



Introduction

Prologue

In recent years, historical study of the League of Nations has flourished, spawning new perspectives and calling into question long-held beliefs regarding this unique institution. Many of these studies explore questions regarding the centrality and importance of the League in the first half of the twentieth century. Additional studies have examined the League's influence on the international arena even beyond 1945, and the establishment of the League's successor, the United Nations. It seems that only today, after several decades of harsh historiography that governed the post-1945 era, has a more positive view of the League emerged.

The present study joins this renaissance, extending this field of research by including historical-legal and environmental aspects within the renewed exploration of the League of Nations. Remarkably, the role of the League in the history and evolution of international environmental law remains almost entirely unexplored. This project uncovers the ways in which the League, as one of the first institutions of its kind, constituted and regulated relations between nature, environment, and humankind. My revisionist retrospective will not limit its scope to the linear historical borders of 1919 and 1939, but also strives to identify the League's influence and place in, and its impact on, environmental regulation after the League was formally dissolved in 1946. As the environmental story of the 1920s and 1930s unfolds, I will not focus on dilemmas of environmental, conservationist, preservationist, and industrial-economic interests alone; rather, I include political, legal, and institutional motivations, both obvious and hidden, that took place in this complex environmental regime. As such, I will also draw attention to environmental issues that involved third-world exploitation in general, and the historical-environmental impact of these questions on colonialism and imperialism (and vice versa) in particular.

Given the abundance of different studies engaged in the eclectic tasks of the League, which takes into account researchers' legal studies in this area, we have not yet seen an attempt to systematically map or to thoroughly investigate the contribution of the League in terms of international law, environment, and nature.

By telling the story of interwar environmental perspectives, I wish to navigate and explain different trends in the history of global environmental law and in studies on the League. Using these questions to track possible links between history, law, and environment, I shall explore those opportunities in environmental law and international relations in which the League was so deeply involved. This reclaiming of the past enables us to deepen the conventional analysis beyond what we would describe as "historiographic amnesia," which is typically characteristic of research about the League, as exemplified by Scott's *Rise and Fall of the League of Nations*.¹ As such, the story of the League as a whole, with its different (and sometimes inconsistent) chapters and challenges – which up until now have been missing from both the history of international law and environmental history serves as fresh territory for new, unique exploration.²

Unlike the Soviet archives, which were kept locked behind the Iron Curtain and were thus unavailable to Western scholars until the early 1990s, the accessible archives of the League in Geneva have remained all but forgotten for half a century. As such, a traditionally hazy historical view of the League has inhibited thorough study in fields ranging from political science to international law. New readings and new findings about the League and its effect on the evolution of international environmental law call into question long-held conceptions of the League and the

¹ Among the few important works within the historiographic framework of the "decline and fall of the League" are: ELMER BENDINER, *A TIME FOR ANGELS: THE TRAGICOMIC HISTORY OF THE LEAGUE OF NATIONS* (1975); or GEORGE SCOTT, *THE RISE AND FALL OF THE LEAGUE OF NATIONS* (1973). For another realistic analysis in this regard see F. S. NORTHEGE, *THE LEAGUE OF NATIONS: ITS LIFE AND TIMES, 1920–1946* (1986).

² The memory of the League in the history of modern times underwent a changing historiographic evolution during the twentieth century, and into the dawn of the twenty-first century. These changing trends in the research have been affected, first, by certain new historical discoveries that focus on a variety of activities of the international forum. Second, they have also been affected by various historical and geopolitical circumstances of the twentieth century, such as the collapse of the Soviet Empire and the end of the Cold War. And third, some of the revisionist scholars argue that this image has changed as a result of the way in which the League's successor, the United Nations, was created and how it evolved in the second half of the twentieth century.

history of environmental law. Using this new historiography allows me to reveal the apparent indifference of the common environmental historiography to the role and involvement of the League in shaping the global legal-environmental regime – a regime whose development in the interwar world I will examine. In the following chapters, which cover almost every part of the Earth – from the depth of the oceans to wooded landscapes – I will prove the existence of a mutually influential relationship between the League and the developing environmental agendas and movements of its time, as well as the movement towards an international conception of environmental law.

The twentieth century was one of international cooperation on a variety of environmental issues. Governments worldwide, from Europe to Latin America and beyond, signed nearly 400³ environmental treaties and agreements throughout the period, half of which were initiated as a response to different reflections on the modern question of nature and wildlife conservation. Indeed, many of these conventions and transnational agreements are “no more” than simple bilateral fishing agreements, which emerged as a result of neighboring states’ common concerns – including concerns about certain geographical regions in which countries might experience species loss. The rest of these international legal agreements were more complex and they usually engaged several different countries, some of whom often did not even share a geographical border. This century, even without the League’s presence, marks a period of commitment to nature protection in general, and to species and animal protection in particular.

The study of the Anthropocene tells us that environmental changes and crises as a result of humankind’s activities occurred even prior to the first decades of the twentieth century.⁴ However, the turn of that century is perhaps the first time that the impact of human behaviors threatened many of the planet’s major bio-systems. Compared with earlier (sometimes, very early) implications of human societies on surrounding nature, this period introduced several *parallel* threats that humankind posed to the environment. It seems that the interwar period revealed a clear recognition and understanding of the overall negative impact of humans on surrounding nature, exemplified by instances of disappearing ocean species, shrinking forests, oil pollution and its related contamination of

³ MARC CIOC, *THE GAME OF CONSERVATION: INTERNATIONAL TREATIES TO PROTECT THE WORLD’S MIGRATORY ANIMALS 2* (2009).

⁴ ERLE C. ELLIS, *ANTHROPOCENE: A VERY SHORT INTRODUCTION* (2018).

seawater and birds, and the environmental-sanitary dangers emerging from rural peripheries around the world. Prior to the League's environmental regime, there had never been such a collective, organized, and continuing (even if only for a relatively short period) general policy in terms of international law and international governance.

Just as environmental concerns guide some policymakers today, the League discussed numerous areas that it believed would have significant consequences for the basic conditions of all life in the future. Throughout the 1920s and 1930s, it discussed questions that are familiar to us today, including: How does one define an environmental risk or challenge? What action should the international community take? How should international law mobilize in response to environmental challenges? The League, sometimes together with other bodies, understood that the future of nature (and human society) as *they* knew it depended on *their* actions. Moreover, at least some of the current huge environmental challenges in terms of *our* twenty-first century, such as oil spills and pollution of the sea, ruthless whaling, spreading diseases and pandemics (not to mention the devastating outcomes of COVID-19), and accelerating forest loss (see the news from Brazil's Amazon rainforest in 2020) were – as the following interwar stories will show – there, or here on the still-suffering planet, also during the 1920s and 1930s.

Similarly to how we currently face global environmental dilemmas, the League's regime tackled various realms and fields: science, politics, economics, social tensions, history, and law too, of course. Nature protection considerations often competed with the economic interests of developing societies who were hungry for natural resources. Responsibility for future generations guided the League, alongside economic and industrial incentives and the race to the bottom in exploiting the planet's treasures. Many of the key interwar issues are the same as the ones that the international community (and, unfortunately, also the environment) is facing today, in the midst of the ecological crisis, such as pollution, overexploitation, food, raw materials, mass extinction, technological improvements, scientific exploration, water, diplomacy, ecosystem management, and more.

Indeed, the broad scope of history encompasses several periods that have never been considered to have anything – or very little – to do with environmentalism or nature protection. Recently, however, as the scholarship of environmental history has continued to expand, scholars have changed our perceptions of these periods. Some have

argued that the Third Reich and the Nazi Movement were not just extremely violent or devastating phenomena, but that they also had a coherent or systematic approach towards nature.⁵ Likewise, reinterpretation of the Venetian Empire has suggested that one understand it as a power that had an (early) environmental conception of trees and timber as a basis for its political, military, and engineering success.⁶ Through my explorations of the interwar period over the last few years, I truly believe that it is an appropriate time to add this period, and that of the League in particular, to the developing chain of legal and environmental historiography.

Research Fields and General Structure: Bridging Two Separate Historiographies

This research presents a historical analysis of various policies, discussions, decisions, and acts related to the environment that were made by different organs, officials, and departments of the League or in their involvement; it also addresses the intersection of environment, humans, and law. My findings will reveal a bridge between two particular fields of research that up to this point have been treated as distinct and separate: the historiography of the League, and the development of international environmental law.

In order to better situate the context of this study, the following section will provide a general overview of the central building blocks in the relevant bodies of literature.

On the Emerging Historiography of the League of Nations

During the last two decades, and especially in recent years, scholars from different schools and disciplines have become increasingly interested in the League as an area of study. Fresh research has shed new light on the reality of the period between the two wars of the twentieth century, prompting a vigorous investigation of the history and significance of the institution that was tasked with maintaining world peace and order during that volatile time.

⁵ HOW GREEN WERE THE NAZIS? NATURE, ENVIRONMENT, AND NATION IN THE THIRD REICH (Franz-Josef Brüggermeier, Marc Cioc & Thomas Zeller eds., 2005).

⁶ See, e.g., CHRISTOF MAUCH, THE GROWTH OF TREES: A HISTORICAL PERSPECTIVE ON SUSTAINABILITY (2014).

New discoveries of the last few years have enabled a “reapproaching” to the intangible “spirit of Geneva.”⁷ A careful inquiry into the environmental perspectives that guided the diplomats and officials of the League, as well of those of the different bodies that negotiated with the League during the 1920s and 1930s, is therefore part and parcel of the broader renaissance of the League. A great variety of works have begun to emerge, offering new perspectives regarding the perceived bright new future for humankind in the post-1918 world; some of these perspectives impacted the evolution of international environmental law, leaving a thumbprint that can still be seen today.

These changing perspectives of the League’s historical role are based on historical methodologies and archival research, which bring new readings to the history and analysis of the League’s various activities, tendencies, and initiatives. The engagement of legal scholars – particularly legal historians – in studies of the League, has only of late been undertaken.⁸ This engagement of legal historians stands to provide new angles that allow for deeper insights into the League’s research community. Legal history can offer a better understanding of the relevance of different tasks performed by the League and its organs, and could fill in certain gaps in the body of historical knowledge.

The common historic perception of interwar Geneva is that of a failed and weakened capital of early internationalism – naïve and unrealistic. It has also repeatedly been blamed for failing to prevent World War II. As a result, historians and other scholars have almost completely avoided studying activities other than peacekeeping and collective security, two of the League’s main responsibilities. As mentioned above, this historiography has been undergoing fundamental change of late.⁹

Dozens of studies conducted recently have argued that the League did much more than simply attempt to create a system of collective

⁷ As described by Susan Pedersen, who is considered to be the “founding mother” of the revision of the League. Susan Pedersen, *Back to the League of Nations*, 112 *AM. HIST. REV.* 1091 (2007), 1113.

⁸ Michael Fakhri, *The 1937 International Sugar Agreement: Neo-Colonial Cuba and Economic Aspects of the League of Nations*, 24 *LEIDEN J. INT’L L.* 899 (2011).

⁹ For instance, a relatively large number of scholars are specifically interested in the interwar campaign the League led against the trafficking of women and children. See, e.g., the studies of LIAT KOZMA, *GLOBAL WOMEN, COLONIAL PORTS: PROSTITUTION IN THE INTERWAR MIDDLE EAST* (2017); Paul Knepper, *The Investigation into the Traffic in Women by the League of Nations: Sociological Jurisprudence as an International Social Project*, 34 *L. & HIST. REV.* 45 (2016); Magaly Rodríguez García, *The League of Nations and the Moral Recruitment of Women*, 57 *INT’L REV. SOC. HIST.* 97 (2012).

security.¹⁰ Issues such as refugees,¹¹ economic stability and recovery,¹² minority protection,¹³ public health,¹⁴ and the complexity of the mandate system,¹⁵ for instance, stand today at the center of scholarship on the history of the League. Numerous works have shown that the League was identified and defined as much more than just an “International Security System”¹⁶ – even by contemporary players of the interwar period, including its leading figures and jurists.¹⁷ Another idea that seems to have lost its validity is the claim that the League (and the organs that operated its institutional structure) allegedly opposed the adoption of any agenda that could be interpreted as interfering in the sovereignty of nation states.

¹⁰ Usha Natarajan, for instance, pointed to the link between the legacy of the League’s mandate system (which was one of its central enterprises) and different approaches regarding the reconstruction of the Iraqi state at the beginning of the 2000s and in the aftermath of the overthrow of Saddam Hussein’s regime: Usha Natarajan, *Creating and Recreating Iraq: Legacies of the Mandate System in Contemporary Understanding of Third World Sovereignty*, 24 LEIDEN J. INT’L L. 799 (2011). Gerald Halman’s study echoes the gap or differences between the failed state concept of the early 1990s, and the League’s understanding of this concept: Gerald B. Halman, *Saving Failed States*, 89 FOREIGN POL’Y 3 (1992–93). In that context, see also the work of Ralph Wilde: *From Danzig to East-Timor and Beyond: The Role of International Territorial Administration*, 95 AM. J. INT’L L. 583 (2001).

¹¹ Keith D. Watenpaugh, *The League of Nations’ Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism: 1920–1927*, 115 AM. HIST. REV. 1315 (2010).

¹² PATRICIA CLAVIN, *SECURING THE WORLD ECONOMY: THE REINVENTION OF THE LEAGUE OF NATIONS: 1920–1946* (2013).

¹³ CHRISTIAN RAITZ VON FRENTZ, *A LESSON FORGOTTEN: MINORITY PROTECTION UNDER THE LEAGUE OF NATIONS – THE CASE OF THE GERMAN MINORITY IN POLAND: 1920–1934* (1999); Mark Mazower, *Minorities and the League of Nations in Interwar Europe*, 126 DAEDALUS 47 (1997); CAROLE FINK, *DEFENDING THE RIGHTS OF OTHERS: THE GREAT POWERS, THE JEWS AND INTERNATIONAL MINORITY PROTECTION 1878–1938* (2004).

¹⁴ IRIS BOROWY, *COMING IN TERMS WITH WORLD HEALTH: THE LEAGUE OF NATIONS HEALTH ORGANISATIONS: 1921–1946* (2009).

¹⁵ Natasha Wheatley, *Mandatory Interpretation: Legal Hermeneutics and the New International Order in Arab and Jewish Petitions to the League of Nations*, 227 PAST & PRESENT 205 (2015).

¹⁶ On the change in the common perception of the League’s task of securing the post-World War I world see, e.g., MARK MAZOWER, *NO ENCHANTED PALACE: THE END OF EMPIRE AND THE IDEOLOGICAL ORIGINS OF THE UNITED NATIONS* (2009), and *GOVERNING THE WORLD: THE HISTORY OF IDEA, 1815 TO THE PRESENT* (2013); SUSAN PEDERSEN, *THE GUARDIANS: THE LEAGUE OF NATIONS AND THE CRISIS OF EMPIRE* (2015).

¹⁷ Existing research on these legal-professional issues and the interplay within the League as an institution has looked into the question of how lawyers and legal thinking contributed to the shape of the League system. See, for example, Stephen Wertheim, *The League of Nations: A Retreat from International Law?* 7 J. GLOBAL HIST. 210 (2012).

However, in spite of this recent boost in interest in the League, especially in those issues that were or are considered to be part of the League's broad "humanitarian agenda,"¹⁸ very little attention has been given to this period in the history of diplomatic and legal international environmentalism. Apart from minimalist references here and there, such as those that describe the interwar period as nothing more than a few groping attempts, the common perception is that environmental issues were never on the League's agenda, and that they only gained traction with the UN: "The UN system, weak as it is in terms of sovereign authority, *changed this*. A broad agenda established by mostly liberal powers that won World War II. It included concern for . . . a world-wide view of nature."¹⁹

*The Common Historiography of the Evolution of International
 Environmental Law Has So Far Disregarded the League*

In a similar pattern, the conventional historiography of the evolution of international and transnational environmental law also tends to skip over the interwar period almost completely. Indeed, although several scholars who have studied the development of this international-legal regime have lately identified "evidence of increasing domain structure"²⁰ in the last third of the nineteenth century, and especially during the *fin de siècle*, the period of the League remains, almost entirely, a legal-environmental-historiographic "black hole." Except for the historic investigation into the role of certain NGOs at that time, environmental historians almost exclusively begin their studies with the establishment of the United Nations. Therefore, the common environmental-history narrative places much of

¹⁸ THE LEAGUE OF NATIONS' WORK ON SOCIAL ISSUES: VISIONS, ENDEAVOURS AND EXPERIMENTS (Magaly Rodríguez García, Davide Rodogno & Liat Kozma eds., 2016).

¹⁹ John W. Meyer, David J. Frank, Ann Hironaka, Evan Schofer & Nancy B. Tuma, *The Structuring of a World Environmental Regime, 1870–1990*, 51 INT'L ORG. 623, 631–32 (1997) (emphasis added). For further reading on the institutional aspects of the role of the UN in shaping the international legal environmental regime – such as in the establishment of the Food and Agriculture Organization (FAO), or the World Health Organization (WHO), see LYNTON K. CALDWELL, INTERNATIONAL ENVIRONMENTAL POLICY (1990), and JOHN McCORMICK, RECLAIMING PARADISE (1989).

Yet, one should note that new studies of the League deal in particular with the history of creating the technical organizations or internal professional agencies of the League (which are also known as "performative bodies") in the 1920s, and their legal-institutional aspects (see, e.g., Kayo Yasuda, *From the League of Nations Health Organization to the WHO 1943–1946: The Succession and Development of International Functional Cooperation*, 2 ANNALS JAPANESE POL. SCI. 194 [2010]).

²⁰ Meyer et al., *supra* note 19, at 624.

its emphasis on the post–World War II period, as most investigations tend to mark the starting point of international environmental history with the UN Environment Programme (UNEP), founded at the UN Conference on the Human Environment in Stockholm, in June 1972.²¹ By introducing evidence that environmental thinking did in fact take place within the discussion, negotiations, and routine practice of internationalism and diplomacy in the interwar period (linking the issues of nature protection, endangered species, pollution, sanitation, natural resources and raw materials, superpowers, colonialism and imperialism), we might more effectively refine the “the prevailing narrative”²² of the history of international environmental law.

This scholarly gap becomes even more apparent when one takes into account how overwhelmingly substantial the field of environmental history has become in recent years. As I will describe in each chapter, rich scholarship has been written on almost each and every realm in the history of nature, environment, and humankind – from the history of earthquakes, to volcanic eruptions, droughts, deforestation, climate change, nuclear and renewable energy, sanitation, and more. Where different studies *have* focused on environmental issues, periods, or institutions, no comprehensive study in the interdisciplinary field of environmental history has yet been conducted on the League.

Following the previously mentioned trend of “historiographic amnesia” regarding the League’s presence in general, there is likewise a general indifference to the League’s environmental role. Studies on the League and on the history of international legal environmentalism are both silent on this issues. The commonly accepted descriptions tend to emphasize that concerted global action in an environmental context did not occur, and perhaps could not have occurred, before 1945 – and more likely not before 1972 – the year in which the UN initiated its formal organized environmental program in terms of international law.²³

²¹ See, for instance, Wolfram Kaiser and Jan-Henrik Meyer, who focus on the UN as the true starting point of modern environmental protection: Wolfram Kaiser & Jan-Henrik Meyer, *International Organizations and Environmental Protection in the Global Twentieth Century*, in INTERNATIONAL ORGANIZATIONS AND ENVIRONMENTAL PROTECTION: CONSERVATION AND GLOBALIZATION IN THE TWENTIETH CENTURY 1 (Wolfram Kaiser & Jan-Henrik Meyer eds., 2017) [hereinafter INTERNATIONAL ORGANIZATIONS AND ENVIRONMENTAL PROTECTION].

²² See Watenpaugh, *supra* note 11, at 1322.

²³ See Wolfram Kaiser & Jan-Henrik Meyer, *Introduction: International Organizations and Environmental Protection in the Global Twentieth Century*, in INTERNATIONAL ORGANIZATIONS AND ENVIRONMENTAL PROTECTION, *supra* note 21, at 2–3. Even

Regardless of what has been written, environmental changes had occurred as environmental problems long before the establishment of the UN. Moreover, the international arena, using legal discourse and introducing legal mechanisms, was aware of these challenges. As my research reveals, the League tried to solve a series of environmental crises such as the sea pollution caused by oil discharge from ships, which threatened the coastline of different countries (Chapter 1); dwindling fish stocks in general, and the growing threat of the extinction of the whale due to rapidly developing whaling techniques (Chapter 2); diseases that emerged from rural peripheries in Eastern Europe and East Asia, and which thrived and spread due to poor hygiene and public health conditions in the countryside (Chapter 3); and difficulties in the timber trade given the economic and commercial outcomes of the Great Depression and the dumping policy of the Soviet Union, which intertwined with a growing concern about deforestation that was presented as a phenomenon that dramatically changing the natural landscape (Chapter 4). All these environmental challenges urgently required solutions.

According to the common environmental history perspective, it was only in the second half of the twentieth century – and certainly not during the interwar period and the reign of the League – that measures of this kind could have been taken into consideration. Scholars have argued that two dramatic changes in world society that occurred in the second half of the twentieth century can serve as variables that explain the rise of contemporary environmental regimentation. The first change involved the expansion of rationalized scientific analyses of nature, while the other change was organizational and involved the rise of an international associational framework, principally the UN system,²⁴ which provided arenas that

minimalist descriptions given by scholars who study the origins and development of international environmental law, if they do refer to or mention the role of the League during the shaping of this international legal regime, do not lean on the League in and of itself, but ascribe much of the contribution of advancing international legal-environmental initiatives not to the League, but to other international developments. Instead of focusing on the League, these scholars choose to attribute such environmental measures to the growing involvement of scientists and other researchers, along with early environmental NGOs, as these factors screened and influenced the events and processes carried out in the institution. They argue that, despite the absence of a central international power, it is evident that environmental policy rallied behind a culture of “rationalism and science” (Meyer et al., *supra* note 19, at 625). However, could it be that the League had a role in that development?

²⁴ See, e.g., Meyer et al., *supra* note 19, at 629. For a broader and detailed description of the environmental history of the twentieth century, and of the awareness of changes between nature and humankind, as well as the shift between the nineteenth and twentieth centuries, see