

ABSTRACT

THE MANDATES SYSTEM IN AFRICA, 1919-1929:
EUROPEAN PERCEPTIONS OF A SACRED TRUST

by

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TABLE ABSTRACT

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IV. The author examines the attitudes of Europeans involved in the administration of the League of Nations Mandates system in four African Mandated Territories during the period from 1919 to 1929, and concentrates in particular on those activities of the Mandatory Powers directed toward the social progress of the indigenous peoples: their education and physical health, and the development of legal structures within each territory. In examining these questions, the author has relied primarily upon the official documents of the Permanent Mandates Commission, especially the minutes of its proceedings in Geneva, and upon the documents provided to the Commission by the Mandatory Powers: Britain, France, Belgium, and South Africa. The Mandated Territories of Southwest Africa (Namibia), Ruanda-Urundi, and the British and French Cameroons are studied.

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of the League Covenant--the enabling legislation for the Mandates system--and the understandably strong desire not to trample on what were seen as national prerogatives, was quite evident in the Commission's handling of the Bondelswarts incident. I became interested therefore in exploring this essential conflict much more closely, in order to discover just how successful this first brave attempt at the surrender of a degree of national sovereignty had been.

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¹Edgar A. Jones, "The Permanent Mandates Commission in its First Three Years, 1921-23" (unpublished research paper, The Author, 1977).

CHAPTER I

INTRODUCTION

The idea of writing a paper on the Permanent Mandates Commission of the League of Nations grew out of an earlier paper I wrote concerning the Bondelzwarts Rebellion of 1923 in Southwest Africa (Namibia).¹ At that time I had been impressed with the entire "noble experiment" of the Mandates system, and especially with the problems it faced as a system of international supervision in an area in which supervision had previously been an entirely national concern. The painful tug-of-war between the ideals expressed in Article 22 of the League Covenant--the enabling legislation for the Mandates system--and the understandably strong desire not to trample on what were seen as national prerogatives, was quite evident in the Commission's handling of the Bondelzwarts incident. I became interested therefore in exploring this essential conflict much more closely, in order to discover just how successful this first brave attempt at the surrender of a degree of national sovereignty had been.

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was a failure, that the organization did very little to prevent the gradual deterioration of the world situation during the inter-war years. But it is seldom borne in mind that the League was an organization without precedent,² indeed that it was in its very nature creating the precedents by which future international organizations would flourish. Its Committee on Intellectual Co-operation was the predecessor of Unesco; its main components of Council, Assembly, and Secretary-General were little altered in their transformation into the corresponding components of the UN; and the International Labour Organization was so successful that it required no essential transformation as a result of the trauma of the Second World War.

The Permanent Mandates Commission itself is still with us in a sense as the Trusteeship Council of the UN. Most of the Mandates have been liquidated, a few have been transferred to new "Trustees" as a result of the second war, but the system itself still survives and continues to occupy headlines, especially with regard to Namibia. In the course of years, with the discrediting of colonialism in general, the function of the Commission (now the Council) has changed. It has been granted more powers and its ultimate end has become its own liquidation. This paper will study the earliest

²The Powers acting in concert through the nineteenth-century Congress system was a much more voluntary arrangement than the League and its permanent secretariat.

phase of the Mandates system, its first ten years, and will study in particular that area of the world where colonialism flourished at its most brazen: sub-Saharan Africa. The paper is concerned primarily with the welfare of what were called the native peoples,³ especially as this welfare was perceived by the European authorities, both on the Commission and in Africa. In so doing, I have chosen to examine one Mandated Territory representative of each of the African Mandatory Powers: the British and French Cameroons, Ruanda-Urundi (Belgium), and Southwest Africa (South Africa), and to concentrate on those aspects of mandatory rule which most touched upon the welfare of the affected peoples: education, health services, and the administration of law. It may be argued that in ignoring economic factors--something which the P.M.C. most certainly did not--I am ignoring the one aspect of Mandates administration which ultimately had the most powerful impact on native welfare. But I do so with good reason: under the terms of the Mandates, economic questions were addressed primarily for their European impact, especially as the Open Door ensured free access for all States Members of the League to the markets of the Mandated Territories. The framers of Article 22

³Despite its "loaded" nature, I have felt it necessary to retain the term "natives" when referring in this paper to Black Africans. I took this decision because no really satisfactory term has arisen to take its place. I hope the reader will have the self-discipline to ignore the disparaging connotations inherent in the term and its derivatives.

did not see economic development as redounding to the benefit of the African, except secondarily. Therefore, while the documents of the P.M.C. abound with economic matters, these are almost entirely concerned with the Open Door and grievances by European firms against one or another of the Mandatory Powers.

I have also chosen to disregard in this paper the "mountain peaks" of Mandates administration, that is to say the major incidents such as the Bondelzwarts Rebellion which would otherwise tend to distort the relief of day-to-day administration. In further defense of this omission, I would point out these peaks have generally been covered in much more depth by the general surveys of the period, such as Toynbee's Survey of International Affairs, and that the more humdrum business which is the subject of this study has been ignored--possibly quite rightly for contemporary readers--as "unnewsworthy."

I hope in this paper to redress the balance. It has not been my intention in this paper to uncover any Universal Truths, since these seem to be of an extremely transitory nature. Rather I have tried to capture the essence of the "official mind" which was concerned with Mandates administration at the time, a mind which, though traces of it still remain, is becoming more and more alien to a world fifty years later. It is my hope that a more complete picture of this mind will emerge from this paper, and that subsequently a more balanced

view will be possible concerning these men and the and
difficult task with which they were faced. of issuing

A. J. P. Taylor has observed that "History gets
thicker as it approaches recent times."⁴ The amount of
material available to the historian of the twentieth
century is enough to deter all but the most determined
and the most foolhardy. I am neither. In consequence
I have been forced to restrict my primary sources somewhat
artificially to the documents of the League of Nations
(microfilm edition: Research Publications). However,
I do not believe this restriction will affect the validity
of my conclusions. Margery Perham had access to the
Lugard Papers at Rhodes House for her biography of
Sir Frederick Lugard⁵ but was able to produce scarcely
two pages of pertinent information, leading one to suspect
that a fishing expedition in personal papers would be
likely to produce diminishing results. At any rate,
the paper does not suffer from any dearth of published
contemporary accounts; the League was a novelty and
generated quite a body of evaluative and descriptive
literature. The most important of this is described in
my bibliography.

One final note. The documents of the League of
Nations are noteworthy, like all government documents,

⁴A. J. P. Taylor, English History, 1914-1945
(New York: Oxford University Press, 1965), p. 602.

⁵Margery Perham, Lugard: The Years of Authority
(London: Collins, 1960), pp. 647-52.

both for the unconscionable length of their titles and for the tendency for infinite subdivision of issuing agencies. For this reason, and because the microfilm edition of the League's documents is logically arranged by official documents numbers, I have chosen to save considerable paper by citing these official numbers rather than titles when citing League documents. This practice should not hinder the reader seeking to confirm or further explore my references.

By the terms of Article 119 of the Treaty of Versailles (1919) Germany renounced in favor of the Allied and Associated Powers all rights over her former colonial possessions. By Article 22 of the same treaty it was established that these territories would be administered by certain unnamed Powers on behalf of the League of Nations¹ as "a sacred trust of civilization." Article 22 went on to describe the conditions to which this administration would be subject,² including a requirement that each Mandatory Power make an annual accounting of its stewardship to the Council of the League, through its Permanent Mandates Commission. Such a system was, and remains, unique in modern history.³

¹The first twenty-six articles of the Treaty comprise the Covenant of the League of Nations.

²Certain further duties were set forth in Article 23, but these applied to colonial administration in general and were not specific to Mandated Territories.

³The P.M.C. is mentioned in the ninth and last paragraph of Article 22, where it is charged with receiving and examining the annual reports and advising the Council "on all matters relating to the observance of the Mandates." These duties are expanded in the Commission's Constitution (20/4/272) and Rules of Procedure (C.P.M. 8 and C.P.M. 3(2)[amended]). The UN Trusteeship Council should not be seen as performing the same function as the P.M.C. Rather it should be seen as the liquidator of the Sacred Trust. No new Mandated Territories were added after the Second World

Africa before the Great War

CHAPTER II

THE EVOLUTION OF THE SACRED TRUST

By the terms of Article 119 of the Treaty of Versailles (1919) Germany renounced in favor of the Allied and Associated Powers all rights over her former colonial possessions. By Article 22 of the same treaty it was established that these territories would be administered by certain unnamed Powers on behalf of the League of Nations¹ as "a sacred trust of civilization." Article 22 went on to describe the conditions to which this administration would be subject,² including a requirement that each Mandatory Power make an annual accounting of its stewardship to the Council of the League, through its Permanent Mandates Commission. Such a system was, and remains, unique in modern history.³

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Africa before the Great War

How did the Mandates system come about? Certainly the European administration of Africa before the First World War had not demonstrated any unusual civilizing capacity, and its determining factor seemed all too often to be national self-interest. From one end of the continent to the other, from the Arab north to the Afrikaner south, economic exploitation and political manipulation seemed to yield much more tangible results than could any "sacred trust." The taking up of the White Man's Burden in Africa was a process which evolved fairly rapidly. In 1865 just ten percent of the continent's land area was under European administration; ninety percent remained relatively undisturbed. Twenty-five years later the proportions had been reversed. In the intervening years had occurred the great colonial land-grab known as the Scramble. Its motivations were as diverse as the official European and private interests which took part, ranging from the essentially humanitarian motives of men like David Livingstone and Pierre Savorgnan de Brazza to the bare-faced exploitation and genocide of Léopold II's Congo Free State. Between these extremes lay such motives as the "racial" imperative of European settlement--colonization in the classical sense--in

War, and of those remaining from the Versailles Treaty (all except Iraq), all have now been given their independence except the Pacific Islands and Namibia.

the temperate regions of southern and eastern Africa⁴ as well as the smaller-scale economic motives of private European firms seeking to establish trade relations and outposts.⁵ In order to understand the radical import of the Mandates system, we must look at some of these specific motivations more closely, including their effects on the native populations.

The humanitarian motivation was generally confined to those who had either an extremely intimate relationship with the natives or none at all, namely the missionaries and explorers in Africa and the socialist and abolitionist societies at home. It was these humanitarian forces which were most vocal in their criticism of European involvement in Africa as it existed in the late nineteenth century. Their foremost interest was in seeing the material benefits and wisdom of European civilization extended to the primitive races of Africa. Especially among explorers such as Brazza and Sir Richard Burton there was a sense that the native African was

⁴This was primarily a British phenomenon. While the settlers as a group constituted a special interest group without peer with regard to agitation for further colonial expansion, their overall numbers were small. Africa was the last choice of Europeans emigrating in search of new beginnings.

⁵It is interesting to note that African colonization began in earnest only after the emancipation of Black slaves in the British Empire and the United States. This constitutes one of the more striking paradoxes of modern history, and the fact that the same people were often active in both movements is illustrative of the workings of the nineteenth-century mind.

in no way inferior to his European brother. These men viewed Africans and Africa much as modern-day anthropologists might; native culture was appreciated for itself, as a viable alternative--at least for the African--to contemporary European systems. The leftist polemicist E. D. Morel exemplified this point of view, as can be seen from this rather ingenuous view of the system of land tenure then prevalent in the Gold Coast (Ghana):

The idea is very prevalent that because the majority of the negro and negroid peoples of Africa are in a condition which we call rather loosely "primitive," there is no such thing as a law of tenure, because it is unwritten, and that African governing institutions do not exist. This is an altogether erroneous view. In point of fact, not only is there a real system of African tenure, but it is an infinitely better, sounder and healthier system than that which the British people tolerate and suffer from in their own country.⁶

To these men the benefits which European civilization offered to Africa were of a limited and often dubious nature: the Christian religion (though here Burton might have raised objections), improved medical care, modern scientific education, and the undoubted benefits of trade. This last is of great significance. By trade Morel and men like him did not mean Europeans trading with Europeans, though such trade could be accommodated in their scheme; rather they envisaged Europeans trading with Africans, a system which was

⁶Edmund D. Morel, The Black Man's Burden (New York: Modern Reader Paperbacks, 1974), p. 199. Being British, Morel may have been somewhat partial to the idea of unwritten law.

quite well developed in the British colonies of the Gold Coast and Ashanti. Such a liberal system continued the native in the possession of his land, which he developed himself, selling the produce himself and avoiding the middle man. The only European intervention was in the form of agricultural agents who helped the native improve his methods. This system was not permitted to develop outside the British colonies of West Africa (Sierra Leone, the Gambia, the Gold Coast, and Nigeria), and it is remarkable, in the light of subsequent events, that it was able to develop even there. Morel attributed its survival to a strong tradition of such methods in the past (before forms less favorable to the native became popular) and a sympathetic European administration.⁷

Of course not all missionaries and explorers were so liberal-minded in their efforts to bring the blessings of European civilization to the African. While Burton seemed to possess the intellectual detachment of a Lévi-Strauss in his encounters with natives, John Hanning Speke, his companion in several East African expeditions, did little to disguise the disgust and contempt he felt in the presence of the African.

According to V. G. Kiernan, the American explorer H. M. Stanley took on aspects of both:

Those who saw him at the Berlin Conference were puzzled: he "spoke with real affection of the natives," but there was something about him that belied his

⁷Ibid., p. 175-96 passim.

words. He may have been speaking more from the heart when he inspected an early model of the Maxim gun and declared that it "would be of valuable service in helping civilization to overcome barbarism."⁸

Stanley was the agent chosen by Léopold to go into the Congo and get the signatures of as many chiefs as possible on the treaties which were to form the foundations of the future État Indépendant or Free State.

In contrast to the Gold Coast, the Congo Free State represented the unpleasant nether side of European involvement in Africa. The Free State was Léopold's own brainchild, presented by him to a Conference of Geography held at Brussels in 1876. Nine years later it received the sanction of the Berlin Conference. Léopold saw his scheme for opening up Central Africa as "a crusade worthy of this century of progress."⁹ The endorsement of the Powers at Berlin was followed rapidly by the consent of the Belgian parliament to the new Free State's becoming in effect, the personal property of the monarch. Thus in the waning years of the nineteenth century, a form of government which had not existed in the advanced states of Europe since the eighteenth century came to Central Africa to herald the arrival of civilization. Unrestrained monarchical

⁸V. G. Kiernan, The Lords of Human Kind (Harmondsworth, Middx.: Penguin Books, 1972), p. 236.

⁹Raymond L. Buell, The Native Problem in Africa (Cambridge, Mass.: Bureau of International Research, 1928; reprint ed., London: Frank Cass, 1965), v. 2, p. 415.

power, combined with the scientific and technological coercion available in that "century of progress," virtually guaranteed to the natives of the Congo basin a unique taste of European civilization. The treaties which Stanley was able to extract from the native rulers were put forward as evidence of the willingness of those chiefs to have their lands placed under the benevolent protection of the Belgian king. Concessionnaires were brought in to develop the country, and all unoccupied¹⁰ lands were declared to be domaine de l'État and divided between Léopold and his eager developers. Kiernan describes what followed:

Léopold assembled a mercenary army with, by 1905, 360 officers drawn from up and down Europe, and 16,000 natives. Its business was to ensure quick profits in rubber, ivory, or palm-oil collected as tribute or by forced labour. The consequences were of a sort and on a scale not seen again in the world until the Nazi epoch, when they were seen in Europe itself. Africa, or this part of it, now became very truly a dark continent, but its darkness was one the invaders brought with them, the sombre shadow of the White man.¹¹

The number of victims to this unbridled and, in time, self-destructive form of capitalism can only be guessed at. According to Morel, the population of the Congo basin before the advent of the Free State was estimated at "between twenty and thirty millions";

¹⁰Unoccupied land was defined essentially as any land not being actively cultivated or occupied by native villages. Cf. Morel, *ibid.*, pp. 115-17; Buell, *ibid.*, v. 2, pp. 426-27.

¹¹Kiernan, *ibid.*

the first census (1911), however, gave the population as eight and one-half millions after the horrors had subsided. That census was never publicly released.¹² Even given the dubious accuracy of population estimates at this time,¹³ the very wide disparity between pre-Free State estimates and the first official census would indicate an appalling mortality, possibly as high as ten millions. From many accounts, the policy employed in the Congo during the personal régime was quite literally to work the people to death. Financial gain on the part of investors was practically the sole criterion motivating the enterprise. The memory of this period remains as a spectre that cannot be laid to rest by those who would remember only the happy side of Europe's role in Africa.

While the Congo was not the only instance of gross abuse of the European position in Africa--the French adopted a similar system in their part of the Congo, and the cocoa plantations of Angola and Sao Tomé employed virtual slave labor--the system was certainly not general throughout Africa, and when brought into the light of day it was the object of universal revulsion.

¹²Morel, *ibid.*, p. 109. A copy was gotten out of the Congo by a British consul.

¹³Early population estimates in Mandated Territories showed significant variations from later figures, the earlier estimates often being considerably higher than the first official censuses. However, the variation was never so great as in the Congo.

The British West African colonies and the Congo Free State epitomized respectively the best in Indirect Rule and the worst in Direct Rule. In the former, European administration was carried on with a deliberate respect for the integrity of native institutions, even going so far as to preserve a Muslim ascendancy in northern districts; in the Congo, on the other hand, administration seems to have been characterized by a total disregard not only for native customs and forms but for the very lives of the natives themselves.¹⁴ Other parts of Africa fell either between these two extremes or in the category of settler colonies.

Settlement constituted the second of three forms of European expansion described by the American political scientist Quincy Wright: contiguous expansion as in North America and Siberia; autonomous colonies in the midst of alien races as in southern Africa and Malaya; and imperialism with no intent of settlement, as in South Asia and tropical Africa.¹⁵ As was Morel, Wright was a strong voice in the battle against imperialism in Africa as defined above. But both became ambivalent when it came to settler colonies in the same continent.

¹⁴For a more detailed description of the ideal functioning of Indirect Rule, see Sir Frederick Lugard, The Dual Mandate in British Tropical Africa (5th ed.: London: Frank Cass, 1965).

¹⁵Quincy Wright, Mandates under the League of Nations (Chicago: University of Chicago Press, 1930), pp. 3-5.

The organic view of the state was very much in vogue at the beginning of the twentieth century, and it provided a strong impetus to the imperial movement. However, it was the settler colony which most occupied this proto-racialist imagination. British empire-builders foresaw a world dotted with little Britains slowly expanding to occupy the whole of the temperate zones; Frenchmen looked to a Grande France expanding south across the Mediterranean much as the United States had expanded west. While the "little men" at home became embroiled in domestic politics, Cecil Rhodes on the frontier looked to the colonization of the Moon.

One problem confronting settler colonies was that, except in relatively sparsely-settled regions such as North America and Australasia, the indigenous population was likely to be too large and well-entrenched to readily admit of large-scale displacement by Europeans. In Africa this was especially the case, and Afrikaners trekking north from the Cape soon encountered Bantus coming south at a somewhat more leisurely pace. When the two agricultural societies met, the outcome was never really in question. To the society possessing technology went the spoils: the Whites became the proprietors and the Blacks the laborers. Since Whites were generally reluctant to emigrate from Europe to Africa, preferring the more inviting lands of North America and the antipodes, the already-entrenched White population became more

and more a minority, isolated from the mainstream of European thought, and more and more awash in a sea of dispossessed Blacks. The leading movement of imperialism had left them in its wake.

The German empire in Africa partook of both the settler type of colony and the imperial "protectorate" described above.

Mandated-Territories-To-Be: The German Colonies

Germany was a latecomer in the scramble for African colonies, and what she finally acquired was something of a minimal empire. Preoccupied with territorial consolidation in Europe, she finally reacted as the last parcels of independent Africa were threatening to disappear under the "protection" of the Union Jack and the tricouleur. Commenting in The Rulers of German Africa, L. H. Gann and Peter Duignan see the German colonial impulse as not so much an extension of state policy as

a surrender to special interests--to missionaries anxious to work under the protection of the German eagle and to merchants, especially traders on the west coast of Africa who looked for imperial protection at a time when falling world prices for African products forced them increasingly to move toward the interior so as to reduce their overhead by cutting out the African middlemen.¹⁶

Nevertheless, German imperialism was of little economic

¹⁶L. H. Gann and Peter Duignan, The Rulers of German Africa, 1884-1914 (Stanford, Calif.: Stanford University Press, 1977), p. 9.

consequence. "Within the hierarchy of German capitalism as a whole, the magnates of the African trade were pygmies."¹⁷

In the administration of her African territories, Germany was in general no more ruthless than many of her European neighbors. She certainly had more than her share of black marks--the virtual campaign of genocide carried out against the Hereros is the most notable instance¹⁸--but overall, German administration in the years leading up to 1914 was nowhere near the unique outrage later alleged at the Peace Conference. Indeed, in his study of Britain and the German colonies during the war, William Roger Louis contends that "Germany's guilt as a uniquely brutal and cruel colonial power originated during the First World War, not before."¹⁹ Nevertheless, Vernichtungsbefehl doomed the Weimar Republic to sit on the sidelines of interwar colonialism; ironically, Léopold's État indépendant did not disqualify Belgium as a Mandatory Power.

¹⁷Ibid., p. 10. Germany's colonial empire attracted only one in every thousand emigrants and 0.6% of German foreign trade. In 1913 its deficit amounted to more than £6,000,000. Cf. Wm. Roger Louis, Great Britain and Germany's lost colonies, 1914-1919 (Oxford: Oxford University Press, 1967), p. 10.

¹⁸Robert Cornevin, "The Germans in Africa before 1918," in Colonialism in Africa, 1870-1960, ed. L. H. Gann and Peter Duignan (Cambridge: Cambridge University Press, 1969), vol. 1, p. 388.

¹⁹Louis, *ibid.*, p. 16. Examples of studies of German colonialism undertaken more to justify subsequent Allied appropriation than to look objectively at the

Assuming therefore that the assignment to Germany of all the guilt for the sins of colonialism was based more on political considerations than on any distinctly German predilection to malicious colonial administration, we shall for the most part bypass the period of German control. Its importance in the context of this paper is as the raison d'être for the Mandates system as a whole.²⁰ The question now becomes, given the unremunerative nature of the German colonies, why should anyone else wish to relieve Germany of the burden? The answer may lie in a number of non-economic pressures.

Before 1884 the conventional wisdom was that there were three national brands of colonization: "the English, which consists in making colonies with colonists; the German, which collects colonists without colonies; and the French, which sets up colonies without colonists."²¹ The establishment of German protectorates

particular successes and failures of German imperial policy are G. L. Beer's African Questions at the Paris Peace Conference (New York, 1923; reprint ed., New York: Negro Universities Press, 1969) and vol. 18 of the British Foreign Office's Peace Handbooks, German African Possessions, Late (London, 1920; reprint ed., New York: Greenwood Press, 1969).

²⁰Although Germany was deprived of her colonies, she did not lose interest in their administration, and from the outset she was intensely involved in trying to influence the Mandates system, usually towards greater international control (see especially Assembly Document 106). Upon German admission to the League, this interest was finally recognized by the appointment of a German member to the Permanent Mandates Commission (1927).

²¹Leading article, The Times, 27 August 1884, p. 6.

over Togo, the Cameroons, Tanganyika (German East Africa), and Southwest Africa, as well as several Pacific archipelagos, changed all this. This late and seemingly careless disruption of the above formula, far from causing consternation among the veteran colonial Powers, elicited a marked show of co-operation from the two war giants of imperialism, France and Britain. France negotiated a cession of territory in French Equatorial Africa giving Germany access to the wealth of the Congo basin and Lake Chad, in return for German support during the Morocco crisis. Likewise, Britain recognized German control over Tanganyika and the Caprivi Strip, the latter a narrow finger of territory stretching from German Southwest Africa some five hundred kilometers into the heart of British southern Africa, in order to gain German support in Turkey and the Sudan. Much as these arrangements may have irked the more imperialistic circles in the two donor countries, they were seen at the time as wise territorial adjustments in favor of a state unlikely to pose any threat in Africa for the foreseeable future.²²

The outbreak of the Great War--and within that context the great advances in submarine warfare--suddenly

²²Ronald Robinson and John Gallagher, Africa and the Victorians (London: Macmillan, 1965), chap. 10; for a somewhat different interpretation, see G. N. Uzoigwe, Britain and the Conquest of Africa (Ann Arbor: University of Michigan Press, 1974), pp. 187-96. Bismarck saw German colonies only as potential hostages for Britain.

changed all that. To Britain, literally dependent on the sealanes for her survival, the coastal and insular German colonies suddenly metamorphosed from harmless prestige-pieces into potential submarine bases from which to wreak havoc on the lifeline of Empire. A memorandum from L. S. Amery, a secretary in the British War Cabinet and long a vigorous exponent of British imperialism, made this fear explicit in 1917:

...if Germany can recover her colonies, or even add to them as she hopes...she will be able to renew it [German colonial expansion and sea power] with far greater hopes of success. She will take effective military measures to make her colonies secure against conquest, and she will establish in each of them bases for submarines and raiders. A base in Duala in the Cameroons commanding the routes to South America and South Africa; a base in East Africa, whose radius covered the entrance to the Red Sea and threatened all communications between India and South Africa; one or more bases in the Pacific--once they are well organised the next war with the British Empire could be undertaken under far more favourable conditions.²³

Because of its novelty (which it shared with the airplane) the submarine had an unknown potential. As with many new weapons, military and civilian leaders tended to overestimate the decisiveness of its impact.²⁴

This fear of submarine warfare, coupled with the demands of the southern Dominions for territorial compensation for their contributions to the defense of

²³"Notes on Possible Terms of Peace," G.T.-448, Secret, 11 April 1917, Cab. 24/10, quoted in Louis, *ibid.*, p. 4.

²⁴Similar fears in regard to aerial bombardment were current in Europe prior to the Second World War.

the mother country, ensured that the German colonies would end up as spoils of war. Even if strategic considerations had been cast aside, the fervor of a popular indignation fueled by government propaganda would have made the return of the colonies unthinkable. To further complicate matters, however, outright annexation had likewise been ruled out, thanks to President Wilson's injunction against territorial aggrandizement--he controlled the purse-strings as well as much of the reserve cannon-fodder. In addition, the leaders of the Russian revolutionary government had coined the phrase "no annexations," which was quickly gaining currency in the allied countries.²⁵

The Evolution and Organization
of the System of Mandates

The outrages committed by European colonialism during the late nineteenth century, especially in the Congo basin, produced a growing popular demand for some sort of international supervision. Although it had been an international conference which had initially approved the conditions which led to the rape of the Congo, the basic idea of international supervision had not been tarnished by the episode to any great degree. Some of the reasons for this can be found in simple national prejudices. It was the opinion of most abolitionist and

²⁵Louis, *ibid.*, p. 6.

native welfare societies in Britain, for example, that the unrestrained excesses of the Belgians, French, Germans, Portuguese, and Spanish in Africa were seriously endangering the welfare of the natives. Since outright British annexation of the affected colonies probably would not go over well in foreign circles, the next best thing seemed to be some form of international control in which Britain would be able to exercise her due weight.²⁶ Similar sentiments were expressed by Continental societies, though the names of the offending states tended to differ.

As has already been noted above, the pronouncements of President Wilson and the Bolshevik leaders made the postwar disposal of the German and Ottoman territories an international question rather than one for the Allied and Associated Powers to decide amongst themselves (though in the end this was roughly what happened).²⁷ Although contemporary restraints on annexation were the direct impetus to the Mandates system, the idea of the "Mandate"

²⁶A writer in The Times observed that ". . . so far as the British mandated territories are concerned, it cannot be pretended that the system introduces any new features, except the annual reports to the League; for British administration has always stood for [the various duties] which the League Mandates prescribe . . ." ("Task of Mandates Commission," The Times, 3 July 1925, p. 15).

²⁷The problem was aggravated by a discrepancy between Article 22 of the Covenant and Article 118 of the Treaty of Versailles, the latter of which stated that Germany renounced all colonial claims in favor of the Allied and Associated Powers.

had preceded the war by many years in international legal and official circles. Quincy Wright noted that

In 1887 Germany proposed that the Powers appoint a "mandatory" for Samoa and in 1898 Italy suggested that Prince George of Greece be made "mandatory" of the Powers to administer Crete. During the Russo-Japanese War, Dr. Agira published a book entitled Mandate System in Manchuria urging Japan to assume the administration of that country on the basis of a treaty with China whereby the latter's sovereignty would be formally preserved and certain limitations would be imposed upon the Japanese administration"28

This last suggestion closely parallels the terms of the 1882 British assumption of power in Egypt in which "they notified the other Powers that they had undertaken the duty of advising the khedive until a satisfactory and stable condition of affairs should be established."²⁹ It will be noted that in most of these instances either the proposed mandated territory was of minimal strategic interest or of so much interest that the state proposing the Mandate also proposed itself as Mandatory Power. Likewise no solid framework was proposed for international supervision aside from a simple international acquiescence.

The universally recognized Father of the Mandates system was General Jan Smuts of South Africa. If the original concept was not his, it was he who was its most forceful proponent at the Peace Conference. Smuts had originally intended that the idea be applied only to the remnants of the Austro-Hungarian, Russian, and Ottoman

²⁸Wright, *ibid.*, pp. 19-20.

²⁹Sir George Clark, English History: A Survey (Oxford: At the Clarendon Press, 1971), p. 465.

empires, "from which he 'distinguished in principle' the German colonial empire."³⁰ Smuts' argument was that the Mandates system ought only to be applied to countries which had a reasonable chance of attaining self-government in the foreseeable future, and it is interesting to speculate how the history of the next twenty-five years might have been altered had the system been applied as he had originally envisaged it.

Russia was dropped from the list at the Peace Conference, much to Smuts' chagrin, and the German colonies added; then, at the behest of Italy, Austria-Hungary was also dropped, thus removing Europe from consideration altogether.³¹ It should be noted that the one continent in which General Smuts opposed the introduction of the Mandates system was the one in which his own country had a direct and vital interest--Africa.

The detailed evolution of the Mandates concept is treated at length by Quincy Wright.³² We shall here examine the structure which finally arose.

The outline of the Mandates system as expressed in Article 22 of the Covenant of the League of Nations was a model of euphemism. The former German and Ottoman territories were referred to as "those colonies and territories which as a consequence of the late war have ceased

³⁰Wright, *ibid.*, p. 33; cf. Louis, *ibid.*, p. 120.

³¹*Ibid.*, pp. 29-34 *passim*.

³²*Ibid.*, pp. 1-98.

to be under the sovereignty of the states which formerly governed them." This anonymity of prior ownership was deliberately inserted into the article in order that the system should not seem to discriminate against the vanquished of the war. In addition, although the assignment of Mandates under the terms of Article 22 was to be implicitly objective--"to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it"--these were not the actual bases of assignment.³³

Indeed, it was no coincidence that the advanced nations chosen to administer the Mandates were the same nations whose troops were occupying the territories in question. Even President Wilson recognized in the end "the prior claim of the occupying Powers to receive Mandates, the special claim of the Dominions in respect to the open door and of France in respect to recruiting natives."³⁴ Any other arrangement would have violated a number of inter-Allied agreements concluded during the

³³As noted above, Article 119 reserved all power to the Allied and Associated Powers. Nevertheless, by the terms of Article 22, if these Powers could not decide among themselves within a reasonable period of time the terms of the Mandates, this decision would be made by the "members of the League." This phrase, which implied, if anything, the Assembly (as the only body representing all the members of the League), was tortuously interpreted by the Council to mean "signatories to the Treaty of Versailles who are members of the League." (Assembly document 161, pp. 15-16).

³⁴Wright, *ibid.*, p. 41.

course of the war and would have resulted at the very least in extremely strained relations between the contracting parties.

By the terms of Article 22 the Mandatory Powers were enjoined to fulfill a number of special obligations within their respective territories, including the guaranteeing of freedom of conscience and religion, the ending of the trade in slaves, arms, and alcohol, the prohibition of military bases and military training of the natives, and the provision of the Open Door. It is worthy of note that virtually all these provisions redounded to the benefit of the Europeans: the freedom of religion clause was intended primarily to provide equal opportunities for Protestant and Catholic missionaries and most definitely not to promote the growth of Islam or animism; likewise the prohibition of the slave trade would cause hardship only to Muslims; the prohibition of alcohol and firearm sales to natives permitted easier control; and the demilitarization and free-trade clauses were intended primarily to appease those States Members of the League which did not receive Mandates.

None of the clauses of Article 22 dealt specifically with native welfare. To understand the absence of such specific clauses, it is necessary to look at the constitution of the League in 1919. Aside from a select minority of states in Asia and Africa, the League was a de facto European club. The overwhelming majority of

States Members were either European states or "Europe overseas" (Latin America and the British Dominions). Japan, as one of the Allied Powers, was co-opted by the award of a Mandate of her own in the Pacific; the remaining members of the nascent Third World represented a very insignificant threat. The dominant form of government in Africa and Asia was the colony or protectorate. The few remaining independent non-White states were unlikely to take the risk of rocking the boat too much over the Mandates question.

In Africa, the Mandates were of two types: "B" Mandates and "C" Mandates. A third type, "A" Mandates, applied only to the more developed states of the former Ottoman empire. The central difference between "B" and "C" Mandates was that the latter could be administered as integral parts of a Mandatory Power's national territory, while the former had to be administered separately or as parts of neighboring colonies. In effect, this distinction was a superficial one. If a Mandatory Power happened to be located in the vicinity of its Mandated Territory, as was the case with South Africa and Southwest Africa, Australia and New Guinea, and New Zealand and the neighboring island groups, the Mandated Territory came under class "C." Southwest Africa was the only African territory thus qualifying for a "C" Mandate. The other African territories received "B" Mandates as follows:

- (1) German East Africa was divided into British-mandated

Tanganyika and the smaller but more populous Belgian-mandated Ruanda-Urundi; (2) Togoland and Kamerun were divided between Britain and France, France receiving the lion's share of both. Portugal, which along with Italy had also wanted Mandates but had not been party to the earlier treaties, was partially compensated with a sliver of territory along the northern frontier of Mozambique. Aside from Ruanda and Urundi, which were analogous to European feudal monarchies and ethnically homogeneous, the boundaries of the Mandated Territories, like those of the African colonies around them, were arbitrary and did not correspond to any ethnic or geographic frontiers. Even the inter-mandatory delineation of the Franco-British frontier in Togo and the Cameroons continued to ignore such considerations. By ignoring the ethnic integrity of the Mandated Territories the League helped ensure an unsettled future for the affected peoples.

The geographical situation of the Mandated Territories varied considerably. Southwest Africa was desert and plateau on the border of the temperate zone and contiguous to South Africa, two conditions which made it liable to settlement from the Union. Tanganyika was arid and sparsely populated and, except in the north, not conducive to European settlement; conversely, Ruanda-Urundi was quite conducive to such settlement but already possessed a population of five million Africans; semi-tropical Togo and the Cameroons were also not conducive.

The ethnic make-up of the West African territories was similar to that of West Africa in general: a patchwork of interlocking tribal groups spread over the length and breadth of the sub-continent; rational territorial division along ethnic lines was thus considerably hampered. In contrast, Ruanda and Urundi were each ethnically distinct entities, though in these cases the ethnic division was social rather than geographical, with one group dominant over the others. Southwest Africa was multi-ethnic, but the large territorial expanse and sparse population made for little intermingling among the several groups; an added complicating factor was a white minority of some size.

The relatively small areas of Ruanda-Urundi and the British spheres of Togo and the Cameroons, along with their contiguity to larger colonies of their respective Mandatory Powers, persuaded the Council of the League to allow these areas to be administered as parts of those colonies: the Belgian Congo, the Gold Coast, and Nigeria respectively. On the map, the assignment of the Mandates in the manner described had the effect of enlarging the Belgian Congo very slightly, consolidating French dominance in West Africa, and giving Britain virtual hegemony in southern and eastern Africa.³⁵ In this way

³⁵The British Mandates made Cecil Rhodes' Cape-to-Cairo railway a real geographic possibility; in fact, thanks to the award of Middle East Mandates to Britain as well, Rhodes' railway could have been extended to Singapore without ever leaving British controlled territory.

the welfare of the natives was made to coincide to a remarkable degree with the imperial ambitions of the Mandatory Powers.

While the Mandatory Powers (in their role as the Principal Allied Powers) gave themselves pretty much everything they wanted, both in the distribution of the Mandates and in their terms, the one thorn which remained was the formal arrangement of Article 22, which presented an unknown potential for mischief. According to the language of the article, the Mandates were ultimately at the disposal of the League. Sovereignty resided in the League and not in the Mandatory Power, which merely administered the Mandated Territory on behalf of the League. In this way the possibility existed, be it ever so slight, that the League might one day decide to reallocate the Mandates. While the make-up of the League, and especially of the Council,³⁶ made such a reallocation unlikely, the possibility acted as a brake on gross mismanagement.

At the time of the formation of the Mandates system, there was a considerable belief on the part of

³⁶The Council was dominated by the Principal Allied Powers. As noted in The Times in 1925:

". . . it may be pointed out at once that there is not the smallest likelihood of the transfer of any territories committed to the stewardship of the British Empire, France, or Belgium; for all three countries [sic] are members of the Council of the League, and there exists no machinery for a change except a unanimous vote of the Council." ("Task of the Mandates Commission," *ibid.*).

reformers that the system represented a major step in the evolution of imperialism, and that it would gradually be extended to other colonies, should the League find their existing administration unacceptable.³⁷ However, although the Mandates system was a precedent in international law, the language of Article 22 indicates that it was intended only as an ad hoc solution to the question of the territorial spoils of World War I, and History has since borne this out.

The mechanism of the League for policing the Mandates was a Permanent Mandates Commission composed of nine members having prior experience in colonial affairs.³⁸ This Commission would receive annual reports from the Mandatory Powers and question representatives of those Powers with respect to the carrying out of the Mandates. The P.M.C. had no power of enforcement in itself. Unlike its successor, the Trusteeship Council of the UN, it was not even empowered to make on-the-spot investigations in the Mandated Territories, but was dependent upon the good will of the Mandatory Powers for all the information necessary to make reasonable assessments of the carrying out of the Mandates.³⁹ Enforcement powers, whatever they

³⁷Cf. Morel, *ibid.*, pp. 215-41.

³⁸The Commission was originally intended to have fifteen members, eight from non-Mandatory Powers and one apiece from each Mandatory Power; the former selected by the Assembly and the latter by the individual states. (Assembly document 161, pp. 24-25).

³⁹Even petitions from inhabitants had to pass

might be, resided in the Council of the League; the Mandates Commission could only make recommendations.

The Council of the League, while requiring that members of the P.M.C. have previous experience in colonial affairs, forbade them from holding government office during the period of their tenure. This requirement was intended to limit interference by national governments in the workings of the Commission, and to a large degree it succeeded,⁴⁰ but the additional requirement that members nonetheless be nominated by their respective governments tended to dilute the effectiveness of this provision. Within these restrictions, the nine seats on the Commission were divided in such a way that four members would always be nationals of Mandatory Powers while five would be drawn

through the Mandatory Powers. An attempt by the P.M.C. to receive petitioners in person was defeated by the Council at its forty-first session. Sir Austen Chamberlain, the British member of the Council, noted "a tendency on the part of the Commission to extend its authority to the point where Government would no longer be vested in the Mandatory Power but in the Mandates Commission" (Quoted in Survey of International Affairs, 1928 [London: Oxford University Press, 1929], p. 118). Despite often vocal opposition, the Commission was able to circumnavigate these obstructions to a degree. The secretary to the Commission, William Rappard, maintained an unofficial network of contacts in the Mandated Territories that ensured that petitions presented to Mandatory Powers did eventually reach the Commission (Perham, *ibid.*, p. 652).

⁴⁰In one of the few instances of a member being influenced outright by his government, Sir Frederick Lugard was persuaded not to criticize French conduct in Syria. But Sir Frederick's silence during the debate was so unusual that it was obvious to everyone that he had been pressured (Perham, *ibid.*, p. 650-52). But such pressure seems to have been conspicuous only for its absence.

from other States Members of the League.⁴¹ This arrangement kept the Mandatory Powers in a minority on the Commission, but it also ensured one seat to each Mandatory Power (assuming the Dominions to be subsumed under the British Empire), the maximum possible.

While members of the P.M.C. were enjoined from holding office under their governments during the period of their tenure, only three of the nineteen persons holding seats during the 1920s had never held a government post. Indeed, governments were encouraged to draw upon former colonial officials as members, it being felt that colonial experience was what was especially needed in a body of this kind. Likewise, members were not dissuaded from holding government office subsequent to their service on the P.M.C., and several members actually resigned from the Commission in order to take up such posts, making the prohibition on office-holding during the period of actual tenure ring very hollow indeed.

Besides being heavily biased in favor of former government officials and civil servants, membership on the Commission was in practice limited to members of the upper social strata. Financial remuneration was meagre, limiting the pool of available talent to the independently wealthy and the comfortably well-off.⁴² During the 1920s, the

⁴¹A proposal from the Haitian member of the Assembly that a Black be appointed to the Commission was defeated (Wright, *ibid.*, p. 140).

⁴²*Ibid.*, pp. 142-43.

P.M.C. included the Italian Marquess Alberto Theodoli as Chairman, Lord Frederick Lugard as the British member, the Count de Penha Garcia as the Portuguese member, and the Count de Ballobar, Duke of Terranova, as the Spanish member. Representation from the lower social strata was non-existent.⁴³

In 1927, the Council increased the membership of the Commission to ten, bringing in a German representative. In addition, from 1924 William E. Rappard the Swiss political economist and former director of the Mandates Section of the League Secretariat, was admitted as an extraordinary member. He and H. A. Grimshaw, the (British) representative of the I.L.O. on the Commission, offered the only sustained defense of the responsibilities of the Commission on the one hand and of the Mandatory Powers on the other during the years under study. The former devoted his talents to encouraging amongst the membership a broader interpretation of the powers of the P.M.C., while the latter was the most vocal advocate of the rights of the native inhabitants.

Except when the Commission was occupied by a particular incident involving a Mandate, such as the Bondelzwarts Rebellion in Southwest Africa or the Palestine Question, their primary concern was with the examination of the annual reports. For this purpose, specific respon-

⁴³See Appendix B for a list of the members of the Commission during this period.

sibilities were assigned to members to parallel the responsibilities of the Mandatory Powers as outlined in Article 22. Britain was assigned arms, alcohol, and the drug traffic; France, the military clauses; Spain, public health and freedom of conscience; Belgium, economic equality for States Members; Sweden, education; Holland, land tenure; Japan, native welfare and demographic statistics; and Italy, public finances. This process of assignment was in general based on the competencies of the members of the Commission (the comments of the Marquess Theodoli on questions of finance were particularly detailed), though the assignment of educational questions to the Swedish member, Anna Bugge-Wicksell, seems to have been done primarily on the basis of her sex.⁴⁴

As is readily apparent from the foregoing, the Mandates system was established in 1919 upon an extremely shaky foundation, hedged about with compromise and co-option. Concessions to the states occupying the territories in question as well as compromises of principle made the task of the Permanent Mandates Commission difficult to begin with. The limited authority of the P.M.C. and the natural hesitancy of its members to extend that authority made it even more difficult as time went on. Just how difficult will become apparent in the pages that follow.

⁴⁴ Charles N. Lyons, *To Wash an Aethiopian White* (New York: Franklin & Johnson College Press, 1975), pp. 86-163.

⁴⁴ C.P.M. Minutes (1st session; 1921), p. 3.

CHAPTER III

NATIVE EDUCATION AND EDUCABILITY

Any discussion of native education in Africa must begin with an examination of contemporary European attitudes towards the idea. Although only fifty years have passed, the more extreme of these ideas--not all that uncommon at the time--now seem almost as alien as if they had been expressed in the 1720s rather than the 1920s.

Perhaps the most insidious attitude was the prevalent belief, especially among Europeans resident in Africa, that there existed fundamental differences between European and African educability. Charles H. Lyons has explored this belief in some depth as it evolved (or didn't evolve) in the days of British colonialism.¹ Although Lyons sees the attitude as predominant especially in the late nineteenth century, the fact that it was not yet dead in the 1920s--or even moribund--is made manifest by this excerpt from the report of a Belgian administrator in Ruanda-Urundi, an excerpt which also serves to state the attitude in its most concise terms:

Une fois accoutumés, les élèves Barundi se plaisent à l'école. En général, ils sont zèles, les jeunes surtout ont l'intelligence ouverte et progressent

¹Charles H. Lyons, To Wash an Aethiop White (New York: Teachers College Press, 1975), pp. 86-163 Passim.

comme des enfants européens. Plus âgés, ils sont souvent frappés de myopie intellectuelle.²

The attitude apparently remained generally accepted among educated Europeans in 1926, since this report, which appeared in the Mandatory Power's annual report for that year, seems to have passed unnoticed by the members of the P.M.C. While indignant members pointed out that the Mandatory Power was not expending much of its colonial budget on native education, the expression of the above attitude, which brought into question the very purpose of the educational program, seems not to have raised an eyebrow amongst those learned gentlemen.

Lyons sees this theory of "intellectual myopia" as "less an explanation of an actual physical phenomenon and more a reflection of the social relationships which existed between blacks and whites."³ He points out that the age at which Africans purportedly lost the ability to learn was when they reached puberty:

. . . it has frequently been remarked that whites even in a strict racial-caste situation have had few qualms about allowing their younger children to play with black youngsters. With the achievement of puberty, however, black youths were generally viewed by whites as a potential threat—⁴socially, sexually, economically, and politically.

²Ruanda-Urundi, Rapport annuel (1926), p. 77.

TRANSLATION: Once they get used to the idea, Barundi children grow quite fond of school. In general, they are enthusiastic; the young ones especially have a quite receptive intelligence and advance at the same pace as European children. The older ones, however, are often struck with intellectual myopia.

³Lyons, *ibid.*, p. 94.

⁴*Ibid.*

This attitude also helps to explain why African education was so bottom-heavy, with the number of pupils being passed up the ladder becoming successively smaller with each grade. While similar arrangements were universal in Europe at the time, never did the winnowing take place at such early ages. That educational advancement was available to Africans at all seems to have been due to a slight modification of the "intellectual myopia" theory. Whereas in 1864 the West African specialist Winwood Reade could claim that arrested mental development affected all African children (even going so far as to state quite seriously that after the age of sixteen they "slowly forgot all they had learnt"⁵), the Belgian school director quoted above would only venture that this "often" happened, not that it was inevitable. Nevertheless, the existence and general acceptance of such an attitude ensured that European support for pouring funds into so questionable an idea as native education would be half-hearted at best.

Despite the grudging admission that education of the native might result in the advancement, intellectual and otherwise, of some at least, there was at the same time an attitude--definitely not the attitude of the Commission, but prevalent among the Mandatory Powers--that there was something coercive in forcing the natives

⁵Anthropological Society of London, Journal, II (1864), xi, quoted in Lyons, *ibid.*, p. 94.

to attend school. It was often believed wrong in principle to induce native children to be instructed. Since Europeans as a matter of course coerced their own children to attend school, this reticence to apply the same principle to African education may strike the reader as a false solicitude for the rights of native parents. Nevertheless the sentiment was put in a convincingly rational guise by the celebrated British geneticist, J. B. S. Haldane, commenting in the June 1928 issue of Harper's Magazine:

As long as my services to my neighbor are confined to feeding him when hungry or helping him to raise his wages, and tending him when sick or preventing future sicknesses, and so forth, I am probably following the golden rule, for I do not want to be hungry, poor or sick, and few of my neighbors are good enough Christians to do so. But if I soar above the mere claims of the body, I shall try to educate my neighbor against his will, convert him to my particular brand of religion or irreligion, or even to psychoanalyze him. As I do not personally want to admire Gertrude Stein, worship a biscuit, or remember the moral lapses of my infancy, these forms of charity are very liable to be breaches of the golden rule; and if they are carried too far they may well develop into missions to the heathen or even crusades.⁶

Indeed. If such sentiments never found their way into the Minutes of the Permanent Mandates Commission, it is quite possible that it was because the question of compulsory native education was a moot one. Consider that in Ruanda-Urundi the per-capita expenditure on education remained constant during the first five years of the Mandatory

⁶J. B. S. Haldane, "Science and Ethics," in Harper's Magazine, June 1928, p. 2.

régime at two tenths of an American cent, while declining as a percentage of ordinary revenue from 3.555% in 1921 to 3.390% in 1926.⁷ No national educational system, much less one based on compulsory attendance, could survive at such a level of funding. The picture in the other Mandated Territories was not much rosier: the best performance was in the British Cameroons, where per-capita expenditure rose to almost six cents in 1926,⁸ even though public education was confined to the southern districts during the first ten years of British rule. Behind the meager expenditures lay the often-stated belief that business at home must take precedence over colonial affairs, and that, in the colonies, expenses should receive priority according to the degree to which they benefit the home constituency.

While the statistics for educational expenditure were most favorable in Southwest Africa (roughly \$1.75 per capita in 1926), the figures were skewed by the inclusion under the same head of both native and white education. Indeed, the extreme racial theories of this Mandatory Power helped during this period to all but eliminate expenditure on native education in "Southwest." In the kindest terms, the South Africans believed that native evolution must be gradual and not abrupt. To a degree this attitude

⁷Wright, *ibid.*, p. 632.

⁸*Ibid.* See especially C.P.W., *Minutes* (14th session; 1928), pp. 8-9 and (12th session; 1930), pp. 135-38.

¹⁰Southwest Africa, *Annual Report* (1925), p. 112.

was shared by members of the P.M.C.,⁹ but the administrative consequences of such an attitude were most clearly evident in the annual report on Southwest Africa for 1925:

At a very early stage the missionary starts a school in [the Mission's] meeting house in order to bring the native children under his influence [!] This work usually has a small beginning and starts with a school of a dozen or less children taught by the missionary himself for an hour or two a day. As the work grows, the missionary finds it necessary to appoint a teacher who can devote his whole time to the school. A full-time teacher finds it possible to have school regularly for 4 or 5 hours a day and to devote attention to secular as well as religious instruction.

At this stage the State steps in and assists the Mission.¹⁰

For South Africa then, the provision of native education by the State was more a question of the evolutionary stage reached by the colonial process than one of direct intervention to speed up or alter that process. The degree of State assistance to Missions will be dealt with in greater detail below; for Southwest Africa such assistance constituted the whole of what might be called State education for the natives (the Whites, being already at an advanced stage of evolution, were presumed ready for a full European State education). Not only did South Africa do little to assist native education during the first ten years of the Mandate, it was considered the duty of the administration to actually retard progress in this field if necessary. Indeed,

⁹See especially C.P.M., Minutes (14th session; 1928), pp. 108-9 and (18th session; 1930), pp. 135-38.

¹⁰Southwest Africa, Annual Report (1925), p. 112.

the report for 1925 went on to state that the Education Department desired the natives to develop "step by step." To enforce this, "It tries to check rigorously any attempt to make the natives show as much progress in one generation as other races and nations showed only after 3 or 4 centuries of steady development."¹¹ This attitude was quite at variance with that of the Commission, but they did their best to soften the blow of their criticisms, as will be seen.

If the South African attitude differed from those of the other Mandatory Powers, it was only in degree. If the South Africans went so far as to set out the theory of native evolution, the others stated implicitly the stage to which they assumed African society to have evolved. For example, a literary and scientific education was regarded for them as worse than useless. The moral invigoration of the native was seen as the paramount goal of education. To the Belgian authorities,

La formation du caractère par la morale religieuse et par l'habitude du travail régulier doit, dans toutes les écoles, avoir le pas sur l'enseignement des branches littéraires et scientifiques. Ce sont là les principes essentiels dont s'inspire le programme que le Gouvernement s'est attaché à réaliser avec le concours des missions.¹²

¹¹Ibid.

¹²Ruanda-Urundi, *ibid.* TRANSLATION: The formation of character by religious ethics and by the habit of regular work must, in all schools, take precedence over instruction in the literary and scientific branches. Those are the essential principles which inspire the program which the Government is determined to put into effect with the aid of the Missions.

Such an attitude was prevalent in the early years of this century, and it is still strongly supported today in many quarters. It is, for instance, one of the driving forces behind the "school prayer" debate. However, in Africa the push was much more fundamental, and often had for its result a significant lessening in the amount of "book-learning" the natives received. The attitude was not simply that of colonial officials in Africa, but was also shared by the members of the P.M.C.

The direction of education away from the theoretical and towards the practical was consistently encouraged by Anna Bugge-Wicksell, the Swedish member of the Commission responsible for education. Indeed, her opinions on this point were so strong that one might question her devotion to the actual concept of native education. To cite an example, in the discussion on the Southwest Africa annual report on 30 June 1925, Mme Bugge-Wicksell announced that she was "quite satisfied" with the South African view of native education--this after Sir Frederick Lugard had expressed his dismay that only one percent of the Mandated Territory's revenue was being devoted to native education, and after M. Rappard, the former director of the Mandates Section of the League Secretariat, had seriously questioned "whether the spirit of Article 22 was being carried out" in this regard.¹³

¹³C.P.M., Minutes (6th session; 1925), pp. 73-74.

¹⁶C.P.M., Minutes (11th session; 1927), p. 102.

The promotion of vocational education over a liberal arts curriculum was, of course, quite practical for countries in which the possible outlets for a native intelligentsia were limited, to say the least. The 1926 Belgian report on Ruanda-Urundi was typical in stressing work as a means to the formation of character.¹⁴ But there was often much more than a simple practicality in these matters. The Southwest Africa report for the same year put the question much more bluntly:

It is difficult for the European to understand the mentality of the South-West African Native. His outlook on life is so totally different to that of a European that it is almost impossible to avoid clashing with him sometimes.

He does not know that honesty, fairness and consideration to others are virtues. He spends his life in hunting in which pursuit he regards every means as fair to get hold of his prey and an idea of cruelty never enters his mind.

He is improvident. If he has hunted down and chased all the game away from his surroundings, has dug up all the edible roots and burnt up all the fuel, he moves to another place.

He is unclean in his habits. It is far less trouble to him to burn one hut and build another than to try and keep that hut clean. The idea of improving the place where he lives never enters his mind. His thought is "Let us take as much as we can out of this place because tomorrow we move elsewhere."¹⁵

It can be seen, therefore, that the first perceived need in native education was a "moral" change in the native. Mme Bugge-Wicksell noted at a meeting of the P.M.C. on 27 June 1927 that a "low moral standard" seemed to prevail "in all the mandated areas of Africa."¹⁶

¹⁴Ruanda-Urundi, *ibid.*

¹⁵Southwest Africa, Annual Report (1926), p. 59.

¹⁶C.P.M., Minutes (11th session; 1927), p. 102.

She suggested that natives should get more physical exercise, an apparent cure-all for low morals.

A glance at the curriculum of the Finnish Mission School in Southwest Africa for 1928, however, would seem to indicate that more exercise was the one thing the native educational system did not need. Of the forty-five hours per week purportedly devoted to instruction, more than half consisted of "practical work"--working in the Mission gardens and building huts.¹⁷ As it stood, the standard of education was such that the missionaries decided in 1929 to eliminate the two hours per week devoted to writing and to replace it with two hours of drawing.¹⁸

But if education in Southwest Africa seemed to be moving backwards rather than forward, the French administration in the Cameroons intended to bring native education forward as rapidly as funding would allow. First, in contrast to the British and South Africans, who preferred that the native be instructed in his native language, the French set as their first goal "une diffusion de la langue française qui permit d'entrer en relations avec les indigènes."¹⁹ In this sense, the French were continuing in the footsteps of their German predecessors, who likewise tried to wean the natives from their accepted lingua franca of pidgin English. In a larger sense, it

¹⁷Southwest Africa, Annual Report (1928), p. 53.

¹⁸Ibid. Minutes (15th session: 1928), pp. 84-85.

¹⁹French Cameroons, Rapport annuel (1921), p. 430.

was simply an extension to the Mandated Territories of the French colonial policy of Assimilation, molding the natives into future Frenchmen. The advantage went to those willing to give up their native identity by adopting French customs, especially the French language. The decision to teach the Natives in French did, of course, have practical benefits. It meant that the French did not have to rely, theoretically at least, on native teachers (in practice they did). And to the French it had a higher benefit in that it would inherently raise the level of native civilization: "France a été jugée digne de cette tutelle, elle doit diriger son action dans le sens de notre génie national, ce qui ne peut se réaliser sans le secours de notre langue nationale."²⁰ Teaching in French presented problems not only to pupils brought up in pidgin, but also to those educated at the American Mission, where instruction was in English pure and simple. Students from the Mission seeking admission to the Government secondary school had an extremely hard time on the entrance examination, since, while they had been taught in English, the exam was in French.²¹

TRANSLATION: a diffusion of the French language to permit entering into relations with the natives.

²⁰Ibid., p. 421. TRANSLATION: France has been deemed worthy of this trust; she must direct her actions in the direction of our national genius, which cannot be realized without the aid of our national language.

²¹C.P.M., Minutes (13th session; 1928), pp. 84-85.

minutes However, despite this linguistic imperialism, which for all intents and purposes was ubiquitous throughout the colonial world, France went further than any other Mandatory Power in establishing a functioning system of native education. By the Arrêté of 25 July 1921, a three-tier structure was established. At the lowest level was the village school, located in every village of at least forty school-age children (in practice the enforcement of this provision was limited by the teacher shortage). The best and the brightest of these village scholars would progress to a regional school, entrance to which was restricted to literate francophones. These regional schools were created only in areas where there was sufficient demand; parents from outside the chosen areas could send their children at their own expense. The curriculum at the regional schools consisted of a rather superficial study of French, mathematics, history, geography, physical and natural science (applied to hygiene and local conditions), the metric system, and either agriculture (for boys) or home economics (for girls). Graduates of the regional schools would, subject to written and oral examination, be eligible to proceed to the "école supérieur" at Yaoundé, where a three-year course would prepare them for professions either as teachers or as civil servants in the native administration.

The Arrêté set down not only the general outlines of education in the Mandated Territory, but also the

minutest details of examinations, curricula, buildings, and other requirements of the schools.²²

In the British Cameroons, due to the administrative union of the Mandated Territory with neighboring Nigeria, a specific framework was not established; natives in the Mandated Territory received the same education as their fellows in Nigeria. This meant in practice that official education was extended only to the southern Cameroons, and that in the North, as in the Northern Territories of Nigeria, the only education available was an Islamic education in the Koranic schools or in Native Administration schools limited to Muslims.²³ As in the French Cameroons, exceptional students might progress all the way up the educational ladder: in this case the goal was King's College, Lagos. The typical curriculum in the lower schools was virtually identical to the French model, save that teaching was in the native language in the early years and in English and Arabic later on. If one lived in the South, one could progress from a lower school to a provincial school.

The effects of the doctrine of Indirect Rule on education in the British Cameroons can be seen from some extracts from the British report for 1921, when they took

²²French Cameroons, Arrêté organisant l'Enseignement dans les Territoires du Cameroun, reproduced in the Rapport annuel (1921), pp. 87-89.

²³See British Cameroons, Annual Report, for any year in the 1920s, e.g. 1924, p. 32 or 1927, p. 68.

stock of what they had inherited from the Germans. The North was seen as being in a state of civilization similar to that of the rest of the Sudan region; to the British, the results of Islamic cultural influence did not appear worse than "those which in other parts of Africa accrue from the introduction of European ideas of 'individualism' and European 'law.'"²⁴ Beyond Islamic cultural dominance, a racial dominance was detected as well, and it was confidently stated that

The past history of the Sudan shows that such progress as has been achieved in the direction of culture, moral and material, has been wholly due to miscegenation between tribes who may be regarded as aboriginal and conquering Hamitic and Semitic races from the East and North . . . A close examination of the Sudan reveals the fact that in reality there is no such thing as a purely "negro" culture--it is almost true to say that all Sudanese culture is Oriental culture transplanted and adapted.²⁵

The practical result of such beliefs was the "encouragement" of certain racial stocks over others;²⁶ certain racial groups were given advantages by the Belgian authorities in Ruanda-Urundi with the same end in mind.²⁷ Again, such attitudes appear to have been generally-held and to have elicited no response of any kind in the members of the Permanent Mandates Commission

Given the rather low general opinion of African educability, the slow pace at which native education

²⁴British Cameroons, Annual Report (1921), p. 14.

²⁵Ibid.

²⁶Ibid.

²⁷Ruanda-Urundi, Rapport annuel (1921), pp. 10-14.

progressed becomes more intelligible. During the period of the 'twenties, all Mandated Territories experienced shortages of both European doctors and teachers. At first, blame for this was laid upon the War, which had emptied the medical and normal schools; later it was claimed that doctors and teachers simply preferred to work elsewhere. Since employment in the colonial service was voluntary, the net effect of this preference was to ensure a permanent shortage of trained Europeans in the colonial educational régime. Indeed, the want of quality personnel was not limited just to the lower reaches of the education service. Jean Suret-Canale points out that

In the [French] Cameroons the head of the education services from 1922 to 1939 was a former groundnut trader, who entered the administration after going bankrupt and had completed only elementary school education . . . Among the locally resident European staff were a former bar-tender, a former blacksmith and a non-commissioned colonial officer.²⁸

And this in the Mandated Territory which seemed to have put the most thought into native education!

Problems regarding the language of instruction have already been noted. Often the decision was even more political than has been indicated. For example, not all the Mandatory Powers regarded Islam with the same indifference as did the British. If the French chose to teach in French the better to transmit their "génie nationale," the Belgians did so in order to pry the natives away from the Islamicizing influence of Swahili.

²⁸Jean Suret-Canale, French Colonialism in Tropical Africa (New York: Pica Press, 1971), p. 386.

Although Swahili was not banned outright--it was even taught by the Belgians themselves in the higher grades--its general use was discouraged, since it was seen as encouraging "la pénétration de l'élément mohoméтан, ce qui n'est racommandable ni dans l'intérêt des indigènes ni dans celui de l'occupation européenne."²⁹ In contrast, the British reported that in Dikwa district of their Cameroons, "Arabic, it seems, commends itself to natives of every class, and on this is based their estimation of the school."³⁰ Opinion on the P.M.C. tended to go both ways at once regarding the language issue, based primarily upon the perceived efficacy of one language or the other in the task of instructing the natives. In 1923, the Portuguese member, M. Freire d'Andrade, expressed his belief that instruction in the French Cameroons should be in the vernacular, that instruction in French might be at the root of low attendance figures.³¹ Sir Frederick Lugard, on the other hand, questioned why pupils were being instructed in native tongues, since this limited the available teacher pool. He recommended that instruction in Southwest African schools be in English and Dutch.³²

²⁹Ruanda-Urundi, Rapport annuel (1929), p. 61.
TRANSLATION: the penetration of the Muslim element, which is desirable neither in the interest of the natives nor in that of the European occupation.

³⁰British Cameroons, Annual Report (1928), p. 84.

³¹C.P.M., Minutes (3rd session; 1923), pp. 28-29.

³²C.P.M., Minutes (4th session; 1924), p. 51.

We have dealt so far with the general questions of education in the Mandated Territories. In the actual day-to-day task of instructing the natives, however, these questions fell very much into the background. As has been pointed out, State education was hampered throughout this period by a shortage of European teaching staff and by the questionable quality of that which was available. The net effect of this inability to secure sufficient staff was to ensure that a viable State system of native education would not be formed, and that the main burden of the task would fall in varying degrees to the missionaries.

Only in the French Cameroons did the number of State schools and State-educated students even seem to exceed the number of equivalent Mission schools and Mission-educated students; however, the reason for this was that most Mission schools in the French Cameroons fell under the category of "non-recognized" schools. Only Missions which qualified for State subsidy --the "recognized" schools--were counted in the official education statistics in any methodical way; "non-recognized" schools and their attendance figures appeared only as rough estimates. In 1925, the number of pupils attending these schools totalled more than 40,000 compared to just over 10,000 in State and "recognized" Mission schools combined.³³

³³French Cameroons, Rapport annuel (1925), p. 15.

³⁶Ruanda-Urundi, Rapport annuel (1925), p. 76.

Ruanda - The division of Mission schools into "recognized" and "non-recognized" categories was not unique to the French; it was a system which recommended itself to all the Mandatory Powers in varying degrees, primarily as a means for a limited subsidizing of Mission education. In the British Cameroons, several Mission schools were recognized as subsidizable schools under the Education (Colony and Southern Provinces) Act of 1936.³⁴ In Southwest Africa, virtually all Mission schools were recognized; in 1922/23 they received grants totalling £4,300 and the report for 1921 stated that "from the 1st January 1922, native children will receive free education and free books in Mission schools, provided by Government grants up to the end of the primary course on the same terms as European children."³⁵ In Ruanda-Urundi, the Government did not begin subsidizing Mission schools until 1925. The Belgian annual report for that year justified the action by noting that missionaries were the best educators of the native, since they lived among them for long periods and could learn the languages and habits.³⁶ It should be noted that in all cases except Southwest Africa many more Mission schools were not subsidized.

Urundi In both Ruanda-Urundi and the French Cameroons, State education was aimed toward educating an élite: in

³⁴ British Cameroons, Annual Report (1927), p. 63.

³⁵ Southwest Africa, Annual Report (1921), p. 15.

³⁶ Ruanda-Urundi, Rapport annuel (1925), p. 76.

Ruanda-Urundi an already-established social and political élite; in the French Cameroons a budding francophone élite. In justification of their concentration on educating the sons of the native aristocracy, the Belgians pointed out that the children of the aristocracy were repelled by Mission education: the upper classes drew much of their prestige and status from their position in the native religions, and saw the Christian Missions as a threat to that status. The effect was that they did not become educated. Since the colonial authorities had adopted the native aristocracy as their instruments for directing native affairs, it was not in the Belgian interest to have the lower classes slowly becoming more educated than their social superiors. The ready solution to this problem was the provision of écoles pour les fils de chefs where students from the upper classes could learn their place under the new régime. The three-year program would produce, said the 1921 report, "clerks de nos administrateurs . . . assesseurs des greffiers, des tribunaux indigènes . . . adjoints à la collecte de l'impôt."³⁷

By 1925 and the beginning of the Mission subsidies, it had become clear that the Mandatory Power in Ruanda-Urundi intended to limit its role in native education. Aside from the schools for the sons of chiefs, the Govern-

³⁷Ruanda-Urundi, Rapport annuel (1921), p. 17.
 TRANSLATION: clerks for our administrators . . . clerks of court, of the native tribunals . . . assistant tax-collectors.

ment would provide schools only where no Mission education was available.³⁸ Due to their continuing teacher shortage, the Belgian authorities had by 1929 decided to rely to a large extent on the Catholic seminary at Kabgaye for the provision of native teachers, since some 85% of the seminary's graduates did not opt for the priesthood.³⁹ In Ruanda-Urundi, this provided a makeshift solution to the teacher shortage which otherwise continued to plague the other Mandated Territories. By the end of the 'twenties, native education in the country had been placed almost entirely in the hands of the Missions, with even the teachers in the State schools being provided from the pool of seminary graduates. Only the education of the sons of chiefs--the group whose co-operation the Belgians prized most--remained firmly in official hands.

One immediate benefit of transferring the burden of native education to the Missions was a lessening of the demands of education on the Mandatory Power's budget. This question was addressed by the Commission in 1928, when Mlle Valentine Dannevig, the Norwegian neophyte who replaced Mme Bugge-Wicksell in that year, pointed out that the burden of supporting native education in Ruanda-Urundi was being shifted from the Belgian authorities to voluntary contributions from Europe and America.⁴⁰

³⁸Ruanda-Urundi, Rapport annuel (1925), p. 77.

³⁹Ruanda-Urundi, Rapport annuel (1929), p. 61.

⁴⁰C.P.M., Minutes (14th session; 1928), p. 133.

In the same vein, Dr. Ludwig Kastl, the German member, noted that per-capita subsidies in the French Cameroons were "inconsiderable," to which M. Duchêne, the French Accredited Representative, replied that the Missions, especially the American Mission, had their own resources.⁴¹ To a large extent it was this growing abdication of responsibility on the part of the Mandatory Powers which resulted in the continued low per-capita expenditure on native education. In effect, native education in the Mandated Territories was being financed increasingly from private donations to Missions, and the privations to which missionaries were willing to submit in the pursuit of their educational activity. It should be noted that the Belgians as recently as 1923 had described education as a secondary activity of the Missions.⁴²

Of particular concern to administrators were the marginal schools which seemed to pop up now and again in the Mandated Territories. These were not strictly Mission schools, either recognized or non-recognized, but rather were spontaneous native-taught schools. The British report on the Cameroons for 1923 described such schools in that territory as "Hedge schools," taught for the most part by offspring of the Basel Mission schools and offering instruction in "little or nothing beyond

⁴¹C.P.M., Minutes (13th session; 1928), pp. 84-85.

⁴²Ruanda-Urundi, Rapport annuel (1923), p. 28.

congregational singing in the German or Duala language."⁴³ Of interest to Sir Frederick Lugard at one point were similar schools he had encountered during his tenure in Nigeria, schools run by semi-educated persons, "generally under the aegis of some Mission [which] . . . gave rise to considerable trouble."⁴⁴ Sir Frederick's remarks were directed at the French Accredited Representative, who replied that no such schools existed in the French Cameroons. Whether these schools were synonymous with the "hedge schools" of the British Cameroons is unclear, since these latter seem to have caused little concern among Sir Frederick's fellow-countrymen, who reported that such schools gradually gave way to other types.⁴⁵ Sir Frederick was especially concerned that great damage could be done through instruction by "natives possessing a rudimentary education."⁴⁶ In Southwest Africa a different kind of "fringe" school was feared, and Education Proclamation No. 16 (1926) was passed in order to give the Government there the power to close such schools. In reply to a question from Mlle Dannevig, a South African representative stated that the Proclamation was intended

⁴³British Cameroons, Annual Report (1923), p. 52.

⁴⁴C.P.M., Minutes (6th session; 1925), pp. 43-44.

⁴⁵British Cameroons, *ibid.*

⁴⁶C.P.M., Minutes (9th session; 1926), pp. 73-74.

⁴⁹C.P.N., Minutes (14th session; 1928), p. 133.

to prevent the establishment of schools "for purposes of political propaganda."⁴⁷

There was a great fear in all the Mandated Territories, not of political propaganda per se, but that natives might somehow acquire unsuitable ideas. Hence the apprehension both among the administrators and the members of the P.M.C. that the natives might get too literary and scientific an education. The intent of the educational programs in the Mandated Territories was, in the words of the 1927 report for Ruanda-Urundi, "à préparer l'indigène au rôle social qui lui est réservé. Il convient donc qu'il se limite aux notions dont les élèves pourront tirer parti dans leur milieu économique."⁴⁸ It was this desire to restrict the native to his own economic sphere that determined what professional education was available. It was possible for natives to receive training in medicine, as in Ruanda-Urundi and the French Cameroons; but a fluency in French was required, instruction was extremely limited (basic first aid and identification of common diseases), and the results were insignificant.⁴⁹ At the industrial school at Shangugu,

⁴⁷C.P.M., Minutes (15th session; 1929), p.72.

⁴⁸Ruanda-Urundi, Rapport annuel (1926), p. 77.
TRANSLATION: to prepare the native for the social role which is reserved to him. It is proper therefore that it [education] be limited to notions for which the students may find use in their economic sphere.

⁴⁹C.P.M., Minutes (14th session; 1928), p. 133.

Ruanda-Urundi, sixty-eight apprentices could learn rope-making, carpet-weaving, bag-making, dyeing, retting, and tobacco-processing;⁵⁰ occupations which were hardly likely to threaten the European entrepreneurs in their midst or the European industries at home with which large-scale native manufactures might compete. Graduates of the école supérieur in the French Cameroons found employment as State and Mission teachers (moniteurs--a grade reserved for natives), clerks, interpreters, printers, postal employees, and sanitary workers.⁵¹ Special schools were devoted to turning out gardeners and nurserymen, chauffeurs, and cooks.⁵² A similar pattern prevailed throughout the Mandated Territories, as indeed throughout all colonial Africa: the limiting factor in native professional education was that such education must not allow the native to come into competition with industry at home.

Female education in the Mandated Territories suffered even more than native education in general, often from strong native opposition to the idea. In areas under Islamic influence, such as the northern Cameroons and Ruanda-Urundi, such education was virtually unknown. Elsewhere it was carried on only with the

⁵⁰Ruanda-Urundi, Rapport annuel (1925), p. 78.

⁵¹French Cameroons, *ibid.*, p. 10.

⁵²French Cameroons, Rapport annuel (1924), p. 26.

greatest difficulty, though many Mission schools managed to produce a large number of female pupils. Outside the Missions, female education was generally carried on in separate quarters from the general educational program, with classes devoted primarily to "domestic economy."⁵³ Since natives often demanded that female pupils be taught by female teachers, a chronic shortage of such teachers and pupils was inevitable in the State system.

Although it has been possible to integrate South African attitudes and practices with regard to native education into the general comparative framework of this chapter, there are some fundamental differences which do not admit of this treatment. First and foremost among these is the demographic make-up of Southwest Africa and the effective economic, social, and political integration of the Mandated Territory into the home territory of the Mandatory Power, made possible by Southwest Africa's status under a "C" Mandate. These two conditions worked hand in hand to create unique problems in the area of native education. As a constituent part of the Union of South Africa, Southwest Africa in 1925 gained a legislative assembly, and European residents were given almost complete control over native education.⁵⁴ On the Mandates Commission, questions and answers during the annual examination

⁵³C.P.M., Minutes (9th session; 1926), pp. 73-74.

⁵⁴Ibid., p. 41.

of the Southwest African reports became increasingly acrimonious. Examples drawn from several sessions of the Commission will help bring this out.

In 1925, Sir Frederick Lugard took the South African Accredited Representative to task for the paltry sums--one percent of revenue--devoted to education. He was informed that the representative believed this to be a normal proportion in Mandated Territories. Admitting that expenditure elsewhere was "lamentably small," Sir Frederick pointed out that nowhere else was it so small.⁵⁵ The South African representative, Mr. Smit, replied heatedly that "he would be sorry if the Commission were under the impression that in South Africa they looked upon the native as a necessary evil in South-West Africa, and that South-West Africa was being developed solely for the sake of the diamonds."⁵⁶

The following year, in response to a suggestion by Mme Bugge-Wicksell that native teachers take advantage of the educational facilities available in South Africa proper, Mr. Smit stated that such an idea was out of the question--the native would be "overawed [!] on being brought to such centres as Johannesburg, Capetown, etc."⁵⁷ The Marquess Theodoli, Chairman of the Commission, then

⁵⁵C.P.M., Minutes (6th session; 1925), p. 73.

⁵⁶Ibid., p. 74.

⁵⁷C.P.M., Minutes (9th session; 1926), p. 41.

questioned the "very remarkable disproportion" between expenditure upon native (£6,500) and European (£65,000) education. Smit replied that European teachers in effect required more amenities than native teachers.⁵⁸

In 1927, Sir Frederick Lugard again went on the offensive, noting that of £100,000 devoted to education in the Mandated Territory, only £8,100 was earmarked for native education. Mr. Smit this time placed the blame on the Southwest African taxpayer, noting that direct expenditure on the natives "came directly out of the white man's pocket (£40,000 out of a total income of £700,000). It was impossible to ask the white man to contribute more to native expenditure in the present position of affairs."⁵⁹

In 1928, Mlle Dannevig quickly made an enemy of Mr. Smit's successor, Mr. Werth. She noted at the eleventh meeting (11 November 1928) that the South African report gave a "very sad picture" of native conditions:

It was said that the natives were poor, that their stock was low, that they had to pay taxes, and, in order to do so, had to go to the mines to find work, that only old men were left to look after the women and children in the reserves, and that many boys under fourteen had to find employment. There was therefore no cause for surprise that the natives were called lazy, improvident and immoral.⁶⁰

She went on to note that in 1927, nearly £110,000 was spent on the education of 25,000 Europeans while only

⁵⁸Ibid.

⁵⁹C.P.M., Minutes (11th session; 1927), p. 102.

⁶⁰C.P.M., Minutes (14th session; 1928), p. 108.

£8,100 was spent on a native population (within the Police Zone⁶¹) of 93,491. Mr. Werth's reply was that this indictment of South African rule was "certainly not deserved." He stated that, basically, the natives did not want to learn. "He was not going to cause a native war in the attempt to thrust education upon a people who did not want it."⁶²

In 1929 Mr. Werth was in turn replaced by a Mr. de Walter, who was subjected to a blast from M. Rappard to the effect that the "Administration seemed to be paying a great attention to the education of the non-native population." He pointed out that the Government spent on the White child one hundred times what it spent on the Black. Mr. de Walter fell back on the argument that the European population had to pay for native education, and that the program was based on "the experience of a much older country--the Union of South Africa."⁶³ The implication was that with age came wisdom. In the end several members of the Commission, including Freire d'Andrade and the Marquess Theodoli, rallied to South Africa's side, drawing on their own colonial experience as proof of the ultimate justice of that country's claims.

In conclusion, it must be said that, in the case of education, the prior colonial experience of the members

⁶¹The southern two-thirds of the country.

⁶²C.P.M., Minutes (14th session; 1928), p. 109.

⁶³C.P.M., Minutes (18th session; 1930), p. 135.

of the Commission seems to have had an effect opposite to that which one assumes the framers of Article 22 had in mind. Shared attitudes regarding the native's character traits and especially regarding his ultimate educability helped frustrate whatever attempts were made to bring some form of control over the various administrations in this area of trusteeship. The successful moves by the various Mandatory Powers to shift the primary burden of native education from their own shoulders to those of the Missions was an abdication, perhaps not entirely premeditated, which served to ensure a long European tutorial and a minimum of native intellectual advancement. It also helped protect the European economic position, both in the Mandated Territories and at home.

In the field of education, the primary good served by the Commission seems to have been in acting as a forum for its more liberal-minded members and as a public showcase for the shortcomings of the Mandatory Powers. In the field of health care, where the threat to the European position in Africa was less clear, the Commission was able to have a greater effect, as will be seen.

CHAPTER IV

PUBLIC HEALTH

The question of the health of the natives was, both in the reports of the Mandatory Powers and in the minutes of the Permanent Mandates Commission, subsumed under the broader category of "public health." The problems presented by this arrangement cannot be overemphasized; it had the effect, in a number of important areas, of throwing together matters pertaining to the health of European settlers and those pertaining to the health of the natives, such as the number of doctors and health facilities in general. When reading the reports and the minutes one must continually bear this in mind.

In general, public health, like other questions relating to the "material and moral well-being" of the natives, was given rather less attention, both by the Mandatory Powers and by the Commission, than questions of an economic nature. Although the Commission was theoretically composed of experts in colonial matters, one receives the impression, especially in matters of health, that the members were somewhat out of their depth: their analysis of the public health sections of the annual reports is often lacking in insight. Of course the very undeveloped nature of the Mandated Territories helped to obscure any overall view of the health situation; but one

receives the impression that, with regard to this question in particular, the members of the Commission were rather too understanding of the difficulties encountered by the Mandatory Powers. This was especially true of Alfredo Freire d'Andrade, the Portuguese member of the Commission and the one specifically charged with responsibility for public health matters, as will become clear below.

The relative unimportance accorded to public health by the Permanent Mandates Commission was by no means a phenomenon unique to the Commission. The Peace Handbooks prepared by the British Foreign Office with regard to the former German colonies in Africa show an even more remarkable disregard for questions of public health, limiting themselves to a description, in two or three paragraphs, of the "sanitary conditions" appertaining to a particular territory; virtually no mention is made of improvements introduced by the Germans or their absence.¹

At any rate, public health, like education, was generally regarded as an area in which "gradual" progress was preferable to massive injections of aid, which might tend to have a disruptive effect on the native social structures.

As far as level of service was concerned, the different Mandated Territories did not fall into easy

¹Great Britain, Foreign Office, German African Territories, Late (London, 1920; reprint ed., New York: Greenwood Press, 1969), "Togoland," pp. 8-9; "Cameroon," pp. 8-9; "South-West Africa," pp. 6-7; "Tanganyika (German East Africa)," pp. 15-16.

categories, due primarily to the varying forms of administration. In the British Cameroons, medical service suffered from the same geographical constraints as did education, with the result that in the North the provision of health care was much more limited than in the South.² In the French Cameroons, on the other hand, development was rapid and deliberate, receiving very high praise from the members of the P.M.C. In Southwest Africa, a free market in medical services determined the rate of progress, with a very limited government service. Finally, in Ruanda-Urundi, expansion of health care was dependent upon its growth in the neighboring Belgian Congo and upon the development of an indigenous staff of native medical assistants.

The doctor shortage was a severe problem throughout the period under study. The war of 1914-1918 had taken its toll among the medical profession as well as elsewhere, and the revived medical schools and their graduates were channeled first into the replenishment of the medical services in the home countries. Certainly there was no incentive, monetary or otherwise, to forsake a lucrative home market for colonial service. While the Permanent Mandates Commission was forever pointing to the doctor shortage in the Mandated Territories as a question which must engage the immediate attention of the Mandatory

²C.P.M., Minutes (10th session; 1926), pp. 91-82.

³C.P.M., Minutes (13th session; 1928), p. 82.

Powers, the inevitable response was that sufficient numbers of doctors were simply not available.

One solution hit upon quite early by the Commission was that the Mandatory Powers should try recruiting doctors from outside their own countries. This suggestion produced a revealing spectrum of replies. At the session of 18 June 1928, M. Duchêne, the French Accredited Representative, explained that in the Cameroons French diplomas were generally felt necessary for pharmacy and medicine, but that foreign degrees were sometimes accepted as equivalent. "This system enabled foreign students to acquire French diplomas more rapidly."³ The result was a sizable medical force in the French Cameroons. Across the border in the British territory the situation was not so bright. As was mentioned above, public health developments, like most other territory-wide developments, were linked to developments in neighboring Nigeria. For foreign doctors to be accepted in the one they would have to be accepted in the other. To further complicate matters, a peculiar extension of insular superiority exhibited itself when Mr. Ormsby-Gore was confronted with the question of foreign doctors practicing in the Cameroons. At the meeting of 31 October 1927, he stated that foreign doctors were sometimes rejected, not for professional reasons, but because they lacked certain personal qualities, such as leadership. "This policy was undoubtedly right, even if

³C.P.M., Minutes (13th session; 1928), p. 82.

it meant a shortage of numbers." M. Rappard, in reply, "presumed that Mr. Ormsby-Gore did not mean to imply that the necessary personal qualifications were only to be found among British subjects." While not denying M. Rappard's allegation, Ormsby-Gore stated that the problem would be studied more, with the object of liberalizing this aspect of official policy.⁴

In Southwest Africa, perhaps due to the admixture of German, Boer, and British elements, foreign doctors did not encounter such difficulties. This might also be due in part to the fact that any European coming into the territory was regarded as a potential settler rather than as an itinerant. Despite this, the fact was that, outside the limited government service (provided at fixed geographical points rather than on tour), all medical service was in the hands of private practitioners, who preferred to tend to the comparatively prosperous settler population rather than the natives. The government service, small as it was, remained slightly understaffed during this period, despite a salary of £1,000 per annum, and great fluctuation of numbers occurred in the private practices.⁵

In Ruanda-Urundi, the medical situation was little more than deplorable. When questioned by the German member of the P.M.C., Dr. Ludwig Kastl, regarding a total

⁴C.P.M., Minutes (12th session; 1927), pp. 81-83.

⁵C.P.M., Minutes (14th session; 1928), pp. 109-10.

medical staff of six doctors for a native population of five millions, M. Halewyck de Heusch, the Belgian Accredited Representative, could only reply that recruitment, even of foreigners, was next to impossible. As the head of the Congo Red Cross, he had had personal experience of recruitment difficulties. In an obvious jab at the ever vigilant M. Rappard, he noted that in all his years not one Swiss doctor had come forward to volunteer his services.⁶ Despite the poor Belgian showing, the P.M.C. noted "with satisfaction" in its report for 1928 that the Mandatory Power in Ruanda-Urundi intended "to continue its efforts to develop the medical service of the territory."⁷ It should be noted in defense of the Belgians that the medical service in the Congo in 1928 was more than fifty percent foreign, adding some weight to their argument that employment of foreign doctors was not in itself sufficient for the provision of adequate health care.⁸

The number of doctors employed at any one time, as noted above in regard to Southwest Africa, was subject to considerable fluctuation. In response to a question regarding a sizable decline in that territory's medical staff, Mr. Werth, the South African Accredited Representative, stated that the drop from fifty-two doctors

⁶C.P.M., Minutes (14th session; 1928), p. 134.

⁷C.P.M., Report (14th session; 1928), p. 272.

⁸C.P.M., Minutes (14th session; 1928), 123.

in 1927 to twenty-five in 1928 meant that "presumably twenty-seven medical practitioners had left the territory."⁹ It should be noted, in mild contrast, that the six doctors in Ruanda-Urundi referred to above represented a fifty percent increase over previous years. The French Cameroons, where the level of health service was probably higher than anywhere else in the African Mandated Territories, were still subject to a decline from forty-four to thirty-six doctors in 1928.¹⁰ The French Accredited Representative observed that this reduction did not reflect French policy, and that in fact the administration was asking for a three million franc credit in order to hire seven new doctors.¹¹ Freire d'Andrade noted meanwhile that the medical staff in the British Cameroons in 1924 consisted of two doctors:

It might be contended that the lack of medical assistance was due to budgetary reasons, but the Mandatory Power had a mission and had been entrusted with its Mandate owing to the fact that it possessed the necessary resources for the development of the territory.¹²

As a solution, he suggested that Britain not be so concerned with preserving native organization, and suggested, surprisingly, that medical costs in the North might be defrayed by a tax on the natives. Mr. Ormsby-Gore

⁹C.P.M., Minutes (14th session; 1928), pp. 109-10.

¹⁰C.P.M., Minutes (16th session; 1929), p. 152.

¹¹C.P.M., Minutes (5th session; 1924), p. 26.

¹²Ibid.

¹³Ruanda-Urundi, Rapport annuel (1929), p. 53.

replied that a special tax on the natives would be contrary to British policy.¹³

Unlike medical staff, medical facilities were comparatively permanent. This ensured that statistics in this category would show a steady growth from year to year--the chances of losing a hospital or infirmary were slim. Even so, examination of these statistics is often revealing. Europeans as a rule were cared for separately from the natives. This separate treatment could be organized in a number of ways. For example, while in Ruanda-Urundi European and native health care were both government-supplied, in the British Cameroons, provision was by a combination of private and public means.

At the end of our period (1929), when the public health service in Ruanda-Urundi was at its best, the report of the Belgian administration listed the following facilities: a hospital for Whites at Usumbara (3 rooms), a hospital for Blacks in the same town (115 beds), and additional hospitals for Blacks at Kitega (70 beds) and Kigali (100 beds).¹⁴ While it might be argued that preferential treatment was quite obviously given to White patients--they received private rooms while the natives stayed in wards (salles)--it could at the same time be argued that, comparing native hospital care in 1929 to what it had been ten or twenty years previous, great

¹³C.P.M., Minutes (10th session; 1926), pp. 102-3.

¹⁴Ruanda-Urundi, Rapport annuel (1929), p. 53.

strides had been made, while, comparing European hospital care for the same period, nothing more than a holding action had taken place. To improve native health it was not necessary to endanger European health. Certainly even today this separate treatment would not be looked upon as unusual or even particularly unjust, when the goal was to attract European know-how to an area.

In the British Cameroons, doctors were as likely to be employed by plantation owners as by the government, though all were subject to government inspection.¹⁵ It can be seen from this that the health of their workers was of some concern to landowners, certainly more so than their education, provision for which was left entirely up to the government and the Missions. The extent of this concern can be seen in the fact that it was not unusual for two or more plantation owners to band together to hire a common doctor to look after the health needs both of themselves and of their native workers.¹⁶

In the French Cameroons, not only were doctors recruited by local planters, but Missionaries were also accepted into the health service.¹⁷ As far as the regular medical service was concerned, the French staff in 1928 stood at forty-four doctors: nineteen regular; eleven attached to the special League anti-sleeping-sickness

¹⁵C.P.M., Minutes (7th session; 1925), p. 49.

¹⁶Ibid.

¹⁷C.P.M., Minutes (9th session; 1926), p. 72.

campaign; and fourteen otherwise engaged.¹⁸ French expenditure on health throughout this period was substantial, and as early as 1923 the Marquess Theodoli was moved to congratulate the French authorities on their effort.¹⁹

In Southwest Africa, the situation was complicated both by the large numbers of European immigrants arriving from the Union and by the large numbers of Germans who had elected to stay on after the awarding of the Mandate to South Africa. Thus while the number of doctors in Southwest Africa often appears large, here more than anywhere else their practices were oriented towards the European rather than the African population. It is clear from the examination of South African representatives before the P.M.C. that very few private practitioners were engaged in work among the natives. In response to a question from Sir Frederick Lugard, Mr. Hofmeyr noted that the native population, especially outside the towns, was spread too thinly to make a private practice profitable. Service by the government physicians was limited. There were no regular tours of the reserves, which is not surprising when one considers that the reserves were economically useless to the Mandatory Power. Medical care was not available on any regular basis except to those natives who left the reserves to work for the White man.

¹⁸C.P.M., Minutes (13th session; 1928), pp. 86-87.

¹⁹C.P.M., Minutes (3rd session; 1923), p. 29.

But despite what seems readily apparent today--that the provision of health care was economically motivated--South African representatives at the time were not the least bit afraid of making the most extraordinary assertions as to the state of native health. For example, at the meeting of 27 June 1927, Mr. Smit, the Accredited Representative, stated that the Southwest African population led healthier lives than the average European population, and that he doubted whether mortality was lower in Europe than it was in Southwest Africa.²⁰ One may question, quite seriously, whether Mr. Smit was referring to the Southwest African population as a whole or merely to the European portion of that population, for it is often not at all clear. More than in any other Mandated Territory, natives in Southwest Africa were most likely to be excluded when "population" was referred to. South Africans looked upon natives in much the same way as Americans looked upon Red Indians, though given their relative numbers, somewhat less understandably.

It was in the nature of the colonial experience in Africa that reliable figures regarding the health of natives could only be obtained in situations in which a specific group was brought under the social administration of Europeans for a substantial length of time. In general, this occurred only in two ways: (1) by the recruitment of native workers for employment, either public

²⁰C.P.M., Minutes (11th session; 1927), p. 103.

or private, by Europeans, especially on a large scale; or (2) by the incarceration of natives in prisons. For the purposes of this study, these will be treated together as instances of native health being under European supervision.

One of the most curious attitudes expressed by European administrators appearing before the Commission was that, far from health being poor in a particular prison or labor camp, the natives were in fact healthier than their White counterparts in Europe. When H. A. Grimshaw, representative of the International Labor Organization, pointed out to the South African representative that conditions in the mines in Southwest Africa had not improved, the representative replied that, "from his personal experience, he doubted whether any employees in Europe worked under such healthy conditions." In specific response to a question regarding a death rate from flu of 93.6 per thousand per annum, he again drew a European parallel: "It might indeed be compared to the epidemic that passed over Europe in 1918."²¹ Even more remarkable, if the minutes of the Commission are to be believed, was that such statements apparently raised no eyebrows among the members. The expression of such opinions on the part of South Africans might be explained by a jaundiced view of conditions in Europe, but their acceptance at face value by the members of the P.M.C. is utterly baffling.

²¹C.P.M., Minutes (14th session; 1928), p. 106.

Southwest Africa arrested the attention of the Commission on more than one occasion. The recruitment of Ovambos from the North of the territory for work in the mines farther south prompted much speculation on the part of the members as to the degree to which change of climate affected survival rate. In the report of its third session, the P.M.C. spelled out these concerns:

The Permanent Mandates Commission has noted with much concern a number of references in the reports of this and of preceding years to the prejudicial effects upon the health of workers which appear sometimes to be experienced when they are recruited in one area for employment in another in which climatic conditions appreciably differ. The Commission feels that this matter will engage the sympathetic attention of the Mandatory Power and of the administrations concerned.²²

M. Rappard was able to report to the next session that mandatories were beginning to take climate into consideration in labor matters, and that recruitment was now taking place from areas more climatically similar to the place of eventual employment.²³ Such ready compliance on the part of the Mandatory Power is quite startling, given the humble nature of the Commission's earlier request. It is perhaps a mark not so much of the power of the Commission per se, but rather of the deference likely to be shown by European Powers to a statement, no matter how tentative, of a European (Commission) consensus.

²²C.P.M., Report (3rd session; 1923), p. 3. The situation remained unremedied as far as South Africa was concerned and was brought up again in the report for the 4th session.

²³C.P.M., Minutes (4th session; 1924), p. 13.

One interesting theory as to the cause of high native mortality in prisons was put forward by the P.M.C.'s putative health expert, M. Freire d'Andrade:

It might be asked whether this was not due also to the fact that the natives, brought suddenly into contact with European civilisation, had at once abandoned their somewhat enforced sober habits, to the detriment of their health. The mortality rate was also very high among the workers employed under the contract system, who, somewhat weak on arrival at their place of employment owing to lack of food, suddenly found that they were free to eat their rations, which, as a rule, were ample. It was necessary, therefore, to take precautions and supervise the food of the natives in order to avoid this.²⁴

This theory that high mortality might be directly attributable to the fact that the natives were eating too well was unfortunately in direct contradiction to a statement by the Belgian administrator of Ruanda-Urundi that the natives preferred to eat next to nothing. While Freire d'Andrade noted "sober enforced habits," M. Merlin, the French member of the Commission would later observe that "the native loved idleness and in many cases feared even the effort necessary in order to obtain adequate food."²⁵ We thus find a garbled and not very flattering picture of the native emerging from the statements of the very ones who have been appointed to look after his interests.

Despite this rather ambivalent attitude towards the worth of the native by some Commission members, even

²⁴C.P.M., Minutes (9th session; 1926), p. 108.

²⁵C.P.M., Minutes (9th session; 1926), pp. 94-95.

these were not averse to taking his part vis-à-vis the administrators. Members were especially upset by mortality on public works projects, such as road and railway construction in the French Cameroons. Freire d'Andrade noted at the meeting of 21 June 1927 that the mortality among these workers was five percent. M. Duchêne, the French Accredited Representative, replied that the figures were misleading, since the work had a high turnover rate, and thus the total number of workers was much higher in proportion to the number of deaths than the mortality rate would indicate.²⁶ Although this statement would shed a better light on the mortality, it sheds an even worse one on the observation made two years earlier by Mr. Grimshaw that only one doctor was assigned by the French to the Midland Railway construction, where the death rate was eight percent rather than five. At that time reports were received "of men being employed for seven months without payment, of ill-treatment, etc." As was often the case, M. Duchêne made the counter-argument that the workers really did not complain at all, that they, "in the majority of cases, returned to their villages not only in good health but usually much better off."²⁷

The explanation of high mortality by high turnover was not unique to the French; the Belgians explained high

²⁶C.P.M., Minutes (11th session; 1927), pp. 29-30. Grimshaw believed the average a truer reflection of mortality (see Minutes [14th session; 1928], p. 106).

²⁷C.P.M., Minutes (6th session; 1925), pp. 41-42.

prison mortality in exactly the same way.²⁸ One place where such an explanation was not plausible was in the mines of Southwest Africa, where the death rate in 1924 stood at eleven percent. The explanation advanced by the South African representative was a flu epidemic. Still, Mr. Grimshaw suggested that the Union government was not entirely disinterested in this matter, that in the previous twenty-one months they had received more than £500,000 in revenue from the mines (more than one-half the total revenue from Southwest Africa), and that "the product of some 6 or 8 thousand native workers" was "hardly earned with a death rate of 110 per thousand."²⁹ Mention should finally be made of native reserves. While these were by no means unknown elsewhere in Africa, especially among British colonies such as Kenya and Rhodesia, the only Mandated Territory in which they were extensively instituted was Southwest Africa. Despite the fact that, theoretically at least, these reserves were under European control, the collection of statistics was just as irregular as amongst the population at large. This uncertainty did not, however, prevent the formulation of sweeping statements regarding native health in these

²⁸C.P.M., Minutes (7th session; 1925), p. 70.

²⁹C.P.M., Minutes (6th session; 1925), p. 70. In the Observations of the South African representative on the P.M.C. report for 1925 (A.23.1924.VI), the high death rate was attributed to a flu outbreak, "defective sanitation," and "pollution of the water supply by a cloudburst" (p. 1). Flu was again the culprit three years later (see Minutes [11th session; 1927], p. 97).

districts. When asked by the Marquess Theodoli whether an epidemic of cerebro-spinal meningitis might be due to poor housing, Mr. Hofmeyr, the South African administrator, responded, much to Theodoli's chagrin, by quoting a report from a district medical officer to the Administrator of the territory, a report generally praising treatment of the natives but not addressing the question posed by the Marquess. In part, the report said that "it can be stated without fear of contradiction that nowhere else is the native treated with more consideration or is more attention given to the welfare of the native than in South West Africa."³⁰ It was sadly true that, due to restrictions on the receipt of native petitions, and to a lack of authority on the part of the P.M.C. to conduct on-the-spot investigations, such statements could indeed be made "without fear of contradiction." To modern eyes, familiar with the restrictive legislation enacted during the early years of the Mandate, such a report ought only to have brought embarrassment to Mr. Hofmeyr. As it was, the report was questioned not in itself, but only to the extent that it did not answer the question.

In general, one gathers from the minutes of the Commission, the health of these "directly-administered" natives, while a cause of some concern to members-- relatively reliable (and unsettling) statistics were

³⁰C.P.M., Minutes (4th session; 1924), pp. 83-86. Theodoli was not amused.

available for these populations--was a question which could be easily painted over by colonial administrators. Appeals to freak epidemics, "acclimitisation," and native immoderation were certainly questionable. In the end, were a kind of "old boy" environment seems to have prevailed; modest improvements in the labor and prison health situation were greeted with more approval from Commission members than would seem to be warranted by the facts.

In the Mandated Territories at large, particular health problems varied considerably; those that were investigated tended to reflect the specific interests of members of the P.M.C. Early on in the Mandates period, the attention of the Commission, and especially of its British members, was arrested by the problem of venereal disease. Mr. Ormsby-Gore seems to have begun the inquiry, when he noted that the report on Southwest Africa for 1920 gave very interesting data, "particularly with regard to venereal diseases."³¹ It appeared that the diseases had been introduced within the previous thirty years, and that syphilis in particular had become rampant.³²

Although the Commission devoted a paragraph of its 1922 report to the problem, the P.M.C. as a whole expressed slight interest in it. When Ormsby-Gore was replaced by Sir Frederick Lugard, however, the British torch was passed to able hands. Southwest Africa having

³¹C.P.M., Minutes (1st session; 1921), p. 34.

³²C.P.M., Minutes (2nd session; 1922), p. 27.

proved infertile ground, Lugard decided to address the problem in the British Cameroons, an area nearer his own experience. He suggested that the spread of syphilis might be checked by a program to license traders, who were thought to spread the disease in their travels.³³ This, however, was not so easy as might have been thought, and Major Ruxton, the British Accredited Representative, explained that the primitive economic situation prevailing in the Cameroons made such a program virtually impracticable, specifically because no-one could decide what a trader was in a land where almost everyone was engaged in trade to a degree during some period of the year.³⁴ So the VD question died a quiet death in 1925; the disease continued its ravages, but solutions were left to the individual Mandatory Powers.

One area in which a solution was not left to the mandatories was in the question of sleeping sickness. Thanks to a grant from the Rockefeller Foundation, a program for the eradication of the disease received the open backing of the Council and the Health Organization of the League, and a resolution of support was passed on 2 August 1922.³⁵ With the backing of the League, this

³³C.P.M., Minutes (5th session; 1924), pp. 26-27. The P.M.C. adopted his suggestions in its report to the Council (C.P.M. 207), p. 7.

³⁴C.P.M., Minutes (7th session; 1925), p. 49.

³⁵C.P.M., Minutes (2nd session; 1922), p. 23 contains the text of the resolution.

problem was confronted squarely and a massive program was unleashed on all of tropical Africa. Medical staffs devoted specifically to wiping out sleeping sickness combed that area of the continent. To show what could be accomplished when European minds were set, even Ruanda-Urundi, with its four to six doctors, was able to report ninety-five percent of the population inoculated, with almost fifty percent of all cases cured.³⁶ The campaign against the disease was a tremendous success by contemporary standards and demonstrated conclusively that, when they had the will, Europeans could have a beneficent effect on the rest of mankind.

One area in which that will was sadly lacking, however, was famine relief. Famine struck Ruanda-Urundi twice during the 1920s, first in 1924 and then, more devastatingly, in 1928. Famine presented a particular problem because it brought the welfare of the native into conflict with a number of European desiderata: cash-crop agriculture and free access of colonial goods to foreign markets.

During the questioning following both famines, it was Sir Frederick Lugard who took the offensive. In 1924, at the height of the famine, the export of food-stuffs from the Mandated Territory was banned. Lugard did not believe such actions were sufficient; he noted that, of the twenty thousand Belgian francs allotted to relief,

³⁶C.P.M., Minutes (14th session; 1928), p. 123.

only slightly more than seven thousand (about £70) had been spent. M. Halewyck de Heusch replied that a large expenditure was unnecessary, since the famine was very localized and the affected area had a very low cost of living anyway.³⁷ M. Halewyck de Heusch was unexpectedly supported by M. Freire d'Andrade, who argued that the Mandatory Power had no duty to dole out food free of charge during a famine; the Belgians had attempted to control prices--that was all that should have been required of them. Giving away food would merely have created artificial famines each year, as growers deliberately planted for a predetermined market and price.³⁸

During the famine of 1928 the situation was much worse. M. Marzorati, the Belgian Accredited Representative, estimated the dead at twenty thousand and the number of refugees at five times that. He explained, however, that the figures for the dead were misleading, since a large proportion consisted of the old and weak who would have died soon anyway. M. Marzorati expected the famine could be laid to three causes: the natives' "heedlessness," lack of sufficient farmland, and excessive development of pasturage, the last of which was bound up in the country's feudal social structure.³⁹ Lugard's attention was, however, directed to the question of insufficient farm-

³⁷C.P.M., Minutes (7th session; 1925), p. 71.

³⁸Ibid.

³⁹C.P.M., Minutes (16th session; 1929), p. 63.

land. He noted that Europeans were sold sizable tracts in this densely-populated region for the purpose of specialized agriculture. This was land taken out of the production of primary food products. M. Marzorati replied that the European concessions consisted of land in the tropical areas of the country, areas the natives shunned; he claimed that no natives were dispossessed in the award of this land to Europeans.⁴⁰

When one tallies up the performance of the Permanent Mandates Commission during its first ten years with regard to native health, the score is mixed. Here more than in any other area the personal biases of the individual Commission members seem to stand out. On the negative side, the member chosen to specifically look after this aspect of native welfare sided more often than not with the Mandatory Powers, often in instances which showed them to have been guilty of the most flagrant dereliction of duty. On the other hand, a number of members, most particularly Sir Frederick Lugard, William Rappard, and the ILO representative, H. A. Grimshaw, went to great lengths to expose these derelictions. In the end, rather than speaking with one voice, the Commission spoke with many, and its effectiveness in this field was severely compromised.

⁴⁰C.P.M., Minutes (16th session; 1929), p. 57 et seq.

CHAPTER V

CRIME AND PUNISHMENT

One of the major administrative structures introduced by Europeans to further the smoother running of their African possessions was a judicial system. Among the many motives behind the establishment of European justice in Africa, certainly the one most stressed in the public relations of colonial powers was that of humanitarianism: the assumption was that the system of justice in existence among the natives served Justice very poorly. This attitude comes out again and again in the minutes of the Permanent Mandates Commission. A few examples will suffice to demonstrate the ubiquity of the belief that no truly just judicial system had ever evolved in Africa.

During the ninth session of the Commission, the newly-appointed French member, M. Martial Merlin, drew on his own colonial experience in making the following comments during the examination of the 1925 annual report on Southwest Africa:

Natives possessed no moral sense as the term was understood in Europe. They had no idea, when punished, why they were being punished or even that it was a punishment, for cases frequently occurred in which the native preferred prison to any other treatment. The native did not seem to understand that there was any stigma attached to being sent to prison. Penal sanctions, unless of a very drastic nature--in which case the native fled to avoid them--were almost useless. A civil punishment was equally useless, for what dam-

ages for breach of contract could a native, who possessed nothing but a loin cloth, pay?¹

Although this would suggest that M. Merlin did not believe that any indigenous courts had existed before the arrival of the Europeans (hence the native's childlike obliviousness to his punishment), the fact was that most Europeans saw the native judicial system as an extension of the native social and economic system. All law resided in the executive power--the chief--the idea of an independent judiciary being entirely alien.

While custom was involved to some degree, most native law, according to Europeans, was determined by self-interest. Hence punishments of penal servitude, which benefited no-one, were almost entirely unknown. Most plaintiffs demanded monetary compensation, a sizable proportion of which then went to fill the chief's own coffers. So while the legal dispensation of native justice could of itself be quite lucrative to an individual chief, he was equally susceptible to bribes, the result being that justice was often reduced to a question of who could buy off the chief's judgment. Such venality ensured that intertribal justice was virtually unknown (unless one counts warfare as a rude form). To European administrators it was obvious that the systems they were introducing would be far superior to the existing forms, and that the elimination of inhumane punishments such as mutilation--

¹C.P.M., Minutes (9th session; 1926), p. 39.

as well as the elimination of corrupt chiefs as judges and their replacement by an impartial supratribal Eurafrican justice--could not help but endear the populace to their new protectors. The 1923 annual report for the French Cameroons observed that "Il est incontestable que bon nombre de couplables bénéficient de l'humanité de nos moyens d'action et d'investigation."²

European perceptions of native justice varied greatly, passing from the relatively liberal view of African justice as a rudimentary form based almost entirely on an interpretation of relationships in terms of chattels, to the more skeptical point of view represented by Merlin and many colonial officials on the spot. The 1922 annual report on Ruanda-Urundi, for example, noted that native justice made no distinction between deliberate and accidental homicide, and that vendetta and revenge-murder were seen as duties when monetary compensation could not be secured.³ But if there was variation in perceptions of native justice, there was unanimity of opinion regarding the superiority of the changes introduced by the various European successor régimes. The is the more remarkable in that the degree of change introduced seems to have varied widely between the different administrations, varying even more widely than did the native systems which they tried

²French Cameroons, Rapport annuel (1923), p. 80. TRANSLATION: It is undeniable that a good many criminals benefit from our means of action and investigation.

³Ruanda-Urundi, Rapport annuel (1922), p. 10.

to replace. Note, for example, the evident aplomb with which the British describe some very non-European courts under their supervision in the Cameroons:

The Native Courts have done their duty during the year with very good results. Their superiority over the alien Provincial Court [a truly European court] in settling the innumerable cases which come before them is apparent to the most obtuse observer, and is due to their almost complete disregard of law, as we know it, and logic [!]. Where the European, driven by the dictates of pure reason, would have to dismiss 75 per cent. of the cases for want of evidence, the Chiefs work on intuition and the law of probabilities. Left to themselves, they would scarcely trouble to call that fad of the white man's, the witness, in whose value the parties concerned are now coming to have a child-like faith, but whose parrot-like repetition of his principal's case would not deceive the most credulous. In dowry cases it is almost unknown for either side to tell the truth, and yet the Chiefs settle hundreds to the apparent content of both parties.⁴

This excerpt from the report of the Bamenda Division for 1924 describes a native court system in which minimal changes have been made by the Europeans. This is not to say that the system was regarded by them as a model of justice, but rather as the best that can be expected. The "child-like" nature of the natives has already been discussed in chapter 3; what is more interesting here is the bemused point of view from which the report was written, a rib-nudging attitude of "oh, look at what those funny natives are doing now," which never received the slightest comment from the members of the P.M.C., even when such attitudes were expressed in their presence. The gratuitous inclusion of such accounts in the annual

⁴British Cameroons, Annual Report (1924) (Colonial No. 16), p. 49.

reports--and they were a regular unheralded feature--can only be interpreted as a subconscious effort on the part of the Mandatory Powers to indicate without stating outright that the natives were obviously far from being ready to stand on their own as envisioned in Article 22 of the Covenant. That the members of the Commission evidently shared this paternalistic attitude is not surprising, since they were all themselves ex-colonial officials; and the attitude certainly made the indirect native justice which was adopted in all the Mandated Territories except Southwest Africa much less controversial among the Commission members.

It is interesting that in the Mandated Territories the British principle of Indirect Rule received its widest application, even in the French-administered territories where one would have expected the more straightforward French colonial administration to have been transplanted. This was the case from the start, and its consequence for the judicial system was to relieve the Europeans on the spot of a great deal of responsibility. In general, the system of native justice continued in existence, though now tempered by European advisors whose task it was periodically to review the judicial work of the chiefs. But this European intervention was kept to a minimum. In Ruanda-Urundi, for instance, sentences passed by the native courts were as a rule allowed to let stand, except in those cases where the sentence involved the exercise of

barbaric practices.⁵ The French prided themselves that upon their arrival in the Cameroons they had outlawed all punishments other than penal servitude and fines (the Germans had administered corporal punishment), and that intervention by the chairman of a European tribunal was necessary only in cases involving: (1) natives from more than one tribe; (2) political questions; (3) questions of competence; and (4) evidence or other material requiring a literary or mathematical competence beyond that of the native assessors.⁶

While it is apparent that limiting European intervention to "catastrophic" situations kept European involvement (and therefore expenditure) to a minimum in the field of native justice, and while it may seem questionable that such peripheral contact with the native judicial system could have an "educational" impact in any real sense of the word, nevertheless the Europeans on the spot saw their responsibilities largely and clearly:

La justice constitue par excellence notre moyen d'action sur le milieu local. C'est au tribunal que l'on peut combattre les abus dangereux pour la société noire et les sanctionner de façon exemplaire, indiquer le type d'association humaine que nous voulons réaliser, faire admettre les moyens que nous jugeons indispensables pour sauver la race.⁷

⁵C.P.M. 19, pp. 25-26.

⁶French Cameroons, Rapport annuel (1921), Annexe, ch. IV: Arrêté n° 556, art. 2.

⁷French Cameroons, Rapport annuel (1923), p. 79.
TRANSLATION: Justice is our means of action par excellence at the local level. It is in the courts that one may fight the evil customs within Black society and penalize

Indeed, the idea of setting an example looms large in this field. It was certainly an idea which would recommend itself to an administration both short on funds and on willing missionaries for the Sacred Trust.

One matter which has already been touched upon briefly is the European perception of the native vis-à-vis European notions of justice. In general, this perception can be set out as follows. The native's primary allegiance is to his family and, in larger matters, to the family's extension, the tribe. When it is a question of an argument or dispute with an outsider this allegiance supersedes all others. From this perception of the native a number of conclusions follow. First, the system of justice most amenable to him is one ruled over by the chief of his tribe, who represents the upward limits of impartiality. For this reason, it is in the interest of the Europeans to reinforce this natural legal system by placing their own trust in the chief with regard to the legal system at the tribal level. The will of the chief and his interpretation of customary law are to be checked only when they enter into conflict with the goals of the European administration. Conflict can be easily determined by a single European administrator examining the records of the various native courts in his district and

them in an exemplary fashion, indicating the kinds of human associations we wish to realize and admitting the methods which we regard as indispensable in saving the race.

ensuring there are no irregularities. At all events, very little tampering should be done with the law of the tribe.

Second, the best way to introduce European concepts of justice to the native is by the filter-down principle. The Belgians attempted to do this through the indoctrination of future chiefs in their écoles pour les fils de chefs; the French aimed at the same end through a system of intermediate courts, as did the British; in Southwest Africa, the nature of the administrative power meant that native justice there would be primarily through European courts, since that was the system in South Africa proper.

How the French hoped to achieve their ends can be seen through this description of the functioning of an intermediate court:

Le nombre des affaires dont connaissent les tribunaux de race est donc considérable : en réduire le nombre paraît difficile, car il semble bien que ce soit là la seule manifestation de la vie intellectuelle de l'indigène. Tout comme le paysan d'Europe qui souvent ne connaît ni littérature, ni théâtre, ni même journaux, et qui rumine sans cesse dans sa tête le procès de mitoyenneté possible avec le voisin, l'indigène, couché dans sa case par les jours de pluie ou étendu sous un arbre pendant les après-midi ensoleillés, ressasse dans sa tête les revendications qu'il pourrait bien porter devant le tribunal pour tel ou tel dommage causé à lui ou à un des siens.⁸

One can imagine the natives of the French Cameroons, just like the natives of Normandy or Devonshire, totally pre-

⁸Ibid., p. 80. TRANSLATION: The number of cases which the Tribunaux de race have heard is considerable: to reduce the number appears difficult, since it seems this represents the sole manifestation of the native's intellectual life. Just like the European peasant who

occupied with litigation against their neighbors, and so learning the virtues of European justice.

But to the Europeans, the native was a dangerous litigant, as apt to bring an unjust action as a just one, and likely to produce as long a line of eye-witnesses to support an unjust as a just claim. This untrustworthiness on the part of the natives indicated to the various administrations that simple justice was best left to the arbitrary courts of the chiefs, while a slightly less arbitrary European justice ruled at the next higher level. It should be noted that trial by jury was unheard of in native cases.

The system of native justice, like so much of the administration of the Mandated Territories, was kept at a fairly safe distance from the scrutiny of the P.M.C., and always the representative of a Mandatory Power was interposed between the inquiring Commission member in Geneva and the native in Africa. Should the judicial apparatus watched over by the Mandatory Power malfunction, the native always had recourse to the petition procedure provided for in the Mandates system, being able to bring his dispute to the attention of the P.M.C. through the intermediary of the Mandatory Power. There is only one

knows neither literature, theatre, nor newspapers, and who is forever thinking about some property claim possible against a neighbor, so the native, lying in his hut during the rainy season or stretched out under a tree during the sunny afternoon, sifts over the claims which he may bring before the tribunal for such and such an injury to himself or some member of his family.

recorded case in the period under review where a group of natives actually availed themselves of this opportunity, the case of members of the Yevol tribe against the administration of the Ebolowa district in the French Cameroons.⁹

The members of the tribe claimed that the high chief of the district had extorted payment from them in order that they might hold their annual festival. The first year this was done, the tribe reluctantly paid; the second year they refused. The result was that the high chief ordered the notables of the tribe imprisoned.

The petition of the tribe was duly transmitted to the Permanent Mandates Commission by the French Government and the matter brought up at the Commission's sixteenth session.¹⁰ In commenting on the petition, M. Marchand, the French High Commissioner in the Cameroons, stated that the imprisoned notables were "swindlers" and that the intent of the petitioners was to turn an entirely judicial matter into a political matter. The P.M.C. ultimately decided that the matter was outside their jurisdiction.

It should be noted that, while there was an attempt to give the native populations a general education and to teach them the fundamentals of litigation if not of law, there was no attempt made during this time at a political education, the assumption being that the natives were hardly ready for such weighty matters. This is not to say

⁹C.P.M. 931 and C.P.M. 951(1).

¹⁰C.P.M., Minutes (16th session; 1929), p. 91.

that there were not extralegal attempts at political education of a sort. An ordinance of 8 May 1925 in Ruanda-Urundi gave the Commissioner-General the authority to suppress newspapers. In its first year of operation, Negro World ("a Pan-African organ of revolutionary tendencies") and the Belgian Communist organ Drapeau rouge were banned. At the ninth session of the P.M.C. the Accredited Representative of Belgium stated that there was some difficulty with propaganda carried on by Asians and by Africans returning from America.¹¹

In Southwest Africa, fear of political agitation among the natives was inherent in the laws introduced in the early days of the South African administration: the Vagrancy Law of the Union as well as a Pass law applying to all male natives (but not coloureds) over the age of fourteen. Also implied was a systematic favoring of White settler interests over those of the natives. Laws such as a cattle-branding law and a dog-tax law inherently discriminated against the natives. The first did so by requiring natives to purchase branding irons at prices equal to those paid by Europeans, which would then, "for the protection of natives who are honest," be kept by the local authorities and only be taken out for the explicit purpose of branding. The dog-tax law implicitly discriminated, since natives were the only group in the population which kept large packs of hunting-dogs; the tax was

¹¹C.P.M., Minutes (9th session; 1926), p. 103.

progressive, based on the number of dogs kept, and was a major contributing factor to the unrest resulting in the Bondelswarts Rebellion of 1922.

The early reports on the administration of Southwest Africa were particularly detailed with regard to specific crimes committed during a given year. Whereas the reports from other Mandated Territories simply listed crimes by categories (if that), the South African reports often described individual crimes in great detail. The report for 1919, for instance, mentions many cases of murder and attempted murder, including that of two native servant-girls who put Cooper's sheep dip in their mistress's coffee (attempted intentional homicide); for this bizarre crime they were even more bizarrely turned over to the Roman Catholic mission.¹² The same report states that

There was the usual [!] relatively large number of suicides, including one of a German who hanged himself after having been surprised by his wife in an act of incest with his daughter, a girl of 12. Some six months later the girl was found hanging dead in somewhat similar circumstances, and the mother is now awaiting trial for murdering her.¹³

Aside from these unusual cases, there are several reports of interracial crime. For example, in 1921 a half-caste boy of 16 was reported to have raped a nine-year-old White girl, for which he received ten years and six lashes. Likewise in 1919 a native was sentenced to

¹²Southwest Africa, Annual Report (1918), p. 2.

¹³Ibid., p. 5.

death (commuted to life imprisonment) for killing a German who "pestered" his wife.¹⁴ While these sentences may not seem overly harsh, they must be contrasted with sentences delivered when the roles were reversed. Also in 1919 a German farmer was sentenced to eighteen months at hard labor for beating to death a native servant for not plowing in a straight line. The same year another German was sentenced to death for murdering a servant; however, this servant was an informant for the South African government murdered in the line of duty.¹⁵

Statistics concerning cases heard and sentences passed out are not very informative. Numbers tended to fluctuate greatly from year to year, and the fluctuations are subject to contrary interpretation. Indeed, the interpretations suggested at the time by the Mandatory Powers could be most instructive. In 1921, for instance, the French explained a diminution in criminal cases and a concomitant increase in civil cases as follows:

Autrefois un léger différend né entre deux villages excitait les passions et entraînait des luttes souvent suivies de mort d'hommes. En outre l'indigène qui consentait à subir les sentences du chef n'avait que peu de confiance dans son impartialité et redoutait son vénalité. Il hésitait à soumettre à ce tyranneau ses sujets de plainte et préférait attendre le moment opportun pour rentrer en possession de son bien, dut-il employer la force. Enfin les cas de meurtres rituels, les pratiques de l'anthropophagie étaient fréquentes et les sociétés secrètes alors toutes puissantes pouvaient être considérées comme les auteurs de la plupart d'entre eux.¹⁶

¹⁴Southwest Africa, Annual Report (1921), p. 7; Annual Report (1918), p. 2.

¹⁵Ibid.

So the Sacred Trust seemed to be well placed. The natives were overcoming their superstitions and barbaric practices and coming to place their faith in the French courts rather than in the "petty tyrants" who were their chiefs. Unfortunately, at the sixteenth session of the P.M.C., the Accredited Representative of Belgium, M. Marzorati, attributed a similar decline in litigation in Ruanda-Urundi to the recent famine, stating that "starving natives did not worry themselves about lawsuits."¹⁷ However, if statistics about criminal and civil cases are of dubious value, those regarding prison conditions are somewhat more useful. As has been noted in chapter 4, sanitary conditions in the prisons left much to be desired. In the Dikwa division of the British Cameroons, twenty-three prisoners died of relapsing fever during 1924, this from an average daily prison population of between sixty and seventy.¹⁸ In Cameroons Province, the death rate was likely to vary widely among individual prisons, from 2.2

¹⁶French Cameroons, Rapport annuel (1922), p. 66. TRANSLATION: Formerly a slight disagreement between two villages would excite passions and lead to fights, often followed by casualties. Further, the native who consented to submit to the judgments of the chief had little confidence in his impartiality and feared his venality. He hesitated to submit his claims to this petty tyrant and preferred to wait for an opportune moment to repossess his goods, even if force were required. Finally the cases of ritual murder, the practice of cannibalism, and the like were frequent, and secret societies, at that time omnipotent, could be considered to be behind most of them.

¹⁷C.P.M., Minutes (15th session; 1929), p. 68.

¹⁸British Cameroons, Annual Report (1924) (Colonial No. 16), p. 8.

to 17.28 per thousand in 1925.¹⁹ It was common throughout the Mandated Territories to farm out convict labor, though this was usually limited to public works, such as sanitation and brick-making in Dikwa. In Southwest Africa, convicts were farmed out to local European farmers as well, providing what were termed "units of labour," each consisting of eight hours per diem. To take a typical year, in 1922 34,838 units of labor were provided, though most of these were provided to the Government rather than to private persons.²⁰ In Ruanda-Urundi, the large number of prison deaths recorded in 1926, and again in 1928, was blamed on the famine, the argument being that most of the dead prisoners had been dying of starvation at the time of their imprisonment (indeed it was likely their crimes were directly linked to the famine), and they were too far gone by the time help was available.²¹ At any rate, conditions in the prisons were far from ideal throughout this period. The trouble was, conditions were far from ideal most everywhere, and, except in the cases of Ruanda-Urundi and Southwest Africa, prison conditions elicited little comment from the members of the Permanent Mandates Commission.

Also producing little concern amongst the Commission members was the form of punishment. Although there was

¹⁹British Cameroons, Annual Report (1925) (Colonial No. 22), p. 61.

²⁰Southwest Africa, Annual Report (1918), p. 9.

²¹Ruanda-Urundi, Rapport annuel (1926), p. 17; Rapport annuel (1928), p. 17.

some discussion of prison labor, there was virtually none regarding the use of corporal and capital punishment, though virtually all of the Mandatory Powers made a point of indicating their leniency in these regards. In Ruanda-Urundi in 1923 almost half the death sentences were commuted. In Southwest Africa, as in the two Cameroons, capital punishment was extremely rare and very seldom carried out. As far as corporal punishment was concerned, the French made a point of recognizing only two kinds of punishment: time in prison and fines.²² In both the British Cameroons and Southwest Africa, however, flogging was a common punishment, though the frequency with which it was administered seems to have declined slightly during the course of the period under study.²³

In most of the Mandated Territories there was considerable leeway granted in the interpretation of customary law, but only in the French Cameroons was no official penal code established. The absence of such a code was one of the points made by the American political scientist R. L. Buell in his book The Native Problem in Africa, which caused quite a row at the time of its publication in 1928.

At the fifteenth session of the P.M.C., the International Bureau for the Protection of Native Races set before the Commission a petition which, while neither con-

²²French Cameroons, Rapport annuel (1924), p. 57.

²³From 1,440 in 1922 to 1,175 in 1929. Cf. various annual reports for the period.

firming nor denying the veracity of Buell's assertions, requested that the P.M.C. use all its authority to establish the validity of his claims.²⁴ In his book, Buell claimed that the absence of such a code gave Cameroons magistrates virtually unlimited powers in sentencing. The petition was reported out by the Dutch member of the Commission, M. Van Rees, who, while not endorsing the views of Buell, could not help wondering why the Cameroons lacked such a code while French Togoland, another Mandated Territory, had one. M. Marchand, the French High Commissioner in the Cameroons, replied that the natives in the Cameroons were not thought as developed as their cousins in Togo, but that at all events a code was being developed. At this point, the Commission became almost apologetic: Lord Lugard expressed the opinion that persons outside of African administration had the wrong idea of how the courts were run, and that they were in fact very well run indeed and a vast improvement over those which had preceded them. M. Van Rees in his turn protested that he had not raised the matter "of his own free will," but because the Chairman had instructed him to report on the petition at hand.²⁵ This incident goes a long way towards demonstrating the colonial consensus which existed among the members of the P.M.C.--even the most outspoken--as well as among the Accredited Representatives of the Mandatory Powers. One can

²⁴C.P.M. 733.

²⁵C.P.M., Minutes (15th session; 1929), pp. 143-44.

explain Van Rees's embarrassment by noting that no-one, not even the French, questioned the charges made in Buell's book; rather what was questioned was their importance. Did it really matter that there was no recorded penal code in the French Cameroons? After all, as Lord Lugard had noted, the present régime was so much better than the one which had preceded it. And even if there were no specific code for the Cameroons, the French could always fall back on the penal code in effect for the metropolis.²⁶ What emerges in this instance as in so many others is a lack of concern in the P.M.C. for the forms; the shared colonial experience of the members seems to have made them somewhat impatient of the niceties of colonial administration as seen from the Colonial Office or the Ministère des Colonies, as long as actions on the spot seemed to produce results.

The systems that were established on the spot represented a wide variety of judicial organizations, virtually all of them subjected to wide-ranging revision during the course of this period. The very nebulousness of this organization in most cases made for very complex description. In Southwest Africa, for instance, there were no fewer than seven different types of court, not including those assigned to specific groups such as the Rehoboth Bastards [sic]. The level of judicial training required for these courts varied according to the court, ranging from a simple administrative position with only

²⁶ Southwest Africa, Annual Report (1928), pp. 7-11.

the most cursory training to a full judgeship on the High Court at Windhoek. Certainly Southwest Africa had the most highly developed judicial system, with each type of court limited as to jurisdiction and maximum penalties. Magistrates Courts were limited to civil matters involving sums of £200 or less and criminal cases other than murder, treason, or rape; they could inflict any penalty except death or an "undetermined sentence." The Officers in Charge of Native Affairs Courts had jurisdiction over native laborers in mines and works and were limited to imposing fines of not more than £2. Native affairs in general were under the jurisdiction of the Courts of Native Commissioners, whose purview extended to both civil and criminal matters and which were the only courts in Southwest Africa in which native customary law was recognized. European inhabitants were under the jurisdiction of the Magistrates Courts, Circuit Courts, and the High Court at Windhoek. Appeals could be made from the High Court to the Appellate Division of the Union Supreme Court, as well as from any Circuit Court.²⁷ It should be noted that this system operated only within the Police Zone (the southern two-thirds of the Mandated Territory) and that the natives in Ovamboland to the North were left pretty much to themselves.²⁸

²⁷Southwest Africa, Annual Report (1928), pp. 7-11.

²⁸Except for Missionaries, who were employed by the administration for recruiting purposes. See C.P.M., Minutes (9th session; 1926), pp. 38-39.

In the British Cameroons, the judicial organization was a hodge-podge reflecting both the principles of Indirect Rule and the rather imperfect administrative union of the territory with Nigeria. In Dikwa emirate, Islamic law was the only recognized law, and the British did very little to influence the administration of justice in that quarter, even though the district contained a not insignificant pagan population. Administratively, Dikwa was integrated into the judicial system of the Nigerian province of Bornu. Farther South, two slivers of the Cameroons were more completely annexed to their neighboring provinces, while in the coastal area, Cameroons Province (the only province entirely within the Mandated Territory) established its own structure along Nigerian lines. Here the judicial system was presided over by the Resident, who exercised full powers in both civil and criminal cases. Likewise at the next lower level, the District Officers were ex-officio commissioners having jurisdiction where debt, damage, or claims did not exceed £50. In criminal cases, these could inflict fines not to exceed £50 or two years in prison or twenty-five lashes (where allowed by the Code). This court had jurisdiction over actions between Europeans or between natives and Europeans. Appeal was to the Governor of Nigeria at Lagos. Native courts adjudicated only cases involving natives alone, and were operated by the Native Administration through the chiefs. It should be noted that this

structure--a Provincial Court for Europeans and Native Administration Courts for the natives--was a replica of the system in operation throughout southern Nigeria and did not represent any innovation in response to the system of Mandates.²⁹

The system in operation in the French Cameroons was similar to that in the British. At the top of the European structure stood the Court of Appeal (Conseil d'appel) under which were clustered the J.P. courts, the criminal court, and the court of first instance at Douala. These courts had jurisdiction over Frenchmen, persons from countries recognized by France, and natives possessing metropolitan status. All others were covered by the system of native courts, overseen by native assessors (in most cases chiefs). In 1926 the native gained the right of appeal, and similar modifications altered slightly the administration of justice throughout this period; in general the Mandatory Power interpreted these modifications as being to the benefit of the native.³⁰

Ruanda-Urundi, like the British Cameroons, was linked administratively to a neighboring colony, in this case the Belgian Congo. However, this administrative union did not, as in the British case, mean a reproduction of the Congolese judicial system (except in cases of appeal). The European system reflected general practice

²⁹British Cameroons, Annual Report (1923), pp. 18-24.

³⁰French Cameroons, Rapport annuel (1923), pp. 200-4; Rapport annuel (1926), p. 41.

in the Congo, with three territorial courts (one for Ujiji district and one for each kingdom), under which were District Courts (Tribunaux de circonscription), and finally Police Courts having very limited authority. Native justice on the other hand was left very much in the hands of the kings and chiefs. Because of the strong nature of native government in Ruanda, it was felt necessary to limit European intervention:

Au Ruanda, le contrôle européen sur la justice ne s'exerce qu'avec la plus extrême discrétion. L'autorité presque absolue que nous avons laissée au roi s'accorderait mal avec une intervention directe de notre part dans l'administration de la justice par ses chefs. Il suffit de signaler à Musinga les cas flagrants d'injustice dont nous avons connaissance, pour que le roi se charge de redresser le tort et de réprimer la faute.³¹

Thus while Southwest Africa represented the most direct form of European control of the judicial process, Ruanda-Urundi seems to have represented the most indirect, with intervention coming at a single point in the system.³²

These descriptions of course represent the judicial systems in the Mandated Territories at fixed points in time, usually at the points when the Mandatory Powers chose to give the P.M.C. a detailed description, which was

³¹C.P.M. 19, p. 26. TRANSLATION: In Ruanda, European control over native justice is exercised only with extreme discretion. The nearly absolute authority which we have left to the king does not go well with direct intervention on our part in the administration of justice by his chiefs. It is sufficient to indicate to Musinga the flagrant cases of injustice which we know of, in order that the king may redress the wrong and punish the wrongdoer.

³²Ibid., pp. 25-26.

rare. However, despite the modifications brought about by innumerable decrees and ordinances, the actual degree of fundamental change was very small. At the end of the period, native justice was still a relatively unknown quantity to most European administrators, relying as they did upon the chiefs' interpretations of customary law.

One final aspect of justice which must be looked at is the use of armed and unarmed force in upholding it. All of the Mandated Territories maintained police forces, usually composed of a large number of unarmed or poorly armed natives under European officers. In Cameroons Province the police force consisted of one European officer, one African officer, one African clerk, and one hundred and thirty-five native N.C.O.'s and men. In 1920, the Southwest African police force, in contrast, consisted of a more mixed bag: one deputy-commissioner, one divisional inspector, three inspectors, six sub-inspectors, sixty-two serjeants, and two hundred and nine men (all European), as well as two hundred and ninety-four native constables. The differences in composition between the police forces of these two territories can be attributed almost entirely to the relative size of their respective European settler populations.

The police were used on numerous occasions to protect European administrators journeying to the more remote districts in their charge; when these expeditions were attacked, the police inevitably responded in kind,

with predictable results. When it was felt necessary to arm native policemen, they were armed with a poor grade of weapon (in Dikwa they were armed with old flintlocks) and placed under direct European supervision for the entire period they were armed. Sometimes, when the size of the resistance was greater than the local police could handle, it might be necessary to call in military units, African or European, but these were activated only on rare occasions, to subdue a particularly recalcitrant mountain tribe or the like.

In conclusion, it may be useful to note the economic motives for a native judicial system. Although the question is generally avoided in the minutes and documents of the P.M.C.--perhaps because it was such a basic assumption--Quincy Wright, in the basic work on the early years of the Mandates system, sees justice only as "a first essential of economic development."³³ This "law and order" theme was certainly present in the Commission's deliberations, but whether they saw it as primary or secondary is unclear. If they did see the economic aspect as primary, they also saw the economic benefits, in the pattern of Lugard's Dual Mandate, redounding both to the European and to the African.

³³Quincy Wright, Mandates under the League of Nations (Chicago: University of Chicago, 1930), p. 576.

CHAPTER VI

CONCLUSION: THE MANDATES COMMISSION

It is said that what distinguishes the social sciences from the pure and natural sciences is the absence of demonstrable laws governing the former. Things have a tendency in the social sciences to go up without coming down; immovable objects have been known to yield to irresistible forces. Still some "laws"--besides those governing method--do seem to operate in the social sciences, and especially in History. Perhaps the most important law to have been divined, the validity of which has become clearer with the passing of time, is the law that power corrupts. The suspicion has been with us for some time.¹

¹Tacitus observed in his Annals (XV, liii) that "the lust for power, for dominating others, inflames the heart more than any other passion." Shakespeare took the observation one step further:

Then everything includes itself in power,
 Power into will, will into appetite; 120
 And appetite, an universal wolf,
 So doubly seconded with will and power,
 Must make perforce an universal prey,
 And last eat up himself.

Troilus and Cressida, I, iii.

The sentiment was put in its final form by Lord Acton, who actually saw only a "tendency" to corrupt. The same attitude had been expressed in less memorable terms by the elder Pitt in a speech in the House of Lords on 9 January 1770 and even earlier by Burke, in his Vindication of Natural Society (1756).

ground. The corruptive influence of power is usually demonstrated by individual instances: Julius Caesar, Robespierre, any number of democratically-elected demagogues; but its influence can corrupt a society just as easily as it can an individual. Such a society was Western Europe at the beginning of the Twentieth Century, a society which exercised unprecedented power with regard to the fortunes of the rest of the world. The accumulation of wealth in European hands and the expansion of world trade, which had helped extend Western influence during the latter half of the preceding century, assured Europe of a dominant position in international affairs. That position encouraged a confidence in European superiority in all fields, a belief that the European way of life--the economic, political, and social system--represented the highest stage of social evolution yet achieved by mankind, and that, as a society, Europe was uniquely qualified to direct the social evolution of the rest of the world. This was Social Darwinism. In its nastier form, it led to arrogance and genocide; in its not-so-nasty form, paternalism. In all cases Europeans looked on non-European peoples as fundamentally inferior to themselves and, in the end, less needful of the considerations due to civilized societies. The dominance of these attitudes has been adequately demonstrated in the preceding pages, and it is necessary to judge the performance of the Permanent Mandates Commission against this back-

ground. The Commission was, after all, the creature of its society, and its members moved in and shared in the belief structure of that society. In this sense, the more extreme opinions expressed during the sessions become more comprehensible: men are only as good in the aggregate as the society of which they are members. And this society had just received quite a shock.

The radical changes introduced to European society by the First World War created the erroneous belief that a fresh start from new beginnings could be made in its aftermath. This had been the war to end war; as such it had claimed greater sacrifices than any other war in the history. Entire populations had been mobilized, economies realigned, social structures broken. The world of 1918 was only outwardly similar to that of 1914; the war had delivered a considerable blow to European beliefs, or so it seemed.

But one of the most remarkable characteristics of deeply-held beliefs is their ability to bounce back.

Changes had been wrought in the structure of society--after the First World War the individual was much less independent--but the beliefs of society had not been so badly shaken. When the leaders of the West met at Versailles to design a peace, they created a brand new world but peopled it with the old attitudes.

Throughout its first ten years of existence, the Permanent Mandates Commission embodied the essential

conflict between the beliefs expressed in Article 22 of the Covenant and the beliefs of the men who served on it. Gradually the former began to influence the latter, often through the agency of a particularly legalistically-minded member such as Rappard, often simply as the inevitable outcome of the implementation of Article 22. One of the requirements of the Rules of Procedure devised by the Council for the running of the P.M.C. was that the minutes and similar documents of the Commission be made available both to the Council and the Mandatory Powers; in practice, these documents were published, generating a public debate which brought pressure to bear both on the Commission and on the Mandatory Powers.² The presence on the Commission of members with comparatively advanced views--Lord Lugard for example³--in theory appointed for life, ensured that gross violations of the terms of the Mandates would not go uncriticized. Perhaps the greatest testimony to the growing power of the Commission (aside from Council attempts to circumscribe it⁴) was that, when its successor, the Trusteeship Council of the UN, was established, the ratio between (government-appointed)

²The actual meetings of the Commission were held in private, which might be said to have encouraged a false feeling of security from the Accredited Representatives of the Mandatory Powers.

³"[Lugard's] dealings with [Southwest Africa] sometimes revealed strong feeling and spilled over into a general criticism of South African native policy, which he always severely condemned."--Perham, *Ibid.*, p. 650.

⁴See above, pp. 32-33; note.

members of administering and non-administering States was kept equal.⁵

In this sense, then, the Permanent Mandates Commission acted as a moderating force between the forces of unrepentant colonialism and the native peoples. It did not prevent abuses--indeed sometimes a Freire d'Andrade might suggest refinements--but usually the impact of abuses was blunted. In a larger sense, the Commission was the unwitting agent of a political trend towards limiting the freedom of action of individual States in the international arena. Legally, the Mandatory Powers were responsible primarily to the League and only secondarily to their own national parliaments. Theoretically, the League might choose to redistribute the Mandates if it became aware of gross abuses. Whether such actions would have been taken, for example with respect to Southwest Africa, can never be known for certain. The Second World War came up rather too quickly for that. But it is known that South Africa used the opportunity offered by that war to get out of the Mandates system altogether, and refused afterwards to recognize the authority of the United Nations in that regard. This would seem to indicate that the P.M.C. had had rather more power than at least one Mandatory Power would have liked, even despite the "colonial consensus."

⁵Mandatory Powers were in a minority on the P.M.C.

So one comes out with a mixed impression. Yes, the P.M.C. was only as good as the men who served on it, and, as has been seen, these were all in varying degrees Social Darwinists during these years, primarily paternalists. But could it have been otherwise? It could have been worse, much worse. Given the blatantly Realpolitische origins of the Mandates system--as a sop to President Wilson and a surrogate for outright annexation by the victors--is it not remarkable that the Commission was allowed to function at all, and even more so that it was given such institutional independence and powers of publicity? In the end, the "colonial consensus" on the Commission must have seemed to the Mandatory Powers⁶ a dubious rationalization for entrusting it with so much potential for mischief. Perhaps fortunately for the survival of the system, the members of the Commission never went so far beyond that consensus that the Council would have had to decide to call off the whole show. The Commission was often walking a tightrope.

The Permanent Mandates Commission was a paradox. It could have gone any of a thousand ways, and often it seemed to go all of them at once, straining the "consensus" almost to the breaking point. Any judgement on the success of the P.M.C. must be extremely tenuous, if only because the attitude which we call "paternalism" is not

⁶Who were, after all, almost synonymous with the Council.

yet all that alien, and we cannot yet look so smugly on the failings of those who lived and acted in much more "interesting" times. But it would seem that the Commission, all in all, was a success--not an unqualified success by a long shot (power does, after all, corrupt)--but much more of a success than one ought to have expected, working from the premises of 1919. The P.M.C. represented a major step--albeit an unconscious one--towards decolonization. It likewise represented the most successful experiment in international co-operation produced during the inter-war years. Given the history of those tumultuous times, this was no mean achievement.

APPENDIX A

Article 22 of the League of Nations Covenant

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be placed as soon as possible after the cessation of the war a system of trusteeship under the aegis and control of the League of Nations, and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the Mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the Mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised, subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

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There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of Mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the Mandates.

SOURCE: Document de l'Assemblée 161, pp. 5-6.

APPENDIX B

- Italy--Luigi Thaon di Revel (Chairman), former undersecretary of state in the Ministry of Colonies.
- Netherlands--P. F. M. van der Grinten (Vice-Chairman), former vice-president of the Council of the Dutch East Indies.
- Spain--(1921-22) Francisco Franco, former undersecretary of state; (1922-24) Camilo de Alencar, former consul at Jerusalem; (from 1924) Luis de Salazar, professor in the University of Madrid.
- Portugal--(1921-29) Freixo d'Andrade, former governor of Laredo Marques, former governor-general of Mozambique, former Minister of Foreign Affairs; (from 1929) Camilo de Paula Garcia.
- Scandinavian--(1921-28) Anna Bugge-Wicksell, M.D. (Sweden); (from 1928) Valentine Lannsvig, educator (Norway)
- Germany (from 1927)--Jr. Ludwig Kastl, former senior official in the colonial administration, former chief of the reparation section of the Finance Ministry.
- British Empire--(1921-23) H. G. Gresham-Gunn, M.P.; (from 1923) Lord (Sir Frederick) Lugard, former governor of Nigeria.
- France--(1921-26) J. B. P. Beau, former governor-general of IndoChina, former ambassador to Bern; (1926 substitute) H. Rouge, honorary governor-general of the colonies; (from 1926) Martial Merlin, former governor-general of IndoChina.
- Japan--(1921-24) Kunio Tanachika, former secretary-general to the House of Peers; (1924-28) N. Chiyuki Yamada, former counsellor of embassy; (from 1928) Nobumichi Sakonbe, former minister to Chile.
- Belgium--Pierre Orts, former secretary-general of the Ministry of Foreign Affairs.
- IIC--(1922-29) Harold A. Grimshaw; (from 1929) G. W. M. Weaver, (both British Empire).
- Extraordinary (from 1925)--William E. Rappard (Switzerland), professor in the University of Geneva, former Director of the Mandates Section of the League Secretariat.

SOURCE: Quincy Wright, Mandates under the League of Nations (Chicago: University of Chicago Press, 1931), pp. 626-27.

- Italy--Marquess Theodoli (Chairman), former undersecretary of state in the Ministry of Colonies.
- Netherlands--D. F. W. Van Rees (Vice-Chairman), former vice-president of the Council of the Dutch East Indies.
- Spain--(1921-22) Ramon Pina, former undersecretary of state in the Ministry of Foreign Affairs and ambassador to Rome; (1922-24) Count de Ballobar, former consul at Jerusalem; (from 1924) Leopoldo Palacios, professor in the University of Madrid.
- Portugal--(1921-29) Freire d'Andrade, former governor of Lorenzo Marques, former governor-general of Moçambique, former Minister of Foreign Affairs; (from 1929) Count de Penha Garcia.
- Scandinavian--(1921-28) Anna Bugge-Wicksell, LL.D. (Sweden); (from 1928) Valentine Dannevig, educator (Norway)
- Germany (from 1927)--Dr. Ludwig Kastl, former senior official in the colonial administration, former chief of the reparation section of the Finance Ministry.
- British Empire--(1921-23) W. G. Ormsby-Gore, M.P.; (from 1923) Lord (Sir Frederick) Lugard, former governor of Nigeria.
- France--(1921-26) J. B. P. Beau, former governor-general of IndoChina, former ambassador to Bern; (1926 substitute) H. Roume, honorary governor-general of the colonies; (from 1926) Martial Merlin, former governor-general of IndoChina.
- Japan--(1921-24) Kunio Yanaghita, former secretary-general to the House of Peers; (1924-28) H. Chiyuki Yamanaka, former counsellor of embassy; (from 1928) Nobumichi Sakenobe, former minister to Chile.
- Belgium--Pierre Orts, former secretary-general of the Ministry of Foreign Affairs.
- ILO--(1922-29) Harold A. Grimshaw; (from 1929) C. W. H. Weaver. (both British Empire).
- Extraordinary (from 1925)--William E. Rappard (Switzerland), professor in the University of Geneva, former Director of the Mandates Section of the League Secretariat.

SOURCE: Quincy Wright, Mandates under the League of Nations (Chicago: University of Chicago Press, 1930), pp. 626-27.

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