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PRECEDENTS CONCERNING THE CREATION OF AN INTERNATIONAL FORCE

(Working Paper Prepared by the Secretariat)

The object of this paper is merely to show that immediately after the first World War and again in 1935 it was possible to create international forces with a view toward assisting international commissions to fulfil the functions assigned to them (in each case the holding of plebiscites in disputed regions).

I

The following are precedents concerning the creation of international forces:

1. Plebiscite in Schleswig (1920)

Under the authority of an International Commission composed of five members; 2 United Kingdom, 1 France, 1 Norway, 1 Sweden. (The United States did not appoint a Commissioner. For this reason Great Britain appointed two).

Agreement providing for the International Force. Article 109 of the Treaty of Versailles.

Functions: Assist the International Commission which had general powers of administration in the zone pending the results of the plebiscite.

Contingents: The forces stationed in the area were the following:

the British cruiser "Carisbrooke" and three destroyers;
the French warship "Marseillaise";
a British battalion;
a French battalion;

The total of the above forces, military and naval, was 3,000 men. (The original plan also provided for one United States battalion).

There was also a police force of 250 men recruited locally by a "Police Director for the Plebiscite" appointed by the International Commission. He was responsible to the Commission for maintaining law and order, for securing the freedom and secrecy of the voting, and for the organization and discipline of his forces.

Command: A British Admiral, on the ground that the British navy furnished the greater part. (Resolution Council of Foreign Ministers of 14 May 1919).

2. Plebiscites in Allenstein and Marienwerder (1920)

Under the authority of an International Commission composed of five members in theory and four practically: 1 British, 1 French, 1 Italian, 1 Japanese. (The United States did not appoint a Commissioner).

Agreement providing for the International Force. Article 97 of the Treaty of Versailles.

Functions: Assist the International Commission which had general powers of administration pending the results of the plebiscites.

Contingents: Allenstein: 800 Royal Irish.

Marienwerder: two Italian battalions
a small French contingent.

There was also, under the authority of the Commission, a German local police under a

British Commander, assisted by a Polish officer.

3. Plebiscite in the Klagenfurt Basin (1920)

Under the authority of an International Commission composed of five members nominated respectively by the United Kingdom, France, Italy, Austria and the Serb-Groat-Slovene State.

Origin: Article 49 of the Treaty of St. Germain.

Functions: Assist the International Commission which had general powers of administration pending the results of the plebiscite.

Contingents: One zone was occupied by Austrian troops and the other by Yugoslavian troops. Local police was retained.

Command: Under the authority of the International Commission.

4. The Plebiscite of Upper Silesia. (1921)

Under the authority of an International Commission composed of three members designated by the United Kingdom, France and Italy. (The American representative on the Commission was not appointed).

Agreement providing for International Force: Article 88 of the Treaty of Versailles.

Functions: Assist the International Commission which had general powers of Administration pending the results of the plebiscite.

Contingents: France: ten battalions
United Kingdom: four battalions
Italy: two battalions.
It was also permitted to recruit "gendarmerie" among the inhabitants of the country.

Command: Each contingent was commanded by an officer of his own country. All were placed under the French Commander-in-chief.

5. The attempted Plebiscite in Vilna. (1921)

Under the authority of a Commission of five army officers - British, Italian, Japanese, Spanish and French (President). (The Council of the League of Nations also appointed a Committee of three of its own members - French, Japanese, Spanish - to keep in touch with the question).

Agreement providing for the International Force: Resolutions of the Council of the League of Nations, 28 October and 21 and 25 November, 1920.

Functions: Assist the Commission for maintenance of order (simply to perform police duties).

Contingents: About 1,800 men.
1 company of Belgian troops and one machine gun section.
2 companies of British troops and one machine gun section.
2 companies of Spanish Troops and one machine gun section.
2 companies of French troops and one machine gun section.
5 supernumerary officers speaking Polish or Russian.
The Council also voted to ask the Danish, Dutch, Norwegian and Swedish governments to supply 100 men each plus a machine gun section.

Command: Col. Chardigny (France) President of the Plebiscite Commission.

Note: After the Government of Switzerland had refused the free transit of the contingents ??? Nations dropped its plan to hold a plebiscite.

6. Plebiscite in the Saar Territory. (1935)

Agreement establishing International Force: Resolution of the Council of the League of Nations, 8 December 1934.

Contingents: United Kingdom: 1,500
Italy: 1,300
The Netherlands: 250
Sweden: 250
Total: 3,300 men.

Command: Under the authority of Governing Commission of the Saar Territory.

1. As regards general costs, transport and other matters involved in the creation of an International force, the only precedents which can be utilized are the Plebiscite in the Saar Territory and the attempted plebiscite in Vilna.

2. Those two cases are not alike, as they had different factual and legal origins.

A. The Saar Territory

3. The Saar Plebiscite was based upon Articles 45 and following the Treaty of Versailles. Article 49 stipulated: "Germany renounces in favour of the League of Nations in the capacity of trustee, the government of the territory defined above.

"At the end of fifteen years from the coming into force of the present treaty the inhabitants of the said territory shall be called upon to indicate the sovereignty under which they desire to be placed".

4. The government of the territory of the Saar Basin was entrusted to a commission representing the League of Nations (Article 16 of the Annex of the Treaty). This commission was responsible to the Council of the League of Nations and was presided by a chairman appointed by the same body.

5. The Governing Commission had powers to levy taxes and dues in the territory exclusively applicable to the needs of the territory.

6. A civil and criminal court was established to hear appeals from the decisions of the existing courts.

7. A Plebiscite Tribunal was established.

Cost of Transport and Maintenance

8. "The costs of transport, the costs of maintenance resulting from expatriation and not covered by the credits already provided in the budgets of the respective Governments (United Kingdom, Italy, Netherlands, Sweden, which furnished contingents) together with any costs of accommodation, shall be charged to the fund furnished by France, Germany and the Saar Territory for expenditure in connection with the plebiscite; should this fund prove insufficient, the committee of the Council, in accordance with the Council's decision of 4 June 1934, is authorized to request the French and German Governments to make supplementary payments" (paragraph 2) of the decision of the Council of the League of Nations, 11 December 1934).

Death or Invalidity

9. "Death or invalidity pensions which may have to be paid in respect of the death or invalidity of members of the international force as result of their service in accordance with the most favourable rules embodied in the legislation in force in the four participating countries, as well as compensation for loss or damage to the material belonging to the international force, shall be an obligation of the Government of the Territory within the meaning of paragraph 39 of the Annex to Article 50 of the Treaty.

The resources proper of the League of Nations shall in no case be drawn upon either for payments which are not reimbursable, or for advances from the working capital fund. (Paragraph 2 of the above resolution).

Exemption from responsibility and jurisdiction; Power of Requisition.

10. "The Governing Commission of the Saar Territory is authorized to enact the legislation necessary to exempt the international force and its members from all responsibility for any act accomplished in the performance of their mission and to confer on itself in case of need the power of requisition for the accommodation, maintenance and transport of the said forces (paragraph 3 of the above resolution).

11. "The command of the international force, its organs and services and the members of the said force shall be exempt from the jurisdiction of the courts of the territory" (paragraph 4 of the above resolution).

12. "The Supreme Plebiscite Tribunal shall alone be competent to judge breaches of penal law committed against the international force or its members or affecting its property or the property of its organs or its members" (paragraph 5 of the above resolution).

B. The Attempted Vilna Plebiscite

13. The attempted Vilna Plebiscite was provided for in the resolution of the Council of the League of Nations adopted on 28 October 1920.

Costs, Maintenance and all additional expenses

14. 1. "The States which send contingents of troops shall advance the sums necessary for the transport and maintenance of these troops".

2. "All expenses additional to the normal charges of maintenance of the troops in their own country (transport, billeting, additional ration allowances, office expenses) shall be repaid by the League of Nations out of its Budget of 1922 to the states who have extended the money".

"The League will be reimbursed by Poland and Lithuania for the total sums which it has advanced to cover the expenses of taking a popular expression of opinion in a proportion to be fixed according to the results of the expression of opinion" (Approved by the Council of the League of Nations, 25 November 1920).

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