



American Academy of Political and Social Science

The Mandate System of the League of Nations

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Source: *Annals of the American Academy of Political and Social Science*, Vol. 96, The Place of the United States in a World Organization for the Maintenance of Peace (Jul., 1921), pp. 74-77

Published by: [Sage Publications, Inc.](#) in association with the [American Academy of Political and Social Science](#)

Stable URL: <http://www.jstor.org/stable/1014872>

Accessed: 01/11/2010 18:26

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individual interest of the nations that are represented there.

Of course, the Council of the League adjudicated the Finland and Sweden difficulties; but the test will come if something should go wrong in Syria with France's interest involved, that should have to come up before the Supreme Council. Mr. Hamilton Holt¹ has mentioned Ireland, I do not know where he ever got the courage, but he certainly had it with him when he said that the United States might bring up the question of Ireland to the

¹ See page 1.

Supreme Council. I can only ask what would happen then.

And so one has to say that the mandatory, so far as it has gone, has been all to the good; publicity for the care of backward people, publicity for all treaties between nations which will in a specified time be invalid if they are not registered with the Secretariat at Geneva; publicity in international affairs coming from all directions and, perhaps, most of all, the free and open discussion of those matters which adhere to the interests of all nations.

The Mandate System of the League of Nations

By DENYS P. MYERS

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THE mandatory system began under the League of Nations as one of the best-attested ideas that has ever been officially realized on paper. During the war everybody was for it. General Smuts worked it out in a League of Nations plan, published under the title of "A Practical Suggestion," and it was incorporated in the so-called American draft of the League of Nations Covenant. That draft was the primary basis of the so-called Miller-Hurst draft, from which the League of Nations Commission actually began work. The scheme appeared in that draft, and when the League of Nations Commission of the Peace Conference started to consider the Miller-Hurst draft, article by article, they found, before they reached the then Article XVII—which dealt with mandates—that the Council of Ten, that is, the premiers and the foreign ministers, had already passed a resolution on January 30, which for them was practically mandatory as to mandates.

As a result, in the League of Nations Commission there was very little discussion of the mandate article, because the resolution referred to had already been decided upon by those whose business it was to decide. It was first considered by the commission on February 8, 1919, at which time General Smuts moved the substitution of the resolution for the draft article. It was then sent to a drafting committee. The text was first adopted on February 10, for the draft of what we know as the Constitution of the League of Nations, as given out on February 14, 1919. The article, now Article XXII, was adopted in its final form on March 24. The suggestions of neutrals as to the Covenant had been heard on March 20 and 21, but they made no observations on that article.

From the time the Treaty was signed, June 28, 1919, until January 10, 1920, the Powers gave a great deal of attention among themselves to the matter of mandates.

The position of the League of Nations toward mandates is a little peculiar. It has nothing to do with allocating territories under mandates, which was left to the Powers; but after the Powers had decided who was going to control what, then the League of Nations was to be a co-guarantor with them. Allocation and other essential details were worked at, up to the tenth of January, 1920, when the Treaty went into force.

DELAY OF THE POWERS

Immediately the League of Nations started to prepare for its coming duties. A mandate section was organized in skeleton. The League waited. The Powers sent in no draft mandates. Eventually, the League felt that it could wait no longer, and at San Sebastian on the fifth of August, 1920, a report was passed by the Council, in which the Powers were called upon, politely to be sure, but, nevertheless, very definitely, to produce their mandates. That request created an interesting situation, because the members of the Council were official representatives of the Powers who had the mandates; and so when the Council members passed a resolution like that they practically were talking to themselves as Powers; and it is an interesting circumstance that the Council, as an organ of the League, felt called upon thus to recall their countries to their duty under the treaty. The Powers replied in due course that they had not decided on the draft mandates, as yet, but promised to have them ready before long.

In sending the resolution of August to the Powers, the Council called the attention of the Powers to the fact that the Assembly of the League was going to meet in November and that the Assembly would be very eager to know what the contents of the mandates were

to be. At Brussels in October the Council was still without mandates, the Powers not having delivered them. At Geneva the Council asked the Assembly not to act immediately, in the hope that it would have draft mandates to lay before the Assembly. Eventually, however, the two bodies felt they could wait no longer, and the Assembly began work. The Assembly was very critical of the Council, but a careful reading of the proceedings rather indicates that the suppression of documents was not the Council's fault. The Council peppered the Powers to get the text of the mandates, and failed.

ASSEMBLY DEMANDS PUBLICITY

The Council, in the very last days of the Assembly, got the text of the so-called C mandates, the lowest class mandates, by which a territory is practically left within the national jurisdiction of a state. However, the Powers had stipulated that that text should not be published, so that the Assembly in making its report was unable to make any reference to its contents.

The Assembly passed a resolution,—or rather, a recommendation, for the Assembly has nothing to do with the mandates in an executory way—the Assembly passed recommendations (1) that the permanent mandate commission should have one woman on it, (2) that the mandatory should not be allowed to use its power under the mandate to increase its military power, and (3) that future mandates should be published. Those, of course, were rather hailed as pious recommendations, but it was a notable fact that within about a month draft mandates began coming out, before they had been actually decided upon by the Powers.

The Assembly having ended, the Council undertook to get the mandate

commission appointed. While the Assembly was meeting, the Council had passed the C mandates for the lowest class of the territories under this sort of tutelage. The Council met again in February and March at Paris and there the system became as fully organized as it was possible to organize it at the time. At that meeting of the Council it was expected that the A mandates, for such territories as are semi-independent, such as Mesopotamia and Syria and Palestine, and the B mandates, for such lands as Togoland and the Cameroons and German East Africa, would be passed, and that the permanent mandatory commission would be appointed.

The A mandates first came to discussion at Paris. It happened, at that moment, that the Treaty of Sèvres, the treaty of peace with Turkey, which had been signed the previous August but had not been ratified by Turkey, was then under revision at London. It was therefore felt impossible to pass the draft A mandates at Paris before it was understood among the treaty powers what were to be the boundaries of the territories mandated; so that effort was given up.

Then the B mandates came under discussion. They were about to be passed when the Council received the first direct note it had received from the United States, a very brief sentence from the American Embassy at Paris, requesting it not to discuss mandates any further because there was a note coming from the United States. That was the note from the previous administration protesting on Mesopotamian oil and the allocation of Yap. As a consequence of that request, the Council did stop its work on the mandate question, and it undertook to consider the protest made by the United States. As a matter of fact, the League of Nations really had nothing to do with

the subject matter, because the decisions which it had repeated in its mandates had been decisions of the Allied Powers, which it could neither change nor modify, and an answer to that effect was forwarded to Washington. But those mandates were not passed.

PLANS FOR THE COMMISSION

The Council went on to organize a permanent mandatory commission, the business of which will be to examine the mandates, to receive the annual report on each mandated territory, and, generally speaking, to look after the welfare of the 13,000,000 inhabitants of the mandated territories. That commission had been the subject of much discussion. Originally it was proposed to have a commission of fifteen members, of whom eight should represent mandatories and were to be government representatives, and seven should represent, or be citizens of, non-mandatory countries.

In other words, there was a sharp distinction drawn between the mandatory state representatives, who were to act for their governments, and the other members of the commission, who were simply to be private individuals. That proposed organization was thoroughly discussed in the Council and somewhat in the Assembly, and eventually the system was considerably changed. Instead of giving the mandatories a majority, the system as finally decided upon gave the non-mandatory states a majority, and the membership of the commission was cut from fifteen to nine.

In the commission as finally decided upon, five members represent the non-mandatory states and four members represent the mandatory states. All of the members are appointed by the Council. They are selected for their personal merit and competence. They shall not hold any office which puts

them in a position of direct dependence on their governments while members of the commission. The labor organization has the right to have a member ex-officio on the commission when questions of labor are discussed. The mandatory powers will make to that commission an annual report, which will be brought to it through duly authorized representatives of the governments, who are permitted to be present at the meeting of the commission at which the report is under discussion. After the discussion has taken place, with any explanations from the mandatory that may be necessary, the representative of the mandatory must retire while the commission makes up its opinion. That opinion, once drawn up, is shown to the representative of the mandatory state, who is entitled to reply to it; both the criticism and the reply are then sent to the Council, which will decide any matter at issue.

The Council is empowered to make any changes in the mandatory territories that it sees fit, almost without limit.

PROVIDES FOR GENERAL CONFERENCES

Another interesting thing respecting the organization of the commission is this section from the regulations:

The commission, acting in concert with all the duly authorized representatives of the mandatory powers, shall hold a plenary meeting to consider all the reports as a whole and any general conclusions to be drawn from them. The commission may also utilize such a meeting of the representatives of the mandatory powers to lay before them any other matters connected with mandates, which, in their opinion, should be submitted by the Council to the mandatory powers and to the other states,

members of the League. This plenary meeting shall take place either before or after the presentation of the annual reports of the commission, as the commission may think fit.

In other words, provision is there made for practically an international conference at any time upon the general question of the mandatory system.

The commission was appointed at Paris, with the exception of one member. The missing member will undoubtedly be a Japanese. The commission as it stands at the present time is headed by Major Ormsby Gore, British in nationality; Monsieur Orts, a Belgian; Monsieur Heau, a Frenchman; Monsieur Van Rees, a Dutchman; Madame Anna Bugge-Wicksell, a well-known Swedish woman, wife of a professor of Stockholm; Monsieur Theolodi, an Italian; Senhor d'Andrade, a Portuguese; and W. Cameron Forbes, who is well known by reason of having served once as Governor General of the Philippines, and who is, I believe, being contemplated again for that post.

"Success will really depend upon how the committee and the Council work the machine," said Mr. Balfour in the course of the Assembly meeting in December. The personalities of the commission certainly give an earnest of its independence. To illustrate, Major Ormsby Gore is chairman of a mandates committee of the League of Nations Union, a propagandist organization. When the British Government published the draft B mandate for Tanganyika, he and his committee went over it and prepared a series of additions and emendations, which were published in order to enlist British public opinion in behalf of securing a revision of the mandate in a liberal sense.