First World War, there was still no international consensus about how to respond to the terrorist attacks at Marseilles over the longer term. For Simon and most of his senior advisors, the primary concern was to attain "the prize of European appeasement" in order to preserve the peace. They argued that achievement of both ends required moderation, conciliation, and gradual revision of the postwar international order. The best response to Alexander's assassination was to wait and hope that passions everywhere would calm down. But for the Little Entente, the primary concern was preserving the map of Europe and winning justice for the murdered monarch. They argued that both required cooperation, accountability, and a complete rejection of "revisionism;" terrorism was part of a revisionist "war before the war" to destroy the postwar international order. The best response to Alexander's assassination was to punish everyone responsible and to stop state-supported terrorism entirely.

At the end of October, the government in Belgrade repeated that it would "resolutely insist" on punishing those responsible for the Marseilles attack and putting an end "to criminal action against Yugoslavia" once and for all. Yugoslavia expected the support of "its friends and allies but also the whole civilised world."<sup>84</sup> British and French policymakers still assumed that such efforts would almost certainly result in an open and potentially uncontrollable confrontation with Italy and Hungary, something that both London and Paris hoped to avoid. Having failed to achieve their demands with public statements and private warnings, however, the Yugoslavs would soon take their demands

to Geneva. This decision forced the member states of the League to try to find a bridge over the divide between those who seemed primarily interested in “the course of justice” and those who considered it more important to serve “the cause of peace” in resolving this escalating crisis.

## NOTES

1. Corbin to Foreign Ministry, 15 Oct. 1934; Foreign Ministry to Naggiar, 17 Oct. 1934; and Cambon to Foreign Ministry, 22 Oct. 1934, DDF, Ire Série (1932–1935), tome vii, 469 and 479, 501, pp. 738, 765–6, and 803. Also see Phipps to FO, 22 Oct. 1934, FO 371/18457.
2. Naggiar to Foreign Ministry, 19 Oct. 1934, DDF, Ire Série (1932–1935), tome vii, 492, pp. 791–2.
3. Minute by Gallop, 17 Oct. 1934, Clerk to FO, FO 371/18459.
4. Minute by O'Malley, 17 Oct. 1934, Clerk to FO, FO 371/18459.
5. Emphasis in the original. Minute by Simon, 18 Oct. 1934, Clerk to FO, FO 371/18459.
6. Minute by O'Malley, 17 Oct. 1934, Clerk to FO, FO 371/18459.
7. Minute by Sargent, 18 Oct. 1934, Clerk to FO, 371/18459.
8. Initialed by Simon, 18 Oct. 1934, Clerk to FO, 371/18459.
9. For a brief overview of Yugoslav politics during this period, see Sabrina P. Ramet, *The Three Yugoslavias: State-Building and Legitimization, 1918–2005* (Washington, DC and Bloomington, IN: Woodrow Wilson Center Press and Indiana University Press, 2006), pp. 89–92.
10. Hoptner, *Yugoslavia in Crisis*, pp. 25–6.
11. Henderson to FO, 20 and 23 Oct. 1934, FO 371/18459.
12. On Beneš, see Igor Lukes, *Czechoslovakia between Stalin and Hitler: The Diplomacy of Edvard Beneš* (New York and Oxford: Oxford University Press, 1996).
13. For more, see Dov B. Lungu, *Romania and the Great Powers, 1933–1940* (Durham: Duke University Press, 1989).
14. Naggiar to Foreign Ministry, 19 Oct. 1934, DDF, Ire Série (1932–1935), tome vii, 493, p. 793.
15. For an English translation of the communiqué, see Henderson to FO, 23 Oct. 1934, FO 371/18459. Also see Alvin M. Owsley (minister of the United States of America to Romania) to State Department, 27 Oct. 1934, Papers of the United States Department of State (USDS), U.S. National Archives, Washington, DC (USNA), RG 59, Decimal File 1930–1939, 860H.001 AL 2/146. Also see *The Times* (London), 20 Oct. 1934, p. 12 and *Le Temps*, 21 Oct. 1934, p. 1.
16. *The Times* (London), 20 Oct. 1934, p. 12. Also see Henderson to FO, 23 Oct. 1934, FO 371/18459.

17. Henderson to FO, 23 Oct. 1934, FO 371/18459.
18. *The New York Times*, 21 Oct. 1934, p. 6.
19. *Le Temps*, 21 Oct. 1934, p. 1.
20. *Le Temps*, 22 Oct. 1934, p. 1.
21. *The Times* (London), 20 Oct. 1934, p. 12. The report on Simon's Northampton speech is on page 14.
22. Minute by Gallop, 22 Oct. 1934, Henderson to FO, 20 Oct. 1934, FO 371/18459.
23. Report by Heeren to Foreign Ministry, 22 Oct. 1934, DGFP, Series C (1933–1937), vol. III, 264, pp. 519.
24. *Ibid.*, p. 520.
25. Drummond to FO, 20 Oct. 1934, FO 371/18459 and Drummond to FO, 27 Oct. 1934, FO 371/18460.
26. Alphand to Foreign Ministry, 24 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 511, p. 822.
27. Naggiar to Foreign Ministry, 23 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 505 and 510, pp. 810 and 820–1.
28. Henderson to Simon, 22 Oct. 1934, DBFP, Second Series, vol. xii, 147, pp. 164–6.
29. Henderson to Simon, 22 Oct. 1934, FO 371/18457.
30. Addison to FO, 23 Oct. 1934, FO 371/18459 and FO memo by O'Malley, 24 Oct. 1934, FO 371/18459.
31. Ramsay to FO, 23 Oct. 1934, 6:30 p.m., FO 371/18459.
32. Ramsay to FO, 23 Oct. 1934, FO 371/18459.
33. Minute by Gallop, 18 Oct. 1934, Henderson to FO, 17 Oct. 1934, FO 371/18459.
34. Minute by Gallop, 24 Oct. 1934, Ramsay to FO, 23 Oct. 1934, FO 371/18459.
35. FO memo by O'Malley, 24 Oct. 1934, 371/18459.
36. Minute by O'Malley, 24 Oct. 1934, Ramsay to FO, 23 Oct. 1934, FO 371/18459.
37. Minute by Sargent, 25 Oct. 1934, Ramsay to FO, 23 Oct. 1934, FO 371/18459.
38. Minute by Sargent, 25 Oct. 1934, FO memo by O'Malley, 24 Oct. 1934, FO 371/18459.
39. Draft FO to Addison dated 26 Oct. 1934, FO memo by O'Malley, 24 Oct. 1934, FO 371/18459.
40. Simon wrote "I should like to see Mr. Sargent before sending them off." Minute by Simon, no date, Ramsay to FO, 23 Oct. 1934, 371/18459. The draft telegram to Henderson, dated 26 Oct. 1934, was initialed by Simon as well.

41. Draft FO to Henderson, 26 Oct. 1934, Ramsay to FO, 23 Oct. 1934, FO 371/18459.
42. Naggiar to Foreign Ministry, 19 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 493, p. 794 and Drummond to FO, 23 Oct. 1934, FO 371/18459. Kvaternik was the son of Slavko Kvaternik, a Croatian military commander and one of the founders of the Ustaša.
43. *Le Populaire*, 20, 21, and 23 Oct. 1934, pp. 1 and 3. Also see *Le Temps*, 20 Oct. 1934, p. 3.
44. Naggiar to Foreign Ministry, 26 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 528, pp. 860–1.
45. Baron Pompeo Aloisi, *Journal* (25 Juillet 1932–14 Juin 1936) (Paris: Plon, 1957), p. 227.
46. For more on extraditable offences during this period and the question of “political crimes” under international law, see Green Haywood Hackworth, *Digest of International Law*, 8 vols. (Washington, DC: United States Government Printing Office, 1940–1944).
47. Drummond to FO, 23 Oct. 1934, FO 371/18459. Drummond’s telegram was repeated to Paris and Belgrade.
48. Minute by Gallop, 24 Oct. 1934, Drummond to FO, 23 Oct. 1934, FO 371/18459.
49. Minute by O’Malley, 24 Oct. 1934, Drummond to FO, 23 Oct. 1934, FO 371/18459.
50. Minute by Simon, 3 Nov. 1934, Drummond to FO, 23 Oct. 1934, FO 371/18459.
51. Naggiar to Foreign Ministry, 23 and 29 Oct. 1934 and François-Poncet to Foreign Ministry, 24 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 510, 513, 518, and 545, pp. 820–1, 824, 837, and 882–4. Also see Phipps to FO, 22 Oct. 1934, FO 371/18457.
52. William I. Shorrock, *From Ally to Enemy: The Enigma of Fascist Italy in French Diplomacy, 1920–1940* (Kent, OH and London: The Kent State University Press, 1988), pp. 104–6.
53. Cambon to Foreign Ministry, 22 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 499 and 501, pp. 801 and 803.
54. Addison to FO, 28 Oct. 1934, FO 371/18460.
55. Ibid. Also see Addison to Sargent, 30 Oct. 1934, FO 371/18460.
56. Addison to FO, 29 Oct. 1934 and Addison to Sargent, 30 Oct. 1934, FO 371/18460.
57. Henderson to FO, 29 Oct. 1934, FO 371/18460. Initialed by Simon on 3 Nov. 1934. Also see *The Times* (London), 20 Oct. 1934, p. 12.
58. Minute by Gallop, 30 Oct. 1934, Addison to FO, 29 Oct. 1934, FO 371/18460.

59. Charles Brinsley Pemberton Peake (first secretary in the British embassy in Paris) to O'Malley, 29 Oct. 1934, FO 371/18460.
60. Henderson to FO, 27 Oct. 1934, FO 371/18459.
61. Henderson to FO, 28 Oct. 1934, FO 371/18460. Marked "Personal."
62. Henderson to FO, 28 Oct. 1934, FO 371/18460. Marked "repeated to Rome and Budapest."
63. Ibid., Simon initialed the telegram on 3 Nov. 1934.
64. Henderson to Simon, 29 Oct. 1934, Simon Papers, NA, FO 800/289.
65. Ibid. Henderson used almost the same words in a letter Sargent. See Henderson to Sargent, 29 Oct. 1934, Sargent Papers, NA, FO 800/279.
66. Henderson to FO, 29 Oct. 1934, FO 371/18460 and Naggjar to Foreign Ministry, 29 Oct. 1934, DDF, Ire Série (1932–1935), tome vii, 546, pp. 884–5.
67. Ibid. The English and French versions of the joint telegram differ little in these main passages.
68. Clerk to Simon, 20 Oct. 1934, DBFP, Second Series, vol. xii, 145, p. 163 and Alphand to Foreign Ministry, 23 Oct. 1934, DDF, Ire Série (1932–1935), tome vii, 509, pp. 817–9. Also see Jean-Baptiste Duroselle, *France and the Nazi Threat: The Collapse of French Diplomacy, 1932–1939* (New York: Enigma Books, 2004), pp. 85–6.
69. Campbell to Simon, 30 Oct. 1934, DBFP, Second Series, vol. xii, 155, pp. 181–2. Also see Dr. Miroslav Spalajković (Yugoslav minister to France) to Laval, 26 Oct. 1934 and Naggjar to Foreign Ministry, 31 Oct. 1934 and, DDF, Ire Série (1932–1935), tome vii, 531 and 569, pp. 863 and 938–9.
70. Simon to Campbell, 30 Oct. 1934, BDFP, Second Series, vol. xii, 157, pp. 184–5.
71. Campbell to FO, 1 Nov. 1934, FO 371/18457.
72. For more, see Christopher Andrew, *Her Majesty's Secret Service: The Making of the British Intelligence Community* (New York: Penguin Books, 1987), p. 404.
73. Minute by Gallop, 30 Oct. 1934, Henderson to FO, 29 Oct. 1934, FO 371/18460.
74. Drummond to FO, 30 Oct. 1934, FO 371/18460. Also see Henderson to FO, 31 Oct. 1934, FO 371/18460.
75. Minute by Sargent, 31 Oct. 1934, Henderson to FO, 29 Oct. 1934, FO 371/18460. Simon wrote "I agree" in the margin.
76. Minute by Simon, 3 Nov. 1934, Drummond to FO, 30 Oct. 1934, FO 371/18460 and minute by Simon, 3 Nov. 1934, Henderson to FO, 29 Oct. 1934, FO 371/18460. Emphasis in original.
77. Draft Simon to Henderson, 8 Nov. 1934, Henderson to FO, 29 Oct. 1934, FO 371/18460.



78. Draft Simon to Henderson, also dated 8 Nov. 1934, Henderson to FO, 29 Oct., 371/18460.
79. FO memo by Sargent, 3 Nov. 1934, FO 371/18460.
80. Minute by Sargent, 5 Nov. 1934, FO memo by Sargent, 3 Nov. 1934, FO 371/18460. All of this had to be explained to the French ambassador as well. See Corbin to Foreign Ministry, 10 Nov. 1934, DDF, 1re Série (1932–1935), tome viii, 52, p. 76.
81. Henderson to FO, 21 Nov. 1934, FO 371/18461.
82. FO memo by O'Malley entitled "Murder of the King of Yugoslavia" dated 1 Nov. 1934, FO 371/18460.
83. Henderson had proposed accompanying Prince Paul to the wedding in a letter to Simon in late October. See Henderson to Simon, 29 Oct. 1934, Simon Papers, NA, FO 800/289. Also see copy of O'Malley to Robin Hankey (Eden's private secretary), 4 Dec. 1934, Henderson to O'Malley, 2 Dec. 1934, FO 371/18462.
84. Henderson to FO, 27 Oct. 1934, FO 371/18459 and Naggiar to Foreign Ministry, 27 Oct. 1934, DDF, 1re Série (1932–1935), tome vii, 542, pp. 878–9.



## “Can We Do Something to *Dissuade* Yugoslavia?”

In November 1934, in the face of strong international resistance, the Yugoslav government filed a formal request with the League of Nations to address the “odious crime of Marseilles.”<sup>1</sup> This transformed the significance of Alexander’s assassination and brought into sharp relief the intersection of state-supported terrorism, international organization, and international relations. The League Council faced another test of its ability “to promote international co-operation and to achieve international peace and security,” and individual governments now had to consider the problem of terrorism within the framework of collective action. At the same time, Yugoslavia’s appeal reflected a compromise of its demand for “justice” while accommodating the League’s most powerful members and their plans for preserving peace in Europe. But it did not remove the threat of violent conflict suddenly erupting in the Balkans.

Yugoslavia’s request put renewed focus on the security provisions of the League Covenant. The kingdom did not call on members of the League to fulfill their obligations under Article 10 to respect and preserve its “territorial integrity and existing political independence” against an act of “external aggression.” Instead the Yugoslavs cited Article 11(2), exercising their “friendly right” to bring to the attention of the Assembly or Council “any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.” Without mentioning Italy or even implicating the Hungarian government itself,

the Yugoslavs accused "certain Hungarian authorities" of assisting the terrorists who murdered Alexander. As a consequence, Yugoslavia declared that "good understanding and peace" with Hungary was now endangered. While the complaint insisted that the circumstances of the crime "must be completely brought to light," it identified only "the responsibility of the Hungarian authorities" as requiring "just punishment." Only the Council could "restore confidence in international morality and justice" in this situation. But the attack at Marseilles exposed the larger problem of state-supported terrorism which was a threat to "any civilised nation."

This is not the case of a political murder which is the work of an isolated individual, nor of shelter given to political emigrants; the question involved is that of drilling and training on the territory of a foreign State of professional criminals intending to commit a series of outrages and assassinations for a specific political purpose.

The Yugoslavs warned that if the League, "the guardian of peace and of the international morality on which peace depends," did not confront this dangerous problem, "[a]n era of anarchy and international barbarism would overwhelm the civilised world."<sup>2</sup>

Reactions varied. Both Romania and Czechoslovakia supported Yugoslavia. Each insisted that its own relations with Hungary were also endangered, as were "the general conditions on which peace in Central Europe depends."<sup>3</sup> Hungary protested that it was the victim of "the most far-fetched accusations," which were "not only full of serious dangers for the ordinary relations between certain States of Europe" but were also "capable of affecting even the peace of the world." It insisted on an opportunity to "defend its honour" at Geneva and reminded the Council of its right under Article 4 of the Covenant to address "any question" concerning global peace.<sup>4</sup> Italy backed Hungary's demand that the Council consider the matter as soon as possible.<sup>5</sup>

The Yugoslav appeal forced the British government to confront a number of complex issues that they had hoped to avoid, particularly after France and Italy surprised London by agreeing for different reasons that the Council needed to respond quickly to Yugoslavia's request. Sir John Simon continued to oppose anything the Little Entente might do to antagonize Mussolini, to damage the reputation of the League, or risk destabilizing Europe. Eden, the British member of the Council, began

to play a more prominent role during this phase of the evolving crisis. He expressed acute skepticism and remained non-committal in his initial consultations with the various governments directly involved. While both he and Simon were encouraging better relations between Yugoslavia and Italy, they had tried to deter Yugoslavia from going to the League. They also remained firmly opposed to participating in any form of collective action against international terrorism. (For a variety of legal and political reasons, the Home Office strongly advised against such action.) Yugoslavia's invocation of the Covenant raised unavoidable questions about the peacekeeping functions of the League, the tensions between national legal traditions and conceptions of international crime, and the balance between "international justice and morality" and the preservation of peace. These questions remained unanswered at the end of November.

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On November 1, 1934, Owen O'Malley unveiled a lengthy memorandum entitled "Murder of the King of Yugoslavia. Present Position." After noting a decline in the number of provocative statements appearing in Czech, Yugoslav, and Hungarian newspapers, he expressed the hope that the worst of the press campaign was over, and that the ongoing French police enquiry into the Marseilles crime would "drag on indefinitely ... until excitement has quite died down." The most serious consequence of Alexander's assassination remained the "still quite vague" proposal "not only for an international ascertainment of the facts but also of sanctions with a view to the prevention of terroristic outrages," something Henderson said that Belgrade took seriously. O'Malley stated that neither the Italians nor the Hungarians would ever agree. Indeed, the Yugoslavs would face the same objection that every state had to foreign intervention in the administration of domestic justice. "This objection is never waived except at the point of the bayonet." Belgrade could force the issue by initiating proceedings in Geneva under Article 11 of the Covenant, but "the Council chamber would become in a very short time the forum for bitter accusations and counter accusations out of which nothing but bad could come." Given these unappealing options, O'Malley advised what the British government had been doing since Alexander's murder: keep quiet about Italian and Hungarian involvement and "wait and hope that feeling everywhere will calm down." If Simon approved, "we ought to explain to Sir N. Henderson our reasons for preferring to do nothing."<sup>6</sup>

O'Malley's memorandum found support within the Foreign Office not only because it confirmed British assumptions about the goal of European appeasement, but it also fit with long-standing British and international legal traditions. Doing "nothing;" not making demands that could be enforced only "at the point of the bayonet" would preserve peace and avoid a repeat of 1914. It would also avert a public confrontation over the meaning of "revisionism" and arguments about the causes of ethnic conflict in the Balkans. As far as Sargent was concerned, Yugoslavia's demands were where "future trouble lies."<sup>7</sup> He agreed with O'Malley, as did William Strang, the head of the League of Nations section at the Foreign Office:

[w]e can only hope that Yugo Slavia [*sic*] will become busy about other matters [and] not press for international action. If they do we may have to try to dissuade them. No action can bring King Alexander back to life unfortunately.<sup>8</sup>

Simon had consistently said much the same and remained particularly hostile to altering British extradition laws in order to mollify the Yugoslavs. He regarded "the handing-over of alleged criminals *by executive action* as a very dangerous proceeding—it is quite another thing if the proper machinery of extradition is used." Suggesting that it was unlikely that the French police enquiry and judicial process would satisfy Belgrade in the end anyway, he concluded: "[t]he best medicine for Yugoslavia's soreness is time."<sup>9</sup>

Simon also firmly opposed the Little Entente's call for international action against state-supported terrorism. This resistance did not necessarily reflect a simple desire to appease Italy or to obfuscate over Marseilles. As an experienced lawyer-politician, the foreign secretary understood better than anyone on his staff the uses and limitations of the law, both domestic and international, as well as the often wide differences in the legal traditions of different states. He staunchly defended existing legal procedures and was deeply resistant to adopting untested alternatives, particularly those coming from abroad. He also identified a fundamental question about the larger problem of international terrorism that would confound political leaders, legal experts, and government officials for the rest of that decade and into the twenty-first century:

An international organisation for national surrender of "terrorists" is quite impossible; for who decides who is a "terrorist?" An Austrian Nazi in

Munich, a White Russian in Finland, an Irish Fenian in Chicago, a Hindu in Morocco?<sup>10</sup>

The legal and practical difficulties involved in finding effective ways to combat international terrorism were sufficient for the foreign secretary to prefer "to do nothing."<sup>11</sup>

Britain's position was reinforced after French officials expressed almost identical views in early November. The secretary-general of the Ministry of Foreign Affairs, Alexis Léger, described relations between Italy and Yugoslavia as "like an open barrel of dynamite."<sup>12</sup> The Marseilles outrage had left France more than ever trapped between increasingly inconvenient military commitments to the Little Entente and a deepening desire for an accommodation with Rome. An international investigation into the problem of terrorist organizations, "including even an enquiry by the League," would be "most dangerous at the present juncture." To join Britain in doing nothing seemed the safest option. Léger said that the French government was advising the Little Entente accordingly. He even expressed a personal wish that Italy would reject France's request for the extradition of Pavelić and Kvaternik, whose revelations "might create such a storm as would kill what hopes remained of bringing about détente between Italy and Yugoslavia if they did not lead to even graver consequences still." Like London, Paris wanted to avoid "any public attempt to force Italy's (or Hungary's) hand."<sup>13</sup> Britain confirmed its full agreement in a telegram on November 9:

We entirely share [the] French view of unwisdom in present circumstances of proposed international enquiry into terrorist organisations and *a fortiori* of any attempt to negotiate [an] international agreement to control these organisations.<sup>14</sup>

The Yugoslavs, however, were undeterred. The French minister in Belgrade reported that the Yugoslav government still wanted Paris to secure firm assurances from Italy that it would stop working for the disintegration of the kingdom and would no longer support Hungary's revisionist objectives.<sup>15</sup> Henderson repeated his contention that the kingdom's central aim was to resist "foreign interference" in the Balkans. He argued that the French would have to carry out their investigations into the Marseilles crime "to their fullest conclusion" if they hoped to

prevent the Yugoslavs from falling “into the arms of Germany.”<sup>16</sup> He also warned that Jevtić was planning to consult with his Czech and Romanian counterparts soon “as to the best course to adopt with a view to taking international action against terrorist organisations.” Yugoslav political leaders thought that the French police enquiry was taking too long and that the absence of any indication from Rome or Budapest that either government intended to stop supporting anti-Yugoslav terrorist groups was intolerable.<sup>17</sup>

Other states supported Belgrade’s initiative. Beneš warned the Italians that it was hard for him to mollify Yugoslav attitudes toward Hungary and hinted that a fresh “peace gesture” from Mussolini might help.<sup>18</sup> Titulescu insisted on the necessity for international cooperation in suppressing terrorism and told the British that “the only thing that would overawe the countries which tolerate these terrorist organisations in their territory would be a firm public stand taken in England or in France.” He also hinted that he might raise the matter privately at Geneva.<sup>19</sup> While Romania’s foreign minister claimed that he still opposed a formal appeal to the League to examine the question because this “was the best way of ensuring that the culprits should be whitewashed,” he argued that “something must be done to put an end to these international organizations of desperate criminals” before it was too late. Titulescu warned both Britain and France that it was increasingly difficult to keep the Yugoslav government calm since it possessed proof of both Italian and Hungarian complicity in the attack at Marseilles.<sup>20</sup>

Simon remained unconvinced, but not entirely uncompromising. When Drummond first reported that the French government had formally requested the extradition of Pavelić and Kvaternik, Gallop pointed out that Italy had no legal obligation to hand them over, but nor was there a legal bar to doing so. He predicted that Italy would probably not extradite the men, for “fear of disclosures.”<sup>21</sup> A few days later the Yugoslavs signaled support for a private agreement to hand over the terrorist leaders on condition that they would not be given an opportunity publicly to accuse any Italian authorities.<sup>22</sup> This was the clearest indication that Belgrade would join the British and French in placating the Italians in exchange for the promise of improved relations with Rome and more effective control over terrorist groups.

Gallop advised taking advantage of this opportunity. Unlike his superiors, he supported the Yugoslav demand for some sort of international cooperation against terrorism and considered it dangerous to do

nothing. Asking Yugoslavia to forgo not only satisfaction for the past but also assurances for the future, in the hope "that she will become reconciled to this through the power of time," demonstrated a failure to understand that Yugoslavs had "longer memories than most people." He shared Henderson's opinion that Italy needed to satisfy Belgrade's legitimate demand for justice. If not, eventually there will be "an explosion."<sup>23</sup>

Given Simon's stated positions, initial responses to Gallop's advice were mostly negative. O'Malley minuted tartly that there was no need to go into the legal aspects of the question at the moment.<sup>24</sup> The Foreign Office's Legal Advisor Sir William Malkin agreed, but noted that Gallop's interpretation of extradition law was correct "*provided* that the murder is to be regarded as a 'political crime.'"<sup>25</sup> Belgrade's proposal, however, shifted opinion within the Foreign Office in Gallop's direction. While O'Malley continued to insist that there was nothing Britain could do, Sargent was no longer so sure.<sup>26</sup> After discussing the Yugoslav suggestion with Malkin, he concluded that it was feasible if both the Italians and the French were willing to go along. Since "the elimination of this new source of trouble between Italy and Yugoslavia" was "so important," Sargent now sided with Gallop. Noting "how very touchy the Italians are on the subject of these terrorist gangs on their territory," and not wanting to make matters worse, he advised asking Drummond if he thought Rome might accept Yugoslavia's idea. Sargent also suggested enquiring if the British might "lend support" to this scheme without its being "resented in Italy."<sup>27</sup>

Despite firm objections to interfering in the legal processes of other states, Simon approved Sargent's draft telegram.<sup>28</sup> He considered it was at least worth finding out if the potential benefits of the proposal might outweigh the possible harm, particularly since it would remain a private agreement between other governments. Further, such a deal could help to improve Italo-Yugoslav relations and might persuade the Belgrade government to abandon its threat to appeal to the League.

The foreign secretary did not have to wait long for his answer. While Drummond was on record as insisting that Mussolini might be inclined to adopt a friendlier policy toward Yugoslavia now that the kingdom appeared "more united than ever before," the ambassador reminded London that the Italians would extradite the two terrorist leaders only if there were sufficient proof that they were implicated in the murder and that the crime itself was "non-political" under the terms of the



extradition treaty between France and Italy. As this was highly unlikely, he was certain that the Yugoslav compromise had “no chance of success.”<sup>29</sup> Drummond’s dash of cold reality ended Foreign Office interest in the Yugoslav alternative proposal, leaving Belgrade with little choice but to appeal to Geneva.

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British and French officials learned on November 15 that Yugoslavia did intend to ask the League to place the terrorist attack at Marseilles on the Council’s agenda.<sup>30</sup> It was still unclear to a least one outside observer whether Belgrade intended to accuse Italy, Hungary, or both of complicity in Alexander’s murder. The US consul in Geneva, Prentiss B. Gilbert, reported that “League authorities feel gravely apprehensive concerning [the] political repercussions of the Council’s consideration of this subject,” including Avenol who had left for Paris to discuss it.<sup>31</sup> Léger told the British that he regretted the Yugoslav decision and suggested it was proof that “the hot-heads” in Belgrade were “getting the upper hand” while Jevtić’s position was weakening. He signaled for the first time, however, that France would likely stand by its ally anyway. The Yugoslavs were in “a very excited state” and if France appeared to be abandoning them, “they would inevitably fall into the arms of Germany.” Bulgaria would quickly follow suit and “the Mittle-Europa dream would be in a fair way toward realisation.”<sup>32</sup> The French expressed similar worries to the Italians, as there were fresh signs of warming relations between Yugoslavia and Germany.<sup>33</sup>

In Geneva, Strang immediately telephoned the Foreign Office to find out what Eden should do if the Yugoslavs went ahead with their appeal. In his memoirs, Eden recalled that British action up to this point “was confined to counselling moderation through our Ambassadors,” and requiring nothing from him at Geneva.<sup>34</sup> O’Malley now advised that Eden should work to defer the motion for as long as possible “with the effect that the Council will not have to concern itself with what is essentially a domestic question.”<sup>35</sup> Sargent agreed that if the Yugoslavs insisted the matter would require “the utmost circumspection and tact” since it could “wreck all possibility of a[n] Italo-Yugoslav détente and with it all prospect of a Franco-Italian agreement.”<sup>36</sup> As far as London was concerned, none of this was good for either the League of Nations or the cause of peace.

Yugoslavia’s appeal infuriated Simon. When he learned of it he had just come from a cabinet meeting that confirmed that the Marseilles

attack was "a serious set-back" to "European appeasement" but praised his "untiring efforts" to "counsel moderation and promote more friendly relations between nations."<sup>37</sup> The foreign secretary insisted that Britain's position at Geneva "must be to deprecate the proposed international enquiry" while citing "the best and most persuasive reason available"—the incomplete French police investigation. He admitted "the *real* reasons" for opposing Yugoslavia were both legal and political: "(1) international enquiry is futile, for how is trustworthy evidence to be provided and who is going to hear it and (2) such an enquiry will give endless opportunities for bad blood." The second was much more worrisome. Simon hoped that it was still possible to pressure the Yugoslavs to reconsider and forestall what he assumed would be a rejection of their demands by the Council.

Can we do something to *dissuade* Yugoslavia? She has good reason to be grateful to us (Duke of Kent's visit, Northampton speech, etc.). Dr. Benes will of course rejoice in anything which puts Hungary in the wrong, but he does not want to see Yugoslavia press for an enquiry which is refused, and so fall into the arms of Germany.<sup>38</sup>

Before leaving for Geneva, Eden reviewed these and other relevant papers, including the memorandum on terrorist groups in Italy and Hungary based on reports from the SIS.<sup>39</sup> His instructions were unambiguous: the only position "consistent with the traditional British view of justice" was to await the results of the French enquiry and postpone consideration of the Yugoslav appeal at least until January 1935.<sup>40</sup> Eden later recalled that he was warned to expect Belgrade to bring charges "against Hungary and perhaps Italy too." There was a sense in London that "[t]he dangers ahead were mounting."<sup>41</sup>

The Italians also hoped to deter or delay the Yugoslav request. Aloisi was particularly determined. He met the Hungarian minister to discuss ways to counter "the Yugoslav offensive at Geneva;" conferred with the Austrian foreign minister on taking a common stand; and made his concerns known to the French ambassador.<sup>42</sup> Aloisi hoped to avoid having to take a side in public against France. He also hoped to prevent the Little Entente from once again equating "terrorism" with "revisionism" in the eyes of public opinion.

Yugoslavia's delegate to the League, Konstantin Fotić, met Laval on November 16. Fotić's memoirs report that the Yugoslavs intended to

accuse both Italy and Hungary of aiding international terrorism, and that Laval threatened to withdraw support.<sup>43</sup> This account is neither corroborated nor disinterested.<sup>44</sup> While Paris did not want to alienate Rome and Laval realized that France's eastern alliances were becoming untenable, it was unlikely in November 1934 that he would risk abandoning the Little Entente. There was little advantage for France in openly undermining the League's reputation or peacekeeping functions. And Belgrade had its own reasons, foreign and domestic, for cooperating with France, maintaining close ties to Czechoslovakia and Romania, and preventing further erosion in relations with Italy. Only a few days earlier, the Yugoslavs were ready to accept a secret agreement to extradite Pavelić and Kvaternik without exposing Rome's role in the Marseilles attack.

Belgrade was determined to bolster the League and maintain the entire postwar treaty system, attain some public form of accountability for Alexander's murder, and find an effective collective means for preventing future acts of international terrorism. Implicating Italy or even Hungary directly came with too many political risks, but accusing "certain Hungarian authorities" satisfied almost all these complex and often competing interests. It is likely that Laval encouraged this compromise, but that he did not use threats to get it. Further, he was already signaling that France would probably support the Yugoslavs in calling for some form of collective action against international terrorism, despite Britain's strong objections. In short, the Yugoslavs agreed to shield Italy entirely and avoid making an unequivocal accusation against the Hungarian government, but only if France accepted their minimum demands. As a consequence, Laval had to find a way to convince Italy to accept these demands while bridging the divide separating the Little Entente from Britain on the question of adopting an effective means for suppressing international terrorism under League auspices. It would also be up to him to try to balance the cause of peace with Yugoslavia's declared need for a "just punishment."

Yugoslavia's decision to implicate only "certain Hungarian authorities" did little to improve matters as far as the British Foreign Office was concerned. Most officials continued to assume that Italy would defend Hungary and reject any public discussion of state-supported terrorism. While the Yugoslavs told the British that they were attempting to satisfy domestic public opinion, they still said that preventing future terrorist attacks was their priority. They "would be quite content" if members of the League "were to join in a general undertaking not in future to

use terrorism as an instrument in international affairs."<sup>45</sup> Nonetheless, Sargent called the decision bad for "the pacification of Europe." The Italians, though gratified Yugoslavia planned not to cite Italy in their formal complaint, warned that "a violent and poisonous attack on Hungary" would force Aloisi "to react very strongly" at the Council.<sup>46</sup> The Italian ambassador said that Mussolini was "hurt and indignant" at the Yugoslav action, leading Simon to alert Drummond to "a prospect of very unhappy controversy between Italy and Yugoslavia at Geneva."<sup>47</sup>

The foreign secretary now had a particularly gloomy view of the European situation. In an extended diary entry dated November 20, he identified the main threats to peace. The Germans were rapidly rearming. Despite Hitler's professed peaceful intentions, Germany would soon be strong enough "to repudiate openly the Versailles limitations which she is secretly disregarding." The French were resolving many of their domestic problems, but were neither prepared to stop Germany "while there is time" nor to concede to the Germans "the freedom" that they "will soon take without asking." For Simon, the question was not whether to scrap the disarmament clauses of Versailles, but how to get France to cooperate with Britain and Germany in doing so peacefully and in the open. It was vital to persuade Paris to support a general agreement that included concessions on German rearmament in exchange for a promise from Germany to return to the League. Without such an agreement, it was increasingly likely that some new international crisis might suddenly plunge Europe into another war over the Balkans or Central Europe.

The murder of Dollfus in July, and of King Alexander of Yugoslavia in October, have been outbursts of flame in the seething crater of mid-Europe: it has been chiefly due to British influence and advice that the cauldron has not boiled over.<sup>48</sup>

In order to win "the prize of European appeasement," Simon wanted France to reach an accommodation with Italy, join Britain in legalizing German rearmament, and convince its eastern allies to accept gradual changes to the international order before it was too late. A friendly Italy was necessary to restrain Germany, and a practical League was vital to legitimize negotiated revisions to the flawed peace treaties. Engaging in "futile" investigations into "terrorism" and creating "endless opportunities for bad blood" at Geneva threatened to undermine everything Simon and his colleagues hoped to achieve in late 1934.

While the foreign secretary worried in London, Eden met in Geneva the various representatives of governments with a direct interest in the crisis. He first consulted Beneš, who in addition to supporting the Yugoslav appeal was due to preside as president of the Council. The Czechs found themselves pulled in different directions and sent conflicting signals about their intentions. On the one hand, Beneš asserted that the League should take “no hasty action” and that the Yugoslav appeal could wait until the January meeting of the Council.<sup>49</sup> Officials in Prague told a British representative at the same time that they “were most unwilling supporters” of Belgrade’s request and “hoped that the matter would be referred to some Commission and there decently buried.”<sup>50</sup> On the other hand, Beneš insisted that it was difficult “to exaggerate the gravity of the present situation.” Hungary’s “plans for revision” depended on using terrorism as a weapon. “[I]f nothing was done to curb these terrorist activities there would be another victim before long with incalculable consequences for [the] peace of Europe.”<sup>51</sup> While the Czechs did not want the crisis to spin out of control, they did want the larger world to see “revisionism” as illegitimate and state-supported terrorism as a serious threat to the postwar order.

Given these pressures, Beneš affirmed that the Little Entente powers intended to make three minimum demands at the League: the Marseilles murderers had to be punished, “[t]hose in Hungary who could be proved to have worked with these terrorist organisations must also be punished,” and collective action in the form of an “[i]nternational convention for dealing with terrorists must be agreed upon.” Eden echoed Simon:

I expressed some doubts as to the practicability of [this] last suggestion. What was terrorism? Was for instance, Russian propaganda against British rule in India to be so described? M. Benes replied, no, written and spoken word could not be so classified but any attempt to overthrow existing rule in India, if organised on Russian soil, should fall within [the] scope of [the] Convention.

Despite “strong doubts” concerning any proposed anti-terrorism convention and “considerable anxiety” about the effects of a “prolonged and acrimonious discussion of this subject on Franco-Italian relations,” Beneš “begged [Eden] to believe that it was impossible to avoid taking

some action." By the end of the meeting, Eden was convinced that the Czech foreign minister was "clearly deeply worried" about the situation and that "the formidable posse of detectives in this hotel is only outward evidence of a wide-spread anxiety which he shares."<sup>52</sup>

Beneš's plea found little sympathy in London. Simon conceded that the Czechs might genuinely fear a future terrorist attack but repeated his contention that "I profoundly disbelieve that Geneva can ensure international protection in this matter." Since "the opportunity to foment trouble about it is great," he reaffirmed his instruction to "put it off or damp it soon."<sup>53</sup>

Eden next had an extended discussion with Laval. First, they considered other pressing issues including plans for a League-conducted plebiscite on the future status of the Saar Basin scheduled for early 1935 (provided for under the Treaty of Versailles).<sup>54</sup> The British were certain that the inhabitants would elect to return to German sovereignty. It was important to Britain that the plebiscite go smoothly since it could improve Franco-German relations and demonstrate to Hitler and the larger world the possibility of peaceful change in Europe within the framework of the League. While Laval was more uncertain about the issue, Eden reported that the French foreign minister "was throughout emphatic that his policy was one of conciliation with Germany," and determined "to do all in his power to ensure that the issue of the Saar should not become a cause of friction."<sup>55</sup>

Britain saw no similar potential for the League over the problem of international terrorism. Britain did not want a Yugoslav appeal on the Council's agenda at all, much less when considering the Saar question. When Eden registered Britain's skepticism, Laval made it clear that having the League do nothing was also perilous.

On my [Eden] pointing out the difficulty of any international action to deal with terrorism, M. Laval agreed that it was scarcely possible to imagine a convention on the subject, but still we might be able to agree on a Council resolution which would be helpful. Some action of this kind must be taken at Geneva or the situation would get out of hand.<sup>56</sup>

The two men agreed that avoiding war was their primary goal. Laval argued that such a Council resolution would also reassure and consolidate the Little Entente behind French policy while buying time for passions to cool. In the meantime, Laval gave every indication that he

considered the crisis very serious. "To show me how great was his anxiety about the situation in Yugoslavia," Eden reported that the French foreign minister's "real purpose" in coming to Geneva was to try to steady the Yugoslav delegation. He then "appealed to me to do all I could when I saw M. Yevtitch [Jevtić] later in the afternoon to second his efforts in what was for him a specially difficult situation."<sup>57</sup>

While Eden was completing his own negotiations with Laval, Beneš, and Titulescu, he had time also on November 21 to meet Jevtić.<sup>58</sup> The Yugoslav foreign minister explained his intention to circulate a memorandum on terrorist organizations to the members of the Council and let them decide how to proceed. "Every effort had been made to make this memorandum as moderate as possible." It did not contain any charges of Italian complicity, "though such complicity would not have been difficult to prove." For the Yugoslavs, publicly accusing at least some Hungarian authorities of aiding anti-Yugoslav terrorist groups that were responsible for killing Alexander was an absolutely minimum demand. Another was ensuring against future terrorist attacks. Jevtić told Eden there was no reason to assume that these terrorist organizations would stop their activities unless states agreed to take some collective action against them. The public in Yugoslavia was "violently aroused." "It had only been possible to restrain them to some extent by undertaking a reference to Geneva, but some effective action must be taken internationally or the situation could hardly be held."<sup>59</sup>

In keeping with Simon's instructions, Eden offered little comfort. After contending that the continuing judicial investigation made it improper to take any political action yet, he said that Britain was concerned that an international enquiry might endanger relations between Yugoslavia, France, and Italy; the cause of peace was best served by avoiding an enquiry and working together to find other areas of possible agreement. Jevtić replied that he understood, but that it was impossible to ignore the problem "or some fresh act of terrorism would be committed with consequences that none could foresee." The discussion ended with Eden unmoved and Jevtić undeterred. From the British government's point of view, the meeting was a failure.<sup>60</sup>

The following day, Jevtić delivered Yugoslavia's formal request to the League of Nations.<sup>61</sup> Czechoslovakia and Romania sent letters associating themselves with the request.<sup>62</sup> Adding to the sense of drama and confusion was the Yugoslav decision to give French and English versions of their text to the press before the League had time to make its own

official translations.<sup>63</sup> The Yugoslav delegation promised to produce a detailed memorandum documenting its claim that Hungarian authorities had aided the terrorists who carried out the Marseilles attack. In the meantime, Belgrade asked that the entire matter be placed on the agenda of the next ordinary session of the Council scheduled for early 1935. The Yugoslav government also asked the League to confront the larger danger of state-supported terrorism.

If a nation's best servants and the foremost supporters of international peace can be killed in the performance of their duties by criminals organised and trained in a body and enjoying the tolerance and support of the authorities of a foreign country, organised government will become impossible.<sup>64</sup>

Immediate reactions to Yugoslavia's request were mostly negative. While French officials privately expressed some relief that the Hungarian government was not directly accused, the Italian minister at Budapest warned that the note would elicit "strong reactions" from Hungary anyway.<sup>65</sup> Germany called the decision to go to the League a mistake.<sup>66</sup> The British minister at Budapest reported that Hungarian officials were not surprised by the Yugoslav request but were angered by its "unusually offensive tone."<sup>67</sup> The Hungarians said they intended to demand that the League settle the conflict as soon as possible and warned that if the Little Entente were counting on Hungary's political isolation, "they would experience [a] cruel surprise."<sup>68</sup> The French chargé d'affaires sent Paris similar reports from Budapest, noting the "strong indignation" there as well as continued insistence that Hungary was blameless.<sup>69</sup>

In Rome, Aloisi described the Yugoslav note to the League as "very hard."<sup>70</sup> The British embassy reported the Italian Ministry of Foreign Affairs' view that the Hungarians were "violently incensed;" Belgrade's decision to launch "a strongly worded accusation against Hungary" without any proof until a later date was "extraordinary." Nonetheless, the Italian government was "anxious to calm down these violent outbreaks of national animosity and would do their best to try to exercise [a] restraining influence."<sup>71</sup> On November 24, Hungary formally demanded that the Council place the entire matter on the agenda of its extraordinary session scheduled for early December rather than of its ordinary session in January, and Italy offered its immediate and unequivocal support.<sup>72</sup> The government in Budapest found additional



political success two days later when it complained about Beneš serving as President of the Council after having associated himself with the Yugoslav appeal: he had to relinquish the presidency during discussion of the matter.<sup>73</sup>

Behind the various public demonstrations of apparent resolve were a number of deep divisions and private misgivings. The US consul in Geneva described the atmosphere there as marked by “some tenseness and characterized by propaganda rumors and obvious over-statements on the part of representatives of the most interested powers,” with much depending on “the Italian attitude.”<sup>74</sup> Aloisi noted in his diary on November 23 that the situation was “starting to get serious.” He “did not see where the matter was going to end.”<sup>75</sup> An official in the British embassy in Rome suggested confidentially that the Italian government “may well feel up to the present Hungary has furnished a convenient lightening conductor for Yugoslav resentment.”<sup>76</sup> But despite Italy’s early public support for Hungary, Rome did not want to get dragged into another war in the Balkans. At least one official in London predicted that the Italians would “proceed cautiously (as well they may) and avoid giving too much overt support to the Hungarian case.”<sup>77</sup> The day after the Yugoslavs made their appeal, Eden met Titulescu who arrived “in what was even for him a very excited state.” He equivocated about Romania’s support for Yugoslavia’s appeal and said that he had given it only as an act of friendship and to retain some influence. In particular, he feared that the Yugoslav memorandum “was being interpreted today at Belgrade and in Bucharest as indicating that Yugoslavia would ask for more summary action than [the] international conventions which had been spoken of.” Such a misunderstanding could lead not only to a hostile reaction from Budapest, but split the Little Entente.<sup>78</sup>

Yugoslav leaders remained uneasy after their own government’s precipitate action. Prince Paul said he feared another “monstrous act of terrorism” and warned that the League needed to address this international problem before it was too late.<sup>79</sup> At the end of November, he traveled to Britain to attend the wedding of his sister-in-law to the Duke of Kent. After meeting Laval for an hour in Paris on his way, Prince Paul met Simon and Ramsay MacDonald, the prime minister, in London. The foreign secretary recorded that the prince regent first spoke in the “warmest possible terms” about Henderson, “who had been able to exercise a degree of influence over the late King far exceeding that of the representative of any other country.” Prince Paul defended the Yugoslav

appeal, insisting that he wanted the Council to resolve the current crisis in order to avoid "the temptation to adopt more violent methods." Simon expressed sympathy, but warned that "[p]rotests in Geneva could not bring back the dead to life" and might even make matters worse as "there is a still more terrible thing which we must all work to prevent, and that was war." Sounding like a lawyer, he again urged waiting for the results of the French police inquiry. Prince Paul said further delay was not politically practicable. He handed Simon a copy of Yugoslavia's "supplementary memorandum" supporting its case against Hungary which his government was filing at Geneva that day. Again, Simon's legal training shaped his response:

I pointed out that this action by Yugoslavia would make it more difficult to postpone the discussion, for Yugoslavia would no longer be able to say that her case was not complete. This does not seem to have occurred to the Yugoslav Government before, and Prince Paul rather ruefully noted the point.<sup>80</sup>

The regent's bigger worry, however, was Mussolini. He told Simon and MacDonald a few days later that he believed high-level officials in Rome were behind the Marseilles crime and that a conspiracy to murder other Yugoslav leaders remained active. He specifically accused Fulvio Suvich, Mussolini's under-secretary of state for foreign affairs, who was "himself by origin a Bosnian," of providing the automatic pistol the assassin used at Marseilles and of aiding Croat terrorism. Britain was "the only country whose influence would stop this shocking state of affairs." If the British government told both Italy and Hungary to stop supporting terrorist groups, they would. But Prince Paul wanted something more than British pressure. He thought that "it ought to be possible to secure, by international agreement, that terrorist camps should not be organised and patronised in the way which had already produced such frightful results and would inevitably produce more." He was particularly worried about Alexander's son, King Peter II, who was eleven years old. Simon did not waver from his policy and made no promises, saying only that "our influence and counsel would be steadily exerted towards appeasing this condition of irritation and suspicion wherever it appeared." In what would prove a reoccurring underlying assumption in British policy for the next several years, he again urged the Yugoslavs to remember that "calmness and patience were the only way to promote peace."<sup>81</sup>

Nonetheless, international tensions continued to increase in late November. While Prince Paul was in London, the court of appeal at Turin had refused to grant the extradition of Pavelić and Kvaternik. The court concluded that neither Italy's extradition treaty with France nor Italian law required handing over individuals accused of "political crimes."<sup>82</sup> The French minister in Belgrade reported that Yugoslavs regarded the refusal as tacit recognition of Italy's guilt.<sup>83</sup> Sargent noted ominously that the court's decision might prompt Yugoslavia to do "something really provocative and dangerous."<sup>84</sup> He advocated asking the Italians to expel Pavelić and his group to some other country as evidence of goodwill and thereby "deprive the Yugoslavs of some portion of their present grievances [and] suspicions."<sup>85</sup> Since this advice conformed with Simon's larger goal of achieving European appeasement and might help to dampen the mood at Geneva, the foreign secretary raised the question directly with the Italian ambassador, Dino Grandi, who responded emphatically that Italy would never contemplate such a course.<sup>86</sup>

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On November 28, the Yugoslav government submitted the supplementary material it had promised to the Council to substantiate its case against "the Hungarian authorities" connected to "terrorist activities directed against Yugoslavia."<sup>87</sup> The lengthy document included photographs, transcripts of police interrogations, and copies of diplomatic correspondence. While Laval and the French delegation in Geneva advised the Yugoslavs to focus only on what they could prove, the memorandum still contained a number of controversial claims and provocative statements about how terrorism was "a weapon in the hands of Hungarian revisionists" and constituted a "particularly dangerous form of international crimes." According to the Yugoslavs, the world was now facing something new and the League had a duty to find an effective remedy. Some charges concerning the alleged activities of important anti-Yugoslav terrorists in Hungary were relatively well documented, including the information that Alexander's assassin had left Bulgaria in 1932 and trained Croat terrorists in camps in Hungary.<sup>88</sup> Others, such as the claim that "[t]he choice of the criminals" for the Marseilles crime "was made on Hungarian territory" and that the attack itself was "the culmination of the terrorist action inspired and abetted for years on Hungarian territory" were far less clear-cut.<sup>89</sup> Despite efforts to keep all direct accusations aimed solely at Hungarian authorities, the extensive appendix

contained several references, including photographs, to Ustaša leaders who were active in camps in Italy and elsewhere.<sup>90</sup> One relatively disinterested observer in Geneva described the document as weak on proof, riddled with internal inconsistencies, and having "the ear marks of having been prepared [with] *a priori* purposes."<sup>91</sup>

The Hungarian response was swift and threatening. Budapest promised to produce a complete counter-proof. The Hungarian foreign minister repeated his contention that the existence of terrorists was due to the "internal policy of terrorism" against Croats within Yugoslavia itself.<sup>92</sup> More ominously, he expressed his worries about recent rumors of Yugoslav troop movements on the frontier as well as threats from certain Yugoslav military leaders. The foreign minister warned the British that the "danger of [the] present situation was not adequately appreciated in England where opinion was too optimistic and too superficial." Though Hungary had no formal military alliances, "he was absolutely sure of Italian support."<sup>93</sup>

Meanwhile, officials in Geneva, London, and Paris hoped that the Italians would not only restrain Hungary, but might cooperate in placating Yugoslavia as well. Avenol was afraid of a public rift within the League and asked Eden if, instead of selecting a single *rapporteur*, Britain, France, and Italy might agree to form a committee among themselves to resolve the dispute on behalf of the Council.<sup>94</sup> Others in the Secretariat wanted to limit public discussion on the substance of the Yugoslav request.<sup>95</sup> Eden once again urged postponement and asked the French government to help "pacify the partisans."<sup>96</sup> Simon combined flattery with legal high-mindedness to appeal to Italy, as "one of the Great Powers of Europe," not to allow the Hungarians "to think that Italian friendship can possibly affect [the] judgement of [the] Italian Government so far as questions at issue are judicial rather than political." While conceding that Italy must feel a "special obligation" to see that Hungary "gets fair play," Britain hoped that Rome would maintain an attitude of "judicial neutrality" during "the present dangerous situation." Simon declared that "nothing will contribute so much to the calming of irritated feeling which if further roused is so dangerous for Europe as the spectacle of a great country like Italy joining with us in exhibiting and counseling moderation and patience at this anxious time."<sup>97</sup> Italian officials responded by pledging to counsel such moderation "whenever and wherever" possible as well as declaring that Italy had

“nothing to fear from [the] proceedings at Geneva and would approach them in [a] completely impartial and objective spirit.”<sup>98</sup>

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Far more useful to France and the Little Entente was Italy's decision in late November to accept Yugoslavia's demand to discuss at the League a general international agreement on the larger problem of state-supported terrorism. This reversal was a diplomatic success for Laval and was vital for halting further deterioration in Franco-Yugoslav relations. The decision was useful to Rome as well and served a number of its immediate and longer-term interests. Since there were indications even before the terrorist attack at Marseilles that Mussolini's support for the “useless and dangerous” Croats in Italy was cooling, acting to tighten controls over these groups aligned with Italy's own rapidly evolving internal and external priorities.<sup>99</sup> While Alexander's murder had not resulted in the dissolution of Yugoslavia, it had weakened the government and made it less pro-French. Discussing terrorism at Geneva also would shift attention away from the immediate and specific terrorist acts at Marseilles to the more abstract question of international terrorism. Yugoslavia's willingness not to mention the Italians in its petition to the League made the request easier for Mussolini to accept. Further, a study of terrorism at Geneva would give Italy an opportunity to reaffirm its commitment to the unification of law between states under the auspices of the League. It might also enhance the Italian government's ability to suppress anti-fascist groups at home and abroad.<sup>100</sup> Above all, siding with France on the subject of terrorism could help to stabilize Europe as well as improve chances for the sort of Franco-Italian accord that both governments said they wanted.<sup>101</sup>

After winning over Rome, Laval immediately informed the British that he was considering “proposing some form of international agreement for the regulation of the right of asylum” and that the idea “was being studied by his legal advisors.”<sup>102</sup> With both Italy and France now willing to address the question of some form of organized action against international terrorism, Britain suddenly found itself out of step. Officials in the Foreign Office were incredulous.<sup>103</sup> Britain now had to prepare quickly for a discussion it had tried to avoid and considered potentially perilous. On November 28, the Foreign Office asked the Home Office for advice, “particularly if any proposal is made for the conclusion of an international convention with a view to the suppression of terrorism.”<sup>104</sup> A response came two days later. The Home Office provided a long

memorandum detailing what it saw as the many legal and political difficulties involved. Any proposal for an international convention regulating the right of asylum might contradict existing British laws concerning the treatment of political refugees. Changes to the current extradition treaties would also require new legislation and few would support impinging on Britain's traditions concerning free speech. Since there was no recent case of a foreign national living in Britain who had engaged in activities resulting in acts of violence abroad, it was difficult to establish any broad principle on the point. Much as Simon himself had argued for weeks, it was simply impossible to lay down any general rule that could cover all the various activities which would come under the description of "political offenses." As far as the Home Office was concerned, it was best to do nothing that would require any changes to British domestic or international law if the League did decide to act against state-supported terrorism.<sup>105</sup>

Eden took a copy of the Home Office's memorandum with him to Geneva to prepare for the Council's extraordinary session. He and Simon realized that Britain's policy of urging moderation while waiting and hoping for all sides to calm down had been overtaken by events. London had failed to dissuade Yugoslavia and its allies. It was no longer possible to ignore publicly the accusations of Hungary's support for anti-Yugoslav terrorist groups. France and Italy, along with several other European powers, were also willing to consider a form of "international action" against "terrorism" even if such action was highly controversial and the concept almost impossible to define. Above all, the dispute between Yugoslavia and Hungary required a settlement that avoided the sort of unintended consequences that had led to the First World War. The Council not only had to find a way to carry out one of the central security provisions of the Covenant, but also to decide how to use the machinery of the League to respond to the problem of state-supported terrorism. Eden would later call this his "most important and toughest assignment to date."<sup>106</sup>

## NOTES

1. The Government of Yugoslavia to the League of Nations, 22 Nov. 1934, "Minutes of the Eighty-Third (Extraordinary) Session of the Council," *Official Journal*, 15th year, No. 12 (Part II) (December 5–11, 1934), Annex 1523, p. 1765.

2. "Minutes of the Eighty-Third (Extraordinary) Session of the Council," *Official Journal*, 15th year, No. 12 (Part II) (December 1934), Annex 1523, p. 1766.
3. *Ibid.*, Annex 1523a and 1523b.
4. *Ibid.*, 24 Nov. 1934, Annex 1523c. Also see Hungarian Government to League, 24 Nov. 1934, LNA 11/14908/14883.
5. Note by Avenol dated 24 Nov. 1934, LNA 11/14908/14883; Chambrun to Foreign Ministry, 22 Nov. 1934, DDF, 1re Série (1932–1935), tome viii, 137 and 138, pp. 207–8 and Murray to FO, 25 Nov. 1934, FO 371/18461.
6. FO memo by O'Malley entitled "Murder of the King of Yugoslavia" dated 1 Nov. 1934, FO 371/18460.
7. Minute by Sargent, 1 Nov. 1934, Henderson to FO, 27 Oct. 1934, FO 371/18459. Initialed by Simon on 3 Nov. 1934.
8. Minute by Sargent, 1 Nov. 1934, and minute by Strang, 7 Nov. 1934, FO memo by O'Malley dated 1 Nov. 1934, FO 371/18460. Eden initialed the file on 14 Nov. 1934.
9. Minute by Simon, 3 Nov. 1934, FO memo by O'Malley dated 1 Nov. 1934, FO 371/18460. Emphasis in original.
10. Minute by Simon, 3 Nov. 1934, FO memo by O'Malley dated 1 Nov. 1934, FO 371/18460.
11. FO memo by O'Malley entitled "Murder of the King of Yugoslavia" dated 1 Nov. 1934, FO 371/18460.
12. Campbell to Simon, 1 Nov. 1934 (tel. no. 297) DBFP, Second Series, vol. xii, 160, p. 187.
13. Campbell to Simon, 1 Nov. 1934 (tel. no. 298) FO 371/18457.
14. Copy of FO to Clerk, 9 Nov. 1934 attached to FO memo by O'Malley dated 15 Nov. 1934, FO 371/18461.
15. Naggiar to Foreign Ministry, 1 Nov. 1934, DDF, 1re Série (1932–1935), tome viii, 1, p. 1.
16. Henderson to FO, 1 Nov. 1934, FO 371/18457.
17. Henderson to FO, 2 Nov. 1934, FO 371/18460.
18. Baron Pompeo Aloisi, *Journal (25 Juillet 1932-14 Juin 1936)* (Paris: Plon, 1957), pp. 228–9.
19. Sir Percy Loraine (British ambassador to Turkey) to FO, 2 Nov. 1934, FO 371/18460. Simon initialed the file without comment on 9 Nov. 1934.
20. Charles Michael Palaire (British minister to Romania), 8 Nov. 1934, FO 371/18460.
21. Minute by Gallop, 8 Nov. 1934, Drummond to FO, 1 Nov. 1934, FO 371/18460. Also see minute by Sir William Malkin (FO legal advisor)

- dated 8 Nov. 1934 on same file and Drummond to FO, 3 Nov. 1934, FO 371/18460.
22. Cowan to FO, 8 Nov. 1934, 371/18460.
  23. Minute by Gallop, 9 Nov. 1934, Cowan to FO, 8 Nov. 1934, FO 371/18460.
  24. Minute by O'Malley, 8 Nov. 1934, Drummond to FO, 1 Nov. 1934, FO 371/18460.
  25. Minute by Malkin, 8 Nov. 1934, Drummond to FO, 1 Nov. 1934, FO 371/18460. Sargent initialed the file on 9 Nov. 1934. Emphasis in original.
  26. Minute by O'Malley, 12 Nov. 1934, Cowen to FO, 8 Nov. 1934, FO 371/18460.
  27. Minute by Sargent, 13 Nov. 1934, Cowan to FO, 8 Nov. 1934, FO 371/18460.
  28. Draft FO to Drummond, 15 Nov. 1934, Cowan to FO, 8 Nov. 1934, FO 371/18460.
  29. Drummond to Simon, 2 Nov. 1934, Simon Papers, FO 800/289 and Drummond to FO, 18 Nov. 1934, FO 371/18461. Also see Simon to Drummond, 14 Nov. 1934, Simon Papers, FO 800/289 and Drummond to Simon, 15 Nov. 1934, FO 371/18457.
  30. Clerk to FO, 15 Nov. 1934, FO 371/18457 and Knobel to Foreign Ministry, 15 Nov. 1934, DDF, 1re Série (1932–1935), tome viii, 75, pp. 102–4.
  31. Gilbert to State Department, 17 Nov. 1934, Papers of the United States Department of State (USDS), U.S. National Archives, Washington, DC (USNA) RG 59, Decimal File 1930–1939, 860H.001 AL 2/131.
  32. Clerk to FO, 15 Nov. 1934, FO 371/18457.
  33. Aloisi, *Journal*, pp. 230–1 and Heeren to Foreign Ministry, 9 Nov. 1934, DGFP, Series C (1933–1937), vol. III, 319, pp. 613–5.
  34. Earl of Avon (Anthony Eden), *The Eden Memoirs: Facing the Dictators* (Boston: Houghton Mifflin, 1962), p. 122.
  35. FO memo by O'Malley dated 15 Nov. 1934, FO 371/18461.
  36. Minute by Sargent, 16 Nov. 1934, FO memo by O'Malley dated 15 Nov. 1934, FO 371/18461.
  37. Meeting of the Cabinet, 14 Nov. 1934, CAB 23/80 and *House of Commons Debates*, Fifth Series, vol. 293, 16 Nov. 1934, col. 2305.
  38. Minute by Simon, 18 Nov. 1934, FO memo by O'Malley dated 15 Nov. 1934, FO 371/18461. Emphasis in original.
  39. Robin Hankey, Eden's private secretary, noted that the FO memo by O'Malley dated 15 Nov. 1934 was "[s]een by Mr. Eden" on 16 Nov. and that he took copies with him to Geneva. Eden initialed the FO memo dated 16 Oct. 1934 on the 16th. Lambert noted on 17 Nov. that



- the FO memo by O'Malley dated 16 Nov. 1934, FO 371/19461 "was prepared for the Lord Privy Seal, who left for Geneva today."
40. FO memo by O'Malley dated 16 Nov. 1934, FO 371/18461.
  41. Avon, *Facing the Dictators*, p. 123.
  42. Aloisi, *Journal*, pp. 229–30.
  43. Konstantin Fotić, *The War We Lost: Yugoslavia's Tragedy and the Failure of the West* (New York: Viking Press, 1948), p. 10.
  44. Fotić had a number of axes to grind when he published his memoir. During the war, he served as ambassador to the United States for the Yugoslav government-in-exile. In 1946, he was tried in absentia before a military court for high treason and war crimes by the communist authorities in Belgrade during the trial of the Chetnik leader Draža Mihailović and his supporters. See Sabrina P. Ramet, *The Three Yugoslavias: State-Building and Legitimation, 1918–2005* (Washington, DC and Bloomington, IN: Woodrow Wilson Center Press and Indiana University Press, 2006), p. 166.
  45. Cowan to FO, 17 Nov. 1934 and FO minute by Sargent dated 19 Nov. 1934, FO 371/18461.
  46. Drummond to FO, 17 Nov. 1934, FO 371/18461; FO memo by Sargent dated 17 Nov. 1934, FO 371/18461 and René Missigli (assistant director of the Political and Commercial department, head of the League of Nations division of the Foreign Ministry, and France's substitute representative to the League of Nations) to Foreign Ministry, 19 Nov. 1934, DDF, Ire Série (1932–1935), tome viii, 89, p. 122.
  47. Copy of Simon to Drummond, 19 Nov. 1934, FO 371/18461.
  48. Diary entry, 20 Nov. 1934, Simon Papers, BLO, MSS. Simon 7.
  49. H. M. Consul Patteson (for Eden) to FO, 19 Nov. 1934, FO 371/18461.
  50. Addison to FO, 20 Nov. 1934, FO 371/18461.
  51. Patteson (for Eden) to FO, 19 Nov. 1934, FO 371/18461.
  52. Ibid.
  53. Minute by Simon, 24 Nov. 1934, Patteson to FO, 19 Nov. 1934, FO 371/18461. Eden initialed the file on 26 Nov. 1934.
  54. On the Saar, see F. P. Walters, *A History of the League of Nations* (London and New York: Oxford University Press, 1960), pp. 586–98 and C. J. Hill, "Great Britain and the Saar Plebiscite of 13 January 1935," *Journal of Contemporary History*, vol. 9, no. 2 (April 1974), pp. 121–42.
  55. Patteson (for Eden) to Simon, 21 Nov. 1934, DBFP, Second Series, vol. xii, 200, p. 228. Also see Patteson (for Eden) to FO, 21 Nov. 1934, FO 371/18461.
  56. Ibid., p. 229.

57. *Ibid.*, pp. 229–30.
58. Missigli to Foreign Ministry, 22 Nov. 1934, DDF, 1re Série (1932–1935), tome viii, 107, pp. 149–50.
59. Patteson (for Eden) to FO, 21 Nov. 1934, FO 371/18461.
60. *Ibid.*
61. Government of Yugoslavia to League, 22 Nov. 1934, LNA 11/14883/14883 and “Minutes of the Eighty-Third (Extraordinary) Session of the Council,” *Official Journal*, 15th year, No. 12 (Part II) (December 5–11, 1934), Annex 1523, pp. 1765–6.
62. Government of Czechoslovakia to League, 22 Nov. 1934, LNA 11/14884/14883 and Government of Romania to League, 22 Nov. 1934, LNA 11/14885/14883.
63. According to League officials, the Yugoslavs were to submit their request formally on 26 November when the League’s own French and English translations would be ready for circulation to the Council. See Adrianus Pelt (director of the Information Section of the League Secretariat) to Avenol, 23 Nov. 1934 and note by Avenol dated 23 Nov. 1934, LNA 11/14883/14883. Also see Pelt to Avenol, 23 Nov. 1934, LNA 11/14833/14833 and *Le Temps*, 24 and 25 Nov. 1934, p. 1.
64. “Minutes of the Eighty-Third (Extraordinary) Session of the Council,” *Official Journal*, 15th year, no. 12 (Part II) (December 5–11, 1934), Annex 1523, p. 1766.
65. Missigli to Foreign Ministry, 22 Nov. 1934, DDF, 1re Série (1932–1935), tome viii, 108, p. 150 and Aloisi, *Journal*, p. 230.
66. Circular of the State Secretary, 25 Nov. 1934, DGFP, Series C (1933–1937), vol. III, 354, p. 673.
67. Ramsay to FO, 23 Nov. 1934, FO 371/18461.
68. Ramsay to FO, 23 Nov. 1934, FO 371/18461 and Aloisi, *Journal*, p. 230.
69. Beauverger to Foreign Ministry, 23 and 24 Nov. 1934, DDF, 1re Série (1932–1935), tome viii, 129 and 140, pp. 193 and 210.
70. Aloisi, *Journal*, p. 230.
71. John Murray (counsellor in British embassy, Rome) to FO, 24 Nov. 1934, FO 371/18461.
72. Government of Hungary to League, 24 Nov. 1934 and note by Avenol dated 24 Nov. 1934, LNA 11/14908/14883; Chambrun to Foreign Ministry, 22 Nov. 1934, DDF, 1re Série (1932–1935), tome viii, 137 and 138, pp. 207–8 and Murray to FO, 25 Nov. 1934, FO 371/18461.
73. Abrams to Walters, 27 Nov. 1934, LNA 11/14965/14883 and “Minutes of the Eighty-Third (Extraordinary) Session of the Council,” *Official Journal*, 15th year, No. 12 (Part II) (December 5–11, 1934), Annex 1523d, pp. 1769–71.

74. Gilbert to State Department, 23 Nov. 1934, USDS, USNA, RG 59 Decimal File 1930–1939, 860H.001 AL/137.
75. Aloisi, *Journal*, p. 231.
76. Murray to FO, 24 Nov. 1934, FO 371/18461.
77. Minute by Lambert, 26 Nov. 1934, Murray to FO, 25 Nov. 1934, FO 371/18461. Initialed by Carr and O'Malley on 26 Nov. and Sargent on 27 Nov. 1934.
78. Patteson (for Eden) to FO, 23 Nov. 1934, FO 371/18461. Titulescu also claimed that he and Beneš had convinced the Yugoslavs to exclude Italy from their memorandum and that "the charges which might have been brought against Italy were graver than those which were being brought against Hungary."
79. Naggiar to Foreign Ministry, 22 Nov. 1934, DDF, Ire Série (1932–1935), tome viii, 109, p. 151.
80. Copy of Simon to Cowan, 26 Nov. 1934, FO 371/18461. Also see record of a meeting between Simon and Prince Paul marked "secret" for Eden, Sargent, and Vansittart dated 26 Nov. 1934, Simon Papers, FO 800/289.
81. Ibid. Also see note by MacDonald dated 1 Dec. 1934, Simon Papers, FO 800/289.
82. Murray to FO, 26 Nov. 1934, FO 371/18461 and Murray to FO, 27 Nov. 1934, FO 371/18462.
83. Naggiar to Foreign Ministry, 30 Nov. 1934, DDF, Ire Série (1932–1935), tome viii, 168, p. 258.
84. FO minute by Sargent dated 27 Nov. 1934, FO 371/18461.
85. Ibid. Also see FO memo by Gallop entitled "Pavelitch, Pershetz and Kvaternik" dated "November 1934," FO 371/18462.
86. Copy of Simon to Drummond, 27 Nov. 1934, FO 371/18462.
87. Government of Yugoslavia to League, 28 Nov. 1934, LNA 11/14833/14833. Also see League to FO, 1 Dec. 1934, FO 371/18462 and "Minutes of the Eighty-Third (Extraordinary) Session of the Council," *Official Journal*, 15th year, no. 12 (Part II) (December 5–11, 1934), Annex 1523e, pp. 1772–828.
88. "Minutes of the Eighty-Third (Extraordinary) Session of the Council," *Official Journal*, 15th year, no. 12 (Part II) (December 5–11, 1934), Annex 1523e, pp. 1776 and 1821.
89. Ibid., pp. 1790–1.
90. Ibid., pp. 1795, 1813–4, 1806, and 1819.
91. Gilbert to State Department, 29 Nov. 1934, USDS, USNA, RG 59 Decimal File 1930–1939, 860H.001 AL 2/147.
92. Ramsay to FO, 29 and 30 Nov. 1934, FO 371/18462. Geneva received the Hungarian response on 8 December. See "Minutes of the

- Eighty-Third (Extraordinary) Session of the Council," *Official Journal*, 15th year, no. 12 (Part II) (December 5–11, 1934), Annex 1523f, pp. 1828–38.
93. Ibid. Also see Ramsay to FO, 1 Dec. 1934, FO 371/18463.
  94. Avenol to Eden, 29 Nov. 1934, Avon Papers, BUL, AP 14/1/251.
  95. Walters to Avenol, 4 Dec. 1934, LNA 11/11286/11208. Initialed by Abraham on 4 Dec. 1934 and marked "[t]rès préférable" by Avenol, no date.
  96. Record of meeting between Eden and Corbin on 30 Nov. 1934, Simon to Clerk, 4 Dec. 1934, FO 371/18462.
  97. Draft Simon to Drummond dated 27 Nov. 1934, copy of Simon to Drummond, 19 Nov. 1934, FO 371/18461.
  98. Murray to FO, 27 Nov. 1934, FO 371/18461.
  99. Aloisi, *Journal*, p. 187.
  100. Mark Allen Lewis, *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919–1950* (New York and Oxford: Oxford University Press, 2014), pp. 136–7.
  101. Chambrun to Foreign Ministry, 26 Nov. 1934, DDF, 1re Série (1932–1935), tome viii, 143, p. 221.
  102. Campbell to FO, 29 Nov. 1934, FO 371/18461.
  103. Minutes by Lambert and Carr, 30 Nov. 1934, Campbell to FO, 29 Nov. 1934, FO 371/18461.
  104. FO to HO, 28 Nov. 1934, HO 45/18080.
  105. HO to FO, 30 Nov. 1934 and "Memorandum Respecting Foreign Political Refugees in the United Kingdom," FO 371/18553.
  106. Avon, *Facing the Dictators*, p. 129.



## “The Existence and Effective Use of the League of Nations”

Geneva helped to end a potentially dangerous international crisis and made it possible to preserve the peace of Europe in late 1934. The League Council’s resolution adopted during a special midnight session in December made specific and far-reaching proposals for settling the Yugoslav-Hungarian dispute. It was greeted with genuine relief and widespread praise. In announcing the results to parliament, Simon called it a victory for the forces of “reconciliation and appeasement,” moderation, and international cooperation. “But there can be no doubt,” he declared, “that the favourable position which has been reached from a situation which so recently appeared to threaten grave consequences, is due first and foremost to the existence and the effective use of the League of Nations.”<sup>1</sup>

The Council met from December 5 to 11. By bringing members together to discuss the dispute in public, and then negotiate in private, the League made a settlement achievable. With firm leadership from France and Britain, the organization proved that it still had some peacekeeping authority, if only in Europe and as long as no great power objected to the arrangement. Resolving the dispute between Yugoslavia and Hungary also demonstrated the value of Article 11, perhaps the most effective security provision of the Covenant. Behind the scenes, the League Secretariat began the work necessary to carry out technical aspects of the Council’s resolution while the secretary-general used his personal influence to ensure the final outcome. As a result of these

organized peacekeeping actions, the consequences of the terrorist attack at Marseilles were very different from those of the attack at Sarajevo twenty years before, when no such organization had existed.

The League's achievement, however, had been neither inevitable nor easy. Despite early signs of a peaceful settlement, the Yugoslav authorities had suddenly and sharply increased fears of another violent conflict in the Balkans. Keeping the peace in 1934 depended on the leading members of the Council. France served as conciliator for the Little Entente and was responsible for hammering out many details of the final resolution, with cooperation from other powers. Italy ultimately gave only half-hearted support to Hungary in favor of other priorities. Britain portrayed itself as impartial and was willing to disappoint both sides of the dispute, particularly the Yugoslavs. At the same time, the British avoided new obligations and thwarted those hoping that the Council would condemn "revisionism." As part of the price that Yugoslavia exacted for concealing Italy's complicity in Alexander's murder, the Council agreed to accept a French proposal to examine ways to define, prevent, and punish state-supported terrorism. Despite Britain's longstanding doubts, this would occupy the attention of politicians, legal experts, government officials, and the League itself long after new crises had begun to threaten the peace of Europe.

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With tensions running high in Europe in early December, officials hurried to reach general agreement on two difficult issues on the Council's agenda. While not directly connected, both concerned the status of the postwar international order, the meaning of provisions of the Treaty of Versailles, and conflicting conceptions of the role of the League. First was the politically charged question of the Saar plebiscite. After much debate, Britain agreed to join Italy in forming an international police force to maintain order in the Saar during the election if both France and Germany accepted the arrangement.<sup>2</sup> This decision not only held out the promise of effective Anglo-Italian cooperation within the League, but as Eden later told the Council it also demonstrated Britain's willingness to carry out "the responsibility which we all share as members of the League of Nations" as well as "a readiness to make our contribution to the pacification of Europe."<sup>3</sup> He might have added that it also encouraged those within the British government (like Eden) who were convinced that Geneva could help to manage peaceful change in Europe in innovative and collaborative ways.<sup>4</sup>

British policymakers found far less encouragement in dealing with the second issue, Yugoslavia's request to address the Marseilles terrorist attack. Simon still hoped that the Council would postpone the entire matter until early 1935 or later. If the disputants made this impossible, the British and French "should at least be able to limit the discussion to a speech by either side and to the appointment of a *rapporteur*" while working together "to pacify the partisans."<sup>5</sup> Anything more was either dangerous or impractical. Yet France and Italy had already indicated they were considering going further. The day before the first Council meeting, Aloisi and Laval confirmed their broad support for Belgrade's proposal for "an international convention" on terrorism.<sup>6</sup> They also agreed to allow the Yugoslavs to present their case in public in exchange for a promise to demand "no action against Hungary or any investigation" by the League into Hungarian government involvement in Alexander's assassination.<sup>7</sup> According to Aloisi, the Hungarians had agreed to this compromise.<sup>8</sup>

These early indications of cooperation evaporated when events in the Balkans reminded everyone again of 1914. Just as the League Council was about to meet, the Yugoslav government deported some 500 Hungarians living in the kingdom.<sup>9</sup> Two days later the number had surpassed 2000, and news of the expulsions began appearing in the press.<sup>10</sup> The mass deportations appeared even to the pro-Yugoslav R. A. Gallop "to involve a maximum of hardship and a maximum of ill-feeling."<sup>11</sup> London was also receiving information about other reprisals against Hungarians and rumors that Yugoslavia intended to conduct some sort of "military demonstration" against Hungary "whatever the outcome of the League inquiry."<sup>12</sup> Belgrade insisted that there was no intention of taking military action but warned that without "moral satisfaction" at Geneva the government might denounce its trade agreements with Hungary, close the frontier, and suspend diplomatic relations.<sup>13</sup>

Public opinion in Hungary was outraged. Its representative to the League, the foreign minister, Kálmán de Kánya, complained bitterly to the Italians.<sup>14</sup> The Hungarians urged Britain, France, Italy, and Germany to act in concert to put pressure on Belgrade in the event of "Yugoslav aggression" or Belgrade's use of "groups of terrorists" to "provoke incidents on the frontier."<sup>15</sup> Possibilities that previously had only been hinted were now discussed openly by senior officials.

The Yugoslav government's actions angered and alarmed influential people in Britain. A leading article in *The Times* declared that Belgrade's

treatment of Hungarian residents had “done much to alienate” the world’s sympathy after Alexander’s assassination.<sup>16</sup> The League of Nations Union (LNU) tried to use its considerable prestige to convince the government to refer the dispute between Yugoslavia and Hungary to the Permanent Court of International Justice (PCIJ) at The Hague and “taken out of the sphere of politics.”<sup>17</sup> The president of the LNU was Viscount Cecil.<sup>18</sup> As a former parliamentary under-secretary of state for foreign affairs and founder of the League, he later called Article 11 “the most useful of all the anti-war provisions of the Covenant.”<sup>19</sup> Now, however, he argued that having the PCIJ settle the conflict “might even restrain the Jugo-Slavs [*sic*] from their deeply-implanted propensity to do the most foolish thing they can at the most awkward time.”<sup>20</sup> Memories of 1914 convinced him that preserving peace in Europe required judges rather than political leaders to resolve such Balkan disputes. Eden later politely agreed “in large measure,” but pointed out that “neither party ... would have been willing to use that method!”<sup>21</sup>

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Exactly how Eden would participate in the “method” that the Yugoslavs actually chose remained uncertain as he flew to Geneva on December 4. Strang and Malkin joined him there to give political and legal advice. Although the Foreign Office had provided a draft opening speech for him to deliver before the Council, both that department and the Home Office continued to produce lengthy memoranda on the subject of asylum for political refugees and many other legal issues involved in any possible international convention against terrorism.<sup>22</sup> O’Malley suggested a League committee to study the different laws, legal procedures, and treaties within and among various states. Such a committee might lead to “a great waste of time” but that might “be time gained for passions to cool.” O’Malley also advised Eden to use his speech to the Council to defend the British principles of asylum and free speech, and to assert that the “fundamental causes of refugeeism”—and consequently the problem of international terrorism itself—were the “repression of freedom of opinion and speech” within states. Comments along these lines would give the speech “more punch” and “be very well received” in the House of Commons.<sup>23</sup> Henderson, however, insisted that “it would be unjust and harmful to give anything but the vaguest hint” that governments caused their own problems with terrorism.<sup>24</sup>

As the British representative was working on his speech, events compelled him to abandon London’s hope of postponing the Yugoslav appeal.



Eden met Aloisi, Avenol, and Laval separately on December 4, the night before the first meeting of the Council session.<sup>25</sup> In order to prepare for the Council's response to the Yugoslav appeal, the secretary-general had asked the Legal Section of the League Secretariat for detailed reports on "political crimes," extradition, and rights of exiles.<sup>26</sup> According to Eden, Avenol appeared optimistic about resolving the Hungaro-Yugoslav conflict.<sup>27</sup> Citing unrelenting pressure from the Yugoslavs, Laval convinced Eden that it was impossible to avoid an open discussion of the issue. He also said that his government, along with the Yugoslavs, Czechs, and even the Hungarians and Italians, wanted the British representative to act as *rapporteur* in the matter.<sup>28</sup> While Simon saw no objection to Eden acting in this role, he remained cautious and wanted to wait and see what course the dispute would going to take before agreeing.<sup>29</sup>

It was at this point that Laval produced a draft anti-terrorism convention. This, at Belgrade's behest, not only went beyond provisions of existing extradition treaties, but provided "for [the] creation of an International Court competent to judge certain cases among which would have clearly been those of Pavelić and Kvaternik."<sup>30</sup> This marked the first time that a permanent member of the League Council had advocated such a court for terrorists. Eden remained non-committal. The next day, the Council agreed to discuss the Yugoslav appeal as soon as they had disposed of the Saar plebiscite.<sup>31</sup>

During the following two days, representatives of the states most directly involved in the crisis, and their allies, continued to work behind the scenes on their positions and draft resolutions. Laval negotiated with the Little Entente powers as well as with the Turks, while Aloisi met the Hungarians, before all met together.<sup>32</sup> Both sides promised to exercise restraint in their public remarks. But before the public debate began there was still no general agreement on how to resolve the crisis. Eden tried to "remain neutral" as the situation was "far from clear."<sup>33</sup> In Rome, Mussolini signaled his own willingness to reach a peaceful resolution. He told Drummond that since "he considered the Saar atmosphere now to have been cleared" it was necessary "to dissipate the clouds resulting from the Yugoslav action." He looked to Britain "to exercise [a] calming influence in this matter." While describing the Little Entente as "intransigent" and continuing to blame Belgrade for its violent conflicts with ethnic minority groups, the Duce conceded that giving the Yugoslavs the opportunity to air their grievances at Geneva might serve to cool passions and prevent making matters worse.<sup>34</sup>

There was another reason that Mussolini wanted to put the entire Hungaro-Yugoslav crisis behind him as quickly as possible. He was now increasingly distracted by a new conflict emerging in the Horn of Africa that would soon come to occupy the attention of the League as well. On December 5, Italian and Ethiopian troops clashed at the strategic oasis of Welwel, on the Ethiopian side of the border with Italian Somaliland. Emperor Haile Selassie lodged the first of a series of formal protests with the Italian government the following day.<sup>35</sup> Demonstrating support for Hungary was important to Mussolini, as were his political aims in south-eastern Europe. Yet a broad agreement with France and colonial ambitions in Africa were starting to overshadow relations with Yugoslavia. At the end of December he would inform his military commanders of his decision to invade Ethiopia, "the object of which is nothing more or less than the complete destruction of the Abyssinian army and the total conquest of Abyssinia."<sup>36</sup>

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Meanwhile, on the afternoon of December 7, Europe's more immediate international crisis entered its most public phase during a meeting of the Council of the League. Neither Yugoslavia nor Hungary was a member of the Council in 1934, but invoking Article 11 and Article 4 of the Covenant entitled both governments to be represented. For two days their representatives, along with other members of the League, took turns speaking in an open forum. On one level, they all appealed to public opinion. On another, they tried to score political points at home and abroad, stake out negotiating positions, and bend the League's moral authority to serve different national interests. None of the representatives wanted war, but 1914 had taught them that war could come through miscalculation rather than intent. Publicly addressing disputes at Geneva was meant to diminish the likelihood of such miscalculation. France used the opportunity to show support for the Yugoslavs and to promise solutions; Britain to limit public discussion, portray itself as impartial, and keep everyone calm. Italy and the USSR urged international cooperation, but for different reasons. The Little Entente and Hungary ventilated mutual hostility and defended their opposing interpretations of "revisionism." While Council speeches in themselves did not therefore resolve the crisis, they exposed some of the areas of common ground and created the conditions necessary to make the subsequent private negotiations at Geneva successful.

Jevtić spoke first. He kept his pledge not to mention Italy and offered no direct proof of the Hungarian government's complicity in the terrorist attack at Marseilles.<sup>37</sup> He did, however, cite depositions of agents and accused terrorists, photographs of uniformed Ustaša members, and false Hungarian passports "to clearly establish the responsibilities of certain Hungarian authorities and thus the Hungarian Government itself, which could not be unaware of their doings and the connivance in the activities of the terrorist elements in Hungary."<sup>38</sup> But the Council rendering "a just verdict" was not enough.<sup>39</sup> Jevtić declared that his government wanted terrorism discussed "on a more general plane," with the aim of concluding an international convention that would "counteract the lack of goodwill on the part of certain Governments in collaborating in the repression of terrorist activity on their territories."<sup>40</sup> Both Beneš and Titulescu immediately associated themselves with Yugoslavia's request.

Tibor Eckhardt, a lawyer, politician, and prominent nationalist, spoke for Hungary.<sup>41</sup> Despite leading an opposition party in the Hungarian parliament, he was close to Gyula Gömbös, the right-wing, pro-Italian prime minister from 1932 to 1936.<sup>42</sup> Eckhardt wasted no time in calling Yugoslavia's charges "unfounded" and "unjustifiable" while denying that the Hungarian Government or its authorities had any responsibility whatsoever for the Marseilles crime.<sup>43</sup> He went on to refute all of Yugoslavia's specific charges, condemn Belgrade for the recent expulsion of Hungarians, and defend "revisionism" as a "peaceful and constructive policy."<sup>44</sup> For these reasons, the Hungarian representative said that he too wished that the League would investigate the circumstances of the Marseilles crime, not only in order to put an end to international terrorism once and for all, but so that the League might "fulfil the mission of mediation and pacification which it has discharged so satisfactorily in the past."<sup>45</sup>

Beneš, in a long and angry speech, attacked the Hungarian government directly. In an effort to defend the postwar treaty structure, he suggested that terrorism and "revisionism" were one and the same. Violent forces in Europe, "represented or symbolised by the terrorists at Janka Puszta," were attempting to undermine the national unity of the states created after the First World War, particularly those now comprising the Little Entente. In order to preserve the international order, Geneva needed to resolve the current crisis and ensure that state-supported terrorism did not "become a habitual instrument of policy in countries which are Members of the League."<sup>46</sup>

Despite these pointed attacks, Aloisi was quite pleased at the end of this first day of public debate. In his view, Jevtić's speech had made a bad impression while Eckhardt had performed quite well. In particular, the Hungarian delegate had successfully shifted attention to Yugoslavia's internal problems and the continuing mass expulsions while defending "revisionism" as a form of peaceful political change. There was also no direct reference to Italy's role in the terrorist attack at Marseilles. On balance, he wrote in his private journal, "a very good day for our cause."<sup>47</sup> That "cause" included anything that frustrated the Little Entente powers and used the League of Nations as a means for advancing the interests of states advocating revision of the postwar world order.

British officials, in contrast, were unsettled and nervous after the session. In London, O'Malley cautioned the foreign secretary that the crisis could become "even more serious than it already is."<sup>48</sup> Sargent agreed and said that the Yugoslavs were behaving "in such a wild and dangerous manner that H.M. Government ought not to remain silent on the subject, lest, in the event of catastrophe, it be afterwards said that we had not intervened early enough."<sup>49</sup> These warnings convinced Simon to approve a telegram instructing Henderson to tell the Yugoslav government that the expulsion of Hungarians was "an act of political folly" and must end immediately.<sup>50</sup> As far as Simon was concerned, many of his worst apprehensions that this latest Balkan crisis was spinning out of control seemed about to be realized.

In Geneva, Eden also recorded a "bad day." Grumbling about a "peevish" and "patronising" telegram from Simon—an indication of the budding discord—the British representative complained that worries and interruptions regarding the Saar arrangements were preventing him from concentrating on the "now more important" Yugoslav-Hungarian dispute.<sup>51</sup> Beneš's speech had been "worse than [he] had anticipated." Britain had a pivotal role to play in resolving the crisis, but "[t]he question is, when should I intervene and how? All may depend on our choosing the psychological moment."<sup>52</sup> With Malkin and Strang, he devoted that evening and the next morning to the final text of his speech.<sup>53</sup> In a brief note to Stanley Baldwin, the lord president of the Council and former prime minister who increasingly deputized for the ill MacDonald, Eden confessed that "the pressure is really terrific."<sup>54</sup>

The following day, representatives of the permanent members of the Council spoke. Laval's first words seemed provocative: "In this grave discussion France is at the side of Yugoslavia."<sup>55</sup> In London, it was assumed

that Laval wanted to strengthen the position of Prince Paul and deflect the blame for negligence from France to Hungary.<sup>56</sup> But if the Council failed to find a solution that could "save everybody's face including that of the League," Orme Sargent was ready to blame France; Laval had done "a serious disservice" to the organization.<sup>57</sup> French officials saw it differently. They were convinced that the Yugoslavs needed a categorical statement of support in order to calm their anxieties and build trust.<sup>58</sup> Aloisi, who Laval had presented with a copy of the speech beforehand, took a similar view and offered no protest.<sup>59</sup>

Laval followed his bold declaration by describing Alexander's murder as an attack on international peace. He asked that the Council give Yugoslavia "the satisfaction to which she is entitled," cooperate in combating such crimes in the future, and include in any solution to the crisis an anti-terrorism convention that his government was drafting.

A whole new set of international regulations must be drawn up. Political crimes must be suppressed effectively by international measures. My Government puts the principle before the Council at this moment, and reserves the right to submit concrete proposals in this connection. The League of Nations must undertake resolutely to follow this course.

"Crime must not be an instrument of policy," Laval added. "It is not enough to condemn, it is not enough to assert principles of political morality." New international rules and institutions to deter the use of terrorism in relations between states would not only meet Yugoslavia's minimum demands, but would be welcomed by other states who hoped to strengthen the peacekeeping functions of the League.<sup>60</sup>

Aloisi's speech supported Hungary, but tentatively and narrowly. After paying tribute to both Alexander and Barthou, the Italian representative endorsed Hungary's right to defend its "national honour." But he also argued that, "legally speaking," only the Hungarian government's actions following the appeal to the League the previous July were relevant and he asserted that Budapest had since been cooperating in good faith with Yugoslavia in avoiding conflict on the frontier. He saved his most forceful language for a defense of "the Hungarian revisionist movement," insisting that it was fundamentally peaceful and not a cause of "the present situation." According to Aloisi, "[r]evisionism is not terrorism; on the contrary, the one rules out the other." Cooperating in revising the postwar international order would not only diminish the sort of

violence witnessed at Marseilles, but could prevent another needless war in Europe.

As I stated during the last Assembly, my country was the first to propound the principle that the treaties should be adjusted to the new exigencies of the times, since that is the best way of guaranteeing the maintenance of peace. But we have consistently believed that the adjustment should be carried out by legal methods.

This was a view that he knew many others, including Simon and, to a lesser extent, Laval, broadly shared. As for France's suggestion of international action against the problem of state-supported terrorism, Aloisi simply said that Italy would "give the fullest attention to this point."<sup>61</sup>

The Soviet foreign minister, Maxim Litvinov, also advocated international cooperation, but for other purposes. He said little about the facts of the Yugoslav case and instead addressed the League's power to act collectively to preserve peace in general, something that increasingly concerned the USSR since the rise to power of Hitler. While insouciantly praising "Russian pre-war terrorism" against oppressive tsarist officials, he contended that the brand of terrorism occurring now was different. It was supported by states with "the most reactionary ideas" and as "an instrument of foreign policy" with the purpose of "bringing about a disturbance of peace between two countries." Since such "post-war terrorism" was "an immense danger to the maintenance of international relations and general peace," the League needed "to work out measures for combating this international evil." Litvinov also sided with the Czechs in opposing "other phenomena, akin to terrorism, which might lead to the same sinister results." He warned that it was "precisely because of the instability of peace at the present time" that every League member state, including the USSR, had an interest in suppressing "this latest kind of terrorism."<sup>62</sup>

Eden's speech reflected, in general, Simon's lines of British policy. The overall tone was non-committal, suffused with the need for all states "to proceed with extreme caution." In attempting to sound even-handed, he said "we can all be thankful that we possess in the League of Nations a forum in which matters of this nature can be investigated in a calm and judicial atmosphere." Britain approached the debate with "a little more detachment than others" and claimed "a sincere friendship" for all the states involved. He said little about Yugoslavia's specific accusations,

declaring simply that he found it difficult to form an opinion while legal proceedings in France remained incomplete. On the larger question of the future prevention of terrorism, Eden argued that useful proposals were impossible without adequate examination of the law, administration, and treaties in and among the various states. Keeping "public opinion" in Britain in mind, he staunchly defended its traditions of personal liberty and sanctuary for refugees. The British representative also championed freedom of speech, but cautioned against the use of language liable to "estrangle or embitter feeling in foreign countries."<sup>63</sup>

Eden's primary objective was to say as little as possible about the dispute in public and to avoid provocation. He made no overt references to domestic roots of international terrorism and refused to discuss "revisionism." In order to serve the cause of peace, "we must segregate the domain of facts from that of motives and of policy." The Council members needed to avoid matters that "do not immediately arise in the documents before us," particularly Italy's support for anti-Yugoslav terrorist groups. Lastly, while not referring to the deportation of Hungarians, Eden mentioned that he had received reports that gave "cause for anxiety;" each state had a responsibility not to allow "local conditions to deteriorate" while seeking a solution to the current dispute.<sup>64</sup>

Aloisi considered this Saturday session another good one for the intersecting interests of Italy, Hungary, and the League. Laval's initial support for France's ally was indeed unambiguous, but he offered no strong condemnations and made proposals for collective action that Italy could support. The Italian delegate found additional comfort in the Yugoslavs' deep disappointment at Eden's speech. Aloisi thought that the majority of speakers that day had aligned themselves to some degree against Yugoslavia on the question of Hungary's responsibility for the terrorist attack at Marseilles. He dismissed the Soviets as hypocritical and recorded his astonishment at how "Litvinov, by a supreme irony of fate, deplored terrorism!!!" Nonetheless, despite their differing political agendas, all of the major powers on the Council were working within the framework of the League to address a genuine threat to the peace of Europe, and Italy was portraying itself as helping to defuse that threat.<sup>65</sup>

Eden was also satisfied with the session, but for different reasons. He realized that his speech was not what the Yugoslavs had expected. But "I believe I have lowered [the] temperature [and we have] been [the] only great power to show [a] real sense of equity."<sup>66</sup> But Strang called the speech "a cold douche for the Little Entente;" a "bitter

disappointment,” particularly to Yugoslavia.<sup>67</sup> Beneš angrily complained that Eden had been “too neutral.” Titulescu told him that the Little Entente could not now consent to his being appointed *rapporteur* that day and wanted to defer the invitation. Eden concluded that the real reason for that reaction was the “stiffish sentences” in his speech about “revisionism” and his veiled reference to mass deportations.<sup>68</sup>

Despite deepening the political divide between Britain and the Little Entente, the speeches at Geneva were important in resolving the Hungaro-Yugoslav dispute. They made it possible for Council members to identify common ground and points of compromise, while allowing some small states to let off steam and measure support. While only France among the great powers backed Yugoslavia’s case against Hungary, every member condemned the Marseilles crime and almost all expressed willingness to consider international action to suppress terrorism. The Hungarians were not vindicated, but they were not humiliated. Silence about Rome’s complicity in Alexander’s murder kept the Italians cooperative. Britain’s “cold douche” had seemed to upset the Little Entente powers, but it also left them even more dependent on the French. With Eden appearing “too neutral” to the Yugoslavs, much now depended on Laval as the crisis passed again from public view to private negotiation.

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Since the Council would not meet again until Monday, Eden, Strang, and Malkin spent Sunday away from Geneva. Eden later said that although “the position was very tricky,” absence would improve his bargaining position: the other delegations would be more likely “to listen to me when I got back.”<sup>69</sup> Since no one could speak for the British government, Laval was left alone to negotiate with the Yugoslavs and meet the other Little Entente powers and Italians.<sup>70</sup> With Jevtić refusing to back down and much of the French press siding with the Yugoslavs in disdaining Eden’s speech, Laval worked effectively to appease France’s allies while collaborating with Italy.<sup>71</sup> He bluntly told Aloisi that if Europe was to avoid a war, Hungary must accept a Council resolution placing at least some blame on Hungarian officials for Alexander’s murder.<sup>72</sup> This would allow the Hungarian government to scapegoat a few minor functionaries while meeting one of Yugoslavia’s major demands and preventing a diplomatic breakdown at Geneva. Aloisi pledged to pressure the Hungarians who could now simply echo Eden’s view that it was impossible to draw



conclusions until the French conducted a trial, but Laval held firm for the next two days.<sup>73</sup>

The French delegation also spent Sunday working to satisfy a second Yugoslav demand: League action against international terrorism. Laval went a long way toward achieving this aim by formally submitting to the Council the detailed memorandum on "effective suppression of political crimes of an international character" that he had promised the previous day. Much like the draft mentioned to Eden, this text laid down "general principles" constituting "the bases of an international convention for the suppression of terrorism." It included a list of specific "terrorist acts," such as the attempted assassination of heads of state, members of governments, officials, judges, or "private persons by reason of their political attitude." Other acts of terrorism included attempts to destroy public buildings, railways, ships, aircraft, or other means of communication. The French proposal criminalized membership in terrorist associations, possession of firearms and explosives with intent to commit terrorist acts, and incitement to carry out such acts. While suppression of terrorism would rest with the courts of each state, a new "International Criminal Court" with the power to try accused terrorists would meet "the double requirement" of safeguarding "impartial justice in specially delicate cases" and ensuring that states carry out their responsibility "to try crimes of this kind." The memorandum suggested provisions for the control of passports and identity papers as well as the obligation of states to inform foreign governments of terrorist plots. It also recommended that the members of the League insert in their extradition treaties a clause excluding assassination from the category of non-extraditable political offenses.<sup>74</sup>

France's proposals on terrorism, like Britain's scheme for the Saar plebiscite, offered an innovative solution to a difficult international problem within the framework of the League. It would allow all sides in the current dispute to save face while appeasing the principal antagonists. Much of the French text was purposely ambiguous and incomplete, thus offering a credible basis for continuing discussion of the issue. It reflected both the immediate practical needs of France and the Little Entente as well as some of the most progressive ideas in the debates surrounding international criminal jurisdiction during the interwar period. The text was a political expedient that nonetheless represented a further internationalization and reformation of criminal law.<sup>75</sup> It also had

important implications for how international organizations addressed transnational crimes. Like other international conventions adopted under League auspices, for example those that criminalized or attempted to repress acts such as the traffic of certain dangerous drugs or the slave trade, the French proposals were limited. Their aim was to define the problem, promote collaboration in confronting it, create effective means for reducing its occurrence, and gradually change how states and the wider public viewed this particular form of political violence in international relations.

The French proposals had immediate and long-term significance for the peacekeeping functions of the League of Nations. No one realized this better than Avenol, who distributed copies to the Council the next day. If the members agreed to consider the proposals, he understood that the League would play a central role in organizing any efforts to restrict international terrorism by convention and judicial process. But carrying out such a project would be difficult and take time. It would require technical support on a wide range of questions. The secretary-general therefore instructed the Legal Section of the Secretariat to begin studying France's document immediately.<sup>76</sup>

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Despite Laval's success in finding possible diplomatic and legal solutions to the crisis, there was no guarantee his initiatives would lead to a peaceful settlement. Eden later wrote that he decided that Sunday afternoon to act as *rapporteur* only if "given a free hand."<sup>77</sup> That role would preclude Britain making any commitments, but would give the British delegation greater power to control results. Eden and his colleagues returned to find Geneva "in a great hubbub;" Laval made clear that he thought the British representative was not taking his duties seriously. But now Eden met Aloisi and the Hungarian foreign minister while Strang and Malkin conferred with René Massigli, the deputy director of political affairs at the Quai d'Orsay.<sup>78</sup> Massigli described the situation as "very grave." Jevtić had been "very upset" by Eden's speech. Unless the Council met Yugoslavia's minimum demands, he "would be forced to go home and tell his government that the League was unable to help them." The French delegation feared that that in turn would result in a change of political leadership in Belgrade, and the "effect of public opinion upon the policy of the new government would almost certainly lead to war."<sup>79</sup> France and its allies had prepared a new draft resolution embodying Yugoslavia's minimum requirements, including "somewhat

stiffer" language concerning Hungary's responsibility for the attack at Marseilles. According to Massigli, "[i]t was absolutely essential that an attempt should be made to pass some such resolution through the Council if the situation was to be saved."<sup>80</sup>

Strang and Malkin stuck to their government's policy of urging calm and avoiding commitments. They objected to anything in the text that could not be "established beyond reason," regardless of any potential danger that Yugoslavia's "internal situation" might pose. They also opposed reference to Article 10 of the Covenant concerning the obligation "to respect and preserve as against external aggression the territorial integrity and existing political independence" of member states. This was particularly contentious for Britain because it appeared not only to bind states to defend the postwar status quo in perpetuity, but also to do so by using force in imprecise and untested ways.<sup>81</sup> The draft text also defined state-supported terrorism as a form of "external aggression," something both Strang and Malkin considered "a new and objectionable" formulation of international law. And they especially disapproved of the document's attempt to equate terrorism with "revisionism" and the requirement that League members prevent either the press or political leaders from "espousing the cause of Hungary." They knew Italy would flatly reject such suggestions, so would many in the British cabinet, parliament, and press.<sup>82</sup>

While the French likely expected—and probably even wanted—the British to insist on removing many controversial parts of the draft resolution, the British objections reflected fundamental differences between the two governments on the nature and significance of the crisis they were attempting to resolve. One of the most important of these emerged later that evening when Eden had dinner with Laval and Beneš.<sup>83</sup> Joining them were Strang, Massigli, and Jules Basdevant, an expert in international law in the French Ministry of Foreign Affairs. Laval seemed "very serious" and told Eden that if the Council did not find a solution that satisfied Yugoslavia's minimum demands, "c'est la guerre."<sup>84</sup> The French later recorded that they had finally convinced the British of the gravity of the crisis, while Eden discerned merely an attempt "to scare" him.<sup>85</sup> Indeed, Eden was unfazed. Still assuming that no reasonable statesman really wanted an armed conflict, he told the Foreign Office that he did not "attach too much importance to these statements which in part at least are dictated by [a] desire to put pressure upon members of the Council."<sup>86</sup>

It is possible that Laval was bluffing, but more likely that his fears were genuine. He had begun his political career as a member of the Socialist Party and his brother had been killed in the early months of the First World War.<sup>87</sup> During the war, Laval had often expressed strong pacifist convictions and despite having moved to the political right by the 1930s he was certainly aware that French public opinion was increasingly pacifistic. For the French foreign minister, bluffing about potential conflict in the Balkans, no matter how remote, was not only unnecessary but would have seemed highly perilous given the experience of 1914 and France's military commitments in Eastern Europe. Eden underestimated the depth of Laval's unease and misjudged his motives at this meeting. As a decorated officer and survivor of the "lost generation," it was easier for Eden to conclude that the French were insincere and that he was resisting their "pressure" rather than to admit Laval better understood his own government's military vulnerability and the sentiments of its own allies. This was neither the first nor last time that the British and French were unable to find a common understanding while facing a common threat.

Despite contrasting perceptions of the dangers at hand, Eden agreed to work with Laval on a resolution "which might be presented to [the] Council by [the] *rapporteur* at a later stage" and win the approval of the Italians as well as both parties to the dispute.<sup>88</sup> This collaboration proved both effective and decisive. Laval and Beneš agreed to delete all references to "revisionism" and Article 10 of the Covenant from France's original draft. The British delegation then worked with Massigli and Basdevant to draw up what Eden called "a final better document" that he could take to the Italians and Hungarians.<sup>89</sup> He also received the formal invitation from the Little Entente and Hungary to be *rapporteur*, and with the "free hand" he wanted. The next morning he discussed the latest draft of the resolution with Simon, who agreed that the British government "could accept it or something like it."<sup>90</sup> Eden then secured Aloisi's consent as Laval negotiated with Jevtić.<sup>91</sup> While largely relying on traditional diplomacy in these private transactions, Eden used his role as *rapporteur* as well as mounting political pressure and short deadline to win over Council members.

As much of the formal and informal functions of the League were making it possible for Eden and Laval to draft a resolution the Council and Little Entente could accept, all understood that any final settlement depended on Hungary. Article 11 of the Covenant gave wide powers

for the League to decide at any moment the best way to respond to a threat to peace, but it entitled the Council or Assembly to function only as a mediator and conciliator; the League could investigate disputes but impose no additional obligations on member states. While Article 11 did not specify that a legal settlement required unanimous consent, in practice such unanimity was the rule.<sup>92</sup> The League's ability to put moral pressure on states was circumscribed, and it could not threaten sanctions if its recommendations were rebuffed, but the unwritten requirement for unanimity afforded some protection to smaller powers and gave every state, including those directly involved in the dispute, a means to influence the terms of a peaceful settlement. States determined on war, such as Japan was against China in 1931, relied on the unanimity requirement to render Article 11 unworkable.<sup>93</sup> States hoping to avoid war but needing to save face could use the same rule to their political advantage to arrive at a solution that all sides could at least tolerate.

Hungary's reliance on the unanimity requirement of Article 11, combined with the collective efforts of the three permanent members of the Council and the secretary-general of the League, made a peaceful agreement possible. Immediately after the Italians acquiesced to Eden's draft resolution, he and Aloisi together pressed Kánya to accept it.<sup>94</sup> While the Hungarians recognized that they were now politically isolated with few good options, Kánya still made clear that there were points about the draft that his government would not accept. In particular, he insisted that the resolution contain something designed to stop the expulsion of Hungarian nationals from Yugoslavia as well as stating that "there could be no conclusion as to the responsibility" for the Marseilles attack as long as the case remained under investigation. These demands forced another round of bitter exchanges with the Yugoslavs and their Little Entente allies.<sup>95</sup>

That evening, Eden confronted Kánya, this time in the presence of Laval, Aloisi, and Avenol. All advised Hungary to accept the latest version, which now called on states to "avoid anything which might be of a nature to compromise" peaceful relations between them. Hungary must accept some responsibility for the actions of "certain Hungarian authorities" in connection with the Marseilles crime, but the mediators assured Kánya that "as a matter of practical politics, he need have no fear that the Council would want to touch the matter again" if his government agreed to the resolution.<sup>96</sup>

Until Kánya received authority from the Hungarian prime minister, Gyula Gömbös, in consultation with Admiral Miklós Horthy de

Nagybánya, Hungary's regent, the Council could not proceed. The British minister in Budapest later reported that "considerable difficulty was experienced" in obtaining this authority because Gömbös was convinced that the passages concerning Hungary's responsibility "might be construed as damaging to [the] country's honour."<sup>97</sup> Only when the Hungarian government's formal acceptance finally arrived, just before midnight, was it possible for the Council to resume its session and the British representative to submit a formal resolution.<sup>98</sup>

Eden's brief report to the Council that night illustrates why the League's peacekeeping functions were successful in 1934.<sup>99</sup> As with all of the Council's previous major decisions, the settlement he recommended was the result of a process of conciliation and compromise. He reminded the public that the League had a circumscribed role in resolving international disputes. The Council was not a parliamentary but a diplomatic body. Geneva relied on the information that sovereign states, acting in good faith, provided the organization and on the willingness of member states to carry out international obligations they freely accepted.

It must be observed that the Council is not a court of justice. It has no means at its disposal for undertaking judicial enquiries. Its function is to assist the parties to re-establish the political relations which are desirable between Members of the League.<sup>100</sup>

Eden offered the carefully worded conclusion that even "if the whole question of responsibility has not been completely elucidated," there was enough evidence to convince him that "certain Hungarian authorities may have incurred, at any rate through negligence, certain responsibilities relative to acts connected with the preparation of the Marseilles crime." For this reason, the Hungarian government should punish anyone "whose culpability may be established" and report "the measures it takes to this effect" to the Council. This tightly limited and highly equivocal finding of guilt met Yugoslavia's demand for achieving a measure of accountability for Alexander's murder.

Another reason for the League's success was that Britain and France had satisfied Yugoslavia's other demands as well. To prevent the sort of terrorist acts witnessed at Marseilles in the future, Eden noted that the French delegation had presented a series of propositions on the subject. Admitting that the rules of international law concerning the repression of terrorist activity were not yet "sufficiently precise to guarantee

efficiently international co-operation in this matter," he suggested that a "committee of experts" study the problem and produce a preliminary draft convention "to assure the repression of conspiracies or crimes committed with a political or terrorist purpose." While the British government previously opposed discussion of an anti-terrorism convention, London was now willing to go along if it resolved the current crisis peacefully and did not oblige Britain to do anything. It was a concession that cost the British government little, but had long-term implications for British law and diplomacy nonetheless. This committee would have members from Britain, France, Italy, and the USSR, the four most powerful states in the League. Several other governments interested in the question were invited to participate, including Belgium, Chile, Hungary, Poland, Romania, Spain, and Switzerland. The French proposals would serve as the starting point of the committee's work.<sup>101</sup>

Taken together, the various parts of the resolution gave the Yugoslav government what it said it wanted. They also represented an achievement for those who insisted that pacific settlement of international disputes was one of the League's most important duties and who considered international law the foundation of international relations. Above all, the Council's action proved the practical utility of Article 11 of the Covenant and the ability of European powers to cooperate effectively to avoid war. After the Council adopted the resolution without dissent, the president closed the session by noting both the benefits as well as the limitations of any such successful League mediation: "The road to peace is open. It remains only to follow it."<sup>102</sup>

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News of the Council's resolution was met with nearly universal praise and a sense of relief. All parties involved could claim at least some success. *The Times* editorial called the resolution "further proof of the immense value of the collective treatment of international quarrels."<sup>103</sup> While hailing the British government as "brilliant peacemakers," the editors also strongly endorsed France's proposed international convention against terrorism.<sup>104</sup> In their view, the proposal was based "on the correct assumption that political assassinations are more often than not matters of international concern and should be dealt with internationally."<sup>105</sup> *Le Temps* described the League decision as "a victory for the spirit of peace" adding that it might prove of "historic importance."<sup>106</sup> Blum in *Le Populaire* declared the results a "success" for peace, at least for the short term.<sup>107</sup> Eden was often singled out for acclaim, particularly

from internationalist politicians and members of the LNU.<sup>108</sup> Lord Cranborne, a sympathetic friend and fellow Conservative MP who was also Viscount Cecil's nephew, wrote to Eden in glowing terms:

A million congratulations on your success. You seem to me to be rapidly approaching the position of Lord Beaconsfield; everybody was rushing about the House of Commons muttering "Peace with Honour." It has not only given the Government a tremendous leg-up, but the League too.<sup>109</sup>

Grandi also congratulated Eden, while the Italian press expressed broad approval.<sup>110</sup> In Geneva, one newspaper reported that the settlement was "generally regarded here as one of the most important achievements of the League" and "shows both the possibilities and the limitations of the League in a clear and favourable light."<sup>111</sup> Other accounts in Yugoslavia, France, Romania, and Czechoslovakia verged on the euphoric, but praised Laval and the Little Entente more than either Eden or the League.<sup>112</sup> German newspapers expressed general support for Yugoslavia having received "moral satisfaction," even if some were "at pains to argue that the Geneva agreement cannot be represented as a triumph for the League."<sup>113</sup> Only in Budapest was there much objection. While some newspapers commented favorably, with special appreciation for Eden, others called the resolution a "diplomatic defeat" for the Gömbös government.<sup>114</sup>

The mood of Italian and French officials was mostly upbeat in the days following the League's achievement. Aloisi said it "very honorably" ended the crisis and suspended the possibility of a European war, at least "for the moment."<sup>115</sup> The French Foreign Ministry considered the Council session "a great success" and concluded that Eden and Laval had collaborated effectively.<sup>116</sup> The French ambassador in London was convinced that "the double success" of resolving the Saar question and ending the Hungaro-Yugoslav crisis had greatly enhanced the League's reputation in Britain as well as strengthened the British government's diplomatic ties to the Continent.<sup>117</sup> Laval intended to take advantage of the moment to make improved relations between Yugoslavia and Italy a part of his larger plans for a Franco-Italian rapprochement.<sup>118</sup>

On balance, opinion within the British government was similarly buoyant. Simon noted in his diary that Britain "had another success in Geneva" and that "[e]veryone went away from Geneva, if not content at any rate relieved that with so much high explosive lying about there



had been no detonation and happy to reflect that the other side had not won." While admitting that Eden had displayed "adroitness in framing and carrying unanimously the appeasing resolution at the Council of the League," Simon insisted that he deserved credit for doing much "behind the scenes" to secure the peaceful result.<sup>119</sup>

The foreign secretary also shared Vansittart's view that "the success at Geneva gives us something to work on."<sup>120</sup> Both of them immediately instructed Henderson to convince the Yugoslavs to improve their relations with Italy in order to contribute to the general peace.<sup>121</sup> Simon was particularly adamant about urging Prince Paul to respond quickly and favorably to any friendly gesture from Rome, since "Italy has given such satisfactory evidence in Geneva of cooperation in the cause of appeasement." In terms of British policy, the more immediate obstacle to "the goal of European appeasement" was not Mussolini, but Yugoslavia if it continued to resist peaceful change to the international order within the framework of the League: "[a] general spirit of goodwill has I hope been generated by recent events in Geneva, and it would be deplorable if anything were now done in Belgrade to check this spirit."<sup>122</sup> Simon could not know in late 1934 that this "spirit of goodwill," such as it was, would not last long.

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In his 1962 memoir, Eden concluded that the Yugoslav appeal to Geneva "was a dispute of the type which the League of Nations was well qualified to handle." He also asserted that by the end of 1934, "our authority and the League's stood higher than at any time in the National Government's life."<sup>123</sup> In several respects, this eighty-third session was among the Council's most successful. In addition to reaching an agreement on the Saar plebiscite, resolving the Hungaro-Yugoslav crisis demonstrated that both large and small states were still able to use the machinery of the League to ease tensions and contend with serious threats to international security. This success represented genuine institutional progress compared to the means available after the terrorist attack at Sarajevo in 1914. Despite the many parallels between the murders of Franz Ferdinand and Alexander, the consequences were quite dissimilar. Europe not only avoided war in late 1934 to a great extent because of Geneva's peacekeeping functions, but states also agreed to work together to consider ways to suppress and punish international terrorism.

In Eden's long and self-congratulatory chapter on the Hungaro-Yugoslav dispute, however, he never mentioned the League's decision to

take collective action against state-supported terrorism. Like many others attempting to make sense of the 1930s in the decades after the Second World War, he placed Alexander's assassination within the context of subsequent events that largely resulted from very different international problems. As he saw it in retrospect, the shootings at Marseilles were "the first shots of the second world war."<sup>124</sup>

Without a doubt a nasty corner had been turned, but no more than that. The wounds inflicted at Marseilles were deeper than they seemed. The deaths of King Alexander and Barthou had consequences which continued to be felt until the outbreak of war and beyond.<sup>125</sup>

In contrast, most contemporaries who reacted to the "wounds inflicted at Marseilles" in 1934 were thinking about the causes of the previous world war that they all had experienced, not the roots of the one to come. The League's ability to help to resolve the immediate crisis following Alexander's murder and its decision to confront the problem of international terrorism explain why "a nasty corner had been turned." These actions demonstrated what the organization could do to promote international cooperation and achieve peace. They were also the beginning of an organized attempt to diminish an underlying cause of war—an effort that would expose the limits of what the League could do to achieve its main purposes.

## NOTES

1. *House of Commons Debates*, Fifth Series, vol. 296, 11 Dec. 1934, cols. 213–4.
2. "Memorandum on the Present Position as Regards the Saar," 4 Dec. 1934 and Simon to Drummond, 5 Dec. 1934, DBFP, Second Series, vol. xii, 251 and 259, pp. 290–1 and 300. Also see A. R. Peters, *Anthony Eden at the Foreign Office 1931–1938* (New York: St. Martin's Press 1986), pp. 76–8.
3. "Minutes of the Eighty-Third (Extraordinary) Session of the Council," *Official Journal*, 15th year, No. 12, (Part II), (December 5–11, 1934), pp. 1705–7 and Anthony Eden, *Foreign Affairs* (New York: Harcourt, Brace and Co., 1939), p. 41.
4. Earl of Avon (Anthony Eden), *The Eden Memoirs: Facing the Dictators* (Boston: Houghton Mifflin, 1962), p. 118 and David Dutton, *Anthony Eden: A Life and Reputation* (London and New York: Arnold and St. Martin's Press, 1977), p. 39.

5. Simon to Clerk, 4 Dec. 1934, DBFP, Second Series, vol. xii, 252, p. 293.
6. Campbell to FO, 3 Dec. 1934, FO 371/18462.
7. Baron Pompeo Aloisi, *Journal (25 Juillet 1932–14 Juin 1936)* (Paris: Plon, 1957), pp. 232–3.
8. Ibid., p. 233.
9. Ramsay to FO, 5 Dec. 1934, FO 371/18462.
10. Cowan to FO, 7 Dec. 1934, FO 371/18462, Ramsay to FO, 8 Dec. 1934, FO 371/18463. Also see *The Times* (London), 6 and 7 Dec. 1934, pp. 13 and 14, respectively.
11. Minute by Gallop, 7 Dec. 1934, Ramsay to FO, 371/18462.
12. Minute by O'Malley, 3 Dec. 1934, Cowan to FO, 2 Dec. 1934, FO 371/18462; J. D. Greenway to Henderson, 7 Dec. 1934, FO 371/18463, Ramsay to FO, 7 Dec. 1934, FO 371/18462.
13. Cowan to FO, 2 Dec. 1934, FO 371/18462. Also see FO minute by O'Malley dated 3 Dec. 1934, FO 371/18462.
14. Aloisi, *Journal*, pp. 233–4.
15. Ramsay to FO, 7 Dec. 1934, FO 371/18462, Ramsay to FO, 8 and 9 Dec. 1934, FO 371/18463.
16. *The Times* (London), 8 Dec. 1934, p. 13.
17. LNU to Eden, 6 Dec. 1934, Avon Papers, BUL, AP 14/1/345. For a useful study of the LNU, see Donald S. Birn, *The League of Nations Union 1918–1945* (Oxford: Clarendon Press, 1981).
18. For more on Cecil, see Gaynor Johnson, *Lord Robert Cecil: Politician and Internationalist* (Farnham, UK and Burlington, VT: Ashgate, 2013).
19. Viscount Cecil, *A Great Experiment: An Autobiography* (Oxford: Oxford University Press, 1941), p. 77.
20. Cecil to Eden, 7 Dec. 1934, Avon Papers, BUL, AP 14/1/285. Cecil sent a similar letter to Simon as well.
21. Eden to Cecil, 11 Dec. 1934, Cecil Papers, British Library (BL), Add MS 51083.
22. FO memo dated 3 Dec. 1934, FO 371/18553 and "Draft of Speech," no date, FO memo dated 3 Dec. 1934, FO 371/18462. Also see HO to FO, 30 Nov. 1934 and FO memo entitled "The Right of Asylum for Political Refugees" dated 3 Dec. 1934, FO 371/18553.
23. Both memos are undated and attached to FO memo dated 3 Dec. 1934, FO 371/18462.
24. Henderson to O'Malley, 2 Dec. 1934, FO 371/18462. Also see Copy of O'Malley to Henderson, 4 Dec. 1934 and copy of O'Malley to Robin Hankey, 4 Dec. 1934, Henderson to O'Malley, 2 Dec. 1934, FO 371/18462.

25. For the meeting with Aloisi, see Patteson to Simon, 22 Nov. 1934, DBFP, Second Series, vol. xii, 256, pp. 297–8 and Aloisi, *Journal*, p. 232.
26. Note by Avenol, 26 Nov. 1934; Report by Joseph Nisot entitled “Délit politique-extradition-assistance internationale en matière pénal” dated 3 Dec. 1934; Report by Emile Giraud entitled “La question du droit d’asile,” 4 Dec. 1934; McKinnon Wood to Avenol, 4 Dec. 1934 and Walters to Avenol, 4 Dec. 1934, LNA 3A/15085/15085.
27. Patteson (for Eden) to FO, 5 Dec. 1934, FO 371/18462. This telegram, sent at 1:50 a.m., was probably drafted on 4 Dec. 1934. See DBFP, Second Series, vol. xii, p. 296, ft. 1.
28. Ibid. The *rapporteur* was the Council member officially chosen by the other members to investigate a problem and report on it.
29. Minute by Lambert, 5 Dec. 1934, Patteson (for Eden) to FO, 5 Dec. 1934, and minute by O’Malley, 7 Dec. 1934, FO minute dated 8 [?] Dec. 1934, FO 371/18462.
30. Minute by Gallop, 7 Dec. 1934, United Kingdom Delegation (Geneva) to FO, 5 Dec. 1934, FO 371/18553.
31. 83rd (Extraordinary) Session of the Council, Verbatim Report of the First Meeting (Private, then Public), 5 Dec. 1934, 4 p.m., LNA 14/15904/1139. Also see “Minutes of the Eighty-Third (Extraordinary) Session of the Council,” *Official Journal*, 15th year, No. 12, (Part II), (December 5–11, 1934), pp. 1692–4 and Aloisi, *Journal*, p. 233.
32. “Note de la sous-direction de la Société des Nations: Le conflit hungaro-yougoslav à Genève” dated 15 Dec. 1934, DDF, 1re Série (1932–1935), tome viii, 258, pp. 388–96 and Aloisi, *Journal*, pp. 233–4.
33. Ibid., pp. 234 and 392, respectively.
34. Drummond to FO, 6 Dec. 1934, FO 371/18462. Also see Avon, *Facing the Dictators*, p. 125.
35. The Ethiopian Empire was historically known as Abyssinia, a kingdom that comprised the northern half of present-day Ethiopia. A standard account of the Italo-Ethiopian conflict is George W. Baer, *Test Case: Italy, Ethiopia, and the League of Nations* (Stanford, CA: Hoover Institution Press, 1976). Also see Harold G. Marcus, *A History of Ethiopia* (Berkeley, Los Angeles, and London: University of California Press, 1994), pp. 138–40 and Avon, *Facing the Dictators*, p. 215.
36. “Memorandum by Mussolini for Marshal Badoglio, Chief of the General Staff; Directive and Plan of Action to Solve the Abyssinian Question” dated 30 Dec. 1934 cited in Richard Lamb, *Mussolini and the British* (London: John Murray, 1997), p. 114.
37. For the official text of the speech, see “Minutes of the Eighty-Third (Extraordinary) Session of the Council, *Official Journal*, 15th year, No. 12,

- (Part II), (December 5–11, 1934), pp. 1712–6. For other versions, see 83rd (Extraordinary) Session of the Council, Verbatim Report of the Third Meeting (Public), 7 Dec. 1934, 3 p.m., LNA 14/15094/1139 and UK Delegation (Geneva) to FO, 7 Dec. 1934, FO 371/18462.
38. Ibid., p. 1713.
  39. Ibid., p. 1716.
  40. Ibid., p. 1713.
  41. For Eckhardt's later version of the entire crisis, see his memoir, *Regicide at Marseille: Recollections of Tibor Eckhardt* (New York: American Hungarian Library and Historical Society, 1964).
  42. For more on the politics and foreign policy of Hungary during this period, see György Réti, *Hungarian-Italian Relations in the Shadow of Hitler's Germany, 1933–1940* (Boulder, CO: Social Science Monographs, 2003).
  43. "Minutes of the Eighty-Third (Extraordinary) Session of the Council," *Official Journal*, 15th year, No. 12, (Part II), (December 5–11, 1934), pp. 1716–22.
  44. Ibid., p. 1722.
  45. Ibid., p. 1717.
  46. Ibid., pp. 1723–8.
  47. Aloisi, *Journal*, p. 234.
  48. Minute by O'Malley, 7 Dec. 1934, FO minute dated 8 [?] Dec. 1934, FO 371/18462.
  49. Minute by Sargent, 7 Dec. 1934, FO minute dated 8 [?] Dec. 1934, FO 371/18462.
  50. Draft FO to Henderson, 8 Dec. 1934 and draft Simon to Henderson, 8 Dec. 1934, FO minute dated 8 [?] Dec. 1934, FO 371/18462. Marked "(appd. by S. of S.)," no date.
  51. Diary entry, 7 Dec. 1934, Avon Papers, BUL, AP 20/1/9-16.
  52. Ibid. Also see Avon, *Facing the Dictators*, p. 126.
  53. Strang to FO, 8 Dec. 1934, FO 371/18462.
  54. Copy of Eden to Baldwin, 7 Dec. 1934, Avon Papers, BUL, AP 14/1/258.
  55. 83rd (Extraordinary) Session of the Council, Verbatim Report of the Fourth Meeting (Public), 8 Dec. 1934, 3:15 p.m., LNA 14/15094/1138. Translations of this sentence differ slightly. One has Laval saying France was "on the side" of Yugoslavia. The later official translation says "In this serious debate, France stands by the side of Yugoslavia." The League's monthly summary has Laval saying France "stood beside" Yugoslavia. See Patteson (for Eden), 8 Dec. 1934, FO 371/18462; "Minutes of the Eighty-Third (Extraordinary) Session of the Council, *Official Journal*, 15th year, No. 12, (Part II), (December

- 5–11, 1934), p. 1730 and League of Nations, *The Monthly Summary of the League of Nations*, vol. xiv, no. 12 (December 1934), p. 280.
56. Minutes by Lambert, Carr, O'Malley, Sargent, and Vansittart all dated 10 Dec. 1934, Patteson (for Eden), 8 Dec. 1934, FO 371/18462.
  57. Minute by Sargent, 10 Dec. 1934, H. M. Patteson (for Eden), 8 Dec. 1934, FO 371/18462.
  58. Also see "Note de la sous-direction de la Société des Nations: Le conflit hungaro-yougoslav à Genève" dated 15 Dec. 1934, DDF, 1re Série (1932–1935), tome viii, 258, p. 392.
  59. Aloisi, *Journal*, p. 234.
  60. "Minutes of the Eighty-Third (Extraordinary) Session of the Council, *Official Journal*, 15th year, No. 12, (Part II), (December 5–11, 1934), pp. 1730–1.
  61. *Ibid.*, pp. 1731–3.
  62. *Ibid.*, pp. 1733–4.
  63. *Ibid.*, pp. 1734–5. For a copy of Eden's speech, see Strang to FO, 8 Dec. 1934, FO 371/18462. Also see Eden, *Foreign Affairs*, pp. 44–8.
  64. *Ibid.*, p. 1735.
  65. Aloisi, *Journal*, p. 234.
  66. Diary entry, 8 Dec. 1934, Avon Papers, BUL, AP 20/1/9-16.
  67. Strang to O'Malley, 12 Dec. 1934, FO 371/18463. Also see "Note de la sous-direction de la Société des Nations: Le conflit hungaro-yougoslav à Genève" dated 15 Dec. 1934, DDF, 1re Série (1932–1935), tome viii, 258, p. 392; Aloisi, *Journal*, p. 235 and Avon, *Facing the Dictators*, pp. 127–8.
  68. Diary entry, 8 Dec. 1934, Avon Papers, BUL, AP 20/1/9-16.
  69. Avon, *Facing the Dictators*, p. 128.
  70. "Note de la sous-direction de la Société des Nations: Le conflit hungaro-yougoslav à Genève" dated 15 Dec. 1934, DDF, 1re Série (1932–1935), tome viii, 258, pp. 392–3 and Aloisi, *Journal*, pp. 235–6.
  71. *Ibid.* Also see *Le Temps*, 9 and 10 Dec. 1934, p. 1 and Avon, *Facing the Dictators*, p. 128.
  72. Aloisi, *Journal*, pp. 235–6.
  73. Aloisi, *Journal*, p. 236.
  74. For the full text of the proposal, see Appendix A. Also see "Minutes of the Eighty-Third (Extraordinary) Session of the Council, *Official Journal*, 15th year, No. 12, (Part II), (December 5–11, 1934), Annex 1524, "Proposed Bases of an International Convention for the Suppression of Terrorism" dated 9 Dec. 1934, pp. 1839–40.
  75. For more, see Mark Allen Louis, *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919–1950* (New York and Oxford: Oxford University Press, 2014), pp. 127–31 and 148–9.

76. Avenol to Pilotti, McKinnon Wood, and Giraud, 10 Dec. 1934, LNA 3A/15085/15085.
77. Avon, *Facing the Dictators*, p. 128.
78. According to Eden's memoir, he met Laval first. However, on 9 December he told the Foreign Office that he met the Italians and Hungarians "after which I dined with Monsieur Laval and Monsieur Beneš." See Avon, *Facing the Dictators*, p. 128 and Patteson (for Eden) to FO, 9 Dec. 1934, FO 371/18462.
79. Strang to O'Malley, 12 Dec. 1934, FO 371/18463.
80. Ibid. Also see "Note de la sous-direction de la Société des Nations: Le conflit hungaro-yougoslav à Genève" dated 15 Dec. 1934, DDF, Ire Série (1932–1935), tome viii, 258, p. 393.
81. For more on Britain's initial views of Article 10, see Peter J. Yearwood, *Guarantee of Peace: The League of Nations in British Policy 1914–1925* (Oxford: Oxford University Press, 2009), pp. 113–4, 141, 144–5, 161–4, 180–2, 221, 236, 255, 315–16, and 338. Also see Viscount Cecil, *A Great Experiment*, pp. 76–7.
82. Strang to O'Malley, 12 Dec. 1934, FO 371/18463.
83. Patteson (for Eden) to FO, 9 Dec. 1934, FO 371/18462.
84. Diary entry, 9 Dec. 1934, Avon Papers, BUL, AP 20/1/9-16.
85. "Note de la sous-direction de la Société des Nations: Le conflit hungaro-yougoslav à Genève" dated 15 Dec. 1934, DDF, Ire Série (1932–1935), tome viii, 258, p. 393; Diary entry, 9 Dec. 1934, Avon Papers, BUL, AP 20/1/9-16; and Avon, *Facing the Dictators*, p. 128.
86. Patteson (for Eden) to FO, 9 Dec. 1934, FO 371/18462 and Patteson (for Eden) to FO, 10 Dec. 1934, FO 371/18463.
87. For a general biography of Laval, see Fred Kupferman, *Laval: 1883–1945* (Paris: Balland, 1987).
88. Patteson (for Eden) to FO, 9 Dec. 1934, FO 371/18462 and Patteson (for Eden) to FO, 10 Dec. 1934, FO 371/18463.
89. Diary entry, 9 Dec. 1934, Avon Papers, BUL, AP 20/1/9-16.
90. Strang to O'Malley, 12 Dec. 1934, FO 371/18463.
91. Ibid. Also see "Note de la sous-direction de la Société des Nations: Le conflit hungaro-yougoslav à Genève" dated 15 Dec. 1934, DDF, Ire Série (1932–1935), tome viii, 258, p. 394 and Aloisi, *Journal*, pp. 236–7.
92. Walters, *The League of Nations*, p. 462. Also see League of Nations, *League of Nations: Ten Years of World Co-operation* (London: Hazell, Watson & Viney, Ltd., 1930), pp. 20 and 28–38; The League of Nations Association, *A Brief History of the League of Nations 1934 Edition* (New York: The League of Nations Association, Inc., 1934), p. 35; Alfred Zimmern, *The League of Nations and the Rule of Law*

- 1918–1935, second edition (London: Macmillan and Co., 1939), pp. 243–55; and Yearwood, *Guarantee of Peace*, pp. 181, 208, and 317.
93. Zimmern, *The League of Nations and the Rule of Law*, p. 431 and Thomas W. Burkman, *Japan and the League of Nations: Empire and World Order, 1914–1938* (Honolulu: University of Hawai‘i Press, 2008), pp. 166–75.
  94. Strang to O’Malley, 12 Dec. 1934, FO 371/18463. Also see “Note de la sous-direction de la Société des Nations: Le conflit hungaro-yougoslav à Genève” dated 15 Dec. 1934, DDF, 1re Série (1932–1935), tome viii, 258, p. 394.
  95. Ibid. Also see Aloisi, *Journal*, pp. 236–7.
  96. Ibid. Also see Avon, *Facing the Dictators*, p. 131.
  97. Ramsay to FO, 11 Dec. 1934, FO 371/18463.
  98. Strang to O’Malley, 12 Dec. 1934, FO 371/18463.
  99. Patteson (for Eden) to FO, 11 Dec. 1934, FO 371/18463.
  100. 83rd (Extraordinary) Session of the Council, Verbatim Report of the Fourth Meeting (Public), 10 Dec. 1934, 10:30 p.m., LNA 14/15094/1139 and “Minutes of the Eighty-Third (Extraordinary) Session of the Council, *Official Journal*, 15th year, No. 12, (Part II), (December 5–11, 1934), p. 1759.
  101. Ibid., pp. 1759–60.
  102. 83rd (Extraordinary) Session of the Council, Verbatim Report of the Fourth Meeting (Public), 10 Dec. 1934, 10:30 p.m., LNA 14/15094/1139.
  103. *The Times* (London), 11 Dec. 1934, p. 17.
  104. *The Times* (London), 12 Dec. 1934, p. 15.
  105. *The Times* (London), 11 Dec. 1934, p. 17.
  106. *Le Temps*, 12 Dec. 1934, p. 1.
  107. *Le Populaire*, 12 Dec. 1934, p. 1.
  108. For examples, see Philip Noel-Baker (former and future Labour MP as well as a long-time LNU activist) to Eden, 8 Dec. 1934; Vivian Adams (Conservative MP) to Eden, 12 Dec. 1934; LNU (Hamstead Branch) to Eden, 20 Dec. 1934 and M. Maxse (chief organization officer, Conservative and Unionist Central Office) to Eden, 6 March 1935, Avon Papers, BUL, AP 14/1/252, 246, 330 and 474, respectively. Also see LNU to FO, 13 Dec. 1934 and Women’s International League to FO, 12 Dec. 1934, FO 371/18553 and LNU (Maidstone Branch) to FO, 15 Dec. 1934, FO 371/18464.
  109. Cranborne to Eden, 12 Dec. 1934, Avon Papers, BUL, AP 14/1/291.
  110. Grandi to Eden 13 Dec. 1934, Avon Papers, BUL, AP 14/1/311 and Drummond to FO, 15 Dec. 1934, FO 371/18464.
  111. *The Times* (London), 12 Dec. 1934, p. 14.



112. Henderson to FO, 11 Dec. 1934; Clerk to FO, 11 Dec. 1934 and Greenway to FO, 12 Dec. 1934, FO 371/18463 and Addison to FO 14 Dec. 1934, FO 371/18464. Also see *The Times* (London), 12 Dec. 1934, p. 13.
113. Phipps to FO, 12 Dec. 1934, FO 371/18463.
114. Ramsay to FO, 13 Dec. 1934, FO 371/18464 and Gaston Maugras (French minister to Budapest) to Foreign Ministry, 15 Dec. 1934, DDF, 1re Série (1932–1935), tome viii, 260, pp. 400–2.
115. Aloisi, *Journal*, p. 237.
116. "Note de la sous-direction de la Société des Nations: Le conflit hongaro-yougoslav à Genève" dated 15 Dec. 1934, DDF, 1re Série (1932–1935), tome viii, 258, p. 395.
117. Corbin to Foreign Ministry, 15 Dec. 1934, DDF, 1re Série (1932–1935), tome viii, 259, pp. 398–9.
118. Laval to Naggiar, 12 and 27 Dec. 1934, DDF, 1re Série (1932–1935), tome viii, 237, 323, and 324, pp. 352 and 491–3. Also see Jean-Baptiste Duroselle, *France and the Nazi Threat: The Collapse of French Diplomacy, 1932–1939* (New York: Enigma Books, 2004), pp. 92–4.
119. Diary entry, 11 Dec. 1934, Simon Papers, BLO, MSS.Simon 7.
120. Minute by Vansittart, 13 Dec. 1934, Henderson to Simon, 29 Oct. 1934, Simon Papers, FO 800/289.
121. Copy of Henderson to FO, 10 Dec. 1934; Copy of FO (from Vansittart) to Henderson, 11 Dec. 1934 and copy of Simon to Henderson, 12 Dec. 1934, Simon Papers, BLO, MSS.Simon 80/7, 14 and 57, respectively. Also see copy of Simon to George V, 13 Dec. 1934 and Wigram to Simon, 14 Dec. 1934, Simon Papers, BLO, MSS.Simon 80/62–65 and 79, respectively, and copy of Vansittart to Henderson, 27 Dec. 1934, Henderson Papers, NA, FO 800/267.
122. Copy of Simon to Henderson, 12 Dec. 1934, Simon Papers, BLO, MSS. Simon 80/57.
123. Avon, *Facing the Dictators*, p. 132.
124. *Ibid.*, p. 119.
125. *Ibid.*, p. 132.



## CHAPTER 7

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### “Acts Specifically ‘Terrorist’ in Character”

There are a number of reasons why Eden, despite appointment as minister for League of Nations affairs in June 1935 and then foreign secretary in December, said nothing in his memoirs about the organization’s subsequent attempts to combat international terrorism. One is that he chose to relate other events in 1935 that better portrayed him as a defender of League principles. Another is that the expert committee he helped to create grappled with issues that continued to vex the international community long after he published his memoirs. A third is that his participation in Geneva’s subsequent anti-terrorism project was largely peripheral. His attention, along with that of Simon, Laval, and other members of the Council involved in the League’s successful peacekeeping efforts in 1934, was quickly drawn to different crises of greater importance to them and their respective governments.

As political leaders played a less direct role in the consequences of the settlement of the Hungaro-Yugoslav dispute, a collection of League officials, outside groups, jurists, and lower-level government functionaries working with little specific guidance from their preoccupied superiors filled the vacuum. Despite institutional limitations and political obstacles, the Secretariat helped to implement the Council’s decisions. League officials collected information, promoted participation, coordinated discussion, and provided technical advice to governments on the subject of international terrorism.

The Committee for the International Repression of Terrorism first met in Geneva from April 30 to May 8, 1935. Using the French memorandum of December 9 as a starting point, the Committee approved several articles for an anti-terrorism convention. Some of the Committee's ideas were bold and innovative, others made a confusing and difficult undertaking even more so. A few members vigorously championed the creation of an international criminal court, but many did not. While these deliberations demonstrated what the League could accomplish in fostering international cooperation, they also exposed deep divisions within and between states over Geneva's role in combating terrorism.

While initial reaction to the Committee's accomplishments was generally favorable, the shifting international environment in 1935 influenced the League's efforts to institutionalize the mechanisms of the Council's December resolution. Nazi Germany's unilateral rearmament and Italy's attack on Ethiopia affected the way many governments approached the subject of international terrorism and altered attitudes toward Geneva in general. Popular support for the League remained strong in Britain and France, but the organization's relative influence was fading as the political conditions that had made the Hungaro-Yugoslav settlement possible were rapidly changing.

Nevertheless, state-supported terrorism continued to have implications for international relations and British foreign policy in 1935. Eden appeased the Hungarians and rejected Yugoslavia's pleas for additional concessions from them, in order to close the Hungaro-Yugoslav dispute and focus on other problems. Simon and most British officials opposed establishment of an international criminal court. Many were dubious about new domestic legislation that would criminalize terrorism under international law. Henderson, in Belgrade, continued to express fears about future terrorist attacks in the Balkans, but his behavior still raised doubts in London. Yet it was primarily because Eden as *rapporteur* had proposed the Council's resolution in the first place that the British government agreed to help draft an international anti-terrorism convention, but only if it was "limited to acts specifically 'terrorist' in character." Much ambiguity and confusion surrounded this decision from the outset.

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The Hungaro-Yugoslav settlement and the Council's decision to confront the issue of international terrorism expanded Geneva's already wide-ranging responsibilities. As with many of its activities that mixed

technical and political questions, the League's work was both helped and hindered by outside experts, pressure groups, and international organizations that sent requests to participate or gave unsolicited advice. This newest project, of devising ways to restrict international terrorism by convention and judicial process, attracted a diverse set of responses. Raphael Lemkin, the Polish legal scholar, sent copies of his 1931 report on terrorism as well as his own proposals for combating "transnational" crimes.<sup>1</sup> The Women's International League for Peace and Freedom urged that Geneva's anti-terrorism convention not prevent "legitimate movements of political protest" or suppress "liberty and normal human rights."<sup>2</sup> Croat organizations in the Americas petitioned for an independent Croatia as the only solution to Yugoslavia's political violence and demanded "an impartial trial" for the "Croat patriots" accused of murdering the "tyrant" King Alexander.<sup>3</sup> The president of the International Criminal Police Commission, precursor to the International Criminal Police Organization (INTERPOL), was especially eager to contribute advice on ways to criminalize international terrorism.<sup>4</sup> Hugh McKinnon Wood, a British national and member of the Legal Section of the Secretariat, initially advised ignoring such groups, which often had "an ax to grind," and insisted that it was best if "the enthusiastic expert is kept off the committee unless a Government takes the responsibility of putting him on."<sup>5</sup> Hoping to make Geneva's anti-terrorism project as broadly based as possible, Avenol disagreed and gave instructions to forward the Commission's proposals to the Committee anyway.<sup>6</sup> The Secretariat eventually assembled for the Committee a large selection of such outside correspondence.<sup>7</sup>

The Secretariat was effective in forming the Committee. At the end of December 1934, the League officially invited each of the eleven governments named in the Council's resolution to appoint an expert.<sup>8</sup> As an indication of how seriously governments took Geneva's technical and advisory functions, most chose respected legal scholars, foreign policy advisors, government officials, or diplomats with experience at Geneva. France selected Jules Basdevant who, in addition to serving in the Ministry of Foreign Affairs, was a former professor at the University of Paris with a Ph.D. in law. He had helped the French delegation draft the original Council resolution as well as France's proposals for an international convention. Italy appointed Aloisi, its delegate to the League Council and president of the Chamber of the Court of Cassation, Italy's highest appellate court. Switzerland sent Ernest Delaquis, a professor at

the University of Geneva and president of the International Union of Penal Law. Dr. Slavko Stoyković, a Yugoslav and professor at the Faculty of Law in Belgrade, assisted the Romanian member. The other members, from Chile, Hungary, Poland, and the USSR, were drawn from their respective foreign ministries, embassies, justice ministries, or official delegations to the League.

Two of the most prominent members were Henri Carton de Wiart and Vespasian V. Pella. They held common views about international criminal law. Pella had helped draft the International Convention for the Suppression of the Counterfeiting of Currency of 1929, the act the Council noted as the model for this new task. Carton de Wiart agreed to chair the Committee. As soon as Pella joined, he took several draft proposals to the Secretariat and pressed for quick distribution. McKinnon Wood told Avenol that

M. Pella's arrival was quite unexpected, and was also inspired by the desire to get the papers before the other members of the committee; he considers that he will naturally play the same rôle as for the counterfeiting currency, i.e., construct a preliminary draft and be the general *rapporteur*.<sup>9</sup>

The Romanian government submitted a fourteen-page summary of suggestions, almost certainly written by Pella and firmly rooted in Wilsonian universalist rhetoric. The document condemned "the scourge of terrorism," explained how it threatened "the safety of all States," and proposed ways to punish it as a "crime against civilization."<sup>10</sup> Such efforts put the Secretariat on notice that Pella was the sort of "enthusiastic expert" who was determined to shape the League's anti-terrorism project from the start; at least one influential jurist aspired to transform the way governments perceived the problem of international terrorism.

While there was much that the machinery of the League could do to implement the Council's resolution, it could not compel participation, much less control the direction of international relations. Geneva remained dependent on the willing collaboration of states, particularly its most powerful members. Some governments appeared eager to contribute to the League's legal response to terrorism, but others were not.<sup>11</sup> Britain, arguably the indispensable member, had other priorities in early 1935 and not only delayed the appointment of an expert, but also deemed it "unnecessary" to offer any formal comments at all before the first meeting of the Committee.<sup>12</sup> Most British officials were convinced

that traditional diplomacy would do more than new international courts and conventions to achieve the goal of European appeasement anyway, at least in the short term. Simon was encouraged by a Franco-Italian accord in January preserving Austria's independence, supporting the League of Nations, opposing unilateral German rearmament, and "regulating their interests in Africa."<sup>13</sup> Adding to his optimism was Drummond's report that the Italian government claimed to have "collected all the Croats they could and had sent them down to Lipari Island" in order "to get them out of the way and [as] a proof of goodwill."<sup>14</sup> Simon wanted more such agreements and gestures. He and his colleagues still hoped that Britain, France, and Italy could work together to reach an understanding with Hitler on revising the armaments clauses of the Treaty of Versailles in exchange for Germany's return to the League and other security pacts.<sup>15</sup> Keeping the Balkans quiet in the meantime remained essential to these plans. An international convention on terrorism was not.

Yet Balkan peace remained elusive. On January 12, 1935, Hungary responded formally to the Council's resolution on the Marseilles attack.<sup>16</sup> It denied responsibility for Alexander's murder, but conceded that "certain minor Hungarian officials failed to supervise Croat immigration with the vigilance necessary in such unusual cases."<sup>17</sup> Ramsay, the British minister at Budapest, pointed out that the Hungarians had admitted negligence, taken "suitable disciplinary measures" by dismissing some local police and gendarmerie officials, adopted new passport regulations, and introduced stricter control of political refugees.<sup>18</sup> The British were pleased. Eden said that the Hungarian response was "as good as could reasonably have been expected:" in tone "perhaps unduly argumentative," it nonetheless demonstrated that Hungary had lived up to the terms of the League's settlement.<sup>19</sup>

When the Hungarians asked the Council to accept the report as dispositive, however, Yugoslavia strongly objected, and ensured that action at the League would be postponed for months.<sup>20</sup> According to Henderson, the Yugoslavs needed time to offer a formal reply; convinced that "terrorism is to-day the greatest menace of all to Europe," they wanted more from Hungary.

Disciplinary action against a few minor officials may be a first step, but does the Hungarian Government seriously intend to co-operate in controlling terrorists in future? [The] [s]ituation will not improve or [the] risk of complications diminish unless or until she does.<sup>21</sup>

Without such a Hungarian commitment, the British minister said that Yugoslavs “could never agree” to close the matter.<sup>22</sup>

Budapest protested the delay and wondered if the Yugoslavs were blackmailing Hungary.<sup>23</sup> In late January, the Hungarian foreign minister threatened that if the Yugoslavs rejected the report and demanded further concessions, his government would draw up a document containing “all the real elements” of Hungary’s defense “accusing Austria, Italy and other countries of part of the responsibility of the crime.”<sup>24</sup> This renewed hostility frustrated Eden for it not only threatened to undermine both his and the Council’s diplomatic success, but also jeopardized the Anglo-French effort to use a sufficiently mollified Italy as a balance to Germany in preserving peace in Europe. Given Geneva’s rules and procedures, however, there was little that he as *rapporteur* could do other than press the Yugoslavs for an early reply and dispose of the dispute before the May session of the Council.<sup>25</sup>

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In sharp contrast with Eden, Henderson criticized Hungary’s report to the Council and firmly supported Yugoslavia’s decision to reject it.<sup>26</sup> To the dismay of the Foreign Office, the British minister remained emotionally involved and increasingly at odds with his own government’s policy. In early January, Vansittart learned that Henderson had written a caustic and insulting letter to Sir Edward Boyle, a prominent member of the Balkan Committee, a pro-Macedonian pressure group in London, who had met leaders of IMRO during a recent visit to Bulgaria.<sup>27</sup> Despite Simon’s instructions to encourage a warmer attitude toward the Italians, Henderson continued to defend Yugoslavia’s deep distrust of Rome, repeating his conviction that “the recurrence of murder” was “the most serious present danger to the peace of Europe” and forwarding reports from Yugoslav military officials regarding “the renewed activities of terrorists in Italy and Hungary.”<sup>28</sup> He was particularly critical of Laval’s willingness to avoid discussing Yugoslavia’s territorial integrity in order to reach agreement with Mussolini. Henderson went so far as to tell Prince Paul that this was “a typical example of the French propensity to evade responsibility and put blame on others,” a remark that could only further undercut Yugoslavia’s already wavering confidence in its only great power ally.<sup>29</sup> Above all, Henderson wanted the British government to hold Hungary to both the letter and the spirit of the Council’s resolution.<sup>30</sup> He urged Sargent to make sure Eden understood that Budapest must not be allowed to “get themselves whitewashed at the

expense of a few subordinate scapegoats who have or are alleged to have been punished."<sup>31</sup> He expressed similar opinions to Britain's ambassadors in Berlin and Rome.<sup>32</sup>

None of this enhanced British policy in Belgrade or Henderson's credibility in London. At the Foreign Office, the latest reports from Yugoslavia concerning terrorist activities in Italy and Hungary were "extremely unconvincing." The British minister was "over-credulous." O'Malley argued that "[a]ccurate knowledge of the facts is the best corrective to the dangers Sir N. Henderson fears."<sup>33</sup> He proposed that the government consider, "in connexion with the League of Nation [*sic*] anti-terrorist Committee's work," establishing "some kind of international police bureau," under the auspices of the League, which would act as "a clearing house for information such as that contained in this despatch; and provide a means by which its veracity could be tested." In combination with national police forces, such an organization "should surely act as deterrent upon the nefarious activities of e.g. Italy or Hungary, and provide a place where the suspicions of one country against another could be ventilated without involving the prestige of Governments."<sup>34</sup> Vansittart forwarded the suggestion to Eden, who was immediately attracted to the idea.<sup>35</sup> "[T]here is much to be said for some kind of international police bureau, if only as a lightning conductor" that might calm the anxieties of the Yugoslavs and those who seemed to share them, such as Henderson.<sup>36</sup>

Concerns about the British minister's behavior intensified when London learned that he had advised Prince Paul in writing to insist that Italy abandon its "disruptive policy" before Yugoslavia entered into any discussions with Mussolini.<sup>37</sup> Henderson even made the extraordinary suggestion that the Yugoslavs consider territorial expansion eastwards toward the Aegean instead of westwards, in order to lessen conflict with Italy's interests. He was by now a rogue diplomat, actively undermining British policy; the British minister's advice would not only endanger the status quo in the Balkans, but would make improved relations between Rome and Belgrade virtually impossible.<sup>38</sup> O'Malley could not "resist a misgiving ... that his judgment has suffered as a consequence of the shock of the King's assassination." He drafted a detailed letter admonishing the minister and pressing him to do more to foster Italian-Yugoslav rapprochement.<sup>39</sup> Sargent joined the chorus: Henderson had "given this advice unauthorised."<sup>40</sup> Vansittart declared that "I wish Sir N. Henderson had not been so imprudent as to put himself into



writing.”<sup>41</sup> Simon agreed. “Surely it is unwise for H. M.’s Minister to *write* such a letter. It would not look well if one day Prince Paul publishes his reminiscences.”<sup>42</sup> The foreign secretary had run out of patience with his man in Belgrade.

O’Malley’s draft, signed by Vansittart and reflecting Simon’s irritation, explained why the Foreign Office was “somewhat disconcerted.” “Yugoslavia’s position *vis-à-vis* Italy must be based on the desirability of maintaining the status quo in the Balkans,” not emboldening the regent to acquire more territory. He noted “clear indications” that Italy was now “embarrassed by, and was endeavouring either to expel or to sterilise, her Croatian terrorists;” Rome’s support for IMRO was “weakening.” While it was possible that Mussolini still wished to destabilize the Balkans, “I hold the opinion (and Drummond holds it much more strongly)” that Italy was no longer pursuing “a disruptive policy towards Yugoslavia.”<sup>43</sup> An agreement with Germany hinged on working closely with the French and Italians; Yugoslavia must stop stirring up old differences with Mussolini or the Hungarians.<sup>44</sup> To that end, Henderson should keep his opinions about terrorist groups to himself. Vansittart, alluding to the British minister’s recent exchange with Boyle, underscored the point in a separate note—warning that “I had heard it said in several quarters of late that you were expressing yourself ‘with some asperits [Fr.: asperity, roughness].’” Henderson “may think it well to have this in mind, if you can recall any other occasions when that blessed word ‘asperits’ might apply.”<sup>45</sup>

Henderson refused to keep quiet.<sup>46</sup> As a result, he was forcefully silenced, though in a way that preserved his career. The Foreign Office had offered him an ambassadorship at Lisbon, but according to Henderson “changed its mind” and appointed him ambassador to Argentina, in what he considered a demotion.<sup>47</sup> While still rejecting reports that Croat terrorists in Italy were under control, and calling Boyle “an egregious ass,” he “plead guilty to excessive asperity of late;” six years “in this grim capital” had “been just one too many for me.” The terrorist attack at Marseilles had changed Henderson’s views of the political realities of Europe as well as himself. “Six months ago I was confident and happy. Now I’ve lost all my confidence and have nothing but a profound sense of failure.”<sup>48</sup> He had been “sitting on a volcano” in Yugoslavia. “Please God it does not erupt before I am safely away.”<sup>49</sup>

With little confidence in its minister in Belgrade and hardly considering state-supported terrorism "the greatest menace of all to Europe," the British government was nonetheless committed to participating in Geneva's anti-terrorism project. The League remained popular at home and abroad. As *rapporteur*, Eden had proposed the Council's resolution in the first place. He and other advocates of the League understood that the organization's authority depended on the British government's help in drafting an international anti-terrorism convention. McKinnon Wood reminded Avenol in early February that Britain had not yet appointed a member of the Committee for the International Repression of Terrorism. He urged that the experts meet soon, but warned against expecting too much. As a specialist in British and international law, he thought it was unlikely that the Committee would reach rapid or concrete results "unless it attempts to make a very simple convention laying down mainly general principles." Malkin had told him that the proposed international court "was quite impossible." If adopted at all, it "would have to be embodied in a sort of optional clause."<sup>50</sup> Avenol replied that he wanted a meeting before the next Council session in May.<sup>51</sup>

A series of extended exchanges within the British government ensued. The deputy director of MI5 wanted to know who the British expert would be and who was advising him.<sup>52</sup> Malkin proposed that the Home Office select the committee member, but that the government's policy should be discussed by the Home Office, Foreign Office, and "other interested Departments."<sup>53</sup> While the government would likely oppose some of the Committee's proposals, particularly the international criminal court, Malkin advised against Britain adopting "a purely obstructionist attitude" and termed it "desirable" that the Foreign Office "participate in the discussion of the instructions" the British member of the Committee would receive.<sup>54</sup>

The Home Office was already considering the appointment. In early March, a group that included the deputy under-secretary, Sir Alexander Maxwell, and an assistant legal advisor, Leslie Stuart Brass, suggested Sir John Fischer Williams. A former official in the Home Office specializing in questions concerning the control of aliens, he had served as British legal representative on the Reparation Commission under the Treaty of Versailles from 1920 to 1930.<sup>55</sup> Like Pella, he had participated in drafting the International Convention for the Suppression of the Counterfeiting of Currency and had written scholarly essays on

international law and the League of Nations.<sup>56</sup> He was also a member of the editorial committee of *The British Year Book of International Law*, a standard reference for academics and practicing lawyers, and an old friend of Gilbert Murray, chairman of both the LNU and the International Committee on Intellectual Co-operation.<sup>57</sup> Fischer Williams would later become the British member of the Permanent Court of Arbitration at The Hague. Sir John Gilmour, the home secretary, quickly approved the suggestion.<sup>58</sup>

The League's anti-terrorism project divided British public opinion. On the one hand, the Howard League for Penal Reform, an influential London-based charity, called the proposed anti-terrorism convention "unnecessary" and urged the government to preserve the principles of political sanctuary for alien refugees.<sup>59</sup> The India Office, on the other hand, strongly supported measures that would deny asylum for "Indian terrorist criminals by foreign countries." It was especially eager to put an end to "the smuggling of arms" by "terrorists" from territories in India under French control.<sup>60</sup> Rash Behari Bose, who was accused of bombings and assassination attempts and had fled to Japan, and the Ghadr Party, a group opposed to British rule founded by Punjabi Indians in the United States and Canada, were cited as examples. This fundamental conflict between Britain's national traditions and its imperial priorities would remain unresolved for the next three years.

New disagreements emerged on March 29, when representatives from the Home Office, Scottish Office, India Office, and Colonial Office met Fischer Williams at the Foreign Office to draft his instructions for the first session of the League's expert committee.<sup>61</sup> Since the document required ministerial approval, government advisors focused on "major points of policy" for Fischer Williams's "general guidance." Given Eden's central role in resolving the international crisis in 1934, all agreed that Britain had a special responsibility to cooperate with other member states of the League in finding workable solutions to the problem of terrorism. To this end, Britain would be willing to agree to such modest ideas as criminalizing possession of a false passport, encouraging greater cooperation of police forces, and permitting the International Criminal Police Commission to extend its activities to collecting and distributing information about terrorists.<sup>62</sup>

Britain's political and legal objections to the French proposals were numerous and extensive. Officials were convinced that existing law adequately dealt with murder, false imprisonment, damage to property, and

possession of arms and explosives. It was already illegal in Britain to conspire or incite to commit murder abroad, but conspiring to commit other offenses outside the country would require new legislation. Those drafting Fischer Williams's instructions contended that passing such legislation was possible only if it was confined to conspiracies to carry out "genuinely terrorist acts," as opposed to organized efforts to overthrow a foreign government. Similarly, they noted that new legislation would be required to make it illegal for "foreign revolutionaries" or their "British sympathizers" to conspire in Britain to bring about an insurrection in another country. While everyone thought that public opinion in Britain might support suppression of such activities in some countries, it might not in others, particularly where there was "no constitutional means of changing a bad Government."

It is accordingly very desirable that any Convention should be limited to acts specifically "terrorist" in character and should not be so worded as to cover all preparations for a rebellion or insurrection or coup d'Etat. The object of the proposed Convention is not to make it more difficult to change existing Governments by revolutionary methods, but to discountenance the use for political purposes of methods which all civilised opinion must condemn.

Officials admitted that it would prove hard to define "terrorist" activities so narrowly as to exclude insurrectionary movements. Fischer Williams also was expected to defend Britain's tradition of free speech and resist any changes to either the current extradition laws or the tradition of British courts deciding each extradition request on its own merits. The interdepartmental committee understood that Britain probably would not join the proposed international criminal court, but if other states wanted to set up such a court, "the United Kingdom representative should not object and should try to help in the framing of a suitable scheme."<sup>63</sup>

Simon reviewed the draft instructions a week before the Committee was scheduled to meet in late April. He had opposed the idea of an anti-terrorism convention from the start and his personal relations with Eden were deteriorating.<sup>64</sup> A cabinet reshuffle was likely ahead of the election expected later that year, and the foreign secretary's position was a matter of much speculation.<sup>65</sup> As far as Simon the politician was concerned, the League's anti-terrorism project was unlikely to accomplish

much and was identified with Eden anyway. As for Simon the lawyer, there was little to object to in Fischer Williams's instructions. They placed no unacceptable limits on domestic liberty and required drafting a convention "limited to acts specifically 'terrorist' in character," a daunting legal challenge. "I do not envy Sir J. Fischer Williams his job," the foreign secretary wrote. "He will no doubt be in a position to state accurately what our own law *is*," but it was hard to imagine that parliament would ever agree that "a hotch-potch of ideas on criminal law and procedure" from "Greece, China, Russia, and the New World will prove a good substitution." Above all, Simon reminded everyone that "[i]t will be important to know what is meant by terrorism," a concept still lacking a universal definition. Still, "given the difficulties," Simon wrote, the memo would "do very well."<sup>66</sup>

Gilmour at the Home Office was less certain. As a former soldier with no legal training, he wanted the attorney-general, Thomas Inskip, to see the memorandum.<sup>67</sup> The law officers—the attorney-general and the solicitor-general—represented the most authoritative legal counsel available. By constitutional convention, the government need not ask for their formal legal opinion, but if it did so it was obliged to accept it. Inskip replied that he entirely concurred with the instructions, subject to "one general observation" that only complicated matters: the document distinguished "terrorist acts" from preparations for a rebellion or coup d'état, and he hoped that Geneva might devise a means for criminalizing "would-be revolutionaries" and "insurrectionary movements."<sup>68</sup>

It seems to me there is a little too much desire in the Memorandum to refrain from any interference with people who are planning violence in the shape of an insurrectionary movement in another foreign State, and although I fully recognise the difficult questions that may arise when there is no constitutional method of removing a Government, I feel no doubt that the balance of advantage is making it illegal, *if suitable legislation can be devised*, to conspire or plan to carry out acts of violence either of an isolated or of an organised character in another country.<sup>69</sup>

In his view, it was illogical as well as unreasonable to prohibit an insurrectionary movement against a friendly state while allowing foreign revolutionaries or their British sympathizers to conspire to overthrow a foreign government by violence. Since such conspiracies were a serious danger to international relations, "I think there is a great balance of

advantage to be obtained, if it is possible (*as to which I am very doubtful*) in prohibiting all such activities."<sup>70</sup>

Inskip's observations added another layer of ambiguity to an already complicated set of overlapping legal and political questions. He lent support to those who assumed that Britain wanted to assist in drafting a workable anti-terrorism convention, even if it meant changing British law. But he also confirmed the view of those who argued that Britain would never sign any convention that required much, if any, new legislation. The indication, Maxwell noted, was that a convention that criminalized "only 'terrorist' activities" and not conspiracies to carry out an insurrection was the most acceptable.<sup>71</sup> Despite these inherent uncertainties and inconsistencies, Gilmour said he agreed with Inskip's reply.<sup>72</sup> The Home Office informed Fischer Williams its document, "as subject to the memorandum of the Attorney-General," constituted his instructions.<sup>73</sup>

In early April, the League Secretariat was notified of Fischer Williams's appointment.<sup>74</sup> Brass was designated as his substitute.<sup>75</sup> McKinnon Wood expected the experts to hold their first meeting by the end of the month; Avenol again insisted that it was "indispensable" that they meet before the next session of the Council in May.<sup>76</sup> Both men knew how important it was for the League to demonstrate progress and success whenever it could, since the problems the organization faced were only increasing in 1935. As Simon pointed out to Eden in early May, the Council's full agenda included the Chaco conflict in South America, the escalating Italo-Ethiopian dispute, "and, what affects you particularly, the outcome of the Yugoslav-Hungarian affair."<sup>77</sup>

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The League succeeded in formally closing the Hungaro-Yugoslav dispute only after Eden had placated Hungary and put intense pressure on Yugoslavia. With relations apparently improving in early 1935, Italy, France, and Britain wanted the dispute behind them. As a matter of national policy as well as personal prestige, Eden wanted the Yugoslavs to accept Hungary's report to the Council without making additional demands or insisting on further public explanations. Preserving peace in the Balkans required using the League not only to appease the Hungarians, but also getting Yugoslavia and its allies to acquiesce to this appeasement.

Eden was ultimately successful, but only after weeks of diplomatic wrangling. In March, Belgrade delivered a harshly worded condemnation

of Hungary's report to the Council. The most important sentence was the last, which declared that Budapest "has not discharged the duty incumbent upon it" by the Council's resolution. Yugoslavia could not "consider as sufficient" either the Hungarian government's enquiry or the punishments it carried out.<sup>78</sup> An assistant Foreign Office advisor for League of Nations affairs, Roger Makins, observed that "[t]his acid note will make further discussion on the Council very difficult to avoid" if the Yugoslavs included it in their formal reply.<sup>79</sup>

Henderson sent a copy to Eden, who was about to leave for Berlin with Simon before going on alone to Moscow, Warsaw, and Prague ahead of the Council session.<sup>80</sup> Henderson once again staunchly defended Yugoslavia and insisted that "the fear of fresh incidents" was the main Yugoslav concern.<sup>81</sup> Eden thanked him "for all you have done to help us in this Hungarian-Yugoslav business," but made clear that he considered other international issues more important and did not want any public discussion of the conflict at Geneva. He instructed the British minister to tell the Yugoslavs that "I am most anxious to have the matter finally closed before the May meeting of the Council, if I can."<sup>82</sup>

In early April, Fotić shared with a few officials of the League and the British government his government's proposed reply to the Hungarian report.<sup>83</sup> He enquired privately if the Council's *rappporteur* agreed "as to the inadequacy of the report." Aware of Eden's determination to put the dispute to rest quickly and quietly, Gallop proposed telling the Yugoslavs to place their objections on record without demanding any further explanations. The Hungarians would then be free to defend themselves if they wished, or simply say nothing at all, and "in any case the matter could be finally closed."<sup>84</sup> After further deliberation, the Foreign Office advised the British delegation in Geneva to suggest this approach to Fotić.<sup>85</sup> Renewed warnings from the Hungarian foreign minister that Budapest would reject additional Yugoslav demands, and subtle hints that forcing the Hungarians to reopen the entire question of the Marseilles crime before the Council might prove embarrassing to other states, including Italy, only reinforced London's growing resistance toward the Yugoslavs.<sup>86</sup>

Britain viewed Belgrade as recalcitrant and ungrateful. The British delegation in Geneva reported that Fotić, despite having achieved what the Yugoslavs had asked for, wanted Eden to "extract something more from the Hungarians," including an unambiguous pledge to prevent future acts of terrorism. The Yugoslav delegate claimed that "the Hungarians

had got off very lightly" in December and, as a consequence, Jevtić "had been much criticised for his acquiescence" and now needed to "save face."<sup>87</sup> Complicating matters, Jevtić, now prime minister, was preparing for elections scheduled for early May that were already marked by increasing political violence.<sup>88</sup> At the Foreign Office, these internal problems were downplayed; the ongoing Hungaro-Yugoslav dispute was "purely a question of prestige for both sides." The silence from Paris must have bolstered this view. Henderson was to inform the Belgrade government that no "practical good can come of prolonging the controversy about the past." He should remind them that "[t]he future is being dealt with by the League Committee on International Control of Terrorism." At most, the Hungarians might be willing to offer "a friendly expression of good intentions for the future rather than a further admission of responsibility for past events" if in exchange the Yugoslavs agreed to omit the final paragraph in their draft reply that mentioned the continued existence of terrorist groups in Hungary.<sup>89</sup> Anything more was impossible as far as London was concerned.

As the May session of the Council approached, Eden increasingly boxed in the Yugoslavs. Hungary would issue the statement Britain proposed on two conditions: the Yugoslavs must promise remove the final paragraph of their draft reply and agree "to respond to the Hungarian declaration by giving friendly expression of [the] Yugoslav Government's resolve to do nothing which might compromise [the] good understanding which should subsist between the two nations."<sup>90</sup> This was more than enough for Eden. When the Yugoslavs enquired one last time if he might request further explanations from Hungary, he said no: "we must strive to finish next week."<sup>91</sup> The Yugoslavs were left with little time and few options.

A combination of modest compromise and strong pressure thus made it possible for the Council to formally end the Hungaro-Yugoslav dispute on May 25. While the Yugoslavs still complained that Hungary's disciplinary action against officials found guilty of negligence was "quite insufficient," each government made the mollifying statement that the British wanted.<sup>92</sup> In a brief report, Eden noted the "goodwill" and "spirit of conciliation" on both sides and proposed to close the matter.<sup>93</sup> There was no debate; all sides claimed success. From Budapest, Ramsay reported that the press accepted the Council's decision "in general with satisfaction."<sup>94</sup> According to Henderson, newspapers in Yugoslavia gave thanks that "the prestige of Yugoslavia" had "been successfully



upheld.”<sup>95</sup> As far as Eden was concerned, the dispute between the two states was settled.<sup>96</sup> Member states had shown that they could still use the machinery of the League to preserve peace.

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As Eden and other representatives to the League were completing work on one part of the Council’s resolution settling the Hungaro-Yugoslav crisis, lower-level government officials, technical staff, and legal experts were beginning work on another. The Committee for the International Repression of Terrorism opened its first session on April 30. Its efforts provide further evidence of how Geneva continued to address complex global issues effectively, even as political leaders were shifting their attention to other international problems. Thanks to the Secretariat, the Committee now had at its disposal a vast and growing collection of documents on a range of legal and political questions.<sup>97</sup> After electing Carton de Wiart as chairman, the members agreed to use a draft by Pella as the basis for their work.<sup>98</sup> While France’s original proposal served as his starting point, that draft had also been influenced by Pella, the suggestions from other League member states, and the International Criminal Police Commission.<sup>99</sup> Several experts actively participated, but Carton de Wiart and Pella guided the debate and directed the revisions.<sup>100</sup> Intent on building early consensus, the Committee agreed to defer discussion on the controversial international criminal court until its next session, and Belgium, Spain, France, and Romania were invited to offer a detailed proposal for creating it.<sup>101</sup> The League’s ability to bring together experts from many countries to study shared problems and promote new ideas remained one of its greatest strengths.

On balance, the Committee’s first session was productive. Seventeen articles were provisionally adopted for an international convention to combat terrorism. These included several incremental—and a few far-reaching—reforms. Among the former were provisions regulating firearms and explosives, tightening the rules governing passports, and requiring police authorities to centralize information on terrorist activities. Among the latter were Articles 1 and 2, both contentious and important. These not only provided a legal definition of terrorism, but also listed a number of acts far beyond those included in the original French proposal. Article 1 provided for

prevention and punishment of crimes, which, by their character of violence or by creating a public danger or a state of terror, are of a nature to cause a

change in or impediment to the operation of the public authorities or services of the High Contracting Parties or to disturb international relations.

This wording resembled that favored by some jurists at the 1931 international conference for the unification of penal law in Madrid. Article 2 defined terrorist crimes as "acts directed against the life, body, health or liberty" of heads of state, members of government, diplomatic representatives, and members of constitutional, legislative, or judicial bodies. It included acts causing "a disaster" by impeding rail, air, sea, and river communications or interrupting public utilities. In contrast to what France proposed, the League's experts included among terrorist offences propagation of contagious diseases, poisoning of drinking water or food, and "any other intentional act which creates a public danger imperiling [*sic*] human life," including destruction of public buildings, means of transportation and communication, and the equipment belonging to public services or public utilities. The same article criminalized conspiring in or assisting such acts "by any means."<sup>102</sup> Taken together, the draft represented significant expansion of the concept of "international crime" and demonstrated the League's ability to organize one of the first attempts to define and criminalize "terrorism" in international law.

Despite this progress, the document was incomplete and misleading. It included compromises and reservations, and admitted that "the exact scope of certain of these provisions" would "if necessary, be finally defined" only later.<sup>103</sup> Deep divisions among the members were already clear: a majority rigidly opposed creation of an international criminal court, and Delaquis announced that Switzerland would probably not ratify any anti-terrorism convention.<sup>104</sup> Uncertainty persisted over the pivotal questions of extradition law and a common definition of "political crimes." When the Polish expert argued for the principle of reciprocity, by which an international agreement is binding only if all affected states accept, others strongly opposed him.<sup>105</sup> Setting aside these thorny issues allowed the Committee to make what McKinnon Wood considered "very satisfactory progress," but it did not make them go away.<sup>106</sup>

Fischer Williams was likewise satisfied. He had followed instructions and pressed for precise wording, narrower definitions, greater control over firearms, and protection of certain national legal practices, particularly in regard to extradition and political asylum. His report to the Foreign Office in early June explained how the approved articles resolved specific problems, at least so far as Britain was concerned. Although the

wording of Article 1 could not “be said to be happy,” and the definition of “terrorism” remained awkward, the draft “followed closely the solution which was adopted in the Convention against Counterfeiting of Currency” in which any person in Britain accused by another state of an offense under the proposed convention remained subject to established British legal procedure. Besides, the obligation to prevent foreigners from engaging in terrorist activities directed against another contracting state was already covered by British law. But Article 2 was different. He did not claim that the list was “limited to acts specifically ‘terrorist’ in character,” but conceded it was “confused, and possibly redundant in wording.” A more serious issue was the Article’s criminalization of conspiracies to carry out terrorist acts: if the convention was ratified, certain amendments to British law “would be required.”<sup>107</sup>

There is no evidence that either Eden or Simon ever read Fischer Williams’s report, much less shared his cautious optimism about the League’s anti-terrorism project. In an early sign of a division between policymakers and those who advised them, government experts debated revisions to the articles that would make an anti-terrorism convention palatable to their political superiors.<sup>108</sup> The Committee’s work was still provisional; there was no need yet to seek approval of the home secretary or foreign secretary, nor any reason to consult the law officers. The legal advisors in the Home Office and Foreign Office saw nothing preventing them from helping Fischer Williams prepare for the Committee’s upcoming second session.<sup>109</sup>

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Geneva’s efforts to combat international terrorism were in any case becoming increasingly irrelevant to larger international developments. In March 1935, in direct violation of the disarmament clauses of Treaty of Versailles, Germany announced the existence of its air force, a plan for general rearmament, and the institution of compulsory military service. In April, without consulting the British, Laval asked the League Council to condemn these unilateral violations. Simon reluctantly supported the French request; British policy was “to keep close to France and Italy as any breach would make war certain and lead to defection of minor Powers.”<sup>110</sup> In early May, after the collapse of two French governments in one week, Laval formed a new administration with himself as both prime minister and foreign minister. Meanwhile, in Britain Stanley Baldwin succeeded MacDonald as prime minister, Samuel Hoare became foreign secretary, Eden minister for League of Nations affairs,

and Simon home secretary.<sup>111</sup> In June, in another violation of Versailles and without consulting France or Italy, Britain signed a naval agreement with Germany that permitted a German surface fleet 35% the size of Britain's. London depicted the accord as an example of peaceful and necessary change, but it infuriated the French and badly damaged relations.<sup>112</sup> Whatever trust had existed between Laval and Eden during the Hungaro-Yugoslav crisis was lost.<sup>113</sup> More important, no French policymaker argued anymore that relations between Yugoslavia and Italy were the "chief danger in Europe." And although "terrorism" remained a threat to peace and "our civilization," Paris and London now saw far greater and more immediate dangers of a different kind.

The most serious problem threatening the League as a peace-keeping organization was the escalating conflict between Italy and Ethiopia.<sup>114</sup> Mussolini rejected all of Geneva's efforts to settle the crisis. Without declaring war, Italy invaded Ethiopia on October 3. Four days later, the Council concluded that Italy had violated Article 16 of the Covenant.<sup>115</sup> Fifty representatives in the Assembly, including Yugoslavia, quickly agreed. Hungary was one of the few states siding with Italy in its dissent.<sup>116</sup> But even as officials began discussing economic sanctions against Italy, Laval still hoped to accommodate Mussolini by revising the map of Africa. And although Baldwin's government won reelection in November ("steadfast to the League of Nations") they continued to advocate peaceful changes to the international status quo through appeasement.<sup>117</sup> Keeping Rome aligned against Nazi Germany, not securing "justice" for Ethiopia, was London's goal. But as Italian troops advanced, the cooperation of Italy, Britain, and France that had helped the League to preserve peace in Europe the previous December was becoming increasingly difficult to sustain.

This deepening Ethiopian crisis had a direct impact on Geneva's anti-terrorism project. Officials in the Secretariat scrambled to convene a second meeting of the expert committee as the League moved into the new Palais des Nations.<sup>118</sup> McKinnon Wood said that the experts could meet after the current Assembly session ended, but political developments made it impossible to predict when that might be.<sup>119</sup> Several members of the Committee urged delay. McKinnon Wood wrote in early of "a good prospect of the meeting being put off until after the New Year;" Pella now considered "the political climate" unfavorable for an earlier meeting, as did "more particularly the Italian member."<sup>120</sup> By early October, Carton de Wiart had agreed to delay their second

Committee session until early January 1936.<sup>121</sup> Whether the “political climate” might improve by then remained an open question.

## NOTES

1. Lemkin to League, 5 Dec. 1934, LNA 3A/15105/15085.
2. The Women's International League for Peace and Freedom to League, 30 Apr. 1935, LNA 3A/17788/15085. For more on the WILPF, a pro-League pressure group with headquarters in Geneva, see Kristin E. Gwinn, *Emily Greene Balch: The Long Road to Internationalism* (Urbana: University of Illinois Press, 2010).
3. File of petitions and memoranda from various Croat groups, LNA 11/1401/1401. Also see Central Committee of Croatian Republican Peasants' League of America to FO, 11 Jan. 1935, FO 371/19574.
4. Dr. Skübl to League, 3 Jan. 1935 and memorandum by McKinnon Wood to Dr. van Ittersum, 10 Jan. 1934, LNA 3A/15584/15085.
5. Minute by McKinnon Wood, 26 Dec. 1934, Louwage to Habicht, 20 Dec. 1934, LNA 3A/15105/15085.
6. Minute by McKinnon Wood, 1 Feb. 1935, memo by G. Dennis (for Avenol) to McKinnon Wood, 5 Feb. 1935 and draft League to International Criminal Police Commission, 10 May 1935, LNA 3A/15584/15085.
7. Communications from International Organisations, Committee for the International Repression of Terrorism (CRT), 11 Apr. 1935, Documents of the First Session, League of Nations (LN), C.R.T. 2.
8. League of Nations, “International Repression of Terrorism,” Circular Letter, 27 Dec. 1934, C.L.219.1934.V and League to FO, 27 Dec. 1934, FO 371/19653.
9. Memorandum by McKinnon Wood to Avenol, 6 Feb. 1934, LNA 3A 16786/15244.
10. Romania to the League of Nations, 9 Apr. 1935, CRT, 16 Apr. 1935, Replies from Governments, LN, C.R.T. 1 (a). While the document is unsigned, it cites Pella's work directly and repeats a number of arguments that he expressed elsewhere.
11. For examples, see United States of America to League, 28 Feb. 1935; The Austrian Federal Government to League, 23 Mar. 1935 and Yugoslavia to League, 26 Mar. 1935, CRT, 10 Apr. 1935, Documents of the First Session, LN, C.R.T. 1. Also see Replies from Governments, LN, C.R.T. 1 (a)–(g).
12. HO to FO, 18 Mar. 1935, FO 371/19653.
13. Diary entry, 1 Jan. 1935, Simon Papers, BLO, MSS.Simon 7. Also see Esmonde M. Robertson, *Mussolini as Empire-BUILDER: Europe and*

- Africa, 1932–36* (New York: St. Martin's Press, 1977), pp. 114–5; Jean-Baptiste Duroselle, *France and the Nazi Threat: The Collapse of French Diplomacy, 1932–1939* (New York: Enigma Books, 2004), pp. 92–5; and William I. Shorrock, *From Ally to Enemy: The Enigma of Fascist Italy in French Diplomacy, 1920–1940* (Kent, OH and London: The Kent State University Press, 1988), pp. 108–16, particularly p. 110.
14. Drummond to FO, 1 and 4 Jan. 1935, FO 371/19573 and Drummond to FO, 21 Jan. 1935, FO 371/19576.
  15. Diary entry, 21 Dec. 1934 and 5 Feb. 1935, Simon Papers, BLO, MSS. Simon 7 and "Notes of Anglo-French Conversations," 1 Feb. 1935, DBFP, Second Series, vol. xii, 397, p. 460.
  16. Hungarian Government to League, 12 Jan. 1935, LNA 11/14908/14883.
  17. Ibid. Also see Strang to FO, 18 Jan. 1935, FO 371/19573.
  18. Ramsay to FO, 4 Jan. 1935, FO 371/19573.
  19. H. M. Consul Patteson (for Eden) to FO, 12 Jan. 1935, FO 371/19573.
  20. H. M. Consul Patteson (for Eden) to FO, 15 and 21 Jan. 1935, FO 371/19573.
  21. Henderson to FO, 15 Jan. 1935, FO 371/19573.
  22. Henderson to FO, 16 Jan. 1935, FO 371/19573.
  23. Ramsay to FO, 17 Jan. 1935 and Henderson to FO, 18 Jan. 1935, FO 371/19573.
  24. Ramsay to FO, 24 Jan. 1935, FO 371/19573.
  25. Minute by Eden, 28 Feb. 1935, Ramsay to FO, 17 Feb. 1935 and memo by Eden, 1 Mar. 1935, FO 371/19573.
  26. Henderson to FO, 18 Jan. 1935, FO 371/19573.
  27. Sir Edward Boyle to Henderson, 1 Nov. 1934 and copy of Henderson to Boyle, 10 Jan. 1935, Henderson Papers, NA, FO 800/267.
  28. Henderson to FO, 1 Jan. 1935, FO 371/19576 and Henderson to FO, 7 Jan. 1935, FO 371/19573.
  29. Copy of Henderson to Sargent, 16 Jan. 1935, Henderson Papers, NA, FO 800/267. Also see Henderson to FO, 15 Jan. 1935, FO 371/19576.
  30. Henderson to Sargent, 7 Jan. 1935, FO 371/19573. Sargent gave a copy of this letter to Robin Hankey, Eden's private secretary, on 10 Jan. 1935.
  31. Ibid. Also see Henderson to FO, 15 Jan. 1935, FO 371/19573.
  32. Copy of Henderson to Phipps, 10 Feb. 1935, and copy of Henderson to Drummond, 13 Feb. 1935, Henderson Papers, NA, FO 800/267 and 268, respectively.
  33. Minute by Gallop, 15 Jan. 1935 and minute by O'Malley, 16 Jan. 1935, Henderson to FO, 7 Jan. 1935, FO 371/19573.

34. Minute by O'Malley, 16 Jan. 1935, Henderson to FO, 7 Jan. 1935, FO 371/19573.
35. Minute by Vansittart, 16 Jan. 1935, Henderson to FO, 7 Jan. 1935, FO 371/19573.
36. Minute by Eden, 31 Jan. 1935, Henderson to FO, 7 Jan. 1935, FO 371/19573. Also see Minute by Gallop, 1 Feb. 1935, marginal minute by O'Malley, no date; Draft FO (from Vansittart) to Drummond, [?] Jan. 1935, Henderson to FO, 7 Jan. 1935, 371/19573 and FO minute dated 8 Feb. 1935, FO 371/19653 and FO to HO, 13 Feb. 1935, HO 45/18080.
37. Copy of Henderson to Prince Paul, 16 Jan. 1935, Henderson Papers, NA, FO 800/267. Henderson sent a copy of the letter to the FO in Henderson to Vansittart, 19 Jan. 1935, FO 371/19576. Also see Peter Neville, *Appeasing Hitler: The Diplomacy of Sir Neville Henderson* (London and New York: Macmillan Press and St. Martin's Press, 2000), pp. 15–6.
38. Minute by Carr, 25 Jan. 1935, Henderson to Vansittart, 19 Jan. 1935, FO 371/19576.
39. Minute by O'Malley, 28 Jan. 1935, Henderson to Vansittart, 19 Jan. 1935, FO 371/19576. Also see draft FO to Henderson dated 31 Jan. 1935.
40. Minute by Sargent, 30 Jan. 1935, Henderson to Vansittart, 19 Jan. 1935, FO 371/19576.
41. Minute by Vansittart, 31 Jan. 1934, Henderson to Vansittart, 19 Jan. 1935, FO 371/19576. Emphasis in original.
42. Minute by Simon, [?] Feb. 1934, Henderson to Vansittart, 19 Jan. 1935, FO 371/19576. Emphasis in original.
43. Vansittart to Henderson, 31 Jan. 1935, Henderson Papers, NA, FO 800/268.
44. Ibid. Also see Minute by O'Malley, 29 Jan. 1935 and draft of O'Malley (for Sargent) to Henderson dated 1 Feb. 1935, Henderson to Sargent, 19 Jan. 1935, FO 371/19573.
45. Vansittart to Henderson, 13 Feb. 1935, Henderson Papers, NA, FO 800/268.
46. Henderson to Vansittart, 4 Feb. 1935, FO 371/19576; Henderson to Sargent, 13 Feb. 1935, FO 371/19577; and Henderson to O'Malley, 12 Mar. 1935, FO 371/19573.
47. Henderson to FO, 11 Mar. 1935, FO 371/19573 and Sir Neville Henderson, *Water under the Bridges* (London: Hodder & Stoughton, 1945), p. 198. Also see Wigram to Henderson, Jan. 1935, Henderson Papers, NA, FO 800/267 and Neville, *Appeasing Hitler*, pp. 18–9.
48. Copy of Henderson to Vansittart, 28 Feb. 1935, Henderson Papers, NA, FO 800/268. In his reply, Vansittart said Henderson had “done

- splendidly at Belgrade" and had "made a great name" for himself despite "the death of the late King, to whom you were so personally devoted." See Vansittart to Henderson, 7 Mar. 1935, Henderson Papers, NA, FO 800/268.
49. Copy of Henderson to Sir Sidney Waterlow (British minister to Athens), 18 Feb. 1935, Henderson Papers, NA, FO 800/268.
  50. McKinnon Wood to Avenol, 6 Feb. 1935, LNA 3A/16786/15244.
  51. Minute by Avenol, no date, McKinnon Wood to Avenol, 6 Feb. 1935, LNA 3A/16786/15224. Also see McKinnon Wood to Malkin, 11 Mar. 1935, FO 371/19653.
  52. Sir Eric Holt-Wilson to C. J. Norton, 31 Dec. 1934, FO 371/19653.
  53. Minute by Roger Makins (assistant advisor for League of Nations affairs), 3 Jan. 1935, League to FO, 27 Dec. 1934, FO 371/19653.
  54. Minute by Malkin, 3 Jan. 1934, League to FO, 27 Dec. 1934, FO 371/19653.
  55. Maxwell to Sir Russell Scott (permanent under-secretary), 7 Mar. 1935, HO 45/18080.
  56. For example, see Sir John Fischer Williams, *Chapters on Current International Law and the League of Nations* (London: Longmans, Green & Co., 1929); *International Change and International Peace* (London: Oxford University Press, 1932); and *Some Aspects of the Covenant of the League of Nations* (London: Oxford University Press, 1934).
  57. The editorial committee of the *British Year Book* in the 1930s was comprised of past and present senior legal advisors in both the Foreign Office and Home Office including Malkin, Sir C. J. B. Hurst, W. E. Beckett, and G. G. Fitzmaurice. Fischer Williams's correspondence with Murray dates from Mar. 1914 to April 1943. See Gilbert Murray Papers, BLO, MSS.Gilbert Murray, 177/1-249, reels 57 and 58.
  58. Initials by Scott and Gilmour, 8 Mar. 1935, Maxwell to Scott, 7 Mar. 1935, HO 45/18080. Also see copies of HO to Fischer Williams, 12 and 20 Mar. 1935 and Fischer Williams to HO, 19 Mar. 1935, HO 45/18080.
  59. Cicely M. Craven (honorary secretary, Howard League for Penal Reform) to FO, 27 Mar. 1935, FO 371/19653 and Craven to League, 27 Mar. 1935, LNA 3A15105/15085.
  60. India Office (IO) to FO, 13 Feb. 1935, FO 371/19653 and IO to HO, 19 Mar. 1935, HO 45/18080.
  61. For an earlier draft version including deletions and additions, see HO 45/18080. For the later draft, see Brass to Makins, 3 Apr. 1935, FO 371/19653.
  62. "League of Nations: Committee of Experts on Repression of Terrorist Crimes" attached to Brass to Makins, 3 Apr. 1935, FO 371/19653.



63. Ibid.
64. A. R. Peters, *Anthony Eden at the Foreign Office 1931–1938* (New York: St. Martin's Press, 1986), p. 100 and David Dutton, *Anthony Eden: A Life and Reputation* (London and New York: Arnold and St. Martin's Press, 1997), p. 40.
65. Dutton, *Simon*, pp. 205–6.
66. Minute by Simon, 24 Apr. 1935, Brass to Makins, 3 Apr. 1935, FO 371/19653.
67. Minute by Gilmour, 9 Apr. 1935, "League of Nations: Committee of Experts on Repression of Terrorist Crimes" dated Apr. 1935, HO 45/18080.
68. Memorandum by Inskip, 12 Apr. 1935, "League of Nations: Committee of Experts on Repression of Terrorist Crimes" dated Apr. 1935, HO 45/18080.
69. Ibid. Underlined in red in original.
70. Ibid. Underlined in red in original.
71. Minute by Maxwell, 17 Apr. 1935, "League of Nations: Committee of Experts on Repression of Terrorist Crimes" dated Apr. 1935, HO 45/18080.
72. Minute by Gilmour, 17 Apr. 1935, "League of Nations: Committee of Experts on Repression of Terrorist Crimes" dated Apr. 1935, HO 45/18080.
73. Copy of Brass to Makins, 18 Apr. 1935; copy of HO to FO, 24 Apr. 1935; and copy of HO to Fischer Williams, 26 Apr. 1935, HO 45/18080. Also see HO to FO, 24 Apr. 1935, FO 371/19653.
74. FO to League, 1 Apr. 1935, LNA 3A/15244/15244.
75. FO to League, 18 Apr. 1935, LNA 3A/15244/15244.
76. Minute by Avenol, no date, McKinnon Wood to Avenol, 10 Apr. 1935, LNA 3A/16786/15244.
77. Simon to Eden, 7 May 1935, Avon Papers, AP 14/1515. Also see copy of Simon to Eden, 7 May 1935, Simon Papers, BLO, MSS.Simon 82/76-78.
78. Yugoslavia to League, 21 Mar. 1935, LNA 11/14883/14883.
79. Minute by Makins, 28 Mar. 1935, Henderson to FO, 18 Mar. 1935, FO 371/19573.
80. Eden devotes much attention to this trip in his memoirs. See Earl of Avon (Anthony Eden), *The Eden Memoirs: Facing the Dictators* (Boston, MA: Houghton Mifflin, 1962), pp. 134–211. Also see Dutton, *Anthony Eden*, pp. 40–2.
81. Henderson to Eden, 18 Mar. 1935, Avon Papers, BUL, AP 14/1/449.
82. Copy of Eden to Henderson, 22 Mar. 1935, Avon Papers, BUL, AP 14/1/449a.

83. Walters to Strang, 4 Apr. 1935, FO 371/19573.
84. Minute by Gallop, 8 Apr. 1935, Walters to Strang, 4 Apr. 1935, FO 371/19573.
85. Minute by Carr, 9 Apr. 1935; initial by Sargent, 11 Apr. 1935, and draft Carr to Strang, 12 Apr. 1935, Walters to Strang, 4 Apr. 1935, FO 371/19573.
86. Ramsay to FO, 15 Apr. 1935, FO 371/19573.
87. Ralph Clarmont Skrine Stevenson (assistant advisor on League of Nations affairs) (at Geneva) to Carr, 15 Apr. 1935, FO 371/19573.
88. Sabrina P. Ramet, *The Three Yugoslavias: State-Building and Legitimation, 1918–2005* (Washington, DC and Bloomington, IN: Woodrow Wilson Center Press and Indiana University Press, 2006), pp. 92–3.
89. Minutes by Gallop, Carr, and O'Malley, 17 Apr. 1935 and draft FO to Henderson dated 18 Apr. 1935, Stevenson to Carr, 15 Apr. 1935, FO 371/19573.
90. Ramsay to FO, 10 May 1935, FO 371/19574.
91. Minute by Eden, 15 May 1935, Henderson to FO, 10 May 1935, FO 371/19574.
92. Walters to Strang, 15 May 1935, FO 371/19574 and League of Nations, *Official Journal*, xvi (1935), pp. 650–1 and 837–82.
93. Ibid. Also see Anthony Eden, *Foreign Affairs* (New York: Harcourt, Brace and Co., 1939), pp. 54–5.
94. Ramsay to FO, 27 May and 7 June 1935, FO 371/19574.
95. Henderson to FO, 3 June 1935, FO 371/19574.
96. Avon, *Facing the Dictators*, p. 239.
97. For example, see file containing documents dated April and May 1935, LNA 3A/17592/15885 and "Synopsis of Proposals," CRT, 1 May 1935, LN, C.R.T. 6.
98. League of Nations, *Report to the Council on the First Session of the Committee* (30 Apr. to 8 May 1935), CRT, 8 May 1935, C.184.M.102.1935.V, pp. 1–2.
99. "Preliminary Draft Text drawn up by Professor Pella on the Basis of the French Government's Proposals, and taking into Account the Suggestions of Certain Other Governments," CRT, 1 May 1935, LN, C.R.T. 5. Also see "Preliminary Draft Convention drawn up by the Executive Bureau of the International Criminal Commission" and "Explanatory Statement," CRT, 11 Apr. 1935, LN, C.R.T. 3; "Legislation Regarding Political Terrorist Crimes: Study by M. Thomas Givenovitch," CRT, 3 May 1935, LN, C.R.T. 9 and Mark Allen Lewis, *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919–1950* (New York and Oxford: Oxford University Press, 2014), pp. 105–6.

100. "Comité pour la Repression Internationale du Terrorisme: Première session tenue du 30 avril au 8 mai 1935," Procès-verbaux révisés, LN, C.R.T. (1ère Session) P.V. 1(1) à 14(1), pp. 1–145. The minutes of the Committee were recorded only in French. Also see "Revised text, submitted by M. Pella, Indicating the Modifications which Appear to Him to be Necessary after the First Reading of the Committee," CRT, 6 May 1935, LN, C.R.T. 11., pp. 1–8.
101. *Report to the Council on the First Session of the Committee*, p. 3 and "Preliminary Draft Convention: International Criminal Court," CRT, 6 May 1935, LN, C.R.T. 12.
102. *Report to the Council on the First Session of the Committee*, Appendix I.
103. *Ibid.*, p. 3.
104. "Comité pour la Repression Internationale du Terrorisme," Procès-verbaux révisés, LN, C.R.T. (1ère Session) P.V. 1(1) à 14(1), p. 145.
105. *Ibid.*, pp. 126–33. Also see Martin David Dubin, "The Political and Diplomatic Context of Interwar International Terrorism," *International Terrorism: Two League of Nations Conventions, 1934–1937* (Millwood, NY: Kraus International Publications, 1991), p. 39.
106. McKinnon Wood to Central Section, 10 May 1935, LNA 3A/18045/15244.
107. Fischer Williams to FO, 7 June 1935, FO 371/19653.
108. For example, see minute by Beckett, 11 June 1935, League to FO, 8 May 1935, FO 371/19653 and FO to HO, 28 June 1935, HO 45/18080. Also see Copy of Beckett to Fischer Williams, 18 June 1935, Fischer Williams to FO, 11 June 1935, FO 371/19653; Kendal to Brass, 8 July 1935, and observations of "B" and "G" divisions, 12 July 1935, HO 45/18080.
109. Minute by Brass, 26 July 1935, FO to HO, 28 June 1935, HO 45/18080.
110. Patteson (for Simon) to Baldwin, 18 Apr. 1935, DBFP, Second Series, vol. xii, 734, p. 927.
111. Simon diary, 4 June 1935, Simon Papers, BLO, MSS.Simon 7. Henderson wrote Simon that "personally I am extremely sorry that you are severing y[ou]r connection with the F.O." and mentioned that Hermann Göring had told Prince Paul "how much Hitler had been impressed by you during y[ou]r visit to Berlin." Henderson to Simon, 9 June 1935, Simon Papers, BLO, MSS.Simon 82/117.
112. P. M. H. Bell, *France and Britain 1900–1940: Entente and Estrangement* (London and New York: Longman, 1997), pp. 189–90 and Michael L. Roi, *Alternative to Appeasement: Sir Robert Vansittart and Alliance Diplomacy, 1934–1937* (Westport, CT and London: Praeger, 1997), pp. 80–1.

113. Peters, *Anthony Eden at the Foreign Office*, pp. 123–4.
114. For a standard study, see George W. Baer, *Test Case: Italy, Ethiopia, and the League of Nations* (Stanford, CA: Hoover Institution Press, 1976). Also see Harold G. Marcus, *A History of Ethiopia* (Berkeley and Los Angeles: University of California Press, 1994), pp. 130–46 and Henig, *The League of Nations*, pp. 154–73.
115. Edmond (for Eden) to Hoare, 7 Oct. 1935, DBFP, Second Series, vol. xv, 40, pp. 45–7 and F. P. Walters, *A History of the League of Nations* (London and New York: Oxford University Press, 1960), pp. 654–5.
116. Baer, *Test Case*, pp. 74–8.
117. Copy of “A Record of Progress 1931–1935: The National Government’s Work,” November 1935, Avon Papers, BUL, AP 13/1/30c. Also see Nick Smart, *The National Government, 1931–40* (London: Macmillan, 1999), pp. 113–21.
118. McKinnon Wood to the deputy secretary-general in charge of internal administration, 17 July and 13 Aug. 1935, LNA 3A/19806/15244 and McKinnon Wood to Avenol, 28 Aug. 1935, LNA 3A/20521/15085.
119. Copy of McKinnon Wood to Carton de Wiart, 30 Aug. 1935, LNA 3A/19086/15244.
120. Copy of McKinnon Wood to Brass, 11 Sept. 1935, LNA 3A/19086/15244.
121. Copy of McKinnon Wood to Fischer Williams, 4 Oct. 1935, LNA 3A/20521/15085.



## CHAPTER 8

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# “If Eden Gives Way We Are Lost”

Throughout 1936 and early 1937, larger international events continued to shape how those serving on Geneva’s expert committee, the governments they represented, and the other member states of the League of Nations viewed the problem of international terrorism. Italy’s conquest of Ethiopia, Germany’s remilitarization of the Rhineland and denunciation of the Locarno agreements, the outbreak of civil war in Spain, and increasing calls for sweeping reform of the League Covenant all hindered the organization’s capacity to carry out its primary purposes.<sup>1</sup> At the same time, many governments and individuals remained dedicated to promoting international cooperation, preserving Geneva’s moral authority, and maintaining peace and security. Those working to restrict international terrorism by convention and judicial process continued to share these broad aims, but their efforts became increasingly technical and symbolic as governments considered other threats to global peace and security more important.

The League’s committee on terrorism held its second session in early 1936. The original eleven governments, including Italy and Hungary, all sent experts. They drafted two conventions: one to criminalize international terrorism and the other to establish an international criminal court. These accomplishments remained controversial and incomplete. The convention designed to prevent terrorist acts raised particularly difficult questions in Britain, where it provoked several protracted arguments and angry exchanges between the Home Office and Foreign

Office. Simon, now at the Home Office, was convinced that parliament would never accept an anti-terrorism convention requiring any significant changes to British law, nor did he see any domestic political or legal reasons to do so. Eden wanted the government to show support for the League in general and Council in particular. He saw diplomatic benefit in cooperating in drafting both conventions as well as convening a diplomatic conference to consider them, even if ultimately the British government refused to sign or ratify either one. A number of his advisors, including Fischer Williams, argued that the draft anti-terrorism convention could be amended in order to make it acceptable to Britain. The Home Office gave way. When in September and October 1936 several states at the Assembly attempted to impede Geneva's anti-terrorism project, France and Britain united against them. Preserving the prestige of the League and carrying out the Council's resolutions still mattered to both great powers, even if the anti-terrorism project itself did not. Their combined efforts ensured that the experts would have a chance to revise the conventions before inviting member states to discuss and sign them.

During the Committee's third and final session in April 1937, the British member played an active role. After more than two years of work, the Council accepted the revised drafts and agreed to summon a diplomatic conference on terrorism in November, a decision that fulfilled all conditions of the Hungaro-Yugoslav settlement. Eden could claim success, but he, with most other European leaders, was already dealing with larger concerns. The gap between British cabinet-level officials, who saw the League's legal response to state-supported terrorism as a diplomatically useful exercise, and lower-level advisors attempting to draft workable international conventions, had only widened. Only a shrinking number of government bureaucrats and legal experts remained optimistic about the League's response to terrorism. The law officers once again reminded the permanent officials that agreements reached at Geneva meant nothing until parliament enacted them in British law.

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While terrorism remained a danger to peace and security in late 1935, many League members considered the Ethiopian conflict a serious and immediate threat to the organization itself. As the League discussed limited economic sanctions against Italy, senior French, British, and Italian officials negotiated to end the conflict. Both France and Britain hoped to preserve peace in Europe by revising the international order in a way

that placated Italy. In early December, Hoare met Laval in Paris to finalize a proposal the British foreign secretary called "the best that we can get."<sup>2</sup> The agreement, giving Italy substantial economic and territorial concessions, largely at Ethiopia's expense and within the framework of the League, was to remain secret until Geneva and the governments concerned had considered them. The press prevented such confidential consideration; on December 9 the Hoare-Laval plan became public knowledge.<sup>3</sup>

The news caused political crises in Britain and France. Although Hoare had received cabinet consent to the plan in principle before going to Paris, he was forced to resign in disgrace.<sup>4</sup> Baldwin hoped to repair some of the political damage by appointing Eden foreign secretary, in part owing to his reputation as a defender of the League.<sup>5</sup> But Cecil was particularly angry, calling the terms a victory for Mussolini over the League.<sup>6</sup> In France, Laval's coalition government collapsed. His fall weakened support for a pro-Italian foreign policy; the leftist coalition that succeeded him was hostile to fascism and firmly opposed to Italy's war in Africa. Mussolini was still not ready to sever all ties with the western powers or Geneva, but relations worsened as he diminished his support for Austria and began to tilt toward Germany.<sup>7</sup> By early spring, the unity that had existed among the three permanent members of the Council in late 1934 was almost gone.<sup>8</sup>

These developments delayed collective efforts to repress and punish state-supported terrorism, but did not halt them. Like many large organizations, the League functioned on several levels and often served conflicting agendas. Some leaders searched for a way to make a portion of Ethiopia an Italian mandate; government bureaucrats and legal advisors followed what they understood as their instructions to identify ways to combat terrorism. On the day that Hoare resigned as foreign secretary, Fischer Williams met officials from the Home Office, India Office, Foreign Office, and other departments to hammer out a set of amendments to the anti-terrorism articles adopted in 1935.<sup>9</sup> The experts discussed these and other suggestions in January 1936 during the second session of the Committee for the International Repression of Terrorism.<sup>10</sup> Almost all the same experts, including Aloisi, returned. The outcome was briefly explained in the Committee's report to the League Council.<sup>11</sup>

One significant decision was to submit two separate draft conventions. The purpose of the first "would be the prevention and punishment of

terrorism,” that of the second “the creation of an International Criminal Court.” Carton de Wiart admitted that the Committee “was led to adopt this solution by the fact that differences of opinion were manifested both as to the principle and the timeliness of the creation of an International Criminal Court.”<sup>12</sup> The extradition clauses remained contradictory and controversial. Nonetheless, the experts asked the Council to forward the two draft texts to League members for comment; the experts would be willing to meet a third time, after the next Assembly session, for final revisions before the diplomatic conference.<sup>13</sup> In contrast to the League’s mounting political troubles, the Committee demonstrated the organization’s continuing ability effectively to perform its technical functions.

This success at Geneva had symbolic value for a number of governments. Despite Italy’s deepening estrangement, Rome used the anti-terrorism project to portray itself as both cooperative and moderate. Aloisi continued to represent Italy on the Council, and even presented the Committee’s report and offered the resolution to accept it.<sup>14</sup> For France and the Little Entente, Geneva’s anti-terrorism work remained important for different reasons. The French and Romanian members of the Council pointed to the experts’ collective efforts as proof of their countries’ shared commitment to international security. They expressed hope that other governments would examine the report “sympathetically, with a desire to achieve practical results,” and that an anti-terrorism convention would contribute to “removing misunderstandings” between states and to “strengthening peace.”<sup>15</sup> Since Aloisi’s resolution raised no political controversies and required no commitments, Eden said nothing and joined the other members of the Council in quickly adopting it.

For Fischer Williams, however, the Committee’s report to the Council represented more than a technical and symbolic achievement. He assured the Foreign Office that both draft conventions embodied “considerable improvements” and, if ratified, would give states an effective way to identify and reduce acts of terrorism. The purpose of the anti-terrorism convention, as stated in Article 1, was to ensure international cooperation in prevention and punishment. It did not define “terrorism” explicitly, but Article 2 did so by obliging governments to criminalize certain acts “in all cases where they are directed to the overthrow of a Government or an interruption in the working of public services or a disturbance in international relations, by the use of violence or by the creation of a state of terror.” These acts would still include attacks on



political leaders and government officials, damage to public property and means of communication, and any "wilful act calculated to endanger the lives of members of the public," such as the use of bombs and explosives, propagation of contagious diseases, or poisoning of drinking water or food. Fischer Williams argued that all of these acts were specifically "terrorist in character," as stipulated in his original instructions.

The conspiracy and incitement provisions in Article 3 were tightened slightly, but Fischer Williams again noted that legislation might be required if Britain adopted the convention. Despite the efforts of "certain members" of the Committee with a "continental interpretation" of international law, the extradition clauses were now worded to safeguard the British practice of a magistrate ruling on each request based on the particular facts of the case and Britain's relatively narrow definition of a "political" offence. The provisions on firearms and passport control remained largely intact.

Fischer Williams acknowledged that the draft convention creating an international criminal court continued to face "formidable" difficulties, both practical and theoretical. Nonetheless, it was now "more workable and less open to objection" in his opinion. As a result, the British expert could claim success in having many of his proposed revisions approved even if some "were not adopted in their entirety."<sup>16</sup>

Fischer Williams's optimism was genuine, but was also increasingly divorced from the political reality. With Germany rapidly rearming, state-supported terrorist groups in the Balkans no longer seemed the most serious threat to peace in Europe. While experts at Geneva discussed willful acts endangering the public such as the use of "incendiary materials" and poisoning of drinking water or food, Ethiopia demanded that the League investigate the Italian bombing of undefended villages and use of poison gas against civilians.<sup>17</sup> As jurists debated the idea of criminalizing conspiracies to overthrow governments, right-wing military officers commanding 100,000 armed men were plotting to topple the Spanish Republic.<sup>18</sup> The League's anti-terrorism project thus increasingly appeared to be responding to yesterday's problems—and perhaps tomorrow's—but not today's.

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In late February, Geneva formally requested that member states examine the two draft conventions and submit their observations before July 15.<sup>19</sup> Several governments ultimately did so.<sup>20</sup> In London, reaction to

the secretary-general's request differed among departments. The Foreign Office wanted to keep its options open for as long as possible while still supporting friendly governments and preserving the League's moral authority. Makins proposed communicating to other departments a disposition "to consider, subject to their views, that we should participate in the Terrorist Convention" but not in the creation of an international criminal court.<sup>21</sup> A badly flawed court could further undermine the League's reputation, but to abandon the idea would undercut France and its allies. Therefore, the Foreign Office's collective view was that Britain

should not encourage the Assembly to proceed with this proposal unless and until they consider that a reasonably good and practical scheme has been evolved. Harm is done to international institutions generally by the creation of any institution which is a complete failure.<sup>22</sup>

Support for the principles of the League remained important to British foreign policy. Geneva's legitimacy contributed to Britain's political influence and vice versa. London was willing to go a long way to explore means to suppress international terrorism within the framework of the League, but not to the extent of endorsing what the government considered bad or unworkable ideas that damaged the credibility of that framework in the longer term.

Both the Dominions Office and Colonial Office responded promptly with few suggestions, but the Home Office remained silent for two months.<sup>23</sup> In early June, Brass finally sent Makins a lengthy, mostly negative memorandum on the court convention. Both knew that there had never been much support in Britain for the scheme and Simon remained particularly hostile. Brass advised that "the proposal should, for the time being at any rate, be abandoned."<sup>24</sup> He noted that "a ministerial decision" was needed on the court proposal. It was widely expected that Simon would approve scrapping the court, but Brass warned that the home secretary might direct consulting "the Attorney-General and perhaps the Lord Chancellor also."<sup>25</sup> This was an early indication that Simon probably intended to buttress his own legal conclusions with those of the most important legal authorities in the cabinet. An amended memorandum, retaining the advice about abandoning the court, went to the home secretary.<sup>26</sup>

Deepening divergence between cabinet-level policy and sub-cabinet advice was more conspicuous in the discussion of the anti-terrorism

convention. In contrast to all of Simon's previous indications, Brass considered the latest draft largely unobjectionable. As Fischer Williams's substitute on the expert committee, Brass understood all of its provisions but had become similarly invested in them. Without consulting the Foreign Office, he drafted a second memorandum reminding Simon that the League Council had set up the expert committee on terrorism on Eden's recommendation "in connection with the crime in Marseilles." Fischer Williams had therefore carried out his instructions, and had helped to draft a convention that preserved "a state's right to afford asylum to a person taking part in a *bona fide* revolution," maintained freedom of speech, and ensured that "terrorist activities" should not be defined to include "ordinary 'strikes.'" <sup>27</sup> The draft text was now limited to "acts specifically 'terrorist' in character." As the legal advisors saw things, they had accomplished what their political superiors had said they wanted.

What Simon and like-minded cabinet colleagues really wanted, however, was that the League should either accept British law or produce no convention at all. Simon understood that a meaningful anti-terrorism convention was impossible without British participation, but that parliament would almost certainly refuse to pass the legislation needed to enact them. Brass seems to have failed to grasp this fundamental point. Noting that "legislation would be necessary" to criminalize the aiding, abetting, conspiring, and inciting, in Britain, of the commission abroad of a terrorist act (other than murder) and attempts, incitements, and conspiracies abroad to commit a terrorist crime, Brass, like Fischer Williams and others, did not anticipate insuperable legal or political obstacles. He echoed the assumptions in the Foreign Office that Britain had good reasons, domestic and foreign, to support such a convention. Since it was "internationally undesirable" for Britain to oppose it, he advised informing Geneva that the government "approve the substance" of the draft anti-terrorism convention. <sup>28</sup> It would not take long for the home secretary to express a very different view.

Sometime in late June, Brass met Simon, who then dictated a long, undated memorandum. He had little to say about the international criminal court; the League should drop the whole idea. But he had "much more doubt as to the line to be taken in reply to the secretary-general's enquiry as to our views on the Terrorist Convention." He rejected Brass's advice almost entirely. While noting Eden's role in proposing the convention and expressing admiration for the work Fischer Williams

and his colleagues had done in handling “a most troublesome subject,” Simon saw “no practical prospect” that parliament would pass the legislation need to criminalize “the full range of new offences here contemplated.”<sup>29</sup> As an influential cabinet minister and deputy leader of the House of Commons, Simon put what was politically possible in parliament before what was “internationally desirable,” particularly when international problems other than terrorism seemed far more important.

Simon was especially critical of the implication that the anti-terrorism convention was limited to “acts specifically ‘terrorist’ in character.” He drew particular attention to stipulations concerning conspiracies to commit crimes abroad and attacks on public services. Would it be “a criminal offence for two people in London to assist an interruption of a municipal tramway in a foreign city by pulling up tram rails”? Such examples “could be multiplied indefinitely” and “would be the subject of hot challenge from certain quarters.” Criminalizing acts aimed at overthrowing a government or causing a disturbance in international relations, “e.g., a European war,” made sense. But “[b]etween these two appalling catastrophes is sandwiched an interruption in the working of public services,” in other words a strike, which might seem “in many cases to be quite well justified,” particularly by members of the opposition Labour party. Provisions for extradition remained confused, and definition of what constituted a “political crime” remained unclear; there was “very small prospect” that such a convention would win much support “in this free country.” For these reasons, he did not see why Britain should even try to revise the draft, much less participate in a diplomatic conference to do so.<sup>30</sup>

While Simon thus opposed both draft conventions, he did not dismiss the international implications of rejecting them. Eden’s public image aside, he did not want to diminish Britain’s role (or his own) in resolving the Hungaro-Yugoslav crisis. As a consequence, he agreed that “we cannot, in view of the origin of the whole proposal and the trouble that has been taken about it,” simply reply “by pouring cold water on the whole thing.” Instead, he suggested reminding Geneva that English criminal law already regarded as crimes all the offenses listed in Article 2 of the anti-terrorism convention; and that under current extradition treaties “we are ready to hand over British subjects to foreign courts though many foreign countries decline altogether to hand over their subjects to us.” In these circumstances, Britain should offer no encouragement to the League whatsoever and only declare a wish “to study the whole matter further before pronouncing a final decision.”<sup>31</sup>

Before informing the Foreign Office of these conclusions, Simon bolstered his case by handing his memorandum, along with other relevant papers, to Sir Terence James O'Connor, the solicitor-general, for what O'Connor called a "personal impression of the project" rather than a formal opinion of the law officers.<sup>32</sup> He duly concurred in rejecting the proposed court, and "generally" with the home secretary's views on the anti-terrorism convention.

By Articles 2 [and] 3 it would be criminal to incite a person to send money to an accomplice of a person who is attempting violently to damage the meters of a foreign municipal gas company in order that the supply of gas might be interrupted. I am sure that this is not at present a crime in England.

As Simon must have anticipated, the solicitor-general "entirely agree[d] ... as to the virtual impossibility, in any circumstances that can be foreseen, of securing public approval of the legislative change which would be necessary to give effect to the Convention."<sup>33</sup>

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Brass and Maxwell had to relate the Home Office's position to the Foreign Office. After laying out the various criticisms of the two conventions, their penultimate paragraph declared that since there was no "practical prospect" of passing the legislation necessary for Britain to ratify either of the conventions, it was "inappropriate" to suggest any amendments to the texts.<sup>34</sup> The clear implication was that Britain would no longer actively participate in the anti-terrorism project that Eden had recommended to the League.

Civil servants of all ranks in the Foreign Office were stunned and angry. While none were surprised about the negative response to the court convention, almost all assumed that Britain could, and probably would, support the anti-terrorism convention with suitable amendments. They also assumed that Eden, for diplomatic as well as personal reasons, wanted such a convention. After much collective effort, they ultimately succeeded in persuading him to take action. Makins set the tone of this campaign early: the Home Office letter was "a very cold douche." Despite Britain's prominent role in the League's anti-terrorism efforts and the fact that France and the Little Entente powers were "very anxious that a convention should come into being," the Home Office's

position amounted to “saying that we will have nothing more to do with it.”<sup>35</sup> Such a position, if the foreign secretary accepted it, threatened to undermine not only the government’s influence at Geneva, but also number of Britain’s other objectives in Europe.

William Strang, the head of the League of Nations section at the Foreign Office, added to this sense of indignation toward the Home Office’s stance. What should the British delegation do at the upcoming meeting of the Assembly? Should Britain support a diplomatic conference on terrorism to advance the conventions? If not, should it even attend one convened by the League? What would the British government tell Geneva if it did not attend? Simon was the senior Liberal in what was now a Tory-dominated national government. Baldwin valued his experience, and the home secretary was enjoying a revived political reputation. Getting the Home Office to soften its position might prove difficult since, as Strang observed, there was “reason to believe that Sir J. Simon himself has taken an interest in the subject and is responsible for laying down the line the H.O. are now taking.”<sup>36</sup>

Despite the political forces at play, Malkin tried to hold firm. As a member of the British delegation to the next session of the Assembly, he would represent Britain on the First Committee when the expert committee’s second report was considered.<sup>37</sup> Since the Assembly had only to decide whether to recommend the summoning of a conference to conclude the anti-terrorist convention, it seemed to him “out of the question” for Britain to oppose. Further, Fischer Williams’s report indicated that little legislation would be needed, and that even that might not “be really controversial.”

If, however, the Home Office letter means that in their view we can in no circumstances become parties of this convention, a rather serious question arises, in view of the history of the affair, which I think would have to be submitted to the Secretary of State.<sup>38</sup>

The strongly worded opinions of Makins, Strang, and Malkin not only illustrated Foreign Office opposition to the Home Office’s position, but also supplied Eden with a wide range of political and legal reasons not to give in to Simon. A few days later, Makins put the issue in even starker terms. Since when was it impossible to change British law in order to enact the anti-terrorism convention? Given Britain’s previous public position and the importance that France and the Little Entente attached

to the entire effort, it would be "a serious step for us to indicate that we could in no circumstances become parties to this convention." He proposed that the government's formal reply to the secretary-general "should be amended so as to avoid the impression that we have no further interest in the Convention." Eden should also ask the Home Office two important questions:

- (1) What the legislation required to implement the Convention in the United Kingdom would amount to.
- (2) What attitude is proposed that the United Kingdom delegation should take at the Assembly as regards the summoning of an international conference and as regards the participation of His Majesty's Government if a conference is held.<sup>39</sup>

Makins's arguments won over Vansittart. Showing public support for League principles and preserving Britain's influence within the organization remained important. Geneva's prestige and moral authority continued as an underpinning of British foreign policy. It seemed "inadmissible," Vansittart told the foreign secretary, "that we sh[oul]d adopt the negative view of the H.O."

It would put this country, [and] you personally, in a position which I see no reason to accept, and I think you sh[oul]d decline to accept without far better ground than this. In particular, I w[oul]d push the H.O.—who are usually negative—very closely on (1) of Mr. Makins's recommendations. In view of what Sir W. Malkin says of Sir J. Fischer Williams at the end of the Minute, it *may* conceivably prove that the H.O. are indulging in the not uncommon pastime of making a mountain out of a molehill, [and] then sheltering behind it.<sup>40</sup>

Vansittart's influence in the Foreign Office had diminished considerably after the debacle of the Hoare-Laval pact. His relations with Eden were strained.<sup>41</sup> Nevertheless, the foreign secretary had a number of compelling reasons to agree with his permanent under-secretary and others advising him to challenge Simon. Not only was the international situation deteriorating to Britain's disadvantage, making ties with France and its allies as well as the League more important than ever, but to accept the Home Office's position would be another blow to Eden's standing at home and abroad.

In a letter to the foreign secretary a few days earlier, Gilbert Murray, the chairman of the LNU and a longtime advocate of the League, described the atmosphere in Geneva as one of “great depression, that is obvious, but not a passive or contented depression, much more of indignation [and] anger.”

I also notice a general tendency to look to you [and] practically you alone. One man after another asks me if Eden has really given way, or says “If Eden gives way we are lost.” I suppose it will mean a determined fight against some of your surroundings, but I am sure you can save the League if you speak out boldly [and] that our L.N.U. people will rally to you with all their strength ... We do desperately need a clear lead from you.<sup>42</sup>

While Murray’s letter was mostly about the demoralizing impact of Italy’s conquest of Ethiopia and not the anti-terrorism convention, the sentiment may have struck a chord. Eden approved Makins’s proposal without comment.<sup>43</sup>

The Foreign Office presented its objections to the Home Office in late July, requesting a prompt reply since Britain’s observations to the secretary-general were already overdue. While accepting the conclusions about the proposed international criminal court, the Foreign Office repeated the reasons that Eden “would most strongly deprecate the adoption of such a negative and unhelpful attitude.” Since there was no need to reach a final decision now, it would be far better to declare at Geneva that the draft anti-terrorism convention merited careful consideration while supporting the decision to hold a diplomatic conference in 1937. Nothing would commit the British to supporting either draft convention, but such a policy would make it possible to improve both texts, allow Britain to attend the conference, and demonstrate the government’s continued willingness publicly to cooperate with France and other states in combating international terrorism.<sup>44</sup> This would advance several of the government’s important diplomatic objectives, including allowing Britain to portray itself as a defender of League principles.

The Foreign Office’s letter provoked a difficult exchange within the Home Office. Brass conceded that there was no reason to oppose the Foreign Office’s suggestions since they did “not appear actually to prejudice” the view of either Simon or the solicitor-general.<sup>45</sup> He went on to argue, however, that unless the present draft convention was confined to “real acts of terrorism in the narrower sense,” there would still be serious



political obstacles to the legislation needed to enact it. Simon reluctantly agreed but asked what had happened to his earlier suggestion to consult the attorney-general and Lord Chancellor. "I think they will share my scepticism," he minuted tartly, in which case it would be much harder, if not impossible, for Eden and his advisors to challenge the Home Office's position.<sup>46</sup> Brass was forced to admit that he had assumed that Simon "did not consider it necessary to trouble" either of them since O'Connor had been consulted and had concurred.<sup>47</sup> As a consequence, there was little choice but to defer to the Foreign Office while Britain's representative at the Assembly pressed for revisions; the anti-terrorism convention should be "confined to acts of violence which are so serious as to amount to acts of terrorism in the true sense."<sup>48</sup>

The Home Office's concession was received with relief in the Foreign Office.<sup>49</sup> The following day, Malkin met with both Brass and Oscar Dowson, another legal expert in the Home Office who, along with Makins and Malkin, was preparing to join the British delegation to the next session of the Assembly.<sup>50</sup> They drew up the government's observations on the draft conventions and sent them off to the League, closely following the Home Office's legal arguments, but also reflecting the Foreign Office's determination to remain as constructive as possible. While still critical of the proposed court, and assiduously avoiding British agreement in principle with the anti-terrorism convention, London gave every indication of cooperating in confronting state-supported terrorism.<sup>51</sup>

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The League was facing a difficult moment. Guatemala, Honduras, and Nicaragua had recently resigned from the organization in order to distance themselves from European affairs and forge closer security ties with the United States.<sup>52</sup> In Spain, the attempted military coup had failed and sparked a bloody civil war. Violence was increasing in Britain's mandated territory of Palestine. The emperor of Ethiopia was living in exile in England and said he had given up on Geneva.<sup>53</sup> Italy was boycotting the League and a million Nazis convened in Nuremberg in early September to listen to Hitler call for Germany's expansion eastward. The president of the League Assembly publicly acknowledged that such events were putting the League to "a stern test" and were causing "concern, distress and anxiety" for many members.<sup>54</sup> Fostering international cooperation to preserve peace, bolstering Geneva's legitimacy and prestige, and

upholding law as the foundation of international relations remained priorities for him and other defenders of the organization. The two draft conventions on the repression and punishment of terrorism served these broad priorities, even if only in a symbolic and rhetorical sense.

The First Committee of the Assembly began debate on September 30.<sup>55</sup> The committeemen included several of the experts responsible for the convention texts, including Basdevant, Carton de Wiart, and Pella, who, once again seeing an opportunity to advance both conventions, served as *rapporteur*. Malkin was the British delegate and late in the order of speakers. Sharp disagreements emerged almost immediately. Pella insisted that it was not the task of either the First Committee or the Assembly to agree on the final form of the conventions. Rather, their role was to submit observations to the expert committee so it could revise the texts as well as ask the Council to convene the diplomatic conference.<sup>56</sup> Henri Rolin, a highly regarded professor of international law at the University of Brussels, rejected this view.<sup>57</sup> Despite his fellow delegate Carton de Wiart's role as chairman of the committee responsible for revising the anti-terrorism convention, Rolin opposed restricting a state's right to grant political asylum and defining terrorism so broadly that it encompassed "any act of rebellion" against a government, including the current one in Spain. He argued that the text needed substantial revision and that any diplomatic conference should be postponed at least until 1938.<sup>58</sup> This angered the delegates representing the Little Entente powers. The Yugoslav delegate warned that putting off a conference "would not fail to intensify the unfortunately widespread impression that the organs of the League were powerless to settle the gravest and most urgent questions."<sup>59</sup>

Britain and France were determined to counteract any perception of a "powerless" League. For different reasons, neither wanted other states to obstruct Geneva's anti-terrorism project. London needed the organization to lend legitimacy to its attempts to revise the international order by peaceful appeasement. The new Popular Front government in Paris retained faith in the League and the promise of collective security, but anchored its foreign policy to the *entente* with Britain. Trapped by its crumbling eastern alliances, France nevertheless tried to hold on to them.<sup>60</sup> Finding a way to work together while avoiding another failure at Geneva was essential to both governments.

For these reasons, the British and French delegates hoped to forge a broad consensus on the two draft conventions while deferring difficult

legal questions to the expert committee. Malkin took the first step. He agreed with Pella that the only decision the First Committee needed to make was whether to recommend summoning a conference on the repression and punishment of terrorism, something Britain was prepared to support.<sup>61</sup> At the same time, he admitted that Britain shared some of Rolin's criticisms of the anti-terrorism convention. The French delegate, Joseph Paul-Boncour, sided with Malkin, but more bluntly. Recalling the events of October 1934, which had "stained with blood the soil of France, who would suffer eternal sorrow," he declared it "almost as a duty" to convene an international conference on terrorism.<sup>62</sup>

The British and French appeals tipped the debate. After further discussion, Pella finally convinced Rolin to help draft a resolution to guide the expert committee in making the necessary changes to the anti-terrorism convention as well as to make it possible to convene a diplomatic conference.<sup>63</sup> As the two men searched for common ground, the delegates turned their attention to reaching a similar accommodation on the proposed international criminal court. While most were against it, including Britain, Malkin confirmed that his government would not "place obstacles in the way." Paul-Boncour declared that France was "a very strong supporter," but agreed to the need for revision. Only Pella defended the proposal as it stood.<sup>64</sup>

With time running out to pass a final resolution, the chairman opened debate on the Pella-Rolin draft. The carefully worded compromise recommended that the committee of experts revise both conventions in order that the Council might convene a conference on terrorism in 1937. The suggestions for changes, however, were sweeping. In particular, a revised anti-terrorism convention must ensure punishment

of attacks of a terrorist character in the strict sense of the word, or attacks possessing an international character in virtue either of the place in which preparations for them were made or the place in which they were carried out, or in virtue of the nationality of those participating in them or their victims.<sup>65</sup>

Malkin praised the draft and joined the majority of delegates, led by the French and the Little Entente powers, in voting in favor.<sup>66</sup> While marking another largely technical and symbolic achievement for the League's anti-terrorism project, the Pella-Rolin compromise also advanced a number of different diplomatic objectives. Britain demonstrated willingness

to cooperate to defend the authority of the Council without accepting new commitments. France stood by its allies and appeared to contribute to the League's efforts to achieve international peace and security. Smaller powers promoted the concept of collective action within the framework of the League. Pella and other advocates of expanding international criminal law and jurisdiction kept their aspirations for a legal response to terrorism alive. The Assembly adopted the First Committee's resolution a few days later.<sup>67</sup>

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Despite outward appearances, the Assembly's accomplishment exposed many daunting obstacles that the League's anti-terrorism project continued to face. Almost all of the delegates participating in the First Committee's debate acknowledged the League's broad responsibility to combat international terrorism. The majority also supported convening an international conference on the problem sooner rather than later. Although most agreed that the two conventions required revision, however, they differed widely as to the extent of the changes and did nothing to clarify the extradition clauses. The scope and definition of "terrorism" remained far from settled. Malcolm MacDonald, secretary of state for dominion affairs, and a member of the British delegation at the Assembly in 1936, reported to the Foreign Office that the British and French remained far apart on fundamental legal questions. While the majority of delegates wanted to restrict the scope of the anti-terrorism convention "to acts of a terrorist character in the strict sense," the expert committee would still need to carry out "a considerable revision of the text" before it was "likely to prove acceptable to the majority of the members of the diplomatic conference."<sup>68</sup> Like Simon and other cabinet-level officials in Britain, MacDonald was deeply skeptical that the experts would succeed.

Officials in the League Secretariat held a similar view. They worried that Geneva's efforts to combat terrorism would result only in fresh embarrassment for the organization. McKinnon Wood predicted that the proposed diplomatic conference would "take a long time" and might "even fail to secure agreement." He was particularly dismissive of the extradition clauses in the anti-terrorism convention. As it stood, he wrote, the convention was "a fraud," so widely different and contradictory were the interpretations of these clauses.<sup>69</sup> In a private letter to Brass, he said he was "thoroughly ashamed" of the anti-terrorism

convention, which he thought "incomprehensible."<sup>70</sup> Beginning in late October, McKinnon Wood and others in the Secretariat began advising the secretary-general to make sure that the unpopular international criminal court was not "under the auspices" of the organization in any way.<sup>71</sup> Avenol agreed.<sup>72</sup>

Despite this growing sense of doubt and disappointment, British bureaucrats resumed their discussions on terrorism in early 1937 while assuming that an anti-terrorist convention was achievable. Given the increasingly internationalized conflict in Spain, Brass warned there would be an effort at Geneva to "exclude civil war from the scope of the convention," even if differentiating acts of terrorism from a civil war, or even a "serious riot," was almost impossible.<sup>73</sup> In early March, Fischer Williams met officials from the Home Office and Foreign Office to discuss his newest revisions.<sup>74</sup> These would meet the Assembly's criteria for criminalizing "attacks of a terrorist character in the strict sense of the word" and offenses "possessing an international character."<sup>75</sup> While all acknowledged that there remained problems with the draft anti-terrorism convention, they also assumed that Britain could support a revised text. Fischer Williams confidently asked the Secretariat to circulate his amendments to the other members of the expert committee.<sup>76</sup>

The work of government advisors and appointed experts meant nothing without ministerial approval, however, and within a few days Brass had drafted a long memorandum for Simon. British participation in the League's efforts to prevent and punish international terrorism now stood at a crossroads.

On the one hand, His Majesty's Government seems committed to the general principle of a Convention for the Prevention and Punishment of Terrorism, since it was upon Mr. Eden's proposal that the Committee of Experts was set up by the Council of the League, and it would appear that any such Convention must contain provisions for preventing persons plotting in State A to commit terrorist acts in State B. On the other hand, it is necessary that the provisions of the Convention should be such as will be acceptable to Parliament.

Even if all of Fischer Williams's latest changes were adopted, "legislation in this country would be required." The government would have to criminalize conspiracy, incitement, and participation, in Britain, in the commission abroad of almost all the terrorist acts listed in the

convention. Legislation would also be necessary to include those acts as extraditable offences.<sup>77</sup> Brass shrewdly avoided advocating a position, but his memorandum emphasized Britain's continuing cooperation with the League's anti-terrorism project. Since the Home Office had already given way over the negotiations at Geneva, he assumed that Britain could support the Assembly's recommendation to convene a diplomatic convention on terrorism.

This assumption went unchallenged until Maxwell forwarded the documents to the home secretary on March 19.<sup>78</sup> After writing "I must reread this" at the bottom of the memorandum, Simon went away for Easter taking the draft amendments and related papers.<sup>79</sup> Surprised and embarrassed, Fischer Williams urged that his revisions be held back from the other members of the expert committee. "If I had thought that the S[ecretary] of S[tate] would find it difficult to approve," he told Brass, "I would have asked to see him, but I fear it is too late now."<sup>80</sup> Brass contended that Simon could not reasonably reject the latest proposals since the government seemed "committed in principle" to an anti-terrorism convention and "there is no other practicable course open."<sup>81</sup> Fischer Williams likewise insisted that "the League is really bound, on pain of looking ridiculous and rather futile, to produce a Convention of some sort."<sup>82</sup>

These advisors did not have to wait long for Simon's decision. Instead of accepting or rejecting the proposed revisions, in a minute dated March 27 he declared: "I should have thought that the observations of the Law Officers were needed" before a ministerial decision. Their opinions trumped all other legal advice to the government. "It is they, not the Foreign Office or the Home Office, who would have to get through the House of Commons this list of new crimes—I personally doubt very much whether they would succeed." Simon conceded the amendments would answer "the most glaring objections" to the anti-terrorism convention, but he revived his original criticisms of the entire notion underlying the League's legal response to international terrorism. And he insisted that the convention itself had little practical value given the deep ideological differences and widely varying legal systems that existed between modern states.

I am afraid I think it is fundamentally absurd to proceed on the basis that a Russian or German court dealing with breaches of the new law against terrorist activity plotted by Russians or Germans at the expense of England

would act in the same way or aim at the same thing as an English court dealing with breaches of the law against terrorist activity plotted by people here at the expense of Russia or Germany.<sup>83</sup>

Even if Nazi Germany and the USSR were parties to the anti-terrorism convention, British legal traditions were deemed vastly superior, and "[t]he administration of criminal law in this country differs *toto caelo* [or "completely"] from its administration abroad and it is impossible by international treaties to produce corresponding results." Simon stopped short of suggesting that Britain should abandon the convention entirely, but he wanted its scope "reduced to the minimum." What exactly "the minimum" was he did not say, but strongly implied that it should require few if any changes to British law or legal traditions. In an effort to prevent repetition of the Home Office's bureaucratic mistake of the previous summer, Simon explicitly instructed that "[t]his minute should be included in the papers sent to the Law Officers."<sup>84</sup>

Brass sent a copy of the minute to Fischer Williams, and tried to remain optimistic about the law officers' views and Simon's ultimate decision: "[w]e have [already] endeavoured to reduce the scope of the Convention to what appears to be the minimum which can reasonably be suggested at Geneva."<sup>85</sup> But he and Fischer Williams had to "be careful not to commit H. M. Government in any way" in the interim.<sup>86</sup> Officials in the Home Office now drafted a letter to Sir Donald Somervell, the attorney-general, and O'Connor.<sup>87</sup> Simon wanted their views soon; "[o]ur representatives on the Committee of Experts will be leaving for Geneva in about a fortnight's time."<sup>88</sup>

The law officers' memorandum reached the Home Office on April 16, four days before the League's experts were due to meet.<sup>89</sup> It did little to resolve matters. Not only did the memorandum fail to answer a number of important legal questions, it raised new ones against the case for the convention. The law officers abhorred haste: "this whole question wants very careful consideration before we commit ourselves to any definite proposal." They agreed that Fischer Williams's revisions were "improvements" and they were less critical than Simon, but they shared his doubts that parliament would accept anything but a "fairly narrowly confined" extension of the law to combat international terrorism. They also admitted to confusion over the extradition provisions. Some sections of the convention were too narrow, others too broad. The memorandum rehearsed commonplaces about foreign law, and commented

with unhelpful ambiguity about the likelihood of parliamentary approval. A few comments were worded in such a way as to lend almost equal support to the convention's detractors and advocates alike. Nor were the law officers immune to expressing vacuous political observations:

We think that it is not inconsistent with the above for it to be stated that His Majesty's Government remain sympathetic to the general object of seeing if adequate steps can be taken with a view to dealing with those who in one country plot or incite terrorist acts in another. All we are anxious about is that this should be made subject to our liberty to consider ways and means and how far these provisions should go.<sup>90</sup>

This judgment, such as it was, left the Home Office with no option but to instruct Brass and Fischer Williams to do their best to reduce the scope of the anti-terrorism convention "to the minimum" and await Simon's final decision.<sup>91</sup>

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The Committee for the International Repression of Terrorism met for the third and final time in Geneva from April 20 to 26.<sup>92</sup> Reflecting the growing political weakness of the League, Italy and Chile were absent. Nonetheless, the League's machinery continued to work effectively. Fischer Williams was among the most energetic participants in revising the anti-terrorism convention. He later told the Foreign Office that he was responsible for many of the more important changes.<sup>93</sup> The definition of terrorism in Article 1 was "recast;" Article 2 was "drastically amended" and "considerably reduced," making it "abundantly clear that only terrorist acts in the sense of Article 1" now fell "within the scope of the contemplated legislation."<sup>94</sup> The Committee's final report emphasized that these changes responded to specific observations of governments as well as to the resolution that the Assembly had adopted in October.<sup>95</sup> The experts expressed hope that both conventions, as revised, would provide a useful basis for deliberations of the diplomatic conference later in the year.<sup>96</sup> It was now up to the Council of the League to ask member states to consider the drafts and set a date for the conference.

A week before the Council session was due to begin, Brass telephoned Makins to discuss the Committee's report and the proposed international conference. Eden was expected to attend, and the question was on its agenda. While other issues were far more important to him, he



hoped to continue to show public support to the League's anti-terrorism project.<sup>97</sup> The Foreign Office had received no official correspondence on the subject from the Home Office in more than a month. Brass was evasive, but honest. He said that while there had not yet been a ministerial decision on the revised draft conventions, nothing that the Home Office might say could affect the decision to convene an international conference. But he also observed that Simon would still likely object to an anti-terrorism convention "on these lines," implying that it could be amended in such a way that might ultimately satisfy Simon.<sup>98</sup> Makins therefore advised his superiors of "no grounds for objecting to the convocation of a diplomatic conference by the Council at its next session."<sup>99</sup> His position did not change even after the Foreign Office received copies of Simon's minute of March 27 and the law officers' memorandum.<sup>100</sup> While noting that "[w]e cannot display much public enthusiasm" for the draft anti-terrorism convention in its current form, Makins reported that the attorney-general had expressed his hope "that there would be ample time to consider this question before a diplomatic conference was summoned."<sup>101</sup>

All of this was good enough for Eden. On May 27, he joined the other Council members in approving a resolution for convening a conference on the international repression of terrorism at Geneva on November 1, 1937, and inviting League members to send delegates "to participate in the work of the Conference and eventually sign such Conventions as the Conference may draw up." Speaking for the Little Entente, the Romanian member praised the Council not only for settling "the grave dispute" sparked by the terrorist attack at Marseilles, but promising to fulfill its duty to "prepare a plan for international action to prevent the frightful scourge of terrorism." He also congratulated the legal experts on concluding their two draft conventions.<sup>102</sup> Accepting the drafts and deciding to convene a diplomatic conference satisfied the terms of the Council's successful mediation between Yugoslavia and Hungary in 1934. The League in general and the British representative in particular shared much of the credit for these political and technical achievements.

The Romanian member's tribute was an unwitting reminder of how the League's peacekeeping functions had changed since the assassination of King Alexander. While the organization had been able to help its members avoid a potentially serious and unpredictable war in late 1934, by early 1937 it was preparing to continue debating a problem

its own technical experts could not define, much less suppress or punish. Rather than cooperating with Britain and France within the League, Italy was absent and openly ridiculed its authority. Instead of bringing states together to preserve the peace that all sides wanted, Geneva was inviting states to a diplomatic conference that only a relatively small group of obscure jurists and academics seemed to care about. Fears of 1914 remained very much alive in Europe, but many European policymakers were convinced that the League as a world security organization was dying, if not already dead.

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Despite sweeping changes within and between states during this period, the League's anti-terrorism project endured, even if only in the narrowest technical and symbolic sense. Yet as Eden listened to complimentary speeches and voted on resolutions in Geneva, the political winds within the British government were shifting. The day after the Council approved convening a diplomatic conference on terrorism, Neville Chamberlain succeeded Baldwin as prime minister.<sup>103</sup> When Simon wrote his minute criticizing the draft anti-terrorism convention in late March, he already knew that Chamberlain "wanted me to succeed him as Chancellor of the Exchequer."<sup>104</sup> Eden remained foreign secretary, but the new prime minister intended to take an active interest in foreign policy. He was critical of the Foreign Office's management of affairs with Italy and Germany, and was convinced that the world faced security threats far more dangerous than state-supported terrorism.<sup>105</sup> Chamberlain's decision to appoint his close friend Hoare to the Home Office only added to Eden's relative isolation within the cabinet even before signs of significant divisions emerged later that summer. While Eden had prevailed over the Home Office on the question of Britain's continued cooperation with Geneva's efforts to combat international terrorism in 1936, he would be less able or willing to do so after May 1937.

## NOTES

1. On the "reform" of the League, see Meeting of the Cabinet, 6 May 1936, at 11:00 a.m., CAB 23/84 and Salo Engel, *League Reform: An Analysis of the Official Proposals and Discussions, 1936-1939* (Geneva: Geneva Research Centre, 1940).
2. Hoare to Eden, 8 Dec. 1935, Avon Papers, BUL, AP 14/1450j.

3. "Recommendations agreed by Sir S. Hoare and M. Laval on December 8, 1935," DBFP, Second Series, vol. xv, 336, pp. 425–7. Also see Michael D. Callahan, *A Sacred Trust: The League of Nations and Africa, 1929–1946* (Brighton and Portland: Sussex Academic Press, 2004), pp. 83–5.
4. Diary entry, 19 Dec. 1935, Simon Papers, BLO, MSS.Simon 7.
5. Copy of Cecil to Murray, 23 Dec. 1935, Cecil Papers, BL, Add MS 51132. Also see diary entry, 22 Dec. 1935, Simon Papers, BLO, MSS. Simon 7 and A. R. Peters, *Anthony Eden at the Foreign Office 1931–1938* (New York: St. Martin's Press, 1986), pp. 148–51.
6. Cecil to Eden, 10 Dec. 1935, Avon Papers, BUL, AP 14/1/417.
7. On Mussolini's pro-German orientation beginning in 1936, see Alan Cassels, "Mussolini and the Myth of Rome" in Gordon Martel, ed., *The Origins of the Second World War Reconsidered*, 2nd ed. (London and New York: Routledge, 1999), pp. 57–74.
8. "91st (Extraordinary) Session of the Council, Verbatim Report of the Tenth Meeting (Public), 20 April 1936, 3:30 p.m.," LNA 14/23006/1139.
9. Minute by Brass, 18 Dec. 1935, Johnston to Brass, 21 Sept. 1935, HO 45/18080. Also see copy of Brass to Fischer Williams, 4 Dec. 1935 and Fischer Williams to Brass, 6 Dec. 1935, same file, and Fischer Williams to McKinnon Wood, 26 Dec. 1935, LNA 3A/20521/15085.
10. For the minutes of the second session, see "Comite pour la Repression Internationale du Terrorisme: Deuxième Session tenue du 7 au 15 janvier 1936," (CRT Minutes, Second Session) Procès-verbaux révisés, C.R.T. (2ème Session) P.V.1 à 11 (1), LNA 3A/22004/15244.
11. League of Nations, *Committee for the International Repression of Terrorism: Report to the Council Adopted by the Committee on January 15th, 1936*, (CRT Report, 1936) 10 Feb. 1936, A.7.1936.V [C.36(I).1936.V.], pp. 2–3.
12. *Ibid.*, p. 2.
13. *Ibid.*, p. 3.
14. League of Nations, "Minutes of the Nineteenth Session of the Council," *Official Journal*, 17th year, no. 2 (February 1936), pp. 119–20.
15. *Ibid.*, p. 120.
16. Fischer Williams to FO, 11 Mar. 1936, FO 371/20486.
17. George W. Baer, *Test Case: Italy, Ethiopia, and the League of Nations* (Stanford, CA: Hoover Institution Press, 1976), pp. 180–1.
18. Stanley G. Payne, *The Collapse of the Spanish Republic 1833–1936: Origins of the Civil War* (New Haven, CT: Yale University Press, 2006), Chapter 13.
19. For example, see League to FO, 21 and 23 Jan. 1936 as well as 25 Feb. 1936, FO 371/20486. Also see FO to HO, 1 Feb. 1936, HO

- 45/18080 and League of Nations, "International Repression of Terrorism," Circular Letter, 25 Feb. 1936, C.L.26.1936.V.
20. League of Nations, "International Repression of Terrorism: Draft Convention for the Prevention and Punishment of Terrorism [and] Draft Convention for the Creation of an International Criminal Court: Observations by Governments, Series I" (Geneva, September 7, 1936), A.24.1936.V and League of Nations, "International Repression of Terrorism: Draft Convention for the Prevention and Punishment of Terrorism [and] Draft Convention for the Creation of an International Criminal Court: Observations by Governments, Series II" (Geneva, September 21, 1936), A.24 (a).1936.V.
  21. Minute by Makins, 3 Mar. 1936, League to FO, 25 Feb. 1936, FO 371/20486.
  22. FO to HO, 3 Apr. 1936, HO 45/18080.
  23. Copy of DO to FO, 30 Apr. 1936, FO to HO, 30 Apr. 1936; Copy of CO to FO, 15 May 1936, FO to HO, 15 May 1936 and FO to HO, 20 May 1936, HO 45/18080.
  24. Memorandum by Brass, copy of Brass to Makins, 4 June 1936, HO 45/18080.
  25. Brass to Makins, 4 June 1936, HO 45/18080. The Lord High Chancellor, or Lord Chancellor, was a member of the cabinet responsible for the efficient functioning and independence of the courts. He also served as speaker of the House of Lords. In 1936 this post was held by Douglas Hogg (1st Viscount Hailsham), a Conservative.
  26. Minute by Brass, 17 June 1936, Makins to Brass, 16 June 1936, HO 45/18080.
  27. "Draft Convention for the Prevention and Punishment of Terrorism" by Brass, 17 June 1936, HO 45/18080.
  28. Ibid.
  29. Memorandum, undated, dictated by Simon marked "X," HO 45/18080.
  30. Ibid.
  31. Ibid.
  32. O'Connor, a Conservative MP, became solicitor-general on 19 March 1936. He served until his death in May 1940.
  33. O'Connor to Simon, 1 July 1936, marked "Y" and written on House of Commons stationery, HO 45/18080.
  34. HO to FO, 14 July 1936, FO 371/20486. Also see rough draft with revisions attached to FO to HO, 3 Apr. 1936 and minute by Brass, 13 July 1936, HO 45/18080.
  35. Minute by Makins, 17 July 1936, HO to FO, 14 July 1936, FO 371/20486.

36. Minute by Strang, 17 July 1936, HO to FO, 14 July 1936, FO 371/20486.
37. FO to League, 24 June 1936, LNA 15/19208/17965. In addition to Malkin, those planning to attend the session included Eden, Strang, and Makins.
38. Minute by Malkin, 18 July 1936, HO to FO, 14 July 1936, FO 371/20486.
39. Memorandum by Makins entitled "Convention for the International Repression of Terrorism," 20 July 1936, attached to HO to FO, 14 July 1936, FO 371/20486.
40. Minute by Vansittart, 25 July 1936, HO to FO, 14 July 1936, FO 371/20486. Emphasis in original.
41. On Vansittart's position within the Foreign Office and relations with Eden during this period, see Michael L. Roi, *Alternative to Appeasement: Sir Robert Vansittart and Alliance Diplomacy, 1934-1937* (Westport, CT and London: Praeger, 1997), pp. 117-9 and Keith Neilson and T. G. Otte, *The Permanent Under-Secretary for Foreign Affairs, 1854-1946* (New York and London: Routledge, 2009), pp. 225-6.
42. Murray to Eden, 11 July 1936, Avon Papers, BUL, AP 13/1/37b.
43. Initialed by Eden (in red ink), no date, HO to FO, 14 July 1936, FO 371/20486.
44. FO to HO, 31 July 1936, HO 45/18080.
45. Minute by Brass, 6 Aug. 1936, FO to HO, 31 July 1936, HO 45/18080.
46. Minute by Simon, 8 Aug. 1936, FO to HO, 31 July 1936, HO 45/18080.
47. Minute by Brass, 11 Aug. 1936, FO to HO, 31 July 1936, HO 45/18080.
48. HO to FO, 11 Aug. 1936, FO 371/20486.
49. Minute by Makins, 12 Aug. 1936, HO to FO, 11 Aug. 1936, FO 371/20486.
50. For a full list of delegates, substitutes, assistants, advisors, and secretaries from Britain to the Seventeenth Ordinary Session of the Assembly, see FO to League, 12 Sept. 1936, LNA 15/25542/23907.
51. FO to League, 13 Aug. 1936, LNA 3A/25207/22660. Also see League of Nations, "International Repression of Terrorism: Draft Convention for the Prevention and Punishment of Terrorism [and] Draft Convention for the Creation of an International Criminal Court: Observations by Governments, Series I" (Geneva, September 7, 1936), A.24.1936.V., p. 4.

52. Yannick Wehrli, "A Dangerous League of Nations: The Abyssinian War and Latin American Proposals for the Regionalization of Collective Security" in Alan L. McPherson and Yannick Wehrli, eds., *Beyond Geopolitics: New Histories of Latin America at the League of Nations* (Albuquerque, NM: University of New Mexico Press, 2015), p. 43.
53. Transcript of an interview with Haile Sellassie attached to Col. D. A. Stanford to Cecil, 28 Aug. 1936, Cecil Papers, BL, Add MS 51173.
54. Copy of opening speech by the President of the Council to the Seventeenth Session of the Assembly, 21 September to 10 October 1936, LNA 15/25697/23219.
55. For copies of the First Committee's agenda and provisional minutes during the Seventeenth Session, see LNA 15/25753/25682. For the official record, see League of Nations, *Official Journal*, Special Supplement No. 156, "Records of the Seventeenth Ordinary Session of the Assembly, Minutes of the Committees, Minutes of the First Committee" (Geneva, 1936), pp. 28–40.
56. Ibid., pp. 30–1 and *Journal of the Seventeenth Session of the Assembly*, No. 10 (Geneva, October 1, 1936), LNA 15/25672/23219. The *Journal* contains a brief summary and different version of Pella's speech. The *Journal* usually appeared the day after an Assembly meeting and, in its own words, was "issued for the convenience of the delegates and the public. It is not intended to serve as a permanent or official record and it should not therefore be used for purposes of reference." However, the *Journal* remains a useful source for historians and is often cited here in conjunction with the *Official Journal*.
57. For more, see Henri Rolin, *Mélanges offerts à Henri Rolin: Problèmes de droit des gens* (A. Pedone: Paris, 1964) and Robert Devleeshouwer, *Henri Rolin 1891–1973: Une voie singulière, une voix solitaire* (Brussels: Éditions de l'Université de Bruxelles, 1994).
58. League of Nations, *Official Journal*, Special Supplement No. 156, "Records of the Seventeenth Ordinary Session of the Assembly, Minutes of the Committees, Minutes of the First Committee" (Geneva, 1936), pp. 31–3 and *Journal of the Seventeenth Session of the Assembly*, No. 10 (Geneva, October 1, 1936), LNA 15/25672/23219.
59. Ibid., pp. 35–7. Czechoslovakia and Romania sided with Yugoslavia in pressing for prompt League action. See pp. 38–9 and 40 and *Journal of the Seventeenth Session of the Assembly*, No. 13 (Geneva, October 4, 1936), LNA 15/25672/23219.
60. Julian Jackson, *The Popular Front in France: Defending Democracy, 1934–1938* (Cambridge: Cambridge University Press, 1988), pp. 190–5 and Nicole Jordan, *The Popular Front and Central Europe: The Dilemmas of French Impotence, 1918–1940* (Cambridge: Cambridge University Press, 1992), pp. 188–229.

61. League of Nations, *Official Journal*, Special Supplement No. 156, "Records of the Seventeenth Ordinary Session of the Assembly, Minutes of the Committees, Minutes of the First Committee" (Geneva, 1936), p. 40 and *Journal of the Seventeenth Session of the Assembly*, No. 13 (Geneva, October 4, 1936), LNA 15/25672/23219.
62. *Ibid.*, p. 41–2.
63. *Ibid.*, p. 43–7.
64. *Ibid.*, pp. 51–2.
65. *Ibid.*, p. 52.
66. *Ibid.*, pp. 54–5 and *Journal of the Seventeenth Session of the Assembly*, No. 14 (Geneva, October 6, 1936), LNA 15/25672/23219.
67. *Ibid.*, Annex 7, A.72.1936.V., pp. 84–5 and *Journal of the Seventeenth Session of the Assembly*, No. 15 (Geneva, October 7, 1936), LNA 15/25672/23219. Also see Seventeenth Ordinary Session of the Assembly of the League of Nations, Agenda of the Sixteenth Meeting, 10 Oct. 1936, LNA 15/23219/23219.
68. MacDonald to Eden, 10 Oct. 1936, FO 371/20486. Both Makins and Malkin minuted, and the file was initialed by Strang, Beckett, and Gerald G. Fitzmaurice, Third Legal Advisor in the Foreign Office and an expert on international law.
69. Memorandum by McKinnon Wood for Podestá Costa, 15 Oct. 1936, LNA 3A/27107/15244. The result was CRT, "Criticisms and Suggestions made by the Governments upon the draft conventions annexed to the Committee's Second Report," 28 Dec. 1936, C.R.T. 25. Also see copy of McKinnon Wood to Carton de Wiart, 19 Oct. 1936, LNA 3A/27107/15244.
70. McKinnon Wood to Brass, 21 Oct. 1936, Brass Papers, HO 189/10.
71. Memoranda by McKinnon Wood for Podestá Costa, 29 and 30 Oct. 1936, LNA 3A/26790/25790. Also see "Note by the Treasurer," 2 Dec. 1936, and memorandum by Joseph Vivian Wilson (head of Central Section) for Avenol, 9 Dec. 1936, LNA 3A/26790/26790.
72. Minutes by Avenol, 15 Dec. 1936, "Note by the Treasurer," 2 Dec. 1936 and minutes by Avenol, no date, memorandum by Wilson for Avenol, 9 Dec. 1936, LNA 3A/26790/26790. Also see "Note by the Secretariat on certain administrative and financial questions and certain questions of drafting," CRT, 2 Apr. 1937, LN, C.R.T. 26.
73. Copy of Brass to Fischer Williams, 19 Feb. 1937, Brass Papers, HO 189/11. This file includes typed copies of Fischer Williams's correspondence with Brass on this subject from February to April 1937. An envelope attached to the file contains the original handwritten letters.
74. Minute by Brass, 18 Mar. 1937, "Terrorism Draft Convention, Note on Conclusions of Meeting at the Home Office on 4th March, 1937," HO 45/18080.

75. Copy of Fischer Williams to Brass, 5 Mar. 1937, HO 189/11.
76. Fischer Williams to Brass, 5 and 20 Mar. 1937, Brass Papers, HO 189/11; Memorandum by Brass, "Terrorism Draft Convention," 18 Mar. 1937, HO 45/18080 and Fischer Williams to McKinnon Wood, 26 Mar. 1937, LNA 3A/20521/15085. Also see Fischer Williams to Brass, 26 Mar. 1937 and copy of Brass to Fischer Williams, 27 Mar. 1937, Brass Papers, HO 189/11 and Malkin to Brass, 16 Mar. 1937, HO 45/18080; Minute by Makins, 11 Mar. 1937, and initial by Malkin, 12 Mar. 1937, Brass to Malkin, 8 Mar. 1937, FO 371/21250.
77. Memorandum by Brass, "Terrorism Draft Convention," 18 Mar. 1937, HO 45/18080.
78. Minute by Brass, 18 Mar. 1937 and minute by Maxwell, 19 Mar. 1937, memorandum by Brass, "Terrorism Draft Convention," 18 Mar. 1937, HO 45/18080.
79. Minute by Simon, 21 Mar. 1937, memorandum by Brass, "Terrorism Draft Convention," 18 Mar. 1937, HO 45/18080.
80. Fischer Williams to Brass, 26 Mar. 1937, Brass Papers, HO 189/11.
81. Copy of Brass to Fischer Williams, 27 Mar. 1937, Brass Papers, HO 189/11.
82. Fischer Williams to Brass, 29 Mar. 1937, Brass Papers, HO 189/11.
83. Minute by Simon, 27 Mar. 1937, "Terrorism Draft Convention, Note on Conclusions of Meeting at the Home Office on 4th March, 1937," HO 45/18080.
84. *Ibid.* The Latin phrase "toto caelo" means "by all that is in the heavens," or, better, "utterly," or "completely."
85. Copy of Brass to Fischer Williams, 30 Mar. 1937, Brass Papers, HO 189/11.
86. Copy of Brass to Fischer Williams, 15 Apr. 1937, Brass Papers, HO 189/11.
87. For Somervell's private journal as well as an unpublished manuscript recording his reflections on the interwar period, see Somervell Papers, BLO, MS Eng. c. 6565.
88. Copy of A. S. Hutchinson (private secretary) to Robert A. Swan (Law Officers' department), 30 Mar. 1937, "Terrorism Draft Convention, Note on Conclusions of Meeting at the Home Office on 4th March, 1937," HO 45/18080.
89. Swan to Hutchinson, 16 Apr. 1937, HO 45/18080.
90. Memorandum of Law Officers' Department, "Draft Convention for the Prevention and Punishment of Terrorism," 16 Apr. 1937, signed by D. B. Somervell and T. J. O'Connor, Swan to Hutchinson, 16 Apr. 1937, HO 45/18080.



91. Copy of Dowson to Brass, 17 Apr. 1937, Swan to Hutchinson, 16 Apr. 1937, HO 45/18080.
92. For copies of the minutes of the third session of the committee as well as its final report dated 26 Apr. 1937, see LNA 3A/28887/15244.
93. Fischer Williams to FO, 21 May 1937, FO 371/21250. For a confidential print copy, see Brass Papers, HO 189/1.
94. *Ibid.*, p. 1.
95. League of Nations, *Report Adopted by the Committee on April 26th, 1937*, CRT, 26 Apr. 1937, C.222.M.162.1937.V., p. 2.
96. *Ibid.*, p. 3.
97. *The Monthly Summary of the League of Nations*, vol. xvii, no. 5 (May 1937), pp. 88–99.
98. FO minute by Makins, 20 May 1937, FO 371/21250.
99. *Ibid.*
100. Brass to Makins, 20 May 1937, FO 371/21250. Brass noted that he still had not received either the French or English texts of the two draft conventions as finally adopted by the expert committee.
101. Minute by Makins, Brass to Makins, 20 May 1937, FO 371/21250.
102. League of Nations, "Minutes of the Ninety-Seventh Session of the Council," *Official Journal* (Geneva, May–June 1937), pp. 308–10. Also see "97th Session of the Council, Provisional Minutes of the Third [*sic*] Meeting (Public), 27 May 1937, 5:30 p.m.," LNA 14/29270/1139.
103. Philip Williamson, *Stanley Baldwin: Conservative Leadership and National Values* (Cambridge: Cambridge University Press, 1999), pp. 55–6; Robert Self, ed., *The Neville Chamberlain Diary Letters: Volume Four: The Downing Street Years, 1934–1940* (Aldershot, UK: Ashgate, 2005), pp. 230–1; and Nick Smart, *Neville Chamberlain* (London and New York: Routledge, 2010), p. 213.
104. David Dutton, *Simon: A Political Biography of Sir John Simon* (London: Aurum Press, 1992), pp. 235–6 and quotation from diary entry, 20 May 1937, Simon Papers, BLO, MSS.Simon 7. Simon also recorded that Chamberlain had offered him the job "two months ago."
105. Earl of Avon (Anthony Eden), *The Eden Memoirs: Facing the Dictators* (Boston, MA: Houghton Mifflin, 1962), p. 501 and Peters, *Anthony Eden at the Foreign Office*, p. 256–7. Also see David Dutton, *Anthony Eden: A Life and Reputation* (London and New York: Arnold and St. Martin's Press, 1997), pp. 82–3.



## “A Running-Away from a Sort of Gentleman’s Understanding”

The period between spring 1937 and early 1938 was relatively calm in European international relations. Despite wars in Spain and China, there was reason to hope that international cooperation could resolve difficult disputes. In late April 1938, Neville Henderson returned from diplomatic exile in Argentina to become British ambassador to Germany. This met with much surprise; Vansittart convinced Eden to make the appointment largely because Henderson had proven himself able to get along well with dictators.<sup>1</sup> The new ambassador later claimed he had gone to Berlin with “the sole purpose” of helping “to avert another war.”<sup>2</sup> In June, the government-controlled German press responded positively to Chamberlain’s first speech in the House of Commons as prime minister.<sup>3</sup> The following month he wrote cordially to Mussolini, proposing a meeting aimed at “removing all causes of suspicion or misunderstanding” between their two countries.<sup>4</sup>

Meanwhile the League of Nations had maintained its prestige through continuing humanitarian, social, and economic initiatives. It combated slavery, counterfeiting, the drug trade, human trafficking, and unfair labor practices around the world. Geneva sponsored more than half a dozen international conferences in 1937 on such topics as prostitution in Asia, the status of German refugees, international property rights, higher education, and rural health issues in the Far East.<sup>5</sup> While still unable to deter aggressors bent on wars of conquest, the organization was

undergoing a revival of vitality by addressing a range of global socio-economic problems and promoting humanitarian concerns.<sup>6</sup>

One prominent example of international security cooperation occurred in September, when Britain and France convened a meeting of European powers at Nyon in Switzerland.<sup>7</sup> Agreement was reached to conduct naval patrols in the Mediterranean to prevent “pirate” submarines, generally known to be Italian, from sinking merchant ships carrying supplies to the Spanish Republic. While not claiming responsibility, Italy agreed to join the patrols; there were no further confirmed submarine attacks for nearly four months.<sup>8</sup> The League Council endorsed the plan; such attacks were “repugnant to the conscience of the civilised nations.”<sup>9</sup> In a speech broadcast from Geneva on September 17, Eden described the Nyon agreement as necessary for upholding international law, avoiding “still graver international incidents,” and taking collective action against “a kind of gangster terrorism of the sea.”<sup>10</sup>

Yet such political successes were now rare. Conditions in Europe continued to shift as great powers abandoned the League, officially or unofficially, and smaller powers looked for protection elsewhere. France’s external position, particularly its relations with the ever-divided Little Entente and the USSR, was rapidly collapsing, as its national security depended increasingly on Britain.<sup>11</sup> Mussolini made an extravagant visit to Germany in late September. Many of Europe’s leaders feared the Nazi regime; Hitler and his top officials were often evasive or contradictory about specific foreign policy aims when discussing them in public or with other governments.<sup>12</sup> A number of states, including Austria and Czechoslovakia, were steadily isolated.<sup>13</sup> Others, including Yugoslavia, improved ties with both Rome and Berlin.<sup>14</sup> At the opening of the League Assembly in September, the president of the Council, Republican Spain’s Prime Minister Juan Negrín, declared that it was essential “to make the organisation of peace ever stronger and more stable” if the remaining members hoped to thwart “those whose real aim is the League’s destruction.”<sup>15</sup>

Against this larger international backdrop the British government finally decided how it would participate in the final stage of Geneva’s efforts to combat state-supported terrorism. While few officials strongly opposed the latest draft anti-terrorism convention, a fresh reconsideration of the text by the law officers not only continued to identify a range of legal and political difficulties, but also instigated another round of sharp disagreements between the Home Office and Foreign Office.

This time, despite his central role in initiating the League's anti-terrorism project as well as in supporting Britain's active cooperation with it, Eden quietly abandoned the draft convention. Although the law officers did not issue a formal opinion, they made clear what such an opinion would be if they were asked for one. The foreign secretary understood the futility of challenging their views or attempting to oppose those of his cabinet colleagues who objected to changing British law to align with any anti-terrorism convention. Given his own doubts from the start, this result disappointed many but surprised few. The press, pressure groups including the League of Nations Union, and the general public had lost all interest in the effort.

The International Conference on the Repression of Terrorism opened in Geneva on November 1, 1937.<sup>16</sup> Thirty-five member states, along with an observer from Brazil, attended. It lasted more than two weeks and advanced a number of objectives. Instead of further delaying or diluting the organization's efforts, the delegates produced two conventions that largely preserved—and in certain respects even strengthened—the expert committee's drafts. Britain did not sign either convention; British officials settled for what they yet called a diplomatic and symbolic success. France made the most of signing both conventions even if, as Basdevant noted, the first "is held by some not to go far enough, while the second is considered by some as over bold."<sup>17</sup> The Yugoslavs praised them, and Pella contended that the texts "bear witness to the feeling of solidarity and co-operation" between states "in the campaign against the activities of terrorists, against the enemies of the human race."<sup>18</sup>

The conference on terrorism demonstrated how the League continued to carry out its technical work productively, but exposed the organization's loss of influence as a peacekeeping entity and its increasing irrelevance to contemporary global events. From the start, there was almost no outside interest, despite the latest accounts of terrorism in Palestine and rising political violence elsewhere in the world.<sup>19</sup> While the two conventions contained potentially effective provisions, and several governments signed them, only one signatory ever ratified the anti-terrorism convention. Despite years of study and discussion, member states also remained deeply divided over the meaning of "terrorism" and the nature of the problem itself.

In December, Italy formally withdrew from the League and Nazi Germany declared that its withdrawal was permanent. These announcements reopened debate over the purpose and future of the organization.

Many states increasingly understood how much the world had changed since 1934. Although Eden had joined those deserting the League's anti-terrorism project, he did not give up on the League itself. When the Council met in early 1938, Britain and France renewed their public pledges to uphold the principles of preserving peace and promoting international cooperation at Geneva. Both great powers continued to promote the organization as an important moral force. Above all, the British government remained convinced that a policy of peaceful appeasement was necessary to prevent repeating the Great War, the primary reason for creating the League in the first place. But now almost every state had concluded that the cause of peace in Europe no longer depended on a collective effort to prevent and punish international terrorism.

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Soon after the Council agreed to convene a conference to consider the anti-terrorism and international criminal court conventions, the Home Office had begun soliciting advice about the role Britain should play. In early June, Brass once again wrote to government experts, public prosecutors, and police officials asking for observations.<sup>20</sup> Most responses were unenthusiastic, though few were entirely unfavorable.<sup>21</sup> Nevertheless, one prosecutor admitted that it seemed "a little unreal that the word terrorism should be used or defined in an Act of Parliament."<sup>22</sup> If "terrorism" was a danger to Britain, it seemed largely distant and abstract to those who would be responsible for enforcing laws to combat it.

Government officials could speculate about legislation, but the opinion of the law officers would determine if the government would actually introduce an anti-terrorism convention to parliament. On July 5, Maxwell sent them a copy of the final committee report along with several other lengthy documents. While suggesting that the latest revision was an improvement from Britain's point of view, he acknowledged that ratification "would involve us in legislation" and that would present "certain difficulties." Since officials hoped for a ministerial decision soon, the Home Office asked to know as soon as possible whether a convention "on the lines of the present Draft" would be "acceptable."<sup>23</sup>

A memorandum signed by Somervell and O'Connor on July 14 was even more negative than their earlier response. In their covering letter, however, the law officers confessed continuing inability to reach conclusions on several points; the main difficulty was still "as much political as

legal.”<sup>24</sup> Precedent compelled the government to comply with formal opinions of the law officers, but not with unsolicited political advice. Since the two remained inextricably linked in their response, they stopped short of declaring the draft convention not “acceptable”—the term Maxwell used in his original request. Nonetheless, the proposed provision making it a crime in Britain to conspire to carry out or to aid in committing acts of terrorism other than murder in another country raised a serious political question. Was it wise, for example, for Britain to criminalize the supply of arms to insurgents prior to a state of civil war? Given recent events in Europe, parliament might prefer to keep Britain’s options open.

All subtlety aside, the law officers thought it “worth considering the general effects of the convention in the event of a rising being organised in Italy or Germany.” Under current British law, there were legal ways to cooperate with and provide assistance to the insurgents in such a revolt. If the government ratified the convention, any plot in Britain to topple Mussolini or Hitler, or even complicity in such a plot, would become a crime, even if there was no intention to assassinate either leader. Hinting that the text might still be revised in ways that made it possible for Britain to sign it, the law officers offered no suggestions for how to do so. They must have realized that neither parliament nor the British public would favor anything that might inhibit anyone from securing political change in either Fascist Italy or Nazi Germany.<sup>25</sup>

Despite never rejecting the draft anti-terrorism convention outright, officials in the Home Office composed a fresh note for the home secretary explaining how the law officers’ views made it doubtful that the government would ever ratify such a convention. While other League members would probably object, only a drastically limited convention that required no changes to British law would be acceptable to the law officers. As a result, Brass recommended consulting the Foreign Office “as to the best way of meeting the situation at Geneva, whether by way of proposing ‘wrecking’ amendments or otherwise.”<sup>26</sup> Maxwell said much the same in a separate memorandum he addressed directly to the home secretary, noting that “[w]e have now definitely to settle the question.”<sup>27</sup> Hoare agreed without comment the next day.<sup>28</sup> The decision was not unexpected, particularly since officials in the Home Office were convinced that “the unfavourable opinion of the Law Officers on the draft Terrorist Convention” left the British government with no other reasonable options.<sup>29</sup>

While the Home Office was ready to eviscerate the anti-terrorism convention, some of Eden's advisors in the Foreign Office were not. Maxwell, Brass, and Dowson met Makins and Malkin on July 26.<sup>30</sup> The Home Office intended to raise the question whether, "since the adoption of the Law Officers' views implies a modification of the attitude which we have hitherto taken up towards this Convention," the British government should inform the League of this changed position in advance of the conference. Both Makins and Malkin not only wanted to avoid such a statement, but also were unwilling to concede either in public or private that any "modification" to Britain's attitude was necessary, at least not yet.<sup>31</sup> They came to the meeting with a series of questions, particularly about Articles 2 and 3, and were determined to find ways to amend them in order to satisfy the attorney-general.<sup>32</sup> While they understood that any amendments of this sort would be sweeping, and might not satisfy many other governments, they convinced the three Home Office officials to meet the attorney-general and suggest improvements preserving as much as possible of the existing draft. British interests at Geneva would be better served by exploring and supporting all options for acceptable alterations to the convention, remaining cooperative if non-committal in public, and striving to make the international conference in November as successful as possible.<sup>33</sup>

Two days later, Somervell discussed these possible revisions with Maxwell, Brass, and Dowson. No Foreign Office officials were present. According to Maxwell, the law officers agreed that the proposed amendments did not meet their criticisms. Somervell repeated the concern that even if the government could draft the legislation necessary to implement the anti-terrorism convention in general terms, "it would be well known that the occasion for the legislation was the Convention and that Germany, and probably Italy, would not be parties to it." That fact would prompt parliament to reject it on political grounds if nothing else. Further, any legislation would also have to include an exception for civil war, but, since it was almost impossible to know when a civil war actually began, such an exception was essentially meaningless. The Home Office argued that these latest exchanges with Somervell confirmed that the British government would never sign an anti-terrorist convention, regardless of the amendments made to it:

His view, in short, is that we must contrive to disentangle ourselves from the Geneva proposals: and further discussion with him confirmed our view

that the policy of attempting to water down the main articles will not remove the Parliamentary difficulty.<sup>34</sup>

This conclusion came as a shock to permanent officials at the Foreign Office, which was still accepting suggestions for possible revisions from other departments and passing them on to the Home Office.<sup>35</sup> William Hayter, a second secretary in the League of Nations Department, wrote a long and angry minute dated August 5 complaining that the law officers' conclusion "appears to be that no international action at all is possible against terrorism," or that at any rate Britain could not take part in any such action. This was "a rather drastic proposition," since the government was at least "morally bound to explore every possibility" of repressing international terrorism.<sup>36</sup> Makins agreed and argued that "this lands us in a real political difficulty." He called the law officers' reasoning "somewhat naive," but admitted that "we can hardly give what appears to be the real reason for our attitude," which was to keep open the option of supporting political insurrections in Italy and Germany.<sup>37</sup> Both Hayter and Makins hoped to convince their superiors, and ultimately the foreign secretary, not to give in to the Home Office's position.

Malkin was a lawyer and advised Eden more directly. In his view, the real problem was that Somervell and O'Connor had adopted an attitude "quite different from that of their predecessors." They would be responsible for getting any necessary legislation through parliament, and given the domestic political implications involved they were unlikely to change their minds. This was now a matter for the cabinet, or at least a cabinet sub-committee, not civil servants. The only thing that might induce the law officers to alter their conclusions "would be the personal intervention of the Secretary of State," but this was highly unlikely given the political forces arrayed against him. Further complicating matters for the Foreign Office, nothing could be done "during the next few weeks, as the people concerned will all be away."<sup>38</sup>

In fact, the foreign secretary was already gone for the summer holidays.<sup>39</sup> He was also increasingly preoccupied with Chamberlain's efforts to move quickly to open a direct dialogue with Mussolini leading to formal recognition of Italian sovereignty over Ethiopia, something Eden wanted to delay.<sup>40</sup> In his absence, Lord Halifax, one of Chamberlain's close political allies, was in charge of the Foreign Office.<sup>41</sup> He chaired a meeting on August 10, which both Makins and Malkin attended, that recommended moving ahead with the negotiations with Italy.<sup>42</sup> Eden



was not pleased at this sign of a widening rift with the prime minister, but it was not until the end of August that he returned to the Foreign Office.<sup>43</sup> It was a most inopportune time to ask for Eden's personal intervention to support the League's anti-terrorism project.

In addition to Eden's growing political isolation, Malkin had other reasons for not challenging the law officers on the issue of anti-terrorism. He contended that it was still possible to produce "a convention which would be worth having" and that would not be open to the law officers' objections. Even if the delegates to the diplomatic conference dropped much of Article 3, "there were seventeen other operative articles in the Convention." Some, such as provisions tightening the control of passports and increasing international police cooperation, were "quite independent" of the difficulties arising from Article 3. Since he was convinced that there remained time to consider revisions as well as opportunities to find potential compromises at the diplomatic conference in November, "I do not know that, for the moment at any rate, we need take too tragic a view of the situation." The best option was to get a decision from the foreign secretary after he returned and make preparations for the diplomatic conference in the meantime.<sup>44</sup>

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In early August, the Foreign Office asked the Home Office for a preliminary draft of the brief for British representatives at the conference, before Eden returned at the end of the month. A reply arrived only after he and the rest of the delegation had already left for Nyon.<sup>45</sup> The Foreign Office sent it to Eden, along with a separate Home Office note outlining the various legislative obstacles.<sup>46</sup> The brief rehearsed the law officers' memorandum concluding that many of the difficulties were "grave." It went so far as proposing that Britain should not become a party to the anti-terrorism convention and Britain's delegation should assume the role of observers rather than of active participants at the conference.<sup>47</sup>

The advice that Britain not sign the anti-terrorist convention disappointed and even angered those who had no control over its ultimate fate. However genuine their reactions were, they were out of touch with political reality. Although Fischer Williams had no doubt that the convention would have "a rough passage" in parliament, he still argued that Britain had a moral obligation to keep its promise to the outside world to assist in deterring acts of terrorism. British "abstention" would "very

likely ... bring the whole thing to the ground" and would be seen as "a running-away from a sort of gentleman's understanding" to make the activities of terrorist groups "a little more dangerous."<sup>48</sup> Makins expressed his own frustration in another long minute that emphasized Eden's role in initiating the entire project.<sup>49</sup> Pella may have been the most upset by the prospect of the British government abandoning the anti-terrorism convention. Given that so many jurists like himself had spent nearly three years on the project, he said it would be "a disaster" if Britain "did not participate in the Convention."<sup>50</sup>

Malkin was aware of this sense of dissatisfaction and indignation, but it was not enough to compel him to advise challenging the law officers' views.<sup>51</sup> In a note to Maxwell dated September 30, Malkin explained that British officials in Geneva confined themselves to private discussions with each other and certain other delegations about what to do. He then offered a somewhat elliptical reply to the Home Office's original request to know whether they could proceed as proposed: "It was not possible to submit the matter to my Secretary of State before he left for Geneva, but I have spoken to him about it, and I do not think that he will find it necessary to oppose the adoption by us of an attitude on the general lines indicated in your draft brief." The time had come, he told Maxwell, to contact Fischer Williams and "start considering the question of his instructions."<sup>52</sup>

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No other record of this conversation between Malkin and Eden has come to light. Various personal absences and unavoidable delays, complex legal technicalities and controversial political implications, many other far more pressing international problems, and the shuffling of papers back and forth between government departments and between London and Geneva created great confusion. Ignoring the law officers was risky, but they never declared the League's anti-terrorism project unacceptable and acknowledged that their opinions were as much political as legal. Perhaps Malkin convinced Eden that a meaningful convention without asking parliament to pass any new legislation was still possible. In that case, the British government could contribute to a successful diplomatic initiative. Perhaps the problem of international terrorism had been so superseded by other issues as to involve the expenditure of more political capital than it was worth; or Eden simply believed that the current approach could not achieve its stated objectives. After all,

avoiding war in Europe—not the abstruse and intractable legal questions dividing the League—was always his and his government’s overriding concern. The foreign secretary was also preoccupied with his own impending political fate, and the advantages of acquiescing to the Home Office and law officers’ position simply outweighed any potential disadvantages.

Geneva’s efforts to combat international terrorism brought several of Eden’s professed principles into direct conflict. In public, the foreign secretary continued to defend the ideals underpinning the League of Nations—as he did in a speech on October 15, 1937: “I am second to none in my desire to see the League fulfil the purposes for which it was intended.”<sup>53</sup> He still supported resolving serious problems “in a spirit of real international collaboration.” He called for “effective resistance to unlawful courses” while condemning states that ignored international obligations and increasingly resorted to “methods of making war without declaring war.”<sup>54</sup> The “two great democracies in Europe,” Britain and France, had “more and more realized that they are the custodians of a great tradition which they have inherited and that that tradition is worth preserving.”<sup>55</sup> Inherent in that shared tradition were free speech, personal liberty, asylum for political refugees, and the rights of minorities against oppression. These were principles that Eden himself defended during the Council debate on international terrorism in December 1934. The Home Office’s draft brief for the British delegation may have offered the most practical way to strike a balance between his genuine desire to cooperate with other states within the framework of the League and his even greater determination that Britain “remain a free democracy” in a world less free or democratic with each passing year.

Other, more mundane, reasons may explain Eden’s agreement to go along with the Home Office in late September 1937. His growing divergence of opinion with Chamberlain over Italy had been exposed fully at a cabinet meeting earlier that month—a rift that would ultimately lead to Eden’s resignation in early 1938.<sup>56</sup> In addition to the prime minister, Eden had several political opponents in the government, with Simon and Hoare the most influential.<sup>57</sup> Both were on record opposing any anti-terrorist convention that would require new legislation. A request for a formal opinion from the law officers would have strengthened their position. Even without this request, the interdepartmental wrangling over the League’s anti-terrorism project had demonstrated Simon’s ability to affect British foreign policy long after he left the Foreign Office. Eden

was anyway unlikely to challenge the Home Office, even over an issue less controversial or of more importance. At least one of his biographers has concluded that Eden's many weaknesses included undue deference to superiors.<sup>58</sup> Indeed, "the surviving documentation suggests that Eden was not particularly effective in expounding his views and fighting his department's corner at the cabinet table."<sup>59</sup>

Regardless of why Eden decided to accept the Home Office's draft brief, both departments could now make final preparations for the conference. Much uncertainty remained over what might happen in Geneva, including whether the conference would end in another embarrassing failure that would further undermine the League's prestige and moral authority. Britain might stand accused of alienating allies, betraying implicit promises, and not actively helping to carry out the League's central mission. The British delegation had reason to worry; as Maxwell told Malkin in early October, "a good deal of consideration on details" was still needed.<sup>60</sup>

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League officials spent much of October scrambling to make the upcoming conference on terrorism as productive as possible. Once again, the Secretariat demonstrated its value in ensuring that Geneva carried out the decisions of the Council and Assembly. McKinnon Wood offered a list of specific proposals concerning conference procedure.<sup>61</sup> He worried that delegates might finish with the anti-terrorism convention first and then, given the widespread unpopularity of the court convention, "go home at once." This in turn would give critics yet another reason to belittle the League. Instead, he suggested that the delegates should work on the anti-terrorism convention in the mornings and spend the afternoons on the court convention. Carton de Wiart, who served as president of the conference, agreed.<sup>62</sup>

Meanwhile, as they finally resolved how the British delegation would proceed at the conference, officials in London had their own reasons for wanting to avoid diplomatic failure at Geneva. In late October, Fischer Williams attended an interdepartmental meeting that defined his new instructions.<sup>63</sup> These adhered closely to the law officers' views. Since the government was unlikely to introduce legislation relating to Articles 2 and 3 or the rules for extradition, the British delegates must assume the role of observers when the conference considered those matters. Still, they were to do nothing to impede other states from concluding

a convention on the lines of the draft. They should if possible keep the court convention outside the proceedings and prevent its establishment under the auspices of the League.<sup>64</sup> All of this would help to avoid damaging the League's prestige and would not require any British commitments. Fischer Williams was authorized to sign a truncated version of the anti-terrorism convention, but only to prevent the conference from ending in complete failure.

This authority proved unnecessary. Instead of watering down the anti-terrorism convention, other delegations adopted changes designed "to stiffen up" the convention and make it "less acceptable" to Britain.<sup>65</sup> Brass, serving as a substitute delegate, detected a division within the conference. The anti-terrorism convention enjoyed "a good deal of favour" among the Eastern European states and France; but other delegations were less enthused, and a few, notably Switzerland, remained hostile.<sup>66</sup> The "general atmosphere," however, was "one of apathy." A general blackout throughout French-speaking Switzerland, as part of an air raid drill that required everyone to leave the League building one evening, did little to lift Brass's spirits.<sup>67</sup> Still uncertain about the final form of the anti-terrorism convention, the British delegation had decided to "keep out of the whole thing."<sup>68</sup>

Determined delegates from France and a few other countries now seemed likely to take control of the conference to accomplish their own goals. A number of jurists remained committed to innovative ideas for combating terrorism, particularly those concerning conspiracy and incitement to commit terrorist acts. They also continued to advocate incremental reforms, including those regulating firearms and ammunition, enhancing international police cooperation, and tightening passport controls. Carton de Wiart used his opening speech to advocate the emerging modern concept of a shared global community that needed to undertake active and collective responses to new and different threats to security. He observed that

we cannot but realise with shame and disquiet how advancing knowledge and improved communications have served in their turn to menace the security of persons and property and helped to promote acts designated by that new term "terrorism"—acts which, by reason of their gravity and contagious nature, are prejudiced not only to the interests of individuals as such or of one or more specific States, but may affect mankind as a whole.<sup>69</sup>

The Czech delegate tried to bolster the League's ability to work collectively to defend the interests of smaller states through "the organisation of international action against terrorism."<sup>70</sup> Basdevant agreed to serve as vice-president of the conference in order to show France's support for new methods and institutions to foster international cooperation.<sup>71</sup> Pella once again worked to advance certain political reforms, particularly the creation of an international criminal court. These and like-minded delegates from Yugoslavia and Spain managed to strengthen both conventions or ensure that they were not to change much from the preliminary texts that had emerged the previous April.<sup>72</sup> In general, the states most threatened by internal and external enemies in late 1937 did the most to shore up both drafts.

The limited nature of these achievements became clear on the last day of the conference when Basdevant invited the assembled delegates to sign the conventions. Despite extolling "the aim" of the anti-terrorism convention as well as "the ideals which inspire it," Britain was the first to declare its refusal to sign, since it saw no need to introduce the domestic legislation required by "changes of so extensive a character."<sup>73</sup> Nearly a dozen other delegations joined in their abstention. Twenty-five governments representing peoples from across Europe, Latin America and the Caribbean, the Middle East, and Asia signed "The Convention for the Prevention and Punishment of Terrorism." The convention for the suppression of counterfeiting currency, a comparable initiative with similar implications for changes in domestic law and increasing international police cooperation, was initially signed by twenty-six states including the USSR, but only three were from outside of Europe.<sup>74</sup>

Most states, however, opposed the proposed international criminal court.<sup>75</sup> "The Convention for the Creation of an International Criminal Court" was eventually signed by only thirteen states, including Belgium, Czechoslovakia, France, Greece, the Netherlands, Romania, Spain, Turkey, the USSR, and Yugoslavia.<sup>76</sup> Since Britain and a number of other states strongly opposed linking the court to the League, the conference decided that the Permanent Court of International Justice should select the judges and the new court's seat should be at The Hague. After signing it, the Czech delegate attempted to put the best face on it he could by observing that the fact that states representing "upwards of a hundred million persons" had accepted the idea of an international criminal court was "a landmark in the development of international criminal law."<sup>77</sup> Basdevant made sure to remind everyone in his closing remarks that the

conventions were based on a French proposal and his government maintained an ongoing interest in the states that signed them.<sup>78</sup>

Not all signatories were equally enthusiastic. The Soviets (and even the French) attached reservations to their signatures. The USSR declared mystifyingly that in any dispute over interpretation or application of either convention it would assume “only such obligations as are incumbent upon it as a Member of the League of Nations.”<sup>79</sup> France announced that the convention did not extend to French colonies, protectorates, and mandated territories. As Fischer Williams and Brass explained, since Pondicherry and Syria would “not be affected by the convention,” India and the British-mandated territory of Palestine would not “derive any direct advantage from the French participation.”<sup>80</sup> Three other states, Albania, Belgium, and Norway, signed *ad referendum*, or subject to further consideration and subsequent decision by their respective governments.<sup>81</sup> In the end, only five of the original eleven members of the Committee for the International Repression of Terrorism signed the conventions. Italy had terminated cooperation long before the conference convened, while Britain, Chile, Hungary, Poland, and Switzerland each found reasons not to bind itself. India was the only signatory to ratify the anti-terrorism convention.<sup>82</sup> None ratified the court convention. Denmark considered adhering to both conventions early in 1939, but after consulting the British government did not.<sup>83</sup> Neither convention received enough ratifications and never went into force.<sup>84</sup>

Nonetheless, delegates from smaller powers, still reaching for Wilsonian universalism in an increasingly fragmented world, defended both conventions. For them, the League’s anti-terrorism project was a success, if only in a symbolic sense. Pella called the conclusion of the two conventions “a red-letter day” for the Little Entente, the development of international criminal jurisdiction, and international cooperation.<sup>85</sup> The Yugoslav delegate reminded everyone that the League had not only settled the international crisis resulting from the terrorist attack at Marseilles in 1934, but had fulfilled its duty to address the underlying cause of that crisis. Yet, for the Yugoslavs, the value of the conventions was “primarily as a moral achievement” and “a demonstration of international solidarity,” not as effective instruments to suppress and punish state-supported terrorism. In a reference to the darkening international climate, he expressed a hope that the “moral force and preventative influence” of the two conventions might serve “the future happiness of generations more fortunate than our own.”<sup>86</sup>

The British delegation was pleased that the conference had not ended in disaster for the League's prestige. In the final days of the meetings, Dowson claimed that it was unsurprising that other states "should want to tighten up the Terrorism Convention" and thought that doing so made British refusal to sign "appear more reasonable."<sup>87</sup> Brass was relieved that the British abstention did "not seem likely to affect the attitude of other States."<sup>88</sup> The Home Office was of course reported "well pleased" with the results, especially since there were "no commitments." Everyone seemed gratified that there had been "[n]o sign whatever of any criticism or resentment" directed at Britain.<sup>89</sup>

At the Foreign Office, the mood was less congratulatory. Hayter took some solace in the fact that Britain's abstention had apparently not "prevented a respectable number of States from signing the Convention, this does not perhaps matter very much."<sup>90</sup> Makins agreed, noting that there was no prospect of Britain ever acceding to the convention.<sup>91</sup> Malkin indicated that Eden would be satisfied with the results, since he was "quite ready for our delegates not to sign if the Convention could not be turned into something which could be acceptable to the Law Officers."<sup>92</sup> As for the second convention, Malkin remained dismissive: "I doubt whether the International Criminal Court is likely to come to much," he wrote—a realistic view by now shared by many others.<sup>93</sup>

While most League members agreed that Geneva's anti-terrorism project was "a moral achievement," many also understood that there remained much division and ambiguity over key provisions of the two draft conventions. Among the most controversial were the definition of "terrorism," the list of "acts of terrorism" and related crimes, and the clauses concerning extradition. The final version of the anti-terrorism convention defined "acts of terrorism" as "criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public."<sup>94</sup> The decision to add "in the minds of" represented an attempt to include "the subjective element," but did nothing to clarify the concept.<sup>95</sup> An obligation either to extradite or prosecute and punish foreigners for committing terrorist offences also remained confusing, and contingent on a number of qualifications and exceptions. As a consequence, the conventions did almost nothing to alter existing law on extradition.<sup>96</sup>

Not only did the League's member states fail to agree on a universal definition of terrorism, but the controversies over how to distinguish a "terrorist" from an "insurgent," much less a "rebel," or "militant," or



“saboteur,” or someone committing a “political” crime or participating in a particular social movement or sparking a civil war, were all left unresolved. They were perhaps unresolvable. “Terrorism” continued to mean different things to different people and was often used—as well as abused—to describe very different forms of organized violence, intimidation, or resistance.<sup>97</sup> It also proved a highly effective tactic, at least for some and in the short term. After Germany and Italy conquered Yugoslavia in 1941, Mussolini annexed a number of Adriatic islands and parts of Dalmatia. He also allowed Ante Pavelić, who had plotted the murder of King Alexander, to leave Italy with other Ustaša members. They ruled the “Independent State of Croatia” as puppets of Berlin and Rome who oversaw a campaign of state violence against tens of thousands of Serbs, Jews, Roma, and communists.<sup>98</sup> One historian describes these policies as “genocidal in intent and in execution.”<sup>99</sup>

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A few weeks after the close of the conference on terrorism, a fresh controversy raised new doubts about Geneva’s ability to contribute to peace. As the Secretariat was preparing to submit its conclusions on the conference on terrorism to the Council, Mussolini formally announced Italy’s decision to leave the League.<sup>100</sup> Nazi Germany simultaneously declared that its return “will never again come under consideration.”<sup>101</sup> The British ambassador in Rome reported that Mussolini condemned “the hateful attempt at economic strangulation of the Italian people perpetrated at Geneva” after Italy’s invasion of Ethiopia, and rejected the “[t]hreatening voices” from “great democracies.”<sup>102</sup> While Mussolini likely wanted the League to grant *de jure* recognition of Italian control over Ethiopia, his announcement appeared to align Italy more closely with Germany and prompted another debate within the British government about Geneva’s future.<sup>103</sup>

The immediate reaction in the Foreign Office verged on fatalism. Maurice Ingram in the Southern Department argued that Italy’s defection badly weakened the organization and endangered European peace.<sup>104</sup> Makins put the situation in even starker terms. Germany’s and Italy’s

statements are more than declarations of withdrawal or of non-cooperation, they are declarations of war on the League and all it stands for—a blow made deliberately to shatter the machinery of conciliation, of peaceful settlement, and of collective negotiation.<sup>105</sup>

Sargent predicted that Italy's withdrawal would "precipitate the problem of the League's future" and advised that the Foreign Office "face this question without delay."<sup>106</sup> None of these officials, however, offered any advice on how to respond to the "declarations of war on the League" from Italy and Germany.

Sir Alexander Cadogan, who was due to replace Vansittart as permanent under-secretary, sounded more sanguine.<sup>107</sup> Neither "defection" made so "very much difference" in practice. He advised that the British government should continue to "keep up all the non-political activities of the League;" let Geneva "deal with political questions between Member States;" and avoid turning the organization into a sort of "alliance" against the Axis powers.<sup>108</sup> The League should foster peace when and where it could, among governments determined to avoid war, not split Europe along ideological lines and provide hostile regimes with excuses for rejecting negotiation or resorting to new provocations.

Cadogan's view must have pleased Eden. After building a public reputation upon close association with the League, the foreign secretary had a number of reasons to reject suggestions that the organization was incapable of contributing to the peaceful settlement of international problems. His roles in the Hungaro-Yugoslav crisis, the Saar plebiscite, and the Nyon agreement had convinced him otherwise.<sup>109</sup> As he had done so often before, he expressed support for the actual and potential peace-keeping functions of the League. Now he seemed more deeply frustrated with colleagues who disagreed with him in cabinet (though not publicly).

I should like to see us use the League. There are questions it could handle, [and] if it did, that would be the real answer. But this means a *positive* effort by us, [and] not this endless presentation of reasons for not doing anything.

"I do not know," he added, "what has become of a minute of mine written weeks ago suggesting subjects for League action."<sup>110</sup>

This debate over Geneva's future became public when the League Council met on January 26, 1938, for its hundredth session. The mood was defensive and testy. Most of the speeches mixed accusations with platitudes. The Soviet representative blamed the "zigzags" and "unexpected decisions" of Britain and France for most of the League's current troubles. The representative of China, Dr. V. K. Wellington Koo,

condemned all of the great powers and said that the world was engaged in “a war of ideologies, the bitterness of which approaches that of religious wars in the Dark Ages.” The French foreign minister, Yvon Delbos, placed the blame for Geneva’s difficulties on “the errors underlying the desertions and defections” of certain states, without elaborating. Nonetheless, he declared that Geneva still had the potential of exerting “a material and moral force that is greater than any other” and France maintained “complete confidence” in the League.

Eden was even more forceful. He insisted that Geneva had “a record of achievements which should not be forgotten by those who are more apt to contemplate its failures.” Yet he argued that because the League had never become “the universal organisation which its founders contemplated,” it was unable “to achieve all that was hoped of it.” Despite its limitations, Geneva was still “the best instrument which has yet been devised” for giving effect to the ideals of the Covenant. Determined to avoid a reoccurrence of the horrors of 1914–1918, Britain called on Council members to work collectively to find peaceful solutions to the world’s problems.

Let us hold fast to our principles, if we believe in them, and devote our whole energies to proving their worth. Let us not be drawn into any sterile and embittering controversy with those who do not think and work with us at this moment. Let us rather hope that an appeasement may be achieved that will unite all nations in the desire once again to find the way of peace through co-operation.<sup>111</sup>

Uniting the world to preserve peace through international cooperation was the original purpose of the League of Nations, but this hope of achieving “an appeasement” with Hitler was a delusion. By 1938, the international environment that had made it possible to avoid war after a terrorist attack in 1934 by using the peacekeeping functions of the League no longer existed. Few governments considered state-supported terrorism the most urgent threat to international peace and security. The day after Eden called on League members to avoid “sterile and embittering” controversies, the president of the Council presented a report on the work of the international conference on terrorism.<sup>112</sup> Before going into private session, the Council members adopted the report without comment. They never addressed it again.

At least one modern scholar says that Geneva's anti-terrorism project ultimately "went nowhere."<sup>113</sup> There is much validity in this assertion, even if it obscures how and why various sympathetic legal experts, government advisors, and political leaders ultimately decided to let the project arrive at this particular destination. Historians need to remember that many contemporaries continued to believe in late 1937 and early 1938 that international cooperation could still resolve difficult global issues and preserve peace. The League of Nations made it possible for all of these states to come together and discuss ideas for confronting the common danger of international terrorism. If individual state governments ultimately decided not to adopt any of these ideas, it is not Geneva's fault that in the end they "went nowhere."

## NOTES

1. For the most convincing analysis of Henderson's appointment, see Peter Neville, *Appeasing Hitler: The Diplomacy of Sir Nevile Henderson* (London and New York: Macmillan Press and St. Martin's Press, 2000), pp. 20–6. Also see Earl of Avon (Anthony Eden), *The Eden Memoirs: Facing the Dictators* (Boston, MA: Houghton Mifflin, 1962), p. 570 and Lord Vansittart, *The Mist Procession* (London: Hutchinson & Co., 1958), p. 360.
2. Nevile Henderson, *Water under the Bridges* (London: Hodder & Stoughton, 1945), pp. 198 and 209. Also see Nevile Henderson, *Failure of a Mission* (New York: G. P. Putnam's Sons, 1940) and John Harvey, ed., *The Diplomatic Diaries of Oliver Harvey 1937–1940* (London: Collins, 1970), diary entry for 23 Apr. 1937, p. 41.
3. Henderson to Eden, 26 June 1937, DBFP, Second Series, vol. xviii, 661, pp. 945–6. Also see *House of Commons Debates*, Fifth Series, vol. 325, 25 June 1937, cols. 1545–9.
4. Robert Self, ed., *The Neville Chamberlain Diary Letters*, vol. 4, *The Downing Street Years, 1934–1940* (Aldershot, UK: Ashgate, 2005), p. 264, ft. 61.
5. League of Nations, *The Monthly Summary of the League of Nations*, vol. xvii, nos. 1–12, (1937), pp. 17, 67–8, 77–8, 113, 146, 150, 153, 211, 216–7, 261–3, 266–8, 275, 307–8, and 317.
6. Martin D. Dubin, "Toward the Bruce Report: The Economic and Social Programs of the League of Nations in the Avenol Era" in United Nations Library, *The League of Nations in Retrospect: Proceedings of the Symposium* (Berlin and New York: Walter de Gruyter, 1983), pp. 42–72. Also see F. P. Walters, *A History of the League of Nations*

- (London and New York: Oxford University Press, 1960), pp. 749–62; and Patricia Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920–1946* (Oxford: Oxford University Press, 2013), pp. 159–230.
7. Donald N. Lammers, “The Nyon Arrangements of 1937: A Success *sui generis*,” *Albion*, vol. 3, no. 4 (Winter 1971), pp. 163–76; and William C. Mills, “The Nyon Conference: Neville Chamberlain, Anthony Eden and the Appeasement of Italy in 1937,” *International History Review*, vol. 15, no. 1 (February 1993), pp. 1–22.
  8. H. James Burgwyn, *Italian Foreign Policy in the Interwar Period, 1918–1940* (Westport, CT: Praeger Publishers, 1997), p. 161.
  9. League of Nations, *The Monthly Summary of the League of Nations*, vol. xvii, no. 9 (September 1937), p. 199.
  10. Anthony Eden, *Foreign Affairs* (New York: Harcourt, Brace and Co., 1939), pp. 224–5. For a truncated and slightly altered version of this speech, see Avon, *Facing the Dictators*, p. 530. The former source notes that the speech was broadcast from Geneva, but in his memoirs Eden says that the speech was broadcast “from Nyon.”
  11. Nicole Jordan, *The Popular Front and Central Europe: The Dilemmas of French Impotence, 1918–1940* (Cambridge: Cambridge University Press, 1992), pp. 230–79.
  12. Andrew Roberts, ‘*The Holy Fox*’: *A Biography of Lord Halifax* (London: Weidenfeld and Nicolson, 1991), pp. 64–90 and Michael D. Callahan, *A Sacred Trust: The League of Nations and Africa, 1929–1946* (Brighton and Portland: Sussex Academic Press, 2004), pp. 134–49.
  13. On Czechoslovakia, see Igor Lukes, *Czechoslovakia between Stalin and Hitler: The Diplomacy of Edvard Beneš* (New York and Oxford: Oxford University Press, 1996), pp. 91–112.
  14. J. B. Hoptner, *Yugoslavia in Crisis 1934–1941* (New York and London: Columbia University Press, 1962), pp. 61–93; Frank C. Littlefield, *Germany and Yugoslavia: The German Conquest of Yugoslavia* (Boulder, CO: East European Monographs, 1988), pp. 37–55; and Sabrina P. Ramet, *The Three Yugoslavias: State-Building and Legitimation, 1918–2005* (Washington, DC and Bloomington, IN: Woodrow Wilson Center Press and Indiana University Press, 2006), pp. 102–4.
  15. The League of Nations, *The Monthly Summary of the League of Nations*, vol. xvii, no. 9 (September 1937), pp. 190–1.
  16. League of Nations, *Proceedings of the International Conference on the Repression of Terrorism: Geneva, November 1st to 16th, 1937* (Geneva, 1938), C.94.M.47.1938.V., p. 50. For the draft minutes, draft committee documents, and final record of the proceedings of the conference, also see LNA 3A/31355/22707.

17. *Ibid.*, p. 180.
18. *Ibid.*, pp. 179–80.
19. For example, see *The Times* (London), 2 Nov. 1937, p. 15 as well as 11, 12, 16, and 17 Nov. 1937, pp. 14, 16, 15, and 15, respectively, and *Le Temps*, 15 and 17 Nov. 1937, pp. 1 and 2, respectively. Also see *House of Commons Debates*, Fifth Series, vol. 329, 29 Nov. 1937, cols. 1704–5.
20. Copy of Brass to Frank Aubrey Newsam (HO assistant secretary), 9 June 1937, Brass Papers, HO 189/3.
21. Minute by Brass, 12 August 1937, and memo by H. E. Watts dated 12 Oct. 1937, HO 45/18081. Also see Sir E. H. T. Atkinson (director of public prosecutions) to Brass, 17 June 1937 and Kendall to Brass, 18 June 1937, HO 45/18080.
22. Memo by G. B. McClure (senior Treasury counsel), 17 June 1937, attached to Atkinson to Brass, 17 June 1937, HO 45/18080. For a copy, see Brass Papers, HO 189/3.
23. Copy of Maxwell to Somervell, 5 July 1937, HO 45/18080.
24. Somervell to Maxwell, 14 July 1937, HO 45/18080.
25. "Memorandum on Terrorism" dated 14 July 1937, attached to Somervell to Maxwell, 14 July 1937, HO 45/18080. For copies, see Brass Papers, HO 189/4.
26. Memorandum by Brass entitled "League of Nations. Committee of Experts for the International Repression of Terrorism. Draft Conventions for: (a) The Prevention and Punishment of Terrorism, and (b) The Creation of an International Criminal Court" dated 20 July 1937, HO 45/18080.
27. Memorandum by Maxwell entitled "International Convention for the Repression of Terrorism" for "The S. of S." dated 20 July 1937, HO 45/18080.
28. Unidentified minute recording "S. of S. agrees," 21 July 1937, HO 45/18080.
29. Brass to Makins, 23 July 1937 and minute by Makins, 24 July 1937, FO 371/21250.
30. FO minute by Makins, 29 July 1937, FO 371/21250 and minute by Brass, 30 July 1937, HO 45/18080.
31. Minutes by Makins and Malkin, 24 July 1937, Brass to Makins, 23 July 1937, FO 371/21250.
32. FO minute by Makins, 29 July 1937, FO 371/21250.
33. Copy of Maxwell to Somervell, 27 July 1937, HO 45/18080.
34. Maxwell to Malkin, 29 July 1937, FO 371/21250. For a copy, see HO 45//18080.
35. For example, see FO to CO, 23 July 1937, CO 323/1466/11; FO to HO, 29 July 1937, HO 45/18081 and CO to FO, 19 Aug. 1937, FO 371/21250.

36. Minute by Hayter, 5 Aug. 1937, Maxwell to Malkin, 29 July 1937, FO 371/21250.
37. Minute by Makins, 5 Aug. 1937, Maxwell to Malkin, 29 July 1937, FO 371/21250.
38. Minute by Malkin, 5 Aug. 1937, Maxwell to Malkin, 29 July 1937, FO 371/21250.
39. Avon, *Facing the Dictators*, p. 511.
40. Ibid., pp. 512–5. Also see A. R. Peters, *Anthony Eden at the Foreign Office 1931–1938* (New York: St. Martin's Press, 1986), pp. 282–9 and David Dutton, *Anthony Eden: A Life and Reputation* (London and New York: Arnold and St. Martin's Press, 1997), pp. 88–90.
41. On Halifax, see Andrew Roberts, *'The Holy Fox': A Biography of Lord Halifax* (London: Weidenfeld and Nicolson, 1991), p. 62. Also see Chamberlain to Ida Chamberlain, 8 Aug. 1937, Chamberlain Papers, BUL, NC 18/1/1015.
42. For example, see Record of a Meeting held in the Secretary of State's Room at the Foreign Office, 10 Aug. 1937, DBFP, Second Series, vol. xix, 90, pp. 155–66.
43. See letters from Eden to Halifax cited in Peters, *Anthony Eden at the Foreign Office*, p. 287 and Avon *Facing the Dictators*, pp. 512–5 and 518.
44. Minute by Malkin, 5 Aug. 1937, Maxwell to Malkin, 29 July 1937, FO 371/21250.
45. Makins to Maxwell, 9 Aug. 1937, HO 45/18080 and Maxwell to Makins, 9 Sept. 1937, FO 371/21251. Eden flew to Paris on 9 September and arrived in Geneva the following day. See Eden, *Facing the Dictators*, pp. 524–5 and Malkin to Maxwell, 30 Sept. 1937, HO 45/18080.
46. Copy of "Terrorism: Legislative Difficulties in the United Kingdom," no date, attached to Maxwell to Makins, 9 Sept. 1937, FO 371/21251 and Malkin to Maxwell, 30 Sept. 1937, HO 45/18080. The HO copies of the documents were stamped "received 16 Sept. 37." See HO 45/18080.
47. Copy of "Preliminary Draft of Brief for United Kingdom Delegation at Diplomatic Conference," no date, attached to Maxwell to Makins, 9 Sept. 1937, FO 371/21251.
48. Fischer Williams to Maxwell, 15 Sept. 1937, HO 45/18081. Also see Fischer Williams to Maxwell, 16 Sept. 1937 and copy of Maxwell to Fischer Williams, 27 Sept. 1937, HO 45/18081.
49. Minute by Makins, 17 Sept. 1937 attached to Stevenson (at Geneva) to Malkin, 20 Sept. 1937, FO 371/21251.

50. Beckett to Malkin, 20 Sept. 1937 attached to Stevenson (at Geneva) to Malkin, 20 Sept. 1937, FO 371/21251. The letter is addressed to "My dear Will."
51. Minute by Makins, 17 Sept. 1937 attached to Stevenson (at Geneva) to Malkin, 20 Sept. 1937, FO 371/21251. Malkin sent a copy of Beckett's letter to Brass on 12 October noting that "for some reason I have only just seen it, and it does not seem to have been sent to you." Malkin to Brass, 12 Oct. 1937, HO 45/18080.
52. Malkin to Maxwell, 30 Sept. 1937, HO 45/18080.
53. Eden, *Foreign Affairs*, p. 233.
54. *Ibid.*, pp. 229 and 234.
55. *Ibid.*, p. 233.
56. Extract from Cabinet Conclusions No. 34 (37), 8 Sept. 1937, DBFP, Second Series, vol. xix, 144, pp. 256–62.
57. John Harvey, ed., *The Diplomatic Diaries of Oliver Harvey 1937–1940* (London: Collins, 1970), p. 56. Also see Peters, *Anthony Eden at the Foreign Office*, p. 296.
58. Dutton, *Anthony Eden*, pp. 459–81.
59. *Ibid.*, p. 58.
60. Maxwell to Malkin, 5 Oct. 1937, HO 45/18080.
61. McKinnon Wood to Podestá Costa, 14 Oct. 1937, LNA 3A/28985/22707.
62. Copy of Podestá Costa to Carton de Wiart, 20 Oct. 1937, LNA 3A/28985/22707.
63. Copy of Fischer Williams to Maxwell, 15 Oct. 1937; copy of Brass to Fischer Williams, 18 Oct. 1937; Fischer Williams to Brass, 19 Oct. 1937 and copy of Brass to Fischer Williams, 22 Oct. 1937, HO 45/18081. Also see Brass to Makins, 20 Oct. 1937, FO 371/21251.
64. Copy of "Instructions for the United Kingdom Delegation at Diplomatic Conference" dated 25 Oct. 1937, HO 45/18081. For other copies, see Brass to Makins, 27 Oct. 1937, FO 371/21251 and Brass Papers, HO 189/4.
65. Fischer Williams to Malkin, 7 Nov. 1937, FO 371/21251.
66. Brass to Dowson, 8 Nov. 1937, HO 45/18081.
67. Brass to Dowson, 4 Nov. 1937, HO 45/18081.
68. Brass to Dowson, 8 Nov. 1937, HO 45/18081. Dowson sent excerpts of Brass's letters to the Foreign Office. See FO 371/21251.
69. League of Nations, *Proceedings of the International Conference on the Repression of Terrorism: Geneva, November 1st to 16th, 1937* (Geneva, 1938), C.94.M.47.1938.V., p. 50.
70. *Ibid.*, p. 60.



71. Basdevant later took over as president when Carton de Wiart returned to Brussels in order to contend with a domestic political crisis. *Ibid.*, pp. 145–6.
72. League of Nations, *Proceedings of the International Conference on the Repression of Terrorism*, p. 116. Also see Fischer Williams and Brass to FO, 11 Dec. 1937, FO 371/21251.
73. *Ibid.*, p. 174.
74. *The British Year Book of International Law*, 1930, 11th year, pp. 199–200. This number had increased to thirty-six by the end of 1937, twenty-five of which had ratified the convention. While Britain signed the convention in 1929, it did not ratify it until 26 July 1959. For a survey of the status of every international accord and convention signed under the auspices of the League of Nations between 1920 and 1936, see Georges Ottlik, *Annuaire de la Société des Nations 1937*, 17th year (Geneva: Editions de l'Annuaire de la Société des Nations S.A., 1937), pp. 390–6.
75. For the full text of the convention, see Appendix D.
76. For the list of signatories for both conventions, see League of Nations, “Annex to the Report on the Work of the League for the Year 1938/9,” *Ratification of the Agreements and Conventions Concluded under the Auspices of the League of Nations*, 20th list (Geneva, 28 August, 1939), A.6.1939.Annex I.V., p. 118. Also see Circular Letter of the Government of the United States of Mexico, 25 July 1939, C.L.106.1939.V.
77. League of Nations, *Proceedings of the International Conference on the Repression of Terrorism: Geneva, November 1st to 16th, 1937*, p. 178.
78. *Ibid.*, p. 180 and French Foreign Ministry to League, 16 June 1938, LNA 3A/34328/31742.
79. *Ibid.*, p. 175. Whatever the Soviets may have meant by their reservation, no state offered any objection to it either at the conference itself or during the six month comment period following. See large collection of correspondence in LNA 3A/33882/31742.
80. Fischer Williams and Brass to FO, 11 Dec. 1937, FO 371/21251.
81. League of Nations, *Proceedings of the International Conference on the Repression of Terrorism: Geneva, November 1st to 16th, 1937*, pp. 176–7.
82. India Office to FO, 22 Mar. 1938 and 30 July 1938, FO 371/22564; Copy of FO to League, 2 Sept. 1938, LNA 3A/35196/31742 and FO to HO, 29 Sept. 1938, HO 45/18081.
83. Danish Legation to FO, 22 Feb. 1939, FO 371/24042.
84. See list of states who signed and/or ratified by 17 Nov. 1939, LNA 3A/34463/31742.

85. League of Nations, *Proceedings of the International Conference on the Repression of Terrorism: Geneva, November 1st to 16th, 1937*, pp. 179–80.
86. *Ibid.*, pp. 175–6.
87. Copy of Dowson to Brass, 12 Nov. 1937, HO 45/18081.
88. Brass to Dowson, 14 Nov. 1937, HO 45/18081.
89. Copies of Brass to Fischer Williams, 25 Nov. and 2 Dec. 1937, Brass Papers, HO 189/8 and Fischer Williams and Brass to FO, 11 Dec. 1937, FO 371/21251.
90. Minute by Hayter, 31 Dec. 1937, Fischer Williams and Brass to FO, 11 Dec. 1937, FO 371/21251.
91. Minute by Makins, 4 Jan. 1938, Fischer Williams to Brass to FO, 11 Dec. 1937, FO 371/21251. Also see minute by Makins, 22 Mar. 1938, League to FO, received 21 March 1938, FO 371/22564.
92. Minute by Malkin, 5 Jan. 1938, Fischer Williams and Brass to FO, 11 Dec. 1937, FO 371/21251.
93. The editor of *The British Year Book of International Law* in 1938, Sir C. J. B. Hurst, advised by an editorial committee which included Malkin as well as Fischer Williams and the Home Office's W. E. Beckett, approved a particularly critical summary that noted that the court convention "does not apparently contemplate the presence of a jury, a jury being regarded, so it seems, as part of the law of procedure in a municipal system, and not (O shades and myths of Runnymede!) of its 'substantive law.'" As a consequence, the "restricted experiment" instituted by this convention was "classified under the head of international criminal procedure rather than as a commencement of a substantive international criminal law." See pp. 216–7.
94. For the full text of the convention, see Appendix C.
95. League of Nations, *Proceedings of the International Conference on the Repression of Terrorism: Geneva, November 1st to 16th, 1937*, pp. 147–8. Also see Saul, "The Legal Response of the League of Nations to Terrorism," pp. 91–2.
96. Fischer Williams to Brass to FO, 11 Dec. 1937, FO 371/21251. Also see Ben Saul, "The Legal Response of the League of Nations to Terrorism," *Journal of International Criminal Justice*, vol. 4, no. 1 (March 2006), p. 86.
97. For example, see Leon Trotsky to League, 31 Mar. 1938, LNA 3A/15705/15085.
98. For more, see Cali Ruchala, "From the Ratline to the Firing Line," 18 May 2003, available at: <http://www.pavelicpapers.com> and Ramat, *The Three Yugoslavias*, pp. 114–32.
99. Ramat, *The Three Yugoslavias*, p. 119.

100. See files contained in LNA 3A/22707/22707. Also see memorandum from McKinnon Woods to Podestá Costa, 23 Nov. 1937, LNA 3A/31686/22707.
101. Minute by Makins, 14 Dec. 1937, Drummond (now the 7th Earl of Perth) to FO, 12 Dec. 1937, FO 371/21179 and Walters, *A History of the League of Nations*, p. 768.
102. Perth to FO, 12 Dec. 1937, FO 371/21179.
103. William I. Shorrock, *From Ally to Enemy: The Enigma of Fascist Italy in French Diplomacy, 1920–1940* (Kent, OH and London: The Kent State University Press, 1988), pp. 213–4; Richard Lamb, *Mussolini and the British* (London: John Murray, 1997), pp. 192–3; and Zara Steiner, *The Triumph of the Dark: European International History, 1933–1939* (Oxford and New York: Oxford University Press, 2011), p. 316.
104. Minute by Ingram, 14 Dec. 1937, Perth to FO, 12 Dec. 1937, FO 371/21179. Also see Perth to Eden, 12 Dec. 1937, DBFP, Second Series, vol. xix, 387, p. 668 and ft. 2.
105. Minute by Makins, 14 Dec. 1937, Perth to FO, 12 Dec. 1937, FO 371/21179.
106. Minute by Sargent, 15 Dec. 1937, Perth to FO, 12 Dec. 1937, FO 371/21179.
107. For more on this transition, see Keith Neilson and T. G. Otte, *The Permanent Under-Secretary for Foreign Affairs, 1854–1946* (New York and London: Routledge, 2009), pp. 230–57.
108. Minute by Cadogan, 17 Dec. 1937, Perth to FO, 12 Dec. 1937, FO 371/21179.
109. For more on Eden's personal assessment of the Nyon agreement, see Avon, *Facing the Dictators*, pp. 528–32.
110. Minute by Eden, 18 Dec. 1937, Perth to FO, 12 Dec. 1937, FO 371/21179. Emphasis in original. If Eden ever received an answer, the archives contain no record of it.
111. "100th Session of the Council, Provisional Minutes of the Second Meeting (Public), held in Geneva, 27 Jan. 1938, 6 p.m.," LNA 14/32594/1139.
112. League of Nations, "Minutes of the One-Hundredth Session of the League of Nations Council," *Official Journal*, 19th year, No. 2 (February 1938), p. 106. Also see McKinnon Wood to Podestá Costa, 23 Nov. 1937, LNA 3A/31686/22707.
113. Mark Mazower, *Governing the World: The History of an Idea* (New York: Penguin Press, 2012), p. 150.



## CHAPTER 10

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# Conclusion

Two days after Eden resigned as foreign secretary in February 1938, Chamberlain told the House of Commons that he no longer believed the League of Nations able to provide “collective security for anybody.” In his view, much had changed since 1935. The peace treaties ending the Great War were badly out of date—now they themselves endangered peace. Negotiated revisions were needed and the League required fundamental reform. Despite what some might still contend, sanctions and disarmament simply were not practical under current international conditions.

I say we must not try to delude ourselves, and, still more, we must not try to delude small weak nations, into thinking that they will be protected by the League against aggression and [into] acting accordingly, when we know that nothing of the kind can be expected.

The organization’s power depended on the confidence of its members that it could carry out its central peacekeeping functions and there was no conviction anywhere that the League “as now constituted” could defend anyone. While Britain would remain a member because there was “important and valuable work for the League to do,” Geneva could not do “its best work” as long as its members were nominally bound “to use sanctions or to use force in support of its obligations.” If the organization hoped to assure its future, it needed to act “as a moral force to focus

public opinion throughout the world.” Only then might the League “be a real thing” working for “the benefit and salvation of mankind.”<sup>1</sup>

Chamberlain’s remarks not only publicly confirmed that the British government had given up on the peacekeeping functions of the League, but underscores why the organization was deeply flawed and poorly understood for most of its history. Geneva never was a kind of super-state with an existence beyond the individual states that composed it. The League was “a real thing,” but its role in international relations evolved significantly over its life. Most of the governments that constructed the League increasingly realized that preventing every act of aggression everywhere in the world was not only impossible, but potentially dangerous. Instead of defending the postwar global order that John Maynard Keynes (and many thoughtful observers of international relations) saw was inherently unstable, many states, including Britain and France, hoped to use the organization to direct gradual adjustments to that order. Such peaceful change was vital if the world hoped to avoid a repetition of the war of 1914–1918 and cooperate for “the benefit and salvation of mankind.”

“Appeasement” not only described British and French policy long before the Munich agreement, but many leaders also viewed it as the only sensible and politically viable policy. Both governments understood that the League could not impose a settlement on a great power, particularly one determined to use force to achieve its aims. They also knew that the term “collective security” did not appear in the Covenant and often meant different things in popular usage.<sup>2</sup> Politicians may have considered the concept rhetorically useful, but most policymakers (except, perhaps, Eden) were deeply skeptical of Geneva’s “collective peace system.”<sup>3</sup> States instead relied on traditional diplomacy and “appeasement” to prevent war and achieve peaceful change, turning to the League as an administrative as well as “a moral force” that emphasized those actions that contributed to peace in the broadest sense. Chamberlain’s approach for avoiding the outbreak of a general European war was little different, but he was far more willing to openly denigrate or ignore the organization in his efforts to find common ground with Italy and Germany. Nonetheless, Geneva indeed performed “important and valuable work” throughout the interwar period, but much of it was different from what the apostles of Wilsonian universalism had envisioned in 1918 and League critics accused it of after 1945.

Blaming the League for failing to accomplish what was always impossible, or condemning its most powerful members for not reading Hitler's mind, has obscured what the organization actually could and did attain in light of the bitter experience of the Great War. Even with its many defects, the League could mediate between states that wanted a peaceful resolution to their difficulties in cooperation with great powers that feared repeating the avoidable catastrophe of 1914. It also could make it possible for states to collaborate in creating new methods and institutions designed to diminish the underlying causes of international conflict. Geneva had the power to defuse a crisis centering on the Balkans and to keep governments from blundering into another collective tragedy that they wished to avoid and could not control. With the active support of its most influential members, the organization was able to carry out its main purposes "to promote international co-operation and to achieve international peace and security." Despite what detractors said about the League at the time or since, it could function as intended and did so even in the mid-1930s.

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Geneva did not cause ethnic conflict in the Balkans, and had no means to resolve it. Terrorism, in the form of politically motivated violence, was a common aspect of this conflict. While the creation of the League was in part a direct response to Balkan instability, peaceful efforts to revise the postwar peace treaties were largely unsuccessful and there was minimal international debate on the problem of terrorism before the attack at Marseilles. As a consequence, ethnic antagonism and political violence in southeastern Europe remained a serious and growing threat to peace and security the 1930s.

Despite this increasingly dangerous international situation, most in Britain and France assumed that no government or individual statesman could really *want* another war in Europe, especially one sparked by ethnic conflict in the Balkans. Millions of lives could have been saved—it was widely held—if everyone had ignored Serbia's responsibility for the terrorist shootings at Sarajevo and the allies of Austria-Hungary and Russia had urged restraint rather than issuing "blank checks" and impulsive threats. Many policymakers were convinced that if the League had a role to play in international relations, it was to help maintain the peace that all governments genuinely desired, even if this required pressing smaller states to accept unpleasant concessions, sweeping inconvenient

truths under the rug, and leaving intractable issues to be sorted out in the indefinite future. The settlement of the dispute between Yugoslavia and Hungary in late 1934 exemplified this conception of the League's utility. Article 11 of the Covenant served as an effective basis for restoring "the good understanding between nations upon which peace depends." Geneva was "the guardian of peace," but not the champion of "justice" over the legitimate grievances of "revisionists" or at the risk of provoking a European great power.

This concern for the cause of peace over the course of justice was one that Simon and Laval shared during the crisis following the terrorist attack at Marseilles, but it was a conviction that underpinned British foreign policy in particular. One brief but sharp exchange between Nevile Henderson and the Foreign Office in early 1935 encapsulates the significance of this conviction for understanding the meaning of "appeasement" in the 1930s. Britain was ready to close the Hungaro-Yugoslav dispute. When Hungary reported that it had made good on its promises to the Council, Henderson insisted that the Hungarians do more to admit blame and make amends. He said that the Yugoslavs were only motivated by "the murder of their King and the satisfaction which they regard the world owes them."<sup>4</sup> As he saw it, there could be no peace in Europe unless the states that supported terrorism repented publicly and changed their behavior.

Those advising Simon and Eden disagreed. In their view, "it would not serve the cause of peace if responsibility for the murder were really brought home."<sup>5</sup> It was time for Geneva to appease the Hungarians and press the Yugoslavs into going along. Henderson was wrong to believe, they argued, that the Yugoslavs had "a *right* to satisfaction for the King's assassination" and that there was "no other way of working for peace."<sup>6</sup> While nobody doubted that both Hungary and Italy each had "a certain degree of moral responsibility," no country—"no matter how guilty"—could afford in such circumstances "to make public confession, recantation and atonement." Further, the Yugoslavs themselves spoiled their case by concentrating all blame on the Hungarians.

We may be heartily thankful that they did *not* bring in the Italians. But the fact that they have not shews that they too recognise the necessity of putting political expediency before abstract conceptions of "justice" and "moral right."

Taking all this into account, the Yugoslavs had obtained “a not inconsiderable amount of satisfaction” and should be advised to “leave things where they are.”<sup>7</sup>

Defending “the necessity of putting political expediency before abstract conceptions” says much about the nature of British foreign policy during this period. For Britain, getting other states to see “the uselessness of slaughter” and reject “the antiquated method of blood-letting as a cure for national fever” were essential in order to keep the peace of what Simon called “this stricken and shattered world.” This aim outweighed “justice” and “moral right” for the Yugoslavs, or for anyone else, including those who were the victims of a terrorist attack. Avoiding another needless war remained the overriding moral imperative. Conciliation and compromise, not threats and violence, made lasting agreements between states possible. Men of goodwill could resolve legitimate grievances through collaboration and moderation. All these assumptions were central to the British government’s sustained, multi-faceted, and sometimes confused efforts to achieve what Eden told the League Council was “an appeasement” that could “unite all nations in the desire once again to find the way of peace through co-operation.”

The League’s capacity to settle international disputes of any sort, however, rapidly dissipated after 1935 as great powers abandoned the organization and smaller ones lost faith in it. Erosion of political support within a shifting international context also severely undercut Geneva’s ability to confront political issues, including state-supported terrorism. A web of government advisors, League officials, and legal experts working through the organization’s imperfect machinery invested an enormous amount of time and energy over several years in this attempt to make “more effective the prevention and punishment of terrorism of an international character.” Their work proved productive, but by the time it was accomplished most members of the League had starkly different and more immediate security concerns. Terrorism was still a serious danger to peace, but everyone knew that Geneva’s anti-terrorism project could do nothing to stop Europe’s dictators. Some even wondered if the League’s proposals might hinder any potential popular uprisings against them.

Nevertheless, Geneva’s two anti-terrorism conventions were significant for a number of reasons. One recent scholar notes that the central definition of terrorism in the anti-terrorism convention of 1937 has “served for many years as a benchmark” in international law.<sup>8</sup> The League’s efforts



also laid some of the groundwork for the Nuremberg trials and subsequent attempts to develop international criminal procedure.<sup>9</sup> Together, Geneva's draft conventions, if ratified, might have given states a way to reduce acts of terrorism by putting greater pressure on governments that harbored terrorists, increasing international police collaboration and intelligence sharing, and making it more difficult for terrorists to acquire weapons and false passports. The League's proposals also could have given governments a means for criminalizing conspiracies to commit terrorist acts while providing an external process for prosecuting accused terrorists.

None of this happened. The conventions never prevented or punished state-supported terrorism. Both texts were deeply divisive and seriously flawed. Their value was mostly technical and symbolic, largely divorced from the political realities of the late 1930s. The debates over the conventions at Geneva were meaningless in themselves as long as governments lacked the will to give them meaning. The League's response to terrorism also sparked a series of clashes over policy not only between officials in London, but between Simon and Eden, with the law officers often in the middle. The result was a widening gap between cabinet ministers, who saw Geneva's anti-terrorism project as politically useful but one that could never be allowed to change British law or procedure in any significant way, and lower-level bureaucrats and jurists who did not realize that their leaders had set them up to fail, albeit in a way that appeared to demonstrate the government had made a serious, good-faith effort to keep its promises to the League. The "Conference on the International Repression of Terrorism" at Geneva in 1937 was a success only in the narrowest sense. Its achievements went largely unnoticed and the two conventions it produced never took effect. Despite devoting decades to the subject, the United Nations has yet to resolve many of the same dilemmas surrounding the efforts to combat the threat of international terrorism that the League identified in the 1930s.<sup>10</sup>

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The League of Nations made it possible for Europe to avert a potentially disastrous war in late 1934. Understanding this accomplishment contributes to a more complex and balanced view of this important period in international relations. Traditional historical accounts that only focus on the League's role in the failure of disarmament, the Manchurian crisis, and the Abyssinian disaster distort what Geneva actually achieved and why that mattered. Such accounts misrepresent the League's

successes, misinterpret the meaning of “appeasement,” and obscure how most Europeans saw their world during these years rather than how they or historians may have viewed it after 1945. They also reinforce false notions among scholars and the public about the role of modern international organizations in contemporary global politics in general.

Historians also need to understand how Britain and France, as well as other states and individuals, were able to use Geneva’s response to international terrorism to serve their own interests between 1934 and 1938. In many ways, the Hungaro-Yugoslav settlement and the resulting draft conventions and diplomatic conference advanced many of the real aims of those responsible for them. For the British and French governments, the League was a mechanism for avoiding war through a process of directed, gradual, peaceful appeasement. The Council’s response to Yugoslavia’s appeal in late 1934 provided a means to accommodate Mussolini as well as the Hungarians without having to denounce France’s eastern alliances or undermine Geneva’s legitimacy. Britain used the League’s anti-terrorism project to show its public support for the organization while avoiding any new commitments and never endorsing the views of any of the “anti-revisionist” states. France saw the project as a way to reassure and consolidate the Little Entente behind French foreign policy, though Paris considered these alliances embarrassing and potentially dangerous as they disintegrated under German pressure anyway. Yugoslavia attained a measure of public accountability for Alexander’s murder and claimed “a moral achievement” in signing the two conventions in 1937. Czechoslovakia and Romania tried to strengthen the League in the face of the growing forces of “revisionism” in Europe. The USSR aimed to enhance both its image and its own security. Jurists were able to advocate the establishment of new methods and institutions of international criminal law, and even succeeded in convincing some governments to declare their support for them.

The League did not prevent the outbreak of the Second World War, or even terrorist acts after 1934. It never could do either of these things. Yet Geneva was capable of carrying out its original, interrelated, and essential purposes. The organization could not impose a settlement on a great power determined on the use of force, but it could mediate between powers, large and small, wanting to avoid conflict. It was also able to serve many of the diplomatic interests of its members, including both Britain and France, and advance the work of various groups and individuals. The League’s success in preserving peace after Alexander’s

murder and its ability to promote international cooperation in an attempt to combat state-supported terrorism illustrate both the power and limitations of the organization in the 1930s, as well as how that power faded and those limitations grew more restrictive during the final years of its relatively short existence.

## NOTES

1. *House of Commons Debates*, Fifth Series, vol. 332, 22 Feb. 1938, cols. 227–8.
2. For example, see George W. Egerton, “Great Britain and the League of Nations: Collective Security as Myth and History” in United Nations Library, *The League of Nations in Retrospect*, pp. 95–117. Also see Maurice Bourquin, ed., *Collective Security: A Record of the Seventh and Eighth International Studies Conferences, Paris 1934–London 1935* (Paris: International Institute of Intellectual Co-operation, 1936).
3. Eden often used this phrase in public and private. See Anthony Eden, *Foreign Affairs* (New York: Harcourt, Brace and Co., 1939), pp. 62–4 and Earl of Avon (Anthony Eden), *The Eden Memoirs: Facing the Dictators* (Boston: Houghton Mifflin, 1962), pp. 196–9.
4. Henderson to Sargent, 19 Jan. 1935, FO 371/19573.
5. Minutes by Gallop and Carr, 28 Jan. 1935, minute by O’Malley, 29 Jan. 1935, minute by Sargent, 31 Jan. 1935, Henderson to Sargent, 19 Jan. 1935, FO 371/19573.
6. In Eden’s absence, this private letter was approved by Strang and sent by special messenger. See draft O’Malley (for Sargent) to Henderson, 1 Feb. 1935, and marginal minute by Carr, 1 Feb. 1935, FO 371/19573. Emphasis in original.
7. O’Malley (for Sargent) to Henderson, 1 Feb. 1935, Henderson Papers, FO 800/268. Emphasis in original.
8. Saul, “The Legal Response of the League of Nations to Terrorism,” p. 102. Also see Ben Saul, *Defining Terrorism in International Law* (Oxford: Oxford University Press, 2006), pp. 170–6 and 276–7.
9. Mark Allen Lewis, *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919–1950* (New York and Oxford: Oxford University Press, 2014), pp. 150–80.
10. For example, see UN Security Council Resolution 2178 (2014), <http://www.un.org/en/sc/documents/resolutions/2014.shtml> and “Speakers Urge That Differences Be Resolved in Draft Comprehensive Convention on International Terrorism, as Sixth Committee Begins Session,” available at: <http://www.un.org/press/en/2014/gal3475.doc.html>.

## APPENDIX A

### *Proposed Bases of an International Convention for the Suppression of Terrorism*

#### **Letter from the French Government to the Secretary-General**

[*Translation*] Geneva, December 9th, 1934

In the declaration I made at the meeting of the Council on the 8th instant, I emphasised the need for ensuring the effective suppression of political crimes of an international character, and signified my intention of submitting concrete proposals to the Council to that end.

I have the honour to communicate to you herewith a statement of the general principles which, in the opinion of the French Government, should constitute the bases of an international convention for the suppression of terrorism.

I shall be grateful if you will be good enough to communicate this document to the Members of the Council.

(*Signed*) Pierre Laval.  
December 9th, 1934

Bases for the Conclusion of an International Agreement with a View to the Suppression of Crimes Committed for the Purposes of Political Terrorism.

The sole object of the convention to be concluded will be to facilitate the suppression of criminal acts directed against persons or property and constituting terrorist action with a political object.

- A. The acts referred to are the following:
  - (a) Attempts on the life or liberty either of heads of States, or members of Governments or political or administrative assemblies or judicial bodies, or of officials, or of private persons by reason of their political attitude;
  - (b) Attempts on public buildings, railways, ships, aircraft or other means of communication;
  - (c) Associations with a view to the commission of the said acts;
  - (d) Possession of arms, ammunition, explosives or incendiary appliances with a view to the commission of said acts;
  - (e) Incitement to commit the acts specified above or the defence of such acts.

The question should be considered, having regard to the laws in force in the different countries, whether other acts should be added to this list.

An undertaking would be assumed by the contracting Powers to suppress acts of this kind, or attempts to commit such acts or complicity in the commission of such acts, even where they are directed against another contracting State or its authorities or nationals.

An undertaking would be assumed to execute letters of request issued by the authorities of a contracting State in connection with prosecutions in respect of the acts above mentioned.

As regards the details, the Convention of April 20th, 1929, for the Suppression of Counterfeiting Currency should serve for guidance.

- B. The suppression of the acts above referred to will rest with the courts of each State. Nevertheless, an International Criminal Court would be set up at the same time, composed of five members and established on a permanent basis, though meeting only when prosecutions are instituted relating to matters which fall within its competence.

The International Criminal Court would have to try individuals accused of any one of the acts above mentioned in the following cases:

- (a) Where the accused has taken refuge in a country other than that which desires to prosecute him, and the country of refuge prefers to bring up the accused for judgment before the International Criminal Court rather than grant extradition to the State applying for it;
- (b) Where the State on whose territory the act was committed prefers to waive prosecution before its own courts in the particular case concerned.

The establishment of such an International Criminal Court meets the double requirement of ensuring impartial justice in specially delicate cases and covering the responsibility of the State whose courts would have to try crimes of this kind.

The penal law to be applied by the International Criminal Court will have to be determined.

On the pronouncement of each sentence, the court would decide which of the contracting States must provide for the execution of the sentence.

The right to pardon, in connection with sentences pronounced by the International Criminal Court, would be exercised by the Council of the League of Nations, on the motion either of the State in which the sentence was to be carried out, or of the State against which the acts were directed, or of the State of which the sentenced person is a national.

- C. The Convention should contain suitable provisions to ensure the *bona-fide* nature of passports and documents of identity.

The parties should undertake to punish the manufacture of false identity documents, the forgery of such documents and the use of false or forged documents, even if the parts forged are the seals or signatures of a foreign authority.

- D. Practical provision should be made:

- (a) For the communication of all information concerning the preparation in one country of criminal acts coming within the scope of the Convention, when such acts would seem likely to be committed in another contracting country;
- (b) The communication of information concerning proceedings taken and sentences pronounced on matters coming within the scope of the Convention's application;

- (c) The communication of information concerning the forgery of documents of identity and their use.

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In addition to the proposed Convention, Members of the League of Nations should be recommended to insert in any of their extradition treaties which do not already contain such a stipulation, a clause excluding assassination from the category of non-extraditable political offences.

## APPENDIX B

### *Resolution of the Council of the League of Nations*

Adopted December 10, 1934

#### *I*

“The Council,

“Convinced that it interprets the sentiments of the whole League of Nations;

“Unanimously deploring the crime which occasioned the loss of the lives of the knightly King Alexander I of Yugoslavia, the Unifier, and of M. Louis Barthou:

“Condemns this odious crime;

“Associates itself with the mourning of the Yugoslav nation and the French nation;

“And insists that those responsible should be punished.

#### *II*

“The Council,

“Recalls, that it is the duty of every State neither to encourage nor tolerate on its territory any terrorist activity with a political purpose;



“That every State must do all in its power to prevent and repress acts of this nature and must for this purpose lend its assistance to Governments which request it:

“Is of opinion that these duties devolve, in particular, on the Members of the League of Nations in view of the obligations of the Covenant in relation to the engagements they have undertaken to respect the territorial integrity and the existing political independence of the other Members.

### *III*

“The Council,

“Desirous that the good understanding upon which peace depends should exist between Members of the League, and expressing its confidence that they will avoid anything which might be of a nature to compromise it;

“Noting that, as a result of the discussions which have taken place before the Council and the documents which have been communicated to it—in particular, the diplomatic correspondence exchanged between the Hungarian and Yugoslav Governments from 1931 to 1934—various questions relative to the existence or the activities outside Yugoslav territory of terrorist elements have not been settled in a manner which has given satisfaction to the Yugoslav Government;

“Being of opinion, as the result of these discussions and documents, that certain Hungarian authorities may have assumed, at any rate through negligence, certain responsibilities relative to acts having a connection with the preparation of the crime of Marseilles;

“Considering, on the other hand, that it is incumbent on the Hungarian Government, conscious of its international responsibilities, to take at once appropriate punitive action in the case of any of its authorities whose culpability may be established;

“Convinced of the goodwill of the Hungarian Government to perform this duty:

“Requests it to communicate to the Council the measures it takes to this effect.

### *IV*

“The Council,

“Considering that the rules of international law concerning the repression of terrorist activity are not at present sufficiently precise to guarantee efficiently international co-operation in this matter:

“Decides to set up a committee of experts to study this question with a view to drawing up a preliminary draft of an international convention to assure the repression of conspiracies or crimes committed with a political and terrorist purpose;

“Decides that this committee shall be composed of eleven members, the Governments of Belgium, Chile, the United Kingdom, France, Hungary, Italy, Poland, Roumania, Union of Soviet Socialist Republics, Spain and Switzerland, each being invited to appoint a member;

“Refers this committee for examination the suggestions which have been presented to the Council by the French Government, and requests other Governments which may wish to present suggestions to sent them to the Secretary-General, so that they may be examined by the committee;

“Invites the committee to report to the Council, so that the latter may apply the procedure laid down in the resolution of the Assembly of September 25th, 1931, concerning the drawing up of general conventions negotiated under the auspices of the League of Nations.”

## APPENDIX C

### *Convention for the Prevention and Punishment of Terrorism*

Being desirous of making more effective the prevention and punishment of terrorism of an international character,

Have appointed as their Plenipotentiaries:

Who, having communicated their full powers, which were found in good and due form, have agreed upon the following provisions:

#### *Article 1*

1. The High Contracting Parties, reaffirming the principle of international law in virtue of which it is the duty of every State to refrain from any act designed to encourage terrorist activities directed against another State and to prevent the acts in which such activities take shape, undertake as hereinafter provided to prevent and punish activities of this nature and to collaborate for this purpose.
2. In the present Convention, the expression “acts of terrorism” means criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public.

### *Article 2*

Each of the High Contracting Parties shall, if this has not already been done, make the following acts committed on his own territory criminal offences if they are directed against another High Contracting party and if they constitute acts of terrorism within the meaning of Article 1:

- (1) Any wilful act causing death or grievous bodily harm or loss of liberty to:
  - (a) Heads of States, persons exercising the prerogatives of the head of State, their hereditary or designated successors;
  - (b) The wives or husbands of the above-mentioned persons;
  - (c) Persons charged with public functions or holding public positions when the act is directed against them in their public capacity.
- (2) Wilful destruction of, or damage to, public property or property devoted to a public purpose belonging to or subject to the authority of another High Contracting Party.
- (3) Any wilful act calculated to endanger the lives of members of the public.
- (4) Any attempt to commit an offence falling within the foregoing provisions of the present article.
- (5) The manufacture, obtaining, possession, or supplying of arms, ammunition, explosives or harmful substances with a view to the commission in any country whatsoever of an offence falling within the present article.

### *Article 3*

Each of the High Contracting Parties shall make the following acts criminal offences when they are committed on his own territory with a view to an act of terrorism falling within Article 2 and directed against another High Contracting Party, whatever the country in which the act of terrorism is to be carried out:

- (1) Conspiracy to commit any such act;
- (2) Any incitement to any such act, if successful;
- (3) Direct public incitement to any act mentioned under heads (1), (2) or (3) of Article 2, whether the incitement be successful or not;

- (4) Wilful participation in any such act;
- (5) Assistance, knowingly given, towards the commission of any such act.

#### *Article 4*

Each of the offences mentioned in Article 3 shall be treated by the law as a distinct offence in all cases where this is necessary in order to prevent an offender escaping punishment.

#### *Article 5*

Subject to any special provisions of national law for the protection of the persons mentioned under head (1) of Article 2, or of the property mentioned under head (2) of Article 2, each High Contracting Party shall provide the same punishment for the acts set out in Articles 2 and 3, whether they be directed against that or another High Contracting Party.

#### *Article 6*

1. In countries where the principle of the international recognition of previous convictions is accepted, foreign conviction for any of the offences mentioned in Articles 2 and 3 will, within the conditions prescribed by domestic law, be taken into account for the purpose of establishing habitual criminality.
2. Such convictions will, further, in the case of High Contracting parties whose law recognises foreign convictions, be taken into account, with or without special proceedings, for the purposes of imposing, in the manner provided by that law, incapacities, disqualifications or interdictions whether in the sphere of public or private law.

#### *Article 7*

In so far as *parties civiles* are admitted under the domestic law, foreign *parties civiles*, including, in proper cases, a High Contracting Party shall be entitled to all rights allowed to nationals by the law of the country in which the case is tried.

*Article 8*

1. Without prejudice to the provisions of paragraph 4 below, the offences set out in Articles 2 and 3 shall be deemed to be included as extradition crimes in any extradition treaty which has been, or may hereafter be, concluded between any of the High Contracting Parties.
2. The High Contracting Parties who do not make extradition conditional on the existence of a treaty shall henceforward, without prejudice to the provisions of paragraph 4 below and subject to reciprocity, recognise the offences set out in Articles 2 and 3 as extradition crimes as between themselves.
3. For the purposes of the present article, any offence specified in Articles 2 and 3, if committed in the territory of the High Contracting Party against whom it is directed, shall also be deemed to be an extradition crime.
4. The obligation to grant extradition under the present article shall be subject to any conditions and limitations recognised by the law or the practice of the country to which application is made.

*Article 9*

1. When the principle of the extradition of nationals is not recognised by a High Contracting Party, nationals who have returned to the territory of their own country after the commission abroad of an offence mentioned in Articles 2 or 3 shall be prosecuted and punished in the same manner as if the offence had been committed on that territory, even in a case where the offender had acquired his nationality after the commission of the offence.
2. The provisions of the present article shall not apply if, in similar circumstances, the extradition of a foreigner cannot be granted.

*Article 10*

Foreigners who are on the territory of a High Contracting Party and who have committed abroad any of the offences set out in Articles 2 and 3 shall be prosecuted and punished as though the offence had been committed in the territory of that High Contracting party, if the following conditions are fulfilled—namely, that:

- (a) Extradition has been demanded and could not be granted for a reason connected with the offence itself;
- (b) The law of the country of refuge recognises the jurisdiction of its own courts in respect of offences committed abroad by foreigners;
- (c) The foreigner is a national of a country which recognises the jurisdiction of its own courts in respect of offences committed abroad by foreigners.

### *Article 11*

1. The provisions of Articles 9 and 10 shall also apply to offences referred to in Articles 2 and 3 which have been committed in the territory of the High Contracting Party against whom they were directed.
2. As regards the application of Articles 9 and 10, the High Contracting Parties do not undertake to pass a sentence exceeding the maximum sentence provided by the law of the country where the offence was committed.

### *Article 12*

Each High Contracting Party shall take on his own territory and within the limits of his own law and administrative organisation the measures which he considers appropriate for the effective prevention of all activities contrary to the purpose of the present Convention.

### *Article 13*

1. Without prejudice to the provisions of head (5) of Article 2, the carrying, possession and distribution of fire-arms, other than smooth-bore sporting-guns, and of ammunition shall be subject to regulation. It shall be a punishable offence to transfer, sell or distribute such arms or munitions to any person who does not hold such a licence or make such a declaration as may be required by domestic legislation concerning the possession and carrying of such articles; this shall apply also to the transfer, sale or distribution of explosives.
2. Manufacturers of fire-arms, other than smooth-bore sporting-guns, shall be required to mark each arm with a serial number or other

distinctive mark permitting it to be identified; both manufacturers and retailers shall be obliged to keep a register of the names and addresses of purchasers.

#### *Article 14*

1. The following acts shall be punishable:
  - (a) Any fraudulent manufacture or alteration of passports or other equivalent documents;
  - (b) Bringing into the country, obtaining or being in possession of such forged or falsified documents knowing them to be forged or falsified;
  - (c) Obtaining such documents by means of false declarations or documents;
  - (d) Wilfully using any such documents which are forged or falsified or were made out for a person other than the bearer.
2. The wilful issue of passports, other equivalent documents, or visas by competent officials to persons known not to have the right thereto under the laws or regulations applicable, with the object of assisting any activity contrary to the purpose of the present Convention, shall also be punishable.
3. The provisions of the present article shall apply irrespective of the national or foreign character of the document.

#### *Article 15*

1. Results of the investigation of offences mentioned in Articles 2 and 3 and (where there may be a connection between the offence and preparations for an act of terrorism) in Article 14 shall in each country, subject to the provisions of its law, be centralised in an appropriate service.
2. Such service shall be in close contact:
  - (a) With the police authorities of the country;
  - (b) With the corresponding services in other countries.
3. It shall furthermore bring together all information calculated to facilitate the prevention and punishment of the offences mentioned in Articles 2 and 3 and (where there may be a connection between the offence and preparations for the act of terrorism) in Article 14; it shall, as far as possible, keep in close contact with the judicial authorities of the country.



*Article 16*

Each service, so far as it considers it desirable to do so, shall notify to the services of the other countries, giving all necessary particulars:

- (a) Any act mentioned in Article 2 and 3, even if it has not been carried into effect, such notification to be accompanied by descriptions, copies and photographs.
- (b) Any search for, any prosecution, arrest, conviction or expulsion of persons guilty of offences dealt with in the present Convention, the movements of such persons and any pertinent information with regard to them, as well as their description, finger-prints and photographs;
- (c) Discovery of documents, arms, appliances or other objects connected with offences mentioned in Articles 2, 3, 13 and 14.

*Article 17*

1. The High Contracting Parties shall be bound to execute letters of request relating to offences referred to in the present Convention in accordance with their domestic law and practice and any international conventions concluded or to be concluded by them.
2. The transmission of letters of request shall be effected:
  - (a) By direct communication between judicial authorities;
  - (b) By direct correspondence between Ministers of Justice of the two countries;
  - (c) By direct correspondence between the authority of the country making the request and the Minister of Justice of the country to which the request is made;
  - (d) Through the diplomatic or consular representative of the country making the request in the country to which the request is made this representative shall send the letters of request, either directly or through the Minister for Foreign Affairs, to the competent judicial authority or to the authority indicated by the Government of the country to which the request is made and shall receive the papers constituting the execution of the letters of request from this authority either directly or through the Minister of Foreign Affairs.

3. In cases (a) and (d), a copy of the letters of request shall always be sent simultaneously to the Minister of Justice of the country to which application is made.
4. Unless otherwise agreed, the letter of request shall be drawn up in the language of the authority making the request, provided always that the country to which the request is made may require a translation in its own language, certified correct by the authority making the request.
5. Each High Contracting party shall notify to each of the other High Contracting Parties the method or methods of transmission mentioned above which he will recognise for the letters of request of the latter High Contracting Party.
6. Until such notification is made by a High Contracting Party, his existing procedure in regard to letters of request shall remain in force.
7. Execution of letters of request shall not give rise to a claim for reimbursement of charges or expenses of any nature whatever other than expenses of experts.
8. Nothing in the present article shall be construed as an undertaking on the part of the High Contracting Parties to adopt in criminal matters any form or methods of proof contrary to their laws.

### *Article 18*

The participation of a High Contracting Party in the present Convention shall not be interpreted as affecting that Party's attitude on the general question of the limits of criminal jurisdiction as a question of international law.

### *Article 19*

The present Convention does not affect the principle that, provided the offender is not allowed to escape punishment owing to an omission in the criminal law, the characterisation of the various offences dealt with in the present Convention, the imposition of sentences, the methods of prosecution and trial, and the rules as to mitigating circumstances, pardon and amnesty are determined in each country by the provisions of domestic law.

*Article 20*

1. If any dispute should arise between the High Contracting Parties relating to the interpretation or application of the present Convention, and if such dispute has not been satisfactorily solved by diplomatic means, it shall be settled in conformity with the provisions in force between the parties concerning the settlement of international disputes.
2. If such provisions should not exist between the parties to the dispute, the parties shall refer the dispute to an arbitral or judicial procedure. If no agreement is reached on the choice of another court, the parties shall refer the dispute to the Permanent Court of International Justice, if they are all parties to the Protocol of December 16th, 1920, relating to the Statute of that Court; and if they are not all parties of the Protocol, they shall refer the dispute to a court of arbitration constituted in accordance with the Convention of The Hague of October 18th, 1907, for the Pacific Settlement of International Disputes.
3. The above provisions of the present article shall not prevent High Contracting Parties, if they are Members of the League of Nations, from bringing the dispute before the Council or the Assembly of the League if the Covenant gives them the power to do so.

*Article 21*

1. The present Convention, of which the French and English texts shall be both authentic, shall bear to-day's date. Until May 31st, 1938, it shall be open for signature on behalf of any Member of the League of Nations and on behalf of any non-member State represented at the Conference which drew up the present Convention or to which a copy thereof is communicated for this purpose by the Council of the League of Nations.
2. The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations to be deposited in the archives of the League; the Secretary-General shall notify their deposit to all the Members of the League and to the non-member States mentioned in the preceding paragraph.

*Article 22*

1. After June 1st, 1938, the present Convention shall be open to accession by any Member of the League of Nations, and any of the non-member States referred to in Article 21, on whose behalf the Convention has not been signed.
2. The instruments of accession shall be transmitted to the Secretary-General of the League of Nations to be deposited in the archives of the League; the Secretary-General shall notify their receipt to all the Members of the League and to the non-member States referred to in Article 21.

*Article 23*

1. Any Member of the League of Nations or non-member State which is prepared to ratify the Convention under the second paragraph of Article 21, or to accede to the Convention under Article 22, but desires to be allowed to make reservations with regard to the application of the Convention, may so inform the Secretary-General of the League of Nations, who shall forthwith communicate such reservations to all the Members of the League and non-member States on whose behalf ratifications or accessions have been deposited and enquire whether they have any objection thereto. Should the reservation be formulated within three years from the entry into force of the Convention, the same enquiry shall be addressed to Members of the League and non-member States whose signature of the Convention has not yet been followed by ratification. If, within six months from the date of the Secretary-General's communication, no objection to the reservation has been made, it shall be treated as accepted by the High Contracting Parties.
2. In the event of any objection being received, the Secretary-General of the League of Nations shall inform the Government which desired to make the reservation and request it to inform him whether it is prepared to ratify or accede without the reservation or whether it prefers to abstain from ratification or accession.

*Article 24*

Ratification of, or accession to, the present Convention by any High Contracting party implies an assurance by him that his legislation and his

administrative organisation enable him to give effect to the provisions of the present Conventions.

### *Article 25*

1. Any High Contracting Party may declare, at the time of signature, ratification or accession, that, in accepting the present Convention, he is not assuming any obligation in respect of all or any of his colonies, protectorates, oversea territories, territories under his suzerainty or territories in respect of which a mandate has been entrusted to him; the present Convention shall, in that case, not be applicable to the territories named in such declaration.
2. Any High Contracting Party may subsequently notify the Secretary-General of the League of Nations that he desires the present Convention to apply to all or any of the territories in respect to which the declaration provided for in the preceding paragraph has been made. In making such notification, the High Contracting Party concerned may state that the application of the Convention to any of such territories shall be subject to any reservations which have been accepted in respect of that High Contracting Party under Article 23. The Convention shall then apply, with any such reservations, to all the territories named in such notification ninety days after the receipt thereof by the Secretary-General of the League of Nations. Should it be desired as regards any such territories to make reservations other than those already made under Article 23 by the High Contracting party concerned, the procedure set out in that Article shall be followed.
3. Any High Contracting Party may at any time declare that he desires the present Convention to cease to apply to all or any of his colonies, protectorates, oversea territories, territories under his suzerainty or territories in respect of which a mandate has been entrusted to him. The Convention shall, in that case, cease to apply to the territories named in such declaration one year after the receipt of this declaration by the Secretary-General of the League of Nations.
4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and to the non-member States referred to in Article 21 the declarations and notifications received in virtue of the present Article.

*Article 26*

1. The present Convention shall, in accordance with the provisions of Article 18 of the Covenant, be registered by the Secretary-General of the League of Nations on the ninetieth day after the receipt by the Secretary-General of the third instrument of ratification or accession.
2. The Convention shall come into force on the date of such registration.

*Article 27*

Each ratification or accession taking place after the deposit of the third instrument of ratification or accession shall take effect on the ninetieth day following the date on which the instrument of ratification or accession is received by the Secretary-General of the League of Nations.

*Article 28*

A request for the revision of the present Convention may be made at any time by any High Contracting Party by means of a notification to the Secretary-General of the League of Nations. Such notification shall be communicated by the Secretary-General to all the other High Contracting Parties and, if it is supported by a least a third of those Parties, the High Contracting Parties undertake to hold a conference for the revision of the Convention.

*Article 29*

The present Convention may be denounced on behalf of any High Contracting Party by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States referred to in Article 21. Such denunciation shall take effect one year after the date of its receipt by the Secretary-General of the League of Nations, and shall be operative only in respect of the High Contracting Party on whose behalf it was made.

IN FAITH WHEREOF the Plenipotentiaries have signed the present Convention.

DONE at Geneva, on the sixteenth day of November one thousand nine hundred and thirty-seven, in a single copy, which will be deposited in the archives of the Secretariat of the League of Nations; a certified true copy thereof shall be transmitted to all the Members of the League of Nations and all the non-member States referred to in Article 21.

## APPENDIX D

### *Convention for the Creation of an International Criminal Court*

Being desirous on the occasion of concluding the Convention for the Prevention and Punishment of Terrorism, which bears to-day's date, of creating an International Criminal Court with a view to making progress in the struggle against offences of an international character,

Have appointed as their Plenipotentiaries:

Who, having communicated their full powers, which were found in good and due form, have agreed upon the following provisions:

#### *Article 1*

An International Criminal Court for the trial, as hereinafter provided, of persons accused of an offence dealt with in the Convention for the Prevention and Punishment of Terrorism is hereby established.

#### *Article 2*

1. In the cases referred to in Articles 2, 3, 9 and 10 of the Convention for the Prevention and Punishment of Terrorism, each High Contracting Party to the present Convention shall be entitled,



instead of prosecuting before his own courts, to commit the accused for trial to the Court.

2. A High Contracting Party shall further, in cases where he is able to grant extradition in accordance with Article 8 of the said Convention, be entitled to commit the accused for trial to the Court if the State demanding extradition is also a Party to the present Convention.
3. The High Contracting Parties recognise that other Parties discharge their obligations towards them under the Convention for the Prevention and Punishment of Terrorism by making use of the right given them by the present article.

### *Article 3*

The Court shall be a permanent body, but shall sit only when it is seized of proceedings for an offence within its jurisdiction.

### *Article 4*

The seat of the Court shall be established at The Hague. For any particular case, the President may take the opinion of the Court and the Court may decide to meet elsewhere.

### *Article 5*

The Court shall be composed of judges chosen from among jurists who are acknowledged authorities on criminal law and who are or have been members of courts of criminal jurisdiction or possess the qualifications required for such appointments in their own countries.

### *Article 6*

The Court shall consist of five regular judges and five deputy judges, each belonging to a different nationality, but so that the regular judges and deputy judges shall be nationals of the High Contracting Parties.

### *Article 7*

1. Any Member of the League of Nations and any non-member State, in respect of which the present Convention is in force, may

nominate not more than two candidates for appointment as judges of the Court.

2. The Permanent Court of International Justice shall be requested to choose the regular and deputy judges from the persons so nominated.

### *Article 8*

Every member of the Court shall, before taking up his duties, give a solemn undertaking in open Court that he will exercise his powers impartially and conscientiously.

### *Article 9*

The High Contracting Parties shall grant the members of the Court diplomatic privileges and immunities when engaged on the business of the Court.

### *Article 10*

1. Judges shall hold office for ten years.
2. Every two years, one regular and one deputy judge shall retire.
3. The order of retirement for the first period of ten years shall be determined by lot when the first election takes place.
4. Judges may be re-appointed.
5. Judges shall continue to discharge their duties until their places have been filled.
6. Nevertheless, judges, though replaced, shall finish any cases which they have begun.

### *Article 11*

1. Any vacancy, whether occurring on the expiration of a judge's term of office or for any other cause, shall be filled as provided in Article 7.
2. In the event of the resignation of a member of the Court, the resignation shall take effect on notification being received by the Registrar.
3. If a seat on the Court becomes vacant more than eight months before the date at which a new election to that seat would normally

take place, the High Contracting Parties shall within two months nominate candidates for the seat in accordance with Article 7, paragraph 1.

#### *Article 12*

A member of the Court cannot be dismissed unless in the unanimous opinion of all the other members, including both regular and deputy judges, he has ceased to fulfil the required conditions.

#### *Article 13*

A judge appointed in place of a judge whose period of appointment has not expired shall hold the appointment for the remainder of his predecessor's term.

#### *Article 14*

The Court shall elect its President and Vice-President for two years; they may be re-elected.

#### *Article 15*

The Court shall establish regulations to govern its practice and procedure.

#### *Article 16*

The work of the Registry of the Court shall be performed by the Registry of the Permanent Court of International Justice, if that Court consents.

#### *Article 17*

The Court's archives shall be in the charge of the Registrar.

#### *Article 18*

The number of members who shall sit to constitute the Court shall be five.

*Article 19*

1. Members of the Court may not take part in trying any case in which they have previously been engaged in any capacity whatsoever. In case of doubt, the Court shall decide.
2. If, for some special reason, a member of the Court considers that he should not sit to try a particular case, he shall so notify the President as soon as he has been informed that the Court is seized of that case.

*Article 20*

1. If the presence of five regular judges is not secured, the necessary number shall be made up by calling upon the deputy judges in their order on the list.
2. The list shall be prepared by the Court and shall have regard, first, to priority of appointment and, secondly, to age.

*Article 21*

1. The substantive criminal law to be applied by the Court shall be that which is the least severe. In determining what that law is, the Court shall take into consideration the law of the territory on which the offence was committed and the law of the country which committed the accused to it for trial.
2. Any dispute as to what substantive criminal law is applicable shall be decided by the Court.

*Article 22*

If the Court has to apply, in accordance with Article 21, the law of a State of which no sitting judge is a national, the Court may invite a jurist who is an acknowledged authority on such law to sit with it in a consultative capacity as a legal assessor.

*Article 23*

A High Contracting Party who avails himself of the right to commit an accused person for trial to the Court shall notify the President through the Registry.

### *Article 24*

The President of the Court, on being informed by a High Contracting Party of his decision to commit an accused person for trial to the Court in accordance with Article 2, shall notify the State against which the office was directed, the State on whose territory the offence was committed and the State of which the accused is a national.

### *Article 25*

1. The Court is seized so soon as a High Contracting party has committed the accused person to it for trial.
2. The document committing an accused person to the Court for trial shall contain a statement of the principal charges against him and the allegations on which they are based, and shall name the agent by whom the State will be represented.
3. The State which committed the accused person to the Court shall conduct the prosecution unless the State against which the offence was directed or, failing that State, the State on whose territory the offence was committed express a wish to prosecute.

### *Article 26*

1. Any State entitled to seize the Court may intervene, inspect the file, submit a statement of its case to the Court and take part in the oral proceedings.
2. Any person directly injured by the offence may, if authorized by the Court, and subject to any conditions which it may impose, constitute itself *partie civile* before the Court; such persona shall not take part in the oral proceeding except when the Court is dealing with the damages.

### *Article 27*

The Court may not entertain charges against any person except the person committed to it for trial, or try any accused person for any offences other than those for which he has been committed.

*Article 28*

The Court shall not proceed further with the case and shall order the accused to be discharged if the prosecution is abandoned and not at once recommended by a State entitled to prosecute.

*Article 29*

1. Accused persons may be defended by advocates belonging to a Bar and approved by the Court.
2. If provision is not made for the conduct of the defence by a barrister chosen by the accused, the Court shall assign to each accused person a counsel selected from advocates belonging to a Bar.

*Article 30*

The file of the case and the statement of the *partie civile* shall be communicated to the person who is before the Court for trial.

*Article 31*

1. The Court shall decide whether a person who has been committed to it for trial shall be placed or remain under arrest. Where necessary, it shall determine on what conditions he may be provisionally set at liberty.
2. The State on the territory of which the Court is sitting shall place at the Court's disposal a suitable place of internment and the necessary staff of warders for the custody of the accused.

*Article 32*

The parties may submit to the Court the names of witnesses and experts, but the Court shall be free to decide whether they shall be summoned and heard. The Court may always, even of its own motion, hear other witnesses and experts. The same rules shall apply as regards any other kind of evidence.

*Article 33*

Any letters of request which the Court consider it necessary to have despatched shall be transmitted to the State competent to give effect thereto by the method prescribed by the regulations of the Court.

*Article 34*

No examination, no hearing of witnesses or experts and no confrontation may take place before the Court except in the presence of the counsel for the accused and the representatives of the States which are taking part in the proceedings or after these representatives have been duly summoned.

*Article 35*

1. The hearings before the Court shall be public.
2. Nevertheless, the Court may, by a reasoned judgement, decide that the hearing shall take place *in camera*. Judgment shall always be pronounced at a public hearing.

*Article 36*

The Court shall sit in private to consider its judgement.

*Article 37*

The decisions of the Court shall be by majority of the judges.

*Article 38*

Every judgment or order of the Court shall state the reasons therefor and be read at a public hearing by the President.

*Article 39*

1. The Court shall decide whether any object is to be confiscated or to be restored to its owner.
2. The Court may sentence the persons committed to it to pay damages.

3. High Contracting parties in whose territory objects to be restored or property belonging to convicted persons is situated shall be bound to take all the measures provided by their own laws to ensure the execution of the sentences of the Court.
4. The provisions of the preceding paragraph shall also apply to cases in which pecuniary penalties imposed by the Court or costs of proceedings have to be recovered.

#### *Article 40*

1. Sentences involving loss of liberty shall be executed by a High Contracting Party chosen with his consent by the Court. Such consent may not be refused by the State which committed the convicted person to the Court for trial. The sentence shall always be executed by the State which committed the convicted person to the Court if this State expresses the wish to do so.
2. The Court shall determine the way in which any fines shall be dealt with.

#### *Article 41*

If sentence of death has been pronounced, the State designated by the Court to execute the sentence shall be entitled to substitute therefor the most severe penalty provided by its national law which involves loss of liberty.

#### *Article 42*

The right of pardon shall be exercised by the State which has to enforce the penalty. It shall first consult the President of the Court.

#### *Article 43*

1. Against convictions pronounced by the Court, no proceedings other than an application for revision shall be allowable.
2. The Court shall determine in its rules the cases in which an application for revision may be made.
3. The States mentioned in Article 25, and the persons mentioned in Article 29, shall have the right to ask for a revision.



*Article 44*

1. The salaries of the judges shall be payable by the States of which they are nationals on a scale fixed by the High Contracting parties.
2. There shall be created by contributions from the High Contracting parties a common fund from which the costs of the proceedings and other expenses involved in the trial of cases, including any fees and expenses of counsel assigned to the accused by the Court, shall be defrayed, subject to recovery from the accused if he is convicted. The special allowance to the Registrar and the expenses of the Registry shall be met out of this fund.

*Article 45*

1. The Court shall decide any questions as to its jurisdiction arising during the hearing of a case; it shall for the purpose apply the provisions of the present Convention and of the Convention for the Prevention and Punishment of Terrorism and the general principles of law.
2. If a High Contracting party, not being the Party who sent the case in question for trial to the Court, disputes the extent of the Court's jurisdiction in relation to the jurisdiction of his own national courts and does not see his way to appear in the proceedings in order that the question may be decided by the International Criminal Court, the question shall be treated as arising between such High Contracting party and the High Contracting Party who sent the case for trial to the Court, and shall be settled as provided in Article 48.

*Article 46*

1. The representatives of the High Contracting Parties shall meet with a view to taking all necessary decisions concerning:
  - (a) The constitution and administration of the common fund, the division among the High Contracting Parties of the sums considered necessary to create and maintain such fund and, in general, all questions bearing on the establishment and the working of the Court;
  - (b) The organisation of the meetings referred to below in paragraph 3.

2. At their first meeting, the representatives of the High Contracting Parties shall also decide what modifications are necessary in order to attain the objects of the present Convention.
3. The Registrar of the Court shall convene subsequent meetings in conformity with the rules established to that effect.
4. All questions of procedure that may arise at the meetings referred to in the present article shall be decided by a majority of two-thirds of the High Contracting Parties represented at the meeting.

#### *Article 47*

1. Until the present Convention is in force between twelve High Contracting Parties, it shall be possible for a judge and a deputy judge to be both nationals of the same High Contracting Party.
2. Article 18 and Article 20, paragraph 1, shall not be applied in such a manner as to cause a judge and a deputy judge of the same nationality to sit simultaneously on the Court.

#### *Article 48*

1. If any dispute should arise between the High Contracting Parties relating to the interpretation or application of the present Convention, and if such dispute has not been satisfactorily solved by diplomatic means, it shall be settled in conformity with the provisions in force between the Parties concerning the settlement of international disputes.
2. If such provisions should not exist between the parties to the dispute, the parties shall refer the dispute to an arbitral or judicial procedure. If no agreement is reached on the choice of another court, the parties shall refer the dispute to the Permanent Court of International Justice, if they are all parties to the Protocol of December 16th, 1920, relating to the Statute of that Court; and if they are not all parties of the Protocol, they shall refer the dispute to a court of arbitration constituted in accordance with the Convention of The Hague of October 18th, 1907, for the Pacific Settlement of International Disputes.

*Article 49*

1. The present Convention, of which the French and English texts shall be both authentic, shall bear to-day's date. Until May 31st, 1938, it shall be open for signature on behalf of any Member of the League of Nations and on behalf of any non-member State represented at the Conference which drew up the present Convention or to which a copy thereof is communicated for this purpose by the Council of the League of Nations.
2. The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations to be deposited in the archives of the League; the Secretary-General shall notify their deposit to all the Members of the League and to the non-member States mentioned in the preceding paragraph. The deposit of an instrument of ratification of the present Convention shall be conditional on the deposit by the same High Contracting party of an instrument of ratification of, or accession to, the Convention for the Prevention and Punishment of Terrorism.

*Article 50*

1. After June 1st, 1938, the present Convention shall be open to accession by any Member of the League of Nations, and any non-member States which has not signed this Convention. Nevertheless, the deposit of an instrument of accession shall be conditional on the deposit by the same High Contracting Party of an instrument of ratification of, or accession to, the Convention for the Prevention and Punishment of Terrorism.
2. The instruments of accession shall be transmitted to the Secretary-General of the League of Nations to be deposited in the archives of the League; the Secretary-General shall notify their receipt to all the Members of the League and to the non-member States referred to in Article 49.

*Article 51*

Signature, ratification or accession to the present Convention may not be accompanied by any reservations except in regard to Article 26, paragraph 2.

*Article 52*

1. Any High Contracting Party may declare, at the time of signature, ratification or accession, that, in accepting the present Convention, he is not assuming any obligation in respect of all or any of his colonies, protectorates, overseas territories, territories under his suzerainty or territories in respect of which a mandate has been entrusted to him; the present Convention shall, in that case, not be applicable to the territories named in such declaration.
2. Any High Contracting Party may subsequently notify the Secretary-General of the League of Nations that he desires the present Convention to apply to all or any of the territories in respect to which the declaration provided for in the preceding paragraph has been made. The Convention shall, in that case, apply to all the territories named in such notification ninety days after the receipt thereof by the Secretary-General of the League of Nations.
3. Any High Contracting Party may at any time declare that he desires the present Convention to cease to apply to all or any of his colonies, protectorates, overseas territories, territories under his suzerainty or territories in respect of which a mandate has been entrusted to him. The Convention shall, in that case, cease to apply to the territories named in such declaration one year after the receipt of this declaration by the Secretary-General of the League of Nations.
4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and to the non-member States mentioned in Articles 49 and 50 the declarations and notifications received in virtue of the present article.

*Article 53*

1. The Government of the Netherlands is requested to convene a meeting of representatives of the States which ratify or accede to the present Convention. The meeting is to take place within one year after the receipt of the seventh instrument of ratification or accession by the Secretary-General of the League of Nations and has for object to fix the date at which the present Convention shall be put into force. The decision shall be taken by a minority which must be a two-thirds majority and include not less than six votes.

The meeting shall also take any decisions necessary for carrying out the provisions of Article 46.

2. The entry into force of the present Convention shall, however, be subject to the entry into force of the Convention for the Prevention and Punishment of Terrorism.
3. The present Convention shall be registered by the Secretary-General of the League of Nations in accordance with Article 18 of the Covenant on the day fixed by the above-mentioned meeting.

#### *Article 54*

A ratification or accession by a State which has not taken part in the meeting mentioned in Article 53 shall take effect ninety days after its receipt by the Secretary-General of the League of Nations, provided that the date at which it takes effect shall not be earlier than ninety days after the entry into force of the Convention.

#### *Article 55*

The present Convention may be denounced on behalf of any High Contracting Party by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States referred to in Article 21. Such denunciation shall take effect one year after the date of its receipt by the Secretary-General of the League of Nations, and shall be operative only in respect of the High Contracting Party on whose behalf it was made.

#### *Article 56*

1. A case brought before the Court before the denunciation of the present Convention, or the making of a declaration as provided in Article 52, paragraph 3, shall nevertheless continue to be heard and judgment be given by the Court.
2. A High Contracting Party who before denouncing the present Convention has under the provisions thereof incurred the obligation of carrying out a sentence shall continue to be bound by such an obligation.

IN FAITH WHEREOF the Plenipotentiaries have signed the present Convention.

DONE at Geneva, on the sixteenth day of November one thousand nine hundred and thirty-seven, in a single copy, which will be deposited in the archives of the Secretariat of the League of Nations; a certified true copy thereof shall be transmitted to all the Members of the League of Nations and all the non-member States represented at the Conference.

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