THE LEAGUE OF NATIONS IN THE
SPANISH CRISIS

A Thesis Presented for the
Degree of Master of Arts

by

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The Ohio State University
1946

Approved by: [Signature]
ACKNOWLEDGMENTS

I wish to express my sincere appreciation to Dr. George A. Washburne for the assistance which he has given me in the preparation of this manuscript. I am especially grateful for his constructive criticisms which have enabled me to present an intelligent view of this difficult period in Modern History.

I am also indebted to Edith Louise Day, my sister, for the secretarial assistance which she has so generously rendered at all times.
Preface

The following study will attempt to reveal the relationship of the League of Nations to the Spanish conflict. Since Spain had endorsed the League of Nations and fully expected her territorial integrity to be maintained, why was it that her appeals were not heeded? The true situation may be better understood and the implications for the future of collective security more fully realized if we examine this phase of the League of Nation's History.
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INTRODUCTION

It has been authoritatively stated by historians in the field of European History that the Second World War had its beginnings in the Spanish Crisis of July 17, 1936. It was a prelude to Munich. The helpless, ignorant masses of Spain were used as an experiment by the dictators to prove how effective their air, land and sea power had become.

Hitler, convinced of his military might at the end of the Spanish conflict, turned to new conquests in Czechoslovakia, Poland, the Netherlands, and France. He attempted, but failed to conquer England and Russia. Only combined might of the Western Democracies and Russia prevented the aggressive, goosestepping house painter from conquering and subjecting the world to his mystic (perhaps savage) philosophy.

It was fortunate only for Hitler and Mussolini that the confused and muddled political situation in Spain provided an easy 'entre' into the life of the Spaniard. For Spain, a third or fourth rate power, was unaffected by the dynamic, forceful changes which followed the Industrial Revolution. Her development had been arrested by the powerful influence of the Catholic Church and its Orders, the Army with its officer caste system, the King and his loyal supporters, and the large landowners. Representatives of
these groups saw their interests threatened, later formed the Monarchist-Clerical-Fascist Party, under the leadership of Gil Robles, General Franco, and General Mola.

Following World War I, progressive leaders among the intelligentsia emerged who fought against the evils existing in their feudal Spanish life. A Constitutional government was finally attained in 1931, but the preponderance of ignorance (estimated at 50% to 70%) and the reluctance of the Spanish people to accept Western ideas, made the development of the democratic principles a slow and tedious process.

For this reason many of the workers in the urban centers, (especially the Anarchist-Syndicalist) became dissatisfied with the Republican leaders and their program. Despite the antagonistic elements within and without the Republican party (which later became the Popular Front) President Azana and his cabinet were gradually solving the many problems which beset the Republic. The outbreak of the Civil War, however, and the intervention by foreign powers upon the side of the insurgents postponed the settlement of Spain's problems and finally destroyed the Republic.

The Civil Strife which raged in Spain between the Popular Front Government (legally established by the elections of February 16, 1933) and the rebel force composed of the anti-Republicans, the clergy, and the Fascist began
on July 18, 1936. The conflict quickly became an international war by proxy as Germany and Italy supported the rebels with ammunition and technical advisers. The interest of these powers was understandable. The dictators realized the value of Spain’s potential wealth in such natural resources as mercury, manganese, copper, tungsten, zinc, and iron, as well as her strategic position in the Mediterranean.

The Union of Soviet Socialist Republics supported the Republican Government in the hope of strengthening the democracies against the growing militaristic tendencies of the Fascists. Then too, the Spanish Government had paid for the military supplies and technicians that were sent to train the Government militia. The International Brigade which came to the aid of the Republican Government was composed of Italians, Germans, French, Belgians, Poles, Dutch, English, Russians and Americans; men who loved freedom and sincerely wished to see it survive the Fascist attacks.

Before the League of Nations had recovered from its defeat suffered as a result of the Abyssinian Affair and had turned to a consideration of the Spanish problem, the Non-Intervention Committee was formed. France and the United Kingdom initiated the agreement whose objective was to limit the conflict to Spain. The motive of these powers is clear. They wished to maintain the "status quo" in the Mediterranean and to avoid any open breach with the Fascist
powers. The activities of the Non-Intervention Committ-
eree was directly related to the League policy in the
Spanish conflict. As we shall see, one of the reasons
for the "do nothing" policy of the Council members was
the existence of the London Committee which was attempting
to maintain peace.

An examination of the data available on the subject
should increase our knowledge of why two international
peace organizations failed to stop the preparations for
the Second World War.
CHAPTER I

THE SPANISH GOVERNMENT APPEALS

TO THE LEAGUE

A. Preliminary Action

Alvarez del Vayo, Foreign Minister of Spain presented the Spanish problem to the League Assembly on September 25, 1936. He cautioned the League Members against considering the civil strife in Spain as only "the Spanish Affair."

On the contrary he declared:

...the cause for which the Spanish Government stands, the cause which is the symbol,.....is the cause for peace; yet it is for this cause that from one end of Spain to the other, men are fighting and dying rather than let themselves be bereft by force and violence of their faith in democracy and liberty at home, or of their determination to seek peace as their guiding rule in their relations abroad.1

It is apparent that all freedom loving people throughout the world would have reacted as the Nationalists of Spain were attempting to do, mainly, to resist the forces of aggression that sought to destroy them.

1. League of Nations, Official Journal: 1936, Special Supplement #155, p. 48
Then, to correct any misunderstanding that may have developed as the result of rumors, he explained how the legal government of Spain came into being:

...at this decisive hour, the Government that presides over the destinies of the Spanish people has the highest moral authority which issued directly from the will of the nation. The Government came into power as a result of the election of February 16th, (1938); elections that were directed against us, but which we won, thanks to the overwhelming force of public opinion. Behind the Government, composed of representatives of the Popular Front, there is today opposing the negative and subversive forces in the State every positive element in the nation...2

In an effort to awaken the League Assembly to the techniques of modern aggressors, Del Vayo emphasized the fact that future wars would not take the classic form of a declaration of war. Rather, as Spain had experienced it, the war of the future would be a clash between two ideologies, two mentalities, two different conceptions of life. He predicted that the present conflict would divide men on the basis of democracy or oppression. How true his statements have become as we consider the tragedy of World War II.

2. Ibid. p. 49
3. Ibid.
How had the Non-Intervention principle affected the Spanish Government's efforts to stop the rebellion? Senor del Vayo informed the League thus:

...in practice the so called policy of non-intervention amounts to a direct and effective intervention on behalf of the rebels...4

This in essence was the Government's reaction to the Non-Intervention Agreement. It was a virtual blockade of Government ports. It also resulted in other serious difficulties as del Vayo pointed out:

...commercial relations were interrupted when export of war material for the lawful Government suddenly ceased, contracts concluded before the rebellion were cancelled. France was the first to do this kind act........

Thus was Spain cut off from the normal commercial activities and left to the mercy of the rebels.5

Del Vayo warned the Assembly against this technique of warfare in which civilian or military elements endeavor to subvert their lawful Government by armed force; "while the world looks on in indifference, moral and material aid from foreign Governments is lavished on the rebels whose political ideals coincides with theirs." Collective Security could not survive amidst such duplicity.

4. Ibid. p. 49
5. Ibid.
The Portuguese Foreign Minister, Senor Monteiro, was the most outspoken representative for the Agreement. He hoped that peace and prosperity would come to Spain. It is to be regretted that his remarks did not coincide with his government's policy.

For according to reporters on the scene, "Portugal opened her gates wide to the profitable ammunition and arms traffic." She permitted the rebels free access to her ports and did not embarrass them at her borders. The motive for doing this perhaps stemmed from a desire to strengthen the power of her own dictator, Salazar. A republic in Spain might endanger this regime.

The Spanish Government endeavored to prove its accusations against the Fascist powers and Portugal by the publication of documents which contained specific evidence of German and Italian intervention. For example, German ships were unloading supplies at Lisbon. Despite this, the Council failed to take action regarding the problem. Two reasons may be considered: First, the accusations were based on a breach of international law rather than the violation of specific pledges. Since belligerent

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8. Ibid. p. 103
8. Official Journal: Special Supplement. (September-October, 1938) #155
status had not been accorded either party in the Spanish conflict, the League did not act. Secondly, the Spanish Question was not on the League Agenda, consequently, it may not have been legally obligated to act as we shall learn from later developments. There is also the fact that further proof of foreign intervention was desired by some League members.

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In a telegram to the Secretary General of the League, Alvarez del Vayo urged a meeting of the Council in view of these recent developments. The armed intervention of Germany and Italy in favor of the rebels in the Spanish Civil War was again denounced by the Spanish Foreign Minister. He called attention to these new developments:

...this intervention has culminated in the recognition of the chief of the rebels set up as a Government by the "wire pullers" of these same powers. Such a proceeding is virtually an act of aggression against the Spanish Republic. The declared intention of the rebels of forcibly preventing free commerce with the ports controlled by the Government claims attention as a factor likely to create international difficulties—difficulties which Franco declared his intention of provoking from the outset of the rebellion. 11

10. Telegram dated November 27, 1936, addressed to the Secretary General, from Jules Alvarez del Vayo, Minister Foreign Affairs, Official Journal, 1937, p. 35
11. Ibid.
This communication further informed the League Secretary of the plans for aiding the rebels in the naval sphere as had already been done in their land and air attacks.

The object of the Spanish Government in making this request was no doubt to keep the issue before the League in the hope of gaining supporters. Perhaps, too, it visualized a forceful world opinion that would result in positive League action in its behalf.

The fact that Germany, Italy, and Portugal were not attending Council meetings, undoubtedly motivated Monsieur Edwards, President of the Council, to reply that "such a meeting would be liable to diminish the prestige of the League of Nations, and would not have a pacifying effect without the attendance and support of all the parties concerned." He consented to meet with the Council if there were others who thought it agreeable.

Nevertheless, after the Secretary-General had consulted the League Members, the majority felt that the Spanish Question should be considered. Consequently, the Council was summoned on December 10, 1936, to consider the Spanish Government's appeal.

12. Ibid. p. 35
Senor Alvarez del Vayo declared before the Assembly that an "international war was raging on Spanish soil."

He fully realized that in making this statement that he should have presented "irrefutable proof" of his allegations. This proof can be ascertained from material found in the Spanish White Book.

Further proof, he asserted could be seen in the condition of Madrid which he described thus:

... The Capital of a State Member of the League has been reduced to ruins, the women and children of this capital have been butchered (by the) in hundreds by bombing planes under the orders of rebel generals and supplied by States which have, in fact begun a war, and which are continuing to make war, while statesmen talk of peace."

Moreover, he continued, since poison gas has been used in Madrid, they could expect the rebels to use it again, hoping to gain by panic what they would not obtain by other means.

The broader aspect of the Spanish problem was the disturbing element in the situation for:

14. League of Nations, Special Supplement, #155
15. League of Nations, Official Journal, 18th year, November 1, 1937, p. 8
the worst thing that could happen to the League of Nations would be to contribute by its own silence and inaction, to the spread of war."\textsuperscript{16}

This would be accomplished according to del Vayo:

"...After Germany and Italy had succeeded in getting the upper hand in Spain, and in using the occasion to retain for themselves the Balearic Islands and perhaps other naval bases in key positions either in the Mediterranean or (in) the Atlantic, the game might be started elsewhere."\textsuperscript{17}

Then he added this unpleasant thought concerning a future Europe:

"...As a final result of this process, it is possible to conceive of a Europe wholly pacified because all problems and all difficulties would have been settled, thanks to the decisive action of international Fascism."\textsuperscript{18}

Perhaps Senor del Vayo was an alarmist; surely he knew of the sincere efforts to limit the conflict and to end all hostilities. Wasn't the Non-Intervention Committee diligently exerting an effort to "Maintain peace" in Europe through its policies? Del Vayo quickly dispelled any apprehensions of the League members as to the Spanish Government's reaction to the London Committee when he emphatically stated:

\textsuperscript{16} Op. Cit. p. 8
\textsuperscript{17} Ibid.
\textsuperscript{18} Ibid.
...... The cynical and open violations of the Non-Intervention agreement by certain powers and the fact that the Committee has been powerless to prevent or to stop these violations have had as their natural consequence the declaration by other Powers that they considered themselves bound by the non-intervention agreement only to the extent that the agreement was respected by its other signatories.\textsuperscript{19}

Did the Spanish Representative mean to imply that since Germany and Italy had violated the agreement, some major Power, perhaps Russia, was considering aiding the Republican? He referred to the Spanish people and their regard for the principle of non-intervention thus:

......no one can have any doubt as to the complete ineffectiveness of the system as it has been conceived and applied hitherto. There is certainly no doubt on that point amongst the heroic population of Madrid, victims of the cruelest and most barbarous aerial bombardment ever suffered by a civilian population.\textsuperscript{20}

What were the motives for Fascist interests in Spain? Senor del Vayo contended that Spain's geographical position and natural resources were the object of these Fascist powers. Once they had established a Fascist political regime in Spain, the resources of the country would be at the disposal of these aggressive nations.

\textsuperscript{19} Ibid. p. 10
\textsuperscript{20} Ibid. p. 11
Senor Alvarez del Vayo concluded his address to the Council by telling how assured the Spanish people were that victory would be theirs. And when they had once more "regained normal conditions of democracy, liberty and social justice," the Spanish Republic would remember that its Constitution incorporated the fundamental principles of the League Covenant. The Spanish representative did not reckon with the "appeasement" policies of the democracies.
B. - *League Reaction to the Spanish Appeal*

British Opinion

It is important that we note the reaction to the Spanish representative's speech. Lord Cranborne, the British representative, outlined the work of the Non-Intervention Committee and its relation to the Spanish problem. He defined the duties of the Committee thus, "to examine and report on evidence which had been submitted to it tending to show that arms were being supplied to both parties from abroad." He assured the Assembly that the very existence of the Committee had acted "as a deterrent to indiscriminate supply of arms" to Spain.

The question may be asked as to why the London Committee had not acted on the evidence presented to the members. Certainly they had knowledge of the Spanish notes which contained evidence of Italian and German intervention. Despite this fact, he boldly declared that the Committees' efforts were successful.

Lord Cranborne continued to speak on the effectiveness of the Non-Intervention Committee. He disagreed with the remarks made by del Vayo to the effect that the Com-

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mittee was not serving a useful purpose. He was in accord with the statement made by Leon Blum, in the Chamber of Deputies to the effect that:

"..... the Non-Intervention Committee despite disappointments, dislocations and surprises, had diminished the risks and lessened the dangers."

Lord Cranborne acknowledged the fact that the agreement was not scrupulously observed by all parties. In his opinion, "The unanswerable fact is that the agreement is being violated in favor of both parties." This statement by the honorable British statesman undoubtedly referred to information contained in a rebel communication to His Majesty's Government. This note, dated November 17, 1936, accused the Russians of bringing war supplies to the Government through the port of Barcelona. They threatened to seize any and all ships in this port. The British Government recognized the rebels to the extent that the Ambassador at Hendaye was instructed to obtain security for British shipping in that area.

There were discrepancies in the system, (as the British fully realized) and in the practical application of the plan.

Nevertheless, the London Committee was attempting to devise a means of stopping the continuous flow of foreigners to swell the opposing armies. Lord Cranborne expressed the hope that the Council would endorse the work of the London Committee whose sole purpose was to limit and shorten the war in Spain.

Already the Non-Intervention Committee had contacted the governments of Italy, Germany, Union of Soviet Socialist Republics, and Portugal concerning the steps to be taken in negotiating an armistice. Not all the Governments had replied to this proposal.

It was then that Lord Cranborne very cleverly turned the attention of the League members to the humanitarian problems involved. He asked that something be done for the suffering Spanish masses. He declared that the civilian population of Madrid and other areas needed food, medical care, and the right of asylum. This, he contended, could be an important and valuable task for the International Red Cross. The Council, he suggested, could empower the Secretary General to provide assistance should the occasion arise.

It is of interest to note how clearly the British position is reflected through the speech of its represent-

ative. It is apparent that there was a definite, uniform Anglo-French agreement on the question of Spain; consequently, there was no need for the League Council to act. As something must be done to show the League's interest in the Spanish affair, they could devise some means of helping the people after the bombs had completed their work of destruction.

French Opinion

Monsieur Vienot, the French representative to the League, explained his Government's position regarding the Spanish question when he stated that their sole interest was to preserve the European Community from the risks arising out of the events in Spain. It was this fact which motivated the French Government to ask Great Britain and other Governments to reaffirm their resolve not to intervene directly or indirectly in the Spanish Civil War.

The question arises, was the French Government interested in limiting the conflict in order to preserve the peace of Europe, or was the Non-Intervention Committee another step in the French appeasement policy. The statements made by Leon Blum before the Chamber of Deputies on September 6, 1936, are informative. They were to the

28. Ibid. p. 13
effect that without the Non-Intervention Committee there
"would have been a competition in the supply of armaments
to both sides." He then urged the French Assembly to:

....Veezerber that there are coun-
tries where everything is concen-
trated in the hands of one man, and
where the intensity of armaments pro-
duction and industrial capacity is
far greater than here.29

An interpretation of these remarks and subsequent
actions of the French Government would lead one to con-
clude that they acted from fear of the dictators. The Non-
Intervention Committee was evidently the international farce
created to conceal their "do nothing policy." 30

Monsieur Vienot mentioned the London Committee's plan
for strict supervision of war materials entering Spain and
hoped that the system could be extended to govern the entry
of volunteers. It was a known fact that these volunteers
were arriving in units, rather than individually or inter-
mittently. The plan of supervision as finally evolved did
not even take into consideration the arrival of volunteers
by airplane.

Russian Opinion

Mr. Potemkine, the Russian representative to the

29. Werth, Alexander, The Destiny of France: Hamish
30. League of Nations: Official Journal, December,
1936, p. 13
League reiterated del Vayo's warning that the peace of the world was at stake. His Government had accepted the Non-Intervention Agreement; although it regarded a prohibition of the sale of arms to a legal government which was the victim of aggression, "as an arbitrary and unfair measure, contrary to international law."

Nevertheless, he continued, the Union of Soviet Socialists Republics "felt bound to accede" to the principles of the Non-Intervention Agreement. He reported that his government's representative on the London Committee had urged strict and effective supervision. It was his opinion that should the system of control become effective it would bring hostilities to an end and his government was willing to cooperate.

The Opinion of Other League Members

Mr. Jordan, representative of New Zealand, asked the Council to consider the critical situation which the Spanish conflict presented. He pointed out that the Spanish representative had alluded to similar facts in the September meeting of the Council. He vehemently asserted that if there was any justification for the revolt and for foreign intervention, those parties who provoked the

31. Ibid. p. 16
32. Ibid. p. 17
revolt should come forward and present their grievances. He supported the Spanish representative's pleas that some action should be taken by the Assembly to stop this new form of aggression.

In the opinion of M. Komarnicki, the representative of Poland, there was nothing for the League Assembly to do in the Spanish Crisis. In fact, it was decidedly unwise to ask the Council to consider the matter, as a prolonged discussion of the question would only be a prejudicial point of view concerning developments in Spain. It would also endanger the general international situation. A literal interpretation of his sentiments as expressed before the League would be that such an unpleasant matter should not disturb the League members. In spite of this, the Government of Poland would cooperate with the efforts being made to lessen the possibilities of world conflict and to end hostilities in Spain.

Resolutions Adopted by the League

The Members of the Council were cognizant of the fact that some specific action was necessary in view of the discussion on the matter. Consequently this august body adopted the following resolutions:

It recognized that under Article XI of the Covenant, the situation did affect international relations and threatened international peace. It affirmed the duty of every Member State to respect the territorial integrity and political independance of a member state.

The second resolution referred to the activities of the Non-Intervention Committee in their efforts to lessen the dangers and to avoid an extension of the conflict. It was recommended that Members of the League who were present on the London Committee cooperate fully in making the plans for supervision effective.

The Council went on record as favoring the action of the United Kingdom and France with the object "of avoiding the dangers which the prolongation of the present state of affairs in Spain was causing to the peace and to the good understanding between nations.

34. Op. Cit. p. 18-20
The fourth resolution included the suggestion made by Lord Cranborne. The Council noted the humanitarian problems which had developed as a result of the situation; it authorized the Secretary-General to make the technical services of the League of Nations available whenever the need occurred.

The significance of these first resolutions adopted in regard to the Spanish question lies in the fact that the League members revealed a knowledge of foreign intervention in Spain. By direct reference and obvious implications, the delegates exposed their unwillingness to discard the Non-Intervention Committee and permit the subject to be handled through the League of Nations. The Spanish representative had disclosed the ineffectiveness of the Committee, but this was ignored. The League of Nations therefore, by its actions of December 1938, evidently was approving the "do nothing policy" of the Non-Intervention Committee.

Chapter II

THE INTERNATIONAL REPERCUSSIONS
OF THE SPANISH CONFLICT

A. -Humanitarian Activities - 1937

As a direct result of the Council resolutions adopted in December 1936, a Health Mission was sent to Spain. This Committee included Dr. Laigret of the Pasteur Institute in Tunis, General Lamet, a member of the French Academy of Medicine, and Dr. C. Wroceński, Epidemics Commissioner attached to the Polish Government.

Members of the Committee reported to the Council on January 18, that the general health facilities were good. There was a need for reinforcement of the organization of public health services and the development of a system of vaccination to prevent smallpox and typhoid epidemics. It was also recommended that plans be drawn up to be ready in the event of an epidemic outbreak.

It was further suggested by the Council that some action be taken regarding the evacuation of refugees in Madrid.

At least a million refugees were there, and although the danger from bombing was increasing, more were entering the city. It was estimated that $\frac{13}{2}$ of the total population from other provinces were in Madrid. Some type of an effective organization should be established on a collective basis to handle the distribution of food (allowing for the presence of refugees) and the evacuation of refugees.

The Committee further recommended that additional motor coaches be given the Spanish Government to aid in the evacuation of the sick and wounded, thus lessening the danger of an epidemic. Transportation was also needed for the evacuation of the refugees.

The necessity for a consultation on the subject of typhus was urged by the Committee. The League experts held a consultation from February 8, to February 10, 1937, to devise modern means of combating typhus fever, particularly the methods of vaccination against the disease. Conclusions were evolved and a report communicated to all health administrations, including the Spanish authorities.

The significance of this report is that trained observers were permitted to witness the devastation and

2. Ibid. pp. 94-95
3. Ibid. 64-67
horrors of modern war early in the Spanish crisis. This eye witnesses account by impartial persons should have stimulated the League members to action. Surely these diplomats at Geneva could envisage the same incidents occurring in their won capitals if the necessary, but positive international precautions were not taken.

Instead of considering the Health Mission report as having implications for the security of Europe, the discussion on January 21, 1937, in the Council revolved around the problem of evacuation of refugees. Senor Edwards, the Chilean representative, entertained the Council with an extended historical discussion on the right of asylum. He contended that so much friction resulted from the Spanish Government's policy that he felt the question should be handled by a Special League Commission. He was definitely antagonistic to the manner in which the Chilean ambassador had been treated.

In response to these accusations, Senor del Vayo reported that his Government and other states had reached an amicable solution to the problem of evacuating the refugees. For example, Argentina and Mexico were satisfied with the negotiations and the eventual settlement of their

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4. Ibid, pp. 97-100
refugee problem. The essential difficulty in this situation was the international intervention for the safeguarding of these refugees. Del Vayo implied that many of the refugees in the embassies were rebel supporters and that the government had a perfect right to investigate them.

Del Vayo was undoubtedly referring to the incident in which the Chilean ambassador to Spain had reportedly harbored over one thousand political refugees. Upon his leaving Spain, the ambassador was stopped and searched, and his baggage was thoroughly examined. This revealed quantities of money that he was attempting to smuggle out of the country. He was relieved of his Spanish gold; but the incident created friction between the Chilean Government and the Republican Government of Spain. The international question involved here was that the Spanish Government did not observe the diplomatic immunity accorded ambassadors when they searched the person of the Chilean representative.

This unnecessary debate on the right of asylum in the Council meeting might have continued indefinitely had not the League President intervened to stress the desire of all concerned to exercise goodwill and understanding between nations. He suggested that direct negotiations should be started between the Spanish and Chilean representatives,

since the Chilean government was willing for the Spanish Government to supervise and guard the refugees until they reached another country. Further details of this plan could be worked out as the negotiations proceeded. The President’s suggestions were incorporated in the resolution that was adopted. The Council also collectively endorsed the practice of granting the right of asylum and the safe evacuation of refugees by foreign states. Mr. Norman J. Padelford sincerely believed that a valuable contribution to world peace was made when the Spanish and Chilean representative were persuaded by the League to negotiate peacefully their differences.

B. Reports of Interference with Spanish Shipping

Previous to the discussion of the Spanish Appeal in May 1937, by the Council, two communications were received, addressed to the Secretary-General, and circulated among the League members. These telegrams offered evidence that German naval units were interfering with Spanish shipping in the Mediterranean.

The note of January 6, 1937, related the incident in

which the German steamer Palos, was boarded by the Government officials and her cargo examined. The war materials on board were attached by the Spanish officials. The Spanish authorities were merely exercising their right of examination within territorial waters; a right of police which is inherent in every sovereign state. In direct retaliation for this effrontery, the German Naval Commander, Von Fischel, seized and threatened to hold two Spanish vessels (the Aragon and the Marta Junquera) if the cargo taken was not restored. Senor del Vayo pointedly asked the Council to consider the implications of such incidents if they were to continue. German intervention on Spanish soil had now extended to the "Spanish seas."

Statistical data was included in the telegram of March 13th, which was sent to the Secretary-General. It purported to prove that the Germans and Italian divisions were arriving in Spain with all the essential equipment for carrying on a war.

The Second Spanish Appeal - May 1937

In May 1937, when Senor del Vayo addressed the League, he had published the Spanish White Book, which contained

10. Ibid., p. 283-284
documents and facsimiles captured from Italian soldiers fighting as complete units of the Italian army in Spain. It disclosed the means for supplying and commanding an occupational force. The significance of this document is that it illustrated how thoroughly the Italians regarded their aggressive tactics in Spain. Their interest was not in some "fly by night" experience, but a full scale occupation similar to the Abyssinia affair.

Senor del Vayo referred to the aforementioned documents and how the German and Italian intervention had been intensified in recent months. He stressed the disastrous effects of their activities that resulted in the mass killing at Guadalajara and the destruction of Guernica by unrestricted bombing. He earnestly pleaded for action against these unmitigated horrors to which the Spanish masses were being subjected.

As for the Non-Intervention plans, the Control and Observation schemes, Del Vayo had only contempt. In his opinion, delaying action had permitted the insurgents to secure their supplies before the control scheme had been instituted. He was of the opinion that the control scheme would

11. Official Journal: Special Supplement #165
be no more effective than other "ill-starred endeavors" of the Non-Intervention Committee.

The discussion of the withdrawal of foreign volunteers was also considered by Del Vayo in his address. On this question he wanted it understood that there were those persons who were fighting in Spain because the totalitarian hand compelled them to do so. In contrast to this group, there were those who came of their own free will, acting on the impulse of freedom loving men, who realized that the fate of Europe was being decided in Spain. Still, his Government was prepared to make many sacrifices to end the conflict.

As Spain was a loyal member of the League, he asked that those present not be sacrificed to those who were absent. His Government had only one object in coming to the League; it was to have the supreme international authority settle an international conflict. He predicted that the League of Nations could only survive through the assertion of positive action to end the conflict.

Maxime Litvinoff, the representative of the Union of Socialist Republics supported the Spanish representative

13. Ibid. p. 319-320
in his arguments that here was a clear case of aggression. The documents were additional proof that the insurgents were supplied with war materials, instructors and pilots from abroad.

He replied to the accusations that Bolshevism was being extended to Spain when he stated that the "Union of Soviet Socialist Republics had their ideology, but that it had never sought to impose it (forcefully) on other people. All that Russia desired was reestablishment of the Constitutional Government for the people. It was for this reason that his Government would support any action for the withdrawal of non-Spanish combatants.

French Opinion — May 24, 1937

The French policy was clarified by Monseur Delbes, who emphatically stated that foreign intervention in Spain constituted a real danger to international peace. France had attempted to lessen the dangers by its Non-Intervention undertakings. The minor success of its work could not be over-looked. Still, there were two main tasks remaining for the Committee; to prevent the atrocity of war from reaching innocent victims, and to recall foreign combatants.

He contended that it was the duty of the Council to

note the humanitarian rules and international law which forbade the bombardment of open towns, and which exposed the non-combatant populations to the horrors of war.

There was very little difference in the opinions expressed by the French representative in May 1937, and those of his predecessor in December 1936. The new developments in the Spanish situation had merely led the French representative to comment on the intensification of the disastrous effects of modern war.

**British Opinion - May 1937**

The British policy in relation to the Spanish conflict was to render humanitarian assistance whenever possible. The British warships had transported an estimated 20,000 persons to different parts of Spain or to other countries. Again, British ships had facilitated evacuation of women and children from Bilboa.

Mr. Eden clearly outlined the work of the Non-Intervention Committee and the progress that had been made since its beginning. In answer to the criticism that the London Committee had been inefficacious he said:

Last December there was much concern .... at the fact that the Non-Intervention Agreement was not being observed. There was great anxiety at

16. Ibid, p. 323
the great increase in the number of non-Spanish nationals who had gone, and were still going to Spain. There was then no international machinery for verifying violations of the agreement, still less for preventing them.1

The question may be asked as to why the British and French representatives then urged the Council to support the Non-Intervention Agreement in December. Since the London Committee was not functioning effectively, there was ample opportunity for the League to act on the evidence presented by the Spanish representative in December 1936. Legally the Council could have acted (under Article XI of the League Covenant) but refrained from doing so because of the existence of the Non-Intervention Committee. The Council Resolution implied there was no need for further action:

Nor was there any agreement among the powers principally concerned to prevent their nationals from leaving their own territories for the purpose of taking part in the civil war.18

This is a contradiction of a very well known fact. The twenty seven Governments had agreed not to "intervene directly or indirectly" in the Spanish situation. Portugal, Germany, Italy and the Union of Soviet Socialist Republics, as well as the other nations had signed the agreement by

August 23, 1936. They had attended the meetings in London on September 9, 1936, to discuss ways and means of limiting the conflict. There, the representatives had considered the evidence that foreign intervention in Spain included volunteers from other countries. This was substantiated by documentary proof. Did Mr. Eden wish to imply that intelligent statesmen would talk of stopping a war without considering the men behind the machines?

Progress was being made by the Non-Intervention Committee. Mr. Eden stated that a proposal was made to the European Governments with reference to prohibiting the departure and transit through their territory of non-Spanish nationals for the purpose of taking part in the Spanish war. The resolution concerning this question was adopted by the Committee and had become effective on February 20, 1937.

Anthony Eden enlightened the Council on the practical application of the observation scheme. It provided for an international land and sea patrol which would observe whether or not supplies and volunteers were being sent to Spain. Neither the rebels nor the Government was a participant. The policy was an effective means of ascertaining whether or not the Non-Intervention Agreement was being...

was being scrupulously observed. He was happy to report that the plan had worked satisfactorily.

Contrast this interpretation of the work done by the London Committee with the statement made by Del Vayo, who maintained that the Control Scheme permitted the rebels to receive reinforcements before it was applied. Moreover, Miss White asserted that the control scheme was not successful due to the reluctance of Germany, Italy, and Portugal to comply with the agreement until Russia had returned the Spanish gold. The Republican Government had succeeded in gaining control of the Spanish Treasury, and used its gold resources to buy war materials from Russia. This was bitterly resented by both Germany and Italy, as well as General Franco, the rebel leader.

The policy of the British Government on the question of foreign nationals in Spain was explained by Mr. Eden, a realistic statesman. He reiterated the statements previously made by the British government, that it was firmly opposed to all foreign intervention in Spain. It was for this reason that administrative steps had been taken to prevent its own nationals from participating in the Spanish conflict.

The plans for the future on the question of the withdrawal of foreign nationals was vaguely outlined by Mr. Eden. There were two phases to be considered, mainly, to secure agreement on a withdrawal scheme by the members of Non-Intervention Committee. Secondly, the chief powers concerned would then approach the contending parties in order to secure a suspension of hostilities on the Spanish fronts for a time to permit the withdrawal of foreigners. The British Government had contacted the chief governments regarding this proposal, but as yet all the replies had not been received.

Mr. Eden then concluded his statements to the League by pointedly stating that His Majesty's Government would do all in its power to ensure that the conflict did not spread and thus involve Europe in its consequences, and to preserve the territorial integrity of Spain.

The calm review of the situation as expressed by Mr. Eden, was quite unlike the blunt, frank statements made by Mr. Augustin Jordan, representative of New Zealand. He challenged the Non-Intervention Committee and the Council to aid the Spanish Government. He quite realistically

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Could we ask that the Non-Intervention Committee, while endeavoring to secure the cessation of hostilities by the withdrawal of foreign combatants forthwith in accordance with the hope so admirably expressed here, should also endeavor to restore peace and good order, and then have again democratic expression of opinion by the Spanish people? 24

The passionate appeal by the New Zealand representative, and his sincere plea for the London Committee and the League to come to the aid of the suffering Spanish people, had very little effect on the Swedish representative. Mr. R.N. Sandler, contended that the Swedish Government considered the Non-Intervention Committee capable of solving the problem of withdrawal of foreign combatants from Spain. He stated that the "present troubles" would then end and peace would be restored. Thus his government was in perfect agreement with the London Committee and its policies regarding the delicate situation in Spain.

**Council Resolution**

The Council, after hearing the opinions expressed by the members, adopted and passed a resolution on May 29, 1937, that recognized the developments in Spain, but reaffirmed its belief in the resolution of December 12th, 1936, that every State should respect the territorial in-

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24. Ibid. p. 326
It further recognized that there was an international scheme of supervision in force; and that further action of Non-Intervention Committee would include the withdrawal of all non-Spanish combatants. The Council hoped that such action would assure the speedy end of the struggle. It again urged members of the Council who were also present on the Non-Intervention Committee to "spare no effort" to make the plans successful.

The open aggression of Germany and Italy and the terrific bombing of cities, like Guernica, was also considered by the Council in that its resolution stated:

(We are) profoundly moved by the horrors resulting from the use of certain methods of warfare, condemning the employment, in the Spanish struggle, of methods contrary to international law and the bombing of open towns:

It was evident that the League members were interested in the humanitarian aspects of the problem; but the obvious fact was that the bomb shattered victims of aggression were in need of more than sympathy. The League was legally empowered to intervene, but continued to permit the Non-Intervention Committee to make a pretense of solving the problems that arose in the Spanish situation.

27. Ibid.
28. Ibid. p. 333-334
Chapter III

A—THE PROBLEM OF INSECURITY OF NAVIGATION IN THE MEDITERRANEAN

Several important incidents motivated the Powers to call the Nyon Conference in September 1937. As the war in Spain continued, the problem of supplies for both the insurgents and the Government forces became increasingly urgent. This was manifested in the increased accidents to merchant ships of all nationalities sailing through the Mediterranean highway.

A critical international situation was precipitated when the Spanish Government airplanes were fired upon by the German battleship, Deutschland, on May 29th in the port of Ibiza. The Government airplanes answered the attackers by dropping bombs on the deck of the warship. The incident was reported to the Secretary-General by the Spanish Government, on May 31, 1937. The Spanish note protested the German reprisals. For in direct retaliation, a German cruiser and four destroyers fired two hundred shots at the town of Almeria. At least nineteen lives were lost as a result and several buildings destroyed.

The German version of the affair was to the effect that the Deutschland was lying peacefully at anchor when the two "aeroplanes of the Red Valencia authorities swooped down on the battleship" dropped its bombs in the seamen's mess, killing twenty-two and injuring eighty-three persons. As the ship had not fired on any airplanes, the attack was a complete surprise.

The significance of this event lies in the fact that the German Naval authorities took immediate and drastic action against the Spanish Government. This had not been the case with ships of other nationalities that had been similarly attacked by both Nationalist and Government forces. Government aeroplanes had dropped bombs near H.M.S. Royal Oak, on February 2, 1937, but the British Government accepted the Spanish Government apology. The same ship was struck on February 24th and three officers and two other persons were injured; this too was regarded as an accident and apologies accepted. Moreover, Dutch, Danish, Norwegian and French as well as the British merchant ships had been molested and their cargoes examined by both the Nationalists and Government forces. Why then should the Germans have undertaken

such drastic reprisals? Why was the incident not reported to the Non-Intervention Committee? Why was it that the extended negotiations on the matter led the German representative to withdraw from Naval Patrol on June 13th?

Interference with Mediterranean shipping continued after this incident. Merchant vessels were attacked without warning, without regard to nationality of the vessel, nature of cargo or port of destination. These attacks were conducted by aircraft, surface vessels and submarines.

As further evidence of the increasing friction in the Mediterranean, there is an informative communication from the Spanish Government to the Secretary-General, dated August 21, 1937, which related that a number of Spanish vessels had suffered as a result of bombing and torpedoing by unknown submarines and aircraft. The appeal stated that the Italian Navy was the aggressor. It was for this reason that the Spanish Government wished the matter (if the President of the Council deemed it wise) to be placed on the agenda of the next meeting. The League President, delayed action of the Spanish request in view of the proposed plans for the Nyon Conference.

The Nyon Agreement

The agreement reached at Nyon, Switzerland, in September is indicative of how effective collective security can be when it is supported by forceful action. Great Britain and France took the initiative in summoning the Governments of the Mediterranean Powers, which included Albania, Bulgaria, Egypt, Germany, Greece, Italy, Roumania, the Union of Soviet Socialists Republics, Turkey, and Yugoslavia, to a Conference regarding the insecurity of navigation in the Mediterranean. Germany, Italy and Albania (the Italian satellite) refused to attend.

After four days discussion (September 9-14th) the following agreement was reached:

"Whereas these attacks are violations of the rules of international law referred to in.... the Treaty of London 1930, with regard to the sinking of merchant ships and constitute acts contrary to the most elementary dictates of humanity which should be justly treated as acts of piracy:"

Then, the protocol specifically referred to the Spanish conflict and refrained from granting belligerent rights to either party thus:

33. Official Journal: August-September 1937, p. 671
Whereas without in any way admitting the right of either party to the conflict in Spain to exercise belligerent rights or to interfere with merchant ships on the high seas even if the laws of warfare at sea are observed and without prejudice to the participating power to take such action as may be proper to protect its merchant shipping from any kind of interference on the high seas or to the possibility of further collective measures being agreed upon subsequently, it is necessary to agree upon certain collective measures against piratical acts by submarines.

The agreement emphatically stated that the naval forces of the participating Powers will counter-attack and if possible destroy any submarine which attacks merchant vessels not belonging to either party to the Spanish conflict. Similar action was to be taken in regard to any submarine encountered in the vicinity of a position where a merchant vessel had just been attacked. An international Naval Patrol was established to enforce the terms of the agreement. It is to be noted that this protection was to be given all non-Spanish merchant ships, and it was concerned with only submarine attacks.

Since the British and French fleet would be needed to protect its merchant fleet, there would not be a sufficient

34. Ibid. p. 671
35. Ibid.
number of ships for the Observation Scheme established by the Non-Intervention Committee. Thus, this agreement ended the previous patrolling of the Spanish coast, leaving the insurgents free to blockade the ports and cut off Government supplies.

The practical application of the Nyon Agreement, despite the non-participation of Germany, was successful. Although Italy did not attend the Conference, she was finally persuaded to join (September 30, 1937) the anti-piracy control scheme along with Great Britain and France. There were no more attacks on non-Spanish ships in the Mediterranean until the end of January 1938; it was then that the participating powers reduced the number of patrolling ships, and there was a resumption of previous attacks on merchant vessels.

B.- Spain's Third Appeal Against Foreign Intervention

The League Council became directly concerned with the Nyon Agreement on September 16, 1937; it was then that Juan Negrin, Spanish representative, and President of the Council, referred to repeated attacks on Spanish ships as well as those of other nationalities in the Mediterranean. His Government's reaction to the agreement was expressed thus:

Other Powers which also had an interest in putting an end to the situation that had been created thought it preferable to convene a special conference of interested
counties sitting outside the framework of the League... But the Spanish Government must loyally express its astonishment and make the most energetic protest against the idea of trying to have questions concerning the Mediterranean examined and decided in an international conference in which Spain is not represented. 36

In the opinion of Senor Negrin, there were two reasons why Spain should have been consulted in this conference; mainly, Spain was a Mediterranean Power; secondly, Spanish ships were the principal victims of the State of insecurity which the conference proposed to end.

As for the practical working of the Nyon Agreement, as contrasted with the Non-Intervention Committee, he was of the opinion that as a result of its practical and concrete measures it would contribute to reducing the insecurity of navigation in the Mediterranean.

On the other hand, Senor Negrin was critical of the Agreement as there was no guarantee of collective sanction among the Powers concerned. The only protection against attacks was that which every State might be able to give through its own naval forces to its own vessels. The second major criticism was that the Nyon Agreement offered only limited protections against submarine attacks and little or no collective actions against surface attacks.

36. League of Nations, Official Journal #2, December 1937, p. 915
The third and by far the most serious limitation in the Agreement was the "incomplete and explicit exclusion of Spanish shipping from the system of protection." In practice, Spanish vessels could be sunk by surface or submarine craft without infringing upon the principales of the agreement. This was a flagrant breach of international law for, as Juan Negrin pointed out, heretofore:

...all attacks upon merchant vessels by warships in peace time, taking place in no matter what conditions or circumstances were considered as a veritable crime contrary to the most essential principles of the most sacred laws of peace between nations.37

The danger in establishing such a policy was noted by Senor Negrin when he said:

No matter what is said, and in spite of all declarations, it is inevitable that the very fact of establishing an action of a collective character for a certain category of attacks ensured that such attacks come to be regarded as specific violations of international law, whereas, attacks outside this special category are considered, so to speak, a private character.

Thus he urged that the distinction between legal and illegal attacks should be abolished, and that all shipping in the Mediterranean (Spanish and non-Spanish) should be

37. Ibid. p. 916
38. Ibid.
given the collective protection against attacks by submarine, aircraft and surface vessels. He stated that his Government would not object to the entry of patrolling ships in territorial waters in fulfillment of their duties.

In conclusion, he appealed to the Council members to abandon "fiction and make believe" and to recognize that "the Anonymous State whose warships have tried by means of constant acts of aggression to create a state of terror in the Mediterranean is Italy."

The pleas by the Spanish representative met with very little response from the Council members. Monsieur Delbos defended the usefulness and effectiveness of the Nyon Agreement of September 16, 1937. He contended that all that had been undertaken by the representatives at Nyon, Switzerland, was in the interest of peace. He held no hope for the inclusion of Spanish shipping in the arrangements.

The Council Resolution October-1937

The resolution adopted by the Council on October 5, 1937, ignored the Spanish Government's criticism that its shipping was not protected from piratical attacks by the Nyon Agreement. Instead, the resolution noted that the measures taken were effective and endorsed the policy as

39. Ibid. p. 916
promulgated by the Powers with regard to attacks on non-
Spanish ships in the Mediterranean. The resolution also
endorsed the Supplementary Nyon Agreement (of September 17,
1937) which agreed upon measures to be taken against
attacks by surface and aircraft on merchant vessels.

The Council members were obviously irritated by the
piratical nature of the attacks on vessels in the Mediterra-
nean and expressed their condemnation of these acts thus:

"...that all attacks of this kind
were repugnant to the conscience of
the civilized nations which now finds expressions through the Council.

The resolution was accepted by the Spanish representa-
tive who explained that the terms did not satisfy his Gov-
ernment. In reality, the Council members had ignored the
appeal of the Spanish Government and permitted the arrange-
ments made outside of the League to stand approved. Again,
the Council ignored its responsibility to a State Member of
the League.

League Discussion of Spanish Question -
September-October 1937

Meanwhile, significant discussions were underway in the
Assembly Meeting of September 18th. Juan Negrin asked that
the chapter of the Secretary-General's report on the past

year’s activities, which included the Council’s action regarding Spain, should be referred to the Sixth (Political) Committee of Assembly.

This was the technique used by Juan Negriñin to reopen a discussion of the German and Italian aggression. It will be recalled that in May 1937, the Council had failed to adopt a resolution that incorporated the accusations of Alvarez del Vayo against the aggressive actions of Germany and Italy. In spite of this fact, the Spanish Government felt it had the moral support of 32 countries which had voted for the resolution. This represented a majority of the European powers.

Moreover, the Spanish Delegation’s persistent appeals to the League for an examination of their problem was also motivated by the desire for Franco-British pressure on Rome and Berlin. It was thought that if sufficient interest was shown by these powers, it would result in the withdrawal of German and Italian combatants fighting in Spain.

After permission had been granted to Juan Negriñin, to address the Assembly, at the 5th Meeting - September 18, 1937, he reviewed the outstanding events in the military rebellion that had had German and Italian support from the

42. Ibid. Special Supplement, #169, p. 55
43. Vayo, Alvarez del: Freedom’s Battle, pp. 41-51
beginning. The fact that the Non-Intervention Committee was created and endorsed by the League, proved that the Spanish conflict was of an international character. It was a flagrant infringement of international law to have created such a Committee, as German and Italian intervention was thus legalized. As a result, Spain represented a fait accompli, thanks to the practice of the dictators and the tolerance of others.

Juan Negrin, Spanish Prime Minister, pointed out the interests of these powers in Spain when he stated that Spain's chances of escaping aggression were lessened as she possessed the Balearic Islands, so much coveted during the great war as an ideal submarine base; her possession of Ceuta where well placed artillery of large calibre, camouflaged, can cover Gibraltar; the Pyrenean frontier of naval and air bases of great strategic value; also the immense mineral wealth and unsuspected industrial potentialities, adequate to feed the furnace of war.

He sought to dispel the rumors that Bolshevism had gained control of the Spanish Government. He denied the Nationalists claims that a Bolshevist state was being created by the Spanish Government. He appealed to the Assembly to understand his Government's war aims in this manner:

44. Official Journal, Special Supplement #169, p. 56
No one can seriously believe that the victory or defeat of Bolshevism is at stake in Spain. True to her character, the essence of her constitution and the unshakable determination of her people and the Government of Spain, once victory is achieved, will march alongside the path marked out by her independent and sovereign will. 45

Juan Negrin specifically recommended that the Assembly consider the situation from the following points:

1. That the aggression of Germany and Italy be recognized as such.

2. That in consequence of this recognition, the League examine as rapidly as possible the means by which that aggression may be brought to an end.

3. That full rights once more be given to the Spanish Government freely to acquire all the war material (that) it may consider necessary.

4. That the non-Spanish combatants be withdrawn from Spanish territory.

5. That the measures to be adopted for security in the Mediterranean be extended to Spain, and that Spain be granted her legitimate share in them. 46

If the objective in making these recommendations was to rally Government support in the Assembly, it failed of

45. Ibid. pp. 57-58
46. Ibid. p. 59
achievement. From the character of the debates, it was apparent that the British, French and Portuguese representatives were apparently satisfied with the policy as pursued by the Non-Intervention Committee. Monsieur Delbos (who spoke on September 18th) noted the fact that the policy of non-Intervention was possible "only if it is observed by all, with effective supervision and particularly if there is unanimous and sincere acceptance of a common law requiring, in particular that each country should withdraw those of its nationals who are taking part in the civil war."

The British opinion was expressed by Mr Eden, who addressed the Assembly on September 20th. He reiterated the statement that because of the non-intervention policies, the war had not extended to Europe. He was aware that there were wide breaches of the agreement which had created a serious danger to peace; but if the non-intervention policy was abandoned, Europe would be in even greater danger.

The Portuguese Delegate, Senor de Matta resented the statements by the Spanish Delegate of the alleged intervention by Portugal. He denied that the Portuguese Government had aided General Franco; and proclaimed that its policy was to adhere to the Non-Intervention Committee.

47. The Official Journal: Special Supplement #169
48. Ibid.
The Portuguese representative declared that the only mission in Spain was the Portuguese official observers who were studying problems of warfare in the same manner as other military missions of the other powers.

He explained that though his Government regarded the Spanish conflict as a private affair, Stalin did not. He related that during the Hispano-Russian festivals a few months ago, Stalin has sent a telegram which read: "It is our duty to help the Spanish people; this struggle is not a private affair." This, in the opinion of the Portuguese Government, was proof of the Communist influence on the Iberian Peninsula.

On September 27th, Alvarez del Vayo entreated the members of the Sixth (Political) Committee to understand the reasons for the demands which were made by the Spanish conflict with regard to: The League and its resolutions; the Non-Intervention Committee and its "do nothing policy;" the flagrant and open aggression of Germany and Italy; and the unrestricted attacks on merchant vessels.

The Spanish Foreign Minister commented on the recent developments by Italy in preparing to send an even larger

49. Official Journal: Special Supplement #169, p. 72
50. Op. Cit. Special Supplement #175, 53-54
army corps to participate in the Spanish war. He sarcastically asked if the League would once more wait for these troops to disembark before the Council convened and expressed regrets; or, will the League exhort the London Committee in conjunction with the representatives (Italian) how best to repatriate these troops?

He referred to the honorable intentions of the Council members in passing the Resolution of May 29, 1937, which alluded to the withdrawal of non-Spanish combatants as an excellent accomplishment. The practical and immediate application of the resolution would have ended the conflict. Unfortunately, the "derailed London Committee" could not be accused of rapid action, and its impotent policy with regard to this matter was the same as its previous activities. As a result, the non-Spanish combatants were still fighting in Spain.

Senor del Vayo asked consideration of the recent public addresses by official German and Italian leaders. He quoted several passages from these speeches, one in particular is worth noting. The order of the day voted on March 2, 1937, by the Grand Fascist Council stated:

51. Ibid., p. 55
The Grand Fascist Council expresses its solidarity with Nationalist Spain and salutes the armed forces of Spain, whose victory will mark the end of all Bolshevik attempts in the West, and the beginning of a new era of power and social justice for the Spanish people, united to the Italian people by age old bonds of language, religion and history.

Then this revealing information was included in the same pronouncement:

The Grand Fascist Council when sending this greeting, always remembers the 50,000 comrades in Spain who are fighting for the flags and the glory of Littoria.

In view of these public declarations which had been frequently repeated, Senor del Vayo asked the Committee if it could longer be denied that there was German and Italian intervention in Spain. He emphatically charged that these powers were guilty of scandalous violations of international law as they had supplied the insurgents with arms, ammunition, and whole divisions. Moreover, their actions definitely threatened Spanish territorial integrity and political independence. It was for these reasons that the Spanish Government had requested the abandonment of the Non-Intervention Committee.

52. Ibid.
53. Ibid. p. 55
This Spanish statesman took note of the rumors and the specific charges by the Portuguese representative that the Bolshevists controlled the Spanish Government when he predicted the future course of events thus:

Today it is Spain. Tomorrow it will be some other country of which according to these guardians of European civilization shows symptoms of incipient or potential "Bolshevisation" symptoms which they themselves diagnose and measure and use as a pretext for carrying the ideological crusade to its logical conclusion, combining with spiritual conquests the seizing of naval, air and military bases of highest strategic value.55

The sentiments expressed by the Spanish representative were frankly and wholeheartedly supported by Monsieur Litvinov and the Mexican delegate.

On the other hand the Polish, Austrian and Hungarian delegates were opposed to the recommendations of the Spanish Government and favored the Franco-British policy of continuing the Non-Intervention Committee.

The Norwegian delegate suggested that the League should invite the two parties in Spain to agree on an armistice in order to submit a referendum to the people under the auspices of the League. The idea was not supported by the

56. Op. Cit. Special Supplement #175, p. 56
League members, despite the fact that it was advanced as the only alternative to the Non-Intervention Committee. 57

The text of the draft resolution was finally agreed upon and presented to the Assembly for acceptance on October 2, 1937. It summarized the previous resolutions of the League Council, restating the fact that each state was obligated to refrain from intervening in the affairs of another state. The section of the resolution which created the major obstacle to its adoption expressed regrets: (paragraph 4)

...that not merely has the London Non-Intervention Committee failed, despite the efforts of the majority of its Members, which the Assembly expresses its appreciation, to secure the withdrawal of non-Spanish combatants taking part in the struggle in Spain, but that it must today be recognized that there are veritable foreign army corps on Spanish soil, which represents foreign intervention in Spanish affairs. 58

The resolution further expressed the hope that the diplomatic action initiated by certain powers would be "successful in securing the immediate and complete withdrawal of the non-Spanish combatants taking part in the struggle in Spain;" and, having appealed to the Governments to undertake a new and earnest effort in this di-

57. Ibid. p. 62-63
rection, noted (in paragraph 7) that:

...if such a result cannot be obtained in the near future, the Members of the League which are parties to the Non-Intervention Agreement will consider ending the policy of non-intervention.

The resolution further requested that the Council, in view of Article XI of the Covenant of the League, to follow attentively the development of the situation in Spain, and to seize any opportunity that may arise for seeking a basis for a pacific solution to the conflict.

The Spanish Government had not secured its original objectives as can be seen from the text of the resolution; yet, the Assembly had gone a step further than any other organ of the League of Nations. It did refer to the "veritable foreign army corps, "whose presence on Spanish soil constituted foreign intervention in Spanish affairs."

The resolutions of October 2, 1937, elicited considerable opposition from other states (besides the Irish Free State). Dr. Gie, of South Africa, felt as did Mr. De Valera, that there was an implied threat in Paragraph 7. Portugal objected to the clause which referred to a "veritable army corps."

60. Ibid. p. 108-107
61. Ibid. p. 108
The Austrian and Hungarian delegates voiced their dissatisfaction with the terminology of Paragraph 7, and attempted to secure passage of amendments that would have nullified the actual meaning of the Paragraph. These amendments were defeated by the Assembly with only Albania, Austria and Hungary voting for them.

The President, then put the resolution as a whole to a vote; the following results were obtained:

- Number of States voting: 48
- Number of Absentions: 14
- Number of Votes for the Resolution: 32
- Number voting against the Resolution: 2

Albania and Portugal voted against the resolution; it failed of adoption, as unanimity had not been obtained.

The failure of the Assembly or the Council to adopt the resolution as favored by the Spanish Government was truly its moral demise, especially as the resolution merely focused attention on the major international problems involved in the Spanish crisis. The "dangerous steps" and implied "threats" which some members thought were embodied in the resolution was obviously a disagreement over the terminol-

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62. Ibid. p. 108
ogy. The intense friction which this caused in the League Assembly revealed the fear on the diplomatic front of taking positive action which would antagonize the aggressors.

This point of view is affirmed by the assertion of Mr. Padelford, who pointed out that the clause which stated that "the Council will seize any opportunity that may arise for seeking a basis for a pacific solution of the conflict," was replete with hidden meanings, serious implications and laid the basis for future action which some of the Powers would be reluctant to undertake in regard to the Spanish conflict.

As the year of 1937 closed, the activity on the diplomatic front—particularly at Geneva—had resulted in: the adoption of the League resolution of May 28th, which condemned the unrestricted bombing, the Nyon Accord of September 11th, and the League Resolution of October 3, which endorsed that Agreement, the resolution of October 5th, which continued to support the Non-Intervention Committee.

These measures did not solve the major international problems which threatened to disrupt the peace of Europe; they were mere gestures, as one observer stated, "of an effete civilization committing suicide by inches." This

64. Schuman, Frederick L.: "Diplomatic Scuttle and Run." Current History, 1937, V. 2, p. 412
opinion of the League's activities is further supported by the critical interpretation of the arguments advanced by the League representatives during the debates on the Spanish question. It was evident that any "tune" that the dictators demanded was willingly played by the appeasers in the Western Democracies.
Chapter IV

THE SPANISH APPEALS TO THE LEAGUE-1938

The Spanish Government sincerely hoped that the pressure of the League opinion would result in the withdrawal of foreign volunteers. It was this thought which motivated them to present their case to the Council on April 19, 1938. They were also aware that through the League publicity they could focus world attention on their problem.

It was with bitter resentment that Alvarez del Vayo related the tragic story of Spain in turmoil as he said:

Both from the trenches and from the seat of Government, we have watched day by day, the incomprehensible desertion of certain democracies; we have watched them conspire with the aggressors; they have tolerated bombardments of open towns and the mass murder of women and children and with no more than a superficial protest; and finally they have signed agreements with the aggressors which has legalise (legalized) this intervention.1

His Government was amazed that the Powers of Europe who sought international peace should collaborate with such enemies of international society. He predicted that these de-

democracies, by reason of their failure to react in time, have brought much nearer than they think, the day when their own cities would fall victim to the same atrocities as we have suffered.

He might have added, that the same bells that tolled the end of the Spanish Republic were also tolling the end of other governments. Abyssinia had already been sacrificed, and there were indications that China, Czechoslovakia and later Poland would suffer a similar fate. He pleaded with the League Council to be realistic and to face the issue of two irresistible forces of expansion (Italy and Germany) which were menacing or devouring European States.

This appeal by Del Vayo, was similar to that of Haile Selassie, the Abyssinian representative, who spoke on the question of recognition of the Italian conquests of Ethiopia. His dramatic address should be noted as it illustrates the same forethought as that of the Spanish representative. Haile Selassie asked, "Is Right to Triumph over Might, or Might over Right?" Then he described the effete diplomacy as evidenced by the great Powers, thus:

A number of Powers, themselves threatened by aggression and realizing their own weakness have abandoned Ethiopia. Their cry has been, "Everyone for Himself, ... the cry of the panic stricken

2. Ibid, p. 326
and the demoralized. In the vain hope of currying favor with the aggressor, they have thrown over the undertakings which they have assumed for collective security, and in so doing, they have made havoc of the very principles on which their existence depended. 3

In the opinion of Alvarez del Vayo, the Non-Intervention Committee was a complete and undeniable failure. This fact was confirmed by the recent negotiations for an Anglo-Italian Agreement, and the final signing of the proposals of April 16, 1938. He asked the Council why the Non-Intervention Agreement was still in existence. Evidently it was the only policy that was in harmony with the policy of reapproachment which some powers sought.

The Spanish representative expressed his Government's hope that these requests would be granted by the League: mainly, to abandon the non-intervention policy, so that the Spanish Government would be able to secure war materials; and to examine again the Spanish question, as the League was the Supreme legal authority on international affairs.

League Reaction - 1938

Lord Halifax, the British representative, who had succeeded Anthony Eden as the League delegate for His Majesty's

Government, replied to the charges made by the Spanish representative. He informed the Council that as the Non-Intervention Agreement had been partially successful, he saw no reason for the abandonment of the policy. He defended His Majesty's Government with respect to the Anglo-Italian Agreement in these remarks:

We shall continue our efforts and we believe that the appeasement in the Mediterranean which will result from the conversations which have been initiated between the French and Italian Governments will contribute to the eventual success of the Committee's plans for the withdrawal of foreign participants.5

As a consequence, His Majesty's Government remained convinced that the non-intervention was serving its purpose. They fully intended to preserve and maintain the farce of non-intervention.

Monsieur Bonnet, the French representative, explained the work of the Non-Intervention Committee Meeting of November 4, 1937. He did not concede the point that the Committee had failed; rather, its work had been constructive; for the resolution adopted at that meeting had laid down the principle for the evacuation of foreign nationals from Spain. There had been a restoration of land supervision on all

5. Ibid. p. 330
Spanish frontiers by international observers. There was a reinforcement of the maritime supervision, which was necessary and complimentary to the evacuation of foreign combatants. He expressed the hope that the resolution adopted would be effective in ending the conflict.

The Russian policy as previously expressed, was to endorse the Spanish opinions. They again supported the Spanish Government's critical analysis of the Non-Intervention policy and believed that it had outlived its usefulness.

**Council Resolution—May, 1938**

The draft resolution submitted to the Council by the Spanish delegate, recalled the draft resolution previously submitted to the Assembly October 2, 1937. This new draft again requested the end of non-intervention. The debate on the resolution of May 13, 1938 revealed similar reactions. The delegates had not altered their opinions or policies relative to the subject of non-intervention. Lord Halifax opposed the resolution as it suggested that the Non-Intervention agreement had specifically aided the rebels. He asserted that his Government had proof that both sides had received foreign assistance. He stated, however, that his Government stood willing to aid in the evacuation of non-

Spanish combatants.

Senor del Vayo answered the British official by declaring that there was a need for an inquiry relative to foreign combatants in Spain. He acknowledged that there were 6,000 volunteers fighting in the Republican army; whereas the rebels were supported by an Italian army of 100,000 men. In addition to these there were large groups of German specialists and experts.

After a recess of one hour, the President of the Council submitted the draft resolution for an immediate vote. This was obviously not enough time for the various delegates to contact their governments and resulting in a number of the representatives abstaining from voting. They were: Belgium, Bolivia, China, Ecuador, Iran, Latvia, New Zealand, Peru, and Sweden. The representatives of the following countries voted against the resolution: Great Britain, France, Poland, and Roumania. Only Spain and the Soviet Union voted in favor of ending the Non-Intervention Committee. Consequently, the required unanimity was not obtained and the resolution was rejected.

Dissatisfaction with the procedure was expressed by Mr. Wellington Koo, the Chinese representative thus:

8. Ibid. pp. 355-357
9. Ibid. p. 358
...the representative of Spain has proposed a resolution, entirely within his rights, embodying a number of points which certainly require consideration on the part of its members, individually before determining their respective positions. It was unusual that a vote should be taken within two hours after submission by the Spanish representative of the resolution.10

Mr. Koo was quick to point out that China was thousands of miles away, thus making it impossible for him to contact his Government in that limited time. It was therefore necessary that he abstain from voting. He recalled that on a previous occasion when a Chinese question was being deliberated, the Representatives had been given twenty-four hours in which to secure instructions from their Governments.

Mr. Muntiers, Representative of Latvia, and President of the Council, defended the procedure taken when he stated that he had consulted his colleagues as to the correct procedure, and had received no objections to the immediate consideration of the Resolution. The question may be asked, was the President influenced by the British and French delegates to dispose of the Spanish question in this manner?

The slight consideration given the Spanish resolution in the 101st Session of the Council, was further evidence of the weakness in the League machinery. The fact that a

10. Ibid.
few nations can dominate so completely the procedures and methods of handling international problems is not conducive to the development of collective security.


Juan Negrín appeared before the Assembly on September 21, 1938 and made known his government's decision to withdraw all foreign combatants from its army. He submitted a draft resolution which stated:

The Spanish Government, being anxious to contribute by deeds, as well as words, to the pacification and relaxation of tension which we all desire, and having resolved to remove every pretext for casting doubt on the national character of the cause for which the armies of the Republic are fighting, has just decided on the immediate and complete withdrawal of all non-Spanish combatants engaged in fighting in Spain on the Government side; it is of course understood that this withdrawal shall apply to all foreigners without distinction of nationality, including those who have acquired Spanish nationality since July 16, 1936.  

The resolution further requested that an international commission be appointed to "carry out such verifications and inquiries as it may deem necessary in order to be able to satisfy the League of Nations, and through it, State Members. The Spanish Government was particularly concerned

11. Official Journal: Special Supplement, #184, p. 90
that "the world public opinion should be informed that the complete withdrawal was carried out absolutely and completely."

This draft resolution received more favorable treatment than the previous measure (May 13, 1938) as it was referred to the Sixth Committee which adopted a resolution asking the Council to consider the Spanish Resolution of September 31, 1938.

The Council accepted the recommendation of the Assembly and adopted a Resolution on October 1, 1938 which authorized the dispatch of an international commission to Spain. This commission was to make a preliminary inquiry and report to the Council on January 19, 1939. The Resolution specifically stated that the activities of this commission would not interfere with the withdrawal policies of the Non-Intervention Committee. It clearly stated that the "Council was not responsible for the method of withdrawal or for the destination given to the persons withdrawn. The resolution also noted the Spanish Government's willingness to cooperate with the Commission and authorized the latter to contact the competent representatives of the Spanish Government.

12. Ibid.
13. Ibid.
Representatives of the United Kingdom, France, and Iran were appointed as a committee whose duty it would be to constitute and dispatch as far as necessary the direct work of the Commission.

The Secretary-General was empowered to draw all necessary funds from the 1938 budget up to 250,000 Swiss francs. The Commission and the Secretary-General were authorized to take such other action (as not specified) that was deemed necessary.

The International Commission was composed of the following members: General Jalander of Finland, Colonel Homo of France and Colonel Molesworth of Great Britain. A clerical staff of nineteen accompanied the Commission which arrived at the Spanish frontier on October 14, 1938, and proceeded to Barcelona. After preliminary arrangements with the Spanish Government, the Commission began the task of supervising the departure of foreign nationals. The first group from the International Brigade (some 2,500 men) crossed the Franco-Spanish border, November 13, 1938.

The results of the Commission as reported to the League of Nations on January 16, 1939 are of interest as they represent a successful undertaking by the League in this crisis.

15. Official Journal: p. 60
The Commission revealed that the withdrawal of the non-Spanish combatants was actually carried out in accordance with the conditions laid down in the plan for withdrawal.

When the Commission reached Spain it accounted for 13,675 non-Spanish combatants in the Government areas. Of this number, 4,640 belonging to twenty-nine nationalities were evacuated; they included: 2,112 French, 548 Americana, 470 English, 347 Belgians, 283 Polish, 194 Italians and 182 Swedish nationals. There was no mention of the withdrawal of Russian volunteers which had been reported as constituting a part of this International Brigade. There was a reference to the preparation for evacuating 1500 stateless persons and 350 Canadians.

The report indicated that preparations were made for the remaining non-Spanish volunteers to leave. The Commission was convinced that this withdrawal was effective, based on observation and also on the sincerity of the Spanish Government to fulfill its obligations to the Assembly at Geneva. They were assured that the Spanish Government's measures which were taken to prevent volunteers from returning and to prohibit others from entering the forces were effective.

16. Ibid.
The Non-Intervention Committee had adopted a resolution on July 5, 1938 in which plans for the withdrawal of non-Spanish combatants was outlined. It was decided that recognition of belligerency would not be granted until all foreign combatants had been withdrawn. The restoration and extension of the observation scheme was included in the annex to this resolution.

The extreme joy which this resolution stimulated in official circles was considerably dampened when General Franco refused to accept the proposal. The Secretary of the London Committee failed to secure the rebel leader's consent to cease hostilities while the plan was put into effect. After General Franco's victory became assured in 1939, he firmly opposed the Committee's proposal. This resulted in the Committee's suspension of activities and its final demise on April 20, 1939 - three weeks after the Spanish War had been officially ended.

**German and Italian Withdrawals**

The problem of the withdrawal of Italian and German combatants from Spain was left untouched by the International Commission which was sent to Spain by the League in October 1938. The data available on this phase of the withdrawals from Spain revealed the individual initiative of

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France and Great Britain to secure both the withdrawal of foreign combatants and materials. This was best illustrated by the negotiations for fulfillment of the Anglo-Italian Agreement which stipulated that Italy would withdraw her nationals if Great Britain would grant recognition of her Ethiopian conquests.

Mr. Francis Hemming was the British representative present at Cadiz on October 15, 1938 to witness the departure of 10,000 Italian volunteers. As a consequence, the House of Commons voted on November 2, 1938 to bring the Anglo-Italian Agreement into force.

Additional information regarding the departure of Italian combatants from Spain was published in the Italian Press of June 5, 1939 when 19,991 Italian legionaries arrived at Naples. An article by Count Ciano (Italian Foreign Minister) appeared in the magazine Gerarchia, which confirmed previous statements concerning Italy's actions in Spain.

Italian intervention began in July 1936 when nine aeroplanes were sent to Morocco at the request of General Franco. He listed the total Air Force personnel that had been active in Spain thus: 5,699 officers and men, and 312 civilians.

The total number of hours they had flown was also given at 135,265 hours.

Further evidence of Italian participation in the Spanish rehearsal was revealed by the facts published in the *Forze Armate* of June 8, 1939. According to this Army-Navy Journal, Italian ships had carried 100,000 men to Spain, 4,370 motor vehicles, 40,000 tons of ammunition and 750 cannons. This same publication boasted that Italian submarines had sunk over 70 vessels and damaged 13 other ships. This report is significant as it revealed the number of men and the technical work which they had performed in Spain from December 30, 1936 to April 1937.

During the Munich Crisis of September 30, 1938, Mr. Chamberlain reported that Hitler agreed to withdraw the German combatants from Spain if other governments agreed to withdraw their nationals. This promise was not fulfilled until June 6, 1939 when Hitler reviewed some 14,000 members of the 'Condor Legion.' It was in recognition of this event that the German newspaper, *Völkischer Beobachter* disclosed that German army, navy and air technicians had assisted the rebel forces in Spain since July 20, 1936.

20. *Newsweek*, June 12, 1939, p. 26
22. *Newsweek*, June 12, 1939, p. 26
Thus, the Italian and German publications ended the fictitious story of non-intervention.

**Humanitarian Activities of the League - 1938**

The Spanish Government requested the assistance of the League facilities in a letter dated September 30, 1938. It informed the League that 3,000,000 refugees were desperately in need, and that this problem would be increased with the coming winter. Since this was clearly a humanitarian problem, the Government expressed the hope that the competent organizations of the League of Nations would be permitted to render assistance. The note specified that there would be no objection to similar aid being given the persons under the jurisdiction of the rebel authorities.

The Secretary-General referred to the previous action of the League and suggested that qualified persons be sent to Spain to investigate this request. The Council incorporated this suggestion in its resolution of September 30, 1938. The resolution as adopted, authorized a preliminary investigation by a Commission. The expenses for this inquiry were not to exceed 45,000 Swiss francs. Sir Denys Bray and

23. **Official Journal**: November 1938, p. 875
24. **Ibid.**
Mr. Lawrence Webster were appointed to make the survey. They reported to the Council on October 29, 1938. Their account of the situation disclosed that all of Republican Spain was suffering from food shortages. This was due to the maintenance and equipping an army in the field, the severance of Republican Spain from inland districts of supply, and the air and sea blockade of its ports. Consequently, malnutrition was visible, due to the minimum rations that were uncertain and irregular.

The refugees were a distinct liability to the Republican Government, yet they had done their best to accord them fair treatment. The Commission estimated that there were between 2,400,000 to 3,000,000 refugees in the Government territory. Despite regional differences and constant breakdowns due to lack of supplies, insufficient transportation facilities and other difficulties, an organization existed for feeding of refugees as separate and distinct from that of the civil population.

The members of the Health Commission reported that the only practical course to take with respect to the situation was to reinforce the existing Government machinery, and to collaborate and expand the voluntary relief organizations.

25. Ibid. pp. 1147-1149
Commendable work had been done by the International Commission for the Assistance of Child Refugees in Spain, the Society of Friends and the Swiss Relief. It was further recommended that a Relief Commissioner be appointed to work in cooperation with these agencies.

The discussion of this report (in October, 1938) by the League members revealed that they favored the appointment of a Relief Commissioner. The final decision was not reached until the League Council met in January 1939; it was then that the delegates of Great Britain and France announced their Government's intentions of continuing to support the existing humanitarian organizations. The aforementioned relief groups had done a commendable job, and it was felt that they should be permitted to continue. This conclusion was accepted by the other Governments. Thus ended the League consideration of Spanish Relief.

Conclusions

The Spanish Republican Government appealed to the League for five reasons during the period under discussion: The first, was to secure circulation of documentary proof of foreign aggression and to broadcast their grievances. The League met this request by providing the machinery for publishing these facts; it was also the medium whereby the
powers most concerned could deny or affirm the allegations.

The second motive for the Spanish Government to appeal to the League was to obtain consideration of the unrestricted aerial bombings of the civilian population and the torpedoing and bombing of merchant vessels in the Mediterranean. The League responded by adopting a resolution which condemned these acts as violating the conscience of mankind and humanitarian rights. It did not specifically state that these acts were violations of international law. The Non-Intervention Committee was acknowledged and consistently supported as an effective peace organization that was preventing the disruption of European peace.

The third factor which influenced the Republican officials to appeal to the League was the desire to procure the security of merchant vessels in the Mediterranean. The League met this challenge when it adopted a resolution that endorsed the Nyon Agreement, a proposal concluded outside the "League of Nations. It did not consider adopting sanctions under Article 16, which is directly concerned with acts of piracy and aggression.

The fourth reason for the Spanish Government to appeal to the League was their desire that an International Commission should witness the withdrawal of foreign volunteers.
The League acted quickly and appointed a commission to supervise the withdrawal.

The Spanish delegates also sought the humanitarian assistance of the League of Nations. Both of these appeals resulted in League investigations and reports but no positive action. In each case, it was decided that existing facilities were adequate.

The record of the League in the Spanish Crisis revealed its limitations; mainly, its dependency upon the actions and policies of the Governments composing it. The absence of the major Powers primarily concerned further hampered effective action. There was also the difficulty and delay which the formal appeal required that prevented immediate official action. This crisis also illustrated the crippling effect of the requirement for unanimity on all proposals.

The success of the League with regard to the crisis was shared with the Non-Intervention Committee which limited the conflict to Spain, and postponed for a short time the outbreak of the Second World War. The League of Nations and the Arrangements made at the Nyon Conference illustrated that collective security can triumph over international conflicts if there is a sincere desire for an orderly and peaceful society on the part of all nations.
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