

Michel Erpelding | Burkhard Hess | Hélène Ruiz Fabri (eds.)

Peace Through Law

The Versailles Peace Treaty and Dispute Settlement
After World War I



Nomos



Max Planck Institute
LUXEMBOURG
for Procedural Law

Studies of the Max Planck Institute Luxembourg for
International, European and Regulatory Procedural Law

edited by
Prof. Dr. Dres. h.c. Burkhard Hess
Prof. Dr. Hélène Ruiz Fabri

Volume 16

Michel Erpelding | Burkhard Hess
Hélène Ruiz Fabri (eds.)

Peace Through Law

The Versailles Peace Treaty and Dispute Settlement
After World War I



Nomos



Max Planck Institute
LUXEMBOURG
for Procedural Law

Coverpicture: © Australian War Memorial, [Order 14704090]

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>

ISBN 978-3-8487-5754-1 (Print)
978-3-8452-9916-7 (ePDF)

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library.

ISBN 978-3-8487-5754-1 (Print)
978-3-8452-9916-7 (ePDF)

Library of Congress Cataloging-in-Publication Data

Erpelding, Michel / Hess, Burkhard / Ruiz Fabri, Hélène

Peace Through Law

The Versailles Peace Treaty and Dispute Settlement

After World War I

Michel Erpelding / Burkhard Hess / Hélène Ruiz Fabri (eds.)

354 p.

Includes bibliographic references and index.

ISBN 978-3-8487-5754-1 (Print)
978-3-8452-9916-7 (ePDF)

Published by Nomos Verlagsgesellschaft, Baden-Baden, Germany 2019.
Printed and bound in Germany.



This publication is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License (CC BY-NC-ND). Usage and distribution for commercial purposes as well as any distribution of modified material requires written permission.

1st Edition 2019

© 2019 The Authors.

No responsibility for loss caused to any individual or organization acting on or refraining from action as a result of the material in this publication can be accepted by Nomos or the author(s)/editor(s).

Foreword

This edited collection of papers contains the presentations of the Versailles Peace Treaty conference, organized by the two departments of the Max Planck Institute Luxembourg for Procedural Law, from 6 to 8 December 2017 in Luxembourg. The leitmotif of the conference was ‘peace through law’, expressing a valuable aspiration of the 1920s and early 1930s.

The objective of the Conference was to bring together leading experts in dispute resolution in private and public international law on the eve of the centennial of the signing of the Treaty. The conference explored the enduring impacts of the Versailles Treaty with a specific focus on dispute resolution, thus combining the research fields of the two departments of the Institute. The conference started with two successive addresses by the ambassadors of France and Germany in Luxembourg, Their Excellencies Mr Bruno Perdu and Dr Heinrich Kreft, who shared their views on the Peace Treaties. This symbolic gesture, for which we express our gratitude, was followed by a deeply inspiring inaugural lecture by Nathaniel Berman outlining the historical context of the event’s main theme. The next day of the conference addressed the establishment of the League of Nations and other aspects of the new world order (aiming at international cooperation) established by the Versailles Peace Treaty. The political and economic consequences of the war primarily concerned the transfer of territories and the protection of minorities. An additional issue related to the legal foundations and the rescheduling of payments of reparations between 1919 and 1930. The third day of the conference focussed on the various dispute resolution mechanisms under the Peace Treaties, the establishment of the Permanent Court of International Justice at The Hague and the various mixed arbitral tribunals, which gave individuals standing in proceedings under international law.

This publication is primarily the work of its authors, and we hereby express gratitude to them for the effort they have put into writing the papers. Special thanks are due to Derek Stemple for language editing and formatting of the manuscripts, and to Michel Erpelding, our co-editor, who—as a *spiritus rector*—conceived the conference and followed the progress of the publication of the papers. Finally, we would like to thank Nomos Verlag for its support and guidance in the publishing process of this book.

Luxembourg, 9 January 2019

Burkhard Hess and Hélène Ruiz Fabri

Table of Contents

Introduction: Versailles and the Broadening of ‘Peace Through Law’ <i>Michel Erpelding</i>	11
---	----

Part 1: Peace Through Law?

Chapter 1 Drama Through Law: The Versailles Treaty and the Casting of the Modern International Stage <i>Nathaniel Berman</i>	31
--	----

Part 2: The Establishment of a New International Order of Peace

Chapter 2 The League of Nations as a Universal Organization <i>Thomas D Grant</i>	67
--	----

Chapter 3 Preventing a Repetition of the Great War: Responding to International Terrorism in the 1930s <i>Michael D Callahan</i>	85
--	----

Chapter 4 The Legacy of the Mandates System of the League of Nations <i>Mamadou Hébié / Paula Baldini Miranda da Cruz</i>	99
---	----

Chapter 5 Negotiating Equality: Minority Protection in the Versailles Settlement <i>León Castellanos-Jankiewicz</i>	123
---	-----

Part 3: The Emergence of International Economic Law

- Chapter 6 Managing the ‘Workers Threat’: Preventing Revolution
Through the International Labour Organization 159

Guy Fiti Sinclair

- Chapter 7 The Role of Private International Law: UNIDROIT and
the Geneva Conventions on Arbitration 183

Herbert Kronke

- Chapter 8 Article 231 of the Versailles Treaty and Reparations: The
Reparation Commission as a Place for Dispute
Settlement? 193

Jean-Louis Halpérin

- Chapter 9 The Conversion of Reparations into Sovereign Debts
(1920–1953) 205

Pierre d’Argent

*Part 4: The Institutionalization of International
Adjudication*

- Chapter 10 Peace Through International Adjudication: The
Permanent Court of International Justice and the Post-
War Order 217

Christian J Tams

- Chapter 11 International Adjudication of Private Rights: The Mixed
Arbitral Tribunals in the Peace Treaties of 1919–1922 239

Marta Requejo Isidro / Burkhard Hess

- Chapter 12 Local International Adjudication: The Groundbreaking
‘Experiment’ of the Arbitral Tribunal for Upper Silesia 277

Michel Erpelding

*Part 5: Beyond 'Peace Through Law': The Use of Law and Its
Records as Vehicles of Resistance and Change*

Chapter 13 Resistance Through Law: Belgian Judges and the Relations Between Occupied State and Occupying Power	325
--	-----

Didier Boden

Chapter 14 The Work of Peace: World War One, Justice and Translation Through Art	337
---	-----

Jennifer Balint / Neal Haslem / Kirsten Haydon

