

# The British Empire and International Terrorism: India's Separate Path at the League of Nations, 1934–1937

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**Abstract** In October 1934, a Croatian terrorist organization assassinated King Alexander of Yugoslavia in the streets of Marseilles, France. His murder caused an international crisis because of the safe haven given to the group by the Italian and Hungarian governments. The assassination led the world's first peacekeeping body, the League of Nations, to intervene and to propose a legal solution for the political crisis. In November 1937, the league completed two antiterrorism treaties. Only the British colonial government of India ratified the terrorism convention, which was, by contrast, rejected by the United Kingdom on legal and political grounds. This article examines the European origins of the League of Nations's consideration of international terrorism and the divisions that occurred between Delhi and London over supporting the antiterrorism measure. Delhi's separate membership in the League of Nations allowed the colonial government to deviate from London and to sign a treaty deemed necessary for domestic security.

**O**n 9 October 1934, ethnic separatists connected to the Croatian Revolutionary Organization, known as Ustaša, assassinated King Alexander I of Yugoslavia during his official state visit to France. The attack also killed the French minister for foreign affairs, Louis Barthou. The presence of Ustaša terrorist training camps in Hungary and Italy and the asylum given to Ustaša leaders by the government of Benito Mussolini precipitated an international crisis. Mussolini exacerbated hostilities by refusing to extradite Ante Pavelić, head of the Ustaša and instigator of the assassinations, to stand trial in France. The killing of Alexander and Barthou followed on the heels of the murders of the Romanian prime minister Ion Duca by the Iron Guard in December 1933, and the Austrian chancellor Engelbert Dollfuss by the Nazis in July 1934. The League of Nations, the world's first peacekeeping body, created during the Paris peace conference of 1919, convened an extraordinary session of the League Council in December 1934 to address both Yugoslavia's grievances and the growing recurrence of political murder in Europe.

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Three years later the League proposed two treaties to suppress terrorism: the Convention for the Prevention and Punishment of Terrorism and the Convention for the Creation of an International Criminal Court. They failed of ratification, and never entered into force.<sup>1</sup>

This article first examines the European origins of the League's consideration of international terrorism. European jurists and League diplomats designed the conventions to address state-sponsored terrorism in Europe. The terrorism convention, however, unexpectedly resonated with the British government of India (referred to as British Raj or India in this essay), due to the colonial government's ongoing campaign against revolutionary nationalism in India. While the United Kingdom rejected both conventions at the insistence of the Home Office, India signed the Convention for the Prevention and Punishment of Terrorism. Among the twenty-four signatories of the treaty, India alone ratified it in January 1941.<sup>2</sup> The government of India was able to deviate from Britain because of its separate membership in the League. The Raj's representation in Geneva resulted from the First World War. India's contribution to the Allies' war effort and admission to the Imperial Conference in spring 1917 enabled the colonial government, along with the dominions, to send independent plenipotentiaries to the Paris peace conference and to sign the peace treaties and the Covenant, the League's founding charter. India remained the international organization's only non-self-governing member state for the duration of the interwar era.<sup>3</sup>

Why did British India sign the terrorism treaty? The second part of this article addresses this crucial but previously unexamined question, arguing that India's support for the convention derived from the arms-control statutes its delegation added to the treaty. Over two decades of police and intelligence work against revolutionary movements convinced Raj officials that the illicit trade in small arms directly benefited terrorism.<sup>4</sup> The government of India recommended that the terrorism convention regulate the carrying, possession, and distribution of firearms, ammunition, and explosives and that it require arms manufactures to mark firearms with serial numbers or other distinctive marks. Colonial administrators maintained that

<sup>1</sup> Francis Paul Walters, *A History of the League of Nations*, 2 vols. (London, 1952), 2:599–605; Bennett Kovrig, "Mediation by Obfuscation: The Resolution of the Marseilles Crisis, October 1934 to May 1935," *Historical Journal* 19, no. 1 (March 1976): 191–221; Martin David Dubin, "Great Britain and the Anti-Terrorist Conventions of 1937," *Terrorism and Political Violence* 5, no. 1 (1993): 1–29; James Sadkovich, *Italian Support for Croatian Separatism, 1927–1937* (New York, 1987), 1.

<sup>2</sup> The National Archives (hereafter TNA), HO 45/18081, League of Nations, Convention for the Prevention and Punishment of Terrorism, Ratification by India, C.L.164.1938.V, 22 September 1938; Reuven Young, "Defining Terrorism: The Evolution of Terrorism as a Legal Concept in International Law and Its Influence on Definitions in Domestic Legislation," *Boston College International and Comparative Law Review* 20, no. 1 (2006): 23–102, at 36.

<sup>3</sup> See David Miller, *The Drafting of the Covenant*, 2 vols. (New York, 1928), 1:492–93; and Dina Nath Verma, *India and the League of Nations* (Patna, 1968), 1–44. See also Vangala Shiva Ram and Brij Mohan Sharma, *India and the League of Nations* (Lucknow, 1932); and Jehangir Coyajee, *India and the League of Nations* (Madras, 1932).

<sup>4</sup> Inter-Departmental Committee on Eastern Unrest, Memorandum on the Situation in Bengal and the Arms Traffic, 29 October 1924, L/PJ/12/91; Arms Conference, India Office, 12 July 1932, L/PJ/12/91; C.W. Gwynne, deputy secretary, Home Department, Government of India to R. T. Peel, secretary, Public and Judicial Department, India Office, 16 January 1933, L/PJ/12/92, British Library (hereafter BL), London, United Kingdom.

anticolonial terrorism in India had “very little connection” with terrorism in Europe and that the British government already possessed special legislation enabling it to deal with revolutionary organizations.<sup>5</sup> Delhi instructed its representative at Geneva, Denys Bray, to sign the treaty as a solution to the “long-standing problem of arms smuggling.”<sup>6</sup>

By employing a transnational approach, this article both bridges and enhances two distinct literatures. First, it extends the analysis of the League’s conferences on terrorism to include British India, the only government to ratify the terrorism convention. The extant literature on this subject provides a rich foundation for understanding the development of early antiterrorism collaboration among states, but while noting Britain’s ambivalence about joining a perceived European security system, these studies have not examined India’s support of the terrorism treaty.<sup>7</sup> Doing so reveals long-standing divisions between London and Delhi over appropriate antiterrorism measures and the influence of police and intelligence work on the Raj’s policy recommendations. Second, this article demonstrates that Delhi used the League of Nations as a tool in its campaign against anticolonial militancy. Scholars interested in revolutionary terrorism in interwar India have examined the topic from a national and imperial framework, most recently highlighting the linkages between Indian and Irish revolutionaries and government officials.<sup>8</sup> This article broadens the scope to include the League of Nations, an international organization, where the government of India’s independent membership eventually allowed it to advance its own interests.<sup>9</sup> In particular, the League’s internationalization of the subject of terrorism enabled British India, a colonial dependency, to bypass London and unilaterally sign a treaty it deemed necessary for national and regional security.

After the Second World War, the League of Nations was shuttered and condemned as a failure. Historians, however, have recently returned to the study of the League, examining the institution for what it did accomplish during its two decades of operation, particularly in the areas of intergovernmental cooperation and global governance.<sup>10</sup> For members of the British Empire, the international organization provided a venue for gaining international recognition and greater autonomy from

<sup>5</sup> Committee for the International Repression of Terrorism, Draft Convention for the Prevention and Punishment of Terrorism, Draft Convention for the Creation of an International Criminal Court, V. Legal.1936.V.6, Series I, A.24.1936.V., Observations by Governments, India, League of Nations Archives (hereafter LNA), United Nations Office at Geneva Library, Geneva, Switzerland; Ben Saul, “The Legal Response of the League of Nations to Terrorism,” *Journal of International Criminal Justice* 4, no. 1 (March 2006): 78–102, at 88.

<sup>6</sup> TNA, HO 45/18080, C. M. Trivedi, Home Department, Government of India to under-secretary of state for India, India Office, 2 March 1935.

<sup>7</sup> See the works of Bennett Kovrig, Martin David Dubin, Ben Saul, Mark Lewis, Geoffrey Marston, and Charles Townshend cited within this article. Dubin, Townshend, and Marston examine the divisions within the British government. The 1937 conventions are also briefly mentioned by legal studies interested in contemporary antiterrorism law and practice.

<sup>8</sup> The historians Michael Silvestri, Kate O’Malley, and Durba Ghosh have led the way in this fascinating area of research.

<sup>9</sup> India was not always successful in such endeavors, as its desire for a seat on the Council of the League of Nations was never granted.

<sup>10</sup> Susan Pedersen, “Back to the League of Nations,” *American Historical Review* 112, no. 4 (October 2007): 1091–117.

the government of London.<sup>11</sup> During the interwar years, India's foreign policy remained under the control of the India Office and the secretary of state for India in London, while its delegation at Geneva generally followed the United Kingdom.<sup>12</sup> By the 1930s, however, terrorism concerns motivated the colonial administration to use the League of Nations to influence imperial policy and to safeguard the Raj from revolutionary movements inside British India and their foreign bases abroad.

### THE MARSEILLES ASSASSINATIONS AND THE YUGOSLAV CRISIS

The origins of both modern terrorism and counterterrorism date to late-nineteenth-century Europe. Before the First World War, Western governments associated terrorism almost exclusively with anarchist violence and left-wing revolutionaries.<sup>13</sup> This was also the case in India. British officials believed that revolutionary movements in India drew inspiration from European anarchist organizations and that Indians traveled to Europe to learn how to manufacture explosives. Colonial administrators in British India used the terms *anarchist* and *terrorist* interchangeably to describe revolutionaries. In Russia, social revolutionaries argued that political violence was justified against a despotic regime, leading militant groups in Europe, India, and Palestine to also refer to themselves as terrorists until the end of the 1930s, when the term took on a more pejorative meaning.<sup>14</sup>

After the First World War, right-wing and nationalist-separatist groups replaced anarchists as the primary supporters of terrorist operations. During the interwar years, terrorism became ideologically fractured, widespread, and, in Europe, often state sponsored, as numerous governments clandestinely aided foreign terrorist groups in proxy wars against their neighbors.<sup>15</sup> State-sponsored terrorism in Europe was tied to the peace treaties that ended the First World War. The “revisionist” powers of Hungary, Austria, and Bulgaria opposed the postwar settlements and desired to expand their territory. Benito Mussolini's Italy served as the great power backer of the revisionist bloc, as he advanced expansionist aims in southeast Europe and the Mediterranean. Mussolini also opposed France and her alliance system with the governments of the Little Entente: Yugoslavia, Romania, and Czechoslovakia. The countries of the Little Entente and France, victors in the First World War, desired to maintain the Versailles system and to protect their territorial

<sup>11</sup> This was especially true for the Irish Free State, which became a dominion by the 1921 Anglo-Irish Treaty. See Michael Kennedy, *Ireland and the League of Nations, 1919–1946: International Relations, Diplomacy and Politics* (Portland, 1996).

<sup>12</sup> Sri Ram Mehrotra, *Towards India's Freedom and Partition* (New Delhi, 1979), 260–61; Verma, *India and the League*, 82–83, 108–9.

<sup>13</sup> See Richard Bach Jensen, *The Battle against Anarchist Terrorism: An International History, 1878–1934* (New York, 2014); and Peter Romaniuk, *Multilateral Counter-Terrorism: The Global Politics of Cooperation and Contestation* (New York, 2010).

<sup>14</sup> James Campbell Ker, *Political Trouble in India, 1907–1917* (Delhi, 1973 [repr., Calcutta, 1917]), 1; Peter Hechs, *Nationalism, Terrorism, Communalism* (Oxford, 1998), 15–16, 84; Durba Ghosh, “Terrorism in Bengal: Political Violence in the Interwar Years,” in *Decentring Empire: Britain, India and the Transcolonial World*, ed. Durba Ghosh and Dane Kennedy (New Delhi, 2006), 270–92, at 273.

<sup>15</sup> Walter Laqueur, *Terrorism* (Boston, 1977), 17, 74; Bruce Hoffman, *Inside Terrorism* (New York, 1998), 23, 27.

boundaries as established at the Paris peace conference. The Rome protocols and the Balkan pact of 1934 solidified the divisions among the revisionist and status quo powers in the region.<sup>16</sup>

The assistance provided to the anti-Yugoslav Croatian Revolutionary Organization, or Ustaša (Insurgents/Rebels) for short, by the governments of Italy and Hungary reflected these regional dynamics. Ante Pavelić, the Croat lawyer and founder of the Ustaša, built up his organization from his sanctuary in Italy after King Alexander declared a royal dictatorship in the Kingdom of Serbs, Croats, and Slovenes, soon renamed the Kingdom of Yugoslavia. Pavelić intended the Ustaša to carry out terrorist operations against the Yugoslav regime and to eventually lead a Croatian army that would liberate Croatia from Serbian rule. In April 1929, Pavelić and another leader of the Ustaša, Gustav Perčec, traveled to Sofia, Bulgaria, and concluded a pact of mutual assistance with representatives of an older anti-Yugoslav terrorist organization, the Internal Macedonian Revolutionary Organization. The pact provided that the organization would supply the Ustaša with instructors in “terrorist methods,” and shortly thereafter members of the organization traveled to the Ustaša’s terrorist training camps in Hungary and Italy. In 1931, Pavelić and Perčec acquired a farm near the Yugoslav frontier, Janka Puszta, where they instigated paramilitary training for Croatian political émigrés. Other training camps were also established in Hungary, all within twenty kilometers of the Yugoslav border.<sup>17</sup>

The Ustaša conducted raids from its outposts in Italy and Hungary. The Yugoslav government responded to the terrorist attacks in a variety of ways. Diplomatic requests that Hungary and Italy control the Ustaša and stop assisting their endeavors yielded few results. As Yugoslav officials could not force foreign authorities to take action against the Croats, the regime turned to counterintelligence and violent press polemics.<sup>18</sup> The clandestine war between Yugoslavia and her neighbors continued to escalate. In March 1933, the “Hirtenberg affair” exposed that Italy was illegally smuggling arms into Hungary.<sup>19</sup> Nine months later, Ustaša operatives bungled an attempt on Alexander’s life in Zagreb. French disapproval kept the Yugoslav government from releasing evidence that the assassination attempt had been planned with Italian connivance and the assistance of the Italian Military Information Service.<sup>20</sup>

Limited in his actions against Italy, King Alexander attempted to end Hungary’s support of Croatian separatist terrorism. The Yugoslav government sent a formal

<sup>16</sup> Zara Steiner, *The Lights That Failed: European International History, 1919–1933* (New York, 2007), 494–523.

<sup>17</sup> Yugoslav Government to Council of the League of Nations, “Organization of the Terrorist Movement in Hungarian Territory with the Assistance of Yugoslav Emigrés,” *League of Nations Official Journal*, December 1934, 1772–74; Misha Glenny, *The Balkans: Nationalism, War, and the Great Powers, 1804–1999* (New York, 1999), 185, 412, 438; Steiner, *Lights That Failed*, 502.

<sup>18</sup> Yugoslav Government to Council of the League of Nations, “Results of the Terrorist Action Before the Marseilles Crime,” *League of Nations Official Journal*, December 1934, 1787–88; Allen Roberts, *The Turning Point: The Assassination of Louis Barthou and King Alexander I of Yugoslavia* (New York, 1970), 41–48; Sadkovich, *Italian Support*, 163–64, 180–81.

<sup>19</sup> Secretariat of the Permanent Council of the Little Entente to Eric Drummond, secretary-general, League of Nations, 1 March 1933, R4199, Section 7A; Paul-Boncour, ministry of foreign affairs to Bogoljub Jevtić, minister for foreign affairs of Yugoslavia, 26 February 1933, Box R4199, Section 7A, LNA; Hugh Seton-Watson, *Eastern Europe between the Wars, 1918–1941* (Cambridge, 1945), 376.

<sup>20</sup> Kovrig, “Mediation by Obfuscation,” 193–94; Gaetano Salvemini, *Prelude to World War II* (Garden City, 1954), 150.

note to Hungary protesting the presence of the Janka Puszta terrorist training camp and the frequent forays of terrorists across the border. Yugoslav authorities demanded that the Hungarian government break up the camps and take measures to end the criminal activities of the Ustaša. A month later the Hungarian government made a partial admission to the existence of terrorists on Hungarian territory, but in May 1934 the government submitted a case to the League of Nations accusing Yugoslav frontier guards of killing Hungarian subjects. After airing their grievances in the League Council, Hungary and Yugoslavia negotiated a *modus vivendi* on the border question in July 1934.<sup>21</sup>

Three months later the Ustaša assassinated King Alexander in the streets of Marseilles, France. The death squad included men trained at the Janka Puszta terrorist camp in Hungary and Pavelić's bodyguard, Vlado Tchernozemski, a former Internal Macedonian Revolutionary Organization assassin of Bulgarian nationality. The group traveled first to Switzerland, using authentic Hungarian passports, and then entered France with forged Czechoslovakian papers. Louis Barthou, the French minister for foreign affairs, was not an intended target but, in the confusion of the attack, bled to death along with two innocent bystanders.<sup>22</sup>

Despite the well-known connections between the Ustaša and the Italian government, the French and British pressured the Yugoslavs to indict only the government of Hungary in their appeal to the League of Nations for justice. In early December the League Council held an extraordinary session to address the Yugoslav complaint. Anthony Eden, the British lord privy seal, was appointed rapporteur. He worked with Pierre Laval, the new French foreign minister, and Baron Pompeo Aloisi, a seasoned Italian representative at Geneva, to steer the Council debates towards a universal condemnation of international terrorism. The statesmen carefully avoided any discussion of Italy's role in arming and harboring the international terrorists or the fact that Ustaša leadership remained under Mussolini's protection. In its final resolution, the League Council pushed aside the specifics of the Marseilles assassinations and employed international law as a panacea for increasing state-sponsored terrorism in Europe. On 10 December 1934 the Council declared that "the rules of international law concerning the repression of terrorist activity are not at present sufficiently precise to guarantee efficiently international cooperation." The League appointed a committee of experts to draft an international convention to assure "the repression of conspiracies or crimes committed with a political and terrorist purpose."<sup>23</sup>

Eden received high accolades for his role in defusing the crisis. American observers at Geneva commended his cleverness and adroit mediation.<sup>24</sup> The British Section of the Women's International League and the League of Nations Union thanked him

<sup>21</sup> Yugoslav Government to Council of the League of Nations, "Responsibility Incurred for the Marseilles Crime," *League of Nations Official Journal*, December 1934, 1791; Anthony Eden, *Facing the Dictators: The Memoirs of Anthony Eden, Earl of Avon* (Boston, 1962), 120–21; Walters, *A History of the League of Nations*, 2:601–2; Kovrig, "Mediation by Obfuscation," 195.

<sup>22</sup> "Evidence as to Passports: An Anti-Terrorism Proposal," *Times* (London), 25 November 1934.

<sup>23</sup> Committee for the International Repression of Terrorism, Registry Files 1934–1939, Boxes R3758 and R3759, League of Nations Doc C.546(I).M.383 (I).1937, V (1938), LNA.

<sup>24</sup> Ferdinand Mayer to secretary of state, 13 December 1934, *Foreign Relations of the United States* (hereafter *FRUS*), 1934, vol. 1, *General, the British Commonwealth* (Washington, DC, 1951), 204–5; Charles Stetson Wilson, envoy extraordinary and minister plenipotentiary (Yugoslavia) to Department of State, "The Hungarian-Yugoslav Dispute and the League of Nations," 18 December 1934, Record Group

for his work.<sup>25</sup> Eden himself concluded that the prestige of the national government and the League had never been higher. He asserted that, unlike the Sarajevo assassinations, which had sparked the First World War, Britain had intervened quickly and decisively after the Marseilles murders, using the League's machinery to exercise a "restraining influence from the start."<sup>26</sup>

With the onset of the Second World War, scholars took the opposite view, criticizing British and French policy makers for prioritizing great power interests, particularly rapprochement with Italy, and engaging in "secret diplomacy" to appease Mussolini.<sup>27</sup> The historian Bennett Kovrig denounced the efforts of British and French officials as pandering to the politics of appeasement, while the political scientist Martin David Dubin dismissed the subsequent antiterrorism conventions as "political theater."<sup>28</sup> Eden's resolution failed to deter or penalize governments, such as Mussolini's Italy, from providing refuge for terrorist organizations. Pavelić, head of the Ustaša, continued to reside in Italy until total war engulfed the region and he set up a Croatian puppet state (1941–1945) under Axis protection with murderous consequences for the Balkans.<sup>29</sup>

Praise or criticism of the League's handling of the Marseilles assassinations has remained focused on Europe. Resentment over the territorial settlements of the First World War fueled the diplomatic and clandestine battles between the revisionist and status quo powers, and motivated foreign governments to assist King Alexander's assassins. The League's turn to international criminal law to contain a rebuttal by Yugoslavia produced a definition of terrorism that drew upon legal concepts advanced by European jurists in the Association Internationale de Droit Pénal (International Association of Penal Law) and the International Bureau for the Unification of Criminal Law. Many of the legal reformers involved in European nongovernmental legal organizations served on the League's Committee for the International Repression of Terrorism, which drafted the two antiterrorism treaties signed at the International Conference on the Repression of Terrorism in Geneva on 16 November 1937.<sup>30</sup>

The British Home Office rejected the League's solution to international terrorism because of the conventions' heavy reliance on continental law and their close association with European politics. These officials considered the treaties to be an attempt by Geneva to dictate policing procedures and domestic antiterrorism legislation. The U.S. State Department took the same position, arguing that the killing of King Alexander and the outcome of the extraordinary session reflected "European political

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(hereafter RG) 84, League of Nations Political, vol. 6, U.S. National Archives and Records Administration, College Park, Maryland (hereafter NARA).

<sup>25</sup> League of Nations Union, Hampstead Branch to Anthony Eden, 20 December 1934, AP/14/1/330, The Avon Papers, Cadbury Research Library: Special Collections, University of Birmingham; Women's International League, British Section of the Women's International League for Peace and Freedom to Anthony Eden, 12 December 1934, AP/14/1/388, The Avon Papers.

<sup>26</sup> Eden, *Facing the Dictators*, 125, 132.

<sup>27</sup> Seton-Watson, *Eastern Europe*, 377–78.

<sup>28</sup> Kovrig, "Mediation by Obfuscation," 220–21; Dubin, "Great Britain," 1, 22–23; Mark Lewis, *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919–1950* (New York, 2014), 131.

<sup>29</sup> Sadkovich, *Italian Support*, 1.

<sup>30</sup> Lewis, *Birth of the New Justice*, 9, 122–49; Dubin, "Great Britain," 6–8.

considerations.”<sup>31</sup> The governments of both the United Kingdom and the United States regarded the treaties with suspicion because of the involvement of repressive regimes in the drafting process, particularly the Soviets, whom the Americans considered active proponents of “international terrorist methods.”<sup>32</sup> Additionally, statesmen in the United Kingdom and the United States argued that the treaties contradicted their countries’ traditional legal practices and cultures, appealing only to authoritarian regimes battling internal dissidents. The League’s antiterrorism conventions ultimately served state security by protecting governments from “home-grown enemies” who fled abroad.<sup>33</sup> For this reason, and in contradiction to the arguments marshalled against the convention by the Home Office, the terrorism treaty also found favor with the British government of India.

### THE ANTITERRORISM CONVENTIONS

The League resolution of 10 December 1934 created an expert Committee for the International Repression of Terrorism with delegates from 11 states.<sup>34</sup> The committee met in April and May 1935, January 1936, and April 1937. A number of the leading European jurists participated in the work of the committee, including Vespasien Pella from Romania, Henri Carton de Wiart from Belgium, Jules Basdevant from France, and John Fischer Williams from the United Kingdom. Carton de Wiart chaired the committee of experts, while Pella served as rapporteur and was the primary architect of the antiterrorism conventions.<sup>35</sup> European jurists had been involved in efforts to outlaw terrorism since the late 1920s, when the government of Romania had first suggested that the League draft a treaty to criminalize terrorism. In the early 1930s, the International Association of Penal Law convened a series of conferences to consider the subject with contributions from leading legal scholars, such as Raphael Lemkin. For the European members of the committee, the Marseilles murders provided an opportunity to bring legal concepts long advocated by the International Association of Penal Law and the International Bureau for the Unification of Criminal Law into fruition.<sup>36</sup>

The committee began its work with a list of proposals submitted by the French government, which included prohibiting the manufacture of false identity cards and creating an international criminal court that would serve as a penal court for

<sup>31</sup> Prentiss B. Gilbert, American Consulate Geneva to Department of State, “Contemplated Yugoslav Demarche re Terrorist Activities—Question of League Action,” 17 November 1934, RG 84, League of Nations Political, vol. 6; Attorney general to secretary of state, 21 September 1937, RG 59, General Records of the Department of State, 1930–1939, Central Decimal Files, 510.8B1/1-511.1C 1/44, Box No. 2555, NARA; Dubin, “Great Britain,” 8, 22–23.

<sup>32</sup> Ferdinand Mayer to secretary of state, 13 December 1934, *FRUS, 1934*, 1:204–5; Charles Townsend, “‘Methods Which All Civilized Opinion Must Condemn’: The League of Nations and International Action against Terrorism,” in *An International History of Terrorism: Western and Non-Western Experiences*, ed. Jussi M. Hanhimäki and Bernhard Blumenau (New York, 2013), 34–50, at 40–41.

<sup>33</sup> Lewis, *Birth of the New Justice*, 123.

<sup>34</sup> The committee consisted of representatives from Belgium, Britain, Chile, France, Hungary, Italy, Poland, Romania, Spain, Switzerland, and the Soviet Union. By mid-1936, Italy and Chile had withdrawn from the committee.

<sup>35</sup> Dubin, “Great Britain,” 8.

<sup>36</sup> Saul, “Legal Response,” 80; Dubin, “Great Britain,” 6–9; Lewis, *Birth of the New Justice*, 122–23.



terrorist offenses.<sup>37</sup> Sixteen governments, including China, Cuba, the United States, and Egypt, responded to the committee's invitation to submit observations on the French proposals and to offer their views on international terrorism.<sup>38</sup> The British Howard League for Penal Reform sent the committee and the British government a paper that protested against the weakening of the right of asylum and the need to protect political prisoners from inhumane treatment. The committee also received memoranda and draft conventions from the Executive Bureau of the International Criminal Police Commission, based in Vienna, and the International Prison Commission. The International Criminal Police Commission, the predecessor of Interpol, desired to participate with the league's terrorism committee and to serve as a central office for information sharing regarding terrorist activities. Officials in the League Secretariat distrusted the Austrian leadership, as did the French police after the Ustaša assassinations, and the committee of experts declined the commission's request.<sup>39</sup>

Britain's strong stance against the International Criminal Court led the committee to draft two individual treaties and to separate the court from the league by placing it at The Hague. The British argued that "the time has not yet arrived for the creation of the proposed Court" and "harm ... is done to international institutions generally by the establishment of an institution which is not supported by the general assent of public opinion."<sup>40</sup> The Italian representative also opposed the formation of an international court on the grounds that it would "constitute a derogation of state sovereignty."<sup>41</sup> The Committee for the International Repression of Terrorism decided that states could sign one or both treaties but that adherence to the International Criminal Court convention required first signing the terrorism treaty.

Following its second meeting, the committee circulated copies of the two draft conventions to all members of the League to consider before the question was placed on the agenda of the General League Assembly in October 1936. An exhaustive examination ensued with the First Committee of the Assembly devoting four meetings to discussing the various criticisms and proposals submitted by 19 governments. The assembly also adopted a second resolution, reaffirming that it was the

<sup>37</sup> "France and Terrorism," *Times* (London), 11 December 1934; Committee for the International Repression of Terrorism, 10 April 1935, Registry Files 1934–1939, Box R3758, Section 3A, Series 13944, 15085, Files 38194, 20521, C.R.T. 1, LNA; "Proposed Bases of an International Convention for the Suppression of Terrorism. Communication from the French Government," *League of Nations Official Journal* (1934): 1739, Annex 1524, 1839–40; Lewis, *Birth of the New Justice*, 134.

<sup>38</sup> Carton de Wiart, Opening Speech for Diplomatic Conference, 1 November 1937, Registry Files 1937–1940, Box R3766, Section 3A, Series 22707, Files 22707, 30459, Registry No. 3A/31355/22707, LNA. The following governments submitted observations: Austria, China, Cuba, Denmark, Estonia, Guatemala, Hungary, India, Latvia, Romania, Turkey, United States of America, Yugoslavia, Argentina, Egypt, and the Netherlands.

<sup>39</sup> Committee for the International Repression of Terrorism, 11–13 April 1935, Registry Files 1935–1937, Box R3760, Section 3A, Series 15244, Files 15244, 22081, Registry No. 3A/16786/15244, LNA; Lewis, *Birth of the New Justice*, 142–43.

<sup>40</sup> Foreign Office to the Committee for the International Repression of Terrorism, 13 August 1936, Registry Files 1933–1940, Section 3A, Series 18673 to 22660, Files 18673 to 28312, Registry No. 3A/25207/22660, LNA.

<sup>41</sup> Prentiss Gilbert, American Consul, Geneva, Switzerland, to secretary of state, 17 June 1935, RG 59, General Records of the Department of State, 1930–1939, Central Decimal Files, 510.8B1/1–511.1C 1/44, Box No. 2555, NARA.

“duty of every State to abstain from any intervention in the political life of a foreign State” and to “prohibit any form of preparation or execution of terrorist outrages upon the life or liberty of persons taking part in the work of foreign public authorities or services.”<sup>42</sup> In May 1937, the Council directed its secretary-general to invite members of the League and certain non-member states, including Brazil, Germany, Japan, and the United States, to be represented at a diplomatic conference to consider the two draft treaties.

The International Conference on the Repression of Terrorism met in Geneva from 1 to 16 November 1937. Thirty-five states attended. By the end of 1938, twenty-four states had signed the convention on terrorism, while twelve governments had signed the treaty for an International Criminal Court.<sup>43</sup> The Convention for the Prevention and Punishment of Terrorism defined “acts of terrorism” as “criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public.” The treaty required states to prevent and punish terrorist acts of an international character and to refrain from encouraging “terrorist activities directed against another State.” The treaty addressed the specific intelligence failures that had permitted the Marseilles assassinations by outlawing conspiracy or incitement to commit terrorist acts and the fraudulent manufacture of identity cards or alteration of passports. In addition, the treaty contained a proposal by the Indian government that required arms manufactures to mark firearms with serial numbers or other distinctive marks and that regulated the carrying, possession, and distribution of firearms, ammunition, and explosives. The supplying of arms, explosives, or harmful substances in the commission of a terrorist crime was also considered an act of terrorism.<sup>44</sup>

The Convention for the Creation of an International Criminal Court established a permanent body at The Hague to try persons accused of offenses outlined in the terrorism treaty. The court would sit, however, only when it had cases before it. The court was to consist of five regular judges and five deputy judges chosen from among jurists who were “acknowledged authorities on criminal law” or who had been members of courts of criminal jurisdiction. The treaty directed the court to apply the substantive criminal law that was “least severe” and to consider “the law of the territory on which the offence was committed and the law of the country

<sup>42</sup> League of Nations, Conference on the International Repression of Terrorism, Conf.R.T./P.VI, Provisional Minute, First Meeting (Public), 1 November 1937, Opening of the Conference by President Count Carton de Wiart; Committee for the International Repression of Terrorism, Final Act of Conference, 16 November 1937, Registry Files 1937–1940, Box R3766, Section 3A, Series 22707, Files 22707, 30459, Doc. C548.M385.1937.V, LNA; Townshend, “Methods,” 35; Saul, “Legal Response,” 80.

<sup>43</sup> Signatories of the Convention for the Prevention and Punishment of Terrorism included Albania, Argentina, Belgium, Bulgaria, Czechoslovakia, the Dominican Republic, Ecuador, Egypt, Estonia, France, Greece, Haiti, India, Mexico, Monaco, the Netherlands, Norway, Peru, Romania, the Soviet Union, Spain, Turkey, Venezuela, and Yugoslavia. Signatories of the Convention for the Creation of an International Criminal Court included Belgium, Bulgaria, Cuba, Czechoslovakia, France, Monaco, the Netherlands, Romania, the Soviet Union, Spain, Turkey, and Yugoslavia.

<sup>44</sup> “Convention for the Prevention and Punishment of Terrorism, Opened for Signature at Geneva on November 16, 1937,” in *International Terrorism and Political Crimes*, ed. M. Cherif Bassiouni (Springfield, 1975), 546–56.

which committed the accused to it for trial.”<sup>45</sup> The Belgian, Spanish, French, and Romanian delegates, and especially the Romanian jurist Vespasien Pella, worked tirelessly for the enactment of an international penal court for terrorist crimes and considered its creation a “bold innovation” in criminal jurisdiction.<sup>46</sup>

France and every member of the Balkan Pact and the Little Entente signed the terrorism treaty, including Bulgaria, which had moved closer to Yugoslavia after suppressing the Internal Macedonian Revolutionary Organization in 1934. These governments signed the treaties largely as symbolic measures to show their unity and opposition toward the increasingly militant foreign policies of Italy and Germany. The convention also provided new legal tools to use against restive minorities and political opponents who fled abroad. The Soviet Union signed the terrorism treaty for similar reasons. After joining the League of Nations in 1934, Joseph Stalin’s government concluded a number of bilateral treaties with members of the Little Entente, which included provisions to suppress terrorism by agreeing not to harbor foreign terrorists or to provide assistance for their military or propaganda campaigns. The Soviets hoped to use the extradition statutes of the convention to demand the return of White Russians accused of plotting against the government, violating passport restrictions, or distributing weapons. The terrorism convention also appealed to seven states waging campaigns against social revolutionaries and communists in the Caribbean and Central and South America.<sup>47</sup>

While French policy makers and jurists viewed the intensification of terrorist activities on the European continent as a pressing security problem, the French government excluded the conventions from applying to its colonies, protectorates, or mandates. The British Home Office regretted this decision, as it meant that the terrorism treaty would not apply to the French settlements in India—Pondicherry and Chandernagore—or to Syria. Consequently, India and Palestine would not derive “any direct advantage from French participation.”<sup>48</sup> In November 1937, the Colonial Office had opposed bringing Palestine or the colonies into the scope of the convention, although Colonial Office officials conceded that a convention of this kind might be of future value in Palestine.<sup>49</sup>

<sup>45</sup> Convention for the Creation of an International Criminal Court, 16 November 1937, Signatures received by 31 May 1938, Registry Files 1937–1940, Section 3A, Series 22707, Files 22707, 30459, Registry No. 3A/31355/22707, LNA.

<sup>46</sup> Jules Basdevant, French delegation, Draft Conventions for the Prevention and Punishment of Terrorism and for the Creation of an International Criminal Court: General Discussion, 1 November 1937, Registry Files 1937–1940, Section 3A, Series 22707, Files 22707, 30459, Registry No. 3A/31355/22707, LNA.

<sup>47</sup> “Recognition of Russia,” *Times* (London), 11 June 1934; Lewis, *Birth of the New Justice*, 124, 143–45; Saul, “Legal Response,” 81.

<sup>48</sup> Committee for the International Repression of Terrorism, Final Acts of Conference, 16 November 1937, Registry Files 1937–1940, Box R3766, Section 3A, Series 22707, Registry No. 3A/31355/22707, C.94.M.47.1938.V, LNA; TNA, HO 189/8, Home Office, Diplomatic Conference for the International Repression of Terrorism, 10 December 1937.

<sup>49</sup> TNA, CO 323/1466/11, J. G. Hibbert, Colonial Office to Oscar Dowson, Legal Adviser, Home Office, November 1937.

## DELHI AND LONDON DIVIDED

British India signed the terrorism treaty, while the United Kingdom signed neither convention. Despite Anthony Eden's role in proposing an international treaty against terrorism and the support that the convention continued to receive in the Foreign Office, legal advisors in the Home Office rejected the treaty on legal and political grounds. The Home Office disagreed with the convention's definition of terrorism and its alleged implications for free speech, extradition, political asylum, and assisting foreign insurrectionaries.<sup>50</sup>

British Home Office officials believed that the terrorism treaty too broadly defined terrorism, giving states the power to repress rebellions, insurrections, or coups-d'état. They argued that violent rebellion was at times justified against despotic regimes. Leslie Stuart Brass, the Home Office deputy legal adviser, elaborated that, "If all States were at all times decently governed, presumably anyone who attempted by force to overthrow an existing government should be a *hostis humani generis* but when the government is itself a terrorist government, I think a person who endeavors to overthrow it by the only means available is not necessarily to be so regarded."<sup>51</sup> In cases where no constitutional means existed for changing a bad government, the Home Office considered that force might be necessary. Consequently, British policy makers believed that the terrorism convention should *not* "make it more difficult to change existing governments by revolutionary methods, but to discountenance the use for political purposes of methods which all civilized opinion must condemn."<sup>52</sup> The British further ensured that the terrorism convention did not apply to civil wars.

Additional Home Office opposition towards the terrorism treaty stemmed from its requirement to extradite alleged terrorists. The political climate of the 1930s made this proposition unacceptable to British policy makers, as they believed that most requests would come from Germany, Italy, and the Balkan states. As Brass recognized, the terrorism convention would likely increase the work of Britain's lead antiterrorism agency, the Special Branch of the Metropolitan Police, and cause trouble if "enthusiastic Italians and Germans" called for the "removal of anti-Nazi fellow subjects."<sup>53</sup> The commissioner of the Special Branch agreed, remarking that "we shall have to do a great deal more work for other countries than we shall be able to ask them to do for us. It would help us I suppose to get rid of an odd undesirable alien and cause us a great deal of difficulty in cases where political asylum is claimed."<sup>54</sup>

<sup>50</sup> TNA, CO 323/1466/11, Instructions for United Kingdom Delegation at Diplomatic Conference, 25 October 1937; Dubin, "Great Britain," 16; Geoffrey Marston, "Early Attempts to Suppress Terrorism: The Terrorism and International Criminal Court Conventions of 1937," *British Year Book of International Law* 73, no. 1 (2003): 293–313.

<sup>51</sup> TNA, MEPO 3/2048, Leslie Stuart Brass, Home Office to Norman Kendal, Scotland Yard, 20 March 1935.

<sup>52</sup> TNA, DO 35/187/6, Memorandum by the Home Office, Committee of Experts on Repression of Terrorist Crimes, League of Nations, April 1935.

<sup>53</sup> TNA, MEPO 3/2048, Leslie Stuart Brass, Home Office to Metropolitan Police, 5 July 1935.

<sup>54</sup> TNA, MEPO 3/2048, Norman Kendal, Special Branch, Metropolitan Police to Leslie Stuart Brass, Home Office, 18 June 1937.

In addition, the Home Office dismissed any suggestion that the United Kingdom send political refugees to an international criminal court or surrender persons in respect to crimes of a political character.<sup>55</sup> Home Office officials worried that the terrorism treaty placed them under “an international obligation to punish sympathizers here who encourage or help oppressed minorities abroad to secure political liberty if other than purely peaceable methods (which methods would probably be useless to them) are employed.”<sup>56</sup> Here, Brass and the other legal advisors in the Home Office were thinking of Europe and the violent expansion of fascism, Nazism, and communism across the continent. These officials viewed English culture and law as protective of civil liberties and distinctly different from the authoritarian regimes engulfing Europe.

Finally, the lack of domestic terrorism in the United Kingdom led Home Office officials to believe that Parliament would not change British criminal law or enact legislation that threatened British traditions, such as free speech.<sup>57</sup> The Home Office argued that the “existing system provided all that was necessary for public safety in this country, and we [have] no evidence of terrorists operating here to justify amendment of the law.”<sup>58</sup> Because of the “absolute disinclination on domestic political grounds to propose legislation in the House of Commons on the subject of the Convention,” Home Office officials concluded that the British government should not become a party to the terrorism treaty.<sup>59</sup> In their discussions of the convention, policy makers in the Home Office rarely considered militant violence in Ireland, India, or Palestine. Continental Europe was the foil, and as articulated by Brass, the enactment of legislation that violated civil liberties and human rights was a greater danger than terrorist activity.

Despite Home Office opposition, the United Kingdom participated in the terrorism conferences and influenced the language and content of the conventions. Eden took a special interest in the matter and fought bitterly with Home Secretary John Simon to keep Britain engaged.<sup>60</sup> As the Foreign Office made clear, noninvolvement in the drafting process would offend the French and was “very likely to bring the whole thing to a ground, [and] would be felt in Yugoslavia and perhaps elsewhere as a running-away from a sort of gentlemen’s understanding to make the way of the terrorists, so tragically successful at Marseilles, a little more dangerous and difficult.”<sup>61</sup> The recent breakdown of the World Disarmament Conference loomed over Eden and the Foreign Office. Another failed negotiation at Geneva would further embarrass and discredit the League and possibly damage Britain’s credibility in the

<sup>55</sup> TNA, HO 45/18080, Horace James Seymour, Foreign Office to secretary-general, League of Nations, 13 August 1936.

<sup>56</sup> TNA, HO 45/18080, Leslie Stuart Brass, *Repression of Terrorism*, 20 July 1937.

<sup>57</sup> TNA, CO 323/1466/11, Instructions for United Kingdom Delegation at Diplomatic Conference, 25 October 1937.

<sup>58</sup> TNA, HO 45/18081, Home Office, Leslie Stuart Brass, Oscar Dowson, Mr. Whitelegge, *International Conference on the Repression of Terrorism, Geneva 1937: draft convention*, 11 October 1937.

<sup>59</sup> TNA, HO 45/18081, Home Office to John Fischer Williams, 14 September 1937.

<sup>60</sup> TNA, HO 189/5, The Brass Papers, Anthony Eden, foreign secretary to under-secretary of state, Home Office, 31 July 1936; John Simon, Home Secretary to Anthony Eden, Foreign Secretary, 14 July 1936; John Simon, home secretary to under-secretary of state, Foreign Office, 11 August 1936.

<sup>61</sup> TNA, HO 45/18081, John Fischer Williams to Alexander Maxwell, Home Office, 15 September 1937.

international arena. Concerns about harming relations with key partners, particularly France, ensured that the British government remained politically committed to participating in the League's endeavors to criminalize international terrorism.<sup>62</sup>

In contrast to London's internal debates about the terrorism treaty, the Government of India immediately signaled its intent to support the convention. Although the British Raj combated revolutionary terrorism for over half of the twentieth century, the history of the armed struggle is not well known. The historian Peter Heehs argues that this is because the image of Gandhi and the success of his techniques, civil disobedience and noncooperation, obscured the role of violent revolutionaries in the national movement. Heehs believes that Gandhi gained greater bargaining power because of the unspoken threat of violence that he personally opposed. The records of British intelligence and police agencies indicate that colonial authorities feared the revolutionary organizations and considered terrorism to be a credible threat to British rule.<sup>63</sup> British officials and law enforcement equated terrorism with violent tactics employed by individuals or small groups that fell short of a full insurrection. As the British Arms Act of 1878 had effectively disarmed the populace, revolutionary terrorists undertook relatively small-scale acts of covert violence, such as *dacoities* (gang robberies); assassinations; or assassination attempts of high-ranking government officials, police officers, informants, and European civilians.<sup>64</sup>

The British labeled the Ghadr Party, the Hindustan Socialist Republican Association, and the militant Anushilan Samiti and Jugantar party, composed primarily of Bengali revolutionaries from the *bhadralok* (Hindu upper castes, educated elite), as terrorist groups. These organizations waged an armed campaign against British rule from inside India and from abroad in foreign countries. The Chittagong Armory Raid of April 1930, modeled after the Irish Easter Rising, ushered in a new wave of anticolonial violence.<sup>65</sup> While the province of Bengal remained the center of revolutionary activity, terrorism in the 1930s differed from earlier campaigns because of the active involvement of female assassins and liaisons, communism's simultaneous expansion, and the emergence of an interconnected "violence movement" capable of carrying out coordinated bombing attacks in various provinces, including the Punjab, the United Provinces, and Assam.<sup>66</sup>

<sup>62</sup> Dubin, "Great Britain," 8. Although Britain was moving away from the League of Nations during the 1930s, certain officials, such as Anthony Eden, continued to advocate on the institution's behalf and feared being held responsible for League failures. See Carolyn Kitching, *Britain and the Geneva Disarmament Conference* (New York, 2003).

<sup>63</sup> Henry Joseph Twynam and R. E. A. Ray, *Enquiry into Temporary Establishments of the Central and District Intelligence Branches of the Bengal Police* (Alipore, 1936); Heehs, *Nationalism, Terrorism, Communalism*, 1.

<sup>64</sup> TNA, CAB 24/168/48, Memorandum by the secretary of state for India (Secret), 15 September 1924; Peter Heehs, "Terrorism in India during the Freedom Struggle," *Historian* 55, no. 3 (March 1993): 469–82, at 469–70.

<sup>65</sup> TNA, CAB 24/225/29, secretary of state for India, Confidential Appreciation of the Political Situation in India, 19 December 1931; Director of Intelligence Bureau, Revolutionary and Terrorist Activities, April 1929–December 1930, L/P&J/12/389, BL; Michael Silvestri, *Ireland and India: Nationalism, Empire and Memory* (New York, 2009), 53–54; Charles Townshend, *Britain's Civil Wars: Counterinsurgency in the Twentieth Century* (London, 1986), 146–49.

<sup>66</sup> Director of Intelligence Bureau, Revolutionary and Terrorist Activities, April 1929–December 1930, L/P&J/12/389; Secretary of state for India, Terrorism in India, Joint Committee on Indian Constitutional Reform, 1933, L/P&J/12/397, BL; Marcus Franda, *Radical Politics in West Bengal* (Cambridge, 1971), 16.

The British employed a multifaceted approach to countering terrorism in India. This included domestic antiterrorism legislation, arms interdiction, and a global intelligence apparatus that monitored diaspora groups and gunrunning enterprises.<sup>67</sup> Emergency antiterrorism powers in India, as in the United Kingdom, Northern Ireland, and the Irish Free State, derived from the wartime Defense of the Realm Acts, 1914–1918.<sup>68</sup> The colonial state's "monopoly on violence" enabled authorities to impose martial law during "emergencies" and to suspend the political and civil rights of Indian subjects.<sup>69</sup> Proximity to violence, however, had a profound impact on a government's willingness to violate established legal practices and precedents. The Bengal government, the administration closest to terrorist violence, was the most willing to rescind civil liberties in the name of public safety. London acted as a restraining force and limited Delhi's options for preventing and penalizing political violence. The codification of antiterrorism laws in British India was a deeply contested and negotiated process that divided London and Delhi for the duration of the interwar period.

The government of India enacted the Revolutionary and Anarchical Crimes Act, known as the Rowlatt Act, immediately after the First World War in early 1919. The law followed the recommendations of the Rowlatt Committee and extended wartime controls ordained by the Defense of India Act, 1915, including trials of seditious crimes without juries, into peacetime.<sup>70</sup> Protests against the law resulted in the Amritsar massacre, in which British troops fired into an unarmed crowd in the Punjab, and fueled Gandhi's noncooperation movement. In response to the massive demonstrations against the Revolutionary and Anarchical Crimes Act, the government of India issued a royal proclamation in 1919 that released hundreds of interned political prisoners. The government's amnesty was gradually extended to most of the leaders of the revolutionary movement. In March 1922, the government of India arrested Gandhi for sedition and for encouraging anti-British agitation. His arrest led to a revival of political violence, especially in Bengal.<sup>71</sup>

The terrorist movement regrouped in Bengal under the cover of legal political groups connected to the noncooperation movement. Lord Lytton, the governor-general of Bengal, petitioned the government of India and the viceroy, Lord Reading, for special powers to arrest revolutionaries and check the terrorist movement. Lord Reading first authorized the arrest of certain leaders under the provisions of Regulation III of 1818, a statute from the days of the East India Company that

<sup>67</sup> TNA, CAB 24/248/34, Proposed Legislation to deal with Communists in India, April 1934; TNA, CAB 24/247/51, Proposals of the Government of India for the Extension of Special Powers for dealing with Terrorists to Assam, 3 March 1934. See also Richard Popplewell, *Intelligence and Imperial Defense: British Intelligence and the Defense of the Indian Empire, 1904–1924* (London, 1995).

<sup>68</sup> John Maguire, *IRA Internments and the Irish Government: Subversives and the State, 1939–1962* (Dublin, 2008), 2–3, 7; Peter Hart, *The I.R.A. at War, 1916–1923* (New York, 2003), 172.

<sup>69</sup> Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900* (New York, 2002), 130. See also Nasser Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (Ann Arbor, 2003).

<sup>70</sup> H. W. Hale, *Political Trouble in India, 1917–1937* (Allahabad, 1974 [repr., Simla, 1937]), 1–5; Judith M. Brown, *Modern India: The Origins of an Asian Democracy* (New York, 1985), 196.

<sup>71</sup> Ian F. W. Beckett, *Modern Insurgencies and Counter-Insurgencies: Guerrillas and Their Opponents since 1750* (London, 2001), 46; Biswakesh Tripathy, *Terrorism and Insurgency in India, 1900–1986* (New Delhi, 1987), 41.

had been revived in Bengal during the anti-partition violence of 1905. While Regulation III of 1818 allowed the police to arrest high-ranking members of the terrorist movement, new leaders quickly replaced them.<sup>72</sup>

Lord Lytton protested again for broader powers in the form of an ordinance that would enable the police to target and intern rank-and-file members of the terrorist movement. In October 1924, Lord Reading granted the Bengal Criminal Law Amendment Ordinance, empowering authorities to initiate large-scale sweeps to arrest militant revolutionaries.<sup>73</sup> The Bengal government and the viceroy of the government of India wanted to codify the emergency ordinance into permanent legislation. The London-based India Office opposed this step, while the cabinet hesitated to extend “special powers” to the Bengal government or the government of India to deal with the “conspiracies of violence.” The India Office and cabinet assented to allowing the government of India to search for arms and explosives; however, government officials in London worried that the Bengal Criminal Law Amendment Ordinance suggested that the British government was not willing to cooperate with Indian political parties for Indian self-government.<sup>74</sup>

Lord Oliver, the Liberal secretary of state for India, criticized the ordinance on the grounds that it stifled political freedom broadly and would be used against the Swaraj political party and its leader, C. R. Das. Oliver’s position reflected the lessons that the British had recently learned in Ireland. Unrestrained state violence did not further the government’s cause and alienated crucial mainstream groups. The cabinet believed that the Bengal government, and the government of India to a lesser degree, had a “constant tendency to identify not only the Swarajist political party, but the whole of the progressive movement in India with the Bengali terrorist organisations and their conspiracies.”<sup>75</sup> The cabinet was also aware of the vehement opposition among Indians towards the proposed legislation. By the end of November 1924, there had been over a hundred public meetings to protest the Bengal Criminal Law Amendment Ordinance and numerous resolutions passed that condemned the law as “repressive and calculated to stifle legitimate political activities.”<sup>76</sup> In 1925, a supplementary act was added to the ordinance. Thereafter the Bengal Criminal Law Amendment Ordinance was known as the Bengal Criminal Law Amendment Act.

The Bengal government desired to codify the emergency powers in permanent legislation and introduced a bill in the Bengal legislative council. The legislative council, however, refused to consider the measure, and the Bengal provincial council voted to repeal the Criminal Law Amendment Act. The decision of the legislative council to oppose the antiterrorism legislation led the governor-general to enact the Criminal Law Amendment Act through a special decree that allowed for the law to remain

<sup>72</sup> TNA, CAB 24/214/23, Wedgwood Benn, secretary of state for India, The Bengal Criminal Law Amendment Ordinance, 28 July 1930.; Marquess Reading, *Rufus Isaacs: First Marquess of Reading* (London, 1945), 283; Aruna Sinha, *Lord Reading: Viceroy of India* (New Delhi, 1985), 151.

<sup>73</sup> TNA, CAB 24/210/50, W. D. R. Prentice, chief secretary to the Government of Bengal to the Government of India, Home Department, A bill to provide for the continuance of the Bengal Criminal Law Amendment Act, 1925, 16 January 1930; Ghosh, “Terrorism in Bengal,” 279.

<sup>74</sup> TNA, CAB 24/168/50, Memorandum by the secretary of state for India, Lord Olivier, India: Special Powers to deal with conspiracies for violence, September 1924.

<sup>75</sup> *Ibid.*; Ghosh, “Terrorism in Bengal,” 277.

<sup>76</sup> Hale, *Political Trouble in India*, 10–11.



in force for five years. The temporary ordinance expanded the government's powers of arrest and surveillance and enabled officials to try terrorist cases under closed tribunals rather than public jury trials.<sup>77</sup>

With most revolutionary leaders in jail or exile, terrorism decreased significantly under the Bengal Criminal Law Act of 1925. Between its issuance and the end of 1928, only one murder by terrorists occurred. By 1928, the British had released almost all of the revolutionaries arrested under the special legislation and Regulation III of 1818.<sup>78</sup> While the law contained political violence in Bengal, authorities ascertained that terrorist cells were emerging in other provinces. Many terrorists went underground or fled to Burma, where the terrorist movement regrouped. In the late 1920s, the Bengal Intelligence Bureau began reporting that revolutionary leaders were recruiting and collecting arms and bombs. In January 1930, Bengal administrators warned the government of India that the expiration of the emergency ordinance would increase the likelihood of a terrorist outrage and shake the morale of the police.<sup>79</sup>

With the expiration of the Bengal Criminal Law Amendment Act of 1925, the Bengal government lost its antiterrorism powers at the same time that police were engaged in controlling mass protests connected to the civil disobedience movement. It was at this opportune moment that nearly 100 revolutionaries stormed the armories in Chittagong, a seaport city in East Bengal near the Burmese border, on 18 April 1930. Inspired by the martyrdom advocated by Irish nationalists, such as Patrick Pearse and Dan Breen, the young revolutionaries who carried out the Chittagong Armory Raid intended the attack to instigate armed conflict across India.<sup>80</sup> While the uprising's immediate aim failed, recruits poured into the various terrorist groups, including women and young girls. The "sinister" emergence of female assassins created new policing problems for the British. Past surveillance techniques focused on young men, and British law enforcement officials were limited in their abilities to interrogate suspected female terrorists. The involvement of elite women in the revolutionary movement provided a powerful propaganda tool for nationalist leaders and inspired other women to take action.<sup>81</sup>

After the Chittagong Armory Raid, the emergency powers of arrest and detention were immediately conferred by a new ordinance. In July, the Bengal government asked for the replacement of the ordinance by permanent legislation. The legislative

<sup>77</sup> Ghosh, "Terrorism in Bengal," 279–80.

<sup>78</sup> Kalpana Dutt, *Chittagong Armory Raiders: Reminiscences* (New Delhi, 1979 [repr., Bombay, 1945]), 1–6; Townshend, *Britain's Civil Wars*, 146–47; Hale, *Political Trouble in India*, 11.

<sup>79</sup> TNA, CAB 24/210/50, Government of Bengal to the Home Department, Government of India, 16 January 1930. Weekly report of Director, Intelligence Bureau, Home Department, Government of India, 25 April 1929 and 2 January 1930, L/P&J/12/389, BL; TNA, CAB 24/210/50, W. D. R. Prentice, chief secretary to the Government of Bengal to the Government of India, Home Department, 16 January 1930, Bill to provide for the continuance of the Bengal Criminal Law Amendment Act, 1925; Ghosh, "Terrorism in Bengal," 281.

<sup>80</sup> TNA, CAB 24/214/23, secretary of state for India, The Bengal Criminal Law Amendment Ordinance, 28 July 1930; TNA, CAB 24/210/50, secretary of state for India, The Question of the Renewal of the Bengal Criminal Law Amendment Act, 1925, 17 March 1930; Townshend, *Britain's Civil Wars*, 146.

<sup>81</sup> TNA, CAB 24/225/29, secretary of state for India, Confidential appreciation of the Political Situation in India, 19 December 1931; Ghosh, "Terrorism in Bengal," 286–87; Hale, *Political Trouble in India*, 24.

council deferred, and the Bengal Act VI of 1930 was again limited to five years. The government of India, however, considered existing legislation, including the renewed Bengal Criminal Law Amendment Act, as “insufficient to cope with the menace.” The government granted additional emergency powers to the Bengal government, including a Press Act that prohibited incitement to murder or violence in the public press and another Bengal Emergency Powers Ordinance, which extended the powers of commandeering property, imposing collective fines, and regulating traffic and transport to the district magistrate of Chittagong. This law also expanded the definition of “absconders” to include anyone who evaded internment or refused to give information to authorities. In 1932, the Legislative Council passed two more pieces of emergency legislation: the Bengal Suppression of Terrorist Outrages Act and the Bengal Criminal Law (Arms and Explosives) Act. In addition to using instruments of law to combat terrorism, the government of Bengal deployed its police and military.<sup>82</sup>

By 1934, the police had arrested 3,110 persons for terrorist crimes. Most political prisoners were detained in camps and prisons within Bengal at Buxa, Hijli, and Deoli. In 1931, British guards opened fire on unarmed detainees during an uprising at the Hijli detention camp, killing two prisoners and wounding three. Protests and hunger strikes at the detention camps and prisons spotlighted prison conditions and the mass incarceration of alleged terrorists without trials in national and international news. The prison system represented colonial control and subjugation under a “rule of law” pretense and emerged as a major site of anti-government sentiment.<sup>83</sup> During the 1930s, the Communist Party of India launched a recruitment drive in the jails of Bengal. As many as 1,000 imprisoned terrorists joined the Communist Party of India during the “communist consolidation movement.” The party grew from thirty-seven members in 1934 to more than a thousand converts in 1942. Five years later the party boasted a membership of almost twenty thousand.<sup>84</sup>

Since the end of the First World War, the government of India had focused on the activities of the Communist International, known as the Comintern and the attempts of Comintern agents to coopt Indian nationalist and revolutionary groups.<sup>85</sup> The government believed that the Comintern and the Russian and British communist parties supplied Indian revolutionaries with money and logistical support. As many communist agents were also British subjects, colonial officials desired an immigration act that would permit the government of India to deport British subjects convicted of organizing subversive activities. In 1927, Lord Birkenhead, the secretary of state for India, requested that London reform the passport system to keep “British subjects, well known to be Communists,” from traveling to India.<sup>86</sup> His request

<sup>82</sup> TNA, CAB 24/247/28, secretary of state for India, The Situation in India, 3 February 1934; Hale, *Political Trouble in India*, 34–35; Townshend, *Britain's Civil Wars*, 146–49.

<sup>83</sup> Harald Fischer-Tiné, *Law and Licentious Europeans: Race, Caste and “White Subalternity” in Colonial India* (Hyderabad, 2009), 238; Townshend, *Britain's Civil Wars*, 147; Ghosh, “Terrorism in Bengal,” 287–88; Hale, *Political Trouble in India*, 31–32, 48–49.

<sup>84</sup> Deputy Director, Intelligence Bureau, Home Department, Government of India, Confidential Review of the Terrorist Situation in India, February 1938, L/P&J/12/395, BL; Franda, *Radical Politics*, 13, 19–27.

<sup>85</sup> Popplewell, *Intelligence and Imperial Defense*, 297–320; See also Kate O'Malley, *Ireland, India and Empire: Indo-Irish Radical Connections, 1916–64* (New York, 2008), 13–52.

<sup>86</sup> Secretary of state for India to under-secretary of state, Foreign Office and under-secretary of state, Home Office, 10 June 1927, L/P&J/12/312, BL.

was never granted. The British Raj banned the Communist Party of India in 1934, after the British communist party called for open revolution in India and the party-sponsored mass strikes in the textile industry.<sup>87</sup>

The Raj's domestic antiterrorism legislation worked when in place, but it also created significant problems. The legislation's expiration every five years undermined police and intelligence work. The internment of political prisoners in a mass detention-camp system helped to expand communism's reach and to radicalize alleged terrorists. The emergency powers were also deeply controversial in London and in India, where they tarnished Britain's justifications for ruling India and demonstrated that colonial administrators would violate the civil liberties of Indian subjects in the name of public security.<sup>88</sup> Indian politicians and the Howard League for Penal Reform protested the government's unrestrained powers of arrest and detainment and demanded a repeal of the antiterrorism legislation. Consequently, between the end of 1937 and the beginning of 1939, the government of India closed many of the detention centers and released political prisoners if they disavowed violent activity.<sup>89</sup>

The political storms caused by the special ordinances persuaded the government of India to focus on preventing weapons from reaching terrorist organizations, thereby decreasing the need for coercive legislation at home. The colonial regime received information regarding illicit arms trafficking from imperial and metropolitan intelligence agencies. Its own Home Department ran an Intelligence Bureau and, in conjunction with the India Office, oversaw a global intelligence agency, Indian Political Intelligence. The agency worked with the Security Service, MI5; the Secret Intelligence Service (later known as MI6); and the Inter-Departmental Committee on Eastern Unrest, an interagency commission that operated from 1922 to 1927. As noted by the historian Durba Ghosh, the committee was one of the first efforts of the British government to wage a global war on terrorism.<sup>90</sup> At the recommendation of Edwin Montagu, secretary of state for India, the committee monitored groups that posed a threat to the interests of the British Empire, including Turkish nationalists; Egyptian nationalists; Indian nationalists; the pan-Islamic movement in Anatolia, Turkey, and Asia; the Committee of Union and Progress; and Indian revolutionaries in Europe, America, and Asia.<sup>91</sup> Meetings of the Inter-Departmental Committee on Eastern Unrest attempted to analyze information received from various departments about anti-British movements and to suggest policing and policy responses.

<sup>87</sup> TNA, CAB 24/248/34, secretary of state for India, proposed legislation to deal with communism in India (Secret), April 1934.; Peter Heehs, *India's Freedom Struggle, 1857–1947* (Oxford, 1988), 131; John Haithcox, *Communism and Nationalism in India: M. N. Roy and Comintern Policy, 1920–1939* (Princeton, 1971), 209; David Laushey, *Bengal Terrorism and the Marxist Left: Aspects of Regional Nationalism in India, 1905–1942* (Calcutta, 1975), 87–134.

<sup>88</sup> Regarding the ways in which Britain sought to justify and legitimize its rule over India, see Thomas R. Metcalf, *The New Cambridge History of India*, vol. 3, part 4, *Ideologies of the Raj* (New York, 1994).

<sup>89</sup> The Howard League for Penal Reform, League of Nations, IV. Social.1936.IV.4, Penal and Penitentiary Questions, Report by the secretary-general to the assembly, A.25.1936.IV, LNA; Ghosh, "Terrorism in Bengal," 290.

<sup>90</sup> Ghosh, "Terrorism in Bengal," 270–71.

<sup>91</sup> Reconstitution of the Inter-Departmental Committee on Eastern Unrest, March–May 1926, L/P&J/12/156, BL.

The First World War had elevated the importance of intelligence agencies for safeguarding British India. During the war, intelligence analysts had thwarted an open revolt in the Punjab, planned by the Ghadr Party from its outposts in North America and Europe, and disrupted large shipments of arms from German agents to revolutionary terrorists in Bengal. The intelligence victories rendered the security services permanent after the war.<sup>92</sup> In the 1920s, the intelligence agencies turned their attention to determining the origins of gun-running into India. Their analyses found a receptive audience in the government of India and the India Office, while the Foreign Office tended to dismiss the reports of Inter-Departmental Committee on Eastern Unrest as imbued with conspiracy theories.<sup>93</sup>

Although British officials feared that large caches of firearms “sufficient to encourage the madness of open revolution and anarchy” would be trafficked into India, intelligence collected in the mid-1920s indicated that arms did not reach India in bulk shipments.<sup>94</sup> Instead, lascars and sailors on ships smuggled small arms, including sub-machine guns, revolvers, and automatic pistols, into British India in ones and twos. Revolutionary nationalists, such as Rash Behari Bose in Japan, and brokers and profiteers, incentivized by profits not politics, moved weapons into India, often using routes established by the drug trade in opium and cocaine. The majority of weapons derived from the European ports of Hamburg, Antwerp, and Marseilles. French settlements also facilitated the arms trade, especially those areas bordering Madras, and served as propaganda centers and safe havens for terrorists.<sup>95</sup>

When terrorism revived in India after the Chittagong Armory Raid of April 1930, the Intelligence Bureau of the government of India’s Home Department and Indian Political Intelligence returned to the “old question of arms smuggling into India.”<sup>96</sup> During the summer of 1932, the government created a special police staff to combat the trafficking of firearms through the port of Calcutta and held two conferences in Simla and London to coordinate government policy and to prevent Indian terrorists from acquiring small arms. The conferences reinvigorated efforts to improve

<sup>92</sup> Arun Coomer Bose, “Indian Revolutionaries during the First World War—A Study of Their Aims and Weaknesses,” in *India and World War I*, ed. DeWitt Ellinwood and Satyendra Dev Pradhan (New Delhi, 1978), 110–11; Stephen Garton, “The Dominions, Ireland, and India,” in *Empires at War, 1911–1923*, ed. Robert Gerwarth and Erez Manela (New York, 2014), 152–78, at 159; Popplewell, *Intelligence and Imperial Defense*, 100–215, 321, 331–34.

<sup>93</sup> Conspiracy theories grew in ascendancy after the First World War. See Priya Satia, *Spies in Arabia: The Great War and the Cultural Foundations of Britain’s Covert Empire in the Middle East* (New York, 2008), 206–9; and John Ferris, “The British Empire vs. The Hidden Hand: British Intelligence and Strategy and ‘The CUP-Jew-German-Bolshevik combination,’ 1918–1924,” in *The British Way in Warfare: Power and the International System, 1856–1956; Essays in Honour of David French*, ed. Keith Neilson and Greg Kennedy (New York, 2016), 325–46.

<sup>94</sup> Extract from Council Proceedings Official Report Bengal Legislative Council, 7 January 1925, L/P&J/12/79, BL.

<sup>95</sup> Inter-Departmental Committee on Eastern Unrest, Memorandum on the Situation in Bengal and the arms traffic, 29 October 1924, L/PJ/12/91; J. A. Wallinger, Indian Political Intelligence to David Petrie, Intelligence Bureau, 4 March 1925, L/P&J/12/79; Deputy Commissioner of Police, Special Branch, Calcutta to Director, Intelligence Bureau, Delhi, 22 January 1926, L/PJ/12/81; Lord Willingdon, Viceroy to the Governor of the French Settlements in India, Pondicherry, 10 April 1933, L/PJ/12/6; Deputy Inspector General of Police for Railways and Criminal Investigation, Burma, 30 August 1935, L/P&J/12/93, BL.

<sup>96</sup> Intelligence Bureau, Home Department, Government of India to Indian Political Intelligence, 3 May 1932, L/PJ/12/91, BL.

information sharing among law enforcement, intelligence agencies, and local governments in India and efforts to strengthen cooperation with shipping companies and customs officials.<sup>97</sup> The government of India also desired that European governments assist in monitoring their ports and punish those involved in gun-running.

Colonial administrators believed that, without international cooperation, the government's attempts to stymie the arms trade would be futile. In the early 1930s, British India officials, such as C. M. Trivedi, offered a number of possibilities for bringing the question of arms smuggling to the League of Nations, including raising the subject at the Disarmament Conference, amending the 1925 Arms Traffic Convention, or proposing a new treaty. Trivedi suggested that since "The League of Nations have tackled subjects such as illicit traffic in drugs and traffic in women and children ... they may well take up the question of illicit traffic in arms, which affects many countries."<sup>98</sup> The government of India took the position that a licensing system would decrease illegal transfers of weapons and provide essential information for police investigations of terrorist crime in India. It requested the India Office's help in drafting a proposal to place before the League of Nations. After discussing the matter with the Foreign Office, the India Office declined to assist such a measure, advising instead that the government pursue bilateral treaties with Belgium, Germany, and France.<sup>99</sup>

The League's consideration of international terrorism offered British India an opportunity to bypass London and to advance international arms controls by different means. The government's Home Department indicated to the India Office that the Convention for the Prevention and Punishment of Terrorism appealed to the colonial regime because it would (1) prevent foreign countries from providing asylum to "Indian terrorist criminals"; (2) empower foreign governments to arrest Indians abroad who financially or materially supported terrorist conspiracies against persons in India, specifically mentioning the Ghadr Party and its operations in the United States, Europe, and Afghanistan; (3) criminalize supplying forged or falsified passports to terrorist conspirators in foreign countries; (4) regulate the manufacture, sale, and possession of revolvers and pistols; and (5) enable the government of India to address arms smuggling through foreign possessions in India, noting French settlements and the French postal service in particular.<sup>100</sup>

The British Home Office was not completely convinced. Findlater Stewart at the India Office reminded his colleagues in London that with the French in their present mood there was a "golden opportunity" for effective action. Stewart stressed the troubles faced by John Anderson, the current governor of Bengal, in suppressing revolutionary terrorism and urged the Home Office to support the British government's antiterrorism campaign in India. The government of India maintained that, so far as

<sup>97</sup> Arms Conference, India Office, 12 July 1932, L/PJ/12/91; R. T. Peel for the secretary of state for India to shipping companies, 12 September 1932, L/PJ/12/91, BL.

<sup>98</sup> C. W. Gwynne, Deputy secretary, Home Department, Government of India, 16 January 1933, to R. T. Peel, secretary, Public and Judicial Department, India Office, L/PJ/12/92; J. G. Laithwaite, India Office to Major N. G. Hind, Committee of Imperial Defense, 21 May 1933, L/PJ/12/92, BL.

<sup>99</sup> R. T. Peel, India Office to C. Howard Smith, Foreign Office, 9 March 1933, L/PJ/12/92; C. Howard Smith, Foreign Office to R. T. Peel, India Office, 24 March 1933, L/PJ/12/92, BL.

<sup>100</sup> TNA, HO 45/180/80, C. M. Trivedi, Home Department, Government of India to under-secretary of state for India, India Office, 2 March 1935.

the Indian terrorist was concerned, “his potential danger would be reduced very considerably if steps could be taken to prevent him from arming himself with revolvers and pistols.” Overt lobbying by Indian policy makers in London and Geneva ensured that the terrorism convention included a provision that carefully controlled the manufacture and sale of easily concealed firearms, such as submachine guns, revolvers, and pistols. India’s position as the only non-self-governing member in the League enabled the government to forge an independent path at Geneva and to sign a multilateral treaty that no other Commonwealth state supported.<sup>101</sup>

Both the governments of the United Kingdom and British India deemed their performance successful at the League’s 1937 International Conference on the Repression of Terrorism. British India officials had their arms treaty—an international agreement that London policy makers had opposed four years earlier. The United Kingdom delegation had severed the International Criminal Court from the League of Nations and incurred no political commitments. Leslie Brass and John Fischer Williams, the British representatives for the United Kingdom, felt that they had convinced their colleagues that Britain sympathized with the general objectives of the terrorism treaty but that its “provisions did not easily fit into the legal framework of the United Kingdom.”<sup>102</sup> A month after the final conference, Home Secretary Samuel Hoare thanked the delegation for its work: “To steer a successful course between the risk of committing our Government to legislation that would have run contrary to our traditions and the risk of appearing unsympathetic towards measures for the repression of terrorism cannot have been easy and I feel that we are all much indebted to you.”<sup>103</sup> In 1939, Hoare maneuvered the Prevention of Violence Act (Temporary Provisions) through Parliament. This law gave the government and police “exceptional powers” to check Irish Republican Army terrorism and drew upon many of the same practices of the Bengal ordinances.<sup>104</sup> Despite the Home Office’s earlier rhetoric about the need to protect civil liberties, the home secretary and legal advisors in the Home Office readily called for national legislation when they were the gunman’s target.

## CONCLUSION

While London dismissed the proceedings of Geneva as focused on European terrorism, the League legitimized the counterterrorism initiatives of authoritarian governments across the globe, including the government of India, and provided new legislative weapons for suppressing political opponents. Delhi’s signature of the Convention for the Prevention and Punishment of Terrorism reflected its growing

<sup>101</sup> Ibid.; Findlater Stewart, under-secretary of state for India, India Office to Russell Scott, Home Office, 16 April 1935, TNA, HO 45/18080; J. G. Starke, “The Conventions for the Prevention and Punishment of Terrorism,” *British Year Book of International Law* 19, no. 1 (1938): 214–16.

<sup>102</sup> TNA, HO 189/8, The Brass Papers, Leslie Stuart Brass to Alexander Maxwell, Diplomatic Conference on the International Repression of Terrorism, 30 November 1937.

<sup>103</sup> TNA, HO 45/18081, Samuel Hoare, secretary of state, Home Affairs, to John Fischer Williams, December 1937.

<sup>104</sup> “Check to the I. R. A.,” *Times* (London), 20 July 1939; Laura Donohue, “Britain’s Counterterrorism Policy,” in *How States Fight Terrorism: Policy Dynamics in the West*, eds. Doran Zimmermann and Andreas Wenger (London, 2007), 17–58.

independence at the League of Nations. Immediately after the First World War, commentators had dismissed the British India delegation, stating that India's voice came "not from the vast spaces of the subcontinent but from a dusty corridor in Whitehall."<sup>105</sup> Until the late 1920s, the India Office determined India's attitude at the League, with the secretary of state in London sending India's representatives confidential instructions without input from the government of India. After a protest by Lord Lytton, India gained greater autonomy in nonpolitical matters and increasingly used the League as a platform to negotiate with the government of London and to advance its own interests.<sup>106</sup>

By the mid-1930s, the government of India had extensive antiterrorism experience. It believed that the League's terrorism convention could be used to regulate the global arms trade. British colonial officials focused on gunrunning because the "objects of the traffic are beyond dispute. The arms are wanted for the furtherance of terrorist aims and for no other reason."<sup>107</sup> The terrorism treaty offered a means of protecting British rule in India and found favor with the colonial regime and other authoritarian governments because it served state security. In contrast to these beliefs about absolutist states' rights, the United Kingdom delegation argued that a government's legitimacy derived from democratic consent and that revolutionary violence was at times justified against a despotic regime. In the 1930s, British Home Officials argued that antiterrorism laws should not come at the cost of civil liberties and political freedoms.

The League's terrorism conferences provide profound insight into a deep divide between Delhi and London over security and counter-terrorism practices. Although it was not recognized at the time, British India's campaign against terrorist groups foreshadowed the anticolonial uprisings that would help to unravel the British Empire. While the League intended its conferences to stabilize Europe and suppress state-sponsored terrorism, the Indian delegation introduced the topic of anticolonial terrorism, which other powers, particularly France, attempted to keep out of the convention's scope. When the League's successor, the United Nations, attempted to define and criminalize terrorism in international law, it would be the wars of national liberation in former imperial possessions, and conflicting views about the use of revolutionary violence to achieve self-determination, that hindered success.

<sup>105</sup> Walters, *A History of the League of Nations*, 1:117.

<sup>106</sup> Verma, *India and the League*, 76, 82–83, 108–9; Mehrotra, *Towards India's Freedom*, 261.

<sup>107</sup> Deputy Inspector General of Police for Railways and Criminal Investigation, Burma, 30 August 1935, L/P&J/12/93, BL.