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The nations search
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THE TAMING OF THE SHREW

By Helen Gavaghan

An exploration of the legacy to the UN of nineteenth and early twentieth century Intergovernmental organisations, and their search for peaceful resolution of dispute as an alternate to war.

“After all, history is not like a bus-line on which the vehicle changes all its passengers and crew whenever it gets to the point marking its terminus.”

The Age of Empire. 1875-1914 (Published 1987) by Eric Hobsbawm. P6.

When the peace Treaty of Versailles entered into force on 10th January 1920 at 4.15 PM* the State of War between allies worldwide and the German Empire ceased formally¹. More ancillary treaties among other participants followed, but humanity's first global war was now at an end.

The Treaty from a modern perspective can read as though it is an incoherent document which tries to be all things to all peoples. In more than 400 articles it reconstitutes Poland, a country shattered long before the First World War started, resolves unfinished business from the 1870 Franco-Prussian War, which was part of a different hegemonical struggle, and reassigns to new governmental structures all of Germany's overseas empire. That gigantic carvery was yet a third hegemonical battle. Some efforts are made in the Treaty to set a transitional trade policy for Germany, but no economic rationale is provided. Potash, mining rights, borders, railways, and communication appear in articles of the treaty, but again, without rationale or stated purpose. Pensions, nationality, restoration of archives are addressed. In article after article the Treaty tries with words to balance the global catastrophe humanity had just put itself through. In other words, historic wrongs, not all of which could be placed at Germany's door, are not clearly distinguished in the Treaty. Reparation, a significant focus of the Treaty of Versailles, is not a concept which has vindictiveness as its essence. Deflation and inflation rearranged the economic deckchairs on the global ship during the 1920s making the payable unpayable, and the unpayable, payable.

One hundred years later, and knowing now what was not then known, could anyone else have done better? In some articles of the Treaty it looks as though the stipulations could have been filtered through and applied in accordance with the Nobel-Prize winning, 14-point peace plan

which US President Woodrow Wilson proposed in the final year of the War. A neat historical conundrum and research project might be to explore if the nations in the 1920s were master and mistress of their own destiny, or rather were at the mercy of poorly understood forces. From a distance of 100 years I would like to argue a dearth of knowledge in the economic sciences and other areas of scientific and technical endeavour played a part in scuppering the German re-emergence into the family of nations in a way which, in other circumstances, Versailles could have guided humanely. Such a treaty written today would draw probably on output from intergovernmental organisations (IGOs) having specialist remits, enabling select groups of Sovereign nations to work together to create and manage subsets of knowledge needed to fulfil the treaty without undue hardship. Arguably, today's United Nations, with its specialist agencies, is what was needed in 1920. Arguably, too, the United Nations we have now includes in its charter a rich inheritance from peace conferences at the turn of and in the early nineteenth century. These UN structures are there now to be shaped for the modern world and modern sensibilities.

The treaty of Versailles opens with establishment of the League of Nations, the precursor to the United Nations. Existence within the Treaty of Versailles of articles constituting The League of Nations, together with time limits on events and calls for plebiscites, suggests to me the victors in World War One might not have been intending to be as vindictive as they have come to look to some. There is a customary international law which hovers over treaties, and its shadow is cast over agreements preceding the League of Nations, over the Convention setting up the League and over the charter of the United Nations. The latter in many ways recapitulates what went before, but in new more specific language with new insights gained from experience. The similarities in concepts are perhaps due to the concepts of customary international law.

THE FIRST WORLD WAR WAS NOT SUPPOSED TO HAPPEN.

In 1898 Tsar Nicholas II called the First Hague Conference². The aim was to foster more peaceable relations among nations and seek settlement of disputes by means other than war. Nicholas was interested also in arms limitation. Then, as now, the arms race was recognised for sucking cash and intellect needed elsewhere out of an economy. Russia's aim was not disarmament, but mutually beneficial arms limitation. At the time Russia was perceived as a world power in significant part because of the value then attached in warfare to manpower. Then, as now, there was distrust among nations, so arms for defence were accepted as valid. And those arms were becoming more sophisticated and expensive.

We know now, but did not when the Hague Peace conferences were convened and the Treaty of Versailles was written, that lack of knowledge in economics and geography, limitations in mutually accepted infrastructure and a lack of tools such as the UN's International Monetary Fund, International Maritime Organisation, International Court, specialised inter-governmental organisations and a developed international law, made Russia's call audacious and forward looking.

For those alive today it is interesting how the first Hague peace conference flipped the concept of relations among States from legal efforts to prevent barbarity in war into co-operative behaviour rooted in the Sovereignty of Nations and rule of law. Before a follow-up to the first Hague peace conference could take place, Russia was at War. There had been no progress in 1899 with arms limitation discussions. But by 1907 the nations were ready to try again. Before the second Hague peace conference the Russian Ambassador wrote to the US

Secretary of State on 12th April 1906 explicitly stating the intent of the second Hague Peace Conference³ was to apply ideas for the good of all mankind (Pp xxvi. Diplomatic Correspondence in The Hague Conventions and Declarations of 1899 and 1907. Publisher OUP, New York, 1915. See. <https://archive.org/details/hagueconventions00inteuoft/page/n35/mode/2up> Accessed 8 October 2020—url updated post original publication.).

Since the formation of NASA science journalists are more accustomed to hearing those words “for the benefit of all Mankind” in the context of the space agency, its history and mission. I suspect that the words are, in fact, an unconscious formulation of customary international law, and that intergovernmental organisations are an inchoate reification of the same. Consider that the earliest IGOs were formed to facilitate harmonious cross-border communications by States in the new world of telegraphy and a unified post in the railway age. In that newly emerging globally interdependent world, made more immediate at the turn of the nineteenth century by telegraphs, radio and shipping, the Hague Peace conferences were a smart move, and intended to draw a halt to money, skill and lives lost to an unwinnable arms race in a world where inventions emerged regularly from science and technology.

Those early IGOs had a practical limited purpose and were based on treaties negotiated by plenipotentiaries representing Sovereign states. Had there been more IGOs with science, technology, environmental and economic remits when the Treaty of Versailles was written facts might have emerged making clear that the issues at stake needed co-operation inclusive of Germany to meet the Treaty’s aims. If anything the emergence of IGOs in international governance supports that time in the real world, and not in a physics equation, moves in one direction, because new discoveries with previously non-existent equipment show us why earlier efforts at harmonious co-existence failed through lack of knowledge. That is not the essence of a progressive theory of history. It is an assertion that just as the past is another country, so, too, is the future.

In later decades of the twentieth Century, and after a second global war, the 1969 Vienna Convention on the Law of Treaties⁴ made its debut on the stage of international law. In this treaty there are definitions of words intended to help the orderly formation of the laws and conventions underpinning the kind of agreements made between and among the Sovereign nations and which underpin intergovernmental organisations (IGOs), from the United Nations to the European Southern Observatory, which surveys the southern skies. Definitions within the Vienna convention remove unnecessary conflict. Scientists know one cannot do science if a unit of weight differs between two countries, or if a common protocol is not being observed, or if the word in one discipline has a subtly different definition in an aligned field of study. The same is true of law and international relations.

This codification of a law of treaties was one of the first tasks undertaken by the law commission of the United Nations which was formed in 1945. Discussions began in 1949, weaving their way through to the General Assembly. The years from 1949 to 1969 were the height of decolonialisation and growth of the new British Commonwealth. The emerging nations argued that they should not be forced to abide by treaties negotiated before they existed and could have their voice heard. The point is acknowledged in the Convention, which states explicitly its terms may not be applied retrospectively to earlier treaties. Yet by acceding to the UN, new member states are signing up to its charter, structures and purpose, and much of the charter recapitulates output from the Hague peace conferences and League of nations. Or does it? Is it rather that the UN Charter and the Hague documents and Versailles are simply different statements of customary international law, if customary international law is real.

In this exploration of IGOs by nation I mean the body having Sovereign power to sign international treaties, and not indigenous peoples, who might constitute a nation living across the borders of such States, or form a distinct nation within such a State. The word nation is not defined in the Vienna Convention on the Law of Treaties.

That the States with Sovereign power to sign treaties did not immediately come into line in 1899, and have not yet, does not take away from the fact that 26 nations assembled for the First Hague Peace Conference. They wrote the Convention on the Pacific Settlement of International Disputes. As a tool the Convention established the Permanent Court of Arbitration (PCA). One common idea in arbitration is the need to choose the facts in dispute. In today's world there is a plethora of specialised IGOs which can delineate facts for arbitral evaluation. In 1899 there was only the International Bureau of Weights and Measures which, by providing a way to measure the weight of gold accurately, really could have averted a war.

That the Sovereignty of States was critical to the endeavours of the Hague Peace Conferences and then to the Peace Treaty of Versailles which ended the First World War can be seen because until Russia was reconstituted following its revolution and civil war (1917 - 1922) within the construct of the Soviet Union there was no Sovereign body available to consider signing up to the League of Nations.

Humanity now confronts today's efforts to turn the UN into an administrative body fit to deliver the strategic development goals (SDGs). With the SDGs the UN's member states plan that the planet will be saved as a habitable location for a wide range of biology. Rather than criticise the past now might be the time to look at what that past was trying to accomplish and at those things it did accomplish. No physicist would throw out Newton and Galileo simply because Albert Einstein recognised limits in their work.

HUMANITIES' FIRST TOTAL WAR ENDS

How could two peace conferences halt the march of nations and instigate a new regime of collective security and peaceful arbitration of disputes? Particularly in a world which can be seen today was naïve of the economic knowledges and structures it needed so that it could understand the socioeconomic forces impacting its national internal developments, aspirations, and external relationships. By 1918 the World had shocked itself with the sophisticated widespread barbarity of War that developments in science and technology had made possible. The League of Nations carried the torch of light for lawful arbitrations forward after WWI. By covenant the League was intended to provide collective security and alternates to War as a means of facilitating international relations and security. Failure was not because the USA did not join the League, as is often written, but because the League was a candle in a hurricane. In fact, it was a candle in hurricanes and typhoons of national and regional upheavals.

Nor was the USA a great power at the time. Its Navy was not what it is now. Its monetary arrangements were those, in part, of a developing nation. For example, only in 1900 did the Currency Act make gold the sole monetary standard in the US. Though superseded now the Act pulled together a disorganised system. In 1913 the US Federal Reserve System, the nation's central bank with responsibility for its economic stability, was legally established and activated in 1914. Internationally gold was the national asset underpinning multilateral global payment for international trade. Institutions for global banking and negotiating and establishing monetary policy did not exist. The world did not have mechanisms for redressing inequities among currencies, despite the gold standard.

Existence of the League owed much to the diplomacy of US President Woodrow Wilson and a 14-point peace plan⁵ articulated by him in 1918 before World War One ended. Principles of Wilson's plan included the withdrawal of hostile troops and restoration of borders, a covenant of free and equal nations which would include Germany, the recreation of Poland for the Polish peoples, freedom of navigation on the high seas beyond territorial waters, other than exclusions agreed to by international treaty. The plan welcomed the new Russia and proposed assistance if required by Russia, and the space for that nation born in revolution to evolve its own institutions. Wilson reiterated diplomacy must be open and not conducted in secret, such that unknown agreements upset peace among nations. Crucially Wilson's plan called for a reduction of arms to as low a level as was consistent with domestic safety (in line with The Hague Conventions of 1899 and 1907), and he called for the removal of economic barriers and for equality of trading conditions. Of colonial claims and Sovereignty, Wilson said these must take account of the wishes of the population as much as of the government of that Sovereign territory. The plan addresses many of the causes of War in general, as well as making calls for specific redress of territories annexed during World War I, and before that by Prussia in 1871 in Alsace Lorraine. For Wilson, the dispute over Alsace Lorraine was only 50 years earlier. An event as near in the memory of people Wilson knew as are Neil Armstrong's first steps on the Moon to people alive now.

Wilson's advocacy ensured the League's founding covenant was incorporated into The Treaty of Versailles. By any reckoning the 14-point plan is comprehensive and visionary. Just as visionary as what Nicholas tried to do in the name of Russia. In common parlance, Wilson nailed many of the causes of war, and 102 years later diplomats internationally are now engaged with finding equitable solutions to much of what Wilson identified as problematic. For example, governance of oceans beyond national jurisdiction and arms control, something of great interest to today's United Nations.

Neither the Soviet Union nor USA - which would become the dominant world powers of the latter half of the twentieth Century - were initial contracting parties to the League. Yet both influenced its emergence. Historian, Michael Howard, portrays Lenin as a looming absence in Paris. In the United States, Congress did not ratify the Treaty despite the pivotal role the USA played in negotiating its existence, and despite the fact the country's president was awarded the Nobel Prize for Peace in 1919 and that much of that plan was incorporated in the Treaty of Versailles. Wilson's prize was probably one of the best deserved prizes for visionary thinking and humanity in that prize's history.

In the end the US never joined the League of Nations. Instead in 1923 the US concluded a Treaty of Friendship, Commerce and Consular Rights with its former adversary⁶. By contrast Germany and the newly formed Soviet Union, including Russia, did join The League in, respectively, September 1926 and 1934. Then they left. The world's first ever intergovernmental organisation, the International Bureau of the Universal Postal Union⁷ makes an appearance in the Convention as a model for how the organisation can be paid for. The convention says all positions must be open to men and women equally, including that of the secretary general. The League's head quarters were established in Geneva. Arms, says the convention, should be reduced to as low a level as is consistent with effective defence and common security if common action is needed by Nations. The article states unambiguously distaste for Arms manufactured and traded by the private sector but expresses awareness of and sympathy for those countries not having means to manufacture goods for their own defence. The convention reiterates and

takes further Nicholas's aspiration of 1899. Central to the Convention's aim² is the idea of collective security.

Inevitably *realpolitik* intervened. The world reached 1939 and the brink of another global conflict. The League of Nations was a watering can seeking hopelessly to douse a raging inferno. International co-ordinated and transparent economic planning and understanding was poor and lacked mechanisms to counteract inequities and forums to explore agreed transitional strategies. That the League survived in any form in the aftermath of WWI and was able to pass a light to the United Nations is a triumph of hope over experience. There was a break between the two organizations, with the United Nations having its intellectual beginnings in the darkest days of World War II, but building directly and indirectly on the foundations of The Hague peace conferences and The League (See issue 2 of *Science, People & Politics* 2020).

All IGOs are a result of nations wielding their Sovereignty. As the UN looks to the future should indigenous nations within and/or across the borders have their own independent Sovereign voices at the United Nations? Now regional bodies also sit at the negotiating table of IGOs, as constructs floating atop the Sovereignty of independent and individual nations. When IGOs emerged first the 1969 Vienna Convention on the Law of Treaties did not yet exist. Indeed, in the latter half of the nineteenth century, and prior to the two Hague peace conferences, some basic concepts in international law were still being developed and defined, as can be deduced from the codifications within the Vienna Convention, though the idea of *jus cogens* and of customary international law itself did exist. The two Hague Peace Conferences are a triumph in such circumstances.

*Paris time because that is where the negotiations were held.



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<https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0043.pdf>

Accessed 10th September 2020.

And. <https://history.state.gov/historicaldocuments/frus1919Parisv13/ch10subch1>

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Accessed 28.09.2020.

2. Including links to websites concerned with international law.

http://self.gutenberg.org/articles/eng/Hague_Conventions_of_1899_and_1907 Reaccessed on 08/10/2020 post initial publication

and the Permanent Court of Arbitration (PCA). <https://pca-cpa.org/en/home/>

Accessed 29.09.2020. The United Kingdom became a contracting party of the 1899 Hague Convention in 1900 and of the Second Hague Convention in October 1970. Link here to the contracting parties. <https://pca-cpa.org/en/about/introduction/contracting-parties/>

The Hague Peace Conventions. Agreed at The Hague on 29 July 1899, and came into force on 4th September 1900.
https://avalon.law.yale.edu/19th_century/hag99-01.asp Accessed 6 October 2020

The Convention proposed a legal construct to be known as an International Commission of Inquiry. The negotiators had in mind - and the negotiators were diplomats - international differences where neither "honour nor vital interests" were at stake. If diplomacy failed then the International Commission could elucidate the known relevant facts, which could form a basis for interrogation by the parties, knowing they would not be committing to a binding solution at a time which might be too early for settlement. A dispute which potentially could be explored by such a body is that among Britain, Argentina and Chile in the Antarctic and sub Antarctic. See: Gavaghan H (2013). Antarctica and the South Atlantic, 1945 to 1957: a British view from before the Antarctic Treat System. Pp 1-7. Issue 1 (Jan-Mar), Science, People & Politics.
<https://www.sciencepeopleandpolitics.com/antarcticaandUK1.html>
Gavaghan H (2013). Antarctica and the South Atlantic, 1945 to 1957: a British view from before the Antarctic Treat System. Pp 8-10. Issue 2 (Apr-Jun), Science, People & Politics.
<https://www.sciencepeopleandpolitics.com/antarcticaandUK8.html>
Gavaghan H (2014). "UK V Argentina. A history beginning before either existed."
Pp 3-8. Issue 4 (Oct-Dec), Science, People & Politics.
https://www.sciencepeopleandpolitics.com/v52014_4p3.html

In general terms the convention is for management of the general peace, and its articles cover good offices, mediation, an international court of inquiry and arbitration as well as the proposed international commission. Offers of good offices should never be considered hostile, and solutions resulting from good office or mediation, which may be by a non-participant in the dispute, are voluntary and non-binding. Ongoing mediations does not, however, halt mobilization for War unless the parties agree. The Convention established the Permanent Court of Arbitration which exists today and plays a part in the Statutes of the UN's International Court of Justice. The Convention said that non-signatory parties can take cases to the PCA.

3. 1907 Second Hague Peace Conference made some headway with arms control and wrote a Convention on the laying of automatic submarine contact mines.
<https://www.jus.uio.no/english/services/library/treaties/05/5-04/submarine-contact-mines.xml>
Accessed 25.9.2020.

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5. The Fourteen Points of Woodrow Wilson's Peace Plan
https://avalon.law.yale.edu/20th_century/wilson14.asp
Accessed 17th September 2020.

6. 1923 Treaty of Friendship, Commerce and Consular Rights.
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Accessed 28/09/2020.

7. <https://www.upu.int/en/Universal-Postal-Union/About-UPU/History>
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https://avalon.law.yale.edu/19th_century/usmu010.asp

ALL URLS IN THE BIBLIOGRAPHY REACCESSSED POST PUBLICATION ON 08/10/2020

BOX ONE. ECONOMICS.

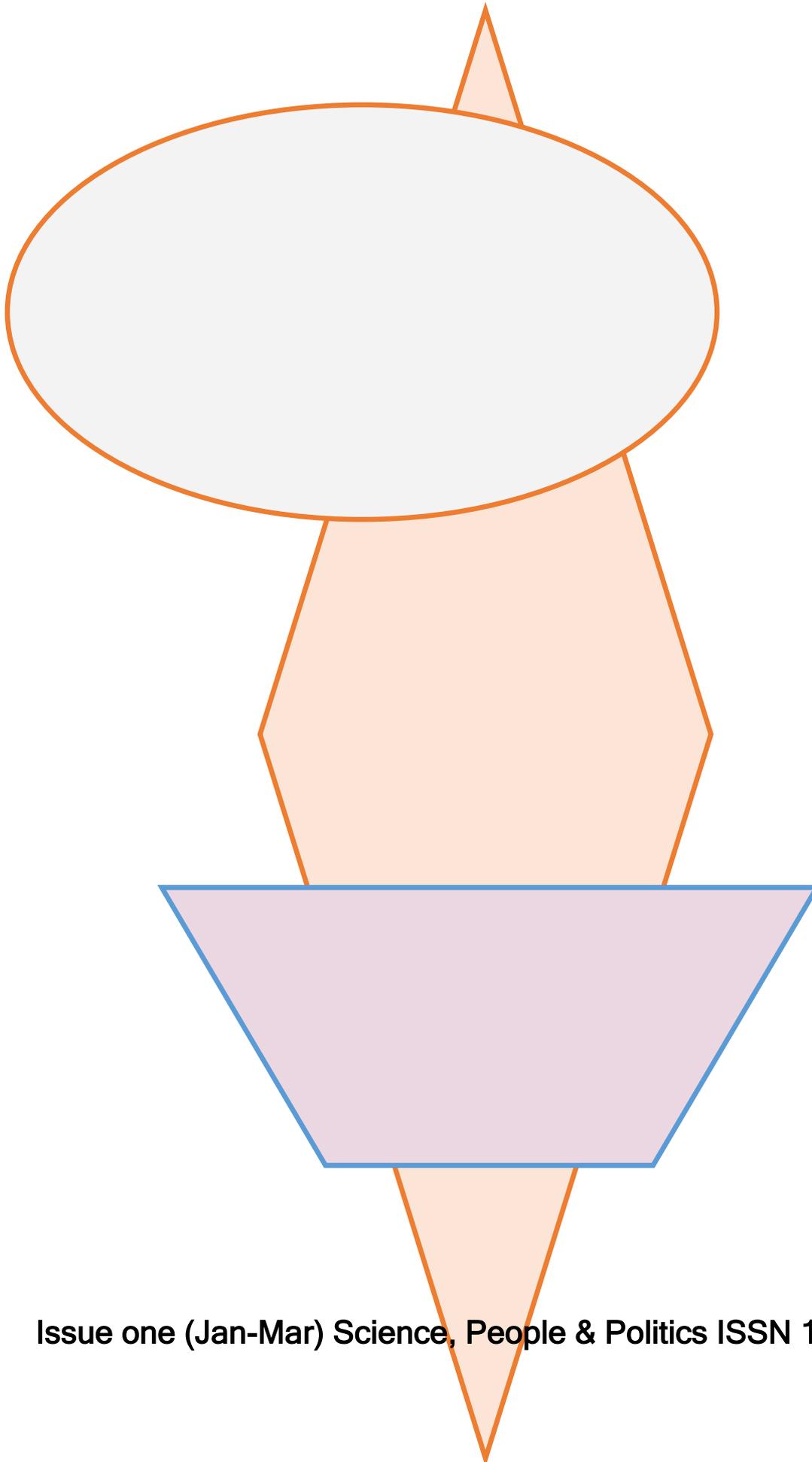
I recall a conversation with Bob May (now Lord May) when he was President of the Royal Society. My recollection is of a pronounced sniff when I mentioned economics. I have no idea what the sniff signified: insufficient data for me to interpret the observation! But sniff there undoubtedly was. It seemed to me then, as it does now, that absence of understanding of economics is as significant as the presence of unfettered science and technology as a culpable factor when considering war, its causes, and its prosecution.

The prizes in economics awarded by the Nobel Prize organisation give, it seems to me, a good overview of economics as it is known today. There are notable absentees, such as Adam Smith and John Maynard Keynes. If anything, the prizes awarded since inception of the prize in 1969 underline the significance of the overarching insights of these giants. Econometrics, subject of the first prize, are of little value without frameworks such as those proposed by Smith and Keynes. If one recalls, additionally, that at the time of the Hague Peace Conferences global telecommunications were slower and carried much less data, and that the data selected for transmission were less well characterised than today, then one sees something of the dilemma facing those creating the first intergovernmental organisation, such as The League of Nations. These prizes apply to work undertaken in some cases years before they were awarded. The reward which by the time the prize was won had proven its value.

NOBEL PRIZES IN ECONOMIC SCIENCES: WHAT THE PARTICIPANTS IN THE HAGUE PEACE CONFERENCES OF 1899 AND 1907 DID NOT KNOW, AND WHAT WAS UNKNOWN ALSO TO THE FRAMERS OF THE LEAGUE OF NATION AND THE UNITED NATIONS IN 1945.

- 1969 Dynamic economics and econometrics. Empiricists.
- 1970 Theory and incorporation of New Keynesianism into market theory.
- 1971 Kuznet. Growth and economy's size and relationship to population growth, and how to standardise GNP and long-term economic swings.
- 1972 General equilibrium theory and welfare theory.
- 1973 Input-output method and analysis of interindustry transactions in an economy.
- 1974 Theory of money and economic fluctuations, and analysis of social, economic, political, and institutional phenomena.
- 1975 Analysis of the optimum allocations of scarce resources. A classic problem in economics.
- 1976 Consumption analysis, monetary history, and theory and stabilization policy.
- 1977 The modern theory of international trade and international capital movements.
- 1978 Organisational decision making. <https://www.nobelprize.org/prizes/economic-sciences/1978/simon/facts/>
- 1979 Economic development research with attention to problems of developing countries.
- 1980 Econometrics for analyse macroeconomic policy and forecast-techniques development.
- 1981 Theory of financial markets, and their relationship to consumption, pricing and investment decisions, production, and employment.
- 1982 Study of market processes and structure of industries. Relationship to public regulations.
- 1983 Reformulation of the theory of general equilibrium.
- 1984 Systems for national accounting, thus aiding empirical economic analysis.
- 1985 Foundations for corporate finance, studied how economic growth and changes in demography affect household savings. Looked at private consumption.
- 1986 Contractual and constitutional basis for theory of economic and political decision making.
- 1987 Long term macroeconomic growth.

- 1988 Rigorous mathematical analysis of markets and their efficiencies.
- 1989 Insights on the probability of econometrics and its foundation theory and analysis of simultaneous economic structures.
- 1990 Micro theory of portfolio wealth management for individuals.
- 1991 Intersection of economics, law, and organisations.
- 1992 Extension of economic theory into domains not previously viewed as within its purview, for example criminology.
- 1993 Applied quantitative methods to analysis of institutional and economic change and so renewed interest in research in economic history. For example, a look at the impact of railroad development on the economic development in the US and the economic impact of slavery.
- 1994 Economics of information, where different agents do not know the others goal.
- 1995 Development of the application of rational expectations on macroeconomics.
- 1996 Economic incentives when there is incomplete or asymmetrical information (i.e. each party has different information). Optimal taxation.
- 1997 New method to value derivatives.
- 1998 Welfare economics.
- 1999 Analysis of policies such as monetary and fiscal policy and exploration of exchange rate areas and how barriers to migration and capital movements stimulate commodity prices.
- 2000 How to handle microdata such as individuals' life choices.
- 2001 Analysis of markets with asymmetric information, for example when the seller knows more than the buyer about a product, and how low quality products can squeeze out high quality products in such markets, and the price of the high quality product thus suffers.
- 2002 Psychology in economics.
- 2003 Analysis of economic time series, from short-term fluctuations to long-term trends.
- 2004 For new ideas behind economic-policy design, and forces behind business cycles, and showing that society could benefit from prior commitment to economic policy.
- 2005 Game theory and economics.
- 2006 Short and long-run effects on macroeconomic policy.
- 2007 Mechanisms for economic and social outcomes might yield suboptimal outcomes. Economic science developments can optimise the process.
- 2008 Paul Krugman International trade theory, expanding on original ideas of international trade and based on observation and analysis from immediately after World War one, through to 2008.
- 2009 Economic governance in local communities (control of shared local resources) - Elinor Ostrom and economic governance in firms, paying attention to the questions of when transactions are within firms compared with external, and so left to the marketplace - Oliver Williamson.
- 2010 Analysis of economic policies and regulations on the labour market.
- 2011 Analysis of macroeconomic policies on the working of the economy.
- 2012 How can one have the stability needed to match players to their place in a market structure, e.g. doctors.
- 2013 Analysis of stock prices: short term reactiveness, some long-term predictability, divergence of stock price variation from dividends.
- 2014 Matching regulation with industry sector.
- 2015 Analysis of consumption in relationship to savings, income, welfare, and economic development in society.
- 2016 Analysis of contract theory and methods of dealing with uncertainty when every eventuality is not predictable. Relevant to corporate and organisational governance.
- 2017 Psychology, human traits and economic decision making.
- 2018 How knowledge impacts management of the constraints imposed by nature. Work underpinning economic management and climate, for example carbon taxes.
- 2019 Fighting global poverty by making economic problems to be resolved smaller and more susceptible to analysis.



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