

Petitioning the Mandates: Anti-colonial and Anti-racist Publics in International Law

by

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DEDICATION

To my family, near and far, by birth and by discovery

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LIST OF ABBREVIATIONS

Organizations and Institutions

NAACP	National Association for the Advancement of Colored People
UNIA	Universal Negro Improvement Association and African Communities League
PMC	Permanent Mandates Commission
TC	Trusteeship Council
ICJ	International Court of Justice
PCIJ	Permanent Court of International Justice (predecessor to the ICJ)
ILO	International Labour Organization

Archives

BNA	British National Archives, Kew, London
IOR	India Office Records, British Library, London (now in BNA)
NAI	National Archives of India, New Delhi
LNA	League of Nations Archives, Geneva
UNA	United Nations Archives, New York City
LOC	Library of Congress, Washington, DC
BSC	Bodleian Library Special Collections, Oxford
RHA	Rhodes House Archives, Oxford University (now in BSC)
CAC	Churchill Archives Centre, Churchill College, Cambridge University
CUA	Columbia University Special Collections, New York City
IISH	International Institute for Social History, Amsterdam
NYPL	New York Public Library Special Collections, New York City
SCA	Schomburg Centre for Research in Black Culture Archives, New York City

ABSTRACT

This dissertation is the first systematic legal-historical study of how transnational anticolonial and antiracist solidarity movements shaped the international law of non-state activism in the Mandates System of the League of Nations. In particular, this dissertation examines how anticolonial activists, colonial officials, and members of the newly-formed international bureaucracy in the League negotiated a language of grassroots international protest, one based around the practice of individuals and social movements petitioning international organizations about colonial abuse. African American activists were particularly active in this field, framing their involvement in the Mandates as a protest against racial discrimination, turning a mirror on the United States' own racial politics while embodying a new stateless subjectivity. Petitioning in the interwar and immediate post-war years shows us how inter-continental forms of protest could be deployed in fighting what states saw as primarily local battles. These battles spanned the period from 1920 until at least 1956, when the International Court of Justice engaged with the history and jurisprudence of the right to petition in international law.

This dissertation traces the origins of petitioning in the Mandates System to grassroots activism in 1918 and 1919, far earlier than other works on the League have suggested. Petitioning was an innovation of the League that was pushed by a transnational public of activists and scholars, keen to make the League a forum for antiracist protest. A series of colonial scandals, and the role petitioning played in publicizing those scandals, led to a wide-ranging

retrenchment in the League. Colonial powers pushed for a formal procedure that would limit the access non-state actors had to international institutions. This dissertation demonstrates how that process, while certainly limiting petitioning, also entrenched it in the normal functioning of the League.

Petitioning the Mandates System of the League also created an academic audience of African American activists who built up an expertise in colonial administration in the 1930s. This dissertation tracks how the longer histories of Pan-African activism intersected with the internationalism of the League to produce new opportunities for protest. African American activists like Rayford Logan, Ralph Bunche, and W.E.B. Du Bois used the precedent of petitioning the Mandates System to argue that the United Nations Charter needed an effective system of human rights petitioning to protect people, especially non-white people, from their own governments. Drawing on their recognized experience with the Mandates and colonial internationalism, African American scholars were able to influence the drafting of the UN Charter in ways that have not been identified before, shaping the possibilities of the early Cold War international order. As such, this dissertation engages historiographical debates in global history, histories of international institutions and human rights, histories of transnational social movements and decolonization, and histories of the United States in the world.

INTRODUCTION

In 1923, the League of Nations in Geneva received an article clipped from a newspaper in French Togo. Signed, ‘A Togolander,’ the article was addressed to William Rappard, the Swiss head of the Mandates Section.¹ It accused the French of stifling Togolese independence and freedom of expression, in violation of France’s obligations under international law. Togo was not merely a colony of France—it had been a German colony that was now a Mandate under the League of Nations Covenant. That treaty placed special and unprecedented obligations on France in administering the territory. It was this new system that impelled ‘A Togolander’ to state the French were mistaken if they thought the Togolese would “not find a way to send [their] desire and complaints to the world.” He believed that international law gave him the right to not only protest French administration, but to bring his claims in front of the international community. By petitioning the League of Nations, ‘A Togolander’ thought he could stop colonial abuse. A few months later, under pressure from colonial powers on the Council, League lawyers determined that petitioners had no inherent right to challenge colonial powers before the League, and that most appeals the League did receive were not ‘receivable’ under international law.

Thirty-three years later, in 1956, the International Court of Justice was asked to determine whether individuals in a Mandated Territory—this time, South-West Africa (Namibia

¹ An Open Letter to William J. Rappard, Esqr., Mandates Section of the League of Nations from a Togolander, Newspaper article from *The Voice of the People* (1923), enclosed in File 9, Box S1612, League of Nations Archives, Geneva [henceforth, LNA]. Reproduced in Appendix.

since 1990)—had a right to question their administration at the hands of South Africa.² The Court ruled that the Covenant of the League of Nations had afforded individuals in the Mandates a right to petition, a power that was inherited by the General Assembly of the United Nations. What had once been thought a circumscribed and uncertain procedure in the League was now transformed into a fundamental right in international law.

Between 1920 and 1956, petitioning the organs of the Mandates System of the League of Nations became a central, though often overlooked, arena for struggle over rights and privileges between colonial states and colonized peoples. ‘Petitioning the Mandates’ was a portable legal term: activists could harness its novelty and emancipatory potential to make claims about colonial rule and human rights well outside the interwar League of Nations. Marginalized peoples from around the world—from territories under Mandate to the League of Nations, from colonies, from racial minorities in Western states—wrote petitions to the League’s Mandates System, making claims in international law against colonial and racial exclusion. By 1923, the League’s bureaucracy curtailed that body’s ability to accept and act on petitions, underlining the contested and uncertain nature of petitioning to international institutions. Yet petitioning remained a vital part of anticolonial activism, including in an unexpected corner of the global antiracist movement: a small group of Afro-American activists embraced petitioning and actively developed a reputation as “experts” in the international law of colonial appeal in the African context. The unusual knowledge economies of the early 1940s in the United States, when the US government’s policy planning staff lacked expertise in African affairs, allowed some black scholars access to the highest levels of post-Second World War planning. Over the interwar years and into the late 1940s, figures like Ralph Bunche and Rayford Logan actively rewrote the

² *Admissibility of Hearings of Petitioners by the Committee on South-West Africa (Advisory Opinion)*, 1956 I.C.J. 23 (June 1).

history of Mandates petitioning. Drawing on a small set of historical sources and self-consciously misreading the origins and development of petitioning, African American internationalists invented an uncontroversial backstory for the practice as a way to justify creating a much more extensive system of appeal in the post Second World War world.

They were successful. By 1956, the International Court of Justice was only nominally speaking of the process 'A Togolander' had sought to use; it was drawing on three decades of accreted meaning that made 'Petitioning the Mandates' seem an uncontroversial project. The term 'Petitioning the Mandates' traveled across continents and imperial borders and was deployed by states, international institutions, Non-Governmental Organizations and individuals to frame international rights and rules. It became a tool for otherwise marginalized peoples to rewrite and re-interpret international law. To track the itinerary of this term and the contest over its meaning and history is to write a global history of international law and international institutions that moves between local, national and international scales, rupturing the monopoly the state holds in histories of international law.

My dissertation asks: How did anticolonial and antiracist agents in the interwar and immediate post-Second World War period create systems of international communication and protest through international institutions? What was it about the Mandates System that, despite its marginal position in international colonialism, made it a key battleground for determining the role colonized peoples would play in the UN? How did Pan-African petitioning in the League shape the possibilities for individuals to participate in the UN after the Second World War? How did these battles become a focus for post-Second World War and Cold War debates over international rights and political participation?

A Brief History of the Mandates and the League of Nations

Despite the fact that many individual territories in the Mandates System have well-developed historical canons, the historiography of the Mandates, as a discrete project, has been weak. Elizabeth Thompson, for instance, has argued that the Mandates period in Syria and Lebanon is commonly seen “as a lacuna, a tragic gap between the fall of the Ottoman Empire and the achievement of full independence from the French.”³ Similar arguments have been made in the context of the African Mandates.⁴ Luckily, there has recently been a resurgence in histories of the Mandates System and the League of Nations as a whole. The driving force for this community of scholars has been Susan Pedersen, whose book on the Mandates is premised on the importance of seeing the Mandates as a system, rather than merely as a collection of histories of individual Mandates. She has also led efforts to revive the League of Nations as an object of historical analysis.⁵ Prior to her revival of the field, and with the exception of Roger Louis’s work on the origins of the System in the late 1960s,⁶ the most commonly cited works on the Mandates were either roughly contemporaneous to the System or were produced in the early

³ Elizabeth Thompson, *Colonial Citizens: Republican Rights and Paternal Privilege in French Syria and Lebanon*. (New York: Columbia University Press, 2000), 3.

⁴ See Michael D. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931* (Brighton; Portland: Sussex Academic Press, 1999); Michael D. Callahan, *A Sacred Trust: The League of Nations and Africa, 1929-1946* (Brighton; Portland: Sussex Academic Press, 2004). See also Nadine Meouchy and Peter Sluglett, *The British and French Mandates in Comparative Perspectives/Les Mandats Francais Et Anglais Dans Une Perspective Comparative*, Bilingual edition (Leiden; Boston: Brill, 2004).

⁵ See Pedersen, *The Guardians*; “Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations,” *Journal of Imperial and Commonwealth History* 40 (2012): 235; “Metaphors of the Schoolroom: Women Working the Mandates System of the League of Nations,” *History Workshop Journal* 66, no. 1 (2008): 188–207; “Back to the League of Nations,” *The American Historical Review* 112, no. 4 (October 2007); “The Meaning of the Mandates System: An Argument,” *Geschichte Und Gesellschaft* 32, no. 4 (October 1, 2006): 560–82.

⁶ See Wm. Roger Louis, “The United Kingdom and the Beginning of the Mandates System, 1919-1922,” *International Organization* 23, no. 1 (January 1, 1969): 73–96. See also, Andrew J. Crozier, “The Establishment of the Mandates System 1919-25: Some Problems Created by the Paris Peace Conference,” *Journal of Contemporary History* 14, no. 3 (July 1979): 483–513; George W. Egerton, *Great Britain and the Creation of the League of Nations: Strategy, Politics, and International Organization, 1914-1919* (Chapel Hill: University of North Carolina Press, 1978).

post-WWII years when interest in the UN's Trusteeship Council was running high⁷. Today, a vibrant field of Mandates and League scholarship has emerged, with half a dozen well-attended conferences marking the growth of this area of research, deepening our understanding of the System in individual territories and across specific arenas of colonial governance.⁸

This dissertation builds on that recent work. Understanding where the Mandates came from and how the Mandates System built upon earlier visions of technocratic developmentalism is vital to understanding how a culture of petitioning developed over the 1920s and 1930s.⁹ Described by Quincy Wright, the Chicago political scientist and international law scholar, as

⁷ See Wright, *Mandates under the League of Nations*; H. Duncan Hall, *Mandates, Dependencies and Trusteeship* (London: Stevens, 1948); Ramendra Nath Chowdhuri, *International Mandates and Trusteeship Systems; a Comparative Study*. (The Hague: M. Nijhoff, 1955); Norman Bentwich, *Colonial Mandates and Trusteeships* (London: Grotius Society, 1947); F. P. Walters, *A History of the League of Nations* (Oxford: Oxford University Press, 1967); Raymond Leslie Buell, *The Native Problem in Africa* (New York: Macmillan Company, 1928); Rayford Whittingham Logan, "The Operation of the Mandate System in Africa," *Journal of Negro History* 13 (1928): 423; Campbell L. Upthegrove, *Empire by Mandate: A History of the Relations of Great Britain with the Permanent Mandates Commission of the League of Nations*. (New York: Bookman Associates, 1954); Mark Frank Lindley, *The Acquisition and Government of Backward Territory in International Law* (London; New York: Longmans, 1926); Aaron M. Margalith, *The International Mandates: A Historical, Descriptive, and Analytical Study of the Theory and Principles of the Mandates System* (Baltimore: The Johns Hopkins press, 1930); Elizabeth van Maanen-Helmer, *The Mandates System in Relation to Africa & the Pacific Islands* (London: P.S. King & Son, 1929); Peter Carel Pauwels, *The Japanese Mandate Islands* (Bandoeng: G.C.T Van Dorp, 1936); Tadao Yanaihara, *Pacific Islands under Japanese Mandate* (Shanghai: Kelly and Walsh, 1939); George Louis Beer and Louis H Gray, *African Questions at the Paris Peace Conference*. (New York: Negro Universities Press, 1969). For histories of the League, see David Hunter Miller, *The Drafting of the Covenant* (New York: G.P. Putnam's sons, 1928); Walters, *A History of the League of Nations*; Egon Ferdinand Ranshofen-Wertheimer, *International Secretariat: A Great Experiment in International Administration*. (Unknown: Carnegie Endowment, 1972); Arthur Sweetser and Egon Ferdinand Ranshofen-Wertheimer, *The United States, the United Nations and the League of Nations* (New York: Carnegie Endowment for International Peace, Division of Intercourse and Education, 1946); Charles Howard Ellis, *The Origin, Structure & Working of the League of Nations* (Clark: Lawbook Exchange, 2003).

For Legal treatments of the Mandates System, see, among others, James Camille Hales, "The Creation and Application of the Mandate System," *Transactions of the Grotius Society*, 1940, 185–284; William Michael Reisman, "Reflections on State Responsibility for Violations of Explicit Protectorate, Mandate, and Trusteeship Obligations," *Michigan Journal of International Law* 101 (1989): 231–40; Ralph Wilde, "From Trusteeship to Self-Determination and Back Again: The Role of the Hague Regulations in the Evolution of International Trusteeship, and the Framework of Rights and Duties of Occupying Powers," *Loyola of Los Angeles International and Comparative Law Review* 31 (2009): 85; Nele Matz-Lück, "Civilization and the Mandate System under the League of Nations as Origin of Trusteeship," *Max Planck Yearbook of United Nations Law*. 9 (2005): 47–95; Marcel Richard, *Le droit de petition: une institution transposée du milieu national dans le milieu international* (Paris: Recueil Sirey, 1932).

⁸ The stellar work done by the staff at the League of Nations Archives in Geneva deserves special recognition here. Jacques Oberson and his archival staff have made that repository and easily accessible and vibrant source for a generation of young scholars like myself.

⁹ This dissertation looks at a particular practice within the League. It does not purport to be a history of the League of Nations, nor even of the Mandates System as a general matter. Several historians have worked on these questions, with Susan Pedersen's *The Guardians* the most recent and best researched example. Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015). See also, Anique H. M. van Ginneken, *Historical Dictionary of the League of Nations* (Lanham, MD: Scarecrow Press, 2006).

“the most important innovation wrought by the peace treaties and the [League of Nations] Covenant in the system of international law,” the Mandates System started its life as a legal and political anomaly.¹⁰ It had been created to address one of the most serious post-First World War territorial question: what to do with German and Ottoman colonies after the war. These territories—in the Middle East, Africa, and the Pacific—had been captured during the war, and several different states had advanced claims to occupy them by its end. Ottoman territories in the Middle East—Syria, Palestine, Transjordan, and Iraq— had been captured by the British and the French, with help from local Arab allies and troops from India (in the case of the British) and sub-Saharan Africa (in the case of the French). French troops had captured parts of what was then German West-Africa in Togo and Cameroon, and British troops from the Gold Coast and Nigeria had effectively disarmed German defenses in the area. British and Belgian troops in East Africa defeated German forces in Rwanda-Urundi.¹¹

The white British Dominions of South Africa, Australia and New Zealand had asserted their newly strengthened sovereign status within the British Empire through their participation in the war. South Africa, under the Boer generals Botha and Smuts, had overcome local white sympathy for Germans in South-West Africa and defeated German troops with the aim of incorporating the territory into South Africa.¹² Australia and New Zealand did the same for most German possessions in South-East Asia and the South Pacific, as did Japan for German islands north of the equator. The Dominions were eager to have colonies of their own as proof of their

¹⁰ Quincy Wright, *Mandates under the League of Nations* (Chicago: University of Chicago Press, 1930), vii.

¹¹ On military operations and their effect on the post-war territorial settlement, see Pedersen, *The Guardians*, 19–23.

¹² On the importance of South-West Africa to the Mandates, see Wm. Roger Louis, “The South West African Origins of the ‘Sacred Trust,’ 1914-1919,” *African Affairs* 66, no. 262 (1967): 20–39.

emerging semi-sovereignty in the new century.¹³ In terms of the civilizational logic of early twentieth century, when a state acquired colonies (with the concomitant responsibility to impart civilization to them), this signaled its arrival into the community of nations.¹⁴ In South Africa, in particular, the messianic vision of Cecil Rhodes—to bring black Africa under white power and towards salvation—expressed itself in the campaign to take control of South-West Africa.¹⁵ Thus, for many states on the winning side of the war, this symbolic aspect of acquiring new colonies made the disposition of captured territories all the more important.

Yet the optics of fighting a world war to increase colonial holdings were not good, especially in the United States. Outright annexation of enemy territories arguably violated President Woodrow Wilson’s promises in his “Fourteen Points” speech of 1918.¹⁶ For the British, the main architects of the League of Nations’ Covenant, asserting British superiority in the field of colonial governance over both the Germans and the French militated against allowing other states to annex territories outright.¹⁷ Moreover, global anticolonial activism was on the rise and, in the midst of what Erez Manela has dubbed “the Wilsonian Moment,” naked and

¹³ Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge, UK ; New York: Cambridge University Press, 2004), 121.

¹⁴ *Ibid.*, 112. See also, Gerrit W. Gong, *The Standard of “Civilization” in International Society* (New York: Oxford University Press, 1984).

¹⁵ For South Africa’s anxieties about national self-determination through empire in the Mandates System, see Louis, “The United Kingdom and the Beginning of the Mandates System,” 76–77.

¹⁶ For an examination of Wilson’s anticolonial rhetoric in this regard, see Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (Oxford; New York: Oxford University Press, 2007), 31–32. See also, Thomas J. Knock, *To End All Wars: Woodrow Wilson and the Quest for a New World Order* (New York: Oxford University Press, 1992).

¹⁷ For Britain’s role in structuring the Mandates System and in tempering Wilson’s plans for the post-war colonial order, see Louis, “The United Kingdom and the Beginning of the Mandates System.” On Anglo-French rivalry in creating the Mandates, see Véronique Dimier, “L’internationalisation du débat colonial: rivalités autour de la Commission permanente des Mandats,” *Outre-Mers* 89, no. 336 (2002): 333–60.

unchecked imperialism would play badly both at home and abroad.¹⁸ As Manela argues, Wilson’s persona became a talisman that several anticolonial activists latched on to as a “herald of a new era in international affairs.”¹⁹ This was even though Wilson never imagined that his call for universal self-determination would apply in the colonial world. More than anything else, Wilson’s rhetoric was borne of his wish to outflank any more radical views on international reorganization and governance.²⁰

Wilson may have provided the political justification restraining colonial empires from annexing the German and Ottoman colonies, but it was British lawyers and diplomats who took the lead in shaping the post-1918 international legal order.²¹ The intellectual roots of the Mandates can be traced back to the late nineteenth century and the rise of “developmentalism” as a core tenet of liberal imperial planning in Britain.²² Colonial states were beginning to deploy

¹⁸ See Manela, *The Wilsonian Moment*, 31–32.

¹⁹ *Ibid.*, 6.

²⁰ Manela makes the point that Wilson originally used the phrase “consent of the governed” when talking about any postwar settlement. The term “self determination” was actually coined by Lenin, for whom “the term implied the dismantling of colonial empires that was a crucial stage in the progress he envisioned toward world revolution.” By co-opting Lenin, and diluting his rhetoric, Wilson hoped to do an end run around communist appeals to the colonial world. He “rarely if ever qualified self-determination as specifically national. Rather, he used it in a more general, vaguer sense and usually equated the term with popular sovereignty, conjuring an international order based on democratic forms of government.” Manela argues that “consent of the governed” suggested an ambiguity as to what counted as informed consent, and who was capable of giving it. *Ibid.*, 37, 42.

²¹ In this regard, see generally Duncan Bell, *Victorian Visions of Global Order: Empire and International Relations in Nineteenth-Century Political Thought* (Cambridge, UK; New York: Cambridge University Press, 2007).

²² On the use of “developmentalism” in the British Empire, see Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999), 199.

On imperial liberalism, progress, and world order more generally, see George Steinmetz, *Sociology and Empire: The Imperial Entanglements of a Discipline* (Durham: Duke University Press, 2013); Daniel R Headrick, *The Tentacles of Progress: Technology Transfer in the Age of Imperialism, 1850-1940* (New York: Oxford University Press, 1988); Timothy Mitchell, *Rule of Experts: Egypt, Techno-Politics, Modernity* (Berkeley: University of California Press, 2002); Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton: Princeton University Press, 2005); Bell, *Victorian Visions of Global Order*; Kevin Grant, Philippa Levine, and Frank Trentmann, *Beyond Sovereignty: Britain, Empire, and Transnationalism, c. 1880-1950* (Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2007).

On the science of colonial development as a form of argumentation in international law, see Natsu Taylor Saito, “Decolonization, Development, and Denial,” *Florida A & M University Law Review* 6 (2011 2010): 1; Antony Anghie, “Colonialism and the Birth of International Institutions: Sovereignty, Economy, and the Mandate System of the League of Nations,” *N.Y.U. Journal of International Law and Policy* 34, no. 3 (2002): 610–12.

On international institutions, imperial liberalism and development, see Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*, Lawrence Stone Lectures (Princeton: Princeton University Press, 2009); Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960* (Cambridge,

new ways of intervening in the everyday lives of their colonial populations at this moment.²³ With the rise of social science research and the production of statistical analysis, states were much more capable of monitoring their domestic and colonial populations on a large number of metrics.²⁴ As Timothy Mitchell has observed, “as Britain and other colonial powers faced a harder task in justifying the continuation of colonial occupation, new statistical work could clarify the purpose and authority of imperial government.”²⁵ Academics like Alfred Zimmern and colonial diplomats like Lord Milner theorized the British Empire as a family of states and state-like entities, some more mature than others, some possessing more international legal autonomy than others. Zimmern, one of the drafters of the League of Nations Covenant, described the British Commonwealth as a “procession”: “It consist[ed] of a large variety of communities at a number of different stages in their advance towards complete self-government.”²⁶ Scientific colonialism supplied a logic of development, suggesting the possibility that territories could move from one category to another. The challenge as these thinkers saw it, particularly in Africa, was to promote a form of colonial rule that would both

UK; New York: Cambridge University Press, 2002), 176.

²³ Alice Conklin describes the French colonial mission in Africa as one based on the concept of “mastery”, an exercise in moulding the minds, bodies and lands of the people they held responsibility for. Alice L. Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford: Stanford University Press, 1997), 6.

²⁴ Anghie stresses the importance of this access to the “interior” of colonial territories to the legal structure of the Mandates System. Anghie, “Colonialism and the Birth of International Institutions,” 571.

²⁵ Mitchell, *Rule of Experts*, 103.

²⁶ Alfred Eckhard Zimmern, *The Third British Empire: Being a Course of Lectures Delivered at Columbia University New York* (London: Oxford University press, 1927), 8.

For Zimmern, the role of colonial administrators was to intervene in the lives of colonial subjects to “make” them capable of exercising self-rule in some form. Ibid., 105. On Zimmern, the Round Table, and the Commonwealth as a model for international organization, see Mazower, *No Enchanted Palace*, chap. 2; Jeanne Morefield, *Covenants without Swords Idealist Liberalism and the Spirit of Empire* (Princeton: Princeton University Press, 2005), 17. As Anghie has noted, it is important to see the Mandates System as an institution that “rendered the native visible and amenable to the mechanisms and techniques of administration. . . . It was the ambition of the PMC to know the native in every details.” Anghie, “Colonialism and the Birth of International Institutions,” 617.

uplift the natives and provide for international free trade.²⁷ British colonies and protectorates in India and Africa were taken as models, and Milner's disciples had already suggested that such governance systems be exported to other colonial areas.²⁸ Pedersen argues that British negotiators found it relatively easy to agree to the Mandates idea since they believed that Wilsonian practice mirrored British imperial practices.²⁹

Active hostilities in Europe ended in November 1918, and the Paris Peace Conference began in January 1919. By April, the basic structure of the Covenant of the League was agreed upon and Germany and the Principal Allied and Associated Powers signed the Treaty of Versailles (which included the Covenant) in June.³⁰ It came into force on January 10, 1920, formally inaugurating the League of Nations. The League had two principal organs: an Assembly made up of all States Members and a much smaller Council that made almost all of the executive decisions for the body.³¹ It also included a permanent secretariat and a host of technical bodies that dealt with everything from economic policy to intellectual cooperation.³²

Germany ceded sovereignty over its colonies to the Principal Allied and Associated Powers (Great Britain, France, the United States, Japan and Italy). Part I of the Treaty (the

²⁷ See Anghie, "Colonialism and the Birth of International Institutions," 581–83.

²⁸ For some of the British roots of the Mandates and the "sacred trust" in the Covenant, see Aleksandar Momirov, "The Individual Right to Petition in Internationalized Territories: From Progressive Thought to an Abandoned Practice," *Journal of the History of International Law* 9, no. 2 (2007): 217–18. Several authors have linked the idea of "trusteeship" to Burke and his study of British India. See, for example, Jedediah Purdy and Kimberly Fielding, "Sovereigns, Trustees, Guardians: Private-Law Concepts and the Limits of Legitimate State Power," *Law and Contemporary Problems* 70 (January 1, 2007): 185–88.

²⁹ Pedersen, *The Guardians*, 25.

³⁰ The standard work on the drafting of the Covenant is David Hunter Miller's two-volume account. Miller, *The Drafting of the Covenant*.

³¹ The Council was made up of the Principal Allied and Associated Powers and four other members who were elected by the Assembly periodically. See also, Margaret E Burton, *The Assembly of the League of Nations* (New York: Horward Fertig, 1974).

³² On some of the organs of the 'technical League', see Pedersen, *The Guardians*, 9. See also Martin David Dubin, "Transgovernmental Processes in the League of Nations," *International Organization* 373 (1983): 469–93.

Covenant of the League of Nations) established the Mandates System in Article 22, calling for the former German and Ottoman territories to be governed by “mandate,” according to “the sacred trust of civilization.”³³ “Advanced nations” were tasked with running an enlightened administration over people in these captured colonies who were considered “not yet able to stand by themselves under the strenuous conditions of the modern world.”³⁴

The Mandates System was built on a tiered vision of sovereignty, familiar from Zimmern’s work on the British Commonwealth: the Mandates were classified into three categories—A, B and C—based on their supposed level of civilization. According to Article 22, Ottoman colonies that had “reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance” were designed A Mandates. These were territories that had, by and large, been promised independence by the Allied and Associated Powers during the war. Central African territories—Togo, Cameroon, Tanganyika, and Ruanda-Urundi—were “at such a stage that the Mandatory must be responsible for the administration of the territory” and would be B Mandates. Finally, South-West Africa and the Pacific Islands (including Nauru, Western Samoa, New Guinea and Micronesia) were considered so remote and sparsely populated that, as C Mandates, they could “be best administered under the laws of the Mandatory as integral portions of its territory.” The Covenant called for the creation of a Permanent Mandates Commission (PMC), which would “be constituted to receive and examine the annual reports of the Mandatories and to

³³ For an examination of the role of private law concepts like “mandate,” “trust,” and “tutelage” played in the development of the Mandates System, see Purdy and Fielding, “Sovereigns, Trustees, Guardians,” 194–206. Purdy and Fielding have an innovative take on the PMC, seeing it through the lens of legal accounting, as a body charged with overseeing the proper administration of a private trust. *Ibid.*, 205.

³⁴ League of Nations Covenant, Art. 22. On “expert administration” and liberal empire, see Stefan Collini, *Liberalism and Sociology: L. T. Hobhouse and Political Argument in England, 1880-1914* (Cambridge, UK; New York: Cambridge University Press, 1979), 77–83.

advise the Council on all matters relating to the observance of the mandates.”³⁵ The PMC was tasked with promoting good colonial administration, applying state-of-the-art practices of colonial science to the Mandated territories.³⁶

The Covenant gave the PMC one tool with which to exercise oversight over the mandates: Mandatory Powers had to submit annual reports on their administration to the PMC. There is no mention of petitions in any of the Mandate treaties or in the Covenant.³⁷ Petitioning developed organically within the League’s Secretariat, as Chapter One describes. The practice allowed anticolonial activists and others who were interested in the mandates to bring their voices to the notice of the international community.³⁸ As Wright wrote in his seminal study of

³⁵ The fact that the Commission was considered “permanent” suggested that any progress towards civilization was going to be slow. Tutelage was not considered a temporary condition, clearly.

³⁶ Anghie phrases this beautifully, as international law administering “‘civilizing therapy’ to the body politic.” Anghie, *Imperialism, Sovereignty, and the Making of International Law*, 135.

³⁷ There was one reference to petitioning in one draft of an A Mandates treaty, drafted by Robert Cecil. There, an extra clause was suggested for the section on Reports, stating: “The Mandatory Commission established by the League of Nations shall be capable of hearing and adjudicating upon allegations of violation of these international obligations, whether preferred [sic] by the natives, tribes, or responsible bodies representing public opinion; and shall be charged with the duty of maintaining the observance of the Convention.” Addendum to Clause 12, attached to draft of model A Mandates Treaty by Robert Cecil, July 11, 1919, p. 74b in Mss Milner Dep. 390, Bodleian Special Collections, Oxford (henceforth, BSC). It did not appear in prior or subsequent drafts and I have not come across any discussion of this clause in the literature.

³⁸ There have only been a handful of studies of petitioning in the Mandates System. The most comprehensive work is an unpublished Dutch dissertation by Anique van Ginnekan, “Volkenbondsvoogdij: Het toezicht van de Volkenbond op het Bestuur in Mandaatgebieden 1919–1940 [The League of Nations as a Guardian: The League’s Supervising Machinery and the Administration of Mandated Territories, 1919–40]” (Ph.D. dissertation, Rijksuniversiteit, Utrecht, 1992). Ginneken conducted a detailed study of all petitions received by the Permanent Mandates Commission between its founding and 1940, and cataloged the various forms those petitions took. *Ibid.*, 211–18. Her summary (in English) is particularly useful as an overview of the Mandates System. *Ibid.*, 295–300.

Other work on this subject includes: Tilman Dederig, “‘We Are Only Humble People and Poor’: A.A.S. Le Fleur and the Power of Petitions,” *South African Historical Journal* 62 1 (2010): 121–42; “Petitioning Geneva: Transnational Aspects of Protest and Resistance in South West Africa/Namibia after the First World War,” *Journal of Southern African Studies* 35, no. 4 (2009): 785–801; Momirov, “The Individual Right to Petition in Internationalized Territories”; Donald Parson, “The Individual Right of Petition,” *Wayne Law Review* 13 (1966); J. W. Bruegel, “The Right to Petition an International Authority,” *International and Comparative Law Quarterly* 2 (1954): 545; Israel de Jesus Butler, “A Comparative Analysis of Individual Petition in Regional and Global Human Rights Protection Mechanisms,” *University of Queensland Law Journal, The* 23, no. 1 (2004): 22–53; Beth Stephens, “Individuals Enforcing International Law: The Comparative and Historical Concept,” *DePaul Law Review* 52 (2002): 433; Satish Chandra, *Individual’s Petition in International Law* (New Delhi: Deep & Deep Publications, 1985); Ton J. M. Zuijdewijk, *Petitioning the United Nations: A Study in Human Rights* (New York: St. Martin’s Press, 1982).

For a useful collection that surveys an number of instances of petitioning in history, see Lex Heerma van Voss, ed., *Petitions in Social History* (Cambridge: Cambridge University Press, 2001).

the Mandates in 1930, petitions came, “not only from inhabitants of the mandated areas, but [also] from travelers, investigators, writers, lawyers, humanitarian, religious and other associations.”³⁹ Petitioning became common and widespread. The League received petitions regarding the mandates even before the PMC’s first meeting in 1921, and it continued receiving them until the League finally dissolved itself in 1945-46.

Prominent non-governmental organizations like the Anti-Slavery and Aboriginal Protection Society and the Fabian Colonial Bureau kept close tabs on the League’s responsiveness to petitions.⁴⁰ The League against Imperialism and nationalist leaders in India expressed solidarity with colonial petitioners.⁴¹ Black activists in the United States and the Caribbean did the same. More than one African American academic wrote on the project of the Mandates System in Africa, and African American activists associated with the NAACP became some of the leading experts on “Petitioning the Mandates.”⁴² Chapters two and three of this

³⁹ Wright, *Mandates under the League of Nations*, 170.

⁴⁰ On the Fabian plan for the League of Nations, see Alfred Eckhard Zimmern, *The League of Nations and the Rule of Law, 1918-1935* (London: Macmillan, 1936), 161–63; Rita Hinden, Henry Noel Brailsford, and Fabian Colonial Bureau, *Fabian Colonial Essays* (London: Allen & Unwin, 1945). On later opposition to the Mandates from the Fabians, see Wm. Roger Louis, *Imperialism at Bay: The United States and the Decolonization of the British Empire 1941-1945* (Oxford: Clarendon Press, 1977), 14–16.

⁴¹ On the League Against Imperialism, see Michael Goebel, *Anti-Imperial Metropolis: Interwar Paris and the Seeds of Third World Nationalism* (Cambridge, UK; New York: Cambridge University Press, 2017), 199–201.

⁴² There is a vibrant literature on the relationship between black activists in the US and international movements. See R. D. Kelley, “‘But a Local Phase of a World Problem’: Black History’s Global Vision,” *Journal of American History* 86 (1999): 1045–77; Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge, MA: Harvard University Press, 2001); Penny M. Von Eschen, *Race against Empire: Black Americans and Anticolonialism, 1937-1957* (Ithaca: Cornell University Press, 1997); Brenda Gayle Plummer, *Rising Wind: Black Americans and U.S. Foreign Affairs, 1935-1960* (Chapel Hill: University of North Carolina Press, 1996); Carol Anderson, “International Conscience, the Cold War, and Apartheid: The NAACP’s Alliance with the Reverend Michael Scott for South West Africa’s Liberation, 1946-1951,” *Journal of World History* 19 (2008): 298–301; *Eyes off the Prize: African Americans, the United Nations, and the Struggle for Human Rights, 1944-1955* (Cambridge, UK ; New York: Cambridge University Press, 2003); “From Hope to Disillusion: African Americans, the United Nations, and the Struggle for Human Rights, 1944–1947,” *Diplomatic History* 20, no. 4 (October 1, 1996): 531–64; Nico Slate, *Colored Cosmopolitanism: The Shared Struggle for Freedom in the United States and India* (Cambridge, MA: Harvard University Press, 2012); Elliott P Skinner, *African Americans and U.S. Policy toward Africa, 1850-1924: In Defense of Black Nationality* (Washington, DC: Howard University Press, 1992); Susan D Pennybacker, *From Scottsboro to Munich: Race and Political Culture in 1930s Britain* (Princeton: Princeton University Press, 2009); Henry J. Richardson, *The Origins of African-American Interests in International Law* (Durham: Carolina Academic Press, 2008).

dissertation examine how these various actors—colonial officials, League bureaucrats, anticolonial and antiracist activists, and petitioners (whether from the Mandates, from the metropole, or from other parts of the world)—engaged with this project of petitioning, creating anticolonial and antiracist “publics” in the process.⁴³

Chapters Two and Three also chart the twin processes by which petitioning the Mandates System was constrained. First, Mandatory Powers began to push back on the League’s liberalism in accepting petitions, leading to the promulgation of the 1923 Rules of Procedure for petitions. These significantly curtailed the access petitioners had to the League. They did, however, create a procedural basis for petitioning in the League. Over the course of the 1930s, the Mandates Commission and Mandates Section created more and more arcane bureaucratic practices, designed to limit access to the League. But, this process of bureaucratizing petitioning normalized it in the minds of petitioners and international diplomats.

The Mandates System broke down in the late 1930s, though the Mandates remained a topic of debate throughout the war. The post-Second World War colonial settlement was fundamentally conservative.⁴⁴ Although Britain and France gave some Mandated territories de jure independence (particularly territories in the Middle East), they did not consider granting independence to the rest. The supervisory system of the Mandates survived the war, however, unlike other League expert bodies like the Minorities Commission (see coda to Chapter Three).⁴⁵

⁴³ I am drawing from Michael Warner’s use of the term “publics,” to suggest a kind of reflexivity and fluidity in the interactions between actors engaging with petitioning the Mandates. Michael Warner, *Publics and Counterpublics* (New York; Cambridge, MA: Zone Books; Distributed by MIT Press, 2002).

⁴⁴ The most comprehensive diplomatic history of the Trusteeship agreements and the post-war colonial settlement remains Louis, *Imperialism at Bay*. There has recently been a resurgence of work on negotiations over the United Nations during the war. The more relevant works are: Elizabeth Borgwardt, *A New Deal for the World: America’s Vision for Human Rights* (Cambridge, MA: Belknap Press of Harvard University Press, 2005); Mazower, *No Enchanted Palace*.

⁴⁵ There is a burgeoning literature on petitioning in the League’s Minorities and Mixed-Claims commissions in Upper Silesia, pioneered by Jane Cowan’s work on the Minorities Commission. See Jane K. Cowan, “Who’s Afraid of Violent Language?,” *Anthropological Theory* 3, no. 3 (2003): 271–91. See also Carole Fink, *Defending the Rights of Others: The Great Powers, the*

In Chapter Four, I show how a group of US State Department officials, UN bureaucrats, and African American activists were able to include petitioning into the UN Charter in the face of resistance from colonial powers. New post-colonial states in the United Nations took up the appeals of petitioners and turned them into sovereign complaints in the Trusteeship Council.⁴⁶ The Soviet Union's interest in colonial debates made "Petitioning the Mandates" another front in Cold War discursive struggles over race and communism, empire and independence. The conclusion of this dissertation examines these afterlives of Mandate petitioning in the UN and in the jurisprudence of the International Court of Justice.

Petitioning in the Mandates System of the League of Nations was a complex phenomenon, not least because petitions came from a wide variety of sources.⁴⁷ At various points in the institution's existence, petitions came from Arab nationalists in Syria and Jordan, from a local leader in Samoa, from anthropologists in Australia and from classicists at Oxford.⁴⁸

Jews, and International Minority Protection, 1878-1938 (New York: Cambridge University Press, 2004); "The League of Nations and the Minorities Question," *World Affairs* 157, no. 4 (1995): 197; Kate Parlett, *The Individual in the International Legal System: Continuity and Change in International Law* (Cambridge, UK; New York: Cambridge University Press, 2011).

Both the Minorities and Mixed-Claims Commissions contributed to the development of a law of petitioning within the League. Cowan, in particular, has argued that the Minorities petitioning procedure changed expectations among lawyers and bureaucrats about the role of individuals in international institutions. Her argument is powerful and runs in parallel to my own.

However, apart from the legal differences between these projects, the fact that the Mandates procedure persisted past the Second World War, and was widely perceived to be successful, changed its political weight for postwar activists who sought a theory to justify individual petitioning in international law. For a detailed analysis of the relationship between the Minorities and Mandates Systems on petitioning, see the coda to Chapter Three of this dissertation. See also Mark Mazower, "The Strange Triumph of Human Rights, 1933-1950," *The Historical Journal* 47, no. 2 (June 2004): 379-98.

⁴⁶ Meredith Terretta has done some of the more incisive work on Trusteeship petitioning. Meredith Terretta, "'We Had Been Fooled into Thinking That the UN Watches over the Entire World': Human Rights, UN Trust Territories, and Africa's Decolonization," *Human Rights Quarterly* 34, no. 2 (2012): 329-60; *Cameroonian Women, the Act of Petitioning, and the Creation of a Popular Nationalism, 1949-1960* (Madison: University of Wisconsin-Madison, 2004). One of the only recent legal studies of the Trusteeship Council is Wilde, "From Trusteeship to Self-Determination and Back Again." See also, Jean Beauté and Charles Rousseau, *Le Droit de pétition dans les territoires sous tutelle* (Paris: Librairie générale de droit et de jurisprudence, 1962); M. E. Tardu, *Human Rights: The International Petition System* (Dobbs Ferry, NY: Oceana Publications, 1979).

⁴⁷ For a useful graphical breakdown of the sources of petitioning, see Pedersen, *The Guardians*, 86-90. Pedersen based her work on the statistics compiled by Annique Van Ginneken in her 1992 dissertation. Ginneken, "The League of Nations as a Guardian."

⁴⁸ For one of the most evocative recent works on the power of petitioning from the Pacific (specifically, from Maori petitioners), see Robbie Shilliam, *The Black Pacific: Anti-Colonial Struggles and Oceanic Connections* (London: Bloomsbury Academic, 2015), 173-75.

Petitions, unsurprisingly, also covered a vast variety of subjects, from claims against the Balfour Declaration in Palestine to complaints about government pensions in Tanganyika. This dissertation does not purport to tell a story that encompasses the entirety of the system of petitioning, including all of the petitioners, all of the colonial governments, and all of the League officials involved. Instead, it focuses on the interaction between two forms of internationalism: an international anti-racist movement led by Pan-African activists who sought to use international institutions to challenge what W.E.B. Du Bois termed the “problem of the color line,” and a newly created international bureaucracy that explored its capabilities despite all indications that it would fail.

Petitioning about the African Mandates—the main object for Pan-African petitioners—was unique because these territories continued under international supervision in the UN system, unlike the Middle Eastern Mandates. Moreover, they attracted intense interest across anti-colonial circles more generally, unlike the Samoa and New Guinea Mandates. Eventually, disputes over the African Mandates led to petitioning coming to the notice of the ICJ in the 1950s. Petitioning in the B and C Mandates was often more controversial than other kinds of appeals, as petitions came primarily from sub-state actors, as opposed to state representatives or those who claimed statehood.⁴⁹ With no state or nation advocating for them (as in the other tribunals in the League), League officials recognized that these petitioners came to the PMC in an individual capacity, complicating a system that had been designed to serve and facilitate negotiations between sovereign states.⁵⁰

⁴⁹ Earlier studies of the Mandates have noted this. Most “A” mandate petitions came from organized lobbying groups that claimed “the rights of the nation to which [they] belong[ed].” P.K. Menon, “The International Personality of Individuals in International Law: A Broadening of the Traditional Doctrine,” *Journal of Transnational Law and Policy* 1 (1992): 154. See also Wright, *Mandates under the League of Nations*, 177–78. It is important to note that a majority of petitions came from the Middle Eastern, not Africa or the Pacific. See Ginnekan, “The League of Nations as a Guardian,” 212–13.

⁵⁰ See Position of the League with Regard to the Colonial Mandates Mentioned in Art.22 of the Covenant, Minute to the

Judge Alejandro Álvarez, the towering Chilean jurist, stressed the centrality of sub-state appeals from the African mandates in his dissenting opinion in the first major ICJ case involving the Mandates System in 1950.⁵¹ “[S]tates in the making,” like the African and Pacific mandates, were more reliant on the international protection of the Mandates System, than “fully developed” state entities, Álvarez claimed.⁵² State entities had the ability to represent themselves in international agreements and disputes, while sub-state entities were likely to fall through the cracks of international protection. Álvarez argued that this was especially the case in situations where the treaties binding sovereign states’ treatment of non-sovereign peoples were weak and ambiguous, as was the case with most of the B and C mandate treaties. He claimed that this lack of specific treaty obligations opened up mandate relationships to be judged on the basis of larger principles of international law as laid down in the Covenant. Thus, the relationship between a Mandate, a Mandatory Power, and the international community should have been interpreted according to the “sacred trust of civilization” more than to the letter of a treaty. The ambiguity of these relationships, at least as far as Álvarez was concerned, was productive to understanding the legal development of petitioning procedures and anxieties in the League. It was this same ambiguity that allowed the process to survive into the UN system and to shape colonial internationalism in the post-war world.

A Doubly International History

This dissertation is a history of petitioning in the Mandates System of the League of Nations and, as such, it is an inherently international and transnational history. But this is not an international

Secretary-General from Dr. van Hamel (head of the League’s Legal Section), August 8, 1919, p. 2, File 1/661/161, Box R1, LNA.

⁵¹ International Status of South-West Africa (Advisory Opinion), 1950 I.C.J. 128, 180-82 (July 11) (Álvarez, J., dissenting).

⁵² *Ibid.*, 180.

history merely because it draws from archives on multiple continents, or because it involves debates and communication across international borders. Indeed, it is not an international history just because it is a history of international law. Rather, I see this work as international (or transnational) because acting internationally was fundamentally important to the actors I study, and it informed the stakes of the debates they engaged in. Daniel Laqua has argued that “internationalism often relied on transnational structures and movements—and that, in turn, transnational action was driven by particular understandings of internationalism.”⁵³ This is an international history because “internationalism” was important to the creation of this history and because, in important ways, the possibility of an international public sphere was inaugurated out of the contestations examined in this dissertation.⁵⁴

This is a history of petitioning Geneva, but it is equally a history of the transnational communities that were formed in order to make that practice possible. Laqua, writing about the interwar years, defined “internationalism” “as the impulse to create new networks and nodes that reached beyond the nation-state.”⁵⁵ As Chapters Three and Four show, petitioning the mandates

⁵³ Preface, Daniel Laqua, ed., *Internationalism Reconfigured: Transnational Ideas and Movements between the World Wars* (London; New York: I.B. Tauris, 2011), xiii. Or, as Norman Bentwich wrote in his retrospective on the Mandates System and the League, the creation of the UN saw the “creation of a class of world subjects.” Bentwich, *Colonial Mandates and Trusteeships*, 128. Mazower argues that internationalism was a uniquely modern concept, at least as a self-reflexive matter. He dates it back to Bentham’s nineteenth century reading of the term “international” as a realm of governance. Mazower, *No Enchanted Palace*, 67. See also, Glenda Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press, 2013); *The Nation, Psychology, and International Politics, 1870-1919* (New York: Palgrave Macmillan, 2006); Glenda Sluga and Patricia Clavin, *Internationalisms: A Twentieth-Century History* (Cambridge, UK; New York: Cambridge University Press, 2017); Patricia Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946* (New York: Oxford University Press, 2015); “Conceptualising Internationalism between the World Wars: Introduction,” *Internationalism Reconfigured: Transnational Ideas and Movements between the World Wars*, 2011, 1–14; Goebel, *Anti-Imperial Metropolis*; Daniel Gorman, *The Emergence of International Society in the 1920s* (Cambridge: Cambridge University Press, 2014); Helen McCarthy, *The British People and the League of Nations: Democracy, Citizenship and Internationalism c. 1918-45*, 2016.

⁵⁴ This was an international “public” in the vein of Michael Warner’s definition of the term: he has argued that, “to think of oneself as belonging to a public is to be a certain kind of person, to inhabit a certain kind of social world, to have at one’s disposal certain media and genres, to be motivated by a certain normative horizon, and to speak within a certain language ideology.” Warner, *Publics and Counterpublics*, 10.

⁵⁵ Preface, Laqua, *Internationalism Reconfigured*, xii.

was the focus of a transnational movement that developed to preserve the possibility of international appeals after the Second World War. At the same time as they were grounded in their national political contexts, petitioners moved across state and imperial lines, as did their letters.⁵⁶

The history of petitioning the Mandates System is of necessity a history of empire. As Paul Kramer notes, “one of the cognitive advantages of thinking with the imperial is that it represents a large-scale, non-national space of historical investigation that frames questions about long-distance connection and interaction.”⁵⁷ For some historians of the League of Nations and the early UN, though, this invitation to use empire to cross national lines has not come with a concomitant commitment to interrogate who gets to speak and be heard across imperial networks of power.⁵⁸ Historians like Mark Mazower and Sam Moyn have tried to tell the history of internationalism through intellectual history, focusing on the writings of elite figures, engaged in

⁵⁶ That said, I take seriously Anna Tsing’s admonishment that national histories do not comfortably “nest” within international schemes, just as sub-national narratives might create uncomfortable questions for global imaginaries. Culture and social practices emerge, not out of autochthonous local practices or unmediated universal ideologies, but through a constant process of misunderstanding, appropriation, modification, reworking, and destruction at every stage. Anna Lowenhaupt Tsing, *Friction: An Ethnography of Global Connection* (Princeton: Princeton University Press, 2005), 104. In keeping with Martii Koskenniemi’s formulation, this dissertation takes as given that “the vision of a single social space of ‘the international’ has been replaced by a fragmented, or kaleidoscopic understanding of the world where the new configurations of space and time have completely mixed up what is particular and what universal.” Koskenniemi, *The Gentle Civilizer of Nations*, 515.

⁵⁷ Paul Kramer, “Power and Connection: Imperial Histories of the United States in the World,” *The American Historical Review* 116, no. 5 (2011): 1348–91, 1351. For other historians who have taken a nuanced approach to the intersections of histories of Empire and internationalism in the interwar years, especially those keeping race and gender at the center of their analysis, see, among others, Mrinalini Sinha, *Specters of Mother India: The Global Restructuring of an Empire* (Durham: Duke University Press, 2006); Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men’s Countries and the International Challenge of Racial Equality* (Cambridge, UK; New York: Cambridge University Press, 2008); Slate, *Colored Cosmopolitanism*; Vijay Prashad, *The Darker Nations: A People’s History of the Third World* (New York: New Press, 2007); Kris Manjappa, *M. N. Roy: Marxism and Colonial Cosmopolitanism* (London: Taylor & Francis, 2016); *Age of Entanglement* (Cambridge: Harvard University Press, 2014).

⁵⁸ See, for instance, Samuel Moyn, *The Last Utopia Human Rights in History* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2010); Mark Mazower, *Governing the World: The History of an Idea* (New York: The Penguin Press, 2012); Akira Iriye, *Cultural Internationalism and World Order* (Baltimore: Johns Hopkins University Press, 1997).

intellectual debates about the fundamental nature of international order. Certain ideas “win” and others “die,” determining the course of global history.⁵⁹

Bringing to light the circulation of imperial claims and counterclaims requires recognizing that whom international bureaucrats trusted and which voices were heard depended largely on the intersectional identity of the person speaking.⁶⁰ This dissertation sees the development of a notion of the international in the friction that race, gender, class, citizenship, political affiliation and imperial status created for people who sought to engage in a new international public.⁶¹ The very idea of the Mandates, as Elizabeth Thompson has shown, was a deeply gendered construct, based on a vision of international law instructing colonized peoples in the achievement of civilization.⁶² As Pedersen put it in an article on the role of women in the League, “metaphors of the schoolroom” suffused the enterprise.⁶³ Bringing insights from new imperial history to the study of the League is vital to appreciating the ways in which different imperial formations, and most importantly the gendered logic of the British Commonwealth, shaped how the Mandates were set up.⁶⁴

⁵⁹ As Moyn puts it in a defense of his book, “*The Last Utopia* is a study of the vision of human rights that became . . . hegemonic.” Samuel Moyn, “The Continuing Perplexities of Human Rights,” *Qui Parle* 22, no. 1 (2013): 110.

⁶⁰ As Antony Anghie noted in a review of Moyn’s work, “[Moyn] often uses broad global and universal terms, and he writes long passages where he does not indicate whose perspective he is focusing on, thus sometimes giving the impression that somehow this group [of Western statesmen and thinkers] is the ‘world.’” Antony Anghie, “Whose Utopia? Human Rights, Development, and the Third World,” *Qui Parle* 22, no. 1 (2013): 70.

⁶¹ Here, I am adapting Tsing’s use of the term “friction” to describe the tensions in telling global histories. Tsing, *Friction*.

⁶² See Thompson, *Colonial Citizens*.

⁶³ Pedersen, “Metaphors of the Schoolroom.”

⁶⁴ Barbara Bush quotes Margery Perham, an early commenter on the Mandates, to note how the “reconceptualization of Empire to Commonwealth,” was a “‘move from (masculine) power to (feminine) service.’” Barbara Bush, “Gender and Empire: The Twentieth Century,” in Philippa Levine, ed., *Gender and Empire* (Oxford: Oxford University Press, 2007), 80.

Petitioning the Mandates System allowed a generation of prominent African Americans to engage with Africa through international activism; some used this opportunity to develop an expertise in Mandates issues that would prove vital to organizing international anticolonial activism in the post-Second World War era. One of the most important ways in which this dissertation is able to engage in the debate over internationalism without repeating its common erasures of race is by writing the history of petitioning in the Mandates System through the lens of Pan-African activism in the interwar years. In this, my work is dependent on the scholarship of a long line of historians of African American internationalism. Paul Gilroy's concept of a Black Atlantic helps frame the stakes of some of these debates. If historians of international institutions or of the creation of the United Nations take a transatlantic optic to debates over the creation of international law,⁶⁵ Gilroy suggests that looking to the Atlantic as a "single, complex unit of analysis" is productive of an "explicitly transnational and intercultural perspective" that takes anticolonial and antiracist sensibilities seriously.⁶⁶

Pan-Africanism is also a vital axis of internationalism because it was African American intellectuals who did much of the intellectual work that sustained "Petitioning the Mandates" into the post-Second World War era. Histories of African American internationalism have followed a series of figures and movements who not only wrote about the global color line, but who also circulated in networks across empires and across racial and class lines. Historians in this field have shown that African American activists were not marginal to US foreign policy, and that they engaged with it centrally.⁶⁷

⁶⁵ See, for instance, Borgwardt, *A New Deal for the World*; Mazower, *No Enchanted Palace*; and, most extensively, Louis, *Imperialism at Bay*.

⁶⁶ Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (Cambridge, MA: Harvard University Press, 1993), 5.

⁶⁷ This is a vibrant field of research. Some of the notable works include Plummer, *Rising Wind*; Brenda Gayle Plummer, *Window on Freedom: Race, Civil Rights, and Foreign Affairs, 1945-1988* (Chapel Hill; London: The University of North Carolina Press,

As Robin Kelley has argued, African American historians were thinking beyond the state from the nineteenth century onwards, in part because their citizenship within the state was often so tenuous. It was the very “statelessness” of these petitioners writing about Africa that made their appeals to the League so controversial. The “state” had failed African American petitioners to the League. Black international activism after Reconstruction and through the interwar years was an exercise in trying to leapfrog the state to access alternative spaces to push for emancipation. Especially with the re-invigoration of racial terror at the end of the First World War across the United States, with the support of the government in Washington, black activists had more reason than ever to look to alternative forums to bring claims against racial exclusion and oppression.

Africa was a central focus for finding a black past as history. Kelly writes that black historians, in particular, “were attempting to portray African people as world-historical actors, to turn on its head the Hegelian or Toynbee-esque image of Africa as having no history.”⁶⁸ The work of figures like Du Bois in the first three decades of the twentieth century captured methodological insights—foremost, the importance of race in shaping colonial conquest and the relationship between capitalism and empire—that would not be discovered by mainstream historiography for several decades. As such, this dissertation builds on the work done by Robert Vitalis, centering African American academics in the development of the field of international

2003); Von Eschen, *Race against Empire*; Borstelmann, *The Cold War and the Color Line*; Carol Anderson, *Eyes off the Prize: African Americans, the United Nations, and the Struggle for Human Rights, 1944-1955* (Cambridge, UK ; New York: Cambridge University Press, 2003); Mary L Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2011); Michael L Krenn, *The African American Voice in U.S. Foreign Policy since World War II* (New York: Garland, 1999); James Hunter Meriwether, *Proudly We Can Be Africans: Black Americans and Africa, 1935-1961* (Chapel Hill: University of North Carolina Press, 2002); Nikhil Pal Singh, *Black Is a Country: Race and the Unfinished Struggle for Democracy* (Cambridge, MA: Harvard University Press, 2005); Slate, *Colored Cosmopolitanism*; Bill Mullen, *Un-American W.E.B. Du Bois and the Century of World Revolution* (Philadelphia: Temple University Press, 2015).

⁶⁸ Kelley, “But a Local Phase of a World Problem,” 1062.

relations and international law in the 1920s, 30s and 40s, creating a “counter-history of the discipline of international relations in the United States.”⁶⁹ As this dissertation shows, this counter-history helped rewrite the story of petitioning to make it seem less controversial, in the process opening up emancipatory opportunities in the post-Second World War moment.

The object of these petitions—the Mandates System of the League—is just as important as the transnational character of the petitioners. As international lawyers like David Kennedy have argued, the League was a fundamentally new kind of institution on the world stage.⁷⁰ It emerged at a moment when the very notion of what counted as an “international” sphere was up for grabs. One model—that taken by groups like world missionary societies or groups like the Quakers sought to build an international through faith communities that cut across state and imperial lines. Other organizations like the Universal Postal Union were semi-governmental, but were not necessarily limited to governmental representatives. International Zionist groups or associations of Indians across the British Empire imagined global communities that spanned a number of political formations. What made the League different was that it was explicitly built on the centrality of sovereign statehood to membership. By limiting its membership to states that were recognized as “civilized,” explicitly excluding the Mandates, the League produced a uniquely powerful and constrained kind of international, one that was more inter-governmental than anything else.⁷¹ This also made petitioning particularly controversial. If the League was

⁶⁹ Robert Vitalis, *White World Order; Black Power Politics: The Birth of American International Relations* (Ithaca: Cornell University Press, 2015), 106.

⁷⁰ See David W. Kennedy, “The Move to Institutions,” *Cardozo Law Review* 8 (1987): 841; Gerard J. Mangone, *A Short History of International Organization*. (New York: McGraw-Hill, 1954). On the relationship between the creation of the idea of an international institution and the Mandates System, see Anghie, “Colonialism and the Birth of International Institutions.”

⁷¹ It is worth noting that the League, and even more the UN, exerted a gravitational pull on other kinds of international bodies. Thus, even though groups like the Postal Union had been independent creations before the League, they and other similar institutions were slowly co-opted and brought into the League’s paradigm.

explicitly created to bring states into conversation with each other, introducing non-state actors to the system disturbed the constitutional underpinnings of the system.

Its early years not only shaped the particularities of its various organs, but they also set a standard for how later lawyers and activists would think an international institution should appear and operate. For Kennedy and later proponents of critical legal histories who have written about the interwar years—people like Nathaniel Berman and Sundhya Pahuja, for instance—the League was a very significant innovation in international law.⁷² That said, most lawyerly treatments of the interwar years look to the developments in the League—such as petitioning—through an anachronistic lens that normalizes the contested innovations of the institution. Studying petitioning in the League is categorically different from studying petitioning to another sovereign or to some other kind of international body.

Even among legal scholars who identify with the Third World Approaches to International Law (TWAIL) methodology, League history has largely been written as a history of western imposition or of coercive sovereignty.⁷³ Antony Anghie’s seminal 2004 book,

⁷² Nathaniel Berman, *Passion and Ambivalence: Colonialism, Nationalism, and International Law* (Leiden; Boston: Martinus Nijhoff Publishers, 2012); Nathaniel Berman, “Shadows: Du Bois and the Colonial Prospect, 1925,” *Villanova Law Review* 45, no. 5 (January 1, 2000): 959; Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* (Cambridge: Cambridge University Press, 2013).

⁷³ On TWAIL and the League, see Anghie, *Imperialism, Sovereignty, and the Making of International Law; The Third World and International Order: Law, Politics, and Globalization* (Leiden ; Boston: Martinus Nijhoff, 2003); “Colonialism and the Birth of International Institutions”; “Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law,” *Harvard International Law Journal* 40, no. 1 (1999); Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements, and Third World Resistance* (Cambridge, UK; New York: Cambridge University Press, 2003); Richard A Falk, Balakrishnan Rajagopal, and Jacqueline Stevens, *International Law and the Third World: Reshaping Justice* (London; New York: Routledge-Cavendish, 2010); Chowdhuri, *International Mandates and Trusteeship Systems; a Comparative Study*; Matthew C. R Craven, *The Decolonization of International Law: State Succession and the Law of Treaties* (Oxford; New York: Oxford University Press, 2007); Berman, *Passion and Ambivalence*; Neta Crawford, *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention* (New York: Cambridge University Press, 2002); Arnulf Becker Lorca, *Mestizo International Law: A Global Intellectual History 1842-1933* (Cambridge, UK: Cambridge University Press, 2016); “Petitioning the International: A ‘Pre-History’ of Self-Determination,” *European Journal of International Law* 25, no. 2 (2014): 497–523; “Sovereignty beyond the West: The End of Classical International Law,” *Journal of the History of International Law = Revue d’histoire Du Droit International*. 13, no. 1 (2011): 7–73; Marie-Bénédicte Dembour and Tobias Kelly, *Paths to International Justice: Social and Legal Perspectives* (Cambridge, UK; New York: Cambridge University Press, 2007); Boaventura de Sousa Santos, *Toward a New Common Sense: Law, Science and Politics in the Paradigmatic Transition* (New York; London: Routledge, 1995); Boaventura de Sousa Santos, *Another Knowledge Is Possible: Beyond Northern Epistemologies* (London: Verso, 2008); Wilde, “From Trusteeship to Self-Determination and Back Again.” For their intellectual predecessor, see Charles Henry

Imperialism, Sovereignty, and the Making of International Law, has a groundbreaking discussion of the Mandates System and the ways in which early twentieth century international law created structures that relegated certain peoples to a state of perpetually-postponed sovereignty.⁷⁴ If other lawyers have written the history of the interwar years in the context of creating the conditions for liberalism and growth in the post-Second World War era, TWAIL scholars have too often fallen into a mode of reasoning that takes all agency away from colonized peoples or non-elites, seeing the League as but one part of a larger Eurocentric coercive project.

Some scholars have started to push beyond this paradigm—Arnulf Becker Lorca’s work is particularly perceptive—but their efforts have been stymied by a problem common across histories of international law written in the legal academy: a failure to take archives seriously and to look beyond standard government sources.⁷⁵ The logic of the Mandates System necessitated seeing Mandated peoples are incapable of speaking intelligently about their administration: they were “not yet able to stand by themselves under the strenuous conditions of the modern world,” in the words of Article 22 of the Covenant. In particular, by writing a history of petitioning purely from the minutes of the PMC, lawyers have erased the work done by petitioners to create a right for themselves. By juxtaposing official records of the League with the personal papers of both Pan-Africanists and international officials and with the petitions colonized peoples wrote,

Alexendrowicz, *Studies in the History of the Law of Nations* (The Hague: Nijhoff, 1972).

⁷⁴ Anghie, *Imperialism, Sovereignty, and the Making of International Law*, chap. 3.

⁷⁵ To cite one example: Lorca is one of the only international lawyers to have ever considered the UNIA and NAACP petitions to the League, but he fails to notice any distinction amongst these various Pan-African groups approaching the League, clubbing them (and Ethiopian, Moroccan, Armenian, and other activists) into the category of “semi-peripheral lawyers.” Becker Lorca, *Mestizo International Law*, 228. He also studies the question with an approach that mirror’s Manela’s, where “non-Western petitioners appropriated the modern language of international law to pursue their quest for equality and self-governance, defending new rules of international law.” *Ibid.*, 231. See also, Becker Lorca, “Petitioning the International”; Benjamin Allen Coates, *Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century* (New York: Oxford University Press, 2016).

my dissertation is able to illuminate a far more uncertain and controversial organization than previous legal studies have shown.

The same problem of archival thinness does not afflict *The Guardians*, by Susan Pedersen, the only major study of the Mandates System as a whole by an academic historian in the last fifty years. Pedersen's work is groundbreaking in its scope and depth of research, surveying almost every Mandated territory and using archives in every administering authority. Her almost ten years in the League's archives are impossible to replicate. Not only is this a vast archival work, it is an important theoretical step forward in Mandates studies. As Pedersen argued in her first published article on the Mandates in 2006, Mandates studies have failed to take into account both the unity and the diversity within the system. Thus, "any persuasive argument about the system as a whole must be able to account for mandates in all regions and of all types, and must moreover be able to specify the distinctiveness of mandates when compared to colonies."⁷⁶ Though this is a vital insight into the Mandates, it also creates methodological challenges for later scholars who are not able to conduct a full survey of the system. It also privileges the gaze from Geneva, focusing on how League bureaucrats looked out and saw the world. For African American activists writing about the African Mandates, for instance, that same optic did not necessarily apply.

The project Pedersen inaugurated in the mid-2000s created an entirely new field of international historical study. Over a dozen international conferences devoted to various aspects of the League's work have been organized in the eight years since Pedersen published her first review article on the League in the *American Historical Review*. Daniel Laqua and others who

⁷⁶ Pedersen, "The Meaning of the Mandates System," 564.

are working in the field of internationalisms owe much to the work Pedersen did to illuminate the scope of transnational activity that took place in the interwar years in Geneva.⁷⁷

A major lacuna in Pedersen’s work—and the work of other historians—is a failure to take the legal aspect of the League seriously, to pay attention to the ways in which transnational activism and community was both creating and was being shaped by the legal procedures the League inaugurated.⁷⁸ If lawyers like Lorca and Anghie have leaned too hard on finding the origins of later international legal systems in the League, Pedersen spends too little time considering how the law mattered in the League, and how debates over petitioning were also very serious debates about the nature of international institutions. This dissertation seeks to bring the insights of the field of international administrative law—as defined by Jose Alvarez and others—to the study of the League, to understand how procedures and policies develop in an international institution and constrain the scope of possibilities open to the actors within the system. This is particularly important to highlight because some of the key African American intellectuals studied in this dissertation—Rayford Logan and Ralph Bunche, to begin with—took the legal constraints of the League very seriously. It was their reading and purposeful misreading of the procedures of the Mandates System that allowed for some of their emancipatory work in the 1940s. Nor were they alone in this: much of the battle between petitioners and Mandatory Powers in the late 1920s and 1930s centered on the minutia of procedure in the Permanent Mandates Commission. Engaging with the Rules of Procedure in the Mandates System was a key

⁷⁷ See Ana Antic, Johanna Conterio, and Dora Vargha, “Conclusion: Beyond Liberal Internationalism,” *Contemporary European History* 25, no. 2 (May 2016): 359–71.

⁷⁸ For some notable law-focused studies of the League, see Isabel V Hull, *A Scrap of Paper: Breaking and Making International Law during the Great War* (Ithaca; London: Cornell University Press, 2014); Zara S. Steiner, *The Lights That Failed: European International History, 1919-1933* (Oxford; New York: Oxford University Press, 2005); Patrick O Cohrs, *The Unfinished Peace after World War I: America, Britain and the Stabilisation of Europe, 1919-1932* (Cambridge, UK; New York: Cambridge University Press, 2008).

technique petitioners developed on their way to constituting themselves as transnational actors. Putting that practice at the center of my research allows me to contribute to a literature on transnational anti-colonialism, but also to the history of law-making in international institutions.

Taking an interdisciplinary approach to the history of international institutions has significant methodological advantages. Legal historians of race have long spoken of the importance of law as a symbolic and tactical tool for those who have little influence over politics. For those without redress, the law (however it might be defined) is not merely a collection of abstract words, interchangeable and deployable. It is not merely an ahistorical driver of society, nor is it just evidence of ambient power relations. Rather, the law can be the basis for a language and practice of claim-making, or a locus of organization and mobilization. Studying this engagement with the law can allow us to see politics *with* the law, rather than instead of it. If international law is nothing but power politics, it is not surprising that the non-elite fail to show up in it. Indeed, if non-elites are not part of the archive of a project dealing with international law, it is not surprising that that law looks a lot like pure power politics. Drawing the lens of legal history onto international institutions can help us write truly transnational histories of solidarity and power, as well as tell stories of structural injustice and institutional rot, as much in the international as in the domestic. In effect, a legal history of international institutions can help us re-integrate local actors and actions into international narratives and highlight a new set of contested changes over time.

Writing and Re-Writing the Birth of Mandates Petitioning

This dissertation began by noting a paradox. In 1923, members of the Mandates System of the League of Nations had decided that there was no fundamental right to petition that body. For students of the Mandates in the early 1920s, petitioning would have seemed a difficult and

uncertain practice, with only tenuous acceptance in Geneva. Yet, by 1956, even the International Court of Justice was treating petitioning as if it had always been understood to be a widely accepted part of the work the League was supposed to do. This dissertation is in part a story of that journey: from resistance to normalization. It is also a story of how African American activists, who were doubly outside the Mandates System since the US was not a member of the League, played a vital role in making the transformation of petitioning possible, setting up the broadening of the practice in the post-Second World War era. My contribution to this field is broadly in two areas: excavating the strangeness of the birth of petitioning in the League and explaining where it came from, and then telling the story of how the very unusual nature of petitioning came to be written out of academic treatments of petitioning in the 1930s and 1940s.

Despite the rapidly growing field of League and Mandates scholarship, there is very little new written about the origins of petitioning within the Mandates System. This historiographical lacuna can be attributed, in large part, to the work done by Quincy Wright in his 1930 book on the Mandates System, *Mandates under the League of Nations*. Wright's book had a remarkable effect on future scholarship both because of its comprehensiveness and because of its arrival in 1930, a moment of change in the Mandates System's history, when Germany's 1926 entry into the League threatened the careful balance that had been achieved in the early 1920s.⁷⁹

Wright reported that petitioning had been proposed to the Permanent Mandates Commission by the British government in 1922, after which the Council of the League discussed

⁷⁹ Pedersen, more than any other historian of the League, has stressed the pivotal nature of Germany's entrance into the League and into the Mandates Commission. Pedersen, *The Guardians*, 12. That impact is undeniable across a number of areas of the Mandates' operations, though it is surprisingly absent on the issue of petitioning procedures (as opposed to the study of particular petitions, where there certainly were changes). Thus, while I agree with Pedersen that histories of the Mandates have not sufficiently appreciated the changes that took place upon Germany's entrance into the League, that change is perhaps least evident in petitioning and thus does not make much of an appearance in this dissertation. On the importance the Germans attached to joining the PMC, see *ibid.*, 198.

the matter and gave its approval to the British proposals.⁸⁰ The *Rules of Procedure for the Examination of Petitions* of 1923 then laid the legal basis for the Mandates Commission to study petitions during the rest of its existence. The first two British representatives to the Commission—William Ormsby-Gore and Frederick Lugard—were credited with having championed petitioning. Pedersen repeats a claim Wright made in *Mandates under the League of Nations*: that Ormsby-Gore and the British government saw petitioning as a natural transposition of the systems of colonial appeal already in place in the British government.⁸¹ In this story, petitioning was the outgrowth of British proposals, made in the interests of colonial justice. While French and South African representatives did not welcome it, they acquiesced to a right that was thought to be inherent in the system of oversight of the Mandates System. Duncan Hall, writing in 1948, relied on Wright to claim that it “was a mark of the elasticity of the League procedure that although the petitions system had no place either in the Covenant or in the texts of the mandates, it was set up by the League without any difficulties of a constitutional character.”⁸²

Internal documents from the Mandates Section, some dating back to 1919 and 1920, tell a very different story. In short, members of the League, and particularly the Mandatory Powers, did not see petitioning as a right or as a natural outgrowth of intra-imperial petitioning.

Petitioners also saw Mandates petitioning as a fundamentally new form of appeal. Their letters

⁸⁰ Wright, *Mandates under the League of Nations*, 169. Pedersen repeats Wright’s analysis almost verbatim. Although she states that Ormsby-Gore “worked with friends in the Colonial Office to draft a petition process,” she does not cite to any archives for this assertion. See Pedersen, *The Guardians*, 82–83. I have been unable to find any archival support for this either. This position has been repeated by recent legal studies that look at the League and the Mandates. See, for example, Carsten Stahn, *The Law and Practice of International Territorial Administration: Versailles to Iraq and Beyond* (Cambridge: Cambridge University Press, 2010), 85.

⁸¹ Pedersen, *The Guardians*, 79, 82–83.

⁸² Hall, *Mandates, Dependencies and Trusteeship*, 198.

forced League staffers to debate the legal status of the League of Nations in its relationship with other international actors well before Orsmby-Gore came on the scene. Most importantly, they debated how to deal with situations in which petitions challenged the narratives and facts Mandatory Powers communicated to Geneva. Petitions raised a very important constitutional problem for the League, one that was debated over the course of ten years: if the PMC was to oversee the Mandates, could it do so using only information supplied to it by the Mandatory Powers? If the League accepted appeals from non-state actors, allowing them to leapfrog their states, did it take on the character of a supra-state body? In the end, the Mandatory Powers backed the Rules of Procedure of 1923 in order to limit continued and growing petitioning in the wake of the Bondelzwarts Rebellion in South-West Africa. The League's political bodies did not grant a right to petition to individuals in colonial states, recognizing the necessity of hearing their appeals. Rather, the early debates over petitioning were about how to slow down or stop petitions, and how to manage the damage done to colonial prestige, while preserving the League's reputation as an impartial actor on colonial matters.⁸³

Given the importance the history of Mandates' petitioning would attain in the late 1940s and 1950s in the ICJ, it is surprising that Wright's analysis did not receive critical revision, either when it was first published in 1930 or later.⁸⁴ One reason why this analysis might not have been questioned in works written after the 1930s is that no actor in the system—League bureaucrats, national representatives, PMC members, or even petitioners—had a stake in noticing the disruptive characteristics of petitioning and the challenges such a process created in the

⁸³ Pedersen, interestingly, argued (as I do) that the 1922-23 rules were restrictive rather than permissive in her 2006 article on the Mandates. Pedersen, "The Meaning of the Mandates System," 570. That argument disappeared in the nine years between her first and last engagements with this question.

⁸⁴ Indeed, it is surprising that more work was not done on this in the interwar years, as Pedersen cites petitioning as "perhaps the most significant aspect of the mandates system." Pedersen, *The Guardians*, 78.

functioning and philosophical underpinning of the League project. Wright's narrative of the birth of petitioning was eminently plausible and seemingly based in solid documentary basis. It remains the conventional story for even the most ground-breaking studies of the Mandates.

Although the history of petitioning did come up during the UN conference, that debate took place at the sidelines and quickly. As Chapter Four argues, this allowed relatively low-level members of the US negotiating team—partisans of petitioning who had worked with the League—to define the history of the practice as unproblematic and uncontested. Indeed, until petitioning became a major question before the ICJ, there was little to spur a scholarly interest in petitioning outside activist circles. South Africa did challenge this vision of petitioning in its submissions to the ICJ in 1950 and 1956, but by then the scholarly consensus and the practical effects of petitioning in the Trusteeship Council had made such a re-writing of League history difficult. As a result, *Mandates under the League of Nations* became the single source upon which almost every history of petitioning relied upon.

Why does the precise origin of petitioning in the Mandates System matter beyond the arcana of League history? In this dissertation, I argue that the development of petitioning in the Mandates System was a radical innovation in international legal procedure that gave some of the most marginalized international actors a space to engage in international law. It matters, then, that the dominant narrative of petitioning has given credit to colonial munificence, when in reality petitioning was built on hard and discouraging grassroots work against colonial pressures. Beyond that, though, I first became interested in petitioning in the Mandates System because the system was so improbable and unusual in the context of a public international law that, in the words of a judge of the International Court of Justice, “excluded the individual as the subject of

rights.”⁸⁵ Yet, none of the major legal commentators on the practice in the late 1940s and 1950s seemed to acknowledge that it was unusual that British imperial petitioning procedures had been grafted into international law. After all, League lawyers and state representatives in Geneva in the 1920s had adamantly argued that the League had no legal personality of its own – it existed, in the words of Robert Cecil, one of its principal drafters, as “nothing more than the Governments represented on its Council and at its Assembly.” It was most assuredly not, then, the kind of “super-national organization” the British Empire proudly saw itself as.⁸⁶ Indeed, much of the debate over petitioning in the League in the early 1920s was about how it was *not* supposed to be the kind of judicial appellate system Privy Council petitions involved. How, then, could it have been so uncontroversial that sub-state petitions could reach that body? The fact that the International Court of Justice seemed to assume in 1950 and 1956 that individual colonial petitioning in the League was normal made me question the classical history of international human rights law I had accepted thus far.

The first half of this dissertation deals directly with how this unusual institution—colonized and racially marginalized activists petitioning an expert body in Geneva—came to be. Petitioning was born of a sustained effort by actors across the colonial and semi-colonial world and it created a new legal practice that birthed new publics of anticolonial and antiracist resistance in the interwar years. Petitioning the League did not seamlessly lead to post-Second World War decolonization, nor was it an unproblematic forerunner to the individual complaints procedures of modern international human rights bodies. What it did do, though, was to give

⁸⁵ Antônio Augusto Cançado Trindade, “The Consolidation of the Procedural Capacity of Individuals in the Evolution of the International Protection of Human Rights: Present State and Perspectives at the Turn of the Century,” *Columbia Human Rights Law Review* 30 (1998): 7.

⁸⁶ Extracts from Minutes of the 27th Session of the Council, December 10, 1923, in File 40/27124/27124, Box R1598, LNA.

petitioners and international institutions a new lexicon of protest and a new means of claim-making that *did* contribute to post-war changes in both colonial policy and human rights law.

How that transfer happened from interwar to post-war is the subject of the second half of my dissertation. My initial discomfort on reading the 1950 ICJ judgment on South-West Africa led me to interrogate how it was that the Court took as settled that petitioning was an unproblematic and uncontested part of the League's practice. In fact, as my dissertation shows, the received wisdom of 1950 was the product of a sustained program of normalizing and routinizing by African American activists in the 1930s and early 1940s, culminating in the improbable inclusion of petitioning in the UN Charter in 1945. It was not just that lawyers and bureaucrats in the late 1940s and 1950s did not know where and how petitioning developed, and thus mistakenly considered it a normal part of the League's functioning. As the conclusion of this dissertation argues, recasting petitioning in the Mandates System as unproblematic in origin and effect allowed activists in the post-war world to re-negotiate the largely conservative UN order, to create new spaces for human rights appeals. In effect, petitioning in the Mandates System was both a legal innovation and became the tool through which later innovations could take place. A history of the development of petitioning procedures is thus also a study in how historical argument is used in law-making, with historical fictions paving the way to new international legal standards. Petitioning the Mandates was never just about petitioners writing to a small office in Geneva in the interwar years, about a small number of colonial territories around what one commentator has called the "colonial periphery."⁸⁷ Rather, it was also a practice that created a new international law of individual access to human rights remedies, changing the shape of the post-Second World War order.

⁸⁷ Hall, *Mandates, Dependencies and Trusteeship*.

CHAPTER ONE

“A difficult question of principle”¹: Petitioning Before the Rules, 1919-1922

“I think I do not need make any further enlargement now, the petitions fully speaking for themselves, but I must request you most humbly, to put our claims, as shown in the attached memorials . . . before the Members of the League for their mature considerations.”

- Committee on behalf of Togoland Natives to the League, 1920²

Introduction

The League of Nations was formally created on January 10, 1920, when the Covenant and the Treaty of Versailles came into force. As a functional matter, the League already existed as of May 1919, just before Germany signed the Treaty. Sir Eric Drummond, a British Foreign Service officer, had taken the helm as its Acting Secretary General, tasked with hiring a temporary staff.³ A skeleton crew made up largely of British civil servants on secondment created an international organization from scratch in a temporary office in London, before knowing what their budget would be, which states would join, and what an “international organization” really was, as a matter of law or in practice. Drummond and his staff had almost no infrastructure and no guidance as late as mid-1920.⁴

¹ Minute from P.J. Baker to the Secretary General, July 12, 1920, File 1/4900/3099, Box R20, League of Nations Archives, Palais des Nations, Geneva (henceforth, LNA).

² Letter from Mensah to the Secretary-General, May 18, 1920, p. 1, File 1/4900/3099, Box R20, LNA. For the full text of this petition, see Appendix.

³ See discussion of the Committee of Organization at the Peace Conference in Egon F Ranshofen-Wertheimer, *The International Secretariat: A Great Experiment in International Administration* (Washington, DC: Carnegie endowment for international peace, 1945), 26.

⁴ Egon Ranshofen-Wertheimer does a good job of highlighting the sparseness of the instructions given to Drummond in 1919.

They did have an address, though, and a mailbox. On May 18, 1920, the Secretary-General received a letter from Lomé, the capital of Togoland, in what had until four months earlier been German West-Africa. “Please don’t think me churlish if, as a member of the Committee on behalf of Togoland Natives. . .[,] I have the impudence most respectfully and humbly to encroach upon your precious hours in scribbling you these lines in order to bring home to the League of Nations through you facts which are of first importance to us.”

J.T. Mensah, a member of the Committee on behalf of Togoland Natives, had been “instructed that the League of Nations . . . has been formed, inter alia, purely and simply to safe-guard small powerless Nations.” He thus felt it “incumbent upon” him to write to this new and august body with a complaint from people from such a small and powerless nation.⁵ The Committee was concerned—newspapers were reporting that Togo was to be handed over to the French as a Mandate. Mensah and other Togolese had believed that Britain would be the Mandatory Power in the region.⁶ The French were already being accused of employing forced labor in their new territories.

Mensah’s compatriots had begun their quest to stop French rule as early as 1918, by writing to the British government and to Viscount Milner, the chief architect of the Mandates System.⁷ Having no success there, they sought to have their appeal forwarded to the Member

Ibid., 13. See also *The International Secretariat of the Future*, a pamphlet put together by former League officials under the aegis of the Royal Institute of International Affairs in 1944. The group included Eric Drummond, Erik Colban and F.P. Walters. Their work was primarily aimed at giving suggestions for the administrative organization of the UN Secretariat. Royal Institute of International Affairs, *The International Secretariat of the Future: Lessons from Experience by a Group of Former Officials of the League of Nations* (New York: Oxford University Press, 1944).

⁵ Letter from Mensah to the Secretary-General, May 18, 1920, p. 1, File 1/4900/3099, Box R20, LNA (underlining in original).

⁶ Britain and France divided Togo between them in violation of earlier assurances the British government had given regarding the territory. See Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015), 31.

⁷ See also letter to the Colonial Secretary from the Commanding Office of British Forces in Togoland, November 22, 1918, FO 608/216/8, pp. 195-196, British National Archives, Kew, London (henceforth, BNA).

States of the League, via the Secretariat, hoping for some sort of mixed commission of inquiry for their claims. “I am only too anxious to express to you my real feelings,” Mensah wrote, “and I trust you will not consider it wanting in respect, where respect is due, but will, after perusal, be inclined to induce the League of Nations to temper the wind for the shorn lamb.”⁸

What was the Secretary-General to do with this letter? He and his staff were faced with a range of options, from ignoring the letter to investigating the case to the best of their abilities. There was no precedent for how an international organization should go about dealing with an appeal from a colonized person. Indeed, there was no precedent at all for an institution like the Mandates. In this vacuum, the new international secretariat sought to build a body of precedent and practice, trying to balance the needs of their stakeholders in the international community and their masters, the States Members of the League. Responding to petitions from the Mandates would be, as one early staffer noted, a “difficult question of principle.”⁹ It would also set the stage for how this international organization thought of itself and its competencies. This matter would shape the debate over the future of individual personality and access in international law in the interwar years, all in the absence of clear political control over international supervision of colonial rule.

This chapter traces the process by which petitioning became a feature of the League’s Mandates System in its very early years. Petitioning became a part of the League’s practice not because States gave the Mandates Commission the power to accept appeals—as the literature suggests—but because new institutional and anti-colonial actors chose to engage directly with the League, starting a process that allowed for new and interesting innovations in international

⁸ Letter from Mensah to the Secretary-General, May 18, 1920, pp. 5-6, File 1/4900/3099, Box R20, LNA.

⁹ Minute from P.J. Baker to the Secretary General, July 12, 1920, File 1/4900/3099, Box R20, LNA.

law. The pressure applied by incoming petitions forced the question and created the basis for a new system of individual appeal unlike any that had existed before the League. This chapter and the next argue that, while petitioning the League was a self-conscious continuation of older traditions for petitioners, some members of the Mandates Commission and the League very much did not see it as a continuation of earlier practices. From the perspective of Geneva, petitioning the Mandates was not an innovation of 1923, driven by the British Government's wish to extend older imperial practices so as to liberalize the League's oversight of colonial areas.

This chapter begins with an analysis of Pan-African petitions to the Paris Peace Conferences of 1918 and 1919, which set the stage for the growth of the movement in the early 1920s. For African American activists in particular, petitioning international bodies could serve as a channel to challenge the US racial state's denial of their basic human rights and dignity. The end of the First World War coincided with a serious escalation in racial terrorism across the United States. Black activists who had placed their hopes in the possibility of liberalization after the war, drawing on their contributions to the war effort, were left with few options within the state. Their choice to approach the League was thus an attempt to leapfrog the state to make a claim to global racial emancipation, using the anomalous sovereign position of the Mandates to access an international forum.

After a brief study of the negotiation of Mandate assignments between the Principal Allies and Associated Powers, I examine how the Mandates Section began to grapple with petitions dealing with that those assignments. Studying the development of the Mandates Section as an institution also lays bare the contradictions the Secretariat faced in carrying out a fundamentally idealistic mission in the context of a *realpolitik* territorial settlement. The chapter

concludes with the Permanent Mandates Commission and the Mandates Section slowly asserting their competency on the matter of petitions by late 1922. Petitioners responded to these changes by broadening the scope of their appeals and by using their ability to access the League to bolster their domestic legitimacy against other local political actors and against colonial governments. This led to the broadest petitioning practice the League would ever have, just in time for the Bondelzwarts Rebellion and the reigning in of international supervision by the League's Council, the subject of Chapter Two.

Petitioning the Peace Conference and the early League

From petitioners' perspectives, writing to the League fit into longer histories of colonial protest. In what would become the Mandated territories—German and Ottoman colonies—such petitions had often been sent to Berlin or Istanbul, to complain about local officials. Petitioners writing from elsewhere had their own histories of complaint. For African-Americans, this included the long-standing practice of petitioning the US Congress (and the Federal Government more generally) about local abuses. The petitioning clause of the First Amendment of the US Constitution was used by enslaved people until Southern opposition effectively killed the practice.¹⁰ The anti-slavery movement on both sides of the Atlantic had relied heavily on petitioning, especially through missionaries and Christian societies, to put pressure on governments. Activists deployed moral sentiments to bring the horrors of slavery to the attention of metropolitan audiences in an attempt to change imperial practices.¹¹ In the United States, anti-

¹⁰ See Gregory Mark, "The Vestigial Constitution: The History and Significance of the Right to Petition," *Fordham Law Review* 66, no. 6 (January 1, 1998): 2203–10. Mark makes the important point that the "evolution of petitioning . . . is also a story of the transformation of an unmediated and personal politics into a mass politics." *Ibid.*, 2154.

¹¹ See Lynn Hunt, *Inventing Human Rights: A History* (New York; London: W.W. Norton, 2008), 160–75.

lynching campaigns made similar claims to innate human dignity, and made similar transnational appeals.¹²

The legal status of a “petition”—generally thought to be a claim for relief to a higher authority against local governmental abuses—had developed in several European states through the early modern period, including most famously with the *cahier de doléances* of the French Revolutionary Era.¹³ Nor were transnational petitions unknown. The Catholic Church had long received petitions from around the world and had created legal structures to deal with such appeals. In colonial contexts, the arrival of direct (as opposed to trading company) rule had solidified the practice in both the French and British Empires of appeals to Colonial Offices against actions of local governors. The institution of Privy Council appeals in the British Empire supplemented a formal legal appeals process to the fundamentally discretionary process of petitioning.¹⁴ Thus, by the time the First World War was coming to an end, a vast swath of literate people around the world were conversant with what it meant to write for relief to high authorities who might intercede against local injustices. Petitioners to the Mandates drew on this longer social knowledge of appeal.

Still, petitioning in the Mandates drew most immediately from the practice of petitioning the Paris Peace Conferences.¹⁵ As George Louis Beer, the foremost American supporter of the work of the Mandates Section of the League, noted ruefully: “[a]ll peoples throughout the world

¹² In fact, several pan-Africanist petitioners cited lynching as being a major reason for writing to the League. See, for example, Petition from Joseph A. John et. al. (undated), p.2, File 6A/3628/3628, Box R4123, LNA.

¹³ See Gilbert Shapiro & John Markoff, “Officially Solicited petitions: The *Cahiers de Doléances* as a Historical Source” in Lex Heerma van Voss, ed., *Petitions in Social History* (Cambridge: Cambridge University Press, 2001).

¹⁴ For a study of the working of the Privy Council in the Empire, see Bonny Ibhawoh, *Imperial Justice: Africans in Empire’s Court* (Oxford: Oxford University Press, 2014). See also, Bhavani Raman, *Document Raj: Writing and Scribes in Early Colonial South India* (Chicago; London: University of Chicago Press, 2012).

¹⁵ For early studies of this, see H. Duncan Hall, *Mandates, Dependencies and Trusteeship* (London: Stevens, 1948), 199.

who had grievances, whether imaginary or real, looked to the Paris Peace Conference to redress them . . . [and the] very existence of this body was a disturbing factor.”¹⁶ Wilson’s Fourteen Points had been widely disseminated, and the Allied and Associated Powers had all made disparate promises regarding the settlement of occupied colonies after the war. Erez Manela’s *Wilsonian Moment* tends to oversell the notion that American war-time rhetoric spurred anticolonial activism in China, India, Egypt and Korea, but his observation that the Peace Conference became a hub for the unprecedented activism of anti-racist and anti-colonial figures is accurate.¹⁷ Indeed, some of these actors had been avowed internationalists even before the war. Nehru had been a part of a global leftist movement, for instance, and he collaborated with other colonized subjects who had trained in metropolitan centers like London and Paris.¹⁸

As historians of African American internationalism have often noted, the First World War marked a moment of profound change in elite African American international engagement.¹⁹ W.E.B. Du Bois had long had a global vision of racial liberation, but many others—Rayford Logan among them—traveled to Europe for the first time in these years and entered international conversations on a regular basis. For members of the Niagara Movement—Du Bois foremost—the war opened possible strategies for domestic reform, but these were

¹⁶ The Mandatory Commission and the Mandatory Section of the Secretariat, Memorandum by G.L. Beer, November 5, 1919, pp. 3-4, File 1/2062/248, Box R6, LNA.

¹⁷ See, Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (Oxford; New York: Oxford University Press, 2007), 31–32.

¹⁸ See Nico Slate, *Colored Cosmopolitanism: The Shared Struggle for Freedom in the United States and India* (Cambridge, MA: Harvard University Press, 2012). On Paris’s key role (along with Brussels) in this moment, see Michael Goebel, *Anti-Imperial Metropolis: Interwar Paris and the Seeds of Third World Nationalism* (Cambridge, UK; New York: Cambridge University Press, 2017).

¹⁹ For an overview, see Charles Henry & Tunua Thrash, “United States Human Rights Petitions before the United Nations,” in Charles P. Henry, ed., *Foreign Policy and the Black (Inter)National Interest* (Albany: State University of New York Press, 2000). On the importance of Harlem as a center for global black thought and identity at this same moment, see Robert Vitalis, *White World Order, Black Power Politics: The Birth of American International Relations* (Ithaca: Cornell University Press, 2015), 67–69.

quickly crushed when black soldiers returned from the front and faced race riots across the country in 1919.²⁰

Most immediately, of course, the Paris Peace Conference was of vital interest to the inhabitants of the territories it was intending to distribute as Mandates. Petitioners from Togo, Cameroon, Tanganyika, Rwanda, Syria, and especially Transjordan and Palestine were in constant contact with heads of government at the Conference. The Conference had no permanent staff, and so most petitioners wrote to bodies like the Quai d'Orsay and the British Colonial and Foreign Offices. As soon as the League was founded, a large number of these activists moved to seamlessly petition the new international organization on similar issues.

The Two Strains of Pan-Africanism: Du Bois and Garvey

The Peace Conference and the gatherings it inspired impelled Pan-African activists to focus on transnational politics and appeals as a means of both liberating African peoples from colonial rule, and for emancipating African Americans from Jim Crow America.²¹ The two most important figures in Pan-African politics in the interwar years were W.E.B. Du Bois and Marcus Garvey.²² There is a rich body of scholarship on their relationship, examining their divergent

²⁰ On Du Bois's rage and political reaction to the so-called Red Summer, when pogroms against returning black troops spread across the country, see David L Lewis, *W.E.B. DuBois-the Fight for Equality and the American Century, 1919-1963* (New York: H. Holt, 2000), 13.

²¹ For another short study of this question from an international law perspective, see Arnulf Becker Lorca, *Mestizo International Law: A Global Intellectual History 1842-1933* (Cambridge, UK: Cambridge University Press, 2016), chap. 7. Lorca's study of this topic is based mostly in generalities, without a close reading of the differences between the many strains of US-based Pan-African organization. He treats all, along with colonial petitioners, as "semi-peripheral lawyers" engaged in the League, shoehorning their appeals into variations on traditional public international law categories of claim. For a more extensive recent study of the impact of Pan-Africanism on international law, see Abdulqawi Yusuf, *Pan-Africanism and International Law* (The Hague: Hague Academy of International Law, 2014).

²² David Lewering Lewis wrote the definitive Du Bois biography, the second volume of which covers the interwar years. Lewis, *Du Bois*. More recent works include Bill Mullen, *Un-American W.E.B. Du Bois and the Century of World Revolution* (Philadelphia: Temple University Press, 2015); Aldon D. Morris, *The Scholar Denied: W.E.B. Du Bois and the Birth of Modern Sociology* (Oakland: University of California Press, 2015). The best biographies of Garvey are by Robert Hill, the editor of the collected Garvey and UNIA papers.

visions for international emancipation and their antipathy for each other. The Peace Conference and then the League of Nations were two arenas in which their battle was fought most publically.

Du Bois was already the single most prominent black intellectual in the United States in 1918. He had led the Niagara Movement, co-founded the NAACP, and was the brightest star of the ‘Talented Tenth.’ He had also participated in the first ever Pan-African Congress, assembled by the Trinidadian Henry Sylvester Williams in England in 1900. There were few Africans at this Congress, and little came out of it. However, it did lead to Du Bois’s famous essay, “To the Nations of the World,” which contains the memorable line: “The problem of the twentieth century is the problem of the color line[;] the question as to how far differences of race, which show themselves chiefly in the color of the skin and the texture of the hair, are going to be made, hereafter, the basis of denying to over half the world the right of sharing to the utmost ability the opportunities and privileges of modern mankind.”²³ Fifteen years later, Du Bois would publish “The African Roots of War” in 1945 in *The Atlantic*, cementing the connection between race, African imperialism, and international relations.

The Du Bois camp of black American Pan-African activism was, from its start, a relatively elite movement, comfortable in interactions with highly educated African elites, particularly in French West Africa. It never became a mass movement domestically in the interwar years. Du Bois, even towards the end of this period, was skeptical of the ability of African peoples to rule themselves without foreign assistance and he saw international supervision—in part through African American involvement—as the path towards eventual

²³ Pan-African Association. To the nations of the world, ca. 1900, W. E. B. Du Bois Papers (MS 312), Special Collections and University Archives, University of Massachusetts Amherst Libraries (henceforth, Du Bois Papers).

independence.²⁴ Similarly, his claim to social equality and civil rights in the US was a call from within the system for change that began by recognizing equal rights regardless of race. His ethic of achievement—that black Americans and black Africans could and indeed must prove their equality in the eyes of white powers—envisioned a process of growth tied to education and improvement in the context of equal opportunity.

Marcus Garvey, on the other hand, was a proponent of racial self-sufficiency and radical self-rule. The Universal Negro Improvement Association and African Communities League (UNIA), the largest mass movement of African Americans in the interwar years, preached a gospel of progress and racial self-confidence that was anchored in separatist politics.²⁵ Where the post-war upsurge of racial terrorism in the United States would push Du Bois to make stronger calls for civil rights and the end of legal segregation and exclusion, it would eventually push Garvey into short-lived alliances with the leaders of the Ku Klux Klan and the American Colonization Society, who shared a common belief in moving African Americans out of America and creating racially homogenous homelands.²⁶ This had a dual impact on Garvey's views of Africa. By 1915, he was calling for the immediate withdrawal of white European forces from African territories as a pre-condition for post-war peace.²⁷ At the same time, he saw potentially free territories in Africa as a space where Afro-Americans could take their rightful place as civilizers and rulers of a richly productive land.²⁸ Garvey's movement was thus more skeptical

²⁴ See Lewis, *Du Bois*, chap. 4 for a more in-depth discussion of this point.

²⁵ On the extent of the challenge the UNIA gave the NAACP and Du Bois in the early 1920s, see *ibid.*, 61.

²⁶ African colonization plans were, of course, a major part of Black American politics in the interwar years. See, for instance, letter from the Colored Progress League of the United States of America, December 2, 1918, in FO 608/219/14, p. 485, BNA.

²⁷ Article in the *Gleaner*, October 25, 1915, Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. X* (University of California Press, 2006), 79.

²⁸ See Resolutions by the UNIA and African Communities League, November 10, 1918, *ibid.*, 118.

of African self-government than was Du Bois, while also pronouncing a more radical path to decolonization than anything Du Bois's Pan-African Congresses proposed.²⁹

Du Bois saw racial equality in the United States and globally as a way to lift up all peoples, with African Americans playing a key role in mentoring black Africans into independent statehood. Garvey, by contrast, saw racial separation and self-development as a way to take black peoples in the Americas back to Africa and to create strong black kingdoms there under Afro-American leadership. For Du Bois, the future was one where restrictions on state sovereignty would allow for the advancement of oppressed peoples the world over. Garvey fought instead for the creation of strong sovereign black states. Both, though, were writing to the League in the context of a grim political landscape in the United States, where racial progress had stalled and where Southern power in the Federal Government, the intensification of Jim Crow, and the resurgence of the Klan made domestic appeals difficult. At the nadir of post-Reconstruction black rights, the League offered one space to make claims to racial justice.

Petitions for Racial Equality and Enlightened Colonialism at the Peace Conference

African American interest in the Mandates question began immediately after the war. Du Bois wrote to Wilson and Clemenceau in advance of the Peace Conference, leaning on the huge contributions African Americans had made in the defense of the nation to argue for the new League to take an interest in African American rights. In his letter to Wilson, Du Bois compared the place of African Americans to that of minorities in the new Yugoslavia and Poland. "More than to the Black race within her borders, America owes to the world the solution of her race problem, from this very year. The question can be resolved and should be resolved, by the same

²⁹ For a discussion of this point, see Neta Crawford, *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention* (New York: Cambridge University Press, 2002), 257–59.

impartial and righteous judgment that is to be applied to other peoples.”³⁰ This reflected Du Bois’s vision of limiting sovereignty in all states in order to protect minorities.³¹ Nor was he alone in making this comparison. Rayford Logan reports that, during Senate hearings on the Treaty of Versailles, Senator Hoke Smith of Georgia quoted H.G. Wells to claim that the League would have authority to hear appeals by “Armenians in Turkey and Negroes in Georgia.”³² Such a breach of sovereignty, Smith believed, would undermine the US racial state and must be opposed.

Du Bois carried his appeals to the Pan-African Congress of 1919 in Paris.³³ The Congress, fractious as it was, framed a modified Mandates proposal for the Peace Conference, asking that the “Allied and Associated Powers establish a code of laws for the international protection of the natives of Africa, similar to the proposed international code for Labor,” and that the League “establish a permanent Bureau charged with the special duty of overseeing the application of these laws to the political[,] social and economic welfare of the natives.”³⁴ Appeals for African rights were advocated in parallel to appeals for African American rights. In

³⁰ Letter from W. E. B. Du Bois to President Woodrow Wilson, ca. November 1918, Du Bois Papers.

³¹ Du Bois used this formulation—comparing the status of African Americans to Central European minorities—regularly in the lead-up to his visit to Europe. See Lewis, *Du Bois*, 13. Du Bois had studied in Berlin and his view on European minorities was undoubtedly shaped by that visit. He stopped using the analogy after speaking with members of the League’s Secretariat, who informed him that such a procedure required the United States to sign a special treaty agreeing to the international protection of its internal minorities. His travels to Poland after the Second World War further complicated any easy analogies between the two systems. See Michael Rothberg, “W.E.B. DuBois in Warsaw: Holocaust Memory and the Color Line, 1949-1952,” *The Yale Journal of Criticism* 14, no. 1 (April 1, 2001): 169–89. That said, the minorities system did form an important part of his 1948 petition to the UN General Assembly, discussed in the conclusion of this dissertation.

³² Rayford Whittingham Logan, *The Senate and the Versailles Mandate System* (Washington, DC: The Minorities publishers, 1945), 86.

³³ On the Congress and its relationship with the Peace Conference, see Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men’s Countries and the International Challenge of Racial Equality* (Cambridge, UK; New York: Cambridge University Press, 2008), 306–8.

³⁴ Draft list of principles agreed at the Pan African Congress, February 21, 1919, p. 1, Du Bois Papers. See also, Article in the *Times*, February 24, 1919, in FO 608/219 (Reg. No. 2857), p. 351, BNA; Résolutions Votées par Le Congrès Pan-Africain, February 19-21, 1919, FO 608/219/10, p. 379, BNA.

a taste of the future politics of the League, Haiti proved an important role in linking these two forms of appeal, as did Liberia. Two out of the three ostensibly free black states in the world, both Haiti and Liberia were beacons for pan-African emancipation dreams; both were also under intense pressure from the US. Wilson would authorize the invasion of Haiti by US Marines at the same moment he was articulating a vision for the League, and US businesses and the State Department were squeezing the Liberian government for repayment of loans.³⁵ As David Lewering Lewis has noted, Du Bois had long been interested in tying anti-lynching legislation to appeals for the US to withdraw from Haiti.³⁶ Officials in the British Foreign Office unsurprisingly, though wrongly, saw the Pan-African Congress as a “by-product of the propaganda carried out by the Liberian consul at New York, the original object of which was to get a loan for Liberia in the U.S.”³⁷

Non-NAACP-affiliated African Americans also engaged with the Peace Conference. In June 1919, William Trotter, the Delegate to Paris and Secretary of the Delegation of Race Petitioners of National Equal Rights League to the Peace Conference, wrote to Drummond to ask for an audience.³⁸ He arrived in Paris too late—the Covenant had been completed. Instead, his organization requested an amendment to the Covenant: “Real Democracy for [the] World being [an] avowed aim of nations establishing League of Nations, [the] High contracting powers agree to grant their citizens respectively full liberty rights of democracy[,] protection of life without

³⁵ Lewis, *Du Bois*, 71. See also, Mary A. Renda, *Taking Haiti: Military Occupation and the Culture of U.S. Imperialism, 1915-1940* (Chapel Hill: University of North Carolina Press, 2001).

³⁶ See Lewis, *Du Bois*, 28.

³⁷ Minute by Strachey, March 17, 1919, FO 608/219/10, p. 374, BNA.

³⁸ Letter from William Trotter to Eric Drummond, June 30, 1919, File 40/78/78, Box R1568, LNA. Trotter represented a rival organization to the NAACP and sought to present a third vision of African American demands to the Peace Conference. Trotter did not get permission from the State Department to visit Paris, as Du Bois had, and was forced to travel to Europe as a cook upon a Canadian ship. Lewis, *Du Bois, 1919-1963*, 59–60.

distinction based on race[,] color[, or] previous condition.”³⁹ In a follow-up memorandum, the organization justified its proposal on the basis of “precedents” set at the Peace Conference.⁴⁰ As the Conference had recognized individual labor rights as worthy of protection, it should also protect “civil and political liberty.” After all, labor questions were “formerly domestic questions” and civil and political rights were “of like genus.”⁴¹

The petition also claimed that since the Saar Basin treaties called for universal adult suffrage and the Peace Treaty called for the protection of minorities in Czechoslovakia and Poland, African Americans deserved no less.⁴² The memorandum drew a direct connection between the protection of Jews in Poland, who in Clemenceau’s words deserved “special protection” due to the “great animosity” towards them, and the protection of African Americans.⁴³ In conclusion, the petition stated that since “the Colored ethnical minority of America fought at least as valiantly[sic], gave as freely, and died as willingly for the cause of the Entente Allies as the ethnical minorities of Europe[,] it is monstrously unfair to refuse to grant them the identical protections required for these latter by the Allies.”⁴⁴

³⁹ Telegram to the League of Nations Conference, March 24, 1919, File 40/151/78, Box R1568, LNA.

⁴⁰ Petition for an Amendment to the League of Nations by the Delegation of Race Petitioners of the National Colored World Democracy Congress to the Council of the League of Nations and to the Secretary General Thereof, June 4, 1919, p. 5, File 40/151/78, Box R1568, LNA.

⁴¹ Ibid., 5-6.

⁴² Ibid., 6.

⁴³ Ibid., 9.

⁴⁴ Ibid., 11.

Petitions for Afro-American Colonization at the Peace Conference

Garvey was one of the first activists to see the peace negotiations as central to black hopes of liberation. As early as 1915, he was giving speeches attacking German administration in Africa.⁴⁵ At the end of the war, the newly created UNIA asked the British government and others that “the captured German colonies in Africa be turned over to the natives, with educated Western and Eastern Negroes as their leaders.”⁴⁶ Just as Du Bois was travelling to Paris, Garvey wrote in the *Negro World* that the Peace Conference should “not continue to believe that Negroes have no ambition, no aspiration.” He declared that “[t]here will be no peace in the world until the white man confines himself politically to Europe, the yellow man to Asia and the black man to Africa.”⁴⁷

Garvey’s vision of black emancipation drew heavily from the Irish liberation struggle. His slogan, “Africa for the Africans at home and abroad” mirrored Sinn Fein slogans from the early twentieth century.⁴⁸ The Balfour Declaration and political Zionism had an equally powerful effect.⁴⁹ This mode of anti-colonialism both mirrored and departed from Du Bois’s vision. In a speech before the UNIA in March 1919, Garvey compared his battles to other ongoing global struggles: “Already the Egyptians are fighting for their freedom, and it will not be surprising to hear India also striking the blow for complete emancipation.”⁵⁰ Like Du Bois’s work for Haiti,

⁴⁵ Article in the *Gleaner*, October 25, 1915, Hill, *Garvey Papers*, Vol. X, 79.

⁴⁶ Resolutions by the UNIA and African Communities League, November 10, 1918, *ibid.*, 118.

⁴⁷ Marcus Garvey, Editorial in the *Negro World*, November 18, 1918, Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers*, Vol. I (University of California Press, 1983), 302.

⁴⁸ *Ibid.*, lxx–lxxx.

⁴⁹ Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers*, Vol. XI (Durham: Duke University Press, 2011), lxxxiii.

⁵⁰ Addresses Denouncing W.E.B. Du Bois, *Negro World*, April 5, 1919, Hill, *Garvey Papers*, Vol. I, 396. Garvey was an early internationalist, giving speeches in which he expressed sympathy for Indian independence in 1921. See Editorial in the *East*

Garvey's comments about Gandhi caused some concern in the UK, particularly in the India Office.⁵¹ Similar concern was voiced in the French Foreign Service, especially by Martial Merlin, the Governor-General of French West Africa who would shortly become a member of the Mandates Commission.⁵²

Garvey juxtaposed his call for national liberation to Du Bois's more cosmopolitan vision: "Dr. Du Bois desires internationalization of Africa for the white man, the capitalistic class of white men. Cannot these hand-picked leaders see that under the League of Nations certain places will be oppressed by mandatories, and unless the entire constitution of the League of Nations be repealed internationalization will be the control of Africa?"⁵³ Whereas Trotter and Du Bois sought a broader principle of racial equality to inform world politics beyond the nationalist frame, essentially asking the League to expand the scope of its Minorities regime to the US, Garvey asked that Africans be given the same rights to immediate self-determination that other (European) nationalist struggles had achieved.

The stark divide between the positions of Du Bois and Garvey on the League did not necessarily translate to other groups, though. Thus, a pro-Garvey group in Panama—the National Association of Loyal Negroes—argued for the creation of a national home for black peoples in Africa to Arthur Balfour, the British Foreign Secretary,⁵⁴ which they forwarded to the NAACP so that Du Bois and Robert Moton (the President of Tuskegee Institute) could pass it on to the

African Chronicle, August 27, 1921, Hill, *Garvey Papers*, Vol. X, 716.

⁵¹ See Press Release from the Universal Negro Improvement Association, March 13, 1922, in File L/PJ/6/1801 (2146), India Office Records (formerly in the British Library, now in the British National Archives; henceforth, IOR).

⁵² Martial-Henri Merlin to the French Ambassador to the US, September 7, 1921, Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers*, Vol. IX (University of California Press, 1995), 197.

⁵³ Addresses Denouncing W.E.B. Du Bois, *Negro World*, April 5, 1919, Hill, *Garvey Papers*, Vol. I, 396.

⁵⁴ Petition from John Pilgrim to Arthur Balfour, November 9, 1918, Hill, *Garvey Papers*, Vol. X, 111.

members of the Peace Conference.⁵⁵ The letter drew on the language of the Balfour Declaration explicitly, asserting “our just right of claim in demanding the turning-over to us, the said Colonies, for the already expressed purpose, to establish as it divinely ought, Our National Home and Government.”⁵⁶ Similar letters were sent to the Anti-Slavery Society, suggesting a much closer and savvier relationship to imperial circuits of conversation than had generally been shown by the UNIA.⁵⁷

Elsewhere in the US, C.S. Brown of the National War Saving’s Committee asked that the NAACP push the Peace Conference to designate “a large portion of Africa as a free republic to be owned and governed perpetually by colored people.”⁵⁸ One petition from Haiti made a claim that South-West Africa, South Congo and Angola should together be made an independent state of the United State of West Africa. It came complete with a flag for the new state.⁵⁹ This letter appealed to Britain’s role in destroying the slave trade, as well as citing the number of African peoples who had died in the war. In the complaint, the petitioner engaged in a clause-by-clause critique of the Covenant’s colonial provisions, criticizing the fact that the documents only called for the League to accept and study reports from colonial powers. He asked that “the voice of those peoples [natives] should be heard and their demands considered.”⁶⁰

⁵⁵ See letter from John Pilgrim to the NAACP, January 15, 1919, *ibid.*, 127.

⁵⁶ Petition from the Association of Universal Loyal Negroes to David Lloyd-George, December 4, 1918, *ibid.*, 159.

⁵⁷ National Association of Loyal Negroes to the Anti-Slavery and Aborigines Protection Society, January 26, 1919, *ibid.*, 181. On the Anti-Slavery Society’s ambiguous relationship with Pan-Africanism, see Amalia Ribí, “‘The Breath of a New Life’?: British Anti-Slavery Activism and the League of Nations,” in Daniel Laqua, ed., *Internationalism Reconfigured: Transnational Ideas and Movements between the World Wars* (London; New York: I.B. Tauris, 2011).

⁵⁸ Letter from C.S. Brown to Du Bois, November 20, 1918, Du Bois Papers.

⁵⁹ Petition from W.H.P. Gibbons to the King, April 27, 1919, FO 608/219 (Reg. No. 13908), p. 362, BNA. See also, Hill, *Garvey Papers, Vol. X*, 219.

⁶⁰ Petition from W.H.P. Gibbons to the King, April 27, 1919, FO 608/219 (Reg. No. 13908), p. 365, BNA.

Both the NAACP and the UNIA succeeded in sending representatives to London and Paris to press their petitions, though only Du Bois and Moton managed to meet anyone of importance. Cadet, the UNIA delegate, was left to his own devices and generally ignored.⁶¹ The fact that these delegations gained visibility was a media coup for both organizations, helping with domestic organization efforts and lending an aura of international political relevance. A similar dynamic was at play in what were to be the Mandated Territories. The Togoland petitions and appeals from Tanganyika, South-West Africa and Samoa helped organizational efforts on the ground.⁶²

One of the major links connecting Pan-African activism in the Americas and Africa was Casely Hayford, a black UK-trained lawyer based in the Gold Coast.⁶³ A remarkably cosmopolitan figure, Hayford maintained contacts in the US (Du Bois and Raymond Leslie Buell), the UK (Harold Laski), and in Geneva. He organized a number of West African conferences that pushed for native participation in colonial governance, labor rights for colonized peoples, and the repeal of white supremacist legal regimes in Southern Africa and Kenya. He was involved in war-time petitions from the Gold Coast to the British, seeking self-government for the peoples of West Africa.⁶⁴ Hayford organized a National Congress of British

⁶¹ On the contrast between the two delegations, See Lewis, *Du Bois*, 58–59.

⁶² See Tilman Dederling, “Petitioning Geneva: Transnational Aspects of Protest and Resistance in South West Africa/Namibia after the First World War,” *Journal of Southern African Studies* 35, no. 4 (2009): 785–801; Tilman Dederling, “We Are Only Humble People and Poor’: A.A.S. Le Fleur and the Power of Petitions,” *South African Historical Journal* 62 1 (2010): 121–42; Michael D. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931* (Brighton; Portland: Sussex Academic Press, 1999), 154. One of the most detailed and interesting studies of petitioning in the Mandates is by Susan Pedersen with regards to the Mau petitions from Western Samoa. The petitions were signed by a clear majority of the inhabitants of the territory and still faced rejection in Geneva. See Pedersen, *The Guardians*, chap. 6.

⁶³ On Hayford, see Jonathan Derrick, *Africa’s “Agitators”: Militant Anti-Colonialism in Africa and the West, 1918-1939* (New York: Columbia University Press, 2008).

⁶⁴ See Petition from the Gold Coast Section of the projected West African Conference, April 17, 1919, in FO 608/219 (Reg. No. 7600), p. 541, BNA.

West Africa in March 1920 that echoed the 1919 Pan-African Congress's themes. This Congress met with the League of Nations Union in London, a non-governmental group that advocated for the League, placing its petition to the Colonial Secretary in an international (and League-oriented) framework.⁶⁵ Their petition leaned heavily on comparisons to other colonial territories—primarily to India and Egypt—to claim greater rights to the franchise. This extensive document mentioned both the Mandates and African American struggles.⁶⁶

Hayford organized across colonial territories and even empires. Though based in the Gold Coast—a British colony—Hayford assisted petitioners in Togo and the Cameroons, both Mandates.⁶⁷ He was thus the link between US-based Pan-African activism and petitioning on behalf of relatively elite figures in Mandated West Africa.⁶⁸ Du Bois and Hayford exchanged copies of the resolutions their respective organizations had released internationally. Their correspondence began in 1904, when Hayford wrote to Du Bois from the Gold Coast in appreciation of *The Souls of Black Folks*.⁶⁹ He suggested a meeting of the minds between black people in the Americas and in West Africa. Their exchange of communications likely helped them develop a common lexicon of legal appeal to the League, although they never met in person.⁷⁰ The Pan-African congresses were of particular interest to Hayford's own interests in

⁶⁵ On the work of the Union, see Helen McCarthy, "The Lifeblood of the League?: Voluntary Associations and League of Nations Activism in Britain," in Laqua, *Internationalism Reconfigured*. See also Donald S. Birn, *The League of Nations Union, 1918-1945* (Oxford; New York: Clarendon Press; Oxford University Press, 1981).

⁶⁶ Programme of First Conference of Africans of British West Africa, March 1920, p. 14, attached to the Report of the proceedings of a meeting held in London between the League of Nations Union and the Delegates of the National Congress of British West Africa, Du Bois Papers.

⁶⁷ This was not without controversy. The League received complaints about "foreigners in Togoland who have intensively concerned themselves with matters in the dealing which they are wholly and incurably ignorant." Clipping from the Gold Coast Spectator sent to the Mandates Commission, March 2, 1929, LNA.

⁶⁸ For a partial list of Hayford petitions to the League, see File 9, Box S1612, LNA.

⁶⁹ Letter from Hayford to Du Bois, June 8, 1904, Du Bois Papers.

⁷⁰ Du Bois did, however, meet with several of Hayford's fellow organizers in Sierra Leone in 1923, after the less than successful third Pan-African Congress in Portugal. Rayford Whittingham Logan, "The Historical Aspects of Pan-Africanism: A Personal

organizing a West African conference.⁷¹ They remained in touch until Hayford's death in August 1930.⁷²

Hayford's relationship with the UNIA was more strained, coming as he did from a more local vision of West African liberation.⁷³ People like Hayford, members of the black intelligentsia of colonies like the Gold Coast, Nigeria, Senegal and Tanganyika, were more willing to associate with the Du Bois paradigm than Garvey-ism. This was despite the fact that Hayford and Garvey shared the same intellectual hero—Edward Wilmot Blyden—and both built their political philosophy during visits to the UK.⁷⁴

One of the oddities of the League was that, by the end of the 1930s, almost all petitions from black Americans found their way into the files of the Mandates System, no matter what the subject of the petitions were. Indeed, most petitions from non-European minorities came to the Mandates rather than to, say, the Political Section or the Secretary General. The file marked

Chronicle," *African Forum* 1 (1965): 99.

⁷¹ Letter from Hayford to Du Bois, March 29, 1919, Du Bois Papers; Letter from Hayford to Du Bois, December 29, 1920, Du Bois Papers. Hayford, like many others, had initially confused the Pan-African Congresses with Marcus Garvey's events. Letter from Du Bois to Hayford, June 17, 1921, Du Bois Papers.

⁷² Letter from Archie Casely Hayford (Casely Hayford's son) to Du Bois, September 25, 1930, Du Bois Papers.

⁷³ Hill, *Garvey Papers, Vol. X*, lxx.

⁷⁴ *Ibid.*, lxxxviii. At the 1920 West African Congress, Hayford made a pointed critique of UNIA visions of emancipation in Africa that is worth quoting at length:

“There are thousands and thousands of our people right over in America, who were carried away from our country years and years back. We may not care to follow what they are doing, but sooner or later, we shall have to know. Over there our people are thinking, there young men are dreaming dreams and their maidens are seeing visions. They are suggesting to themselves that the time has come when they should have some place in their native land of Africa. I understand that a great Society has been formed there called the Universal Negro Improvement Association, and they have launched out a ship. Probably in course of time some of their ships may come our way. I think, Ladies and Gentlemen, that it will not be out of place for us to encourage them to come among us in order that they may try and make money as all others are doing. But the express reason why I bring this forward to-night is that they have no idea of our local circumstances and conditions. They have no idea of our laws and institutions, nor as to our rights of property, and they may seek to get into touch with us by some channels that are not the right ones.”

Programme of First Conference of Africans of British West Africa, March 1920, p. 13, attached to the Report of the proceedings of a meeting held in London between the League of Nations Union and the Delegates of the National Congress of British West Africa, Du Bois Papers.

“Negro Problem” essentially became the repository for all claims against racial discrimination around the world. That classification scheme reveals some of the racial underpinnings for the division of work within the League, but it also descended from this very early activism in the League. Garvey and Du Bois had written to the Mandates System to claim emancipation for the African Mandates. Any later black activists were then funneled into the same bureaucratic systems that had apparently developed an expertise in black issues.

The Creation of the Mandates Section and the Permanent Mandates Commission after the Peace Conference

These two rival Pan-African movements were sending delegations and writing petitions to the League, which was itself frantically trying to get up to speed. As the Peace Conference had not detailed what the Mandates System would look like, the League was inventing new functions and offices wholesale. By the time the League started to function, most Mandates staffers had little more than the words of Article 22 of the Covenant (the article creating the Mandates) to work with. As a result, they produced a procedure for dealing with petitions that was divorced from the political imperatives that had driven the creation of the Mandates System in the first place.

Development of the PMC at the Peace Conference

The Covenant did not identify the Mandatory Powers and did not specify precisely which territories were to come under the System. The list of territories was still in flux in 1919—Armenia and Ethiopia remained possible candidates to be included in the system.⁷⁵ Moreover, the Council of the Principal Allied and Associate Powers was not clear what the powers of the

⁷⁵ See Secretary’s Notes of a Conversation Held in M. Pichon’s Room at the Quai d’Orsay on Friday, January 24, 1919, at 3 p.m., *Papers Relating to the Foreign Relations of the United States*, The Paris Peace Conference, Vol. III, p. 719.

Permanent Mandates Commission (PMC) would be. According to Viscount Milner, the head of the Special Commission on the Mandates at the Peace Conference, they were “at a loss to know what kind of action the Council had in contemplation when inviting the Commission [the PMC] to ‘supervise the execution of the Colonial Clauses of the Treaty with Germany.’”⁷⁶

The Special Commission never got to the point of delineating the PMC’s role. On returning to the US in the summer of 1919, Wilson found a Senate that looked increasingly unlikely to ratify the Treaty.⁷⁷ The ensuing chaos meant that no mechanism for the Mandates System was ever agreed upon by the principal states. After all, US insistence on a Mandates System had been one of the key reasons why France and the British Dominions had accepted it in the first place.⁷⁸ Clemenceau, the French premier, had described the League as “an Anglo-Saxon fantasy” during the Peace Conference.⁷⁹ Milner reported that the Special Commission concluded that the PMC, “consisting, as it does, of members habitually resident at long distances from one another, (so that it has already been found difficult to arrange for their meetings) is not a fit body to undertake duties of a continuous character.”⁸⁰ A League staffer later wrote that

⁷⁶ Letter from Milner to M. Dutasta, Secretary-General of the Peace Conference, August 6, 1919, FO 608/216/15, pp. 439-440, BNA.

⁷⁷ The only complete study on the Senate’s response to the Mandates is by Rayford Logan. Logan cited multiple remarks from Southern senators who took the NAACP’s support for the League as a reason to be skeptical of the body. Logan, *The Senate and the Versailles Mandate System*, 41. Other senators apparently saw the lack of any enforcement or appeals process for minorities in the Covenant a good reason to support it. *Ibid.*, 94. David Kennedy argues that the failure of the Covenant in the Senate came about due to an unlikely alliance between utopians, socialists, feminists, progressives and members of the Republican establishment like Elihu Root. David W. Kennedy, “The Move to Institutions,” *Cardozo Law Review* 8 (1987): 892.

⁷⁸ See, Pedersen, *The Guardians*, 77. For a discussion of the resistance to League oversight in the Mandates, see Secretary’s Notes of a Conversation Held in M. Pichon’s Room at the Quai d’Orsay on Friday, January 24, 1919, at 3 p.m., *Papers Relating to the Foreign Relations of the United States*, The Paris Peace Conference, Vol. III, pp. 718-728.

⁷⁹ Letter from Robert Cecil to Winston Churchill, January 8, 1929, p. 5, The Churchill Papers (CHAR 2/164/97), Churchill Archives Centre, Cambridge (henceforth, CAC). William Rappard also described Article 22 as “entirely Anglo-Saxon in origin.” William Emmanuel Rappard, “The Practical Working of the Mandates System,” *Journal of the British Institute of International Affairs* 4, no. 5 (September 1925): 205.

⁸⁰ Letter from Lord Milner to M. Dutasta, Secretary-General of the Peace Conference, August 6, 1919, FO 608/216/15, pp. 439-440, BNA. Hall makes the improbable claim that the Imperial War Cabinet “took for granted that petitions would form a part” of the Mandates. He cited to a statement by Lloyd George that “[t]here would also, no doubt, be a right of appeal to the League of Nations if any of the conditions of the trust were broken.” Hall, *Mandates, Dependencies and Trusteeship*, 199. This was a

“none of the delegates [at the Peace Conference] had any clear idea with respect to the scope of the Secretariat of the League they were creating nor of the importance international administration was to assume within the framework of the League.”⁸¹

George Louis Beer, the American academic who had been tapped to oversee the Secretariat’s role in the Mandates System, was unable to attend Milner’s planning meetings because of the political crisis in the US.⁸² Instead, Beer sent in a memorandum for how he envisioned the system, laying out the first concrete plan for how the system was to work once the League had been completed.⁸³ For Beer, the defining property of the Mandatory System, and its difference from other earlier systems, was the League’s “unqualified right of intervention in case these [mandatory] principles are violated.”⁸⁴ He paired this with a broad conception of the issues the body might give recommendations about. He believed that “[i]t is not alone logical, but it is in a practical sense highly essential, that the Mandatory Section⁸⁵ should take under its

reference to States bringing appeals to the League for acts done against their nationals in the Mandates. See Secretary’s Notes of a Conversation Held in M. Pichon’s Room at the Quai d’Orsay on Friday, January 24, 1919, at 3 p.m., *Papers Relating to the Foreign Relations of the United States*, The Paris Peace Conference, Vol. III, pp. 719. Pedersen notes that, in fact, Milner’s working group considered whether individuals would be allowed to appeal to the Permanent Court of International Justice, but decided that only States could make such legal appeals. Pedersen, *The Guardians*, 78.

⁸¹ Ranshofen-Wertheimer, *The International Secretariat*, 16.

⁸² Beer went on to write *African Questions at the Paris Peace Conference* in 1923 as a way of increasing domestic US interest in the Mandates. His 1918, *The English-Speaking Peoples*, was a paean to the merits of Anglo-US-Dominions union, which placed him in good stead with the Peace Conference. He centered Anglo-American leadership on Anglo-Saxon racial superiority, building a vision of internationalism that leaned very heavily on the common racial character of American leaders and the leaders of the British Dominions. For example, see George Louis Beer, *The English-Speaking Peoples: Their Future Relations and Joint International Obligations* (New York: Macmillan, 1918), 129. This was also, essentially, Smuts’s vision of the League and of the Mandates System. Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*, Lawrence Stone Lectures (Princeton: Princeton University Press, 2009), 35–37. On Beer and the Mandates, see Pedersen, *The Guardians*, 48. On the dominance of British imperial thought in the League, see, among others, Mazower, *No Enchanted Palace*, 12–15.

⁸³ The Mandatory Commission and the Mandatory Section of the Secretariat, Memorandum by G.L. Beer, November 5, 1919, File 1/2062/248, R6, LNA. This memorandum was circulated widely, including to Lord Milner. See Mss Milner Dep. 390, Bodleian Special Collections, Oxford (henceforth, BSC).

⁸⁴ The Mandatory Commission and the Mandatory Section of the Secretariat, Memorandum by G.L. Beer, November 5, 1919, p. 2, File 1/2062/248, R6, LNA.

⁸⁵ Beer’s use of “Mandatory Section” is a little ambiguous here. The Mandates Section was the branch of the Secretariat tasked with supporting the work of the Permanent Mandates Commission. It was the PMC that was tasked with “supervision.” Unlike

supervision the general problem of all backward countries requiring foreign advice, assistance, or administration, as the case may be.”⁸⁶ For Beer, then, the Mandates Commission was to be a repository of colonial knowledge writ large, available to all.

His vision for the Mandates System’s reach was qualified, though. He argued that, “[u]nless the surveillance exercised by the League of Nations over the mandated areas is very tactful and discreet, no man of really first-class ability will undertake the task of administration.”⁸⁷ Beer believed that, “if the League of Nations is regarded and acts as an ultimate court of appeal in constant session and exercises its control in a conspicuous manner, the peoples of the mandated areas will be in a constant ferment.”⁸⁸

Beer, unlike most other figures in the League’s creation, had given thought to petitioning, and he was not in favor of it. He anticipated that “in addition to receiving the formal official reports of the Mandatories, this [Mandates] Section will be inundated by unofficial memorials and petitions emanating not alone from the countries under mandate but also from those interested in these problems.”⁸⁹ Such complaints would “necessarily have to be received by the League and they will further have to be carefully examined.” Although inevitable, that examination would “have to be done in the most unobtrusive manner.”⁹⁰ Beer believed that “the

the Mandates Section, whose director would report to Drummond, the PMC was an entirely independent body, whose members were appointed by the League’s political branches directly. It is true, as discussed later in this chapter, that Beer thought the Mandates Section would play a central role in the Mandates Commission. But that is not the same as saying that the Mandates Section exercised supervision over the Mandates.

⁸⁶ The Mandatory Commission and the Mandatory Section of the Secretariat, Memorandum by G.L. Beer, November 5, 1919, p. 11, File 1/2062/248, R6, LNA.

⁸⁷ *Ibid.*, 3.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*, 8.

⁹⁰ *Ibid.*, 4.

League must avoid anything that will tend to undermine the authority of the Mandatory.”⁹¹ “[I]f effective control over the Commission were not maintained, the gravest mischief might ensue.”⁹²

Beer’s memorandum, though never formally adopted, set the tone for internal deliberations in the League afterwards. He sent the memo to a number of figures in the preparatory commission, including Robert Cecil and Milner. Cecil, for his part, thought that the Mandates Commission would have a “semi-judicial position—not to act as a court of appeal, but to consider and report on the Reports and other material submitted to them by the Section.”⁹³ Other League staffers “hoped that in short time the Permanent Court [of International Justice] may become the real guardian and guarantee of the observance of the Mandates,” dealing with most of the more contentious parts of the system.⁹⁴ After all, the Treaty of Versailles had created the Court as the primary venue to deal with legal disputes within the League system.

Shortly thereafter, the US Senate signaled its final rejection of the Treaty, ending Beer’s formal role in the process. The broad outlines of which territories were to be included in the Mandates System had been clear after the Peace Conference, but no specific territories could be considered Mandates until the administering states had signed agreements to these selections.⁹⁵ Without US pressure, Mandatory powers like France were feeling less inclined to support a system they had only reluctantly endorsed at the Peace Conference. At the same time, even as the

⁹¹ Ibid.

⁹² Ibid., 5. Among other things, Beer was concerned about “tactless” members of such a Commission going on tours of inspection or making “injudicious remarks” that could upend politics in a territory. Ibid., 6.

⁹³ Letter from Cecil to Drummond, November 25, 1919, p. 2, File 1/2062/248, R6, LNA.

⁹⁴ Minute by Baker for Drummond, December 17, 1919, p. 2, File 1/2062/248, R6, LNA.

⁹⁵ Whether these agreements—signed between the administering states and the Principal Allied and Associated Powers—could be considered “treaties” under general international law was an important initial question addressed by the ICJ in its 1950 South-West Africa judgment. *International status of South-West Africa, Advisory Opinion*, I.C.J. Reports 1950, 131-136.

US was unwilling to join the League, it began putting pressure on the remaining powers to include the US in all decisions regarding Mandates assignments, which made already complicated negotiations even more convoluted.⁹⁶ A 1921 report from Arthur Sweetser, an early American League staffer, predicted that the US would deal with the Mandates System through a series of bilateral agreements with the Mandatory Powers.⁹⁷ This proved to be accurate, but it also meant that the legal relationship between the US and the Mandates System remained uncertain until 1924.⁹⁸

By late 1919, Milner held *carte blanche* to negotiate a territorial disposition that would satisfy all of the European powers involved in the war.⁹⁹ No matter how high-minded the principles, the actual division of Mandates was made along classic realist lines.¹⁰⁰ The final formula was for each colonial power to get the territories they had occupied during the war, adjusted with regard to their contribution to victory and their strategic and economic necessity.¹⁰¹ As Robert Cecil was to tell Churchill years later, for the British government, “[i]ntrinsically it was not of any moment whether South-West Africa was awarded or held under a C mandate. Even the principle did not matter much since there were plenty of annexations under the

⁹⁶ Letter from the US Counselor to the Embassy to the British Ambassador, March 24, 1923, CO 323/904/31, BNA. Philip Noel-Baker, then special assistant to Drummond, had passed along a letter from Robert Cecil from August 31, 1921, who felt that the League should “settle the terms of the Mandates and let the U.S. and Allies settle who is to have them.” Waiting on the US could mean that “the whole system will disappear.” Letter from Noel-Baker to Secretary-General, August 31, 1921, File NBKR 4/440, Noel-Baker papers, CAC.

⁹⁷ Extracts from letter from Arthur Sweetser to Rappard, December 6, 1921, File 1/18136/13141, Box R39, LNA. Sweetser, like many other League staffers, would go on to write a retrospective on the League after the Second World War. Arthur Sweetser and Egon Ferdinand Ranshofen-Wertheimer, *The United States, the United Nations and the League of Nations* (New York: Carnegie Endowment for International Peace, Division of Intercourse and Education, 1946).

⁹⁸ Letter from Rappard to Drummond, March 5, 1924, File 1/34431/13141, Box R39, LNA.

⁹⁹ On Milner’s role in the Supreme Council, dividing up the Mandates, see Pedersen, *The Guardians*, 31–35.

¹⁰⁰ See Box 389, Mss Milner, BSC.

¹⁰¹ See FO 608/219/8, BNA.

Treaty.”¹⁰² The political reality, then, was for “annexation in all but name,” as Smuts would put it.¹⁰³ US withdrawal meant that the Mandates System, at least as far as the chief negotiators were concerned, was to function as camouflage for territorial expansion.¹⁰⁴

It is worth noting here that it is likely not surprising that some of the most activist members of the League on the Mandates were also Americans, citizens of a country that was not part of the League. This was paradoxical in one sense—unlike someone like Baker, staffers like Arthur Sweetser or Huntington Gilchrist did not have a history of engaging with colonial issues. On the other hand, it was likely precisely because the US was not a member of the League that these staffers had the latitude to take less conventional positions. Unlike British (and particularly French) staffers at the League, these Americans did not have their foreign services keeping tabs on their work. They, like the Swiss and the Scandinavian members of the League, had a level of independence that was rare in the organization. They came to the body, not on the recommendation of their governments, but based on their interests in the international project.¹⁰⁵

Negotiating the Details of the Mandates and the PMC

As the Milner Commission was doling out Mandated Territories, the skeleton of the League’s Mandates apparatus was being put together in London in the autumn of 1919. Beer had suggested a Permanent Mandates Commission that would be composed of both official and

¹⁰² Letter from Robert Cecil to Winston Churchill, January 8, 1929, pp. 5-6, CHAR 2/164/97-98, CAC.

¹⁰³ Quoted in Pedersen, *The Guardians*, 71.

¹⁰⁴ Wilson’s Secretary of State, Robert Lansing, noted this immediately after the conference:

“Thus under the mandates system Germany lost her territorial assets, which might have greatly reduced her financial debt to the Allies, while the latter obtained the German colonial possessions without the loss of any of their claims for indemnity. In actual operation, the apparent altruism of the mandatory system worked in favour of the selfish and material interests of the Powers which accepted the mandates.”

Quoted in Rappard, “The Practical Working of the Mandates System,” 216.

¹⁰⁵ On this point, see Warren F Kuehl and Lynne Dunn, *Keeping the Covenant: American Internationalists and the League of Nations, 1920-1939* (Kent, Ohio: Kent State University Press, 1997).

unofficial members, the official members making up the Mandates Section of the Secretariat. Essentially, Beer believed, “the Mandatory Section will constitute the working nucleus of the Mandatory Commission,”¹⁰⁶ and their expertise would mean that “the real work [of the Commission] will be done by the Mandatory Section.”¹⁰⁷ Drummond, advised by another American—Huntington Gilchrist¹⁰⁸—parted from Beer on the suggestion that the Section form the nucleus of the Commission, suggesting rather that it do “all of the preparatory work and agenda” for the Commission while existing separately. Still, he foresaw that “the Permanent Commission would be much influenced by any advice which the Director of the Section might give.”¹⁰⁹

The key role assigned to the Director became a defining characteristic of the Mandates Section. With Robert Cecil’s assistance, Drummond began creating the Secretariat in the image of the British Civil Service, with administrative offices (sections) dedicated to each political or technical organ of the League.¹¹⁰ This decision proved to be fateful to several aspects of the League’s functioning.¹¹¹ In particular, creating a permanent staff distinguished the League’s Secretariat from similar support staff in prior international assemblages like the Peace

¹⁰⁶ The Mandatory Commission and the Mandatory Section of the Secretariat, Memorandum by G.L. Beer, November 5, 1919, p. 10, File 1/2062/248, R6, LNA.

¹⁰⁷ *Ibid.*, 8.

¹⁰⁸ Huntington Gilchrist was one of Drummond’s key advisors on this point. Beer’s memorandum and the various responses to it are included in Gilchrist’s papers. See Box 20 (Establishment of Mandate System, Sept. 1919—Aug. 1920), Huntington Gilchrist Papers, Library of Congress. Gilchrist got his undergraduate degree from Williams College – Rayford Logan’s alma mater – and was initially assigned to the Minorities Section of the League. See also, Mss Milner Dep. 390, p. 159, BSC. On Americans in the League, see Warren F Kuehl and Lynne Dunn, *Keeping the Covenant: American Internationalists and the League of Nations, 1920-1939* (Kent, Ohio: Kent State University Press, 1997).

¹⁰⁹ Note on Mr. Beer’s Memorandum by Drummond, November 21, 1919, p. 2, File 1/2062/248, R6, LNA.

¹¹⁰ Drummond created an initial blueprint for the Secretariat and set it into motion. That was largely approved of in the Assembly’s Noblemaire Report of 1921. The best study of this is Ranshofen-Wertheimer, *The International Secretariat*, 17–20, 27. See also Pedersen, *The Guardians*, 7.

¹¹¹ Ranshofen-Wertheimer, *The International Secretariat*, 8.

Conference or the Berlin Conferences.¹¹² In prior iterations (and, indeed, even at the UN's drafting conference), staff were drawn from the delegations of the various participating States and served at their pleasure.¹¹³ They drew their salaries from States and expected to return to national service at the end of each conference. French diplomats were attracted to this model for the new League.¹¹⁴ Drummond, by constituting permanent administration modelled on the British model, created a parallel decision-making structure at the international level. The Secretariat's staff members were at least notionally outside the chain of political command and, thanks to the length of their service, accumulated expertise that was often missing from the appointed members of League bodies like the PMC. They took on an outsize role in the creation of the new international administrative order in the interwar years. As Pedersen has put it, they took on a "l'esprit de Genève" during the interwar years, a spirit that was to inform the League's successor, the United Nations.¹¹⁵

The Permanent Mandates Commission took longer to set up than its section of the Secretariat. Under agreements between the Principal Allied and Associated Powers and the Council of the League, the PMC needed to have just less than a majority of representatives appointed by administering powers.¹¹⁶ As long as no Mandates agreements were signed, there

¹¹² José Alvarez notes that several organizations created in the late nineteenth century, like the General Postal Union, had professional staff. Those bodies only met intermittently, though, and never had the kind of permanent character the League had. He cites David Kennedy for the proposition that the League marked a decisive shift from a pre-institutional to an institutional era. José E Alvarez, *International Organizations as Law-Makers* (Oxford: Oxford University Press, 2006), 18, 18 n. 77.

¹¹³ On earlier forms of international organization, see *ibid.*, 18.

¹¹⁴ Joseph Avenol, the French successor to Drummond, tried to move the Secretariat's structure away from the British model when he took office. Ranshofen-Wertheimer, *The International Secretariat*, 8. He believed that the Secretariat had never had any "administrative or executive power of its own". Quoted in Pedersen, *The Guardians*, 45.

¹¹⁵ Pedersen, *The Guardians*, 7; see also Alvarez, *International Organizations as Law-Makers*, 22. But see Alvarez, *International Organizations as Law-Makers*, 20 ("the League was clearly inspired by 19th-century developments; its organs reflected earlier experiences with a 'concert of major powers,' plenary assemblies reminiscent of the Hague conferences, and 'dispassionate' international secretariats or 'bureaus.'").

¹¹⁶ This decision was taken at the St. Sebastian Conference of the Council in August 1920. See letter to Buxton, August 5, 1920,

were no administering powers, and hence no Commission.¹¹⁷ Thus, the Mandates Section was up and running before the Commission it was supposed to serve. The functional structures of the Mandates Section and the PMC were drafted by Secretariat staffers in December 1920 and were adopted by the Council. This marked an expansion of power on the part of the League itself, at the expense of its constituent States Members. The new Section's staff members were acutely aware of the fragile support for the Mandates system. They were also left largely to their own devices in setting the first precedents for how this system would look. William Rappard, a Swiss academic, took over as director in late 1919 and became the primary actor setting guidelines for how an international body would handle colonial peoples.¹¹⁸ He was to remain a towering figure in the Mandates System and a staunch defender of the Mandates Section's prerogatives.

Petitioning the League: Multiple Journeys to Geneva

Protests over the distribution of colonies and the League's early attempts at a procedure

As already discussed, the Peace Conference saw numerous petitions from inhabitants of the Mandated Territories regarding the disposition of the Mandates between the various powers. This form of petitioning was not reserved for the African Mandates. Similar appeals, generally for a Mandate to be switched to British control, came from Syria, Samoa, and New Guinea. One of the earliest African petitions was from Octaviano Olympio, the President of the Committee on Behalf of Togoland Natives, who wrote to the British in anticipation of the territorial settlements

File 1/6175/6175x, Box R30, LNA.

¹¹⁷ Incidentally, this was precisely the problem the Trusteeship Council faced in 1946 and 1947. It is remarkable that post-WWII bureaucrats were surprised at that turn of events.

¹¹⁸ As Ranshofen-Wertheimer points out, the Mandates Section (initially, the Mandatory Section) was created before the Covenant had come into force. Ranshofen-Wertheimer, *The International Secretariat*, 116. Pedersen has conducted extensive research in Rappard's personal papers and her book uses him as a linchpin to think about the idealist pretensions and beliefs of the League's organizations. For an introduction to Rappard, see Pedersen, *The Guardians*, 52–53.

at the Peace conferences.¹¹⁹ He invoked the promises of Wilson and Lloyd George to take the wishes of inhabitants into account in advocating for British rather than French rule. Even Foreign Office members thought it a “great pity” that they were “keeping such bad faith with the natives.”¹²⁰ Olympio’s organization became one of the most frequent African petitioners to the League, writing to the organization through the 1930s.¹²¹ The Rehoboth Basters of South-West Africa, later regular petitioners to the League, protested South African Rule to the Peace Conference via a petition passed through the Anti-Slavery Society in June 1919.¹²²

It was in this context that J.T. Mensah’s challenge, mentioned at the beginning of this chapter, reached the League’s Secretariat in early 1920. Philip Noel-Baker, the British assistant to Eric Drummond and one of the first staffers involved in the Mandates Section, was assigned to managing this question.¹²³ Baker had gradually started to take care of the Mandates question when it started to become clear that Beer would not be able to take office as the Section’s first

¹¹⁹ Telegram from Octaviano Olympio to the Secretary of State for the Colonies, Received April 1, 1919, FO 608/216/8, p. 257, BNA. Olympio was one of the wealthiest people in Togo at this point and his nephew, Sylvanus, would become Prime Minister and President of independent Togo. An Olympio petitioned the UN’s Trusteeship Council in 1947, though it is more likely that the UN petitioner was a descendent of the League petitioner. See Roger Stenson Clark, “The International League for Human Rights and South West Africa, 1947-1957: The Human Rights NGO as Catalyst in the International Legal Process,” *Human Rights Quarterly* 34 (1981): 115 n. 51. On the Olympio family, see Alcione M. Amos, “Afro-Brazilians in Togo: The Case of the Olympio Family, 1882-1945 (Les Afro-Brésiliens Du Togo: L’exemple de La Famille Olympio, 1882-1945),” *Cahiers d’Études Africaines* 41, no. 162 (2001): 293–314.

¹²⁰ Minute, 15 June, 1919, FO 608/216/8, p. 277, BNA.

¹²¹ See Chapter Three of this dissertation.

¹²² Future of German Colonies in Africa, June 2, 1919, FO 608/216 (Reg. No, 11684), p. 169, BNA. By the early 1920s, these groups were becoming heavily influenced by the UNIA and their appeals reflected UNIA iconography. Hill, *Garvey Papers*, Vol. X, lvi.

¹²³ Baker went as Philip John (PJ) Baker in his early correspondence. Notably, he was in the British delegation to both the Versailles Conference in 1919 and to the United Nations conference in 1945. He took over planning for the Mandates in the months between Beer’s withdrawal and Rappard’s appointment as Director of the Section. He worked in the League Secretariat until 1922. See Hill, *Garvey Papers*, Vol. X, 218 n. 1. On leaving the League, he published a short book about the League titled *The League of Nations at Work*, in which he optimistically stated that the League “was designed by those who made it to secure protection for the natives rights, justice in their daily lives and a fair chance to earn a decent living in the new Western system in which they are absorbed.” John Philip Noel-Baker, *The League of Nations at Work*. (London: Nisbet, 1927), 91. He went on to win a Nobel Peace Prize for his efforts on multilateral nuclear disarmament in 1959. He remains the only person to have won both the Nobel Prize and an Olympic medal, winning the latter in the 1920 Antwerp Olympics.

director.¹²⁴ Writing in response to Beer's memorandum, Baker had argued that the possibilities "of a disastrous collapse [due to the over-eager supervision of the Mandatory Powers] are less in every way than the risks of a continuing sham."¹²⁵ He believed that the "world [could] no longer afford to play politics with race problems either in Africa or elsewhere."¹²⁶ More than any other staffer in the first two years of the Mandates Section, Baker set the basis for a broad and inclusive petitioning process.

Six months after commenting on Beer's memorandum, Baker noted that Mensah's letter raised a "difficult question of principle," since it clearly dealt with Mandate administration and made claims based on British promises during the war.¹²⁷ If the newly formed League was to be taken seriously, it would be "impossible not to send some sort of acknowledgment" when residents of what would certainly be a mandated territory complained about issues like forced labor.¹²⁸ At the same time, while a "merely formal note informing them that we have received their letter may do a good deal to discredit the authority of the League," anything "more than a formal acknowledgment . . . would tend to undermine the authority of the prospective Mandatory Power, which is equally undesirable."¹²⁹ If, as Baker thought, "the inhabitants of a Mandated territory must have a certain right of access to the Mandatory Commission to be established by the League," a formalized procedure was needed.¹³⁰

¹²⁴ See letter from Drummond to Beer, December 17, 1919, File 1/2062/248, R6, LNA.

¹²⁵ Minute by Baker for Drummond, December 17, 1919, p. 3, File 1/2062/248, R6, LNA.

¹²⁶ *Ibid.*

¹²⁷ Minute from P.J. Baker to the Secretary General, July 12, 1920, File 1/4900/3099, Box R20, LNA.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ Minute from Baker to Walters, July 16, 1920, File 1/4900/3099, Box R20, LNA.

There were two major problems with Baker's position that his colleagues raised immediately. First, as F.P. Walters, another League staffer who would go on to write a history of the institution, noted, the problem was that the petitioner was not a representative of a state, and thus this broke the standard form of communications to the League.¹³¹ The League's charter did not clearly establish that petitioners had a right of access to the League, no matter what the optics of a rejection or silence might be. Other sections of the Secretariat—the Minorities, Upper Silesia and the Political Section—were only just starting to think about how they would deal with non-state-based communication. By 1923, the Political Section and the office of the Secretary-General had instituted a policy against accepting and responding to petitions for precisely this reason.¹³² The Minorities and Upper Silesia/Danzig bodies had struggled mightily with the question and had finally found a basis for petitioning in their specific treaty systems.¹³³ If Baker thought the answer was obvious—the League must respond to complaints about mistreatment—his views were far from the norm.

The other concern in this case was the role the Mandates Section would play in petitioning. Baker believed that petitioners “must at least have as much right of access as is implied in the sending of acknowledgments of communications addressed by them to the Commission.”¹³⁴ As the Commission did not yet exist, Baker believed that it fell “to the Secretariat to carry out its duties of acknowledgment.”¹³⁵

¹³¹ Note on Minute from P.J. Baker to the Secretary General, July 12, 1920, File 1/4900/3099, Box R20, LNA. Walters's book, *A History of the League of Nations*, was much cited by students of international institutions in the 1960s.

¹³² On that policy, see File 40/27124/27124, Box R1598, LNA.

¹³³ Comparisons to the Minorities and Saar regimes are dealt with in detail in Chapter Three.

¹³⁴ Minute from Baker to Walters, July 16, 1920, File 1/4900/3099, Box R20, LNA.

¹³⁵ *Ibid.*

The Political Section of the League disagreed. Paul Mantoux, that Section's new French Director, wrote an angry letter to Drummond challenging Baker's actions on two grounds.¹³⁶ The Mandates Section was an arm of the Secretariat and therefore did not have the authority assigned to a political organ like the PMC. In effect, if the Mandates Section derived its powers from the Covenant via the Commission, it had no business creating policy in the absence of a Commission.¹³⁷ Moreover, Mensah's letter had been addressed not to the Mandates Commission but to the Secretary-General, and it concerned the assignment of Mandated territories. This was a subject left to the Principal Allied and Associated Powers, not to the League. Mantoux thought the question should go through the League's political channels and not be influenced by humanitarian sentiment. In this context, even Baker acknowledged that it was "highly desirable" that any reply "not go out to the Members of the League as from the Secretariat," a body that was at that point uncertain of its legal powers.¹³⁸

Petitions were doubly problematic. Petitioners were not states, and as such, they had no standing in international law. As mentioned in the introduction to this dissertation, their very statelessness was part of the radical nature of their appeals to the league. The issues they highlighted were often deeply political, while the Secretariat was trying to embody apolitical technocratic internationalism.¹³⁹ In the end, the League sent an acknowledgement to Mr. Mensah, but it came from the Secretary-General's desk, stating that the question was beyond the

¹³⁶ Mantoux had served as an interpreter in the high-level Council of Ten meetings during the Peace Conference.

¹³⁷ Minute from Paul Mantoux, Political Section, August 13, 1920, File 1/4900/3099, Box R20, LNA.

¹³⁸ Minute from P.J. Baker to the Secretary General, July 12, 1920, File 1/4900/3099, Box R20, LNA.

¹³⁹ On interwar technocracy, see JW Johan Schot and VC Vincent Lagendijk, "Technocratic internationalism in the interwar years: building Europe on motorways and electricity networks," *Journal of Modern European History* 6, no. 2 (2008). On the importance of technical expertise and the League's legitimacy, see also Chapter Three.

competence of the League.¹⁴⁰ However, Mensah's challenge made it clear that the debates about petitioning would be driven by the actions of petitioners themselves rather than states.

Petitions continued to arrive in late 1920, mostly from the Middle Eastern Mandates, pushing the Mandates Section to advocate for a muscular expansion of the Secretariat's role in these territories.¹⁴¹ In March 1921, a staffer¹⁴² suggested to Drummond that the new PMC's role should expand beyond studying reports. "[T]he duties of the Commission both according to the spirit of the Covenant and of the constitution approved by the Council . . . are broader, and their advice may and should be based on information both more continuous and more complete than that which will be embodied in the annual reports."¹⁴³ The Mandates Section's role would be central here, as a kind of "permanent secretariat of the Mandates Commission." In particular, this staffer urged that the Mandates Section had a key role to play in bolstering the League by maintaining PMC members' interest "in all problems connected with the mandatory system, and particularly in colonial administration in general."¹⁴⁴ Trying to "arouse and maintain" this interest meant doing more than simply passively receiving and circulating reports—it necessitated circulating information from petitions.¹⁴⁵

¹⁴⁰ Letter from the Secretary General to J.T. Mensah, July 24, 1920, File 1/4900/3099, Box R20, LNA.

¹⁴¹ On the influence of Arab petitions on Rappard and his sympathy for petitions, see Pedersen, *The Guardians*, 79–81.

¹⁴² Based on the context, this was probably Baker.

¹⁴³ Relations between the Secretariat of the League of Nations and the Permanent Mandates Commission, Memorandum to the Secretary General, March 4(? Date illegible), 1921, File 1, Box S1608, LNA.

¹⁴⁴ *Ibid.*

¹⁴⁵ On this point, see also Pedersen, *The Guardians*, 79–81.

1921 and the League's legitimacy

As early as May 1921, pushback against the Mandates Section's liberality on petitioning had begun. In particular, Mantoux, along with Van Hamel in the Legal Section of the League, continued to question the League's authority to engage directly with petitioners. A similar reaction was taking place with regard to the Minorities Section in the same moment. This attempt to reign in the Mandates Section included a recommendation from an April 1921 commission of enquiry into efficiencies in the Secretariat that suggested merging the Mandates and Minorities Sections to save resources. Rappard wrote a strong dissent to this conclusion, stressing the uniqueness of the Mandates in the League, and his views were echoed by his colleagues.¹⁴⁶ In the absence of political will, Rappard believed that it was "highly probable that the value of the whole mandates system will depend on the interest shown in it by the Permanent Mandates Commission." Since "this interest will presumably depend in a large measure on the activity, intelligence and the special knowledge of its permanent secretariat i.e., the Mandates Section, I am convinced that a great deal is at stake in the change contemplated."¹⁴⁷

As the Mandates treaties began to trickle in over the summer, Baker wrote to Drummond to stress the importance of the Secretariat's support for the Mandates Section.¹⁴⁸ The whole Mandates System, Baker believed, "may more easily than any other party of the Covenant[] become an elaborate piece of camouflage."¹⁴⁹ The Mandates would be particularly stressed as an

¹⁴⁶ See Note on the future of the Mandates Section, suggested by the report of the Commission of Enquiry, May 19, 1921, File 1/12747/12747, Box R38, LNA.

¹⁴⁷ See *ibid.*, 4.

¹⁴⁸ Pedersen has also cited the pivotal role Baker played in keeping Drummond interested in and supportive of the Mandates System in the difficult years of 1920 and 1921. See Pedersen, *The Guardians*, 48–50.

¹⁴⁹ Letter from P.J. Baker to Eric Drummond, June 6, 1921, File 1/12747/12747, Box R38, LNA. On this particular point, Baker was supported by Paul Mantoux, the otherwise conservative head of the Political Section. Note by Mantoux to Drummond, June 18, 1921, File 1/12747/12747, Box R38, LNA. Rappard would write in later years that the Mandates might have been an example of "the Anglo-Saxon love of and genius for compromise" having gone too far. William Emmanuel Rappard, "The Mandates and

institution once Germany entered the League. For its own legitimacy, the League would have to interpret Article 22 broadly and effectively.¹⁵⁰ By building up a capacity to deal with petitions, Baker and Rappard bolstered the power of the Section right before the first meeting of the Permanent Mandates Commission took shape. The body met for the first time in October 1921, under the chairmanship of the Italian Marquis Alberto Theodoli.

It is worth noting here that, in 1920 and early 1921, the Secretariat drafted all of the reports and studies that the League produced for each of the official political organs.¹⁵¹ The various sections of the Secretariat did so ostensibly to “assist” their respective parent organs—the Assembly, the Council, the Mandates Commission, the Minorities Sub-Committee, etc.¹⁵² Political oversight over the Secretariat was slight, considering that some of those reports were drafted before political organs had even met. Each report went through a series of revisions within the bureaucracy, often reaching Drummond, and they often laid out a small number of possible outcomes that these bodies might endorse.¹⁵³ This had a very important effect on the outcome of League decisions, since most Member State representatives to Geneva that sat on the League bodies were not aware of the minutia of international governance, particularly in regards to more esoteric subjects like the Mandates System.

By laying out a default position and setting the terms of the debate, the Secretariat shaped the conversation and constrained the possible outcomes for League policy. As the League

the International Trusteeship Systems,” *Political Science Quarterly* 61, no. 3 (1946): 413.

¹⁵⁰ Letter from P.J. Bake to Eric Drummond, June 6, 1921, File 1/12747/12747, Box R38, LNA.

¹⁵¹ Jane Cowan briefly touches on this point in her analysis of the Minorities Section of the League. Jane K. Cowan, “Who’s Afraid of Violent Language?,” *Anthropological Theory* 3, no. 3 (2003): 274–75. See also Pedersen, *The Guardians*, 66.

¹⁵² On the responsibility to assist, see Ranshofen-Wertheimer, *The International Secretariat*, 91.

¹⁵³ Cowan notes that Drummond was often the most conservative Secretariat figure when it came to Minorities petitions. The same held true in the Mandates. Cowan, “Who’s Afraid of Violent Language?,” 288 n. 5.

matured, it was really only on the most contentious of issues, where members of the Council or Assembly had strong interests at stake, that these draft reports were substantially amended after the fact. The most notable exception, discussed in Chapter Three, was the Council's report on oral petitioning in 1927, where members of the Council were convinced that the technical organs of the League were derogating extensive powers to themselves and refused to work from the template the Secretariat and the Mandates Section had created. Until then, the Mandates Section set the agenda.

Thus, when the PMC first met in October 1921, its decisions were heavily influenced by the work the Mandates Section had already done on a number of fronts.¹⁵⁴ Beer had envisioned a powerful and active Secretariat in the Mandates System. Even though the League had not embraced his precise vision, as a functional matter the Mandates Section became one of the most influential parts of the bureaucracy of the League thanks to the delay in establishing the political organ it was supposed to serve.

This influence extended particularly far on the question of petitions, where none of the members of the new Commission held expectations about the nature of the Mandates Commission's work. In its first meeting, Rappard informed the PMC that the Section was having to deal with "documents which have reached the Secretariat with regard to various claims relating to the Mandated Territories."¹⁵⁵ Rappard raised a fundamental constitutional question: "the duties of the Commission had been clearly defined: it had to consider reports and give

¹⁵⁴ This is a point also made by Quincy Wright, who found that the Section was "in a position to influence the Commission by supplying information[,] though it attempts to observe the utmost impartiality in this work." Quincy Wright, *Mandates under the League of Nations* (Chicago: University of Chicago Press, 1930), 91.

¹⁵⁵ Minutes of the First Session of the Permanent Mandates Commission, October 6, 1921, League Document C.416.M.296.1921.VI, p. 28.

advice to the Council; would it not be exceeding its competence if it received and discussed petitions?”¹⁵⁶

In letters to the members of the Commission before the meeting, Rappard had primed them to the answer: that petitions were a normal part of the League’s practice. He raised this question only after several months of sending the new members of the Commission a series of petitions the Secretariat had received.¹⁵⁷ Most, like the first document he presented at the meeting, came from respected groups like the Anti-Slavery Society.¹⁵⁸ Rappard proposed to the Commission that the Section could be trusted to first sort the documents it received before circulating them, framing the question as just a part of the Section’s wish to give the Commission a “continuous” view of colonial questions. Rappard’s framing of petitioning as merely an extension of the Section’s self-assigned role in keeping the Commission informed about the Mandates was an important move. As Marina Finkelstein has noted, petitioning in international legal orders has often been separated into two forms: “the petition as a general means of information and the petition as an instrument for the achievement of certain rights.”¹⁵⁹ Informational petitions do not “pose much of a challenge to the . . . international system.”¹⁶⁰ By curating the information he passed along to the Commission, Rappard sought to make petitions an unthreatening institution.

¹⁵⁶ Ibid.

¹⁵⁷ See, for example, correspondence with Ormsby-Gore in File 1(9), Box S264, LNA.

¹⁵⁸ On the Anti-Slavery Society’s close relationship with the Mandates and the League more generally, see Amalia Ribí, “‘The Breath of a New Life’?: British Anti-Slavery Activism and the League of Nations,” in Laqua, *Internationalism Reconfigured*.

¹⁵⁹ Marina S Finkelstein, “The Individual Petition and International Responsibility” (Ph.D. dissertation, Columbia University, 1963), 20.

¹⁶⁰ Ibid., 22.

A letter from the Anti-Slavery Society questioning the completeness of South Africa's annual report on South-West Africa may well seem purely informational. It is a lot less clear that Garvey-ite appeals or claims from someone like Mensah could count as such. Baker's justification for petitioning—that accepting such appeals lent legitimacy to the League—was tailored to this other kind of petition. Accepting those that challenged the Mandatory Powers in more explicit terms and called for the Commission to investigate their actions would show that the PMC was more than just a fig leaf for annexation. The Secretariat's interests and its divergence from serving a purely informational role is evident from the fact that the Mandates Section accepted the resolutions of both the first and the second Pan-African conferences (1919 and 1921), reproduced them on League stationery, and circulated them to the members of the League.¹⁶¹ This accretion of power did not go unnoticed by colonial powers. In December 1921, a member of the Colonial Office of the British Government questioned the League's burgeoning jurisdiction: "I do not see how Rules of Procedure of the Permanent Mandates Comm'n can impose any obligation on the Mandatory Power."¹⁶² How could the League give itself the power to accept petitions and force Mandatory Powers to consider them?

Rappard's back-room dealings with the more liberal members of the Commission during its first meeting helped him win tacit acceptance for his aims. It was most likely at his urging that William Ormsby-Gore, the British member of the PMC, suggested in that first meeting that "it might also be maintained that if the nationals of a colony had a right of appealing to the Parliament of the mother-country, the nationals of a mandated territory might similarly have the

¹⁶¹ See File 1/15865/13940, Box R39, LNA.

¹⁶² See Minute dated December 22, 1921, CO 323/882/38, BNA.

right to appeal to the League of Nations, in the name of which the mandate was exercised.”¹⁶³ As discussed in the introduction, this is the single statement on which Quincy Wright and most historians pinned the basis of petitioning. Yet no record exists of any follow-up to this remarkable claim, and the Commission took no action on the matter.¹⁶⁴ Ormsby-Gore had only made this claim on the basis of a meeting with the League of Nations Union that January. It was not until the late 1920s, when Quincy Wright contacted Rappard and reviewed the Commission’s minutes that this statement was ever mentioned again.

It is worth flagging just how remarkable Ormsby-Gore’s claim was in the League of 1921. Petitions to the Privy Council of the British Empire allowed subjects of the King to leapfrog their local administrators and speak directly to their sovereign. Notably, where those local administrators were themselves semi-sovereign entities like the Dominions, the Privy Council mechanism was carefully calibrated to avoid insulting white governments. Even in those circumstances, the juridical basis for petitioning in the British Empire was the sovereign supremacy of the King-in-Parliament in the system, with authority over all intermediary governmental structures. If, indeed, petitioning in the League could be justified along the same lines, it would suggest that the Mandates Commission was in some position of sovereign authority over Mandatory Powers, with a direct relationship of patronage to the inhabitants of Mandated Territories. Not a single member of the League’s Council or Assembly would have accepted that position in 1921, or even in 1938.

¹⁶³ Minutes of the First Session of the Permanent Mandates Commission, October 6, 1921, League Document C.416.M.296.1921.VI, p. 28.

¹⁶⁴ Pedersen cites Ormsby-Gore’s statement, claiming that the PMC decided to “make a bid” to accept petitions in its aftermath. I have not found any evidence of a concrete push by the Mandates Commission (as opposed to the Mandates Section) along these lines. Pedersen, *The Guardians*, 82.

At the same time, the marginal importance of this statement for the development of petitioning in the early League is clear in Ormsby-Gore's subsequent engagement with petitioning while serving on the PMC. In May 1922, several months after the Commission's first meeting, Ormsby-Gore wrote to Rappard with a concern. He had received a letter from H.K. Gaba in April regarding French Togoland, complaining of the poor quality of administration there.¹⁶⁵ The letter had been sent via the Gold Coast, confirming the cross-border links across imperial boundaries that had facilitated Mensah's petition a year earlier.¹⁶⁶ Gaba noted that, drawing on their education in Wesleyan missions, the letter-writers had begun publishing their appeals against German rule in "the local papers of Nigeria and the Gold Coast."¹⁶⁷ The Germans having left, the letter writers had assumed British rule would follow. When it did not, they had directed a letter in 1918 to the Anti-Slavery Society in London. Gaba now asked for "a special Commission of Enquiry," created by the League, to visit Togoland and "deal with the Chiefs for the first hand information for what they experience."¹⁶⁸ The precise networks through which Gaba and his fellow writers identified Ormsby-Gore as the proper object of appeal is not clear, but it is likely that J.H. Harris of the Anti-Slavery Society was the key interlocutor.¹⁶⁹

¹⁶⁵ Letter from Ormsby-Gore to Rappard, May 16, 1922, in File 1(9), Box S284, LNA. Gaba might have been the same person who wrote to the British government in the Gold Coast in April 1919 to protest the possible transfer of Togo to France. See Petition from Nelu Gaba and Julius Sodji to the Governor of the Gold Coast, April 1, 1919, FO 608/216/8, p. 292, BNA.

¹⁶⁶ Although it is unclear who was responsible for forwarding on this petition, Casely Hayford would later advocate on behalf of Gaba and the Adjigo family in French Togo. This led to him being under surveillance by the French government through much of 1927 and 1928. See File 1(8), Box S284, LNA. His work for the Adjigo family invited the interest of Raymond Leslie Buell, who wrote to him in March 1927 asking about the petition, which Buell hoped to use in his study on Africa. Letter from Raymond Leslie Buell to Casely Hayford, March 8, 1927, File 15, Box 49, Raymond Leslie Buell Papers, LOC.

¹⁶⁷ Letter from Henry Kue Gaba to Ormsby-Gore, attached to letter from Ormsby-Gore to Rappard, dated April 14, 1922, File 1(9), Box S284, LNA. For the full text of this petition, see Appendix.

¹⁶⁸ *Ibid.*

¹⁶⁹ Ormsby-Gore's correspondence with Harris was extensive during this period. See Box S284, LNA. It is notable that this language of appointing a "Commission of Enquiry" is identical to the appeal in letters from the Society to the League over the Bondelzwarts Rebellion, discussed in the next chapter, suggesting a coalescing lexicon for their interactions with the League. See also, Pedersen, *The Guardians*, 79.

Upon receiving this letter, Ormsby-Gore had written to the Colonial Office for information about the letter-writer. Ormsby-Gore wrote to Rappard expressing his unease at his role in the Mandates System, worried that acting on his own might create “difficulties” at the League.¹⁷⁰

In response to Ormsby-Gore’s request for guidance, Rappard wrote that replying to letters was a “problem” that he faced daily, a problem of “finding the middle road between appearing unduly troublesome and meddlesome to the Governments on the one hand, and of seeming too cautious and therefore disappointing to those who have placed their confidence in the League, on the other.”¹⁷¹ The very fact that Ormsby-Gore wrote to Rappard before hearing back from the Colonial Office is significant. It suggests that Ormsby-Gore had trust in the expertise and experience of the Mandates Section of the League, and that he was aware of the gradual accretion of administrative practices within the Mandates Section. In detailed letters over the following year, Rappard brought Ormsby-Gore up to speed on the work of the Section and, in doing so, secured a political ally on the new Commission. This debt is noted in Ormsby-Gore’s later correspondence with Rappard, in which he stated that any “successes” the Mandates project secured in the League were “largely if not entire due to [Rappard] and the Secretariat.”¹⁷²

Rappard’s solution for Ormsby-Gore established what both parties would consider their baseline going forward. No League-wide system yet existed to deal with petitions. Rappard first suggested that Ormsby-Gore secure “whatever available information” existed concerning Gaba.¹⁷³ If Gaba “was not actuated solely by legitimate motives,” a pro forma response was all

¹⁷⁰ Letter from Ormsby-Gore to Rappard, July 15, 1922, in File 1(9), Box S284, LNA.

¹⁷¹ Letter from Rappard to Ormsby-Gore, June 10, 1922, File 1(9), Box S284, LNA.

¹⁷² Letter from Ormsby-Gore to Rappard, October 17, 1921, in File 1(9), Box S284, LNA.

¹⁷³ Letter from Rappard to Ormsby-Gore, June 10, 1922, File 1(9), Box S284, LNA.

that was appropriate.¹⁷⁴ But if Gaba's conclusions were "perfectly fair and independent," a substantive response was called for.¹⁷⁵ In suggesting this course of action—independently evaluating a petitioner's bona fides and then sending a substantive answer—Rappard was repeating the argument Baker had made (and lost) on Mensah's behalf in 1920. This time, however, the argument came from the Director of the Mandates Section, expressing his expert opinion to a new member of the international organization. As such, it carried more weight.¹⁷⁶

The technocratic nature of this debate existed uncomfortably with the realities of colonial occupation. Before Ormsby-Gore could respond to Rappard's latest letter, he received news that Gaba and his family had been rounded up by the French government and had been deported from Lomé and imprisoned.¹⁷⁷ The last letter had been written in a jail cell in Togoland. The reality of this appeal was apparent to Ormsby-Gore and Rappard, but also easily submerged. In particular, Ormsby-Gore noted that his correspondents in the Gold Coast reported "good deal of unrest along our Gold Coast-Togo border," but that that was probably "confined to the [N]egro 'intelligentsia' + especially those literate in English."¹⁷⁸ The appeal, in the meantime, was ignored. Acting on it would have been, in Ormsby-Gore's words, "impolitic."¹⁷⁹ Notably,

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Rappard went further, suggesting that direct appeals could be sent to the Marquis Theodoli in Rome, the new head of the PMC. He did note, like Baker, that "the allocation of the mandated areas had been attended to by the Supreme Council on behalf of the Principal Allied Powers to whom they had been ceded . . . [and], therefore, the League of Nations, whose duty it was only to supervise the administration of the mandated areas by the Mandatory Powers, had no responsibility nor any authority in the matter of the allocation." Ibid.

¹⁷⁷ Letter from Henry Kue Gaba to Ormsby-Gore via J.H. Harris, enclosed with letter from Ormsby-Gore to Rappard, dated May 23, 1922, File 1(9), Box S284, LNA.

¹⁷⁸ Letter from Ormsby-Gore to Rappard, June 7, 1922, File 1(9), Box S284, LNA. The correspondents in the Gold Coast were likely referring to Hayford's work for the Gaba family.

¹⁷⁹ Letter from Ormsby-Gore to Rappard, June 15, 1922, File 1(9), Box S284, LNA.

nowhere did either Rappard or Ormsby-Gore mention any continuity between colonial appeals and Mandates petitions. The principle, though, had been accepted that petitions were receivable at the League and that they deserved a response.

Reforming and Visiting Geneva: Pan-Africanists at the League in 1921

The first two years of the League's existence were key to the development of Mandates petitioning, both because of how the Mandates Section's understanding of petitioning evolved before the formal constitution of the Permanent Mandates Commission, but also because those procedures informed the expectations of petitioners writing to the League. Thus, for example, in 1920 and 1921 the Anti-Slavery Society created a regular avenue of communication with Rappard and passed along news reports and petitions that he immediately circulated to the Council and often published.¹⁸⁰ When the Council restricted petitioning in 1922 and 1923, these prior expectations informed the reactions of civil society groups. Also, as already mentioned, a liberal policy of response and engagement with petitioners helped these groups make claims for legitimacy domestically. Most importantly, widespread knowledge that a body like the League was accepting petitions and engaging with them set in motion a politics of internationalism that went beyond earlier programs of petitioning individual heads of state. In short—if Mensah's petition could be circulated to the British and French governments under League letterhead, the League became a powerful target of appeal. No one took this lesson to heart more than Pan-African activists. A few young black academics would take these lessons and apply them in the United Nations.

¹⁸⁰ For the close relationship between Rappard and Harris of the Society, see Amalia Ribi, "'The Breath of a New Life?'" in Laqua, *Internationalism Reconfigured*, 96–99. On the key role Harris played in shaping Rappard's vision of what the Mandates System was created to do, see Pedersen, *The Guardians*, 54.

The Pan-African Congress in Geneva

The League's importance to Afro-American petitioners was bolstered by the lack of success Pan-Africanists had in other international arenas. Race relations in the US were a frequent topic of discussion in the UK, especially when British nationals were involved. In one particularly brutal case, a white West Indian preacher, Rev. Philip Irwin, was tarred and feathered in Florida in 1921 for preaching racial equality to black Bahamian immigrants.¹⁸¹ The incident proved to be a flashpoint, with African Americans writing to the Foreign Office to raise British awareness of the rising number of lynchings in the South in the early 1920s. A rector from Cambridge, MA, for example, wrote to the Foreign Office to ask that the British government "take some steps in this case, so that the whole question of grave injustice to the colored people of America and especially in the South, might be brought to the front." The international aspect of this letter was particularly notable. "This Government is so ready to dictate to other nations about injustice against subjects of other nations and sheds crocodile tears, when worse things are happening daily in America, and some outside nation might to tell [sic] America this right from the shoulder [sic] and this is a good time for England to say something."¹⁸² In light of the lack of local prosecution, the British government was left with the option of pursuing an espousal claim against the US government, a step they did not want to take in light of parallel claims that might have been brought against them for attacks on US subjects in Ireland.¹⁸³

¹⁸¹ For the several files on this controversy, see FO 371/5708, BNA.

¹⁸² Letter from Rev. Walter Dorsey McClane to Cecil Harmsworth, July 22, 1921, FO 371/5708 (A5868), BNA.

¹⁸³ Minute, December 14, 1921, FO 371/5708 (A9208), BNA. Espousal is the practice whereby one state, State A, can bring a legal action against another state, State B, based on abuses against State A's nationals on State B's territory. This is a state-to-state claim and the national involved has neither a legal right to institute an action, nor legal interest in any recompense State B might make to State A.

Despite being questioned by members of the House of Commons, the British government felt constrained not to enter the thicket of US race relations.¹⁸⁴ Similarly, even though a member of the Foreign Office was disappointed that the government was not going to meet delegates from the Second Pan-African Congress, since “they represent the more moderate U.S. Negroes,”¹⁸⁵ the Foreign Office held back out of fear of backlash from the US South.¹⁸⁶ The British government remained wary of Du Bois in part because of his writing on Haiti in 1921. As the British Consul General in New York noted to the British Ambassador, Du Bois “did made considerable capital out of the situation in Haiti, to which he has referred on more than one occasion as ‘the American Ireland.’”¹⁸⁷ The British government never extended Du Bois the courtesy the League did.

By contrast, the willingness of the League to accept the First Pan-African Congress’s appeals and to publish them set the stage for the movement’s future engagements with international law. By the time the Second Congress was called in 1921, Du Bois had been in touch with the League multiple times and had developed contacts in Geneva. The most prominent of these was René Claparède of the Bureau International pour Les Defense des Indigenes, J.H. Harris’s counterpart in Geneva. He encouraged Du Bois to hold the Second Pan-African Congress in Geneva, to help boost publicity of Mandates issues.¹⁸⁸ Even though the

¹⁸⁴ One Foreign Office staffer made the observation that “It is not likely that a Florida jury will convict anyone in a case of this sort, but I suppose we must assume that justice will be done.” Minute, July 20, 1921, FO 371/5708 (File A5341)

¹⁸⁵ Minute, August 5, 1921, FO 371/5708 (A5704), BNA.

¹⁸⁶ See File FO 371/5708 (A5408), BNA. Du Bois had written to the British Ambassador in Washington, informing him that “the Congress has nothing to do with the so called Garvey Movement and that its object is simply knowledge, conference and co-operation between members of the Negro race and their friends.” Letter from W.E.B. Du Bois to the British Ambassador to the United States, June 16, 1921, FO 371/5708 (A5408), BNA. See also, FO 371/5708 (A6375), BNA.

¹⁸⁷ Letter from British Consul General in New York to the Ambassador in Washington, July 11, 1921, FO 371/5708 (A5408), BNA. The fact that he was educated for a while in Berlin didn’t help.

¹⁸⁸ See Letter from Claparède to Du Bois, March 8, 1921, Du Bois Papers. On Claparède, see Ribí, ““The Breath of a New

distribution of Mandates had been a disappointment, Claparède encouraged Du Bois not to give up on the institution. As part of the relatively small local international circle, he played a key role in introducing Du Bois to policymakers on his visit to Geneva. He was a source of information on petitioning the League, which the Anti-Slavery Society had already been doing. Finally, Claparède pushed the Secretariat to circulate the Congress's resolutions to the Assembly.¹⁸⁹

The second Pan-African Congress, eventually held in London, Paris and Brussels in 1921, brought together representatives from across the colonial world, from India to Madagascar, the Philippines to the Antilles.¹⁹⁰ As previous petitioners had noted, the League by and large preserved the sovereign prerogatives of States to shield their domestic affairs from foreign interference. One of the major exceptions to this rule was in labor issues, where the newly created labor organization explicitly had the right to study these questions in a transnational frame.¹⁹¹ The meeting pushed for the creation of a special section in the ILO to deal with “the conditions and needs of native Negro labour, especially in Africa and in the Islands of the Seas.”¹⁹² The fact that Harold Laski, one of the most prominent Socialist figures of interwar London, was involved in the Congress probably helped lead to this direction.¹⁹³ Du Bois's

Life'?" in Laqua, *Internationalism Reconfigured*, 99–100.

¹⁸⁹ Letter from Claparède to Du Bois, July 14, 1921, Du Bois Papers. Ribi notes that this solicitude for Du Bois was not shared by Harris in London, who did not see the Congress's claims as being quite moderate enough in the scheme of imperial trusteeship. Ribi, “The Breath of a New Life'?" in Laqua, *Internationalism Reconfigured*, 100.

¹⁹⁰ The organization of the conference fell to Rayford Logan, a highly educated black American soldier who had remained in France at the end of the war because he was sick of the racial discrimination he had faced in the Army. His fluent French made him the link between Du Bois and his European interlocutors (Logan and Du Bois were connected through Logan's high school French teacher in Washington DC). See Lewis, *Du Bois*, 30. On Logan, see Chapter Four of this dissertation.

¹⁹¹ It is likely not a coincidence that this formulation mirrored Trotter's appeal from 1919.

¹⁹² Resolutions of the Second Pan-African Congress to the President of the Council of the League of Nations, September 15, 1921, File 1/15865/13940, Box R39, LNA.

¹⁹³ Lewis, *Du Bois*, 40.

connection to Albert Thomas, a distinguished French Socialist who headed the International Labour Organization, also made a great difference to the shape of petitioners' access to the PMC in the years to come.¹⁹⁴

The *Manifesto to the League of Nations* that Du Bois carried with him to Geneva also suggested that a black man be appointed to the PMC and that the League should use “the vast moral power of public world opinion” it held as a “body conceived to promote Peace and Justice among men” to “take a firm stand on the absolute equality of races.”¹⁹⁵ This claim for absolute equality, along with an appeal for the rule of Africa by Africans, was Du Bois's main wish from the Congress.¹⁹⁶ The easier of those requests related to staffing. Du Bois passed the Pan-African Congress's resolutions on to Gilbert Murray, the Oxford classicist serving as a representative of South Africa at the League.¹⁹⁷ He, in turn, passed the letter to Dantés Bellegarde, the Haitian ambassador to Paris and its delegate to the League, who suggested the appointment of a black member of the PMC in 1921.¹⁹⁸ Members of the Mandates Section saw Du Bois's request as yet another avenue for expanding the legitimacy of the System. Noel-Baker wrote to Ormsby-Gore to say that “it might be extraordinarily useful” to have a black member of the Commission, “and if you had such a man as this Dubois [sic], about whom everybody is talking, I am sure you

¹⁹⁴ Ibid., 30.

¹⁹⁵ Resolutions of the Second Pan-African Congress to the President of the Council of the League of Nations, September 15, 1921, File 1/15865/13940, Box R39, LNA.

¹⁹⁶ Lewis, *Du Bois*, 46.

¹⁹⁷ See Letter from Pan-African Congress to the President of the Council of the League, September 1921, Du Bois Papers.

¹⁹⁸ Letter from Gilbert Murray to Du Bois, September 23, 1921, Du Bois Papers. The Assembly of the League, unsurprisingly, took little action on it. Lewis, *Du Bois*, 48. Bellegarde had participated in Congress in Paris, alongside the Senegalese French Deputy Blaise Biagne and representatives from Liberia. Article in *La Dépêche Coloniale et Maritime*, September 4, 1921, Hill, *Garvey Papers*, Vol. IX, 176. His connection to Du Bois proved important in the following year's Bondelzwarts crisis. On Bellegarde, see Patrick D. Bellegarde-Smith, “Dantes Bellegarde and Pan-Africanism,” *Phylon* 42, no. 3 (1981): 233–44.

would never get any foolish proposals from him.”¹⁹⁹ Baker suggested that Bellegarde propose such an appointment formally.²⁰⁰ Nothing came of this proposal, but it showed Du Bois was capable of getting his proposals discussed by Europeans in a serious and sustained way.

Thomas and Claparède arranged for Du Bois to meet with Rappard and other prominent members of the League on his visit to Geneva in 1921.²⁰¹ These meetings allowed Du Bois an inside view of the League. The fact that he was able to meet important international staffers made it into the report Du Bois published in *Crisis* on returning to New York in November of 1921. He concluded his report by stating that the Congress’s resolutions were “a small beginning toward bringing Africa into the center of the international movement of the world; but it is an important beginning, and if pushed in the future may mean a revolution for the Negro race[,] particularly if the League of Nations survives to fulfill its present promise.”²⁰² For Du Bois, from here onwards, the League’s Mandates were to remain a flawed but very viable path to challenge the global color line. His young assistant at the Congress, Rayford Logan, agreed. Later to become a professor of history at Howard University and the NAACP’s main foreign policy expert, the League would become the touchstone for much of the work Logan would go on to do.

¹⁹⁹ Letter from Noel-Baker to Ormsby-Gore, September 24, 1921, File NBKR 4/440, Noel-Baker papers, CAC.

²⁰⁰ Letter from Noel-Baker to Bellegarde, October 10, 1921, File NBKR 4/440, Noel-Baker papers, CAC. Du Bois would later describe Bellegarde as the “[i]nternational spokesman of the Negroes of the world.” *The Crisis* (April 1926): 295.

²⁰¹ See Lewis, *Du Bois*, 47–48.

²⁰² *The Negro and the League of Nations*, November, 1921, p. 7, Du Bois Papers.

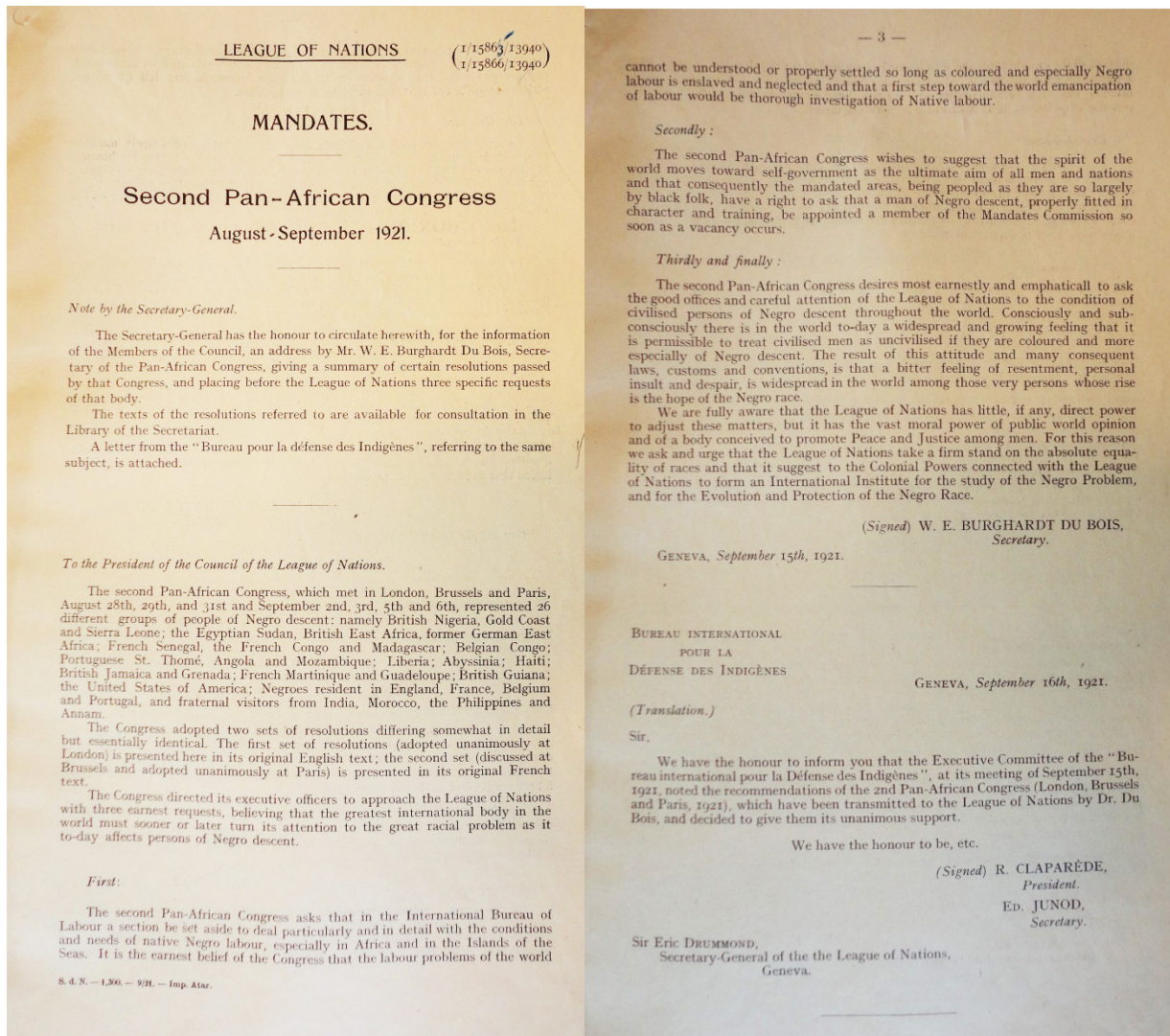


Figure I: Resolutions of the Second Pan-African Congress to the President of the Council of the League of Nations, September 15, 1921, as circulated to the Council and Assembly
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A Petition for Mandates: Garvey and the UNIA's Appeal

Garvey never received a similarly warm treatment from the League.²⁰³ The failure of the Allied and Associated Powers to grant African territories to Afro-Americans resulted in Garvey's first break from the League in February 1919. Well before the treaty was finalized, Garvey wrote to

²⁰³ Lewis examines some of the consequences of the split between Du Bois and Garvey in their treatment by, and treatment of the League. Lewis, *Du Bois*, 58. Indeed, Walter White, Secretary of the NAACP, thought that it was a fear of Garvey that motivated the British Colonial Office to become more solicitous of Du Bois during his visit to London in 1921. *Ibid.*, 40.

the US Congress to say that to sign the treaty would be “to sign away the liberty of fully four hundred millions of black men, women and children scattered all over the world.”²⁰⁴ Garvey sought to scupper the Covenant because, in his words, “[t]here is not one word, not one letter, in the drafted constitution that suggests the spirit of good will toward a struggling race such as we are.”²⁰⁵ The UNIA’s representative to the Peace Conference—Eliézer Cadet—reported he had achieved little progress.²⁰⁶ By mid-1920, the UNIA’s Declaration of Rights stated that “we as a race of people declare the League of Nations null and void as far as the Negro is concerned, in that it seeks to deprive Negroes of their liberty.”²⁰⁷

The fact that Du Bois was being hailed as the representative of the Negro race was an affront to Garvey. In a multi-page telegram to Geneva in August 1921, he denounced the Second Pan-African Congress for “holding a congress in European cities” which was “more for the purpose of aggravating the question of social equality to their own personal satisfaction than to benefit the Negro race.”²⁰⁸ He accused Du Bois in particular of corruption and miscegenation.²⁰⁹ As someone who saw himself as the international representative of his race, Garvey sought to

²⁰⁴ Petition by Marcus Garvey to the US Congress, February 21, 1919, Hill, *Garvey Papers, Vol. I*, 368.

²⁰⁵ *Ibid.*

²⁰⁶ Eliézer Cadet to the UNIA, March 13, 1919, Hill, *Garvey Papers, Vol. I*, 387. Cadet was unable to meet with anyone of any importance while in Paris and most of his reports home were apparently fabricated to put a brave face on his mission. Lewis, *Du Bois*, 60.

²⁰⁷ UNIA Declaration of Rights, August 13, 1920, Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. II* (University of California Press, 1983), 577.

²⁰⁸ Corrected from uncorrected telegram. Telegram from Marcus Garvey to the Secretary of the League of Nations, August 3, 1921, File 1/14410/13940, Box R39, LNA.

²⁰⁹ His language, as Robert Hill has noted, mirrored older tropes used by Booker T. Washington against the NAACP. Hill, *Garvey Papers, Vol. I*, lxxxix.

shut down Du Bois's access to international institutions. According to Robert Hill, this was the “first articulation” of Garvey's new racial purity philosophy.²¹⁰

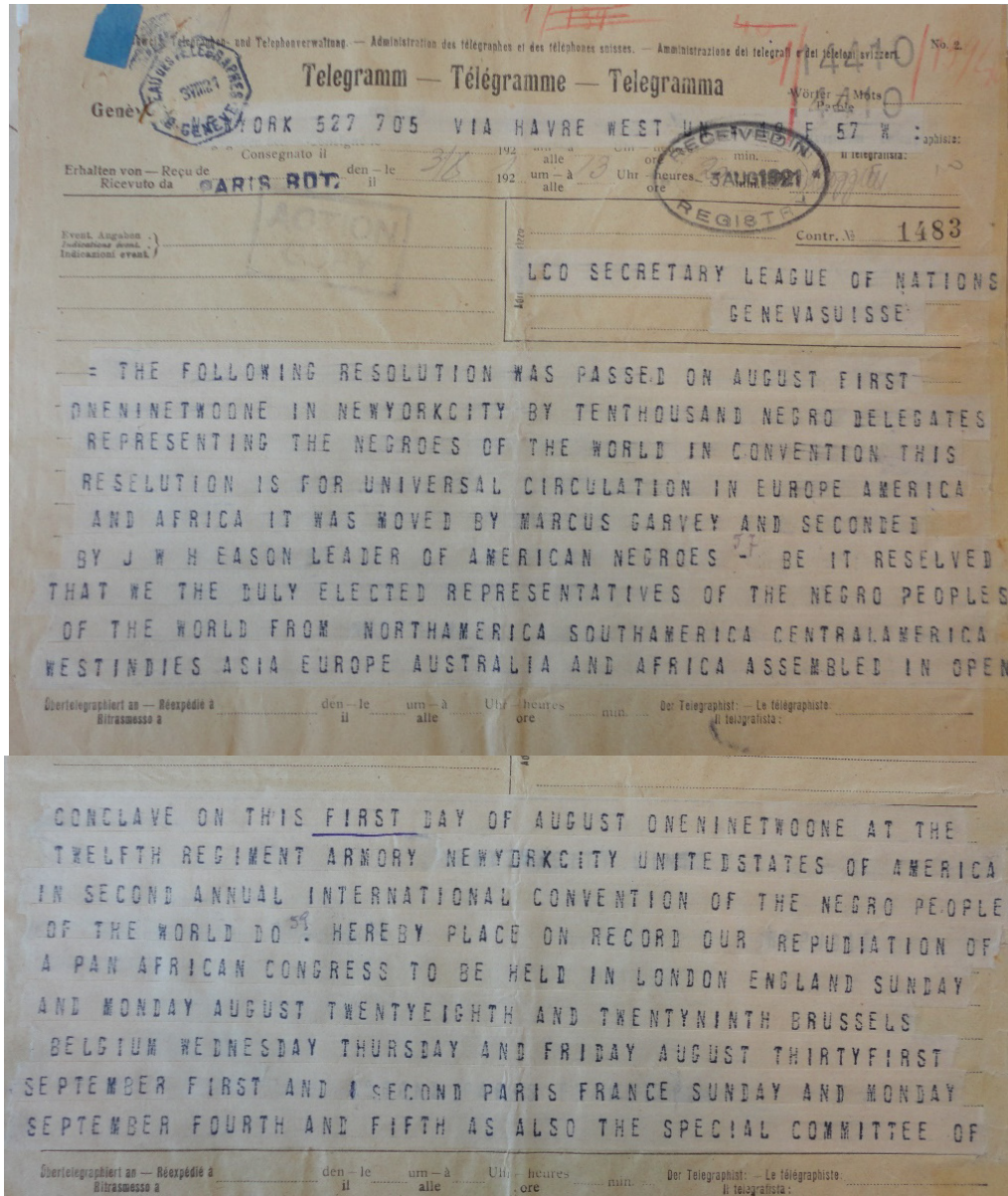


Figure II: Telegram from Marcus Garvey to the Secretary of the League of Nations, August 3, 1921.

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²¹⁰ Ibid.

Du Bois's success in getting a hearing in Geneva and his pretensions of representing the black race made it inevitable that the UNIA would respond. Garvey realized that the blanket denunciations he had sent Geneva in 1921 were unlikely to get him the kind of recognition he craved for his emigration plan.²¹¹ He switched tactics, seeking engagement with the League rather than denunciation.²¹² The UNIA submitted a new petition in July 1922, in preparation for the Assembly's meetings, and copied it to several US-based figures, including Charles Evans Hughes, the Secretary of State.²¹³ It was drafted by Garvey's erstwhile mentor and current "Foreign Secretary," Dusé Mohamed Ali, a man with extensive connections in West African nationalist circles.²¹⁴ It was beautifully printed, bound with colored ribbons and embodying a sovereign state's aesthetic.²¹⁵

²¹¹ The first substantive Garvey communication to the League was a telegram to the "Secretary of the League of Nations" from September 1921, protesting the assignment of the African mandates to European powers. Garvey claimed that "Africa by right of heritage is the property of the African races and those at home and those abroad are now sufficiently civilized to conduct the affairs of their own homeland." Spelling corrected from uncorrected telegram. Telegram from Marcus Garvey to the Secretary of the League of Nations, September 2, 1921, File 1/15345/15345, Box R41, LNA.

²¹² As part of this push, Garvey considered reaching out to Heinrich Schnee, the last German governor of German East Africa. Schnee had suggested a transfer of the Mandates to the United States as repayment for war debts; Garvey believed that that transfer could be followed by mass emigration. Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. IV* (University of California Press, 1985), 613 n. 2.

²¹³ Marcus Garvey to Charles Evans Hughes, July 26, 1922, *Ibid.*, 751. Du Bois had written to Hughes a year earlier to clarify that his Second Pan-African Congress had nothing to do with the UNIA. Hill, *Garvey Papers, Vol. IX*, xlv. See also File 1/21159/21159, Box R60, LNA and Hill, *Garvey Papers, Vol. IV*, 735.

²¹⁴ Hill, *Garvey Papers, Vol. X*, xci.

²¹⁵ It was unfortunate that it was directed to "The Hague, Switzerland," a mistake that embodied a continuing confusion between the Permanent Court of International Justice—the kind of judicial body Garvey was seeking to approach—and the League of Nations, a political body that would not give him satisfaction. Petition of the Universal Negro Improvement Association and African Communities League to the League of Nations, 1922, File 1/21159/21159, Box R60, LNA. Hill notes that later copies of this petition corrected this mistake. Hill, *Garvey Papers, Vol. IX*, 539 n. 2.



Figure III: Petition from the UNIA to the League of Nations, 1922
© United Nations Archives at Geneva

The petition was framed, as later petitions would be, from the perspective of black people who had participated in the recent world war and who hoped to have their political autonomy recognized as a result of that participation: “By our service the Allies were able to defeat Germany in German East Africa, in German Southwest Africa, in Togoland, the Cameroons, and other parts of the great continent, as well as to defeat the common foe in Europe.”²¹⁶ In return, “Your Petitioners pray that you will grant to us, for the purpose of racial development, the

²¹⁶ Petition of the Universal Negro Improvement Association and African Communities League to the League of Nations, 1922, Point 3, File 1/21159/21159, Box R60, LNA.

mandates now given to the Union of South Africa; namely German East Africa, and German Southwest Africa.”²¹⁷

Even more so than Du Bois, Garvey spoke to the League in the language of global racial liberation, focused on the creation of racial states across the world. Black peoples had been told, “as a race, that all peoples who contributed to the war would be considered at its conclusion.”

But not all people had been so taken care of. If “the League of Nations has taken into consideration the restoration of Palestine to the Jew, and individual Governments which comprise the League of Nations[] have given concessions to other races under their Government,” Black peoples deserved the same treatment:

“Ireland has been given the consideration of a Free State Government, Egypt has been granted a form of independence, and there is still a great consideration for India, who was represented at the Peace Conference at Versailles, through and by reason of the splendid service rendered by Indian soldiers. We, your Petitioners, as representatives of the four hundred million Negroes of the world, beg to draw to your attention the fact that absolutely no consideration has been given us as a people for the splendid service we rendered during the war.”²¹⁸

Garvey’s vision thus built upon the kinds of claims Du Bois made, but he framed the project as one of racial self-determination around the world. The UNIA spoke in the idiom of the Mandates far more comfortably than Du Bois had been able to. The petition stated that Black peoples in “the Western world are ready and willing to place at the disposal of our brothers in Africa the culture and civilization we have developed for three hundred years.”²¹⁹ After his initial anger at the League, Garvey never again questioned the importance of having Afro-Americans accept the burden of the “sacred trust” in the Mandates.

²¹⁷ Ibid., Point 8.

²¹⁸ Ibid., Point 4.

²¹⁹ Ibid., Point 6.

Garvey paired his petition with a request to appear at the Third Assembly of the League, mirroring the request Du Bois had sent Geneva a year earlier.²²⁰ This was a cause of some alarm at the League. An internal note to the Secretary-General flagged the Secretariat's concern that "the complaints voiced may come under the category of the interior affairs of States Members of the League" and that the delegation, not achieving what it wanted, may "go away with a feeling of disappointment and bitterness." Even worse, since the "presence of a [N]egro delegation will be a novelty, it will be referred to by the Press—especially the American Press—and it might antagonize many of our friends in America, who might think that the League was meddling in the [N]egro question in the States, where this question is a very burning one." Most of all, this staffer noted that the Secretariat ran the risk of looking like it was "usurping powers it does not possess" by suggesting any possibility that the Garvey delegation might be welcomed.²²¹

In response to these concerns, Drummond deputed one of his few US staffers—Huntington Gilchrist—to draft a report on the UNIA. Gilchrist was confused by the dueling conferences in New York and London, one organized by Garvey and the other by Du Bois. He gathered that there was "some slight connection between the organisations which held these two Conferences," but was uncertain what that connection was. Gilchrist noted that, in contrast to the patrician Du Bois, Garvey had been elected "Provisional President of Africa" and his organization seemed "to be of a much more radical and event violent character" than the Pan-African Congress. "I have not found any evidence that the New York organisation is supported

²²⁰ Letter from the UNIA to the League of Nations, July 22, 1922, File 1/21159/21159, Box R60, LNA.

²²¹ Minute from Major Abraham to the Secretary General, June 15, 1922, File 1/21159/21159, Box R60, LNA.

by the best [N]egro elements in the States, and from what I have read of its work I have gained the impression that it probably does not have the support of such elements.”²²²

The responses to Garvey and Gaba show how important respectability and class identification were in the early years of the League, before rigid rules of procedure set the terms by which petitioners would get a hearing.²²³ Later black activists would note this. Logan, more comfortable with Du Bois-ian activism, would welcome the petitions system. Ralph Bunche, with more radical politics that were informed by what he saw as a lack of mass mobilization in black activism, would be more skeptical of respectability standards in petitioning.

At Gilchrist’s suggestion, Drummond removed any reference to the possibility of meeting with Garvey in Geneva and issued a bland letter stating that the Assembly’s meetings were public and that its agenda consisted of items submitted by States Members.²²⁴ Undeterred, the UNIA delegation arrived in Geneva and asked for reserved seats to the Assembly. Sweetser, the other prominent US staff member at the League, wrote that “I think we should seat them on the basis, perhaps, of L. of N. Associations.” After all, the standards for which organizations could be heard and which could not were not clear. Sweetser argued that that UNIA seemed to “have a real case which we cannot totally ignore and should not greatly encourage.” If nobody could meet them, “[s]eats for the Assembly would seem to be the least, and the most, we can do.”²²⁵

²²² Note from Gilchrist to Abraham, June 17, 1922, File 1/21159/21159, Box R60, LNA.

²²³ On respectability and its importance in the context of Anti-Slavery Society and Samoan petitions, see Pedersen, *The Guardians*, 183.

²²⁴ Letter from Drummond to Garvey, June 20, 1922, File 1/21159/21159, Box R60, LNA.

²²⁵ Minute by Sweetser, August 12, 1922, File 1/21159/21159, Box R60, LNA. Sweetser was a member of the Information Section and would become a member of the US delegation to the first General Assembly of the UN. Hill, *Garvey Papers, Vol. IV*, 843 n. 1.

The delegation arrived in Geneva on September 11, 1922, and its head, G.O. Marke wrote to Drummond seeking an audience.²²⁶ An approach for assistance from the American consul in Geneva was rebuffed.²²⁷ Instead, the delegation met with Rappard and Erik Colban, the head of the Minorities Section. Marke had already approached Rappard on Bellegarde's recommendation, even though Bellegarde was not impressed by the UNIA. Bellegarde described Rappard as having a "goodness of heart and genuine benevolence towards our race and its aspirations" which "fortified the belief in me that in you we should find a sympathetic friend and a wise counsellor."²²⁸

In their meetings with Colban and Rappard, the delegation asked for a mandate and for a black man to be appointed to the PMC. After clarifying to the delegation that the League had no power to grant mandates, Rappard stated that "should a candidate of the [N]egro race possession the necessary qualifications be presented and authoritatively recommended, I am sure the Council of the League of Nations would not fail to consider the application made on his behalf with the same spirit of impartiality which they would bring to the consideration of all concurrent proposals."²²⁹ As with Du Bois's request, no action was taken.

Despite meeting UNIA representatives, Rappard refused to pass along their petition to the Assembly, claiming that only sovereign states could circulate such documents. He offered to

²²⁶ Letter from Marke to the Secretary General, September 12, 1922, File 1/21159/21159, Box R60, LNA. Marke would eventually sue the UNIA for unpaid salary, part of a series of court cases that would irrevocably break the organization's finances in New York. Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. VII* (University of California Press, 1991), xli.

²²⁷ Hill, *Garvey Papers, Vol. IX*, 667 n. 1.

²²⁸ Letter from Marke to Rappard, September 15, 1922, File 1/21159/21159, Box R60, LNA.

²²⁹ Letter from Rappard to Marke, September 16, 1922, File 1/21159/21159, Box R60, LNA. Rappard ended this letter noting that the people he had met with—William Le Van Sherill and Jean Joseph Adam—had asked him to write this letter expressly, to confirm his comments to them.

meet the delegation again.²³⁰ Garvey wrote to the Belgian government which, unsurprisingly, did not prove sympathetic to passing on the petition.²³¹ Garvey also apparently sent appeals to the Japanese delegate, Count Ishii, who had been one of the figures to recommend the inclusion of a racial equality clause in the Covenant at the Peace Conference.²³² In the end, the delegation met the Persian representative to the League—Prince Mirza Riza Khan Arfa-ed-Dowleh—who agreed to pass the petition on to the League.²³³ In his letter to the Secretary General, the Prince stated that, while he did not take a position on the contents of the petition, he believed “however, that it is in the interest of the League of Nations not to refuse a right of petition to numerous organizations which have put a sincere hope in our society.”²³⁴ The petition was circulated to the members of the Assembly with a covering note clearly citing that it was being circulated at the Persian delegate’s request.²³⁵ No further action was taken.

Interacting with the League, even if no concrete results came of it, was a powerful source of propaganda. Each of Garvey’s early missives to the League had been read by the Mandates Section and had received responses. Garvey read out these responses at meetings of the UNIA to claim that the organization was actively engaged in challenging white rule in Africa.²³⁶ The fact

²³⁰ Letter from Rappard to Marke, September 26, 1922, File 1/21159/21159, Box R60, LNA.

²³¹ Letter from Henri Jaspar, Belgian Minister of Foreign Affairs, to Hymans, September 23, 1922, Hill, *Garvey Papers, Vol. IX*, 609. Letter from Henri Jaspar to Le Tellier, post-September 26, 1922, Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. V* (University of California Press, 1987), 32.

²³² Speech by Marcus Garvey, July 23, 1922, Hill, *Garvey Papers, Vol. IX*, 541. See also *ibid.*, 539 n. 1.

²³³ Letter from Marke to Prince Arfa-ed-Dowleh, September 28, 1922, Hill, *Garvey Papers, Vol. V*, 32–33.

²³⁴ Letter from the Persian Delegation to the Secretary General, September 28, 1922, File 1/21159/21159, Box R60, LNA. Drummond wished to interpret this letter as only asking for his opinion on whether the petition should be circulated, which he was inclined to say was not desirable, but Rappard argued that the letter clearly asked for circulation.

²³⁵ Minutes between Drummond and Rappard, December 3–4, 1922, File 1/21159/21159, Box R60, LNA.

²³⁶ See, for example, Report on the Seventeenth Day of the Second Annual UNIA Convention, August 22, 1921, Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. III* (University of California Press, 1984), 683.

that the UNIA delegation was able to visit Geneva was a major step forward. The news of Marke's visit was shared at the UNIA's meeting in Harlem in August 1922.²³⁷ Garvey announced that he had high hopes for the future of the UNIA, telling the meeting that he felt "sure that several of our South and Central American friends will not turn a deaf ear to the pleas of these men who will represent us. I feel sure that Japan will not turn a deaf ear to the plea of the four hundred million Negroes of the world."²³⁸ Even though that did not happen, and even though the Persian delegation never again assisted the UNIA, Garvey saw his interaction with the League as a mark of his legitimacy on the world stage, and he tried to circulate news of it as widely as possible.²³⁹

He would continue to reference the 1922 petition in later years, including by claiming that the UNIA petition had led to the abolition of slavery in the French Mandates.²⁴⁰ In August of 1924, even as his fortunes failed and no reply was forthcoming, Garvey wrote to the presidents of France, the US, Haiti and Liberia, to the Empress of Ethiopia, to the Prime Minister of England, to Mussolini, and to the Pope, renewing the petition. Garvey was savvy in connecting his vision to that of global anti-colonialism. Garvey included the Egyptian anticolonial premier, Saad Zaghloul, and Gandhi to his distribution list.²⁴¹ In later years he would send copies of UNIA resolutions not only to the League of Nations, but also to the League against Imperialism

²³⁷ Convention Reports for August 2, 1922, Hill, *Garvey Papers, Vol. IV*, 786. One UNIA member suggested that at least one member of the delegation be a woman, to be told that diplomatic missions never had women and that to include one would be a "contrary to diplomatic custom." Convention Reports for August 2, 1922, *ibid.*, 788.

²³⁸ Convention Reports for August 22, 1922, Hill, *Garvey Papers, Vol. IV*, 947–48.

²³⁹ Article in the *Liberian Methodist*, October 1922, Hill, *Garvey Papers, Vol. IX*, 667. See also Hill on the coverage of Marke's visit in other Liberian newspapers. Hill, *Garvey Papers, Vol. IV*, 765–66 n. 2.

²⁴⁰ Editorial by Marcus Garvey in the *Negro World*, January 30, 1923, Hill, *Garvey Papers, Vol. X*, 13. See also Speech by Marcus Garvey, February 4, 1923, Hill, *Garvey Papers, Vol. V*, 214.

²⁴¹ Letter sent August 3, 1924, Hill, *Garvey Papers, Vol. V*, 640–45.

in Brussels, seeking to tie his battles to what was by 1926 a broader anticolonial movement.²⁴² The act of petitioning the League had expanded the audience Garvey thought he could engage. As with Du Bois, access the early League created a new means of claiming legitimacy and relevance for the UNIA. At least for Du Bois, it would shape his vision of what was possible through international institutions in later years.

Conclusion

Marina Finkelstein, one of the first scholars to study petitioning in the Mandates, argues that the “generally disorganized condition of international affairs as well as the lack of power in international organs” made it unsurprising that “the international petition developed first as a general human right to give information and not as an appeal to superior executive power.”²⁴³

This was true to a point. The first members of the Mandates Commission of the League of Nations were sold on the idea of petitioning on the basis that petitions were no different than any of the memoranda and news articles the staff of the Mandates Section collected to keep the PMC informed about the state of the Mandates. Without a roadmap, these new members—particularly the President of the PMC, Marquis Theodoli, and Ormsby-Gore—followed the lead of the Mandates Section in setting an early procedure for how petitions were to be handled by the League.²⁴⁴ That procedure allowed the permanent secretariat wide latitude, a level of control that they had developed in the two years preceding the first meeting of the PMC.

²⁴² See, for example, “The Social and Political Status of the Negro,” Resolution dated August 1926, in League Against Imperialism Archives, File 55, International Institute for Social History, Amsterdam.

There, likely under Du Bois’s guidance, Garvey’s calls were condemned. See also Resolution on the Negro Question, Second Anti-Imperialist World Congress in Frankfurt, 1929, in League Against Imperialism Archives, File 91, International Institute for Social History, Amsterdam.

²⁴³ Finkelstein, “The Individual Petition,” 20.

²⁴⁴ On the backgrounds and politics of the first members of the PMC, see Pedersen, *The Guardians*, 61–62. They included the Jean-Baptiste Paul Beau (France), Alfredo Augusto Freire d’Andrade (Portugal), Daniel François Willem van Rees (Netherlands), Pierre Orts (Belgium), Kunio Yanagita (Japan), and Anna Bugge-Wicksell (Sweden).

That the PMC thought petitioning was purely informational does not constrain the social and legal meaning of petitioning in the system. Petitioners like Mensah and Gaba from Togo were making very concrete claims to the League in appeals for intervention against colonial powers. Similarly, Afro-American Pan-Africanists wrote to the League with claims against the American racial state. They sought to inform the League, certainly, but that information was about atrocities committed in the United States, not information about the Mandate itself. Living in the most powerful state to emerge out of the First World War, they saw their only hope for international recognition resting in a direct appeal from individuals to international bodies. An adversarial quality of petitioning in this period existed just under the surface of the procedures, but it habituated the members of the PMC to seeing such claims discussed in an international setting. According to Duncan Hall, petitioning in the Mandates “served a double purpose: for the inhabitants of the territories it was a means of redress of grievances; for the Mandates Commission it was an additional important source of information and also of power.”²⁴⁵

If the Mandates Section had encouraged a liberal petitioning procedure in order to bolster the legitimacy of a body many thought was merely a front for territorial aggrandizement, that legitimation also applied to the people who sent petitions. David Lewering Lewis, Du Bois’s biographer, put the stakes of action in the League well. Du Bois’s 1921 appeal to the League was a display of “the dramatic art of racial protest and liberation acted out before a global audience.”²⁴⁶ As with Garvey, “[f]or Du Bois and his allies, the play was the thing; performance was meant to be everything, for by acting as though they spoke for hundreds of millions of the darker world, by reading their provocative lines across the footlights of Europe, they intended to

²⁴⁵ Hall, *Mandates, Dependencies and Trusteeship*, 199.

²⁴⁶ Lewis, *Du Bois*, 48.

propitiate audiences for the new cultural and political roles that black people were determined to adopt in what he and they hoped would be their liberated, triumphant future.”²⁴⁷ In other words, both Garvey and Du Bois used petitions to obfuscate their statelessness by representing themselves as representatives of organized political movements. The early liberalism of the Mandates Section created an expectation about access and engagement among petitioners that could not easily be dismissed. It also created, quite quickly, a lexicon of how international appeals should be framed, one that differed from early forms of claims to sovereigns.

In pushing the narrative of petitioning in the League back to time of the Peace Conference, this chapter has illuminated the institutional processes through which international procedures of appeal come into existence. At the same time, it insists that the recognition of a formal right to petition the League would not have come about without the proactive efforts of petitioners. These efforts led to a growing sense of unease among Mandatory Powers, culminating in a series of major crises in 1922. Those crises, and the role petitions played in those processes, created the circumstances in which petitions came to be regulated by the Rules of Procedure. In turn, the experiences petitioners, particularly Pan-African petitioners, had with the League in 1921 shaped their understanding of what an international institution might be capable of providing them in the interwar years. Petitioning served a social and organizational function that crossed national and continental boundaries and created, for the first time, an anticolonial “public” discussing African mandates.

²⁴⁷ Ibid.

CHAPTER TWO

Pushbacks to Petitions and the Codification of Restrictions, 1922-27

“While we would not impugn the good faith of the Commission [on the Bondelzwarts Rebellion] which has been appointed by the Government of the Union of South Africa, we feel that the report of the Commission, appointed as it is by the Mandatory Power concerned and being the paid servants of that Power, without a single representative of the natives upon it, would not have the same weight or be received with the same confidence by the native races of South Africa or by the peoples and races represented by the League of Nations as would an inquiry and report by an impartial and independent Commission such as might be appointed by the League.

We also beg to dissent very strongly from the suggestion which has been made in the Assembly of the League that complaints or charges of the unjust or illegal treatment of subject races by a Mandatory State should be made to the Mandatory Power concerned. We are strongly of the opinion that an opportunity should be given for the laying of such complaints or charges before the authority from whom the Mandatory State derives its power, namely: the League itself.”

- South African Peace Society to the League, October 27, 1922¹

“I cannot help believing . . . that the moral loss to the League resulting from the squashing of one serious petition is much greater than that resulting from the circulation of several insignificant or purposely vexatious petitions to the Members of the League.”

- William Rappard, first Director of the Mandates Section, 1923²

“[A]ll peoples, and especially peoples of a less-advanced civilisation are always ready to address, to any authority, complaints about the most insignificant matters for reasons which have little, if any, foundation.”

- Council Report on petitioning in the Mandates System of the League of Nations, 1923³

¹ Letter from Julia Sally, Secretary of the South African Peace Society, October 27, 1922, File 1/24778/1347, Box R10, League of Nations Archives, Palais des Nations, Geneva (henceforth, LNA).

² Letter from William Rappard, possibly to Erik Colban, January 5, 1923, File 2, Box S265, LNA.

³ Procedure in Respect of Petitions Regarding Inhabitants of Mandated Territories, Report by M. Salandra and resolution adopted by the Council on January 31st, 1923, Doc. C.44(1).M.73.1923.VI; C.P.M. 38, League of Nations Official Journal, Vol. 4(3), 299.

Introduction

One year into its existence, the Mandates Commission was hard at work in 1922, if not always in ways the Mandatory Powers were happy about. The first round of petitioning – which had been handled almost exclusively by the Mandates Section – took up a mounting portion of the Commission’s work. Syria was in turmoil and petitioners were communicating serious dissatisfaction to the Permanent Mandates Commission regarding other mandated territories. The logic of the PMC rested on a belief that the international colonial project would work most effectively with an open exchange of ideas about imperial best practices. Many of the petitions the PMC received were from noted and respected figures in the philanthropic and non-governmental world. Organizations like the Fabian Society and the Antislavery and Aboriginal Protection Society played an outsized role in lobbying League representatives.⁴ The personal relationships between members of the Mandates Section staff and metropolitan-based civil society groups shaped the PMC’s vision for what its task was.

If petitions from the Antislavery Society did not seem overly controversial, that was not the case with all letters to the League. The petitioner from French Togo mentioned on the first page of this dissertation latched on to the Mandates Commission’s willingness to respond to petitions to lay out a vision for what a robust international grievance policy might look like. A ‘Togolander’ wrote that “[i]t is a source of fortune and happiness to me to be in possession of your address, especially the liberty it affords to every enlightened Togoman to write and inform you of the French administration in Togo.”⁵ The petition, in the form of a newspaper editorial

⁴ Quincy Wright, *Mandates under the League of Nations* (Chicago: University of Chicago Press, 1930), 170.

⁵ An Open Letter to William J. Rappard, Esqr., Mandates Section of the League of Nations from a Togolander, Newspaper article from *The Voice of the People* (1923), enclosed in File S1612/9/1922-35, Box S1612, LNA.

enclosed with a letter, was addressed to Rappard and asked that the “subject be treated seriously, for if it is done so it will set you free from worries about this territory.”⁶ For, even though “Togomen are presently unable to govern ourselves,” they “could through observation and experience with[] right and justice[] say something about how we should be governed.” As France had failed to supply such training, it had failed in its duties as a Mandatory Power and should be replaced.⁷ In providing the PMC with information, petitioners were acting in the interests of their own “welfare and that of the French also.”

‘A Togolander’s’ petition is interesting, in part, because of its complex analysis of the right to petition in a mandatory context. While realizing that Togoland’s “wishes should be addressed to the French Government rather than to the League of Nations”—a recognition that the Mandate System still functioned on the basis of old rules of colonial state-based representation—he also recognized that the system had fundamentally changed: “[w]e are shut up because the Frenchman thinks the Colony will be taken away from him if he allows the natives to report about their bad and wrong administrations in Togo.” While the French might “not care to know what we mean by our wishes, and think we could not find a way to send our desire and complaints to the world,” they were mistaken; they had yet to realize that they were no longer able to control the international dissemination of information from their colonies.⁸

The Mandates Commission’s and Section’s authority were put to the test in the early 1920s by petitions like this one, as the Mandatory Powers realized the implications such a

⁶ Ibid.

⁷ The *Bund der Deutsch Togoländer* had a similar complaint against France fifteen years later, asking for their Mandate to be turned over to the British or the Germans. See Observations of the UK government on the *Bund der Deutsch Togoländer* petitions, included within PMC report on the *Bund’s* petition (6 May, 1938), Document# III, File 6A/30608/4245, Box R4123, LNA.

⁸ An Open Letter to William J. Rappard, Esqr., Mandates Section of the League of Nations from a Togolander, Newspaper article from *The Voice of the People* (1923?), enclosed in File S1612/9/1922-35, Box S1612, LNA.

petitioning procedure could have. Their unhappiness with League practice began in 1921, with the PMC's creation and the publication of the first petitions it received (including the Pan-African petitions from 1921). It reached a boil with the Bondelzwarts Rebellion, culminating in the creation of a new Mandates procedure specifically constructed to limit the impact of petitioning.

Bondelzwarts and the 1922 British Memorandum: Scandal and Pushback

Colonial Pushbacks to Oversight: New Zealand, Belgium, France

Late 1921 and early 1922 were busy periods in the British Colonial Office with regards to the new Mandates. The newly constituted PMC had taken up its tasks with more gusto than expected. For British Colonial Office bureaucrats, this meant having to deal with a long series of inquiries from the League, regarding everything from demographic statistics to the text of local ordinances. The Office was at that moment in the midst of concluding delicate negotiations with France and Turkey regarding borders in the former Ottoman territories. It was also fending off complaints from both the Italians and the Portuguese about the meagre territorial concessions they had received after the war. If Milner had done well to sate the requirements of France and Belgium during the negotiations, other European powers were less pleased.

Ormsby-Gore's 1921 letter to the Colonial Office regarding Gaba's petition on French Togo (examined in Chapter One) was not the first communication that office had received regarding petitioning in the Mandates. The British government had already received letters from the Anti-Slavery Society regarding land ordinances in its territories. France was bombing a Syrian rebellion, and the Palestine Mandate was in ferment. Sympathy towards League requests for information and inquiry was at a low ebb.

The Dominions voiced their concerns first, though. In September 1922, Francis Bell, New Zealand's representative to the Assembly, wrote an angry letter to Rappard, insisting on New Zealand's prerogatives as a Mandatory Power over Western Samoa, stressing that reports from the PMC should remain entirely confidential until and unless the Council approved of the Commission's conclusions. To Bell, it was the Council which was "composed of men who appreciate the delicacy and difficulty" of any intervention into Mandatory affairs.⁹ The PMC was not capable of filling that role. "We all want the Mandates Division to work quietly and effectively but neither peace nor effect will result if the Mandatory Powers are subjected to the tutelage of the Permanent Mandates Commission."¹⁰ Since New Zealand had accepted the basis for the Mandate on the understanding that it would be annexation in all but name, Bell thought that the "New Zealand Government does not, and in my opinion never will, agree that its acts as a sovereign State shall be subject of final or authoritative comment by the Mandates Commission."¹¹

Petitions were uniquely problematic, and Bell was concerned that "charges by . . . missionaries may be accepted by the Mandates Commission as requiring clear explanation from a Mandatory Power."¹² This was intolerable, especially if such explanations were publicized. For Bell, "[u]nder the present procedure the Permanent Mandates Commission is exalted to the position of a body authorised not merely to enquire and report to the Council, but to publish and

⁹ Letter from Bell to Rappard, September 20, 1922, p. 1, Mss Lugard, Box 122, File 3, Rhodes House Archives (now placed in the Bodleian Special Collections), Oxford (henceforth, RHA).

¹⁰ Letter from Bell to Rappard, September 20, 1922, p. 2, Mss Lugard, Box 122, File 3, RHA. The use of the word "tutelage" is interesting here because it signals New Zealand's dissatisfaction at the fact that the PMC seemed to dispense wisdom not only to colonized peoples, but also to colonial powers.

¹¹ Letter from Bell to Rappard, September 25, 1922, p. 2, Mss Lugard, Box 122, File 3, RHA.

¹² *Ibid.*, 3.

report to the world its opinions upon the performance of non performance by the Mandatory Powers of their obligations under the Covenant.” Bell pushed to stop public meetings of the PMC as it was “not consonant with the position of a Mandatory Power that its representative should be questioned in public by the Permanent Mandates Commission.”¹³ Rappard’s rapid attempts to mollify Bell and head off a sharp reversal of the Commission’s authority proved in vain. The most Rappard was able to achieve was an agreement by Bell to not forward their correspondence to the Council, leaving it to the official New Zealand delegation to do that.¹⁴

Petitions were constant reminders to Mandatory Powers of their increasing inability to prevent the dissemination of information about their colonial policies. These states complained that the petitions procedure, as it was then set up, made mandated peoples believe that the PMC would step in and overturn their decisions. The very existence of a petitioning procedure became a challenge to the Mandatory Powers’ rule and an instantiation of the troubled sovereign status of any mandate.¹⁵ Mandatory Powers hated the idea that their glowing reports of good governance could be so contradicted by colonial peoples, especially when they embarrassed the Power on an international stage. By 1922, these states were putting pressure on the PMC to find a way to reject more of the petitions it was receiving. It was in that stressful context, when the PMC was only just starting to explore the limits of its authority, that the Bondelzwarts Rebellion began.¹⁶

¹³ Ibid., 5.

¹⁴ Letter from Rappard to Bell, September 28, 1922, Mss Lugard, Box 122, File 3, RHA. Rappard kept very detailed files during his tenure as Director of the Mandates Section, which makes it notable that these letters were not added to the League’s archives. I was only able to find them because Rappard forwarded them to Lugard when the latter joined the Commission. Bell’s complaint came up in the Assembly and in a session of the New Zealand Parliament in 1923, but nothing further seems to have developed. See Extract from the Speech of His Excellency the Governor-General of New Zealand, June 14, 1923, in Mss Lugard, Box 122, File 3, RHA.

¹⁵ The second French member on the PMC, M. Merlin, argued that a broad right of petitioning “would deliver a fierce attack on the authority of the mandatory power, which was already weak enough in itself owing to the institution of the mandate.” Quoted in Wright, *Mandates under the League of Nations*, 175.

¹⁶ The Bondelzwarts (or Bondelswartz) incident is a major event in Namibian history and is variously referred to as a “Rebellion” or as an “Incident.” I use the phrase (and spelling) “Bondelzwarts Rebellion” throughout this dissertation since most of the

The political context of the Rebellion—one of the first major crises of the Mandates period—shaped the colonial response to petitioning, as well as the resistance that response engendered in the PMC and among petitioners.¹⁷

The Start of the Bondelzwarts Rebellion

The Bondelzwarts rebellion was caused by the South African government's iron hand in South-West Africa, the territory Smuts had sought to incorporate into the Union at the end of the war.¹⁸ The Boer-led government of South Africa had very reluctantly agreed to place the territory under mandatory rule. Even though some of the plans for a Mandates System had been written by Smuts, he had believed the system was fit for newly independent European States, or even Ottoman territories, but not for Africa.¹⁹ When the South-West Africa Mandate became official, South Africa sought to minimize international interference.

primary sources I have used choose this formulation.

¹⁷ I am not the first person to note the link between Bondelzwarts and petitioning procedures. Susan Pedersen has done the same, though only very briefly and without examining the influence one had on the other. See Susan Pedersen, "Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations," *Journal of Imperial and Commonwealth History* 40 (2012): 5; *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015), 83. Marina Finkelstein noted the link between a new petitions procedure and the scandal in her 1963 dissertation. Marina S Finkelstein, "The Individual Petition and International Responsibility" (Ph.D. dissertation, Columbia University, 1963), 94.

¹⁸ See Solomon Slonim, *South West Africa and the United Nations: An International Mandate in Dispute*. (Baltimore: Johns Hopkins University Press, 1973); Tilman Dederling, "Petitioning Geneva: Transnational Aspects of Protest and Resistance in South West Africa/Namibia after the First World War," *Journal of Southern African Studies* 35, no. 4 (2009): 785–801; John Dugard, *The South West Africa/Namibia Dispute: Documents and Scholarly Writings on the Controversy between South Africa and the United Nations* (Berkeley: University of California Press, 1973); Tony Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966* (Basel, Switzerland: P. Schlettwein Publishing, 1999); Arthur M Davey, *The Bondelzwarts Affair: A Study of the Repercussions, 1922-1959* (Pretoria: Universiteit van Suid-Afrika, 1961); Sara. Pienaar, *South Africa and International Relations between the Two World Wars: The League of Nations Dimension*, 207 p. (Johannesburg: Witwatersrand University Press, 1987). Pedersen deals with the Bondelzwarts Rebellion in depth, though she focuses on the Rebellion as an instance of the Commission developing its own vision of colonial supervision, rather than through the lens of petitioning and push-back from colonial powers. Pedersen, *The Guardians*, 114–34.

¹⁹ For those plans, see Jan Christiaan Smuts, *The League of Nations: A Practical Suggestion*, (London; New York: Hodder and Stoughton, 1918).

Successive South African commissioners for the mandate followed a policy of repression, intending to drive South-West African pastoralists into captive labor on white-held farms. In this they found a sympathetic local audience—several German immigrants remained in the territory and were likely quite familiar with the genocidal tactics their government had recently used against the Herero and Nama peoples.²⁰ The proximate cause of the rebellion was a dog tax that was intended to cripple the ability of pastoralists to manage their flocks and remain autonomous. That rebellion, in turn, led to mass reprisals, including cases in which South African planes bombed Bondel civilians sheltering in their villages.

The rebellion began in May 1922 and, even though the reprisals were brutal, they were not qualitatively different from similar colonial atrocities in Sub-Saharan Africa.²¹ Indeed, in terms of numbers of casualties, they paled in comparison to the German genocide in the same area. While it is true that 1921 and 1922 were periods in which European audiences were more likely to hear about colonial atrocities, and might even have been more outraged, the South African government was understandably surprised at the scale of scandal and the diplomatic response it received. This outrage was possible because the early 1920s had opened up new networks through which both local activists and their allies in South Africa could get their claims heard in Europe and the US.²² Letters to Geneva, London, Paris and Washington, DC, many sent through intermediaries like J.H. Harris at the Anti-Slavery Society, painted a grim picture of the

²⁰ See Jürgen Zimmerer, *Genocide in German South-West Africa: The Colonial War of 1904-1908 and Its Aftermath* (London: Merlin Press, 2008).

²¹ Tilman Dederig has noted that it was only one of a number of such incidents in Southern Africa in those years. Dederig, "Petitioning Geneva," 763.

²² See, for instance, the letter sent from the Committee of the South African Peace Society to the Assembly of the League, which suggested that the League set up an independent commission of inquiry to look into the abuses. Letter from the South African Peace Society to the Secretary of the Assembly of the League of Nations, October 27, 1922, File 1/24778/1347, Box R10, LNA.

“sacred trust of civilization” as it was being interpreted by South Africa.²³ South Africa tried to contain the fire by producing administrators and sending placating reports to the Mandates Commission, trying to exonerate itself. It ran into a problem: with letters coming in to the League from people on the ground, every South African assertion could quickly be rebutted with local knowledge. For instance, the South African government was caught flat-footed when it claimed its forces were defending themselves from armed attacks,²⁴ only to be contradicted by a newspaper report from Windhoek (the capital of the territory) in August 1922 that had been passed on to the Mandates Section by the Anti-Slavery Society.²⁵

In Geneva, South-West Africa’s cause was championed by Dantés Bellegarde, the firebrand Haitian representative to the League, who lambasted South Africa in a famous speech in the League’s Assembly.²⁶ Bellegarde proposed a resolution asking the PMC to fully investigate the affair.²⁷ The mandate agreement for South-West Africa had been signed and the PMC was sitting. The Mandates System had no choice but to confront the problem.

²³ See File 1/25963x/1347, Box R10, LNA

²⁴ In fact, it was the South African forces who initiated firing and inflicted the vast majority of the casualties.

²⁵ Letter from the Anti-Slavery and Aborigines Protection Society to Eric Drummond, August 3, 1922, File 1/22331/15778, Box R41, LNA

²⁶ For a description of Bellegarde’s speech in the Assembly, see Pedersen, *The Guardians*, 112–13. On Bellegarde, see also Patrick D. Bellegarde-Smith, “Dantes Bellegarde and Pan-Africanism,” *Phylon* 42, no. 3 (1981): 233–44. The UNIA initially took credit for Bellegarde’s Bondelzwarts speech, a fact that was quickly corrected by *Crisis*. Report by Charles Hallaert, Belgian Vice Counsel to the US, September 19, 1922, Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. IX* (University of California Press, 1995), 605. See also Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. V* (University of California Press, 1987), 16–17 n. 1. Dederling has pointed to the anxieties the UNIA caused in South Africa at just this moment. Dederling, “Petitioning Geneva,” 793. See also, Tilman Dederling, “We Are Only Humble People and Poor’: A.A.S. Le Fleur and the Power of Petitions,” *South African Historical Journal* 62 1 (2010): 139.

²⁷ Proposition by M. Dantés Bellegarde, Third Assembly of the League of Nations, September 8, 1922, File 1/23344/1347, Box R10, LNA. See also, Report on the Bondelzwarts Rebellion, League Document C.522.1923.VI, Annex 8b to the Minutes of the Third Session of the Permanent Mandates Commission, August 24, 1923, League Document A.19, (Annexes) 1923.VI.

The Permanent Mandates Commission held its second meeting in September 1922, right after the Mandates Section had received reports from the Anti-Slavery Society about the attacks in South-West Africa that contradicted the South African position. The League's Assembly had passed Bellegarde's resolution at its August meeting. When the PMC met, Ormsby-Gore asked about the status of reports about the Rebellion and was informed that South Africa had failed to supply its reports on the incident in time to have them discussed.²⁸ In the same session, the PMC decided to allow the Chairman of the Commission the latitude to forward any information he received that he believed would be of interest to the Commissioners—a back-door procedure allowing petitions at just the moment the Commissioners knew they were getting information offensive to Mandatory Powers.²⁹

The Assembly's request to the PMC and the PMC's subsequent communication with the South African government in 1922 made it inevitable that the PMC's 1923 meeting would have to deal with the Bondelzwarts issue.³⁰ As a formal matter, the Bondelzwarts inquiry was based on two sources of authority—Bellegarde's Assembly resolution of September 1922 and the broad grant of powers of examination under Article 22 of the League that Rappard and Theodoli argued the PMC enjoyed.³¹ Since its last meeting, the Commission had received several documents from the South African government about the causes and aftermath of the Rebellion. These included a report by a government-appointed three-member Commission of Inquiry. The

²⁸ Minutes of the Second Session of the Permanent Mandates Commission, League Document A.36.1922.VI, Fifth Meeting, August 3, 1922, p. 26.

²⁹ Minutes of the Second Session of the Permanent Mandates Commission, League Document A.36.1922.VI, Fourteenth Meeting, August 9, 1922, p. 69.

³⁰ Indeed, Smuts pre-empted criticism in part by writing to Theodoli to explain why the government had to accede to white demands in the territory. See letter from Smuts to Theodoli, May 16, 1923, File 1/29816/1347, Box R10, LNA.

³¹ Minutes of the Third Session of the Permanent Mandates Commission, League Document A.19.1923.VI, Eleventh Meeting, July 26, 1923, p. 66.

majority report faulted the administrator of South-West Africa on some matters and suggested a number of measures for remediation and support, only a few of which were implemented. The dissent absolved the government of wrong-doing of any kind. On reading these reports, each member of the Permanent Mandates Commission drafted a position on the situation in the territory and circulated it to their colleagues. These ranged from highly critical (Lugard, the new British member who took Ormsby-Gore's seat when the latter was appointed to the Colonial Office) to lukewarm (the French, Beau, and the Belgian, Orts).³² Uniformly, though, members of the Commission were dissatisfied at the quality of information they had been provided by the Mandatory Power.

Two issues complicated the PMC's work. First, the representatives of the South African government sent to Geneva refused to take ownership of the enquiry report, preferring the pro-government dissent's conclusions. Second, at the same time as this report had been sent, the Anti-Slavery Society wrote a letter to the PMC questioning the soft-peddling even the majority report had engaged in.³³ The Society challenged a number of specific claims made in the South African reports and offered to provide testimony from local actors to refute them. The Assembly had asked the Commission for its views on a specific incident. The administering power had provided only some answers to the actual events on the ground, and a credible outside body had alleged a contrary view that drew on the experiences of locals in the territory (and not only the South African government). As the French member, Beau, noted during the Commission's third session in 1923, this was a novel situation and the Commission's "attitude would be some extent

³² See File 7, Box S298, LNA.

³³ Letter from the Anti-Slavery and Aborigines Protection Society to Eric Drummond, July 23, 1923, File 1/25963x/1347, Box R10, LNA.

determine the procedure afterwards to be followed in such matters.”³⁴ As a result, Chairman Theodoli asked his colleagues for a “definite procedure” for conducting the Bondelzwarts inquiry.

Members of the PMC disagreed on the procedure to be followed. On the one hand, d’Andrade (the Portuguese representative), Orts and Theodoli were concerned about the one-sided nature of the information they had received, and they saw little harm in asking the South African government if it would object to them hearing from the Anti-Slavery Society. D’Andrade asked rhetorically whether the Commission was “going to reply that it did not wish to hear this evidence if, after inquiry, it was satisfied that the body in question was worthy of confidence?”³⁵ Orts added that it would be “morally impossible for the Commission to discard *a priori* the witnesses who contended that they were able to assist in elucidating this affair.”³⁶

On the other hand, the Dutch member, Van Rees, noted the uncertainty about whether or not the PMC was truly an investigative body that had the capacity to hear from both sides or if it was purely an advisory body that had to take the decisions it could on the basis of the information provided to it by a Mandatory Power.³⁷ After an initial suggestion from the Chairman that the problem might be dealt with by asking “these persons to forward a regular

³⁴ Minutes of the Third Session of the Permanent Mandates Commission, League Document A.19.1923.VI, Tenth Meeting, July 25, 1923, p. 62.

³⁵ Minutes of the Third Session of the Permanent Mandates Commission, League Document A.19.1923.VI, Eleventh Meeting, July 26, 1923, p. 65.

³⁶ Ibid.

³⁷ Minutes of the Third Session of the Permanent Mandates Commission, League Document A.19.1923.VI, Tenth Meeting, July 25, 1923, pp. 62-63. See also, Daniel François Willem van Rees, *Les mandats internationaux* (Paris: Rousseau, 1927).

petition,”³⁸ the Commission decided to inform the Anti-Slavery Society that it welcomed “all relevant detailed written information from responsible persons.”³⁹

In the end, the Anti-Slavery Society’s contributions proved inconclusive. The PMC decided not to go ahead with directly interviewing petitioners in Geneva for this investigation, an idea they would return to in 1925 and 1926 for the broader petitioning procedure. The Commission in its deliberations and in its questioning of Major Herbst, the South-West African official sent to Geneva, stuck to the official reports sent to it. Still, the South African government had not expected its reports to be disbelieved and the South African representative in Geneva—Walton—was taken aback at the aggressive nature of questioning Herbst had faced.⁴⁰ The Bondelzwarts case was so egregious that even the oldest of colonial hands—Lugard—had little sympathy for the government.⁴¹ This prompted the representative to return to the Commission the day after the interrogation to plead with it to appreciate the political challenges Smuts faced in the territory and back home, effectively asking the PMC to bury its criticisms.⁴² The Commission complied only partially. Its report was critical of the Mandatory Power’s failure to supply sufficient information to it to make an informed report.⁴³ The reality was that the

³⁸ Minutes of the Third Session of the Permanent Mandates Commission, League Document A.19.1923.VI, Tenth Meeting, July 25, 1923, p. 63.

³⁹ Minutes of the Third Session of the Permanent Mandates Commission, League Document A.19.1923.VI, Eleventh Meeting, July 26, 1923, p. 67.

⁴⁰ The questions posed to Walton were drafted by Lugard and used by the Chairman of the PMC. Question, July 27, 1923, in Mss. Lugard, Box 136, File 5, RHA.

⁴¹ See Private views on Bondelzwarts report, Mss. Lugard, Box 136, File 5, RHA.

⁴² Minutes of the Third Session of the Permanent Mandates Commission, League Document A.19.1923.VI, Eleventh Meeting, July 26, 1923, pp. 69-70. He repeated the claims Smuts had made in his letter to Theodoli in May 1923 about the importance of allowing whites in the territory democratic rights, which of necessity required taking stern action to preserve the Union’s authority in the territory. Letter from Smuts to Theodoli, May 16, 1923, File 1/29816/1347, Box R10, LNA.

⁴³ Minutes of the Third Session of the Permanent Mandates Commission, League Document A.19.1923.VI, Eleventh Meeting, July 26, 1923, pp. 69-70.

Commission had a better sense of what was taking place on the ground than the South African government was at that point willing to accept, and the knowledge gleaned from petitioning informed the skepticism the Commissioners brought to bear on the South African government.

The Bondelzwarts Rebellion was one of the most important events of the first five years of the Mandates System and it occasioned changes in several areas of the League's work.⁴⁴ Most immediately, from the perspective of the Mandatory Powers, the PMC's investigation into the Rebellion demonstrated a far more active and engaged body than any of the participants in Paris had counted on. True, the PMC did not take any concrete action against the Mandatory Power—it had no capacity to—but its criticism put colonial offices around the world on notice.

Public debates over Bondelzwarts also caused other headaches for Mandatory Powers. Not only was South Africa's dirty laundry being aired in the Assembly, criticism came from some unusual quarters. India, for instance, was a founding member of the League and had permanent representatives at the Assembly. It was represented most often by British High Commissioners in Geneva, though that proved awkward when a possible amendment of the Covenant in 1923 could have blocked non-residents from representing states in the Assembly.⁴⁵ Hassan Iman and Jam Saheb were then sent from India to participate in the Assembly in 1922 and 1923 under the condescending tutelage of Lord Hardinge of the India Office.⁴⁶ This caused some concern: a member of the delegation sent the India Office in London a copy of the Bondelzwarts Report, about which one of the Indians at the League, Hassan Imam, have become

⁴⁴ Pedersen argues that it was “through the medium of the Bondelzwarts affair” that the Commission “defined its ideals and practices” along Lugardian lines. Pedersen, *The Guardians*, 141.

⁴⁵ Letter to S.K. Brown regarding the League, April 26, 1923, File L/PO/1/8, p. 24, India Office Records (formerly in the British Library, now in the British National Archives; henceforth, IOR).

⁴⁶ He referred to them as “[m]y two Indians” on a regular basis. Letter from Hardinge to Peel, September 22, 1923, File L/PO/1/8, p. 42, IOR.

“very excited.”⁴⁷ Iman was committed to becoming involved in debates over the Bondelzwarts Rebellion, a concept that Hardinge forcefully opposed.⁴⁸ The India Office did not understand the appeal of India supporting South-West Africans. Peel, the Secretary of State for India, wrote to Hardinge that “I shall have thought the wiser course for India was to keep carefully aloof from the troubles of the coloured races, and not to mix brown and black.”⁴⁹

The issue aroused interest in the United States as well. Rayford Logan, the African American historian and League scholar, would use Bellegarde’s speech as a hinge on which to link African decolonization, US imperialism in the Caribbean, and US race relations.⁵⁰ Logan, quoting an American journalist’s article on the affair, noted that Bellegarde had ensured that “race prejudice received [a] severe blow” in international law during his Bondelzwarts speech. Haiti was at this time under US occupation and US diplomats limited Bellegarde’s access to funding in Geneva. Yet, despite these limitations, “[B]ellegarde . . . succeeded in bringing the misdeeds of conquering races before the bar of world public opinion.”⁵¹ What was particularly significant about this moment for Logan was that a black diplomat who had made black African voices heard in international institutions had catalyzed the protest against South Africa.⁵² Logan

⁴⁷ Letter to Brown, September 17, 1923, File L/PO/1/8, p. 78, IOR.

⁴⁸ Letter from Hardinge to Peel, September 8, 1923, File L/PO/1/8, p. 63, IOR.

⁴⁹ Letter from Peel to Hardinge, September 16, 1923, File L/PO/1/8, p. 56, IOR.

⁵⁰ Logan and Bellegarde were friends. They had likely met during the Second Pan-African Congress in Paris in 1921, when they were charged with translating back-and-forth for the Anglophone and Francophone delegates. David Levering Lewis, *W.E.B. Du Bois: The Fight for Equality and the American Century 1919-1963* (New York: H. Holt, 2000), 46. For more on Logan, see Chapter 4 of this dissertation.

⁵¹ Rayford Whittingham Logan, “The Operation of the Mandate System in Africa,” *Journal of Negro History* 13 (1928): 440.

⁵² Connecting the anti-colonial movement, the anti-racist movement in the US, and US involvement in Haiti was a standard move, notably at the League Against Imperialism conference in Brussels in February 1927. See Resolutions communes sur la question negre, February 14, 1927, p. 2, League Against Imperialism Archives, File 54, International Institute for Social History, Amsterdam.

read Bellegarde's actions as being part of a much larger global racial struggle, not only against South Africa but against the United States. By tracking and supporting claims brought by Africans in the League of Nations, African American activists could make claims about racial discrimination in US policy.⁵³ Logan, in later years, would credit the importance of the Bondelzwarts inquiry to the fact that "it was a Negro who was largely responsible for the action on the part of the Assembly of the League."⁵⁴

South Africa's repression of the Bondels was particularly egregious, but Britain and France were well aware of the dangers direct communication from the Mandates posed to their own ability to curate their reality, especially during the messy periods when the "sacred trust" was being imposed on unwilling populations. France, for instance, was in the midst of a military campaign in Syria that was as brutal as anything South Africa had done in South-West Africa. The first protests about South-West Africa arrived in Whitehall just before British colonial officials began to discuss the future of petitions in Geneva. The concerns raised in one case were transposed onto the other.

The 1922 British Proposals: Attempts to Control the Mandates Commission

Beset by claims in the Mandates and with advance knowledge of dissatisfaction in its Dominions, the British government submitted a memorandum on a Mandates petitioning procedure to the Council on July 24, 1922, two months after the first Bondelzwarts petitions had

⁵³ The Bondelzwarts attacks also prompted a protest from Garvey, writing from Arizona in June 1922. In typical fashion, he followed a denunciation of the South African government with a proposal to build planes for African peoples to fight back against the colonial powers. Editorial Letter by Marcus Garvey, June 13, 1922, Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. IV* (University of California Press, 1985), 674.

⁵⁴ Rayford Whittingham Logan, *The Operation of the Mandate System in Africa, 1919-1927, with an Introduction on the Problem of the Mandates in the Post-War World*, (Washington, DC: The Foundation Publishers, Inc., 1942), 16.

reached the PMC.⁵⁵ The memorandum targeted petitions from Mandated territories precisely: “It is suggested that all petitions to the League of Nations should in the first place be submitted through the local authorities to the Mandatory Government concerned, who would then forward them, with appropriate observations, to the Secretariat of the League of Nations.” The memorandum also suggested, as an aside, that it “assumed that the League of Nations will not desire to be troubled with Petitions clearly of a trivial or purposely vexatious nature, and will be prepared to agree that such Petitions need not be subject to the procedure mentioned.”⁵⁶

In later years, commentators on the League characterized this memorandum as a British proposal to grant the League more authority to accept petitions.⁵⁷ The memorandum called for a restriction on petitioning, though, not the expansion of such a practice. The first sentence—“all petitions to the League of Nations should . . . be submitted”—assumes that petitioning the Mandates System was something that preceded the creation of any formal policy. Such spontaneous petitioning had raised two issues: the unregulated transmission of information from mandated territories to international bodies, and the dissemination of “trivial or purposely vexatious” petitions in the international context. Although drafted right before Bellegarde’s resolution was placed before the Assembly, the debate over this general British proposal paralleled the debate over Bondelzwarts petitions from the Anti-Slavery Society. The timing, coming just as both Britain and South Africa were faced with uncomfortable leaks of information

⁵⁵ Memorandum by the British Representative on procedure to be adopted, July 24, 1922, File 1/22099/22099, Box R60, LNA.

⁵⁶ Ibid.

⁵⁷ See Wright, *Mandates under the League of Nations*, 169; Pedersen, *The Guardians*, 83.

from the Mandated territories (in Togo and South-West Africa), fits the notion that the British proposals sought to restrict unauthorized information-sharing with the League.⁵⁸

The Memorandum was directed to the League's Council, not to the Permanent Mandates Commission. An August 1922 letter from the British Cabinet Office to Rappard disabused the Mandates Section of any belief that the PMC was the audience for this memorandum. The British government informed Rappard that the President of the Council did "not intend to ask the Permanent Mandates Commission to advise on the question [of petitioning] at all."⁵⁹ Even before this, Beau, the French representative to the PMC, had termed the British proposal a "political" question that was outside the expertise of the technical PMC.⁶⁰ France, Britain, and New Zealand were all interested in keeping the politically fraught issue of petitioning away from the Commission.

Acting on Beau's concerns, the Commission informed the Council that it was not in a position to study the British proposal without express permission. It would, however, "welcome the drawing up of a rule, which would obviate difficulties so far experienced in connection with this question, which is the more delicate in that it has not yet been made the subject of any definite regulations."⁶¹ The British memorandum came up for discussion in the September 1922 session of the Council and the matter was left to the Portuguese representative, Quinones de

⁵⁸ See, in particular, File FO 608/216/8 (1919), British National Archives, Kew, London (henceforth, BNA).

⁵⁹ Letter from Charles Tufton, Office of the Cabinet, to Rappard, August 10, 1922, File 1/22099/22099, Box R60, LNA. This was in tension with Ormsby-Gore's request to his colleagues in the PMC that they discuss the memorandum that same month at their second session. Minutes of the Second Session of the Permanent Mandates Commission, August 1, 1922, League Document A.36.1922.VI, p. 15.

⁶⁰ Minutes of the Second Session of the Permanent Mandates Commission, August 1, 1922, League Document A.36.1922.VI, p. 15.

⁶¹ Report on the Second Session of the Permanent Mandates Commission to the Council of the League, August 23, 1922, League Document A.39.1922.VI (C.550.M.332.1922.VI), p. 8.

Léon, to report on it. The Council welcomed the British proposal and, in the Léon Report, suggested that no such procedure “should . . . be considered without due reference to the procedure already adopted by the Council with respect to petitions submitted by other individuals or communities for whose welfare the League of Nations has assumed responsibility, and without our obtaining the opinion of the Permanent Mandates Commission.”⁶² The Léon Report allowed the PMC (and, by extension, the Mandates Section) to shape the broad contours of petitioning policy in light of what the British government had proposed.

By October 1922, the Mandates Commission had met and drafted a preliminary report that was to be issued by Theodoli. It was initially drafted by the Mandates Section and laid out the basic tripartite structure of what would become the Mandates petitioning system:

- 1) Petitions relating to the Mandates that came from people within the Mandated territory would be transmitted to the League by the administering power after it had appended its observations,
- 2) Any such petition that came directly to the League would be returned to the petitioners with instructions to resubmit the document via the administering power, and
- 3) Any petition from outside the Mandates would come directly to the League and be considered by the President of the PMC, who would send such petitions as he deemed of value to the administering power for their comments.⁶³

⁶² Procedure Regarding Petitions from the Inhabitants of Mandated Areas, Report by M. Quinones de Léon and Resolutions adopted by the Council on September 2, 1922, League document C.614.M.368.1922 VI, Dated September 4, 1922, File 1/23071/22099, Box R60, LNA.

⁶³ Petitions d’Habitants des Territoire sous Mandat, Projet de rapport soumis aux Membres de la Commission permanente des mandats par le Marquis Alberto Theodoli, President, in File 1/24276/22099, Box R60, LNA. A notice from December 8, 1950, notes that this file (1/24276/22099) was requested by the UN office in Europe, presumably in preparation for ICJ litigation.

The British memorandum and the restrictions it carried were unpopular in the Mandates Section. Rappard never accepted the basis for the British proposal and communicated his disagreement to members of the Commission. In a November 1922 letter to Anna Bugge-Wicksell, the Norwegian/Swedish feminist, he wrote that “[i]f the Mandatory Powers were to exercise their discretion in transmitting or withholding petitions, the right of petition, in the eyes of many of those concerned and of many critics of the League, would be practically nullified.”⁶⁴ He wrote to Colban that, even though “[i]t may well be that the effectiveness of publicity be in inverse ratio to the frequency [sic] of appeals made to it,” he also couldn’t “help believing . . . that the moral loss to the League resulting from the squashing of one serious petition is much greater than that resulting from the circulation of several insignificant or purposely vexatious petitions to the Members of the League.”⁶⁵

Nor was Rappard alone in criticizing the British model. Bugge-Wicksell was similarly skeptical. On petitions, she felt that “as little as possible ought to be left to the good faith of the governments [as] there certainly is enough of other points in which we are simply forced to rely on their good faith.”⁶⁶ The Anti-Slavery Society had just submitted its report to the PMC about Bondelzwarts and the Council was urging the Commission to give South Africa the benefit of the doubt. She also argued that “the criteria proposed by the British Government—insignificant or deliberately vexatious petitions—were not satisfactory; they have a too subjective character.”⁶⁷ Instead, if the League was inundated with petitions, it could allow local sifting to exclude

⁶⁴ Letter from Rappard to Bugge-Wicksell, November 17, 1922, in File 1(1), Box S284, LNA.

⁶⁵ Letter from William Rappard, likely to Erik Colban, January 5, 1923, File 2, Box S265, LNA.

⁶⁶ Letter from Bugge-Wicksell to Rappard, November 25, 1922, in File 1(1), Box S284, LNA.

⁶⁷ Letter from Bugge-Wicksell to Rappard, November 12, 1922, in File 1(1), Box S284, LNA.

petitions that “concern purely personal grievances, and likewise such as are legally liable to be treated by local courts or administrative authorities.”⁶⁸

Van Rees, the Dutch member of the Commission, criticized the preliminary report from the opposite direction. He rejected the powers the report would seem to vest in the President of the Commission to accept or reject petitions from territories outside the Mandates, a power he was concerned gave the PMC an executive rather than consultative character.⁶⁹ In the end, the report from the PMC to the League’s Council in 1923 looked much like the initial draft circulated in October 1922, complete with a copy of Van Rees’s dissenting position.

Parallel Reports and Parallel Concerns: The Branting and Salandra Reports

The Council of the League published the Branting Report on the Bondelzwarts Rebellion in September 1923. The Report thanked the PMC for its work on the Bondelzwarts inquiry and noted that the Commission had made some critical points about the situation in South-West Africa.⁷⁰ It refused to reproduce, however, the criticisms of the South African government for not supplying the Commission with more information. After misjudging the challenges petitioning would cause it in the Commission, the South African government lobbied the Council to contain the damage. The Branting Report stated that the “ultimate causes of the rebellion would seem to lie in the unstable conditions prevailing among the native population” which had been inflamed by watching whites fight each other in the last war.⁷¹ “The lack of comprehension

⁶⁸ Ibid.

⁶⁹ Letter from Van Rees to Rappard, December 31, 1922, File 1/24276/22099, Box R60, LNA. Theodoli, for his part, found Van Rees’s suggestion to be an affront to the prestige of the PMC, undermining its inherent power. Letter from Theodoli to Rappard, January 6, 1923, File 1/24276/22099, Box R60, LNA.

⁷⁰ Report to the Council by M. Branting, on the works of the Third Session of the Permanent Mandates Commission, September 23, 1923, League Document S.622.1923.VI, p. 22, in File 1/31179/1347, Box R10, LNA.

⁷¹ Ibid., 25.

on both sides between the two elements of the population, though it cannot surprise us in the circumstances, is none the less deplorable.”⁷² In effect, the Council buried the controversy. The Council concluded that it could not “express any definite opinion with regard to the regrettable events on which so many different judgments have been passed.”⁷³ It also rejected any notion that the Commission might be granted any further powers of investigation, as several Commissioners had suggested in their meetings. The Mandatory Powers hardened their opposition to petitioning in the Mandates.

In the same session, the Council approved the Salandra Report, laying the legal basis for regulating petitioning concerning the Mandates. Salandra emphasized the “importance and delicacy” of the question of petitions before the League.⁷⁴ Echoing Rappard’s concerns, the Report found it “obvious that, as administration is exercised by the mandatory Powers on behalf of the League of Nations, the latter could not remain deaf to the pleas of those who are directly or indirectly concerned in a just application of the principles contained in the Covenant.” Yet, this principle had to be tempered by the imperative that, “[i]mportant as it is in the interests of justice and of peace that every serious and sincere petition should be impartially investigated by the League of Nations, it is no-less important, in the interests of justice and of good government, to discourage seditious or trivial petitions by persons whose motives may be either culpable or frivolous.”⁷⁵

⁷² Ibid.

⁷³ Ibid., 24. Lugard had anticipated this outcome earlier that same month, pointing to the political trouble Smuts would have been in if the Council had taken a more active role in the matter. Letter from Lugard to Drummond, September 7, 1923, File 7, Box S298, LNA.

⁷⁴ Procedure in Respect of Petitions Regarding Inhabitants of Mandated Territories, Report by M. Salandra and resolution adopted by the Council on January 31st, 1923, Doc. C.44(1).M.73.1923.VI; C.P.M. 38, League of Nations Official Journal, Vol. 4(3), p. 298.

⁷⁵ Ibid.

Members of the Council were aware that “all peoples, and especially peoples of a less-advanced civilisation are always ready to address, to any authority, complaints about the most insignificant matters for reasons which have little, if any, foundation.”⁷⁶ While “petitions may be of very valuable assistance to the Mandates Commission when investigating” the reports of Mandatory Powers, independent petitioning that sought to bring to light new problems before the Commission were not to be encouraged.⁷⁷ Both the Branting and the Salandra Reports reflected the Council’s conviction of the juvenile status of people in the Mandates, singling out the gendered hysteria of irrational native peoples to justify restricting access to the League.

The Council saw the purpose of petitioning as primarily public relations, not investigation. As “administration is exercised by the mandatory Power on behalf of the League of Nations, and, consequently, of all its Members,[] it is only natural that the latter should be supplied with information upon everything in connection with such administration.” It recognized that it was possible that “[b]y excess of caution we might undermine one of the greatest principles and impair one of the greatest forces at the service of the League of Nations, namely, publicity.”⁷⁸ But this publicity was aimed only at reliable European and American audiences. Thus, the Salandra Report imported the British suggestion that petitions from outside the Mandated territories go to the Chairman of the Commission to adjudicate.⁷⁹ All others—especially petitions like the ones that had sparked the Council and Assembly’s inquiries into

⁷⁶ Ibid., 299.

⁷⁷ Ibid.

⁷⁸ Ibid., 300.

⁷⁹ Notably, an early draft of the report gave the Chairman of the Commission standards by which to make his decisions. In a section that was eventually deleted, that draft stated that the Chairman “should decide which, if any [petitions], by reason of the nature of their contents or the authority or disinterestedness of their authors should be regarded as claiming attention, and which should be regarded as obviously insignificant.” First annotated draft of Procedure in Respect of Petitions Regarding Inhabitants of Mandated Territories, 1923, p. 7, in File 1/25978/22099, Box R60, LNA.

Bondelzwarts—were to be routed via the Mandatory Power, cutting off the direct albeit limited access colonial peoples had enjoyed in the previous three years. If the earlier practice of petitions had circumvented the Mandatory Powers by allowing an inhabitant of a mandate territory to speak directly to the League, once again, as Antony Anghie put it, “the native was [to be] spoken for by the mandatory power.”⁸⁰

A month after the Council approved the 1923 Rules of Procedure, the Secretary of the Association de la Jeunesse Syrienne wrote to complain that the new procedure for submitting petitions via the Mandatory Powers did “violence to law and to justice.” If a petition was once to be sent to an impartial body like the League, it would now be sent via an interested party, the Mandatory Power, which would play “the dual role of adversary and arbitrator” of the dispute.⁸¹ Petitioners writing in this moment recognized the connection between these two phenomena—Bondelzwarts and petitioning. In a Bondelzwarts-related letter in October 1922, the South African Peace Committee dissented “very strongly from the suggestion” that “complaints or charges of the unjust or illegal treatment of subject races by a Mandatory State should be made to the Mandatory Power concerned.” It was important that “an opportunity should be given for the laying of such complaints or charges before the authority from whom the Mandates State derives its power, namely: the League itself.”⁸² In fact, the fact such complaints arose during the

⁸⁰ Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge, UK ; New York: Cambridge University Press, 2004), 175.

⁸¹ Letter from l’Association de la Jeunesse Syrienne to the Secretary General of the League of Nations, February 5, 1923, File 1/26163x/22099, Box R60, LNA.

⁸² Letter from the South African Peace Society to the Secretary of the Assembly of the League of Nations, October 27, 1922, File 1/24778/1347, Box R10, LNA.

Bondelzwarts inquiry and the embarrassment they had caused South Africa had made it *less* likely that direct petitioning would be tolerated after 1923.

A New Regime of Formalization and its Critics

Of the Mandate administrators in the League bureaucracy, no one was more jealous of its independence and authority than the Mandate Section's first Director. Just as the Mandatory Powers preferred to keep political questions away from the PMC, Rappard distrusted the Council and Assembly's ability to dispassionately deal with politically charged issues. He wrote to Bugge-Wicksell that "[a]ny contests which might arise over the interpretation of the formula adopted [for sorting petitions] would, I feel sure, prove to be extremely delicate matters for the Council of the League to deal with."⁸³ From 1923 onwards, he—along with Marquis Theodoli—tried to retain as much flexibility as they could at the PMC and Mandates Section, and to limit the powers of the Mandatory Power-dominated Council. For instance, when the matter of petitioning proved so tricky that the French representative to the PMC, Beau, referred the question back to the Quai d'Orsay, Theodoli publicly expressed his disapproval, citing the PMC's supposed independence from states.⁸⁴

This tendency did not go unnoticed by Mandatory Powers, and the Salandra Report and the new Rules of Procedure did not end the debate over petitions. In fact, the Bondelzwarts experience and the PMC's simultaneous inquiry of British and French representatives about the management of the Middle Eastern mandates prompted a re-evaluation of British support for the Mandates System in Whitehall. Lugard was less reliably following the British government's line

⁸³ Letter from Rappard to Bugge-Wicksell, November 17, 1922, in File 1(1), Box S284, LNA.

⁸⁴ Letter from Theodoli to Rappard, January 6, 1923, File 1/24276/22099, Box R60, LNA.

than had been hoped.⁸⁵ The recent inquiries had revealed a far more independent and inquisitorial body than the Mandatory Powers had intended in 1919.

Publicly rebuking the Commission was a bridge too far, especially in the wake of these colonial scandals. Instead, the immediate aftermath of the 1923 debates was a retreat to debates about the essential character of the PMC as an advisory body and warnings that it was undermining the authority of colonial administrations. A regular part of this process involved nudging the PMC to codify what it had until then considered part of its discretionary powers: rules about what counted as a petition, what kinds of petitions were acceptable, and how such petitions should be responded to. This culminated in a backlash in 1927, occasioned by the Commission's 1926 request to hear petitioners in person. This dynamic—a push-and-pull between the PMC and the Mandatory Powers on formalization—created the baroque petitions procedure that would exist for the remainder of the League's lifespan. The nature of the debate also betrayed how anxious colonial powers were at the prospect of the internationalized supervision of colonial rule.

Codification Beyond the Mandates: Costs and Opportunities

Petitioning issues were certainly not limited to the Mandates. From 1923 onwards, Drummond expressed concern about the propriety of the League accepting and circulating memoranda from international organizations in general. His wish to clarify the League's powers conflicted with his concern that the issue was “quite certain to lead to considerable divergence of views, and

⁸⁵ For instance, Lugard supported a petition from the League of Nations Union on the subject of emergency powers in the Mandates, which the Colonial Office was strongly opposed to. This led one staffer to write in the margins that “Lord Lugard ought to know better.” See letter from the League of Nations Union London to Lord Passfield, October 10, 1929, CO 323/1049/15, BNA.

[that] all sorts of points may be raised which had better sleep.”⁸⁶ Perhaps, he thought, it was “worth considering whether we should not simply continue as at present for a certain time to come, using our own judgment in each particular case.”⁸⁷

Informed by the passage only two months earlier of the Mandates Rules of Procedure of January 1923,⁸⁸ Drummond’s preference was to reject petitions from individuals and national organizations unless they came via national governments.⁸⁹ Rappard, for his part, urged the Secretary-General to at the very least adopt the Mandates procedure allowing access to some categories of petitioners.⁹⁰ Colban, the head of the Minorities Section, became worried that the Secretary General’s procedure might “destroy without mercy the existing system for Saar and Minorities petitions.”⁹¹ Similar concerns were raised by the Legal Section about petitions on “general subjects.”⁹² An intra-Secretariat discussion resulted in Drummond concluding in April 1923 that the issue was too political to put before the League’s political bodies. Petitions on general subjects were left to the discretion of the Secretary-General, excluding the Council and the Assembly from setting the procedure until and unless they raised the issue.⁹³

The situation changed dramatically by July, at the 25th Session of the Council. The Union of Associations for the League of Nations wrote to Drummond to ask that its petition be passed

⁸⁶ Note by the Secretary General, March 5, 1923, File 40/27124/27124, Box R1598, LNA.

⁸⁷ Ibid.

⁸⁸ See copy of Salandra Report enclosed directly after Secretary General’s Note, File 40/27124/27124, Box R1598, LNA.

⁸⁹ Minute by the Secretary General, March 5, 1923, p. 1, File 40/27124/27124, Box R1598, LNA.

⁹⁰ Note from Rappard to the Secretary General, March 12, 1923, File 40/27124/27124, Box R1598, LNA.

⁹¹ Note from Colban to the Secretary General, March 11, 1923, File 40/27124/27124, Box R1598, LNA.

⁹² Notes on Minute from Van Hamel to Secretary General, March 21, 1923, File 40/27124/27124, Box R1598, LNA.

⁹³ Annotation by Drummond on Summary of views of Directors, April 10, 1923, File 40/27124/27124, Box R1598, LNA.

along to the Council. The Union was the epitome of an acceptable international body—it represented all organizations that sought to support the League. Drummond asked for the Council’s permission to circulate this letter (it is unclear why) and the Council forbade it. The Council directed him to ask correspondents to write to their national governments if they wished to approach the League. The importance of this was underlined by Robert Cecil, the British representative. He stated that this policy was necessary because “[f]rom a constitutional point of view the League of Nations was nothing but the Governments which composed it.”⁹⁴

It was quickly apparent to the Secretariat that this new policy was going to be difficult to implement. In a mid-August 1923 letter to Harris of the Anti-Slavery Society, Rappard declined to circulate a memorandum as a “general decision” had prohibited circulation of such documents “from private sources which [have] not been transmitted by the Government of the country of its authors.”⁹⁵ It is unclear which policy Rappard was referencing here. The memorandum had touched on Mandates issues and had been sent to Rappard, head of the Mandates Section. If treated as a Mandates petition, it should have been sent to the President of the PMC for his perusal. But, in the immediate aftermath of the Bondelzwarts report, the British government was particularly prickly about its sovereign prerogatives.

The president of the Union of Associations for the League of Nations immediately condemned the Council’s decision to block its petition. He attached an examination of the law of petitioning in some national governments as a riposte to Cecil’s dismissal of petitioning in the League.⁹⁶ The strength of the protest by one of the League’s staunchest allies spurred Colban to

⁹⁴ Minutes of the 13th Meeting of the 25th Session of the Council, July 7, 1923, in File 40/27124/27124, Box R1598, LNA.

⁹⁵ Letter from Rappard to Harris, August 18, 1923, File 3, Box S1669, LNA.

⁹⁶ Letter from the President of l’Union des Associations pour la S.D.N., October 26, 1923, File 40/27124/27124, Box R1598, LNA.

suggest some form of compromise on the matter.⁹⁷ Drummond responded by passing the letter on to the Members of the Council in an unofficial capacity, which did not yield any changes.⁹⁸ Cecil reiterated his stance that organizations who wished their documents to be circulated had a “mistaken conception of the juridical character of the League.” “The League was not a super-national organisation; it was nothing more than the Governments represented on its Council and at its Assembly.” Thus, “[i]nfluence could . . . never be usefully exerted on the League as a corporate body, but only on the individual Governments which composed it.”⁹⁹ Indeed, in rejecting the Association’s discussions of national petitioning procedures as irrelevant, Cecil was drawing a hard distinction between national petitioning and international appeals.

Cecil’s argument is important for understanding the problem petitions posed to the League. As already mentioned, Mandatory powers had objected to petitions on the grounds that accepting petitions from their territories was an assault on their authority as administrators over those areas. But the destination of petitions also mattered. If the League’s Council accepted petitions, Cecil believed this would grant the body a corporate identity as well. This is a vital point: petitions had the capacity to fracture the positivist state-based understanding of sovereignty, both by giving sub-state petitioners some level of individual personality and by vesting some personality or identity on the supra-state level.

⁹⁷ Minute by Colban, November 11, 1923, File 40/27124/27124, Box R1598, LNA.

⁹⁸ Letter from Drummond to the President of l’Union des Associations pour la S.D.N., July 11, 1923 [Date incorrect], File 40/27124/27124, Box R1598, LNA.

⁹⁹ Extracts from Minutes of the 27th Session of the Council, December 10, 1923, in File 40/27124/27124, Box R1598, LNA.

The Council's decision sparked complaints from the Council for the Representation of Women in the League of Nations,¹⁰⁰ the St. Joan's Social and Political Alliance,¹⁰¹ and the Women's International League for Peace and Freedom,¹⁰² all of whom had at various points sought to collude with the Mandatory Powers in the tutelary project of the Mandates. Much to the chagrin of the Secretariat, these organizations had to be informed that their protests fell within the scope of the policy they were protesting, and thus could not be circulated.¹⁰³

It is worth recalling that Cecil's complaint came only a year after the British government had submitted the 1922 memorandum that Quincy Wright identified as the source the "right to petition" in the Mandates System.¹⁰⁴ Yet Cecil's views—the views of the British government—were very different from Ormsby-Gore's, who had thought to extend the liberal British tradition of colonial appeals to the League. The debates in the Mandates Section in 1920 and 1921 had related to ways of responding to petitions rather than how to restrict their arrival. In the weeks after the British memorandum arrived in Geneva, Ormsby-Gore evinced uncertainty about how it would be presented to the Council, suggesting that he did not have a large role to play in introducing the document to the League. By September 1922, he had written to Rappard to state that his primary goal in any procedure adopted by the League was to make any petitioning

¹⁰⁰ Resolution passed by the Council or the Representation of Women in the League of Nations, December 7, 1923, File 40/27124/27124, Box R1598, LNA.

¹⁰¹ Letter from the St. Joan's Social and Political Alliance, December 12, 1923, File 40/27124/27124, Box R1598, LNA.

¹⁰² Letter from the Women's International League for Peace and Freedom, February 13, 1924, File 40/27124/27124, Box R1598, LNA.

¹⁰³ For example: Letter to the St. Joan's Social and Political Alliance, January 4, 1924, File 40/27124/27124, Box R1598, LNA.

¹⁰⁴ Pedersen repeats this claim, without citing a source for the proposition that Ormsby-Gore participated in drafting the petitions memorandum. Pedersen, *The Guardians*, 83.

procedure in the League transparent and widely available.¹⁰⁵ It is thus much more likely that the 1922 memorandum reflected Cecil's wish to limit petitioning than Ormsby-Gore's wish to link it to a British legal procedure.

Following up on the Salandra Report: What was a "Receivable" Petition

The 1923 Rules had left one issue open: was there a form of petition that was not receivable by the League? This was, in fact, two different questions. First, were there any petitions that, when brought to the attention of the PMC directly, had to be rejected because they lacked the characteristics of a valid subject for the PMC to study? Second, were there any criteria by which a Mandatory Power could decide that a letter it received was not a petition that needed to be passed on to the League? In other words, did Mandatory Powers have the discretion to pick and choose which appeals from Mandated peoples would or would not reach Geneva?

The League and the Mandatory Powers approached the question in parallel. An April 1923 letter from the Indian Association in Tanganyika, complaining about new ordinances in the territory, raised this issue for the British Colonial Office. The letter had been sent to both the League and the British Government, with the Mandates Section directing the petitioners to send the letter via the Mandatory Power under the newly enacted rules. The Tanganyika letter prompted members of the Colonial Office to declare that "the question of [legislative] application, amendment or repeal is one for H.M. govt. and not for determination by the L. of N."¹⁰⁶ As the Colonial Office's Sir Charles Strachey noted in April 1923, "[i]t is an objectionable position for the Mandatory Government to be in, if any person who objects to any

¹⁰⁵ Letter from Ormsby-Gore to Rappard, September 16, 1922, File 1(9), Box S284, LNA.

¹⁰⁶ Minute, April 20, 1923, CO 323/908/8, BNA.

law has only got to send us a protest containing the words ‘please communicate to the League of Nations’ to compel us to justify our administrative measures to the League.”¹⁰⁷

Ormsby-Gore, now a member of the Colonial Office, held a capacious vision of petitioning that was not shared by his colleagues. In response to this letter from Tanganyika, he explained to his colleagues that it was “clearly contemplated by the Mandatory System that aggrieved persons have a right to petition the League through the Mandatory power on a question such as this, and as the exact procedure decided by the Council of the League has probably not yet been communicated to the Indian Association in Tanganyika[,] I don’t think we should be meticulous[,] but we should forward the petition with our reply and such of the observation as we think necessary to the League.”¹⁰⁸ Ormsby-Gore’s position was not accepted and no communication was sent to the Indian Association. The letter was passed along to the Mandates Commission, though the Colonial Office reserved the right to refuse to pass along petitions that did not comport with what they considered a valid object of League action.

The Secretary-General had also become concerned about the lack of standards at the PMC in 1924 and was considering avenues to make the Commission’s work more transparent on petitions, to stave off criticism from the Council in the wake of the 1923 Rules.¹⁰⁹ He deputed Huntington Gilchrist to work on the matter with the Minorities Section, which had examined the same question in 1923.¹¹⁰ Gilchrist was a key proponent of a wide and liberal petitioning

¹⁰⁷ Memorandum by Sir Charles Strachey, April 18, 1923, CO 323/908/8, BNA.

¹⁰⁸ Minute, likely by Ormsby-Gore, late April 1923, CO 323/908/8, BNA.

¹⁰⁹ In this, he was likely reacting to Lugard’s complaints about the lack of publicity of the Commission’s procedures. Note by Sir Frederick Lugard relating to petitions, July 4, 1924, League Document C.P.M. 154, in File 1/37080x/22099, Box R60, LNA.

¹¹⁰ Minute from Gilchrist to Catastini, October 12, 1924, File 1/47157/47157, Box R77, LNA. See Jane K. Cowan, “Who’s Afraid of Violent Language?,” *Anthropological Theory* 3, no. 3 (2003): 274. Gilchrist had, in fact, come to the Mandates Section after a stint in the Minorities Section under Eric Colban. He was appointed to the Mandates Section to keep it at full strength when Rappard resigned as Director in 1924. See Pedersen, *The Guardians*, 56.

procedure in the League, taking up the mantle PJ Baker had worn in 1919 and 1920.¹¹¹ The Minorities petitioning program depended on petitions being sent directly to the Council after an initial vetting from the Secretariat. Gilchrist rephrased the Minorities standards and suggested them to the new director of the Mandates Section, Vito Catastini.¹¹² Like Colban in the Minorities Section, Gilchrist placed a premium on maintaining the Mandates Commission's discretionary powers. Thus, he suggested an alternative standard to formal and strict rules on receiving or rejecting petitions: using a "case system," essentially through a form of common law.¹¹³ The Section's actions had so far had this kind of ad hoc nature, though, making it difficult to identify what exactly counted as a rule and what did not.¹¹⁴ The Secretary-General pushed for a formal policy that could protect the Chairman of the Commission and the Secretariat in ambiguous cases, and that could give the League a plausible justification for barring petitions that disturbed the Mandatory Powers more than necessary.¹¹⁵ The fact that the Section made these decisions is evident from Gilchrist's correspondence with Catastini in later years, in which he noted that the Section "advised the Chairman of the Commission" on whether or not petitions were receivable.¹¹⁶

¹¹¹ With regard to petitions from Lebanon and Palestine, for instance, Gilchrist took the time to argue against his colleagues in the Section, trying to find ways in which to interpret petitions so that they did not seem to question the basis of the mandate (which may make them unreceivable). See Letter from Gilchrist to Catastini, October 2, 1925, Box 25 (Petitions, n.d., 1925-1927), Huntington Gilchrist Papers, Library of Congress (henceforth, LOC). See also, Letter from Gilchrist to Catastini, June 24, 1925, Box 25 (Petitions, n.d., 1925-1927), Huntington Gilchrist Papers, LOC.

¹¹² Rappard retired from his position in the Mandates Section in order to become Vice-Rector of the University of Geneva in 1923. At the urging of members of the Commission, he was appointed a special member of the Mandates Commission and served on it till 1946. Pedersen, *The Guardians*, 59.

¹¹³ Minute from Gilchrist to Catastini, October 12, 1924, p. 2, File 1/47157/47157, Box R77, LNA.

¹¹⁴ This was a problem noted in a comprehensive survey in October 1926. Codification of the Decisions Concerning the Procedure with Regard to Petitions Concerning Mandated Territories, Memorandum by the Chief of the Mandates Section, Permanent Mandates Commission Document C.P.M 482, October 26, 1926, p. 1, in File 1-55006x-22099, Box R60, LNA.

¹¹⁵ Minute from Gilchrist, October 15, 1924, File 1/47157/47157, Box R77, LNA.

¹¹⁶ Letter from Gilchrist to Catastini, June 14, 1927, Box 25 (Petitions, n.d., 1925-1927), Huntington Gilchrist Papers, LOC.

Rappard, newly a member of the Commission, followed up on Gilchrist's work with a note to the PMC in July 1925, seeking to lay out the principles that guided the Commission's competence with regard to petitions. He saw the challenge raised by the British government and the Council in general as existential to the Commission's impartiality. Rappard clarified that the "Commission is not entitled to set itself up as a court of appeal to judge decisions regularly pronounced by the Courts of the Mandatory Powers in application of the legislation in force in mandated territories, or in cases which are clearly justiciable by those Courts."¹¹⁷ Instead, the PMC's authority to hear petitions came solely from its responsibility to advise the Council on the functioning of the Mandates. Rappard used this distinction to argue that, while appeals from court decisions were not justiciable, appeals against "an act on the part of Mandatory Power in regard to which he [the petitioner] had no judicial remedy" would be admissible to the extent that the Commission could evaluate if the acts were "in conformity with the terms of Article 22 of the Covenant and with the terms of the mandate in question."¹¹⁸ Rappard was laying down a very broad principle here: he argued that not only executive acts by the Mandatory Powers were open to scrutiny—like the administrative regulations at issue in the Indian Association's petition—but so were legislative acts and judicial acts that were based on *ultra vires* legislation.¹¹⁹

The initial discussions in the Secretariat culminated in a note signed by Theodoli in October 1925, in which he asked the members of the Commission for assistance to lay "down a

¹¹⁷ Proposal regarding the principles on which the Permanent Mandates Commission might determine its competence in the matter of petitions, Note by Rappard, July 1, 1925, League Document, C.P.M.256(1), File 1/44947/22099, Box R60, LNA.

¹¹⁸ *Ibid.*

¹¹⁹ Indeed, in a move that would never be taken up, Rappard suggested that "the absence of legislation on a given point might render a petition permissible, if the principles of the Covenant and of the mandate called for such legislation and that the Mandatory's failure to legislate on this point might have the result of depriving the petitioner of rights which he could legitimately claim under the terms of the Covenant or of the mandate." *Ibid.*

more clearly defined policy with regard to the ‘receivability’ of such petitions.”¹²⁰ His suggestions—really, Gilchrist’s suggestions—became the basis for how petitioning would be defined in the League.¹²¹ Theodoli recommended that all petitions concerning “the execution of the provisions of the Covenant or the Mandates” were to be presumptively accepted, giving the PMC a robust standard for accepting petitions. Petitions with the following criteria would “not however be accepted --

- (a) if they are incompatible with the provisions of the Covenant or of the Mandates;
- (b) if they emanate from an anonymous source;
- (c) if they employ violent language; or
- (d) if they cover the same ground as a petition which has recently been communicated to the Mandatory Power.”¹²²

Of these four provisions, only the third was kept out of the policy approved by the Commission.¹²³ It set up a system of formalization, though, that would come to define the contours of petitioning through the 1930s, leading to the gradual legalization of the entire process. After these new rules and their interpretation in subsequent League practice, petitions could not be too narrowly tailored to specific disputes, or they would be considered trivial or vexatious. Specific complaints would be the province of local courts.¹²⁴ All petitions, no matter

¹²⁰ Various Questions Concerning Petitions, Note by the Chairman of the Commission, League of Nations Document C.P.M.300, October 20, 1925, p. 3, in File 1/47157/47157, Box R77, LNA.

¹²¹ Gilchrist created the framework for these discussions in mid-October 1925. See Box 25 (Petitions: Rules of Procedure, 1925-27), Huntington Gilchrist Papers, LOC.

¹²² Various Questions Concerning Petitions, Note by the Chairman of the Commission, League of Nations Document C.P.M.300, October 20, 1925, p. 5, in File 1/47157/47157, Box R77, LNA.

¹²³ These were based on the criteria developed by the Minorities Section and formalized in the Tittoni Report of 1921. The parallels and differences are treated in the next chapter. This Mandates policy was never submitted to the Council, in contrast to the Minorities procedure. This likely reflected a general reluctance on the part of the PMC to forward controversial questions to the Council unless it had to.

¹²⁴ This provision dated from a Note written by Lugard in July 1924, in which he proposed setting up a new system to parse petitions to the Commission. See Note by Sir Frederick Lugard relating to Petitions, July 4, 1924, League Document C.P.M. 154, in File 1/37080x/22099, Box R60, LNA.

their origin, were to be rejected if they constituted an attack on the principles of the Mandate System.¹²⁵ With the new requirements that petitioners provide a real name and address, along with its practice of passing on all petitions to the Mandatory Powers, the PMC forced petitioners to place themselves at the mercy of vengeful local authorities.¹²⁶

The same session of the PMC also saw the first formal codification of what type of communication would be considered a petition, a matter that had been neglected up until that time. The rules stated that letters that were not written in the “form of a petition” could be rejected, but what that meant was not clear.¹²⁷ The PMC responded to the Zionist Organization’s complaints about the scope of petitioning to state that it recommended “that the Council should authorise it to place upon the term “petition” in the regulations . . . a wider interpretation which will enable it to include under that term memoranda and memorials of all kinds relation to the administration of mandated territories.”¹²⁸ This wider interpretation of what could count as a petition was a counterbalance to the other regulations that restricted that right. Together, they allowed the PMC and Mandates Section to accept longer studies prepared by bodies like the Anti-Slavery Society, while rejecting those that made more pointed critiques of the Mandates regime.

Despite the fact that the Mandates Commission’s Rules put petitioners from the territories at the mercy of Mandatory Powers for circulating their complaints, this did not stop petitioners

¹²⁵ Minutes of the Permanent Mandates Commission, *Summary of the Procedures to be Followed in the Matter of Petitions Concerning Mandates Territories*, League of Nations Doc. C.P.M.558(1), art. IV(1). For instance, any request for the Mandates System to be shut down would fall under this category.

¹²⁶ French administrators, in particular, were known to hand petitions over to local police so that they could deal with the petitioners. Pedersen, “Samoa on the World Stage,” 7; *The Guardians*, 163.

¹²⁷ Generic rejection letter, document on p.15, File S1621/3/1933-39 (Mandates Section Files, 1919-46), Box S1621, LNA.

¹²⁸ Recommendation of the Commission, Report of the Seventh Session of the Permanent Mandates Commission, p. 10-11, League Document C.649.M.238.1925.

from writing directly to the League to inform them that their petitions had been submitted locally. Thus, in the cases of E.E.B. Thawer from Tanganyika, Mandessi Joseph Bell from French Cameroon, and Soleiman Waked from Syria, the Mandates Section noted that the petitioners had written directly to the League and had been told to re-submit through the Mandatory Power. After doing so, however, the PMC had never received the letter through the proper channels.¹²⁹ In Thawer's case, the League contacted the British government to inquire about the missing petition, with Huntington Gilchrist informing the Mandatory Power that the "rules do not provide for any process of selection to be employed by the Mandatory Power in fulfilling its duty of forwarding petitions to the League."¹³⁰ This in turn led the Colonial Office to admonish the administration of Tanganyika for not following the League's Rules.¹³¹

Conclusion: An Uneasy Truce

The Mandates Section, in its early years, made more proactive use of petitions than it did after the 1923 Rules were passed. The Rules succeeded in restricting that entrepreneurial spirit and helped regulate the flow of information into the League. That said, formalizing Rules of Procedure did change the nature of petitions that came to the attention of the Commission and opened up space for the serious consideration of people who might otherwise have been ignored by the Council. Thus, while early use of petitioning by the League might have been more robust, almost all of the petitions so examined came from bodies like the Anti-Slavery Society that

¹²⁹ Note on files 1/58370/15313 and 1/18954/4284 in File 3, Box S1612, LNA.

¹³⁰ Letter from the Secretary-General regarding Petition from Mr. R.E.B. Thawer, undated but likely from August 1927, CO 691/93/3, p. 36, BNA. Gilchrist played a key role in this case, producing a detailed memorandum on Thawer's case for Drummond, claiming the prerogatives of the League. Letter from Gilchrist to the Secretary-General, August 2, 1927, Box 25 (Petitions, n.d., 1925-1927), Huntington Gilchrist Papers, LOC.

¹³¹ See Rajabali Thawer's petition from Tanganyika from 1927, CO 691/93/3, BNA. See also Minute by Eric Machtig, November 19, 1927, CO 691/93/3, BNA.

counted on a pre-existing relationship with the body. That access was still true after the Rules, but the formalization of these procedures allowed a wider variety of petitions at least to receive the attention of the Mandates Section, even if they did not have a further impact. Petitioners from the periphery were thus more likely to get responses to their letters and were better able to engage with the international body when it had definite rules. That openness to acknowledging petitions and placing them within the framework of the petitions procedure promoted a further reaction from the Council and the Mandatory Powers, leading to renewed restrictions on responses to petitions, the curtailment of any attempt to hear petitioners in person, and the institution of formal rules for how the Chairman of the Commission was to sort letters that came from outside the Mandated Territories.

CHAPTER THREE

Formalization, Decline and Bureaucratic Collapse, 1927-1941

“We have chosen the petition system as a means of seeking JUSTICE and we want you to feel that we are not begging, but we are using an organized method employed by other nationalities.”

- Letter from African American petitioners to the Permanent Mandates Commission, 1929¹

“When persons apply to the League of Nations outright[,] their intention is to disregard all jurisdiction of the mandatory Power, to demonstrate their independence of the latter, to set themselves up as ‘somebodies,’ and possibly to create a little profitable agitation around their protest. . . . [W]hatever the ultimate destiny of their petition may be, they will have defied the mandatory Power for a certain time, have experienced the pleasure of forcing that Power to reply and in some cases, carry out an enquiry, justify its acts and, in short, look like an accused person.”

- M. Merlin, French member of the PMC, 1929²

The Stakes of Petitioning: “[T]he exercise of supervision by those very persons over whom supervision has been instituted”³

The battles over the League’s petitioning procedure in 1922 and 1923 showed that accepting petitions was fundamentally important to creating the League as an international institution, breaking the monopoly states had in international law. This evolving role took a further step towards interventionism when the PMC floated the idea of sending a commission of inquiry to Palestine in 1925, in response to Palestinian Arab petitions. This initiative was well beyond

¹ Letter from Samuel Cottrell to the League of Nations, August 1929, File 6A/7158/7158 (Jkt I), Box R2344, League of Nations Archive, Palais des Nations, Geneva (henceforth, LNA).

² Petitions, Confidential Note by M. Merlin, November 18, 1929, League Document C.P.M. 967, p. 2, in File 6A/15731/708, Box R2321, LNA.

³ Letter from the French Foreign Ministry to Secretary General, November 30, 1926, p. 3, File 1/55600x/55252, Box R80, LNA.

anything the Commission had attempted before; unsurprisingly, the British government refused. In his December 1925 letter, Austen Chamberlain, the often-skeptical British delegate to the Council, wrote to Theodoli that although the mandatory power would be “greatly tempted to propose such a visit,” it could not do so without asking “whether such a visit of enquiry upon the spot by the Commission would in fact be compatible with the mandatory system.”⁴ He followed with a series of what are clearly rhetorical questions: “Would not the Commission necessarily appear to supersede the government of Palestine itself? Would its visit not of necessity very seriously impair, if it did not wholly destroy the authority of that government? Is it indeed compatible with the Council’s regulations for the mandates countries? Would it not completely alter the relations between the populations, the mandatory power and the Council itself?”⁵

Chamberlain was forthright in linking the Mandates to more general problems in the League:

“[T]he precedent thus set in relation to mandated territories must inevitably affect the conduct of the Council in other matters. All the arguments which the Commission adduces in favour of a personal inspection in this case might be applied to those cases in which under minorities treaties the Council has a somewhat similar responsibility, and would seem to be incompatible with the line of conduct which the Council has from the first laid down for itself.”⁶

Chamberlain’s barely veiled threats to reopen consideration of the constitutional character of the PMC itself were a reflection of a new reality in the League. The Mandates Commission had matured into a body that saw its role, broadly speaking, as a check on the Mandatory Powers in their exercise of authority in the Mandates.⁷ The Mandatory Powers had

⁴ Letter from Austen Chamberlain, British Delegation in Geneva, to Marquis Theodoli, President of the PMC, December 13, 1925, File 1(15), Box S284, LNA. Pedersen notes that Chamberlain’s arrival in Geneva coincided with a broader push against the League in the new Conservative government in London. Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015), 211.

⁵ Letter from Austen Chamberlain, British Delegation in Geneva, to Marquis Theodoli, President of the PMC, December 13, 1925, File 1(15), Box S284, LNA.

⁶ Ibid.

⁷ This is a simplification, of course, given that the PMC was a body composed of members with widely different views. The

lost patience with the PMC's willingness to criticize mandatory rule—even Britain, the League's most steadfast supporter. Finally, activists from across the spectrum—from the Mandates, from Pan-Africanists, from metropolitan civil society groups—had become accustomed to the practice of petitioning. Many saw petitioning as a means of gaining publicity and legitimacy, even if concrete change rarely followed.

From 1926 until the end of the League's functional operation in 1940-41, these trends continually underlined a fundamental question about the Mandates System that Chamberlain had asked only rhetorically: what actually was the body's "constitutional character," and who did it serve? This chapter approaches that question of "constitutional character" by examining two petitioning controversies: whether the PMC could accept oral petitions in 1926, and what responses petitioners could expect to receive to their letters from 1926 to 1933. A baroque, routinized and formalized petitioning practice developed as a result of these debates. Each debate demonstrated the oppositional positions of the stakeholders in the Mandates System, underlining the fact that petitioning was never an uncontested or truly accepted practice during the League's existence, as later commentators would claim. That said, this disputed practice forced the creation of standardized procedures and justifications for petitioning that were transposed to the Trusteeship Council of the United Nations. It also fostered a culture of protest that persisted into the 1940s and the 1950s in the UN.

For the Mandates Commission and the Mandates Section, petitioning was a means to bolster their legitimacy against the ever-present claims that the System was just window dressing for colonial annexation. Like Ormsby-Gore before him, Lugard was troubled that the petitioning

French representatives – first Beau and then Merlin – were almost inevitably in dissent to the body's decisions. On the other hand, Rappard, Orts, Theodoli and Lugard were almost always in favor of expanding the body's investigative abilities. As Pedersen has shown, the addition of a German member in the late 1920s changed the internal dynamics quite significantly. Interestingly, that change was not as evident in the realm of petitions and thus is not explored in detail in this dissertation.

procedure, even after it had been settled, had never been published or advertised.⁸ Lugard was “of opinion that more publicity should be given to [the petitions procedure] in order that petitioners may know clearly on what class of subjects petitions are possible.”⁹ Without such publicity, there was little reason to think that petitioners even knew that they could send their complaints to Geneva. For Lugard and Rappard, publicizing the petitioning rules among colonized peoples would act both as an important safety valve for grievances and as good propaganda to demonstrate the League’s independence from the Mandatory Powers. In their eyes, the Rules of Procedure made petitioning a public right, a practice that materially advanced the interests of colonized peoples.

Lugard produced an extensive note on the Mandates System to circulate to his colleagues in 1926. In it, he sought to distinguish the Mandates from regular colonies in a more comprehensive fashion than any commissioner had so far. A Mandated Territory, Lugard argued, “differs from a Colony or Protectorate in that the Mandatory Power is bound to administer the country in strict accordance with the terms of the mandate, and to render an annual report of its administration.” For that difference to have teeth, petitioning was of “fundamental importance.”¹⁰ Rather than trying to “aggrandise” itself, “as might perhaps be inferred from certain observations in the last session of the Council,” Lugard argued that dealing with petitions was “simply a matter of conscience,” required by the Commission’s task of overseeing the administration of the Mandates.¹¹ Theodoli agreed. Although “the Council, it appeared,

⁸ Note by Sir Frederick Lugard on the procedure with regard to Memorials or Petitions, Permanent Mandates Commission, May 15, 1926, League Document C.P.M. 405, p. 2, in File 1/51258/22099, Box R60, LNA.

⁹ *Ibid.*, 3.

¹⁰ *Ibid.*, 1.

¹¹ *Ibid.*, 9.

considered that the Permanent Mandates Commission used its powers somewhat too freely,” he thought that the Commission “would never adopt a sufficiently independent attitude.”¹² For an emerging majority of the Commission, speaking of petitioning as a “right” was a way to distinguish their competence from that of the “political” arms of the organization.

Still, even if Lugard believed that the “right of petition through the mandatory [power] does not in fact exceed the right which exists in every British Colony to petition the Secretary of State through the Governor,” he and his fellow members of the Commission had a problem.¹³ Despite being so important, the 1920 Constitution of the PMC and the Mandates Section contained “no allusion whatever to Petitions, though it deal[t] in detail with questions of competence and of procedure.”¹⁴ Thus Merlin, the new French representative to the Commission who had until recently been one of its most strident critics of the PMC in the government, argued that “these questions of procedure were purely of an internal kind and could be of no interest to the petitioners.”¹⁵ The British Colonial Office agreed. From 1921 onwards it had questioned the ability of Commission rules to bind Mandatory Powers in any way. If procedures were needed to manage PMC zealotry, that was well and good. That did not mean that the existence of such procedures created an obligation on the Mandatory Power or that it created rights that must be communicated to mandated peoples.¹⁶

¹² Minutes of the Eight Meeting of the Ninth Session of the Permanent Mandates Commission, June 11, 1926, pp. 53-54, League Document C.405.M.144.1926.VI.

¹³ Note by Sir Frederick Lugard on the procedure with regard to Memorials or Petitions, Permanent Mandates Commission, May 15, 1926, League Document C.P.M. 405, p. 9, in File 1/51258/22099, Box R60, LNA.

¹⁴ *Ibid.*, 1.

¹⁵ Minutes of the Eight Meeting of the Ninth Session of the Permanent Mandates Commission, June 11, 1926, p. 52, League Document C.405.M.144.1926.VI. Merlin had been governor-general of French West Africa before joining the Mandates Commission. Robert Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. IX* (University of California Press, 1995), 7 n.1.

¹⁶ Minute by Lloyd, February 2, 1928, CO 691/93/3, British National Archives, Kew, London (henceforth, BNA). Indeed, it is

Despite these disagreements, petitioners often engaged with the League and the Mandatory Powers with the assumption that they were exercising a right to petition. One of the most successful uses of petitions was by the Waome tribe of Togo. At the creation of the Mandate, they were based in French Togo while some of their lands, they claimed, lay in British Togo and were being occupied by a different tribe, the Honuto. They used the petition procedures to appeal to the French administration in 1928. The French forwarded the Waome petition to the PMC, which then sent it to the British government to handle.¹⁷ This led to an investigation by the British government, and it may have led to an amicable settlement. Although it is arguably a successful petition, the file does reveal the suspicions of the Colonial Office about the petitioning procedure by 1929. As the dispute was coming towards a resolution, an official in the Colonial Office wondered if the petition was “simply the idea of a black lawyer or whether it had any backing from the Fr. Govt.”¹⁸

With Germany’s admission to the League and especially in light of Germany’s rejuvenated quest to reclaim its colonies, British, French and Belgian colonial officials became paranoid that petitioning had become a backdoor means for European power politics to enter the Mandates.¹⁹ Even if petitioners were not themselves foreign agents, even a relatively liberal figure like Orts believed that since Africans did not truly understand the right of appeal, they

striking that the Colonial Office did not keep official copies of the PMC’s Rules of Procedure on petitions as late as 1928.

¹⁷ See File CO 96/682/17, BNA.

¹⁸ Minute by Holder, June 18, 1929, File CO 96/682/17, BNA.

¹⁹ See Michael D. Callahan, *A Sacred Trust: The League of Nations and Africa, 1929-1946* (Brighton; Portland: Sussex Academic Press, 2004), 50 (describing how France portrayed petitioners as being in the pocket of foreign agents and thus not being representatives of local peoples). See also, Christoph M Kimmich, *Germany and the League of Nations* (Chicago: University of Chicago Press, 1976).

were liable to be swayed by agitators peddling “racial antipathy, communism, probably Bolshevism, and every other poisonous ‘ism.’”²⁰

As the rest of this chapter argues, these divergent visions of what the petitions process meant to the League and to petitioners would have significant political fallout, leading to a serious retrenchment of PMC autonomy in 1926 and 1933. The late 1930s saw a paradox in petitioning. On the one hand, the Council of the League had effectively communicated to the PMC that a broad petitioning procedure was neither a right nor an unrestricted privilege. The Mandates Section thus rolled back the flexibility it had felt was necessary to maintain the system’s legitimacy in its early years. On the other hand, bureaucratic back-and-forth between the League and petitioners fostered their expectation of routinized access that, at least in the public’s perception, made petitioning seem a natural part of the body’s functioning. The fact that petitioning continued for as long as it did made it more likely that petitioners would see it as a basic component of international oversight in the post-Second World War world.

A “degraded novelty in the history of legal procedure”²¹: Oral Petitioning and the Limits of Institutional Capacity

The Call for Oral Hearings

Palestinian petitioners catalyzed the conflict between the Council and the Commission on oral hearings for petitioners. In retrospect, it is surprising that the Mandates Commission decided to tackle whether to hear from petitioners in person in 1925-26. After all, the British government had made it crystal clear in 1925 that it would find local visits an intolerable expansion of

²⁰ Quoted in Michael D. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931* (Brighton; Portland: Sussex Academic Press, 1999), 151.

²¹ Letter from Jamaal Hussein, General Secretary of the Palestine Arab Congress to the Chairman of the Permanent Mandates Commission, May 9, 1926, File 1/51962x/2413, Box R18BIS, LNA.

authority. At the same time, hearing from petitioners in person was in no way unusual in the PMC or the League more generally. Every member of the Mandates Commission had met with petitioners individually, outside of formal session, often several times.²² If the Mandates Section was unable to circulate a petition under the rules, its staffers would regularly respond to petitioners with a list of the addresses of the individual members of the PMC, to facilitate direct communication.²³ Petitioners even travelled to Rome to meet with Theodoli during his tenure as chair of the PMC. Zionist and Arab groups set up semi-permanent offices in Geneva to continuously lobby members of the Commission. As Pedersen has shown, Chaim Weizmann was particularly adept at influencing individual members of the body. Both Du Bois and Garvey demonstrated that the pilgrimage to Geneva was an important part of building legitimacy. As Chapter Two discussed, the Commission had seriously considered inviting the Anti-Slavery Society to give its testimony during the Bondelzwarts inquiry.

There is little evidence that Mandatory Powers objected to individual meetings between petitioners and members of the Mandates Commission. True, their respective colonial offices would occasionally advise members of the Commission not to meet with individuals, but this was generally only after those members had first reached out to ask for advice. In fact, when Lugard sought to mollify the Mandatory Powers by suggesting that his fellow members of the PMC not meet petitioners in person if they came to Geneva, Rappard responded that the “Commission would be going too far, and, indeed, would be making itself somewhat ridiculous, if it decided that the only people in the world whom its members must take care not to meet were

²² This was a practice Ormsby-Gore had long opposed, even as he was cautiously supportive of allowing petitioners to appear before the full PMC. See letter from Ormsby-Gore to Rappard, September 16, 1922, File 1(9), Box S284, LNA.

²³ See, for example, letter to W.E.B. Du Bois from the Information Section of the League, August 6, 1937, File 6A/3628/3628, Box R4128, LNA.

people who could give them first-hand information as to the position in mandated territories.”²⁴ Geneva was a small place and hiding was unlikely to be practicable.

Still, pro-petitioning members of the PMC understood the qualms Mandatory Powers might have if the PMC decided to hear from petitioners in plenary session. Even Lugard, who was generally in favor of expanding the scope of petitions accepted by the PMC, cautioned that a right to give oral petitions may “create in the minds of the people the idea that the mandatory power is subordinate to the League which can over-rule its decisions, and set aside the reply it may have already given to the Petitioners.” If petitioners took such a view, it “would be fatal to the authority of the Mandatory” and “[a]gitators seeking notoriety would endeavour to use the right of petition in order to embarrass” it.²⁵ This view echoed the claims Britain had made with regard to site visits.²⁶ If you believed, as the Mandatory Powers did, that petitioning was solely an exercise in information gathering, it was hard to justify allowing the Mandates Commission to hear directly from petitioners in open session. Having petitioners face representatives of a Mandatory Power across a table, before a panel of international experts, looked too much like a judicial procedure for colonial comfort.

At the same time, the Mandates System was under stress in 1925 and 1926. Open rebellion was taking place in almost every Mandated territory. More and more petitions were arriving as publicity about petitioning procedures spread. Colonial offices began to send terse answers to queries and accredited representatives raised accusations against petitioners during

²⁴ Minutes of the Eight Meeting of the Ninth Session of the Permanent Mandates Commission, June 11, 1926, p. 54, League Document C.405.M.144.1926.VI.

²⁵ Note by Sir Frederick Lugard on the procedure with regard to Memorials or Petitions, Permanent Mandates Commission, May 15, 1926, League Document C.P.M. 405, p. 6, in File 1/51258/22099, Box R60, LNA. Also quoted in Quincy Wright, *Mandates under the League of Nations* (Chicago: University of Chicago Press, 1930), 174.

²⁶ It should be noted, though, that Lugard was one of Rappard’s main allies in pushing for the creation of an oral petitioning procedure in the PMC. Pedersen, *The Guardians*, 213.

sessions of the PMC that petitioners could clearly not respond to. If, like Rappard, you believed that petitioning was an important means for hearing grievances from Mandated peoples and acting on them fairly, it was hard to justify such a one-sided process. PMC requests to Mandatory Powers for full responses to petitions were only occasionally heard. The French, in particular, had become adept at either not passing along petitions they had received from Mandate residents or informing local authorities of the identities of petitioners. Some petitioners wrote to newspapers and forwarded clippings to Geneva, circumventing the Mandatory Powers. Others were arrested by security forces when the local administration learned of their attempts to contact Geneva.

Arab petitioners from Palestine and Syria were becoming increasingly disillusioned by the PMC's inactivity. The Palestinian Arab Congress wrote to the Mandates Commission in May 1926 to protest the one-sided nature of the examinations its petitions were receiving. The Congress protested that this procedure – allowing an accredited representative from the Mandatory Power in the room, but barring petitioners from appearing in person – was “rather a degraded novelty in the history of legal procedure.”²⁷ The 1923 Rules of Procedure had dented the PMC's credibility among Mandated peoples, and the push to hear petitioners in person was an attempt by the Commission to build it up once more.

The first informal request from the PMC to the Council for authority to hear petitions was summarily rejected in 1925. Marina Finkelstein argues it was the Arab request for a hearing in the PMC's seventh session that finally pushed the Commission to formally ask the Council for authority to hear petitioners in person a second time.²⁸ A revised petitioning procedure was

²⁷ Letter from Jamaal Husseini, General Secretary of the Palestine Arab Congress to the Chairman of the Permanent Mandates Commission, May 9, 1926, File 1/51962x/2413, Box R18BIS, LNA.

²⁸ Marina S Finkelstein, “The Individual Petition and International Responsibility” (Ph.D. dissertation, Columbia University,

forwarded to the Council in late June 1926, requesting a formal review of the PMC's request to hear oral petitions. Drafted by Rappard, this report to the Council started by noting that this was an "embarrassing" question and not an area in which the Commission sought to impugn the good intentions of the Mandatory Powers.²⁹ "Though the Members of the Commission have the most absolute confidence in the goodwill of all the Mandatory Powers, they are bound at times to feel a certain uneasiness in simply rejecting petitions ~~offhand~~ on the observations of the State against whose action these petitions are directed."³⁰ In extraordinarily mincing words, seeking to "allay certain conscientious scruples felt by some of [the Council's] members," the PMC suggested that in exceptional cases it might be allowed to hear from petitioners in person.³¹

The PMC knew that this was a big request and one that was unlikely to be accepted. Still, as Rappard argued during the PMC's session, the recommendation they sent to the Council was not "without its uses." The Commission was faced with public opinion that saw it as "conducting a simple academic examination [of petitions] and of showing itself somewhat credulous." Forwarding this recommendation to the Council demonstrated that the Commission was well aware of the challenges it faced.³² If petitioners wrote to the League in part to bolster their domestic legitimacy and to bring colonial powers to "the bar of world public opinion" as Logan had noted, the PMC in the late-1920s was also playing towards that same bar.

1963), 94.

²⁹ Draft Recommendation to the Council regarding the Hearing of Petitioners, Submitted by M. Rappard, Permanent Mandates Commission, June 12, 1926, League Document C.P.M. 428(1), p. 1, in File 1/51258/22099, Box R60, LNA.

³⁰ Ibid., 2 (deletion in original).

³¹ Ibid., 2-3.

³² Minutes of the Eight Meeting of the Ninth Session of the Permanent Mandates Commission, June 11, 1926, p. 55, League Document C.405.M.144.1926.VI

The PMC carried out a study on the extent of its powers and competencies, in preparation for the final report from the Mandatory Powers on its request for the power to hear oral petitions. Its note began by identifying the divergent views of the competence of the PMC and put that divergence down to the lack of a standard study of the question.³³ The Covenant only asked that the PMC study the reports submitted by the Mandatory Power and that it “advise the Council on all matters relating to the observance of the Mandates.” This latter provision was difficult to limit, though, given that most of the Mandates Treaties included a clause requiring the Mandatory Power to be “responsible for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and social progress of its inhabitants.”³⁴ If the PMC’s competencies included a responsibility to advise on all aspects of the observance of the Mandates, and this clause was part of those Mandates treaties, the PMC had an almost limitless jurisdiction. Indeed, according to the author of the note, the legalistic Van Rees, later Council action suggested it had made such a broad grant of supervisory authority.³⁵ “In the light of [this] . . . , it seems to me that any attempt to restrict this conception would amount to a misconstruction of the essential principle of the mandates system, which is distinguished from all other systems of colonial government by the very fact that national responsibility for the administration of backward races is subjected to international supervision, which must either be genuine and effective or disappear.”³⁶ Van Rees concluded by stating that

³³ General Competence of the Mandates Commission, Confidential Note by M. Van Rees, November 15, 1926, League Document C.P.M.511(1), p. 1, File 1/55307x/55307, Box R80, LNA.

³⁴ *Ibid.*, 2.

³⁵ *Ibid.*, 4.

³⁶ *Ibid.*, 6-7.

no fair observer could suggest that the PMC had failed to remember its essentially advisory capacity, or that it had not fully supported the Mandatory Powers.³⁷

Curbing Discretion: Limiting the Scope of the League's Authority

The extent to which the Secretariat and the PMC underestimated the Council's skepticism on petitioning is evident in the Council's strong negative reaction to the PMC request. One of the most consequential tasks devolving to the Secretariat was drafting the reports produced by the Assembly, the Council and the Permanent Mandates Commission. As mentioned in Chapter One, the various sections of the Secretariat would draft such reports in full, often even before those bodies had met formally. These drafts reflected the Secretariat's best guess as to how the political organs of the League would respond to a question. Few representatives understood the complexities of the Mandates System and relied upon Secretariat drafts to get them up to speed.

The Secretariat-drafted Preliminary Report for the August 1926 meeting of the Council suggested that the Council should allow the PMC to hear petitioners as long as it did not do so in public session and so long as the Mandatory Power's representative was also present.³⁸ Even the new Director of the Mandates Section, Vito Catastini, found the Secretariat's draft too bold on a "situation that was much more delicate than normal."³⁹ He recommended that the Secretariat make no suggestions in such a case where they might be seen as presumptuously arrogating

³⁷ Ibid., 7-8.

³⁸ Annex dated August 13, 1926, to the Draft of "Work of the Permanent Mandates Commission During its Ninth Session, Draft Report by the Swedish Representative, July 18, 1926", File 1/53285x/16466, Box R52, LNA.

³⁹ Minute by Vito Catastini to Walters, August 17, 1926, File 1/53285x/16466, Box R52, LNA.

responsibility to themselves. The Secretary General agreed, and the Secretariat's draft was cut down in the hopes of staving off controversy.⁴⁰

This strategy did not work and the extent of opposition to oral petitioning in the Council was greater than anything the Mandates Commission and Mandates Section had ever seen.⁴¹ The draft report became fodder for accusations that the League was aggrandizing itself and that the Secretariat was acting, if not lawlessly, then at least far beyond its recognized competencies. The Mandatory Powers and the Council's representative took over drafting the report. Early versions of the Council's redrafted report stated that the PMC was asking for a procedure that was "inconsistent with the nature of the mandates system, would weaken the authority which the Mandatory should possess in order to carry out its task successfully, and might lend itself to intrigues on the part of elements more desirous of promoting disorder than of remedying defects."⁴²

Soon, each Mandatory Power submitted its own complaint. Writing on behalf of itself and the Dominions, and after listing what it considered to be the founding philosophy and purpose of the PMC, the British government stated that granting hearings to petitions was "an incorrect and dangerous application of the theory" that the PMC should be aware of petitioners' concerns.⁴³ If the British had no problems handling their own peoples without oral hearings, why

⁴⁰ Minute by Eric Drummond, August 18, 1926, File 1/53285x/16466, Box R52, LNA.

⁴¹ For a description of the Council meeting, see Pedersen, *The Guardians*, 212–15.

⁴² Annotated draft V of Draft Report to the Council on Hearing of Petitioners in the League of Nations, February 1927, File 1/57159/22099, Box R61, LNA.

⁴³ Letter from the British Foreign Office to the Secretary General, November 8, 1926, p. 5, File 1/55252x/55252, Box R80, LNA. This response had been agreed upon in a high-level imperial conference in October 1926 in London. See File 1/60310x/55252, Box R80, LNA.

should the PMC, which had so much smaller a jurisdiction, go further?⁴⁴ The South African government, unsurprisingly, echoed that sentiment when speaking of the petitions its parliament handled, that were “more numerous and very often touch[ed] on bigger and graver questions of principles[sic], than those which have hitherto been submitted to the Permanent Mandates Commission.”⁴⁵

The French took a more comprehensive approach, comparing a hearings procedure to a court proceeding. It insisted on its prerogative to inform the PMC of any points raised in a petition and opposed “converting the examination of these petitions by the Mandates Commission into a kind of controversial suit, in which the petitioners would appear before an International Court as parties opposed to the mandatory Power.”⁴⁶ Such a procedure “would mean the exercise of supervision by those very persons over whom supervision has been instituted,” which would in turn “weaken the authority of the mandatory Power.”⁴⁷ The Belgian government took an almost identical position.⁴⁸ This was a profound point about how colonial powers saw petitioning in the League. If mandated peoples were in that status because they lacked the maturity to become full members of the society of nations, then they lacked the maturity to make claims against the people who led their civilizational development. By suggesting oral hearings for petitioners, the PMC had suggested undermining the very basis for

⁴⁴ Letter from the British Foreign Office to the Secretary General, November 8, 1926, p. 5, File 1/55252x/55252, Box R80, LNA.

⁴⁵ Letter from the Prime Minister of South Africa to the Secretary General, November 18, 1926, p. 2, File 1/55497x/55252, Box R80, LNA.

⁴⁶ Letter from the French Foreign Ministry to the Secretary General, November 30, 1926, p. 2, File 1/55600x/55252, Box R80, LNA.

⁴⁷ *Ibid.*, 3.

⁴⁸ Letter from the Belgian Foreign Minister to the Secretary General, December 3, 1926, File 1/55694x/55252, Box R80, LNA. The Japanese government stated that, since it had never received petitions, it had no direct experience, but that it too forbade oral hearings domestically. Letter from the Japanese Delegation to the League of Nations to the Secretary General, December 5, 1926, File 1/55822x/55252, Box R80, LNA.

the Mandates experiment, placing the Mandated peoples and Powers on an equal footing. The civilizing mission in the Mandates did not include tutelage in anticolonial protest, as the New Zealand representative had told Rappard in 1922. In this range of imperial responses, is hard to imagine a more comprehensive rebuke to the PMC.⁴⁹

By February 1927, Drummond was looking for any solutions that would allow this matter to be “satisfactorily closed.”⁵⁰ The Council, via the Dutch representative, required that the Report be re-written to emphasize that not only did it not grant permission for oral petitions, but that the Commission had no power to decide this question in future. While the Council hoped to enable the PMC to carry out its work effectively, “it would not, however, be desirable to seek to attain this object by means which might alter the very character of the Commission.”⁵¹ From this point onward, no comprehensive changes were made to the petitioning procedures of the League—all later documents dealt with minor tweaks and summaries of prior action. The Council also refused to approve any reports from the Secretariat dealing with mandates without direct revisions. The question of hearing petitioners in person would never again arise in the Council of the League.

Despite this political setback, League staffers still had faith in the autonomy of the Mandates System. In January 1927, Gilchrist reported to Catastini that the Commission was going through “a very difficult period” and that “it is most necessary that the members of this Commission should feel is that they have the full confidence of the other organs of the League as

⁴⁹ Pedersen describes the controversies of 1926 as “the most serious attack on its rights that the PMC would face over its twenty-year existence.” Pedersen, *The Guardians*, 211.

⁵⁰ Note by the Secretary-General, February 3, 1927, File 1/57159/22099, Box R61, LNA.

⁵¹ Question of the Hearing of petitioners by the Permanent Mandates Commission in Certain Cases, Report by the Netherlands Representative to the Council, February 22, 1927, p. 3, League Document C.72.1927.VI, in File 1/57159/22099, Box R61, LNA.

well as the mandatory Powers.”⁵² Gilchrist criticized the role of the Council on petitions, pointing out that at any meeting it was only the “seven representatives of the mandatory Powers, the representative of the Permanent Mandates Commission and the rapporteur” who were “fully prepared” for the discussion.⁵³ The rest of the 20 members of the Council did not take much interest in the proceedings and the “representatives of the mandatory Powers, experience shows, regard themselves as present primarily to defend the interests and the point of view of their Governments as mandatory powers, rather than as members of the Council with a broad general international responsibility for the impartial execution of Article 22 of the Covenant.” Given this fact, Gilchrist lamented that they acted as “judges and parties in the same case.” Compounding the problem was that “[t]he representatives of the Mandates Commission [are] present by the courtesy of the Council rather than by any legal right.” Even though the PMC’s representative was one of the only people who knew the facts of the case, this lack of legal right “puts him somewhat in a position of inferiority, and of course he has no vote as regards any action to be taken.” Even if this was “inevitable and inherent in the constitution of the Council and of the League,” it undermined the League’s authority.⁵⁴

Gilchrist’s only suggestion was that perhaps the Rapporteur should have two other colleagues to support him in the Council, giving his expert (and impartial) testimony more weight. “In theory such a suggestion might be applicable in the present case of the Hearing of Petitioners, but for political reasons I am not sure of the wisdom of putting it forward at the

⁵² Letter to Catastini from Gilchrist, January 3, 1927, p. 3, File 1/56169x/22099, Box R61, LNA. Pedersen reads the crisis of 1926 as an important moment in unifying the members of the Commission around a similar vision of their role in the Mandates System, a role more oppositional to the Mandatory Powers. Pedersen, *The Guardians*, 215. This is true, but it does not change the fact that the Commission would never again have the kind of leeway it did in 1925.

⁵³ Minute from Gilchrist to Catastini, January 24, 1927, p. 2, File 3, Box S1612, LNA. As it happened, Gilchrist forwarded these minutes to Catastini late, finding them in his desk on his last day of work at the League on June 30, 1927.

⁵⁴ *Ibid.*

present moment.”⁵⁵ This matter, though, was to live on. Gilchrist would become one of the participants in post-Second World War planning, and he would carry his concerns about petitioning to that body. In particular, he approached petitioning in that body as being a fundamentally judicial procedure, where Mandatory Powers would no longer be allowed to be judges on their own cases and where petitioners would have their say.

“Setting themselves up as ‘somebodies’”⁵⁶: Responses, Legitimation and Routinization

The debate over oral petitioning delivered the most public rebuke the Permanent Mandates Commission had ever received. The Council’s reaction was also very important in the context of later controversies. The International Court of Justice decided, in 1956, that the League’s Covenant had implicitly granted a right of oral hearing in the Mandates System; the Council’s decision to reject the possibility of oral petitions in 1927 was one of the most difficult points both litigants and the Court had to deal with in that judgment. The rejection of oral petitioning would also be important to people like Rayford Logan and Ralph Bunche in the early 1940s, as they sought to set out a more robust system of oversight in the Trusteeship Council. Constitutionally, the oral petitioning debate was the most important development in petitioning in the League after the drafting of the Rules of Procedure of 1923.

That said, the oral petitioning question was not the only area with relevant developments in petitioning in the late 1920s. As discussed in Chapter One, the very earliest debates within the League on petitioning were about how to respond to petitions from colonized peoples. The very

⁵⁵ Minute from Gilchrist to Catastini, January 24, 1927, p. 3, File 3, Box S1612, LNA.

⁵⁶ Petitions, Confidential Note by M. Merlin, November 18, 1929, League Document C.P.M. 967, p. 2, in File 6A/15731/708, Box R2321, LNA.

act of responding at all—even without the ability to act on the substance of a complaint—had proved a powerful symbol in the first five years of the PMC’s existence. Tilman Dederling’s work on petitioning in South-West Africa demonstrates that, even in the most remote Mandates, the act of receiving a response from Geneva could have an important impact on local organizing and morale.⁵⁷ Those polite responses, which were so different from the disdain most mandated people experienced at the hands of their administrators, became talismans that signified a colonized person’s access to larger structures of colonial oversight than those of the Mandatory Power alone. Some of the first resistance to the Mandates System administration from the Mandatory Powers came in the context of its early liberality in responses. Notably, the League’s general policy on responding directly to people who contacted it led to protests, which in at least one case—the Rehoboth Bastards of South-West Africa—prompted the PMC to send a response via the Mandatory Power.⁵⁸ In other cases of particularly inflammatory petitions, the letters were marked confidential and circulated only as numbered copies, with no response sent.⁵⁹ Particularly after 1926, when the path to effective engagement with petitioners’ claims seemed closed, the ways petitioners heard back from the League was an important part of the overall value of writing to the Mandates.

Unlike oral petitioning, which received attention after the Second World War for its importance in the Trusteeship decisions, the procedures for dealing with responses have not been

⁵⁷ Tilman Dederling, “Petitioning Geneva: Transnational Aspects of Protest and Resistance in South West Africa/Namibia after the First World War,” *Journal of Southern African Studies* 35, no. 4 (2009): 801.

⁵⁸ Various questions concerning petitions, Note by the Chairman of the Permanent Mandates Commission, p. 6 (dated, 15 Oct., 1925), File 1/47157/47157 (Mandates Registry Files, 1919-27), Box R77, LNA; see also Report by Gilchrist on the Procedure with Regard to Petitions Rejected by the President – Replies to Petitioners (undated), File S1612/3/1922-39, Box S1612, LNA (“Discretion should be used in deciding whether or not to inform petitioners of the reasons for the rejection of their petitions.”); Extract from the Minutes of the Seventh Session of the Permanent Mandates Commission, League Document C.678.M.237.1925, File 1/51407x/22099, Box R60, LNA.

⁵⁹ See Memorandum from Huntington Gilchrist to Catastini, December 12, 1927, File 6A/708/708, Box R2321, LNA.

studied before. It was centrally important, though, to many petitioners, and drafting responses to petitions became a large part of the work of the Mandates Section in the 1930s. As Council pressure led to an ever-narrowing set of complaints meriting examination by the Mandates Commission, the Section began to craft a carefully calibrated set of internal standards for responding to petitioners. The logical outcome of this process was a set of pre-printed rejection letters the League prepared in the mid-1930s, created to deal swiftly with a mounting number of incoming appeals that the PMC was not in a political position to address.

Nor was the routinization of communication a one-way street. Petitioners also developed standardized forms of response and protest to send to the League. For Marcus Garvey and the UNIA, petitioning the League had been a vital form of legitimation. On failing to receive responses that satisfied their claims, Garvey organized a letter-writing campaign that mirrored the League's rote rejections: dozens of black Americans filled out pre-printed petitions and mailed them to Geneva.⁶⁰ Many others copied out their petitions by hand and did the same. A few kept up their correspondence for years past Garvey's exit from the Pan-African scene. The act of maintaining correspondence with Geneva had value in and of itself. The archive these petitioners created is a powerful repository of millenarian appeals to the League. By the late 1930s, these petitions were building claims to black emancipation with an eye to the impending Second World War. These petitions form the basis of an article and a chapter that is currently being written for the monograph based on this dissertation.

Nor was this an isolated case. Some petitioners saw even a minimal response from the League as the only possible avenue for recognition that they even had a claim. For the Six Nations of the Iroquois, writing to the League in the late 1930s was a means of claiming

⁶⁰ See petitions in File 6A/7158/7158, Box R2344, LNA.

statehood against the Canadian government, and marking the fact that they had indeed made their arguments on the international stage.⁶¹

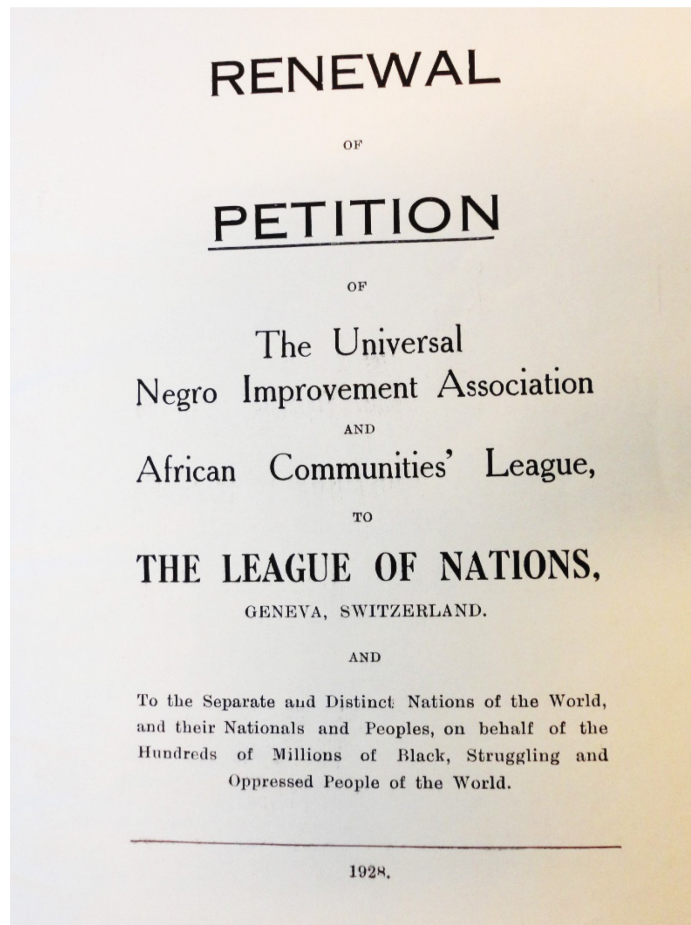


Figure IV: UNIA 1928 Petition to the League of Nations

⁶¹ These two case studies will form the basis for a new fourth chapter in the book that will come out of this dissertation.

ONE GOD

ONE AIM

ONE DESTINY.

NAME *Julius Heyer*
 STREET *1000 N. 1st St.*
 CITY *St. Louis*
 COUNTY *St. Louis*
 STATE *Mo.*
 AUGUST *1929*

RECEIVED IN
 REGISTRY
 -7 SEP 1929

SIR ERIC DRUMMOND,
 GENERAL SECRETARY,
 LEAGUE OF NATIONS,
 GENEVA, SWITZERLAND.

TO YOUR EXCELLENCY, FELLOW CITIZENS OF ALL HUMANITY.

GREETINGS;

I am an African descent. Being the victim of circumstances, through the slave traffic of the seventeenth century, which carried thousands of Negroes from their God given home Africa to various foreign lands, I was born in the State of *Missouri* in the United States of America, in the year of our Lord... *1878*... in the month of *Sept.*

From ancient and modern history I have learned that my ancestors were landed in this country through slave traffic *in 1611* A.D.. Furthermore I have learned that the contract signed by the Old Dutch traders authorized them to seize the natives from their God given home (Africa), under false pretense. Saying they would carry the Africans to various parts of the civilized world for the purpose of civilizing and christizing them.

ONE GOD

ONE AIM

ONE DESTINY.

Under such false pretense the Seventeenth century landed twenty Africans in these United States of America. Thus slavery became an institution in this country, which rapidly grew worse and worse until two hundred and fifty years had gone by,

In the year of 1661, there was a man sent from God to the presidency of the U.S.A., whose name was Abraham Lincoln.

Who by the assistance of other noble hearted men brought this country to four years of bloody war. Through which the institution of slavery was said to be abolished.

Three and half millions souls were set free, uneducated and very much destituted. They set out to reach the heights of civilization and to learn the true principles of the God they heard about through their slave masters in the slave world.

After the Africans were set free in this foreign land, three and one half millions men, women and children in strange land a long way from home, without shelter or food. The U.S.A.'s Government was goodly enough to convey the strangers back to their homeland Africa. But made fifteenth amendment to her constitution, which she pretended would make the Africans citizens to this country.

These poor helpless creatures gladly accepted this false pretense of a law unaware of it's bribery. Thus we have tried hard times and again to prove ourselves citizens under this fifteenth amendment, only to be objected.

Figure V: Extract of petition signed by Julius Heyer, August 19, 1929
 © United Nations Archives at Geneva

Regulating Responses in a Mature League

The question of responses had remained at a simmer through the Rules of Procedure debates of 1923 and 1924. They reemerged in 1925-26, when the Council began its second serious debate over the League's relationship with non-State correspondents. British representatives sought to limit these activities starting in October 1925, at a time when Palestinian petitions were coming into the League on a weekly basis, and complaints against British rule in Togo were becoming troublesome. Alexander Cadogan of the Foreign Office wrote to the League asking that the PMC should reply to petitions only through the Mandatory Power and not directly.

The Secretary-General was initially open to following this path, wishing to deflect attention from the brewing controversy over oral petitioning.⁶² The League's Legal Section informed Drummond that any "right" inhering in the "right to petition" was one possessed by the institution as a right to *receive* petitions, rather than as a right of petitioners to have their complaints heard. One report stated that, while "[i]n principle everybody is free to petition the League . . . , the petitioner . . . is not a party to a lawsuit between himself and the interested government."⁶³ At least constitutionally, that would mean that the League need not correspond with petitioners directly, as it would if they were litigants before an impartial body.

Changing the PMC's policies on responding to petitions encountered resistance in the PMC, though. The same dynamics that had pushed Rappard and the PMC to ask the Council for the authority to allow oral petitioning also pushed them to require that any change in policy on responses come from higher up. For Rappard, in particular, the idea of sending responses via the

⁶² Draft letter to Alexander Cadogan, October 9, 1925, File 3, Box S1612, LNA.

⁶³ Note by the Secretary-General concerning the present practice with regard to replies sent to private petitions, May 19, 1926, p.3, File S1612/3/1922-39, Box S1612, LNA.

Mandatory Power on a regular basis would undercut any remaining trust petitioners had that their complaints were getting a fair hearing.

The question came before the Council in March 1926, when it noted that petitioning in the Mandates, and especially the practice of sending a copy of the PMC's annual report to petitioners, was giving legitimacy to complaints and could be read as a challenge to the Mandatory Powers' prerogatives. It directed the Secretary-General to lay out the standards by which the Secretariat would handle these requests in the future, suggesting a more conservative solution.⁶⁴ Paul-Boncour, the French representative to the Council, raised the question again in June 1926. Boncour believed that sending a petitioner an extensive response "might result in a kind of recognition of the individual or group which had sent the petition." If the League sent a formal response that included the entirety of the minutes of the last meeting of the PMC—as had been the practice—he thought the petitioner "would be in a way invested with a kind of authority conferred by an answer based on the whole conception of the League of Nations of a large problem like that of the mandate, instead of being based on a precise point which petitioners might have raised."⁶⁵ He sought to halt direct responses to petitioners, or to at least limit them severely.

In the face of Theodoli's objections and letters from Lugard and Rappard, the Council decided to leave discretion over responses to the PMC, with an admonishment that such responses must not undermine the authority of a Mandatory Power. The PMC was advised that,

⁶⁴ Procedure to be Adopted in Replying to Petitions, Report by the Swedish Representative to the Council of the League, June 8, 1926, p. 1, League Document C.358.1926.VI.

⁶⁵ Minutes of the 5th Public Meeting of the Thirty-Ninth Session of the Council of the League, March 17th, 1926, at 4:30pm, League of Nations Official Journal, Vol. 7, Issue 4, pp. 524-26. See also Mandates, Procedure Adopted in Replying to Petitions Concerning Mandated Territories, Note from the Secretary-General, June 10, 1926, League Document C.P.M. 415, File 1/51407x/22099, Box R60, LNA; Minutes of the Fourth Meeting of the Fortieth Session of the Council of the League, June 10, 1926; Extract No. 39 from the Official Journal, September 1926, in File 1/51407x/22099, Box R60, LNA.

barring extraordinary circumstances, it was not to send responses to petitioners that went beyond the narrow confines of a claim, especially if that petition was found not to be receivable.

Moreover, the Chairman of the PMC and the Secretary-General were reminded of their authority to send responses to petitioners via their home states, irrespective of that practice's effect on perceptions of impartiality. By the late 1920s, the Chairman was rejecting almost all petitions that sought to challenge the political basis for Mandatory administration, limiting the PMC to discrete complaints against administration that could be dismissed quickly and succinctly.⁶⁶

A last revision of the Rules of Procedure in October 1933 came after a spike in petitions from Syria and Palestine, as well as a number of petitions from Sub-Saharan Africa. The Chairman of the PMC noted the concern "at the increasing proportion of trivial petitions upon which the Commission is called upon to pronounce."⁶⁷ His communication was prompted by complaints from colonial powers about the effect petitions were having on their ability to govern. Members of the Commission suggested that the Chairman's authority to summarily dismiss trivial petitions be expanded into those petitions that came via Mandatory Powers (initially, this power was reserved for petitions coming directly to the League). This would have required an amendment of the 1923 Rules from the Council, which would have to be carried out by the Council in the first instance. As Catastini, Rappard's successor as Direction of the Section, would note during the PMC's next meeting, "any attempt to modify the procedure in respect of

⁶⁶ See for example Petitions rejected in accordance with Article 3 of the Rules of Procedure in respect of Petitions, Report by the Chairman for the Twentieth Session of the PMC, May 27, 1931, League Document C.P.M.1160, p. 3, in File 6A/5041/708, Box R2321, LNA.

⁶⁷ Procedure in the matter of petitions, Note by the Chairman (confidential), October 23, 1933, League Document C.P.M.1448, p.1, File 6A/7430/5210, Box R4132, LNA.

petitions would be a very delicate matter.”⁶⁸ The oral petitions debate had put the PMC on notice that approaching the Council was risky.

Instead of going this route, the Chairman sought a “solution which would fall within the framework of those rules.”⁶⁹ This would involve the rapporteur on a petition deciding its receivability *in limine*, before any substantive examination of the question. A finding of non-receivability would then end the discussion and allow the Commission to see only a short summary laying out the reasons for that finding. The Chairman suggested a procedure whereby petitions with observations from the PMC would be sent in a different part of the report from those without observations, the latter category including those petitions from outside the mandated territories that the Chairman had already summarily dismissed.⁷⁰ In this way, petitions that lacked substance or that challenged the basis of the Mandates as a whole would be dismissed without comment and without the need for giving more than a form response. The PMC adopted his suggestions.⁷¹ Almost immediately afterward, the Mandates Section began to compile a list of the responses it had sent to petitioners in the past, to come up with a standard formula that would not step beyond the strictures of the Council.

The 1930s Form Petitions

The final step in codification came in the mid-1930s with the production of a standard form of response to petitions, a step-by-step procedure from the moment of reception of a letter through

⁶⁸ Minutes of the Eleventh Meeting of the Twenty-Fifth Session of the Permanent Mandates Commission, October 25, 1933[incorrect date on file], p. 118, in File 6A/7430/5210, Box R4132, LNA.

⁶⁹ Procedure in the matter of petitions, Note by the Chairman (confidential), October 23, 1933, League Document C.P.M.1448, p. 2, File 6A/7430/5210, Box R4132, LNA.

⁷⁰ *Ibid.*, 3.

⁷¹ Procedure as regards petitions, Wording Proposed by Van Rees, Palacios and Rappard, October 26, 1933, League Document C.P.M. 1459, File 6A/7430/5210, Box R4132, LNA.

the final response to the petitioner.⁷² The form responses covered every eventuality: a petition from a mandated territory that came directly to the League; a similar letter that came via the Mandatory Power but was found inadmissible; a similar letter that reached the Council, but was rejected; a letter from outside the Mandates that was duplicative of earlier efforts, etc. In all, the Mandates Section created twelve different form responses, with examples in both English and French that included space for inserting the petitioner's name. These forms were developed by redacting responses that had already been sent to petitioners.⁷³ In at least one case, for a petition from Palestine in September 1939, the League had its professional printers print a generic bilingual letter to send to all petitioners who wrote to it.⁷⁴ Similar letters were created for communicating with Mandatory Powers, the Council, and rapporteurs.

⁷² See File 3, Box S1621, LNA. It is difficult to pin down when these forms were created. Some were certainly sent in the early 1930s, but the forms extant in the archives refer to precedents from 1938 and 1939. Most likely, the forms were created in the early 1930s and continually updated on the basis of accumulating practice.

⁷³ See edited copy of letter from the Director in Charge of Mandates Questions regarding Palestine, September 28, 1939, File 3, Box S1621, LNA.

⁷⁴ Copy of letter to Palestine petitioners, September 28, 1939, File 3, Box S1621, LNA.

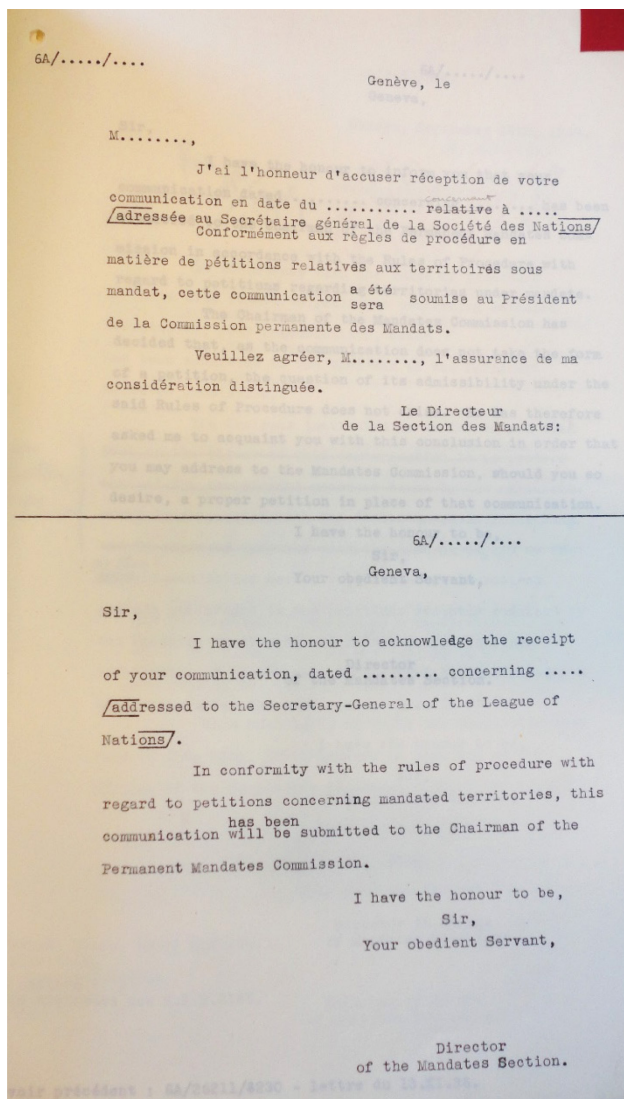


Figure VI: Form response to a petition to the Mandates Commission of the League of Nations, ca. 1932
© United Nations Archives at Geneva

Bizarrely, the Section not only produced form letters that were addressed to the Chairman of the PMC from the Mandates Section, but also the responses the Chairman was to send back to the Mandates Section. In deference to some small sense of independence, these forms gave the Chairman of the Commission three different possible responses to the Director of the Section: agreeing that a petition was receivable, that it was not receivable, or that he could not judge its admissibility. The choice would, of course, have already been made before the form letter was

sent to the Chairman for him to sign and send right back to Geneva.⁷⁵ In other words, Mandates Section staffers wrote the template for how other people should write to them. It is hard to imagine a better example of bureaucracy in action.⁷⁶ That said, it is also a metaphor for what petitioning had become in the League in the 1930s, by which time a receivable petition had to conform to strict guidelines and match the League's legal aesthetic. If the League would only accept rote letters, it is unsurprising that Mandates staffers preferred creating their own templates for responses.

As a result of these changes to the rules on responses between 1926 and 1933, it became almost impossible for first-time petitioners to get accurate information about why their petitions were not being accepted. Instead of explaining the reasons for any given rejection—which, by this point, were not always straightforward—these new form responses would most often just state that the letter received was “not in the form of a petition” and attach a copy of the Rules of Procedure for the petitioners to find the problems themselves.⁷⁷ Documentary practices proliferated, and the Mandates Commission and the Mandatory Powers deliberately developed a complex legal framework to manage colonial attempts at international protest.⁷⁸ The absurdity of this system is summed up in the manner in which the PMC dealt with Rajabi Thawer's second round of petitions from Tanganyika. On receiving (and reading) his initial petition, the Mandates

⁷⁵ Form letters between de Haller (Director) and the President, File 3, Box S1621, LNA.

⁷⁶ This echoes a note by Walters (a long-time staff member of the Mandates Section) from 1927, who compared this to the supposed documentary practices of a Surinamese Chief – who tied “letters on a string and hangs them up unopened in his home.” Walters “could almost believe that he had had a period of training in one or two of the Sections in the Secretariat.” Note by Walters to the Information Section, December 28, 1927, File 40/58076/56076, Box R1606, LNA.

⁷⁷ For example, Generic rejection letter, p. 35, File S1621/3/1933-39, Box S1621, LNA.

⁷⁸ One interesting variation on the theme was that, by 1938, the Section created a form letter that was only to be sent to a petitioner who came from outside Europe. The only difference between this letter and one sent to a European petitioner seems to be that, in the former case, the Section forwarded a copy of the minutes of the meeting, whereas in the latter they only cited to the relevant minutes. This was likely a result of the Mandates Section interpreting the Council's 1926 suggestions on sending copies of PMC minutes to petitioners. Registered form letters for countries outside Europe only, File 3, Box S1621, LNA.

Section asked Thawer to resubmit it via the Mandatory Power. Immediately upon receiving the amended petition via Britain, the PMC sent Thawer a letter telling him that his petition was not within the competence of the League.⁷⁹

Pedersen describes this process as a “symbolic drama” where, by playing this documentary game, petitioners made claims and the League managed to shut the door to a vast majority of the petitions it received.⁸⁰ As she argues, it is not enough to treat this systematic denial as just an outcome of the PMC’s restrictive rules; rather, these denials are an instantiation of the League’s larger structures and assumptions which presumed that rational mandated peoples would want to be placed under trusteeship.⁸¹ As Merlin had so eloquently put it in 1926, a robust petitioning procedure would imply “the exercise of supervision by those very persons over whom supervision has been instituted.”⁸² The new reality of the 1930s disabused most petitioners of this belief.

In this era of pre-printed rejections, where the reasons for rejection were so sparsely communicated and where successive rejections would be handed down for a variety of different reasons, it is striking that petitioners continued to grapple with the Rules of Procedure at all, working hard to remake their letters into the correct legal forms being asked of them. The ‘Nationalist-Negro Movement and African Colonization Association’ was particularly dogged in trying to get its petitions placed on the agenda of the League’s Assembly. They effectively

⁷⁹ Undated report on Tanganyika, Cameroun, and Syria (marked 1/58370/15313), File S1612/3/1922-39, Box S1612, LNA.

⁸⁰ Susan Pedersen, “Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations,” *Journal of Imperial and Commonwealth History* 40 (2012): 3.

⁸¹ On bureaucracy and colonial violence, see Michael Herzfeld, *The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy* (New York: Berg, 1992). See also Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering*. (Cambridge, UK: Polity Press, 2012).

⁸² Letter from French Foreign Ministry to Secretary General, November 30, 1926, p. 3, File 1/55600x/55252, Box R80, LNA.

mirrored the League's own language in their response to a generic rejection from the PMC: they quoted the internal Mandates Section file number for their letter and assured the League that it would receive revised letters from them shortly, a form of address that left the Mandates officials in charge confused.⁸³ The Togo Waome, who had petitioned the League for over eight years, constantly referred back to previous rounds of petitioning, to cases where their letters had been rejected. They reworked their letters extensively, eventually coming down with an extremely formalistic legal document that was finally accepted as receivable by the League.⁸⁴ They, and others like the Bund der Deutsch Togoländer, eventually sent in maps, photographs, testimonials, court records, transcripts, treaties, and other accoutrements of transnational claim-making.⁸⁵

In Pedersen's words, "[p]etitions were a vehicle for transforming inchoate grievances into precise and legalistic claims."⁸⁶ In playing the League's kubuki-esque rejection game, these petitioners engaged in a battle to become legible to the international community. The PMC understood that petitioners were adapting their appeals through this process of regular petitioning and rewriting. In 1933, de Haller, the third Director of the Section, noted that the Indian Association of Tanganyika's latest petition was odd and needed further study because it had not been sent via the Mandatory Power (hence making it non-receivable), even though the petitioners must have been well aware of the Rules of Procedure from their previous rounds of petitioning.⁸⁷

⁸³ Letter from the Nationalist-Negro Movement and African Colonization Association, Received November 3, 1933, Document# V, File 6A/3628/3628, Box R4123, LNA.

⁸⁴ Petition from the Chief and inhabitants of the Woame tribe, received June 7, 1933, Document# II, File 6A/4245/4245, Box R4123, LNA.

⁸⁵ See, for example, Photographs and maps attached to petition from the Bund der Deutsch Togoländer (Accra, Gold Coast), 9 August, 1937, Document# II, File 6A/30608/4245, Box R4123, LNA.

⁸⁶ Pedersen, "Samoa on the World Stage," 40.

⁸⁷ Letter from de Haller to M. Ghose, January 5, 1933, File S1612/11/1923-40, Box S1612, LNA.

Without the ability to do anything with the petitions it received, the PMC retreated to trying to limit its engagement with petitioners. They did so by creating administrative structures designed to bureaucratize petitioning and to remove any genuine interaction between petitioners and the object of their appeals. Joseph Avenol, the French Deputy Secretary-General who took over from Drummond in 1933, sought to restructure the functioning of the Secretariat. On his watch, the Mandates Section came under stress to not rock the boat with the colonial powers. Long-time staffers retired. Others were fired as the Great Depression destroyed the League's finances. By the time the form petitions were crafted, the petitions procedure was a means of deflecting appeals to the League and limiting the organization's competence. Indeed, by the late 1930s, the Mandates Commission had assumed a form and function that was closer to what Smuts and Milner had imagined in 1918 than ever before.

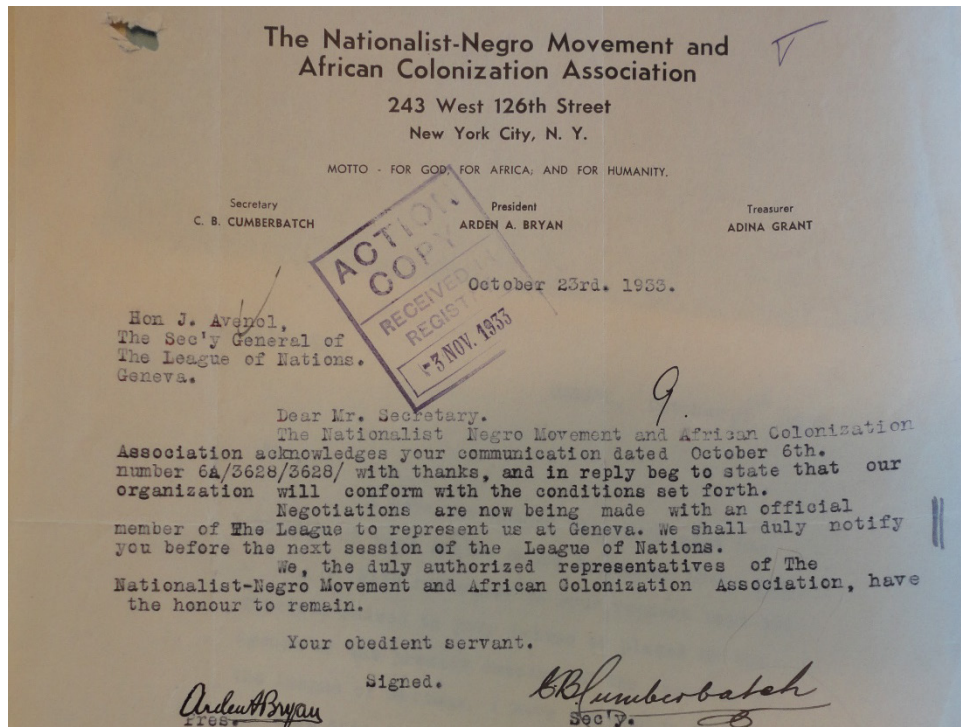


Figure VII: Letter from the Nationalist-Negro Movement and African Colonization Society to the Secretary-General, October 3, 1933
 © United Nations Archives at Geneva

Man Is The Master Of His Own Destiny

1143 Wentworth Avenue
CHICAGO HEIGHTS, ILLINOIS

S. Miles

Dec 21 1935

Dear Sir,
The sect. of the League of Nations

Geneva Switzerland

Your excellency sir I am very glad to have the honor
to write to you. This time I desire about the League of Nations
amount of territory have the League give the negro. out of Africa
the territory of nations are that which God. Give them by inheritance
write. two Rule.

territory is the portion of the earth over which it exercises the rights
of. Sovereignty may have begun from the little from occupation of land
which is the foundation of all christian peoples who serve God.

In order to protect the rights of this League of Nations have the
got a army,

Q? I want to know can the white Race be a friend to the
black Race in the national world and a friend in the regional world
and fight to take all the land. and make slaves of all the black in the
world.

Why, have the League of Nations give Italy the power to fight
against Germany. What is the constitution of the League what amount of
standard army. two stop war.

Can the white Race be a friend to the black in the regional
world and be enemies to the same race in the national world and
international world.

How many time have the League give the land that belong
to the African people to white people.

White what rights have the League over mandate territory.
How much money did the League spend to break up slavery in
the us a. Is it the breaking up slavery.

In 1830 how much money did you give to break up slavery in
south American country.

So what have the League give the rights to Jews and
the white from the black. what good have you done
in the world. Law have the League made to keep
among the nations it my desire two awaited your answer

SEND THIS IN FILE
S M MILES

Man Is The Master Of His Own Destiny

1143 Wentworth Avenue
CHICAGO HEIGHTS, ILLINOIS

S. Miles

Geneva switzerland

U N I A

sect. of the League
of Nations

Q? why did the League turn down the plea of the American negro
in the USA. when he ask for territory two live as any other
peoples.

Law is a Rule of action territory is the foundation of all moral
of christian religions system which God give to men on
earth.

the nation have not kept God word In due time when our preys
Return from heaven you shall lose the title of foreseen system
Million s of negro in this part of the world desire two live but no
one two help us two keep up two live as God would have us but you
know you have kept the divine law of God.

In 1922 a pitblon was sent here two you two cornality but
you turn it down I want to know what you going to do about it in
the future we must have more territory two live

I am your obedien servern

S M MILES

Figure VIII: Letter from S.M.M. Miles to the League of Nations, December 21, 1935.

© United Nations Archives at Geneva

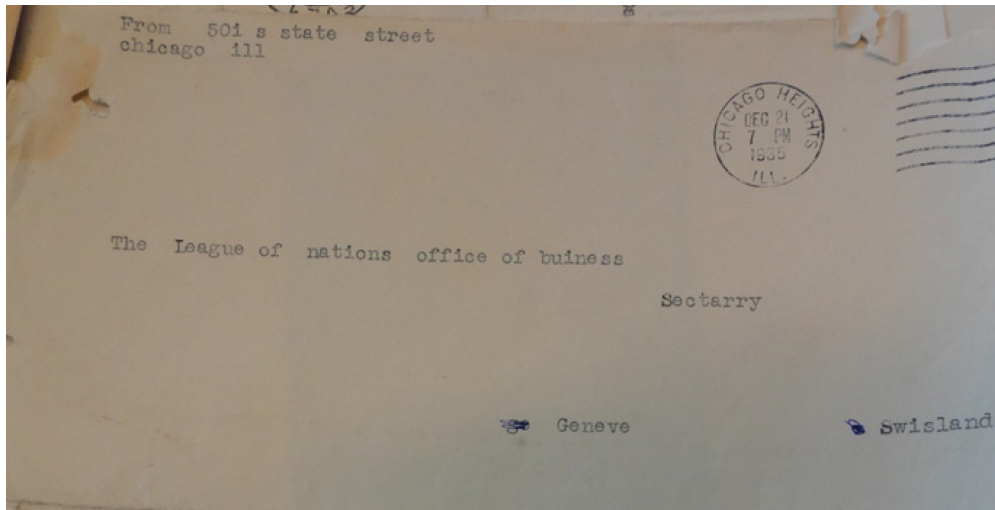


Figure VIII: Letter from S.M.M. Miles to the League of Nations, Envelope, December 21, 1935.
© United Nations Archives at Geneva

Conclusion: Mandates as Technical and Political

M. Merlin was a skeptic of the Mandates System when he was Governor of French West Africa. His appointment to the Permanent Mandates Commission did little to change that view. He wrote in 1929 that “[w]hen persons apply to the League of Nations outright their intention is to disregard all jurisdiction of the mandatory Power, to demonstrate their independence of the latter, to set themselves up as ‘somebodies,’ and possibly to create a little profitable agitation around their protest.” Indeed, “whatever the ultimate destiny of their petition may be, they will have defied the mandatory Power for a certain time, have experienced the pleasure of forcing that Power to reply and in some cases, carry out an enquiry, justify its acts and, in short, look like an accused person.”⁸⁸ By the end of the League, this was not far from the truth. For petitioners, whether from the African Mandates or Pan-African activists, the universe of options was small. They wrote to the League precisely because they were not “somebodies.” Petitioning had never

⁸⁸ Petitions, Confidential Note by M. Merlin, November 18, 1929, League Document C.P.M. 967, p. 2, in File 6A/15731/708, Box R2321, LNA.

been a policy of first instance. Indeed, as the last three chapters have shown, petitioners rarely thought the League was an easy or a likely source of relief for their concerns. Laura Bear has described this eloquently in another context: in such cases, each petition is “a small scandal that insists on the humanity of colonial subjects.”⁸⁹

That said, the process of writing to the League helped petitioners develop skills and languages of international protest. It allowed at least a few petitioners to become “somebodies.” In the mid-1940s, the experience of having petitioned the League was a useful precedent in making claims to the San Francisco Conference responsible for creating the United Nations, as well as to make claims in the UN’s General Assembly. Routinization was a tool the Mandates Section created in order to respond to Council pressure to shut down petitioning. On the surface, it was effective in minimizing the contact the League had with petitioners. Paradoxically, though, the very act of routinization made petitioning seem more normal, less controversial, less contested as a practice. It allowed figures like Ralph Bunche and Benjamin Gerig to argue in 1945 that petitioning had been such an accepted part of the League’s practice that its inclusion in the UN Charter would be nothing controversial. Indeed, by defanging petitioning in the late 1930s, the Mandates Section reduced the interest Mandatory Powers took in opposing the practice in the future. The late 1930s may have been a low point for the effective redress of grievances, but the League’s bureaucratic solutions eventually allowed for a significantly enhanced process to emerge in the UN Charter, the subject of the next chapter.

A further factor in the cross-over of petitioning from the Mandates Commission to the Trusteeship Council was that both the major world powers and petitioners themselves saw the

⁸⁹ Laura Bear, “An Economy of Suffering: Addressing the Violence of Discipline in Railway Worker’s Petitions to the Agent of the East Indian Railway,” in *Discipline and the Other Body: Correction, Corporeality, Colonialism*, ed. S. Pierce and A. Rao (Durham and London: Duke University Press, 2006), 244 (quoted in Dederig, “‘We Are Only Humble People and Poor’,” 124).

Mandates Commission as being a very different kind of body in the 1930s than it had been in the early 1920s. As Susan Pedersen, Patricia Clavin, and others have noted, one of the major dividing lines in the League's administrative structure was between the League's so-called "technical" and "political" branches.⁹⁰ The Council and the Assembly were political bodies, but so were the Secretariat's Political and Legal Sections. The Secretary-General's Section was given the task of acting as an ombudsman in managing the League's role in international conflicts. Nansen's work on refugees grew out of the League and had strong political overtones. In contrast, the Economic, Financial, and Health Sections of the League were paradigmatically "technical," and so was the International Labour Organisation to a certain extent. The League's work on intellectual cooperation, on statistical analysis and public health, on the regulation of human trafficking, and the trade in antiquities, were broadly uncontroversial.⁹¹

Scholarly consensus is that the political arms of the League largely failed in the interwar years, as they faced mounting hostility from States Members and as they capitulated to the series of political crises of the mid-1930s. Not only that: the fact that the Soviet Union was so unceremoniously ejected from the League, while Germany, Japan and Italy were allowed to stay until they left voluntarily, meant that the USSR refused to allow the political bodies of the League to survive past the Second World War. The United States, of course, had never joined the body, and the State Department remained critical of the work of the Assembly and the Council through much of the interwar years.

⁹⁰ See also, Patrick O Cohrs, *The Unfinished Peace after World War I: America, Britain and the Stabilisation of Europe, 1919-1932* (Cambridge, UK; New York: Cambridge University Press, 2008).

⁹¹ That is not to say that the work within those sections was without controversy. For instance, there is a burgeoning scholarship on the various technical aspects of the League that stresses how these bodies created the conditions for post-Second World War financial regulation. I merely mean to suggest that the fact that the League was involved in these subjects was thought uncontroversial and technocratic.

Patricia Clavin has demonstrated that the League's Economic and Financial bodies did not face the same headwinds as its political bodies, and they largely survived the collapse in Geneva.⁹² Several of these sections were transferred to Princeton, New Jersey, for the duration of the war. The US State Department's antipathy to the League did not extend to all of its operations.⁹³ Whether or not a section of the League was considered technical or political had an important effect on its survival in the post-war order.

The Mandates and Minorities occupied an uneasy middle ground between being technical and political. The Minorities, much more so than the Mandates, fit within the political rubrics of the League. The states targeted within that system were more likely to be small and relatively peripheral actors and the Assembly and the Council correspondingly took a much more active role in the functioning of the Minorities System than of the Mandates System. If the Assembly and the Council had been actively involved in oversight over the Mandates System, this would have meant frequently critiquing major League states like Great Britain and France. There was little stomach for that kind of oversight, and so the League's leading bodies relegated decision-making to the PMC and to the Mandates Section for the most part, except when one of the Great Powers objected. The founding logic of the Mandates System was also explicitly technocratic: the Mandates were supposed to be models of scientific colonialism, and the PMC was explicitly designed to be a body of colonial "experts." The Minorities System had no such pretensions—all parties involved understood that the Minorities challenge was primarily a political one, not a technocratic one.

⁹² Patricia Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946* (New York: Oxford University Press, 2015).

⁹³ For instance, the US sent delegations to "non-political" conferences at the League in the 1920s, including conferences on opium, transit, currency, and taxation. Raymond Leslie Buell, *The United States and the League of Nations* (New York: Foreign Policy Association, 1930), 168–71.

Even when Mandatory Powers sought to insist that the Mandates System was fundamentally a forum for technical cooperation in scientific colonialism, petitioners resolutely refused to keep political questions out of the PMC. The battles over how much discretion was granted to the Mandates Section and the PMC, the subject of the last three chapters, was in part a battle over the extent to which colonial rule was a political issue, as opposed to a civilizational or developmental issue. If the Mandates were to apply “‘civilizing therapy’ to the body politic,” in Antony Anghie’s words, there would be little that was politically controversial.⁹⁴ If, on the other hand, the Mandates System was a system for adjudicating disputes between colonized peoples and colonial powers, if it was a means of challenging the justice of the 1918 settlement and smoothing international tensions, these debates would make it resemble the Minorities System.

After the more freewheeling early years of the institution, the 1923 Rules of Procedure pushed the body back towards technocratic operations. The 1926 and 1927 controversies continued this trend. When the PMC came to be seen as too “political” by the Council, it was forced to become more technical, creating bureaucratic procedures to limit its scope of interference in colonial aims.⁹⁵ This push-and-pull between technical approaches (that allowed for more petitioning that was less effective) and political approaches (that called for more publicity and action for petitions, but led to fewer being accepted) was fundamental to how the “right to petition” was conceptualized by the end of the interwar period. It also gave political cover to negotiators in 1944 and 1945 that sought to bolster effective colonial oversight, as the next chapter explores.

⁹⁴ Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge, UK ; New York: Cambridge University Press, 2004), 135.

⁹⁵ Rajagopal has described the PMC’s approach as an “attitude of containment” based on “bureaucratic techniques.” Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements, and Third World Resistance* (Cambridge, UK; New York: Cambridge University Press, 2003), 69.

The Mandates ended with a whimper, not a bang. In 1938, the remaining members of the PMC asked that the Mandatory Powers submit information about how the war was effecting their administration of the Mandates in their 1939 reports.⁹⁶ German newspapers charged that the use of these territories in war was a violation of international law.⁹⁷ Several members of the Commission resigned in November and December 1939, seeing how the wind was blowing.⁹⁸ Little information was forthcoming from belligerents, and the Section's work effectively ground to a halt by early 1940.⁹⁹ By February 1940, the League's various offices were closed down, one by one.¹⁰⁰ The technical sections survived the first round of cuts: ten Mandates staffers were initially authorized to remain. In June 1940, the pro-Nazi Secretary-General, Joseph Avenol, tried to move the League's functions to Vichy.¹⁰¹ Shortly after, the remaining members of the League's Council removed him from the post.

In 1945, the League's Assembly met for the last time in order to disband itself.¹⁰² Peter Anker, a young Norwegian diplomat who had had the dubious distinction of being the sole member of the Mandates Section during most of the war, wrote a 200-page summary of the League work based on his reading of the archives and sent it to San Francisco.¹⁰³ In the years to

⁹⁶ See File 6A/39693/39693, Box R4138, LNA.

⁹⁷ See translation of article in *Deutsche Allgemeine Zeitung*, December 31, 1939, in File 6A/39693/39693, Box R4138, LNA.

⁹⁸ See File 4, Box S1625, LNA. See also, Pedersen, *The Guardians*, 395.

⁹⁹ Letter from Anker to H.T. Andres, February 16, 1940, File 6A/39693/39693, Box R4138, LNA.

¹⁰⁰ *Regroupement des Départements, Sections et Services*, February 9, 1940, File 5, Box S1621, LNA.

¹⁰¹ Internal circular letter from Joseph Avenol, June 12, 1940, File 5, Box S1621, LNA. On Avenol and the chaotic last years of the League, see James Barros, *Betrayal from within: Joseph Avenol, Secretary-General of the League of Nations, 1933-1940*. (New Haven: Yale University Press, 1969). For his successor, Sean Lester, see Douglas Gageby, *The Last Secretary General: Sean Lester and the League of Nations* (Dublin: Town House and Country House, 1999).

¹⁰² On the legal consequences of this disillusion, see Denys P Myers, "Liquidation of League of Nations Functions," *The American Journal of International Law* 42, no. 2 (1948): 320–54.

¹⁰³ Peter Martin Anker, *The Mandates System: Origin, Principles, Application* (Geneva: League of Nations Publications, 1945).

come, he would join the staff of the UN, along with many others who carried the lessons and experiences of the League with them. As the next chapter discusses, they carried an institutional memory that would allow the Trusteeship Council's petitioning powers to seem, in Benjamin Gerig's words, "confirmatory" of the practice in the League.

Coda: Mandates versus Minorities in Setting up the Post-War World

Scholars of petitioning and human rights point to the proliferation of international institutions in the early twentieth century as signaling the birth of the modern international organization and the modern international human rights paradigm.¹⁰⁴ The Mandates System is curiously absent from the main story of the rise of individual appeals under international law. Instead, the vast majority of scholarship on the interwar years has focused on the other body that accepted petitions in the League: the Minorities Section. The history of minorities petitioning is far better documented than is the history of Mandates petitions, especially in the work of scholars like Jane Cowan.¹⁰⁵ In part, this is because some Minorities petitions like the Bernheim Upper Silesia petition sparked serious diplomatic crises in the interwar years in Europe.¹⁰⁶ The League was profoundly Eurocentric and it is unsurprising that events in Europe captured a far larger portion of that body's attention than did matters from colonial territories.

See also, *The League Hands Over* (Geneva: League of Nations Publications, 1946).

¹⁰⁴ See Zara S. Steiner, *The Lights That Failed: European International History, 1919-1933* (Oxford; New York: Oxford University Press, 2005), 96–106. See also P.K. Menon, "The International Personality of Individuals in International Law: A Broadening of the Traditional Doctrine," *Journal of Transnational Law and Policy* 1 (1992).

¹⁰⁵ Jane K. Cowan, "Who's Afraid of Violent Language?," *Anthropological Theory* 3, no. 3 (2003): 271–91. For an early study of the legal implications of Minorities petitioning, see Julius Stone, *The Legal Nature of the Minorities Petition*. (London: Oxford University Press, 1931).

¹⁰⁶ See Brendan Karch, "A Jewish 'Nature Preserve': League of Nations Minority Protections in Nazi Upper Silesia, 1933-1937," *Central European History* 46, no. 1 (2013): 124–60.

As the last three chapters have suggested, the links between these two League institutions were long-running and important. The Mandates procedures was not merely an extension of the better-known Minorities paradigm, though. Whereas human rights lawyers and historians have seen the Minorities petitioning practices as an integral part of the development of individual personality in international law—bridging the espousal system and the human rights paradigm of the late 1940s—the precedents from Mandates have been relegated to a supporting role as a legal cul-de-sac. In this coda, I argue that that view is a mistake, in light of the way the two systems developed and the way their legacies were remembered in the mid and late 1940s, when the founders of the UN first considered whether that body would accept human rights petitions.¹⁰⁷

If the Mandates System was created to deal with the remnants of the Ottoman Empire and the German overseas territories, the Allied and Associated Powers created the Minorities System to deal with the aftermath of dismembering of the Hapsburg and Hohenzollern empires by creating a series of new states in Central Europe.¹⁰⁸ This consumed much of the work of the Versailles Conference, especially in those proposed new states that had evenly divided ethnic make-ups or great strategic value.¹⁰⁹ Around the Atlantic coast, the problem was most acute with German speakers living in territories outside the Weimar Republic; in Central and Eastern Europe, the problem was in disentangling and reifying the multitude of ethnic identities that had made up the Austro-Hungarian Empire. In each case, the concern was that conflict would arise

¹⁰⁷ It is also worth noting that only the Mandates survived the Second World War. See Mazower on the forced ethnic unmixing of Europe after the Second World War, so that ethnic minorities (especially Germans) would be removed in order to prevent future conflict. Mark Mazower, “The Strange Triumph of Human Rights, 1933–1950,” *The Historical Journal* 47, no. 2 (June 2004): 379–98.

¹⁰⁸ For the Paris Peace Conferences and the question of European continental empires, see Margaret MacMillan, *Paris 1919: Six Months That Changed the World* (New York: Random House, 2002).

¹⁰⁹ For a study of the larger problem of ethnic minorities, see Carole Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878–1938* (New York: Cambridge University Press, 2004).

out of the mistreatment of minorities who lived outside their ethnic “homeland.” For example, the Minorities Section sought to ameliorate fears that the treatment of Albanian minorities in Greece would become cause for the Albanian state to retaliate against the Greek state.¹¹⁰ The solution was to fashion international institutions in the mold of mixed-claims espousal tribunals under the aegis of the League of Nations.¹¹¹ In Danzig and Upper Silesia, for example, representatives of the victorious powers and the two parties would constitute semi-judicial panels to deal with complaints.¹¹² The innovation of these tribunals was the fact that citizens of a state could bring a claim against their own state.

The Minorities System of the League, based on a series of treaties signed between the new states and the League, had very close relationship to the Mandates System and its procedures. The Léon Report of 1922 explicitly mentioned that Mandates petitioning would have to be regulated with an eye towards their impact on communications in other sections of the League. There were several similarities between the two systems. Marina Finkelstein identifies that “under the Minorities Treaties and the mandates procedures of the League of Nations the petitioner had no legal standing and his petitions were received not as a matter of right but of privilege—a privilege that it is true became buttressed with developing practice but which nevertheless remained in essence a privilege.”¹¹³

¹¹⁰ See the discussion of the *Minority Schools in Albania* Permanent Court of International Justice decision in Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals: Text and Materials* (Oxford; New York: Oxford University Press, 2000), 98–99.

¹¹¹ For this argument, see Israel de Jesus Butler, “A Comparative Analysis of Individual Petition in Regional and Global Human Rights Protection Mechanisms,” *University of Queensland Law Journal, The* 23, no. 1 (2004): 22.

¹¹² For a brief analysis of petitioning in these bodies, see Kate Parlett, *The Individual in the International Legal System: Continuity and Change in International Law* (Cambridge, UK; New York: Cambridge University Press, 2011), 73–77.

¹¹³ Finkelstein, “The Individual Petition,” 23.

Neither the Minorities System nor the Mandates System possessed the capacities of arbitral tribunals and mixed commissions for Upper Silesia, where Finkelstein notes that an individual “could petition as a matter of right, explicitly granted to him by the terms of the international agreement and not dependent on the development of practice or interpretation.”¹¹⁴ That said, even though the parallels between the two systems were strong and Rappard and Colban communicated on petitioning procedures, their correspondence acknowledged a distinction between the two procedures that debunks the concept that one procedure grew naturally from the other. This correspondence also suggests that it was the development of Mandates petitioning much more so than the foundations of Minorities petitioning that was the philosophical basis for post-war notions of human rights petitioning and grievance proceedings.

The Minorities Section’s procedures on petitioning were codified in the Tittoni Report of October 1920. By the time the Council of the League had to develop a petitioning system for the Mandates in 1922 and 1923, the model of the Minorities was easily available, as the Léon report noted.¹¹⁵ Indeed, one of the first Mandates Section files to deal with a formalized petitioning procedure started with a note asking if those documents should be filed with the papers of the Saar Commission or the Minorities Section.¹¹⁶ Office practice generally followed official policy precedents, and the Minorities Section provided the Mandates Section with a wide variety of reports and memoranda on its petitions procedure in the months after the Léon Report.¹¹⁷

¹¹⁴ *Ibid.*, 55.

¹¹⁵ Procedure Regarding Petitions from the Inhabitants of Mandated Areas, Report by M. Quinones de Léon and Resolutions adopted by the Council on September 2, 1922, League document C.614.M.368.1922 VI, Dated September 4, 1922, File 1/23071/22099, Box R60, LNA. On comparisons between the Saar procedure and the Mandates, see Aleksandar Momirov, “The Individual Right to Petition in Internationalized Territories: From Progressive Thought to an Abandoned Practice,” *Journal of the History of International Law* 9, no. 2 (2007): 217–20.

¹¹⁶ Introductory note, dated September 6, 1922, File 1/23071/22099, Box R60, LNA.

¹¹⁷ See File 2, Box S265, LNA.

The Tittoni Report stated that “[t]he right of calling attention to any infraction [to the Minorities Treaties] or danger of infraction is reserved to the Members of the Council.”¹¹⁸ Although the primary responsibility to deal with Minorities infractions lay with Members of the Council, their responsibilities did “not in any way exclude the right of the minorities themselves, or even of States not represented on the Council, to call the attention of the League of Nations to any infraction or danger of infraction.”¹¹⁹ The Report set up an extensive system to determine when and how these two different kinds of complaints would come to the Council. This included a limitation in the Report itself: a petition from a Minority “must retain the nature of a petition, or a report pure and simple; it cannot have the legal effect of putting the matter before the Council and calling upon it to intervene.”¹²⁰ Essentially, the Tittoni Report made it clear that Minorities petitions must be informational in nature, and not confrontational, much like the Mandates System.¹²¹ In the Minorities System, the first and last examiners of the petitions sat on the Council. “The competence of the Council to deal with the question arises only when one of its Members draws its attention to the infraction or danger of infraction which is the petition or report.” Circulating a petition was not itself “a judicial act of the League or of its organs.”¹²²

Mandates petitioning built upon this precedent, even as it departed from it. Rappard suggested in 1923 that Mandates petitions be sent to the Assembly of the League as the rights

¹¹⁸ Guarantee of the League of Nations with Regard to Certain Clauses of the Minorities Treaties, Report by the Italian Representative, M. Tittoni, and adopted by the Council of the League of Nations, meeting in Brussels, on October 22, 1920, reproduced in “Protection of Linguistic, Racial or Religious Minorities by the League of Nations,” February 1929, League Document C.24.M.18.1929.I, p. 10; original in File 1/23071/22099, Box R60, LNA.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ *Ibid.*, 9.

¹²² *Ibid.*, 10.

and privileges of the Mandated peoples depended on the goodwill of all peoples, and not just on the supervision of the League's Council. "While according to the Minorities Treaty the Council seems to have been charged with a special and almost exclusive responsibility, and while it is true the Council is also primarily responsible for the supervision of the administration of mandated areas, the latter, according to paragraph 2 of Article 22 of the Covenant, are to be administered 'on behalf of the League.'"¹²³ Rappard thought that the "interests and the rights of Members of the League, not Members of the Council, would therefore seem to be greater in the matter of Mandates than in that of Minorities."¹²⁴ The broader ambit for Mandates petitioning came in equal parts from the fact that the Mandates were grounded in the "sacred trust of civilisation," whereas the Minorities regimes were set up with a very specific political regime in mind—handling the minorities problem in new Central and Eastern European States. Six months before Rappard wrote this letter to Colban, Bellegarde had used a similar argument to stamp the Assembly's prerogative to ask for an investigation into the Bondelzwarts affair.

One of the biggest differences between the procedures was, as Colban confirmed in a letter to Rappard, that the Minorities procedures did not "distinguish between petitions emanating from the minorities living on the territory concerned, or from any outside source."¹²⁵ As discussed in Chapter Two, this distinction was vital to the Mandates because it cut to the heart of what kinds of information were to be restricted and curated in the System. The Mandatory Powers, some of the most important members of the League, sought and constructed a system that would preserve their prerogatives. The new States of Central and Eastern Europe

¹²³ Letter from William Rappard, possibly to Erik Colban, January 5, 1923, File 2, Box S265, LNA.

¹²⁴ Ibid.

¹²⁵ Letter from Erik Colban to William Rappard, July 6, 1922, in File 2, Box S265, LNA.

(and Germany) were not in the same position—they were held in suspicion from the start. Indeed, the differences between the Mandates and Minorities petitioning procedures led to attempts to tighten the Minorities regime. In particular, the Polish government sought to change the procedures so that petitions coming from within a country needed to be sent to the League via that state’s delegation, mirroring the Mandates formula and the Aaland Islands machinery.¹²⁶ Going beyond this, the Polish government sought to stop all petitions from international organizations on minorities questions, as the British government had tried to do with regard to Mandates petitions in 1923.¹²⁷ These proposals were not carried, although the Council reigned in the practice of circulating all minority petitions to the members of the League.¹²⁸

These distinctions between the two systems were used to justify the separation of the two procedures. During the 1926 debates over revising the Mandates Procedure to deal with replies, the Council Rapporteur stated that “[i]n the case of petitions from minorities, the minorities were placed under the sovereignty of a State and the question was one of the relations between a sovereign and subjects. In the case of a mandate, on the contrary the question concerned populations protected by a Mandatory of whom they were not the subjects. There was accordingly an essential difference between the two cases which might very well justify a difference of method in regard to the communication of the resolutions.”¹²⁹ In March 1926, the Council decided to keep the two systems separate and treated the question of replies to

¹²⁶ Supplementary Proposals Submitted by the Polish Government Regarding the Procedure in Connection with Minority Petitions, Note by Secretary-General, August 24, 1923, League Document C.538.1923.I, File 41/30341/7727, Box R1648, LNA.

¹²⁷ Letter from Lucien Woolf to Robert Cecil, September 4, 1923 (relating to the Polish Note of August 22), File 41/30680/7727, Box R1648, LNA.

¹²⁸ Protection of Minorities – Questions of Procedure, Report by Baron de Rio Branco, September 1923, League Document C.552.1923 I.(1), File 41/39530/7727, Box R1648, LNA.

¹²⁹ Statement by M. Scialoja, Minutes of the 5th Public Meeting of the Thirty-Ninth Session of the Council of the League, March 17th, 1926, at 4:30pm, League of Nations Official Journal, Vol. 7, Issue 4, pp. 524-26.

petitioners as being unique to the Mandates System.¹³⁰ Similarly, when the question of oral hearings for the Mandates came up in 1926, Colban informed the Secretary-General's office that the Minorities System had not set up any system for hearing petitioners in person. But, a minute on that conversation reported Colban's opinion that "the practice of the League with regard to the hearing of petitioners belonging to Minorities should not necessarily affect its practice with regard to petitioners from mandated territories, owing to the difference in the juridical obligations of the League towards members of Minorities and the inhabitants of Mandated territories."¹³¹ Vito Catastini, the second Director of the Mandates Section, agreed that this was a notable point.¹³² The methods of circulating petitions were extremely different in both systems, and created greater room for publicity in the Mandates System.¹³³

Apart from differences in procedures, there was a more fundamental philosophical difference between the two systems. As Rappard noted, "[w]hile most ethnical Minorities have natural allies in the States Members of the League, to whom they are bound by peculiar affinities, the inhabitants of mandated areas have no such natural champions."¹³⁴ Minorities petitioning in its form resembled the system of espousal from the nineteenth century, where States were empowered to advocate for the rights of their nationals living in other territories. Native inhabitants of Mandated territories, especially outside the Middle East, were thought not to have natural allies. Even when they did have such allies—as when Afro-American and

¹³⁰ Letter to Catastini from Gilchrist, January 3, 1927, File 1/56169x/22099, Box R61, LNA. Various attempts were made to discuss the two matters in the same sessions. Each time, though, Colban managed to convince the Secretary-General that the matters needed to be dealt with separately. See File 1/50801/22099, Box R60, LNA.

¹³¹ Minute from J.V. Wilson, August 13, 1926, File 1/53285x/16466, Box R52, LNA.

¹³² Minute from Catastini to Walters, August 17, 1926, File 1/53285x/16466, Box R52, LNA.

¹³³ See Minute from Walters, December 23, 1926, File 1/56169x/22099, Box R61, LNA.

¹³⁴ Letter from William Rappard, possibly to Erik Colban, January 5, 1923, File 2, Box S265, LNA.

Caribbean activists advocated on behalf of African Mandated peoples—those allies were not considered state entities with the ability to bring formal complaints. As a result of their peculiar non-sovereign status, Rappard noted, Mandated peoples’ interests “heretofore have been represented in the Assembly on humanitarian grounds, less by States than by such individuals as Lord Robert Cecil, Dr. Nansen, and Sir Arthur Steel Maitland, whose peculiar position as individual spokesmen of public opinion more than of state representatives, is well know.”¹³⁵ If the conventional wisdom in human rights scholarship sees the Minorities as the bridge between espousal and human rights complaints in the 1940s, Rappard’s comments clarify that this shift had already taken place in the Mandates in the 1920s.

¹³⁵ Ibid.

CHAPTER FOUR

Confirmatory of the System of the Mandates: African American Expertise in the UN Charter

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

b. accept petitions and examine them in consultation with the administering authority

- Article 87, UN Charter, 1945

Introduction: An Accelerated Post-War Planning Period

From 1938 through 1941, little thought was given to the Mandates System in London or in Washington, DC. This is not to say that the Mandates themselves were unimportant during the war. On the contrary, the Japanese Mandates in particular had become important fortified positions in the Pacific. New Guinea was important to Australian defenses and British and Free French forces in Sub-Saharan Africa were drafted into colonial defense. As would become clear in 1945, it was the strategic importance of the Pacific Mandates that would prove to be the greatest stumbling block to creating a robust successor body in the UN.¹ Those issues were still in the future, though, and as the end of the last chapter noted, little work was done in the Mandates Commission after 1938, and almost none after 1940.²

¹ See, Wm. Roger Louis, *National Security and International Trusteeship in the Pacific*. (Annapolis, MD: Naval Institute Press, 1972).

² For the Mandates during the war, see Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015), 395.

That changed in 1941. In the throes of the war in Europe, British and US government planners, at first working independently, began sketching out the future of the international order. Victory in the Battle of Britain made eventual victory seem an achievable goal for British policymakers at the Foreign and Colonial Offices. The attack on Pearl Harbor in December 1941 and the official US entrance into the war made post-war planning a priority for the British. The loss of Singapore in early 1942 made the urgency of the need for an internationalized colonial policy clear to Franklin Delano Roosevelt and US officials for the first time. The acute need for US assistance in maintaining the future of not only the British Empire, but also the French, Dutch and Belgian empires, made the US more central to discussions of colonial policy than it had been at any point since 1917-18. This was the context in which a petitioning clause was proposed and adopted into the UN Charter.

The early 1940s were a seminal moment for activists in both the colonial world and in what Du Bois called America's "distinctly colonial" racial state.³ A generation of African American intellectuals, trained in the internationalist footsteps of Du Bois but not always mirroring his politics, became involved in post-war planning in the US. Du Bois had tried to influence the shape of the League in 1919 during his mission to Paris and had been unceremoniously excluded from the talks. The peculiarities of the politics of the White House, of US foreign policy planning, and of the division of expertise and resources within the US academy, now allowed otherwise marginalized black academics in the 1940s access to the halls of power in a way they had never found possible before. Ralph Bunche and Rayford Logan came of age in the interwar years. Their expertise in African affairs and, particularly, on the question

³ "Colonialism, Democracy, and Peace After the War," 1944, in W. E. B Du Bois and Herbert Aptheker, *Against Racism: Unpublished Essays, Papers, Addresses, 1887-1961* (Amherst; London: University of Massachusetts Press, 1988), 229. See also Charles Pinderhughes, "21st Century Chains: The Continuing Relevance of Internal Colonialism Theory" (PhD dissertation, Boston College, 2009).

of Mandates gave them a central role in the creation of the post-war order. Bunche would go on to shape the Trusteeship Council—the successor to the PMC—and built an organization that took petitioning far beyond what it had ever achieved in the interwar years.⁴ The philosophical basis for this new petitioning came, most of all, from Logan, who would go on to help draft the human rights sections of the 1948 NAACP petition to the UN. Their stories run in parallel to that of the major negotiations in San Francisco in 1945 and were essential efforts that shaped the post-war petitioning landscape.

This chapter interrogates the meaning that petitioning took on for the major actors in the early 1940s. It argues that the ways in which political actors remembered the League and the Mandates in 1941 shaped their position on petitioning in the Charter. Petitioning in the first half of the 1940s, a period in which no petitions were studied within the League’s apparatus, became less about what the practice was capable of achieving. Rather, petitioning (along with periodic visits by international bodies to trust territories) were proxies for how different stakeholders remembered the experience of the League and saw the future of internationalized colonial administration.

In this chapter, I will argue that the wide experiential and philosophical differences between the staffs of British and American post-war planning bodies created the conditions for petitioning to be formally permitted in the UN Charter. The US government had almost no intelligence experience in sub-Saharan Africa or in South-East Asia. The State Department lacked career staff with knowledge of the functioning of the League. As a result, the wartime

⁴ While not a very active field of study today, several scholars in the 1940s and early 1950s wrote comparative studies of the Mandates and Trusteeship Systems. See, for example, Donald S. Leeper, “International Law: Trusteeship Compared with Mandate,” *Michigan Law Review* 49, no. 8 (June 1, 1951): 1199–1210; J. W. Bruegel, “The Right to Petition an International Authority,” *International and Comparative Law Quarterly* 2 (1954): 545. More recently, see Aleksandar Momirov, “The Individual Right to Petition in Internationalized Territories: From Progressive Thought to an Abandoned Practice,” *Journal of the History of International Law* 9, no. 2 (2007): 203–31.

planning groups in the US included figures who were somewhat outside the foreign policy mainstream. Figures like Benjamin Gerig and Bunche became key advisors in State Department planning. Gerig had been one of the rare US nationals on the staff of the League, before becoming a member of the planning committee, which would eventually become the Division of Dependent Area Affairs in the State Department.⁵ He had no equivalent in Whitehall; British figures running post-war planning, like Arthur Hylton Poynton, were career colonial service officers with a dim view of the Mandates System. As a result, the US planning staff were significantly more optimistic of the League's work than were UK staffers.

Bunche, for his part, came from a relatively radical background—a member of the NAACP, a participant in international racial equality conferences, a Marxist, and a co-founder of the National Negro Congress—to be a typical part of any foreign policy planning team. His presence in the room almost certainly owed to the fact that he was one of the only US academics who had any fieldwork experience in Africa and on international colonialism. He occupied a relatively junior position in the government, no doubt, but his presence brought with it a direct line to a far more radical vision of global emancipation. His closest British counterparts were likely members of the Fabian Colonial Bureau like Rita Hinden and Leonard Woolf who, despite their close links to the UK Labour Party, were kept out of the conversation in the Foreign and Colonial Offices. Even Arthur Creech-Jones, the trade unionist and future Colonial Secretary, refrained from citing these figures in debates within the War Cabinet.

⁵ Gerig was born in Ohio and got a Ph.D. on the Mandates at the University of Geneva with Rappard's support. He published *The Open Door and the Mandates System* in 1930 and subsequently worked in the League's Information Section until 1939. He became a professor of government and political science before joining the State Department in 1942. See Pedersen, *The Guardians*, 398. Gerig is an understudied figure in post-war planning. A large portion of his papers at the Library of Congress remain closed. Some of those documents are apparently still classified.

US foreign policy inexperience became more conspicuous with its burgeoning level of global power and influence, which few figures on either side of the Atlantic fully appreciated in 1942 or 1943. As this chapter demonstrates, one of the striking aspects of the UN negotiations in San Francisco was the extent to which the UK government, in its internal debates, realized that it had little bargaining power to specify which colonial questions could or could not be discussed in international fora after the war. Although Churchill was the most vocal figure in making claims about the post-war colonial order, he and his Colonial Secretary, Oliver Stanley, had very little leverage to challenge the US in negotiations, a fact that US negotiators did not seem to be entirely aware of.⁶ This dynamic to a large degree explains the evolution of the compromises over petitioning in the Charter.

Figures like Gerig and Bunche threaded the needle between two sets of actors who had a skeptical and narrow vision of how petitioning had been understood in the Mandates System. On the one hand, people like Logan and Du Bois had been and continued to be wary of any system that made only incremental advances over the Mandates paradigm.⁷ Logan, in particular, was very aware of the limited and tenuous status petitioning had held in the interwar years. On the other hand, British colonial officials had long been skeptical about the Mandates System for the opposite reason, at least since the controversies over Iraqi independence in the late 1920s and the partition of Palestine in the late 1930s.⁸ They were also aware of the narrow range of activities

⁶ There is a vast literature on Churchill and post-war planning. But for his visions of the League and its impact on the UN, see in particular, E.J. Hughes, "Winston Churchill and the Formation of the United Nations Organization," *Journal of Contemporary History* 9, no. 4 (1974): 177–94.

⁷ On the conflicted response to UN planning in the NAACP and in the Council on African Affairs, see Penny M. Von Eschen, *Race against Empire: Black Americans and Anticolonialism, 1937-1957* (Ithaca: Cornell University Press, 1997), 74–84.

⁸ The definitive study on the effects of these two crises on the constitution of the Mandates System is Pedersen, *The Guardians*, chaps. 9, 12. See also, Susan Pedersen, "Getting Out of Iraq — In 1932: The League of Nations and the Road to Normative Statehood," *The American Historical Review*. 115, no. 4 (2010): 975.

the League had been allowed to engage in, and they began to chafe under the surveillance. As the previous two chapters have shown, it was British representatives to the Council of the League who argued that the PMC was going beyond its constitutional role in hearing directly from petitioners. Once resigned to accept that the Mandates System would essentially continue after the Second World War, they made efforts to limit the scope of its powers to those that had been accepted in 1920 and 1923.

Bunche and Gerig, among others in the State Department, recast the history of the PMC to argue that the body had possessed far more extensive powers than any other commentators believed it had. The routinization of petitioning in the 1930s helped their cause, making petitioning seem like a normal part of the organization's work. Thus, by 1945 and particularly by 1946, they argued that petitioning was not necessarily disruptive. After the Charter was complete, they argued that the Trusteeship Council's powers of petition were only "confirmatory" of the League's capacities. They normalized petitioning in an attempt to expand the scope of post-war colonial oversight well past what the more conservative San Francisco Conference had been willing to accept. The Trusteeship Council (TC), set up to take on the Mandates after the War, included a new paradigm for international appeals. Thanks to the changing composition of the United Nations in the late 1940s and to Soviet engagement with anti-colonial movements, the ambiguity left open in the wording of the Charter allowed for an expanded scale of petitioning in the new Trust Territories (the former Mandates). The appointment of several new judges to the International Court of Justice, many of whom came to the Court with sympathy for decolonization, helped give petitioning a judicial imprimatur in the 1950s.

Although this chapter is not a history of the drafting of the UN or a history of postwar colonial policy, the role of petitioning has important implications for both fields.⁹ In particular, analyzing the creation of the UN through the lens of debates over petitioning helps explain the central importance of non-elite and native participation in international law-making in a way that traditional histories of the UN have struggled to replicate. By focusing on how African American activists influenced these debates, I am building on the work done by Carol Anderson, Penny Von Eschen, Brenda Gayle Plummer and others, who have long argued for the centrality of race as a problematic in US foreign policy. Given the outsize role Bunche and Logan played in the petitioning debates at the UN's founding, this issue helps expose the impact African American activism had on international law. Moreover, by telling the story of the UN while recognizing its continuities with the League of Nations, this dissertation disturbs the declension narrative that many histories of the UN assume. The Second World War certainly opened and modified significant new avenues for anticolonial activism, but this dissertation argues that some of those avenues existed thanks to a long-running movement for recognition that had existed in the League since 1919.

⁹ For the canonical histories of the Charter, see Ruth B. Russell, *A History of the United Nations Charter; the Role of the United States 1940-1945* (Washington: Brookings Institution, 1958); Bruno Simma and Hermann Mosler, *The Charter of the United Nations: A Commentary* (Oxford; New York: Oxford University Press, 1994). For the history of the creation of a post-war colonial policy by the US and UK governments in the early 1940s, see Wm. Roger Louis, *Imperialism at Bay: The United States and the Decolonization of the British Empire 1941-1945* (Oxford: Clarendon Press, 1977). There is as yet no comprehensive history of the founding of the Trusteeship Council of the UN, but Lawrence Finkelstein's 1970 Columbia PhD dissertation on the subject comes close. Finkelstein built on official State Department studies on war-time planning, like Harley Notter's work on "Postwar Foreign Policy Preparation" from 1949. Lawrence S Finkelstein, "Castles in Spain: United States Trusteeship Plans in World War II" (Ph.D. dissertation, Columbia University, 1970); Harley A. Notter, *Postwar Foreign Policy Preparation, 1939-1945* (Westport, CT: Greenwood Press, 1949). Finkelstein served as an assistant to Bunche during the San Francisco conference and worked with him in the UN in later years. See also, Ralph Wilde, "From Trusteeship to Self-Determination and Back Again: The Role of the Hague Regulations in the Evolution of International Trusteeship, and the Framework of Rights and Duties of Occupying Powers," *Loyola of Los Angeles International and Comparative Law Review* 31 (2009): 85.

Scholars Whose Time Had Come: Bunche, Logan and Colonial Expertise

Prior to the era of area studies programs and Cold War academic funding, the scholarly study of Africa in the United States was the purview of a very small number of scholars. Raymond Leslie Buell, Alain Locke, Melville Herskovitz, Carter G Woodson and, to an extent, W.E.B. Du Bois, were major names in a field that had very few experts. For young black academics like Logan and Bunche, encouraged to engage in “Negro” studies, international relations through the lens of Africa proved a means of expanding an intellectual field that would otherwise be difficult to enter.¹⁰ Both figures were extraordinarily gifted, cosmopolitan, and engaged with international affairs. But, as Bunche was to find in later years, their blackness was a fundamental part of whether their views on a subject could be taken seriously.

Both Bunche and Logan were the intellectual descendants of Du Bois, though in very different ways. Both diverged from the pioneer at several points in their careers, Bunche more irrevocably than Logan. Yet their work on the colonial settlement in the early UN was indelibly marked by Du Bois’s battles with the League in the early 1920s. Their efforts were marked by his abiding interest in seeing race as a global construct that needed to be attacked through international action. No doubt they also shared Du Bois’s often condescending regard for the ability of Africans to rule themselves, but their emphatic position in support of integration and racial uplift did encompass colonized Africans. In the end, both saw petitioning as a tool for protest, and both used the Mandates System to imagine new emancipatory possibilities in the United Nations.¹¹

¹⁰ Vitalis dubs this group of African American internationalists the “Howard School,” in recognition of the central part Howard University played in both their professional lives and in the intellectual life of African American intellectuals writ large in the interwar and early Cold War years. Robert Vitalis, *White World Order, Black Power Politics: The Birth of American International Relations* (Ithaca: Cornell University Press, 2015), 11–13.

¹¹ By focusing on Logan and Bunche, I do not mean to suggest that they were the only black academics to study the Mandates. As

Rayford Logan and Pan-African Cosmopolitanism

Rayford Logan entered the Pan-African movement in 1921. On the recommendation of his high school French teacher (Jessie Fauset, who was also Du Bois's assistant), he helped organize the Second Pan-African Congress in London, Paris and Brussels.¹² Logan was living in France at the time, speculating in currency and participating in the multi-racial community of what Goebel has called the "Anti-Imperial Metropolis."¹³ A light-skinned man who could pass as white in Europe, Logan had decided to stay on in France after serving in the US Army in the First World War.¹⁴ He was fluent in French and Spanish and forged connections with prominent French Africans in the city, including Blaise Diagne and Gratien Candace. Logan single-handedly saved the Second Congress from cancellation by mediating conflict between Diagne and Du Bois.¹⁵ In the role of translator in Paris, Logan was privy to the tensions between Francophone Pan-Africanists, many of whom pushed for full participation in the French state, and Anglophone activists who pushed more for self-determination.¹⁶ In London, he met with Laski and Labour leaders, in Paris with Dantés Bellegarde. He would prove a good organizer and a true believer in the cause of early

Vitalis has uncovered, Alain Locke produced an extremely detailed study of the Mandates for the Foreign Policy Association in the late 1920s that was never published. *Ibid.*, 81–82.

¹² Rayford Whittingham Logan, "The Historical Aspects of Pan-Africanism: A Personal Chronicle," *African Forum* 1 (1965): 95.

¹³ Michael Goebel, *Anti-Imperial Metropolis: Interwar Paris and the Seeds of Third World Nationalism* (Cambridge, UK; New York: Cambridge University Press, 2017).

¹⁴ Logan is a woefully under-studied and under-appreciated figure in both African American studies and in international relations. Robert Vitalis's recent book, *White World Order; Black Power Politics*, is a good corrective to the latter issue. Still, throughout his life and in the historiography, Logan played second fiddle to his more illustrious contemporaries, people like Du Bois, Bunche, Walter White, Alain Locke, St. Clair Drake, Carter Woodson, Paul and Eslanda Robeson, and A. Philip Randolph. The only biography of his is by Kenneth Janken, which focuses primarily on his work in African American studies. Kenneth Robert Janken, *Rayford W. Logan and the Dilemma of the African-American Intellectual* (Amherst: University of Massachusetts Press, 1993).

¹⁵ Logan, "The Historical Aspects of Pan-Africanism," 96–97.

¹⁶ See Letter from Logan to Du Bois, August 22, 1921, W. E. B. Du Bois Papers (MS 312), Special Collections and University Archives, University of Massachusetts Amherst Libraries (henceforth, Du Bois Papers).

inter-war Pan-Africanism and helped organize Du Bois's rump Congress in 1923.¹⁷ He returned to the US in the mid-1920s and taught at Virginia Union University, before going to Harvard to get his PhD in History. He would join the faculty at Howard University in 1938, staying at that institution until he retired in 1965.

In the absence of much scholarly work on Logan, this chapter relies heavily on his papers at the Library of Congress and on the work of his biographer, Kenneth Janken. Biographies have limitations in this kind of study, especially when the focus of this chapter is on a relatively specific part of Logan's activism. Over the course of his life, Logan came to be known as a relative conservative who failed to make a clear split from US foreign policy during the Cold War.¹⁸ Looking at his life through the lens of the Mandates and his experiences in the Pan-African Congresses changes that optic significantly. His contribution to Du Bois's 1948 petition to the General Assembly of the UN is well known, but historians have rarely if ever tied his work in the UN to his long-running engagement with the Mandates System. I argue that Logan was a key figure in conceptualizing a right to petition in international law. Logan's is a story that situates black foreign policy in the lessons of the League in a way that his biographers have missed. As the conclusion to this dissertation shows, focusing in on this aspect of his work allows us to see his contributions to the development of human rights, an area that is as yet unstudied.

¹⁷ By the time preparations for the third Congress were underway in 1923, Logan and Du Bois's relationship had cooled substantially, reflecting in part Du Bois's difficult managerial personality. Letter from Logan to Du Bois, September 6, 1923, Du Bois Papers. Du Bois organized a lackluster fourth congress in 1927 in New York. Logan reported that the French refusal to allow a fifth congress in Tunisia in 1929, as well as the Great Depression, killed the movement until the Manchester Congress of 1945. There, Du Bois would play a pater familias role, rather than taking the driver's seat. Logan, "The Historical Aspects of Pan-Africanism," 99. On the more radical aspects of the Manchester meeting, see Bill Mullen, *Un-American W.E.B. Du Bois and the Century of World Revolution* (Philadelphia: Temple University Press, 2015), 168–70.

¹⁸ See, for instance, Von Eschen, *Race against Empire*, 75–76, 149.

If Du Bois's push towards internationalism was sparked by the Red Summer of 1919, it is likely that Logan's experience was similar. He was not present in the United States during those months, when race riots swept across American cities, but his diaries suggest that race relations in the US Army radicalized him and that the rising segregation in Europe under pressure from American visitors pushed him further. The pervasive racism he experienced during his tour of duty, according to some biographers, sparked a mental breakdown that was compounded by shell-shock.¹⁹

Logan developed a strong appreciation of the work of the League of Nations and of a global African diaspora while in Europe. As the organizer of the Congresses of 1921 and 1923, he was likely in contact with figures like Casely Hayford. One of Logan's most enduring relationships was with Bellegarde, who was framing his speeches against South Africa in the Assembly of the League at just the moment Logan met him.²⁰ Bellegarde inspired Logan's doctoral work on the history of Haiti in the nineteenth century.²¹ As Janken has noted, Logan's experience at the Congresses had made him an "expert in the field" of the League of Nations and international colonial supervision.²² His experiential education, even before he began his PhD, had taught him the power of international activism.²³

¹⁹ Janken, *Rayford Logan*, 39–40.

²⁰ Unfortunately, Logan did not keep a diary for the early 1920s, but his 1928 article – "Mandates under the League of Nations" – hinged on Bellegarde work bringing "race prejudice before the bar of world public opinion." Logan claimed, somewhat improbably, that Bellegarde had promised him "the first vacancy that occurred" on the PMC. Logan decried that Lugard suggested appointing a white American instead. Rayford Whittingham Logan, "The Operation of the Mandate System in Africa," *Journal of Negro History* 13 (1928): 477.

²¹ Logan had initially wanted to write on the US occupation of the country. He was advised that that would be too contemporary and too controversial to be a history PhD topic.

²² Janken, *Rayford Logan*, 60.

²³ Vitalis argues that Logan "forged his deepest political and intellectual commitments" at the Pan-African Congresses. Vitalis, *White World Order, Black Power Politics*, 100.

The centrality of the early 1920s to Logan's (or, for that matter, Du Bois's) post-Second World War work is something that few historians of African American internationalism have focused on. Instead, most studies is on the red-baiting 1940s and the challenges of negotiating FDR's shifting and uncertain support for civil rights. For someone like Logan, though, the end of the First World War and the early 1920s were pivotal. He did not keep a diary during his European years, but began to write out his reminiscences of the war in the early 1940s. This led to a striking juxtaposition: Logan's 1943 and 1944 diaries include long sections written from the perspective of 1917 and 1918, recounting the daily indignities he had faced in the army. These are juxtaposed with regular diary entries that matter-of-factly (though angrily) list the everyday indignities Logan experienced on Pullman cars as he travelled to colleges and universities to give lectures on the Mandates System and the post-war order. His reflections of his reasons for staying in Europe after the war, choosing to be demobilized there and work at the Pan-African Congresses instead of returning to the US, are literally next to his notes on his vision for a post-Second World War international order.

Logan wrote and published his first work on the Mandates in 1928, prior to getting his PhD. "Mandates under the League of Nations" was one of the key studies on the Mandates System published in the interwar years and it predated Wright's work by two years. The extended article, first published in Carter Woodson's *Journal of Negro History*, laid out detailed evidence of the negative effects of white supremacy on native development in the Mandates, citing everything from poor educational spending to forced labor regulations. Logan's work here attracted the interest of Raymond Leslie Buell and the Foreign Policy Association.²⁴ On reading

²⁴ On Bunche's reliance on Buell's *Native Problems* in writing his own dissertation, see Pearl T. Robinson, "Ralph Bunche the Africanist" in Robert A. Hill and Edmond J. Keller, *Trustee for the Human Community: Ralph J. Bunche, the United Nations, and the Decolonization of Africa* (Athens: Ohio University Press, 2010). See also Pearl T. Robinson, "Ralph Bunche and African Studies: Reflections on the Politics of Knowledge," *African Studies Review* 51, no. 1 (July 23, 2008): 1-16.

it, Alain Locke asked him if he was interested in a position at Howard, an invitation that was temporarily rescinded when Logan's pro-union and anti-segregation activism in Virginia came to the attention of the conservative administration of the university.²⁵

Logan's approach to the Mandates System was very much based in his experience of Pan-Africanism in the 1920s and his views on African suitability for independence. As mentioned, he agreed with Du Bois' preference for the rule of elite acculturated metropolitan Africans and in his uncertainty about the ability of the "masses" to exercise self-rule. He would write later that he and his fellow Pan-Africanists "were realistic in believing that the African people were not ready for independence in the early 1920s; we advocated self-government for the African people when they became prepared for it."²⁶ He remained enamored of Diagne well after most other Pan-Africanists were distancing themselves from the Senegalese delegate.²⁷ At the same time, like Du Bois, Logan carried a profound skepticism of colonial states in their willingness to voluntarily train their wards towards independence. He argued as much in his work on Haiti. Yet if immediate independence was not on the cards, Logan had faith in international supervision of colonialism. This was not surprising, given that he had worked on the 1921 petition to the League and had seen the publicity coup that Du Bois had achieved.

²⁵ Janken, *Rayford Logan*, 79. Logan received a second invitation to join Howard in 1938, which he accepted.

²⁶ Logan rejected the argument that "the first four [Pan-African] congresses were not truly concerned with African interests because they were organized by light-skinned, bourgeois, intellectual American Negroes." Nor was he willing to grant that "it was not until 1945 that Pan-Africanism really meant Pan-Africanism." Logan, "The Historical Aspects of Pan-Africanism," 100. Yet, when asked by Kwame Nkrumah about his views on African independence in 1943, Logan responded that it would only be feasible after a multi-decade apprenticeship. Janken, *Rayford Logan*, 173. On the 1945 Congress, see Von Eschen, *Race against Empire*, 52.

²⁷ The nadir of Logan's relationship with Du Bois – before it recovered again – came in 1924, when Logan helped organize a lecture tour for Diagne in the United States. Logan reached the point of threatening to sue Du Bois if he did not stop his "insidious activities that are due only to your personal jealousy." Letter from Logan to Du Bois, November 26, 1924, Du Bois Papers. After his early support for Pan-Africanism, Diagne would go on to become a central figure in the French colonial state.

That said, Logan was more skeptical of the League than Du Bois had been, and he took special interest in the Mandates System's petitioning system. From 1928 onwards, Logan would argue that the only way for international supervision to work would be with an unrestricted petitioning system that held colonial powers to account. Without petitioning, the promised goals of guardianship or trusteeship would be meaningless. Logan was a legalist. More than any other African American thinker on the League, and more than most commentators in general, Logan cared deeply about the legal basis for the racial order he was trying to overturn. Thus, on petitions, Logan was one of the few people who consistently pointed out that petitioning had no mention in the Covenant and was not a matter of right. Most of all, he was aware of the politics of respectability that had defined the PMC's early practice, where white petitioners would often speak for natives, who were not themselves thought capable of speaking intelligibly on matters of colonial administration. The discretionary nature of the Rules of Procedure was a real problem, and Logan, in all of the many post-war plans he wrote, would argue that an explicit right to petition and a right to carry out inspections needed to be spelled out in any future treaties. By the time the United States and Britain signed the Atlantic Charter in August 1941, Logan was ready both to welcome it for its broad sentiments about self-determination and to denounce its lack of specificity or enforcement mechanisms.²⁸ As discussed below, he came to the same conclusion about the UN Charter.

²⁸ On the politics of the Atlantic Charter, see Vitalis, *White World Order, Black Power Politics*, 110–13. Also, Von Eschen, *Race against Empire*, 74–76; Carol Anderson, *Eyes off the Prize: African Americans, the United Nations, and the Struggle for Human Rights, 1944-1955* (Cambridge, UK ; New York: Cambridge University Press, 2003); Brenda Gayle Plummer, *Rising Wind: Black Americans and U.S. Foreign Affairs, 1935-1960* (Chapel Hill: University of North Carolina Press, 1996); James Hunter Meriwether, *Proudly We Can Be Africans: Black Americans and Africa, 1935-1961* (Chapel Hill: University of North Carolina Press, 2002). On the divergent visions of the Charter in US and UK governmental circles, and on the importance of seeing it as a piece of wartime propaganda, see, amongst others, Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*, Lawrence Stone Lectures (Princeton: Princeton University Press, 2009), 55–58. On the Atlantic Charter as law, see Edward A Laing, "The Norm of Self-Determination, 1941-1991," *California Western International Law Journal* 222 (1992): 209–308.

By 1942, Logan entered policy debates about the future of the colonial order. First, he republished “The Operation of the Mandates System” with a new introduction.²⁹ In it, Logan staked his claim as the only person who had studied the African Mandates issue in its entirety, more so even than Quincy Wright.³⁰ He laid out a series of proposals for updating and improving the Mandates System for the post-war world. Among the most important of these suggestions was “that the new agency shall be given the right to receive direct communications from the indigenous inhabitants and to conduct investigations in the mandated areas,” a suggestion he claimed “[p]ractically all writers insist” on.³¹ A college classmate of Logan’s, Bill Riis, put him in touch with FDR’s secretary, who provided a pathway to getting the President copies of Logan’s work.³² This included Logan’s 1942 article, as well as a later memorandum on the same subject that FDR found informative.³³

At Du Bois’s urging, on completing the 1942 edition of his article, Logan began to compile a post-war plan, drawing lessons from African American experiences of the League. He wished to head off white liberal plans that did not reflect black preferences.³⁴ Most of all, as he would discuss with Du Bois after the war, thinking about petitioning in the colonies was also a

²⁹ A copy was sent to the White House and arrived on Benjamin Gerig’s desk, who then handed it off to Bunche. Logan had tried to access policy circles for some time, primarily through Raymond Leslie Buell. Vitalis, *White World Order; Black Power Politics*, 107.

³⁰ Rayford Whittingham Logan, *The Operation of the Mandate System in Africa, 1919-1927, with an Introduction on the Problem of the Mandates in the Post-War World*, (Washington, DC: The Foundation Publishers, Inc., 1942), III.

³¹ *Ibid.*, X.

³² File 5, Box 109, Ralph Bunche Papers, UCLA Special Collections, Los Angeles (henceforth, Bunche Papers). See also, Janken, *Rayford Logan*, 74.

³³ Janken, *Rayford Logan*, 170.

³⁴ *Ibid.*, 169.

way to think about challenging US abuses at home.³⁵ As others had shown during the interwar years, a wide petitioning procedure could be put to many uses. A major part of Logan's work involved drafting a "Memorandum on a Proposed New Mandate System," which was passed on to Gerig, an academic acquaintance who now worked in the State Department (and would soon become Bunche's boss).³⁶ This memorandum, in Logan's biographer's telling, built a critique of the PMC along the lines of Logan's 1928 article. Logan argued that the only way forward was to produce a system based on international administration, not national rule.³⁷ He recommended a new PMC should have a two-thirds majority of non-colonial powers and would have to sit people of color.³⁸ The new body's administrative staff needed to be chosen through a competitive exam that would weed out the influence of racial animus.³⁹

Petitions were arguably the single most important part of Logan's proposed Commission. According to Janken, Logan wanted the new PMC to hear all petitions, even if it did not act on them, and argued that it must also hear oral petitions. Finally, as a very practical aside, Logan wanted the body to pay the travel costs of any such oral petitioner.⁴⁰ It is impossible to read these suggestions, many of which Logan was making for the first time, without seeing the influence the retrenchment of petitioning in the 1930s had on black American engagement with the

³⁵ For further discussion of this question, see the Conclusion of this dissertation.

³⁶ Janken, *Rayford Logan*, 169. Unfortunately, I was unable to locate the original of this confidential document and have to rely on Janken's reading of it. Vitalis has an incisive discussion of Logan's views on the Atlantic Charter and his relationship with Gerig. Vitalis, *White World Order, Black Power Politics*, 113.

³⁷ Janken, *Rayford Logan*, 169.

³⁸ *Ibid.*, 169–70.

³⁹ After all, Logan was well aware of Du Bois, Garvey and Bellegarde's appeals to the League regarding representation on the PMC. Logan accused Gerig of appropriating this suggestion without crediting him. Rayford Logan diary entry, May 26, 1942, Folder 7, Box 3, Rayford Logan Papers, Library of Congress (henceforth, LOC).

⁴⁰ Janken, *Rayford Logan*, 170.

League. It is also hard to separate these demands from the pervasive animus Logan was experiencing at that very moment as a middle class black man in Washington, DC, where his own access to policy circles was severely circumscribed despite his academic and professional pedigree.

Logan parlayed his writings on the Mandates into a seat on FDR's "Black Cabinet." More so than Bunche and much more so than Du Bois, he remained connected to the NAACP's central command and paired his activism with a recognition of the realities of the Association's power to influence policy as the most 'respectable' black organization after the Second World War.⁴¹ By 1947, and especially after Du Bois was effectively ejected from the NAACP, Logan became the primary consultant to the group on internationalism and human rights.⁴² Walter White, the Secretary of the Association, would later describe him as the man who "knows more about the mandate system than almost anyone else."⁴³

Ralph Bunche: From Marxist Critic to State Department Insider

Like Logan, Bunche grew up highly educated, graduating from the University of California, Los Angeles, with a BA in 1927. The six or seven year age difference between them meant that Bunche did not have a chance to fight in the First World War. Like Logan, he was light skinned and could often pass as white.⁴⁴ Also like Logan, he looked up to Du Bois and embraced the

⁴¹ On Logan after the Second World War, see Vitalis, *White World Order, Black Power Politics*, 134–37.

⁴² See, for example, Rayford Logan, Memorandum to Mr. Walter White on the Geneva Draft of the Declaration on Human Rights and the Draft of the Covenant on Human Rights, March 5, 1948, Du Bois Papers. This marked a rift between Logan and Du Bois. Janken, *Rayford Logan*, 192. Unlike many others, though, Logan never denounced Du Bois and Robeson when they intensified their criticism of US foreign policy in the late 1940s. He saw his political solution for ending colonialism and racism as only one of many avenues to challenging global white supremacy. See also, Vitalis, *White World Order, Black Power Politics*, 159.

⁴³ Quoted in Janken, *Rayford Logan*, 193.

⁴⁴ Bunche is substantially better known than Logan. The main biography is by Brian Urquhart, though Charles Henry and Robert Hill have done important critical work on him. Brian Urquhart, *Ralph Bunche: An American Life* (New York: W.W. Norton, 1993); Charles P. Henry, *Ralph Bunche: Model Negro or American Other* (New York: New York University Press, 1999); Hill

mission of the Talented Tenth.⁴⁵ His undergraduate work had studied race in Chicago and, in graduate school, he sought to compare race relations in Brazil and the US, expressing the same Pan-African worldview that motivated Logan and Du Bois.⁴⁶

Like Logan, Bunche built his academic career on the Mandates and their study.⁴⁷ When he learned that his Brazil project would never get funding, Bunche decided to do a comparative study of French colonialism in Dahomey and Togo, comparing the colony to the Mandate.⁴⁸ In Charles Henry's words, "Bunche had moved from Chicago as a political laboratory to the entire continent of Africa."⁴⁹ In 1932, he traveled to Europe for nine months on a Rosenwald Fund grant and spent three months in West Africa.⁵⁰ His Harvard Political Science dissertation was one of the only fieldwork-based studies of the African Mandates done in the United States in the interwar years.⁵¹

Bunche thought that the Mandates System had contributed to marginally better administration in Africa, especially because of its oversight mechanisms.⁵² As he mentioned in his 1934 dissertation, "[i]t is more than probable that the mandate principle has operated

and Keller, *Trustee for the Human Community*.

⁴⁵ See Letter from Ralph Bunche to W. E. B. Du Bois, May 11, 1927, Du Bois Papers.

⁴⁶ Henry, *Ralph Bunche*, 66, 68. Vitalis describes Bunche as a "specialist in comparative colonial administration." Vitalis, *White World Order, Black Power Politics*, 17.

⁴⁷ Pedersen deals with Bunche's role in the Mandates very briefly, comparing his investment in the project to Rappard's and Baker's. Pedersen, *The Guardians*, 321–24.

⁴⁸ Henry, *Ralph Bunche*, 66. Bunche was supported in this choice by Raymond Leslie Buell. See Vitalis, *White World Order, Black Power Politics*, 77–78.

⁴⁹ Henry, *Ralph Bunche*, 68.

⁵⁰ *Ibid.*, 72.

⁵¹ On Bunche and Africa, see Robinson, "Ralph Bunche and African Studies."

⁵² See, for instance, his description of forced labor in the mandate, Ralph J Bunche, "French Administration in Togoland and Dahomey" (Ph.D. dissertation, Harvard University, 1934), 426.

generally to liberalize and humanize the policies of the colonial powers toward their native subjects.”⁵³ The system had serious flaws, though. Like Logan, Bunche criticized the system for giving little scope for attempts to verify the statements made by colonial powers, accepting European arguments and rejecting native voices.⁵⁴

Bunche called for an expanded petitioning system and suggested that a PMC office be domiciled in the mandated territories. He stated that there should be “native representation” before the PMC when reports were examined, and believed an “annual tour of inspection” would have a “salutary influence.”⁵⁵ He was writing at just the moment when the system of bureaucratic silencing at the League was ramping up, and he was not impressed at the weak oversight the Commission was exercising over colonial rule. Fundamentally, Bunche believed that there was a “grave need for some more effective method whereby the Mandates Commission can be made aware of the actual condition of the mandated territories and any abuses of administration which may occur.”⁵⁶ Thus, “it would be helpful if the natives were given the right of direct appeal to the League of Nations against any failure of the mandatory to keep its trust.”⁵⁷ He optimistically argued, “no just objections could be raised against such proposals by the mandatories, since they have willingly accepted the principle of trusteeship.” After all “[i]t can scarcely be maintained that the trustee is a law unto himself and subject to no scrutiny by his

⁵³ Ibid., 428.

⁵⁴ See *ibid.*, 140.

⁵⁵ Ibid., 141–42. Like Logan, Bunche wrote of colonialism from the perspective of colonial officials, rather than from the perspective of the colonized. Henry, *Ralph Bunche*, 72.

⁵⁶ Bunche, “French Administration in Togoland and Dahomey,” 427.

⁵⁷ Ibid.

own.”⁵⁸ This was a direct paraphrase of Logan’s work. What is also notable here is that Bunche, in 1932, did not believe that natives had a “right of direct appeal” to the League. Indeed, he was convinced a far more robust system was needed.

Bunche broke from Logan and Du Bois on political strategy in the context of race. During the radical phase of his political evolution—roughly, the 1930s—Bunche articulated a Marxist critique of the racialist activism of Du Bois.⁵⁹ He criticized the NAACP during the Scottsboro Boys protests for not reaching out to poor whites in the South, to build cross-class solidarity.⁶⁰ He was one of the co-founders of the National Negro Congress.⁶¹ Henry argues that Bunche saw Pan-Africanism as “a distraction from the primary goal of changing the structure of imperialist nations themselves.”⁶² In his seminal 1936 book, *A World View of Race*, Bunche wrote that “[t]he ‘race-problem’,” was but “one sordid and acute aspect of the class problem,”⁶³ and that imperialism was “an international expression of capitalism.”⁶⁴ His speeches in Washington DC were shut down by the anti-communist squads of the DC police in the mid-1930s.⁶⁵

⁵⁸ Ibid., 142.

⁵⁹ See, in particular, Henry, *Ralph Bunche*, 57. Vitalis has an incisive study of Bunche’s Marxist critique of Du Bois. Vitalis, *White World Order, Black Power Politics*, 93–96.

⁶⁰ Henry, *Ralph Bunche*, 39.

⁶¹ Ibid., 29. Robert Harris notes that this affiliation would become a problem later on for Bunche in front of the Loyalty Board of the Civil Service Commission. Robert Harris, “Ralph Bunche and Afro-American Participation in Decolonization,” in Michael L Krenn, *The African American Voice in U.S. Foreign Policy since World War II* (New York: Garland, 1999), 119.

⁶² Henry, *Ralph Bunche*, 79. His work linking slavery to capitalism would go on to inspire his student, and future prime minister of Trinidad and Tobago, Eric Williams. Ibid., 74.

⁶³ Ralph J Bunche, *A World View of Race*, Reissue of 1936 Association in Negro Folk Education edition (Port Washington, NY: Kennikat Press, 1968), 63. As Vitalis notes, Bunche would go on to repudiate this 1936 book in 1950, the year he won the Nobel Prize. A reissue would nonetheless be printed in 1968. Vitalis, *White World Order, Black Power Politics*, 13.

⁶⁴ Bunche, *A World View of Race*, 40.

⁶⁵ Henry, *Ralph Bunche*, 39.

More so than either Logan or Du Bois, Bunche was skeptical of figures like Diagne for their claim to speak for African peoples in general, rather than for just their elite compatriots. In *A World View of Race*, he described people like Diagne as part of a “privileged . . . class of natives, who become definite allies of the French administration in keeping the native masses in check.” He believed that it was “upon the assumed loyalty of this elite class of natives that the permanency and success of the French relationship with the colony” rests.⁶⁶ Coming of age after the heyday of the Pan-African Congresses and facing a grass-roots movement in the form of Garvey-ism, Bunche put less faith in legal institutions and petitions than did Logan. If petitioners were local elites, there was little reason to think common people would get a voice.⁶⁷ Only something like on-the-spot inspections would solve that problem.

Bunche built on his original Mandates project with another research trip to Africa—this time to South and East Africa—on a Social Science Research Council grant in 1937.⁶⁸ On this trip, he had a chance to spend time with Paul and Eslanda Robeson, George Padmore (his former student), C.L.R. James and Jomo Kenyatta.⁶⁹ In England, on his way, he met with Laski, Margery Perham (Lugard’s protégé and an Oxford don), Alfred Zimmern, and attended Labour party rallies.⁷⁰ Bunche’s trip to Africa was formative for the view it gave him of British colonialism and South African racial policy.

⁶⁶ Bunche, *A World View of Race*, 50.

⁶⁷ Thus, for instance, it is likely that Bunche would be less sympathetic to the appeals of someone like Octavio Olympio, the petitioner from Togo who happened to be one of the wealthiest people in the territory. Olympio’s petitions were discussed in Chapter One. Olympio and his compatriots were assisted by Casely Hayford, who had close ties to Du Bois and, though him, to Logan.

⁶⁸ Henry, *Ralph Bunche*, 75. His research notes from that trip remain in the Bunche Papers and were published in 2001. Ralph J. Bunche, *An African American in South Africa: The Travel Notes of Ralph J. Bunche, 28 September 1937-1 January 1938*, ed. Robert R. Edgar (Athens; Johannesburg: Ohio University Press; Witwatersrand University Press, 1992).

⁶⁹ Henry, *Ralph Bunche*, 77–78.

⁷⁰ *Ibid.*, 79–80.

Logan and Bunche reached their academic maturity at Howard in 1939, although Logan had taken a much more circuitous path to his position.⁷¹ Between the two, Logan had a closer understanding of the operation of the Mandates System as part of the interwar legal order. His engagement with the Pan-African potential of the body was more profound than Bunche's had ever been. Logan built his vision of petitioning on the basis that international institutions in the post-war world needed to move decisively past the concept of "domestic jurisdiction" and allow for direct appeal from minorities all over the world—drawing inspiration from an earlier Du Bois-ian vision.⁷²

Bunche might have had more radical politics than Logan, but he was better at making them seem less problematic.⁷³ He was also more successful than Logan at cultivating relationships with important white academic audiences that, eventually, allowed him access to the State Department. In 1932, a State Department official noted that Bunche "was one of the few American Negroes who has a scientific interest in international and inter-racial affairs."⁷⁴

By the early 1940s, Bunche had become more comfortable with the limited scope of individual access a revamped PMC would bring. Where Logan was more skeptical of colonial

⁷¹ According to Janken, Bunche and Logan never got along while at Howard, largely because Bunche saw Logan as insufficiently radical and Marxist: a "bourgeois nationalist." Janken, *Rayford Logan*, 205.

⁷² On the role discussions around "minorities" in international relations played in the Howard School, see Vitalis, *White World Order, Black Power Politics*, 95–97.

⁷³ Vitalis argues that Bunche became "a more circumspect public intellectual than Logan." *Ibid.*, 115. Logan would speak out against US policy in almost any context. By 1941, Bunche was very careful about how openly he talked about his position on decolonization. That said, Robert Harris notes that Bunche was investigated by the Civil Service for his communist connections upon his appointment to the UN in 1945. Harris, "Ralph Bunche and Afro-American Participation in Decolonization," in Krenn, *The African American Voice in U.S. Foreign Policy since World War II*, 119.

⁷⁴ Quoted in Henry, *Ralph Bunche*, 67.

governments, Bunche developed an admiration for figures like Lugard and Hailey during his second trip to Africa and during his government service.⁷⁵

In later years, African-American activists would complain that Bunche had sold out to the white establishment in order to advance his career.⁷⁶ Biographers are unclear on when Bunche's reticence about talking about politics developed.⁷⁷ It is likely, though, that Bunche's changing approach to colonial rule took place before he joined the US government in the early 1940s. It was during his second trip to Africa that Bunche got to meet colonial officials one-on-one. His skepticism of local elites and Marxist commitments to popular power put him in the position of showing more sympathy with the colonizers and the masses than with the local elites he had, in some cases, taught at Howard. This was not so much selling out as building on a generally positive experience with British colonial officials, something Logan never had access to.

Logan was the one to first get his ideas about trusteeship and the Mandates to members of the Roosevelt administration in 1941, but it was Bunche who joined the administration. When the Office of Strategic Services (OSS), the predecessor to the CIA, was looking for an Africanist expert to build intelligence ahead of military actions on the continent, Bunche's name was floated.⁷⁸ He became the pre-eminent scholar-diplomat on African questions in the United States in the 1940s.⁷⁹ In Vitalis's words, Bunche and Logan became the forefront of a "wholly unique

⁷⁵ Ibid., 128.

⁷⁶ See Logan diary, September 9, 1941, Logan Papers, LOC. See also, Janken, *Rayford Logan*, 206–7.

⁷⁷ Henry, *Ralph Bunche*, 126. On Bunche's elusiveness during the preparation for the UN conference, when Du Bois sought to involve him in the NAACP's efforts, see Von Eschen, *Race against Empire*, 76–77.

⁷⁸ Henry, *Ralph Bunche*, 123; Urquhart, *Ralph Bunche*, 101, 134. Vitalis notes the uncertainty among Bunche scholars about why Bunche chose to join the State Department instead of continuing in academia. Vitalis, *White World Order, Black Power Politics*, 116–17.

⁷⁹ On Bunche's time in the OSS, see Henry, *Ralph Bunche*, 123–24.

counternetwork of leading anti-colonial theorists” at the end of the interwar years.⁸⁰ With Logan writing from the outside and Bunche acting on the inside, these two figures helped shape the future of petitioning in the United Nations, drawing on their expertise in the institution of the Mandates. It is also worth noting that telling the story of Logan and Bunche through petitioning highlights the commonality in their claims and the ways in which African American internationalists agreed on certain forms of international appeal. The literature on both of these figures, and on Bunche in particular, has resolutely seen Bunche as a radical figure who became conservative on joining the government, and Logan as someone who was always a more establishment-friendly figure. Focusing on petitioning helps us move away from that easy story, to see how these figures used their access to power to advance radical aims.

Access and Exclusion in British and American Foreign Policy Circles

Bunche, Logan, Du Bois and other non-governmental organizers began drafting proposals in only one corner of a rapidly growing and evolving official planning apparatus, one that was staffed very differently on both sides of the Atlantic. In the UK, Arthur Hylton Poynton, based in the Colonial Office, led the post-war colonial planning unit in the British government.⁸¹ This initially informal group brought together bureaucrats from the Colonial, Foreign and Dominions Offices. The discussions within the British government over the future of colonial rule after the war were largely restricted to a familiar set of relatively conservative career figures in the three main departments. Major non-governmental groups like the Fabians, the Quakers, and the various missionary groups were kept away from planning meetings. Even though Labour

⁸⁰ Vitalis, *White World Order, Black Power Politics*, 92.

⁸¹ On the British planning organization and Poynton, see Louis, *Imperialism at Bay*, chap. 24.

politicians were included in the War Cabinet, few Labour figures of note were consulted during early Whitehall debates on post-war planning.⁸² Even the few who did become privy to such discussions, like Arthur Creech-Jones, had decidedly conservative views on the Empire.⁸³ Academics like Laski were never consulted, and their letters on colonial affairs were often left unacknowledged.⁸⁴ Indeed, even Chatham House, the most mainstream of think-tanks, played a relatively muted role in Mandates discussions during the war.⁸⁵

This relatively insular policy world emerged for two main reasons. First, and most importantly, nobody in the Colonial and Foreign Offices had any illusions about where the Prime Minister sat on colonial issues. Churchill had never supported the Mandates project and, in the wake of the Iraq debates of the mid-1920s, had no ideological or ethical sympathies for internationalizing colonial spaces. Indeed, as several members of both the British and US establishment noted during the Malta conferences of 1945, Churchill was capable of completely shutting down any conversation that even approached the question of expanding colonial oversight.⁸⁶ He was contemptuous of groups like the Fabian Colonial Bureau and, as far as I can tell, did not deign to respond to any documents they sought to send him during the war.

The other reason for the insularity of British planning was structural. Unlike in the United States, where almost no career members of the State Department had experience outside of

⁸² For a summary of Labour and Liberal views on the future of the Mandates, see Russell, *History of the UN Charter*, 87. See also, File FO 371/35311 (1943), British National Archives, Kew, London (henceforth, BNA).

⁸³ Urquhart, *Ralph Bunche*, 114–15; Carol Anderson, *Bourgeois radicals: the NAACP and the struggle for colonial liberation, 1941-1960* (Cambridge, U.K. ; New York: Cambridge University Press, 2015), 29.

⁸⁴ On the other hand, it is striking that FDR had a close relationship with Laski through the war years. See Franklin D Roosevelt and Elliott Roosevelt, *F. D. R.: His Personal Letters*, vol. III (New York: Duell, Sloan and Pearce, 1950), 857.

⁸⁵ See, for example, File U 326, F 371/35310 (1943), BNA.

⁸⁶ US State Department, *The Conferences at Malta and Yalta, 1945* (Washington: U. S. Govt. Print. Off., 1955), 844–45.

Western Europe or Latin America, the Foreign and Colonial Offices had a long and complex institutional history in colonial affairs in Africa and Asia. Poynton's correspondents knew how the Mandates System had worked and were current on events in European colonial possessions around the world. Former League officials were largely sidelined in the Colonial Office's planning arms, giving way to officials who had long been in charge of sending long and laboriously collected reports in the 1930s. It was these officials, many of whom had been galled at the idea of sending reports to Germans at the League about that country's lost colonies, who came to shape the new post-war organization. Even the most sympathetic voices towards the League in the British government had come to think of Mandates petitioning as an annoyance. Eric Drummond, the first Secretary General of the League and later the UK ambassador to Italy, wrote in 1944 that the "right of any inhabitant or group of inhabitants to send petitions to the Mandates Commission . . . became a weapon in the hands of unscrupulous persons and was sometimes used to foment discord between the inhabitants and the administration."⁸⁷ Many in the British government shared this view of the Mandates.

The planning establishment at the US State Department was a very different social formation, and this difference in composition ultimately had major effects on the US bargaining position and on its effectiveness in Yalta and then in San Francisco.⁸⁸ The first and most obvious difference was that the US State Department lacked anything close to the expertise the British had built up in Whitehall. At the outbreak of war, there were practically no specialists in African affairs within the US government's career ranks, and only a few people with experience in the

⁸⁷ Lord Perth et al., "The Future of the Mandates: A Symposium," *African Affairs* 43, no. 173 (October 1, 1944): 160.

⁸⁸ Lawrence Finkelstein's dissertation is an excellent source for close descriptions of the members of the policy planning staff in the US. Finkelstein served as an intern in the State Department during the San Francisco conference and was Ralph Bunche's deputy in the UN. Finkelstein, "Castles in Spain."

Pacific Islands.⁸⁹ US companies had substantial interests in the Middle East, and Palestine loomed large in US policy considerations. But, outside the Middle East, the US government knew little and had cared little about the history and development of the Mandates.⁹⁰ As Lawrence Finkelstein has noted, the “sad truth was that the United States [in 1940 and 1941] was very poorly equipped with . . . information or the apparatus to provide it.”⁹¹ Of course, as Vitalis has shown, this lack of information or apparatus was not due to the lack of people in the US with knowledge of these issues. At least initially, the issue was that these figures were overwhelmingly black and taught at Howard University, and were thus systematically excluded from the policy planning establishment.⁹²

Yet, it was this initial lack of expertise that led to the hiring of several unusual figures to the State Department’s planning staff over the course of the early and mid-1940s. The leading political figure in the early years of the Trusteeship planning program was Sumner Welles, a close confidant of FDR and a relative radical on questions of colonial oversight.⁹³ Benjamin Gerig had been one of the rare US nationals on the staff of the League, before becoming a member of the planning committee in 1942.⁹⁴ Until Bunche’s addition to the State Department, Gerig was the only person involved in colonial planning in the State Department under Leo

⁸⁹ For a detailed analysis of this paucity of expertise, see *ibid.*, 132–40, 512.

⁹⁰ *Ibid.*, 136–37.

⁹¹ *Ibid.*, 135–37.

⁹² Vitalis, *White World Order, Black Power Politics*, 106–8.

⁹³ Finkelstein, “Castles in Spain,” 109. In Lawrence Finkelstein’s words, he served as FDR’s “trusted agent in State Department” until his dismissal in 1944. *Ibid.*, 21. On Welles, see also Christopher D O’Sullivan, *Sumner Welles: Postwar Planning and the Quest for a New World Order, 1937-1943* (New York: Columbia University Press, 2014).

⁹⁴ Finkelstein, “Castles in Spain,” 102. On Americans in the League, see Warren F Kuehl and Lynne Dunn, *Keeping the Covenant: American Internationalists and the League of Nations, 1920-1939* (Kent, Ohio: Kent State University Press, 1997).

Pasvolsky, the brilliant Russian émigré who was in charge of building FDR's vision for a post-war international organization.⁹⁵ The most senior official planning for the future of the Mandates thus came to the State Department with sympathy for the Mandate project.

Again, unlike the British establishment, the US planning committees drew heavily from academia and civil society.⁹⁶ Organizations like the Commission to Study the Organization of Peace played influential roles in bringing US policymakers into contact with academics and public policy thinkers in this area.⁹⁷ These networks brought Bunche into the OSS, and then into the State Department to become, according to his boss at the OSS, "perhaps the foremost authority in America on African problems."⁹⁸ The addition of Bunche to the planning committee not only brought someone acutely conscious of racial discrimination and access into the discussions over post-war colonial policy, it also brought (by proxy) a host of thoughtful African American international relations and international law scholars into the discussions of the State Department. Bunche's acquaintanceship with Du Bois and Logan meant that these figures moved from being merely a few correspondents among many, to being real intermediaries in US policymaking in this area. If Rappard had built his vision of petitioning in the early PMC on the basis of his relationship with Harris of the Anti-Slavery Society, it is no surprise that Bunche's position was influenced by his academic relationships at Howard.

⁹⁵ Urquhart, *Ralph Bunche*, 109.

⁹⁶ Finkelstein, "Castles in Spain," 134.

⁹⁷ *Ibid.*, 99.

⁹⁸ Conyers Reed quoted in Urquhart, *Ralph Bunche*, 107.

Post-War Planning Before the End of the War

The issue of the Mandates, per se, was relatively dormant in the Foreign Office between the start of the war and shortly after the publication of the Atlantic Charter in August 1941. The publicity of that Charter, and the surrounding question of whether its pledges for self-government applied to territory outside Europe, resurrected the general issue of colonial rule in Anglo-American relations.⁹⁹ This included ratcheting pressure from the US to dismantle the British depression-era system of imperial preferences as recompense for Lend-Lease aid. These debates prompted Churchill to explicitly declare by the end of 1942 that the Empire was not, in fact, covered by the pledge to self-government in the Atlantic Charter and to forcefully rebut any suggestions that the end of the war would lead to any easing of imperial control.¹⁰⁰

Left to themselves, the Colonial and Foreign Offices would have been quite happy to let the Mandates System die with the League. In the wake of Churchill's speech, though, officials in the British Foreign Office and the British Ambassador to the United States, Lord Halifax, began to realize that US public opinion and the US State Department were committed to producing an international colonial plan.¹⁰¹ Halifax, and Churchill after him, tried to steer FDR away from colonial issues in the early 1940s.¹⁰² This led to a coordinated attempt by the Colonial, Foreign,

⁹⁹ See, among others, Anderson, *Bourgeois Radicals*, 14–15; Von Eschen, *Race against Empire*; Paul Gordon Lauren, *Power and Prejudice: The Politics and Diplomacy of Racial Discrimination* (Boulder, Colo: Westview, 1996); Plummer, *Rising Wind; Window on Freedom: Race, Civil Rights, and Foreign Affairs, 1945-1988* (Chapel Hill; London: The University of North Carolina Press, 2003).

¹⁰⁰ "Prime Minister Churchill's Speech," *New York Times*, November 11, 1942, p. 4. The US ambassador to the UK had in fact tried to get Churchill to back away from some earlier bellicose statements about the exclusion of the colonies from the promises of the Atlantic Charter. *Foreign Relations of the United States, Diplomatic Papers*, 1941, The British Commonwealth; The Near East and Africa, Volume III, p. 182. See also, Finkelstein, "Castles in Spain," 77.

¹⁰¹ Eden to Halifax, May 26, 1943, DO 35/1897, BNA. See also File F 7216, FO 371/31777 (1942), BNA.

¹⁰² See Churchill to Attlee and Eden, September 15, 1943, DO 35/1897, BNA.

and Dominions Offices to produce a counter-plan to preempt US positions on the matter, much as the UK had managed to do in the lead up to the Versailles talks after the First World War.¹⁰³

Most members of FDR's international planning staff were avowed colonial internationalists.¹⁰⁴ Indeed, many were sympathetic to Wendell Willkie's approach to internationalism.¹⁰⁵ Welles was perhaps the single most influential member of the State Department between 1941 and 1944 based on his close friendship with FDR, and he led one of the most important colonial planning operations in the State Department. Shortly after Churchill had declared that the Atlantic Charter was not intended to apply to the colonial empire, Welles gave a speech in 1942 that directly contradicted him:

“If this war is in fact a war for the liberation of peoples it must assure the sovereign equality of peoples throughout the world, as well as in the world of the Americas. Our victory must bring in its train the liberation of all peoples. Discrimination between peoples because of their race, creed or color must be abolished. The age of imperialism is dead.”¹⁰⁶

The Secretary of State, Cordell Hull, made a similar speech that summer, though couched in slightly less inflammatory language: “We have always believed—and we believe today—that all peoples, without distinction of race, color, or religion, who are prepared and willing to accept the responsibility of liberty, are entitled to its enjoyment.”¹⁰⁷ The British government was on notice.

¹⁰³ See discussion of January-February, 1943, in DO 35/1895, pp. 40-55, BNA. Mazower has made a similar point, though pointing to the fact that, at least until 1942-43, the British government was concerned about survival and was thus less in a position to challenge US planning efforts. Mazower, *No Enchanted Palace*, 58.

¹⁰⁴ Russell, *History of the UN Charter*, 331. Mark Mazower has also noted the staffing continuities between the League and the US planning establishment, albeit only in passing. Mazower, *No Enchanted Palace*, 15.

¹⁰⁵ Finkelstein, “Castles in Spain,” 21–22.

¹⁰⁶ Quoted in Louis, *Imperialism at Bay*, 155.

¹⁰⁷ Quoted in Notter, *Postwar Foreign Policy Preparation*, 109.

Gerig, then a professor at Haverford, was one of the first staff members to join the colonial planning group in the State Department. Members of the League like Gerig and Huntington Gilchrist, unencumbered by official state control in the interwar years, had been more receptive of petitions and had greater confidence in the ability of an international institution to conduct effective supervision over colonial territories than most others in the government.¹⁰⁸ For US-based planners of a new international organization in the 1940s, the League represented the template from which any new institution would have to be built, but with far more power than the League had ever had. Gerig, both before and after his appointment in the State Department, publicly supported expanding the capabilities of any future international organization.¹⁰⁹ He drafted one of the most extensive studies on the future of the Mandates in 1941, before he joined the State Department, stating that any successor to the League would “require as a minimum . . . [the c]ontinuation of the Permanent Mandates Commission with new territories brought under its supervision, a supervision to be extended as regards: (a) the right to make inquiries on the spot, (b) easier petitioning procedure, and (c) utilization of administrative officials drawn in part from among nationals of States other than the mandatory power.”¹¹⁰

Support for extending and strengthening the Mandates project came from the top. Lawrence Finkelstein has argued that FDR’s support for trusteeship dated as far back as 1935; certainly, by 1941, he was a strong partisan for reproducing and reforming the Mandates System

¹⁰⁸ Gilchrist would go on to sit on the San Francisco conference’s Second Commission as an executive officer. The fourth committee of that Commission was tasked with drafting the Charter’s Trusteeship provisions. Pedersen, *The Guardians*, 398.

¹⁰⁹ See Benjamin Gerig, “Colonies in an Eventual World Settlement,” *International Conciliation*, April 1941, 519–27; Benjamin Gerig, “Possible Reorganization of the League of Nations,” *World Affairs* 105, no. 1 (1942): 34–36.

¹¹⁰ Benjamin Gerig, “Colonial Aspects of the Postwar Settlement,” *International Conciliation*, 1942, 215. Logan would later argue that Gerig had taken these points without attribution from a memorandum Logan had written. Logan Diary, December 2, 1942, Rayford Logan Papers, LOC.

in the postwar settlement.¹¹¹ FDR and his wartime planners had little patience for claims that colonial powers would automatically build civilized states in colonies without supervision.¹¹² For FDR, the dismal rate of development in French West Africa and South-East Asia, coupled with his overly optimistic vision of rapid development in the Philippines, suggested that the problem was fundamentally one of political will.¹¹³ He wrote to Jan Smuts about stripping colonial powers of their Mandates in 1942: “Perhaps Winston [Churchill] has told you of my thought of certain trusteeships to be exercised by the United Nations where stability of government for one reason or another cannot be at once assured. I am inclined to think that the mandate system is no longer the right approach, for the nation which is given the mandate soon comes to believe that it carries sovereignty with it.”¹¹⁴

In negotiating a future colonial system, planners in both the British and in the US government had to first decide whether the Mandates System of the League have been primarily a system for overseeing colonial rule and keeping Mandatory Powers accountable to the international community, or whether it had been a forum for colonial powers to come together in an internationalized setting to determine the best models for scientific colonialism. As this dissertation has argued, the Mandates System owed its origins to a technocratic vision of colonialism and colonial expertise. The System had been acceptable to British planners in particular because of their immense confidence in both the superiority of their own colonial

¹¹¹ Finkelstein, “Castles in Spain,” 42–45.

¹¹² For an excellent critique of Roosevelt’s skepticism of French rule in particular, but also his flip-flopping on how much political capital to spend on Trusteeship questions, see *ibid.*, 11.

¹¹³ *Ibid.*, 128–29.

¹¹⁴ Letter from FDR to Smuts, November 24, 1942, Roosevelt and Roosevelt, *F. D. R.: His Personal Letters*, III:1372. On Smuts’s role in the drafting of the UN Charter, see Mazower, *No Enchanted Palace*, chap. 1.

expertise, and their beliefs that the powers of this new organization could be kept relatively modest. For British Colonial Office officials in 1941, the Mandates System had been most useful (if it all) in creating a space to discuss colonial issues, although they thought the PMC had not been particularly good at facilitating this. As Pedersen has described it, this was the Mandates System as a forum for generating “talk” about colonial best practices.¹¹⁵

This understanding of the PMC shaped later British proposals. The official British position from the first discussions mentioning Trusteeship in 1941 was that trusteeship was the basis for administration across the entire Empire, and had always been so.¹¹⁶ Their proposal was to replace the Mandates System with a universal “International Colonial Centre,” which would work in concert with various regional centers, grouping colonial and non-colonial, independent and dependent states into collections of common interest. The sole purpose of regional centers was information sharing on issues of regional import, based on the precedent of the Caribbean Commission that had just been set up. The Colonial Office saw this Centre as a sop to those who sought continuing the Mandates System, replacing supervision with mere information collecting. One of the first Colonial Office drafts of this policy, titled “International Regional Bodies in Colonial Areas,” was sent to the War Cabinet on 18 April 1944.¹¹⁷

The Colonial Office argued that a generalized supervisory organ like the Permanent Mandates Commission was ineffective and, indeed, harmful because it was liable to be staffed by

¹¹⁵ Susan Pedersen, “The Meaning of the Mandates System: An Argument,” *Geschichte Und Gesellschaft* 32, no. 4 (October 1, 2006): 581.

¹¹⁶ Telegram from Halifax to the Foreign Office, December 25, 1942, FO 371/31527, BNA.

¹¹⁷ The creation of this document was spurred by British concern at the United States’ suggestion in 1943 that the Allies make a joint statement on colonial matters before the end of the war. The impetus for that suggestion, as Roger Louis has noted, came from Isaiah Bowman in the US and led the British government on a quest to find a form of words that would satisfy US audiences. See Regional Bodies in Colonial Areas, Memorandum by the Secretary of State for Dominion Affairs to the War Cabinet, circulating Colonial Office document, 18 April 1944, W.P. (44) 221, paras. 1, 4 note, in PREM 4/31/4, BNA.

individuals (or states) that had little or no experience in colonial rule. Such members would be troublemakers in any such system, adding unproductive criticism and not much else.¹¹⁸ In an early draft, the Colonial Office declared that: “Although the spirit in which the Mandate system was conceived represented a genuine advance and its indirect influences were for the most part good, the Permanent Mandates Commission inevitably, in the circumstances, assumed the character of a tribunal over individual Mandatory Powers and was not designed to encourage them to collaborate in adjusting their policies to meet the needs of the people in the territories.”¹¹⁹ Regional Commissions, in contrast, would only include stakeholders and would thus not divorce “power and responsibility.”¹²⁰ The final version of the Colonial Office memorandum on “International Aspects of Colonial Policy,” circulated to the War Cabinet in December 1944, and later the basis for UK proposals to the US, called for scrapping the Mandates System.¹²¹

In internal minutes, Colonial Secretary Stanley made it clear that the British government was submitting its plan for regional associations as its “main contribution to the solution of Colonial questions.” But, in the event that the US government pushed further, the British government “should be prepared to agree to an International Colonial Bureau with [] limited functions as the price of getting rid of the Mandate system and the obnoxious features of the

¹¹⁸ See, for instance, “International Aspects of Colonial Policy, Third Draft, 30 November 1944, para. 12, in L/P+S/12/4559, India Office Records (formerly in the British Library, now in the British National Archives; henceforth, IOR) (“It is very doubtful whether any outside body could offer any useful advice in the matter [of readiness for independence]. The Permanent Mandates Commission itself experienced this difficulty when the termination of the Mandate for Iraq was under consideration. Judgment must be based on long practical experience of the particular circumstances and capacity of the people of the territory in question for further measures of self-government.”).

¹¹⁹ *Ibid.*, para. 30.

¹²⁰ *Ibid.*, para. 11 (“The divorce of power and responsibility implied in the exercise of executive functions by a Regional Commission would result in a form of diarchy that could only give rise to confusion and friction.”).

¹²¹ See, “International Aspects of Colonial Policy”, Memorandum by the Secretary of State for the Colonies, A.P.W. (44) 124, 7 December 1944, pp. 27-31, in PREM 4/31/4, BNA.

Congo Basin Treaties.”¹²² Stanley insisted that he would only countenance an “International Colonial Bureau attached to the proposed World Organisation[] if its functions were limited to receiving reports from all Colonial Governments and collating information about Colonial affairs.” Importantly, this International Centre would *not* have any responsibility to study the reports states sent in about their colonies; it would only collect such reports and would not give any recommendations. “No doubt it would also publish some kind of bulletin,” wrote Stanley, “but it would have no direct supervisory powers.”¹²³ In other words, petitions were off the table.

On the other side of the Atlantic, the State Department came to oversight mechanisms from the opposite direction.¹²⁴ Early drafts suggested that the Mandates System should be applied across the board to every colonial territory.¹²⁵ Logan played an important role at this stage of planning, passing on plans to Gerig. In December 1942, he reported that Gerig had told him “[i]n strict confidence” that the “broad outlines of the plans now are a ‘generalized mandate system’ with about 6 or 7 supervisory councils in different regions; ultimate self-government either as independent nations or as members of a Commonwealth of nations.” He reported that Gerig believed that the “choice of status would be determined by a plebiscite.”¹²⁶

The State Department was leaning towards national administration with international supervision, rather than the more radical international administration position Logan had pushed

¹²² Regional Bodies in Colonial Areas, Memorandum by the Secretary of State for Dominion Affairs to the War Cabinet, circulating Colonial Office document, 18 April 1944, W.P. (44) 221, para. 9, in PREM 4/31/4, BNA.

¹²³ *Ibid.*, para. 8.

¹²⁴ The Secretary of State’s Special Assistant (Pasvolsky) to the Secretary of State, August 18, 1943, Memorandum on Trusteeship and Colonial Problems, Attachment: International Trusteeship, April 15, 1943, in *Foreign Relations of the United States*, Conferences at Washington and Quebec, 1943, 717.

¹²⁵ Finkelstein, “Castles in Spain,” 38–42.

¹²⁶ Rayford Logan diary entry, December 2, 1942, Folder 7, Box 3, Rayford Logan Papers, LOC.

earlier that year and that FDR had expressed to Smuts. Logan reported that this decision had been made because it was “not going to be easy for the U.S. to tell Britain to get out of her colonies.” In the event international administration was not possible, Logan pushed for “the fullest possible improvement: questionnaire, inspection, report, right of petition for the mandated peoples, and the like.”¹²⁷ This was the position the State Department took in its very next report.

Three months later, in March 9, 1943, the United States formally communicated its position on trusteeship to the British government. In its draft of a “Declaration by the United Nations of National Independence,” the US explicitly linked the Atlantic Charter to colonial territories and posited a version of the regional council idea that had been discussed with British officials.¹²⁸ Notably, the US draft stated, “[t]he machinery of each council will be so designed as to give the peoples of the territories held in trust in its region full opportunity to be associated with its work.”¹²⁹ This was followed by another draft a month later, which called for a general “Supervisory Council,” to which “inhabitants shall have the right to petition directly.”¹³⁰ This draft made clear references to the Mandates System and was likely drafted by Gerig.¹³¹ This

¹²⁷ Ibid. Logan and Gerig differed on the mechanism for oversight, but neither thought Africa was ready for self-government. When Gerig asked Logan whether “any dependent areas of Africa were ready for self-government,” Logan “replied very definitely “No”.” Rather, he saw “a period of apprenticeship similar to that in Haiti after 1930 where more and more Haitians would be gradually placed in higher and higher administrative posts.” Ibid.

¹²⁸ American draft of “Declaration by the United Nations of National Independence”, 9 March 1945, Annex to Memorandum on United Kingdom – United States Discussions on Colonial Policy, 14 July 1944, in L/P+S/12/4559, IOR. The same document is reproduced as Appendix 13 in Notter, *Postwar Foreign Policy Preparation*, 471.

¹²⁹ American draft of “Declaration by the United Nations of National Independence”, 9 March 1945, Annex to Memorandum on United Kingdom – United States Discussions on Colonial Policy, 14 July 1944, in L/P+S/12/4559, IOR.

¹³⁰ The Secretary of State’s Special Assistant (Pasvolosky) to the Secretary of State, August 18, 1943, Memorandum on Trusteeship and Colonial Problems, Attachment: International Trusteeship, April 15, 1943, in *Foreign Relations of the United States*, Conferences at Washington and Quebec, 1943, 722.

¹³¹ This document was not met with well by the UK government, as Isaiah Bowman reported back. Notter, *Postwar Foreign Policy Preparation*, 254. It prompted the Colonial Secretary to make a speech in the House of Commons in July 1944, clarifying British opposition to international administration, but arguing in favor of regional commissions. Extract from Hansard, 13 July 1944, Annex to Memorandum on United Kingdom – United States Discussions on Colonial Policy, 14 July 1944, in L/P+S/12/4559, IOR.

reflects what Ruth Russell, the author of the most complete history of the Charter, saw as an attempt to “correct the criticized weaknesses of the mandates system.”¹³² What is important to note here is that the “criticized weaknesses” of the system were very different in Whitehall and in the State Department, which created the conditions for the battles at San Francisco.

Preparing for San Francisco: Moscow, Dumbarton Oaks, Yalta

The British government tried to keep colonial issues out of any public multilateral discussion, unsure of their ability to control the conversation. They sought to separate such questions from the issue of the broader international organization. A US memorandum circulated in the lead-up to the Dumbarton Oaks conference in October 1944 suggested this strategy would no longer work.¹³³ This document was drawn from a larger template prepared by the State Department’s planning committee in July, which explicitly stated that a new international organization must have a general colonial bureau; moreover, it “should be empowered . . . at its discretion, to receive petitions and hear petitioners in person.”¹³⁴ At the same time, Gladwyn Jebb of the Foreign Office, who was on a mission to Washington, wrote to update the UK government on the position of negotiations with Pasvolsky and the State Department in Washington. In that telegram, he made it clear that the British position was in favor of regional commissions that might link up with subject-specific organizations like the ILO. What was not acceptable, though,

¹³² Russell, *History of the UN Charter*, 334.

¹³³ International Aspects of Colonial Policy, Memorandum by the Chairman of the Armistice and Post-War Committee (Clement Attlee), 16 December 1944, A.P.W. (44) 124, Cover Note para. 1, in PREM 4/31/4, BNA. On Dumbarton Oaks and the colonial question, see, amongst others, Robert C Hilderbrand, *Dumbarton Oaks: The Origins of the United Nations and the Search for Postwar Security* (Chapel Hill: University of North Carolina Press, 1990); Sunil Amrith and Glenda Sluga, “New Histories of the United Nations,” *Journal of World History* 19, no. 3 (2008): 251–74.

¹³⁴ United States Tentative Proposals for a General International Organization, July 18, 1944, Foreign Relations of the United States, Diplomatic Papers, 1944, General, Volume I, p. 666. This was built off a slightly earlier draft that also allowed the new body to “interrogate representatives” of the administering authorities and to “conduct periodic inspections.” Arrangements for Territorial Trusteeship, July 6, 1944, Notter, *Postwar Foreign Policy Preparation* app. 39, p. 607.

“was international supervision and [the] creation of something which might become a sort of international Colonial Office.”¹³⁵

By December 1944, it had become clear that totally opposing an international body was no longer an option for the British, and so the War Cabinet agreed to put forward the notion of an International Colonial Centre, which would be “an international centre of information and research on colonial affairs.” The British government would make its agreement to such a colonial centre dependent on it replacing the Mandates System.¹³⁶ Again, the British government tried to ground its claims in the essential character of the Mandates System as an arena for developing best practices.¹³⁷ A covering note to the Colonial Office memorandum for Churchill made the aim of this new document explicit, though: the paper sought to “devise a system of international collaboration which will not interfere with full British sovereignty.” Churchill clarified that his aim was to get “rid of the Mandate system and avoid[] the setting up of a new Mandate or similar system for the Italian colonial and Japanese Mandated territory.” He reiterated the point that the British were only proposing an international solution because it was not “possible to achieve this object without offering something in its place.”¹³⁸ Churchill was even clearer two weeks later: “There must be no question of our being hustled or seduced into declarations affecting British sovereignty in any of the Dominions or Colonies. Pray remember my declaration against liquidating the British Empire. . . . ‘Hands off the British Empire’ is our

¹³⁵ From Jebb (Washington) to Foreign Office, Telegram No. 5478, 7 October 1944, in L/P+S/12/4559, IOR.

¹³⁶ International Aspects of Colonial Policy, Memorandum by the Chairman of the Armistice and Post-War Committee (Clement Attlee), 16 December 1944, A.P.W. (44) 124, para. 25, in PREM 4/31/4, BNA.

¹³⁷ *Ibid.*, para. 30.

¹³⁸ International Aspects of Colonial Policy, Note for the Prime Minister, undated, but attached to memo of 16 December 1944, A.P.W. (44) 738, in PREM 4/31/4, BNA.

maxim and it must not be weakened or smirched to please sob-stuff merchants at home or foreigners of any hue.”¹³⁹

Oliver Stanley publicized these views shortly after in a speech to the Foreign Policy Association in New York in January, 1945, which was promptly forwarded to the State Department and Bunche. Stanley claimed that, while the PMC had done some “good work,” it “belonged more to the old theory of colonial trusteeship than to the modern conception of colonial partnership.”¹⁴⁰ His attempt to reverse the political valence of “trusteeship” by comparing it with colonial partnership was masterful. As Pedersen has shown, the Colonial Office used the language of partnership to get out of Mandates oversight in Iraq. The British government argued to the League that a partnership with an ostensibly independent Iraq (albeit independence hemmed in by restrictive treaties) was better than the oversight the Mandates suggested.¹⁴¹

Churchill was overly optimistic of British bargaining power in post-war negotiations. By March 1945, in the wake of the Yalta discussions, it looked unlikely that the Mandates System would be dissolved. The War Cabinet met to study a revised colonial plan less than a month after the first invitations to the San Francisco conference had been sent out. As Stanley regretfully noted, though he thought the plan for an international information center was “the best policy for our Colonial Empire,” subsequent events made him “very doubtful as to our chances of getting it agreed elsewhere.”¹⁴² Instead, facing the fact that any plan would have to be aired broadly,

¹³⁹ Personal Minute by Churchill, Serial Number M. 1257/4, 31 December 1944, PREM 4/31/4, BNA.

¹⁴⁰ Text of speech of Colonel Oliver Stanley to the Foreign Policy Association, January 19, 1945, p. 12, in File 3, Box 69, Ralph Bunche Papers.

¹⁴¹ Pedersen, *The Guardians*, chap. 9; “Getting Out of Iraq — In 1932.”

¹⁴² International Aspects of Colonial Policy, Annex to Memorandum by the Chairman of the Armistice and Post-War Committee, 28 March 1945, A.P.W. (45) 200, p.2, in PREM 4/31/4, BNA.

Stanley urged a retreat from the idea of an international centre because it would suggest that the entirety of the empire was up for discussion. The centre, “which admittedly we had proposed more as a bargaining counter than as something which was particularly valuable in itself, and to which none of the Dominions seem to have attached much importance, should now be dropped.”¹⁴³ Instead, Stanley suggested that the War Cabinet recommend maintaining the Mandates System, with amendments.¹⁴⁴

Even this position ran into headwinds when it was presented to the British Dominions (including India) in April 1945. The meetings revealed the extent of the rift between Britain, South Africa, and Australia and New Zealand on matters of colonial policy. In particular, Australia and New Zealand charted out a position that was so at odds with the British plan that it risked derailing a Commonwealth show of solidarity in the lead-up to the UN conference in San Francisco. Among the many points of contention was the fact that the UK seemed, in the eyes of Australia and New Zealand, to have made up its mind on shrinking the power of any successor to the Mandates Commission before consulting with the Dominions in good faith.¹⁴⁵ As K.P.S. Menon, a representative of the Secretary of State for India, informed the Government of India, “[t]rusteeship of colonies was the only subject of importance on which the conference could not come to an agreement.”¹⁴⁶

The intensity of this resistance caught the Colonial Office by surprise. Stanley, in an attempt to mollify Australia and New Zealand, stated, “he entirely agreed that some form of

¹⁴³ *Ibid.*, 3.

¹⁴⁴ *Ibid.*, 2-3.

¹⁴⁵ On the key role Australia and New Zealand took in shaping the Trusteeship debate within the Imperial Conference, see Louis, *Imperialism at Bay*, chap. 21.

¹⁴⁶ Telegram from Menon to Caroe, 14 April 1945, p. 4, in L/P+S/12/4559, IOR.

permanent commission there must be [in any new organization], if only to serve as a forum for public discussion and as a court in which colonial peoples could, if necessary, voice their grievances.” In an about-turn from his earlier anti-PMC position, Stanley suggested that “[s]upervision of some sort had in the past constituted a constant spur to the energy and integrity of governments and officials responsible for colonial administration, and in some form the system should be continued.”¹⁴⁷ It should be noted that this statement made no difference to the official UK negotiating position in San Francisco. In messages to the delegation, the Foreign Office singled out one proposal that “both the Assembly and Trusteeship Council should be empowered to accept petitions, to institute investigations, and ‘take other action within their competence as defined within the trusteeship arrangements’” as “wholly unacceptable.”¹⁴⁸

The US government did not officially circulate any documents on colonial questions at the Dumbarton Oaks conference in August 1944 because, as Roger Louis has detailed, the conference was taking place in the midst of a struggle between the US Navy and the State Department about the future of the Pacific Islands taken from Japan.¹⁴⁹ Even though the State Department had drawn up extensive plans for post-war international colonial administration, the Navy insisted that it would not hand over the islands to any international power. They sought to hold the territories in the interests of strategic security and, with Congressional support, blocked the State Department’s plans.

US intra-governmental debates on the question of the Trusteeship Council in late 1944 and early 1945 were chaotic.¹⁵⁰ Bunche reported on a meeting in February 1945 where Abe

¹⁴⁷ Minutes of the British Commonwealth Meeting, 5 April 1945, B.C.M. (45) 3rd Meeting, p. 5, in L/P+S/12/4559, IOR.

¹⁴⁸ Telegram from Foreign Office to United Kingdom Delegation, No. 267, 2 May 1945, in L/P+S/12/4559, IOR.

¹⁴⁹ Louis, *Imperialism at Bay*, chap. 23.

¹⁵⁰ For Bunche’s summary of the development of US plans on Trusteeship up to January 1945, see Memorandum for the

Fortas, Pasvolsky, Gerig, and the Navy staff tried to hash out a compromise. Not only did the State Department's planning staff take a far more robust stance on the necessary powers of any such council than did the Secretary of State, but the entire State Department plan faced a military establishment that had determined that trusteeship should be killed in its entirety. This led to the strange circumstance of State Department officials discussing how to convince the British to accept petitioning (a discussion led by Gerig) during the same meeting that Admiral Wilson of the Navy questioned the whole system of trusteeship.¹⁵¹ In the meantime, FDR vacillated on whom to support in his cabinet and only gave support to the State Department immediately before he died.

In the end, the only plan on the table by May 1945 was the State Department's November 1944 plan that had so upset the UK, which called for a universal mandates system with petitioning.¹⁵² Thus, the delegation to San Francisco left with a plan that had not caught up with the reality of inter-departmental and Anglo-American tension.¹⁵³ As Lawrence Finkelstein noted, the "ideal" of trusteeship—which included a right to petition—was conceived in the early days of wartime planning; it informed the future of the debates, but also ossified them.¹⁵⁴

President, "The Background of Recent Department Policy Regarding Dependent Areas," January 3, 1945, File 8, Box 69, Bunche Papers.

¹⁵¹ See handwritten notes on meeting of February 13, 1945, p. 25, File 8, Box 69, Bunche Papers.

¹⁵² Finkelstein, "Castles in Spain," 528.

¹⁵³ *Ibid.*, 411–12.

¹⁵⁴ *Ibid.*, 30.

San Francisco and its Aftermath

British and US positions on trusteeship and petitioning remained far apart going into the San Francisco conference. This was unusual in that both governments had tried hard to coordinate their stances on most of the controversial questions facing the conference. On several fronts, they had tried to nail down the basic contours of the Charter in memoranda with the Soviet Union. The veto, the size of the Security Council, and the notion of a General Assembly without unanimity rules were questions all parties largely believed had been solved before the process was thrown open to the other founding members of the UN. However, thanks to the British insistence on regional commissions in any future body and their coolness to all US plans, and to the civil war within the US government on the very existence of the body, there was little common ground around which to debate these questions.¹⁵⁵ Trusteeship thus became one of the only areas of true ambiguity at the conference, where both large-scale and small-scale compromises were thrashed out in parallel to the official meetings of the drafting committees.

As a result of the chaos of the first few months of 1945, the US delegation produced its positions going in to San Francisco on the transcontinental train journey to the conference.¹⁵⁶ It was on this journey that Ralph Bunche spoke with other members of the Trusteeship group and charted a vision for petitioning. It is important to note here that there is little documentation of how the US position came to be formulated on the way to San Francisco.¹⁵⁷ Documents prepared

¹⁵⁵ See Russell, *History of the UN Charter*, 346.

¹⁵⁶ *Ibid.*, 589. Notter, one of the major figures in the planning process at San Francisco, confirmed the importance of the draft produced on the train ride to the final US bargaining position. Notter, *Postwar Foreign Policy Preparation*, 434.

¹⁵⁷ It is important to note here that one of the major problems with writing about Bunche in the 1940s is sources. UCLA holds the vast majority of the Bunche papers, but does not have Bunche's personal diary for the period between 1943 and 1946. The Bunche papers are generally extensive, but are surprisingly thin for this period. Urquhart was effectively Bunche's official biographer and received support from the Bunche family in his project. He deposited his own notes at UCLA, as a supplement to the Bunche papers. Those notes include several excerpts from Ralph Bunche's letters to his wife, Ruth. Those personal letters are still closed and only Urquhart and Peggy Mann received access to them. Bunche's daughter, Joan, transcribed some diary entries from 1946 for Urquhart, but it is unclear where the original of that diary is.

prior to the cross-country journey do not suggest that the US was going to take a hard line on petitioning, especially as the inter-agency dispute over the Pacific Islands was still brewing. Finkelstein notes that, although “[t]here is no record of what took place on the train ride to San Francisco,” it is clear that the delegation did discuss the matter and reached the conference with a different strategy than when it had departed.¹⁵⁸ Before they left for San Francisco, the State Department team thought petitioning was important, though not central to their strategy. By the time they arrived, it had become one of their top priorities.

During the San Francisco discussions, the Five Powers set up a series of preliminary consultations in which they discussed Trusteeship issues. Russell argues that the United States, from early on, “was anxious give the Trusteeship Council the right to receive petitions and to institute investigations.”¹⁵⁹ The Chairman of the consultations was Harold Stassen from the United States, and the US was the first to submit draft suggestions for Trusteeship articles. As quoted in a later Trusteeship Division memo:

“It was felt in the American group that an essential element of this contribution [“the orderly progress of the peoples of the world on a sound basis”] with respect to trust territories would be a proper and restricted right to accept petitions from those who have legitimate grievances or who may think they have such grievances, and some method of obtaining the facts in areas under the trusteeship principle. Far from causing trouble, it is the American view that such procedures would have the effect of quieting trouble.”¹⁶⁰

The result of this archival lacuna is that it is very difficult to tell what Bunche was doing while he was in the State Department in 1944 and 1945, the key period for this story. His papers for this period consist largely of copies of official US and UN documentation. Even his personal letters are not complete. Other Bunche scholars have had similar problems. Robert Vitalis, for one, tried to circumvent it by using Alain Locke’s papers to supplement the work done by Bunche biographers. Even Charles Henry relied heavily on Urquhart’s work, and tried similar work-arounds with other peoples’ collections. Until the Ruth Bunche letters are open, it is unlikely historians will get a good sense of Bunche’s contemporaneous thoughts on the drafting of the UN Charter.

¹⁵⁸ Finkelstein, “Castles in Spain,” 411–12. See also, Lawrence Finkelstein, “Bunche and the Colonial World”, in Benjamin Rivlin, *Ralph Bunche, the Man and His Times* (New York: Holmes & Meier, 1990), 110; Urquhart, *Ralph Bunche*, 113.

¹⁵⁹ Russell, *History of the UN Charter*, 839.

¹⁶⁰ Quoted in ‘The Question of the Power to Receive Petitions and Conduct Visits in Trust Territories’, Memorandum Prepared by the Secretariat, Undated, p. 7, in File 3, Box 84, Bunche Papers, UCLA Special Collections, Los Angeles (henceforth, Bunche Papers).

This position was the opposite of the instructions Viscount Cranborne, the chief British negotiator, had brought with him to San Francisco. As Bunche detailed in a memorandum for the conference, laying out the main areas of disagreements between the powers on Trusteeship, the British and French drafts still sought to “limit the obligation of the administering authority in any trust territory to annual reports,” omitting petitioning from the powers granted to the Trusteeship Council.¹⁶¹ The main debates on this question occurred on May 5, 1945, as the Five Power discussions took place alongside the broader debates in Committee II/4 (Dependent Areas) of the Conference.¹⁶² Stassen stated that “the matters of petition and investigation were considered vital by the American group as the only means by which the voice of the inhabitants of the trust territories may be heard.”¹⁶³ In response to the absence of proposals for petitioning and investigation in the British draft trusteeship provisions, Stassen suggested that “the right of petition and the power of investigation would be the chief means by which the rights of dependent peoples would be safeguarded.”¹⁶⁴ The Chinese delegate, Wellington Koo, agreed that “the primary interest of the trusteeship system is that of the promotion of the welfare of the territories and the people concerned” and it was hence “very advisable” that the “right to accept petitions should be written into” the UN Charter.¹⁶⁵

¹⁶¹ Principal Points of Agreement and Difference between the Trusteeship Proposals Submitted by the United States, the United Kingdom, and the French Delegation, in File 2, Box 69, Ralph Bunche Papers.

¹⁶² See, in this regard, Bunche’s bare-bones notes on the meeting in File 2, Box 69, Ralph Bunche Papers.

¹⁶³ Approved Informal Minutes of the Third Meeting of the Preliminary Consultations on Trusteeship by Representatives of the Five Powers, May 5, 1945, p. 13, in File S-1558-0000-0066, Division of Trusteeship: Office of the Director (Dr. Ralph J. Bunche), United Nations Archives, New York (henceforth, UNA); also quoted in ‘The Question of the Power to Receive Petitions and Conduct Visits in Trust Territories’, Memorandum Prepared by the Secretariat, Undated, p. 8, in Box 84/3, Bunche Papers.

¹⁶⁴ *Ibid.*, 7 (numbered under Trusteeship Division document).

¹⁶⁵ *Ibid.*, 9. It is worth noting that Koo would go on to be a judge on the ICJ and played a key role in the South-West Africa cases in the 1950s.

Cranborne attempted to retreat to generalities, to ask the conference to not go any further than the League by spelling out petitioning in the Charter.¹⁶⁶ He and René Pleven, the French delegate, argued in opposition that petitioning was a blunt tool, and that it had become a nuisance in the Mandates System. It was at this point in the negotiations that the presence of former League staffers made a difference. A Trusteeship Division memorandum notes that “At the suggestion of the Chairman, an expert on the United States Delegation [Gerig] outlined the experience of the Permanent Mandates Commission with respect to petitions. . . In the estimation of this American expert, the system did not work too badly.”¹⁶⁷ This opinion carried the day. Poynton wired back to the Foreign Office that day to say that although “[o]ur present preference is to follow [the] form of [the] Covenant of [the] League, avoiding specific mention of petitions” he had to ask London “whether there is real objection to according [a] right of petition in [the] Charter since this would seem only to give formal recognition of [a] practice [that was] current under [the] existing mandate system.”¹⁶⁸ It is worth reflecting on Poynton’s position here. As already noted, two members of the US delegation—Bunche and Gerig—were experts on the Mandates. Both had noted the failures of that system and its inadequacy. At the negotiating table, their claims of expertise disarmed British objections to inserting a petitioning clause into the Charter.

On May 9, in the meeting of the US delegation, Stassen reported that, while “the British and French opposed the right to petition and investigate,” the US “was standing firm . . . and

¹⁶⁶ *Ibid.*, 13.

¹⁶⁷ ‘The Question of the Power to Receive Petitions and Conduct Visits in Trust Territories’, Memorandum Prepared by the Secretariat, Undated, pp. 5-6, in File 3, Box 84, Bunche Papers; quoting the Approved Informal Minutes of the Third Meeting of the Preliminary Consultations on Trusteeship by Representatives of the Five Powers, May 5, 1945, p. 12, in File S-1558-0000-0066, Division of Trusteeship: Office of the Director (Dr. Ralph J. Bunche), UNA.

¹⁶⁸ Telegram from United Kingdom Delegation to Foreign Office, No. 173, 6 May 1945, in L/P+S/12/4559, IOR.

would insist on some right of inspection within the general trusteeship territories.”¹⁶⁹ This derived from a compromise hashed out within the US delegation, where petitioning would be included, but petition would be examined only “in consultation with the administering authority.”¹⁷⁰ Bunche took a key role in drafting this compromise, but one that is not clear from the official records of the Conference. His most important intervention at this moment was to pass along an earlier US draft on petitioning to the Australian delegation, which then introduced it as its own. Bunche wrote later that the “very broad” Australian draft of Chapter XI of the Charter, which he had drafted,¹⁷¹ “contributed no little to the provisions” of the finalized Charter as it was introduced at such a “late stage of the deliberations.”¹⁷² Immediately after the Conference, he wrote to his wife, Ruth, that “[a] good part of the phraseology . . . was drafted exclusively by me.”¹⁷³ His letters make clear that the final form passage Trusteeship of the chapter owed largely to his and Gerig’s efforts.¹⁷⁴

By May 12, the British delegation to San Francisco wrote to London and conceded that they would need to accept the reality that there would be investigations in the Trust Territories, albeit with the consent of the administering power, and that “[t]here is . . . general pressure to give formal recognition to past practice regarding petitions . . . and wording suggested on this

¹⁶⁹ Minutes of the Thirty-Forth Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 9, 1945, *Foreign Relations of the United States: Diplomatic Papers*, 1945, General: The United Nations, Volume I, p. 656.

¹⁷⁰ Finkelstein, “Castles in Spain,” 446–48.

¹⁷¹ Finkelstein, “Bunche and the Colonial World”, in Rivlin, *Ralph Bunche, the Man and His Times*, 125..

¹⁷² Ralph J. Bunche, “Trusteeship and Non-Self-Governing Territories in the Charter of the United Nations,” *Department of State Bulletin*, 13 (December 1945), 1038.

¹⁷³ Quoted in Henry, *Ralph Bunche*, 138.

¹⁷⁴ See, for instance, Peggy Mann, *Ralph Bunche, UN Peacemaker* (New York: Coward, McCann & Geoghegan, 1975), 139. Other scholars have come to similar conclusions. See Neta Crawford, “Decolonization through Trusteeship: the Legacy of Ralph Bunche,” in Hill and Keller, *Trustee for the Human Community*, 102.

point seems innocuous.”¹⁷⁵ Cranborne wrote to the Colonial Secretary two days later to apologize for his loss. “We cannot count on carrying any point which may be pressed to vote in Committee unless [the] United States supports us.” The British faced the “dilemma that if we feel so strongly on any point that we cannot meet [the] United States views and must force the issue[, the] almost certain result will be that we lose altogether.”¹⁷⁶

Even if we assume that the petitioning clause in the UN Charter only confirmed Mandates practice in “innocuous” terms, its presence in the text of the Charter had symbolic value. During the debates in the Five Powers meetings, Koo had argued that including an explicit clause in the Charter would “inspire confidence among the peoples of the territories in the trusteeship system.” It gave “peoples under trust . . . a chance to raise questions when they think things are being done which are not consistent with their welfare.”¹⁷⁷ The final report to the President on the Charter by the US Delegation put it similarly: “In the proposed trusteeship system more emphasis is placed on the positive promotion of the welfare of the inhabitants of the trust territories than in the mandates system, whose function was primarily negative and policing.” Yet oversight had also increased: “the new system, unlike the old, makes specific and formal provision for the power to accept petitions and the authority to make periodic visits to trust territories coming under the competence of the General Assembly.”¹⁷⁸ As Marina

¹⁷⁵ Telegram from United Kingdom Delegation to Foreign Office, No. 268, 12 May 1945, in L/P+S/12/4559, IOR.

¹⁷⁶ Telegram from United Kingdom Delegation to Foreign Office, No. 300, 14 May 1945, in L/P+S/12/4559, IOR.

¹⁷⁷ Approved Informal Minutes of the Third Meeting of the Preliminary Consultations on Trusteeship by Representatives of the Five Powers, May 5, 1945, p. 9, in File S-1558-0000-0066, Division of Trusteeship: Office of the Director (Dr. Ralph J. Bunche), UNA; also quoted in ‘The Question of the Power to Receive Petitions and Conduct Visits in Trust Territories’, Memorandum Prepared by the Secretariat, Undated, p. 4, in Box 84/3, Bunche Papers.

¹⁷⁸ Department of State, *Charter of the United Nations: Report to the President on the Results of the San Francisco Conference, by the Chairman of the United States Delegation, the Secretary of State*, 1945, 136.

Finkelstein has noted, the inclusion of Article 87(b) in the Charter had created a “constitutional basis for a procedure which assume[d] the right of individual petition.”¹⁷⁹

1945-47: Spinning a New Petitioning order

In any treaty negotiation, there is of necessity a gap between what participants said and did, and the details of negotiations that become public knowledge. Within a month of the Charter’s signing, Bunche and Logan emerged with very different reactions to the document and very different visions for what the future might hold in the Trusteeship Council. One had been in the negotiating room as petitioning was inserted into Article 87, while the other had largely been excluded.

Bunche emerged from San Francisco an optimist, confident that what seemed a conservative document built on realpolitik-based compromises actually had emancipatory potential. Central to Bunche and Gerig’s success in having a petitioning clause included in the Charter was their ability to frame petitioning as nothing more than “confirmatory” of the practice that had already existed in the League.¹⁸⁰ Shortly, most commentators on the Trusteeship Council began to use this language.¹⁸¹ Using the language of continuity was both risky and potentially rewarding. On the one hand, stressing that the Charter did not go any further than the Mandates System had on petitioning made it easier to pressure British negotiators at San

¹⁷⁹ Marina S Finkelstein, “The Individual Petition and International Responsibility” (Ph.D. dissertation, Columbia University, 1963), 85–86.

¹⁸⁰ See, for instance, Benjamin Gerig, “Significance of the Trusteeship System,” *The Annals of the American Academy of Political and Social Science* 255, no. 1 (1948): 44 (“The right of petition is rooted deep within the Anglo-American concept of law. The use of this device to assist the Trusteeship Council in its effective supervision of trust territories is a technique worth watching.”).

¹⁸¹ See, for example, Norman Bentwich, *Colonial Mandates and Trusteeships* (London: Grotius Society, 1947), 133.

Francisco to accept it. Cranbourne was faced with just this problem when he wrote back to the Foreign Office to throw in the towel on blocking petitioning.

On the other hand, for activists that believed that the PMC had been ineffectual in part because of its weak supervisory procedures, the fact the UN Charter merely confirmed those procedures was a defeat.¹⁸² By contrast to Bunche and Gerig, Logan was disappointed with the new Charter. He had joined the NAACP delegation to the UN Conference, while Du Bois went in his capacity as editor of *Crisis*.¹⁸³ Unlike Bunche, Logan had been a part of the Pan-African struggle to use international institutions since the early 1920s and was involved in the NAACP's efforts to use liberal politics to advance racial justice in the interwar years.¹⁸⁴ The promise of the League's Mandates System in 1921 was significantly eroded by 1923. Thus, Logan wrote later that, "[i]n order to understand why many of us have little faith in these pronouncements or in the machinery [of the Trusteeship provisions of the Charter], the reader should review what has been said about the mandate system established at the end of World War I."¹⁸⁵ In light of the failures of the League, the fact that "the trusteeship provisions spell out in more detail the goals of the trusteeship system than did the mandate system . . . [did not give] much reason for believing that the colonial powers in 1945 are any more sincere than they were in 1919."¹⁸⁶

¹⁸² See, for instance, Rayford Whittingham Logan, *The Negro and the Post-War World: A Primer* (Washington, DC: Minorities Publishers, 1945), 26.

¹⁸³ Before that, though, they tried to collect public support for a robust anticolonial policy by organizing a Colonial Conference in Harlem. Janken, *Rayford Logan*, 175–76. On black participation in the peace conference, see in particular Marika Sherwood, "'There Is No New Deal for the Blackman in San Francisco': African Attempts to Influence the Founding Conference of the United Nations, April-July, 1945," *The International Journal of African Historical Studies* 29, no. 1 (1996): 71–94. See also, Anderson, *Bourgeois Radicals*, 62–64.

¹⁸⁴ The most complete account of the NAACP's work in the post-Du Bois era on Trusteeship is Anderson, *Bourgeois Radicals*, 46–70.

¹⁸⁵ Logan, *The Negro and the Post-War World*, 80.

¹⁸⁶ *Ibid.* This is a sentiment that recent historians of the UN have echoed. See, for example, Mazower, *No Enchanted Palace*, 6 (challenging the narrative of the "wise and prudent internationalists of 1945").

Logan had lobbied the State Department to include explicit statements about the admissibility of oral and adversarial petitions in the Charter right before the UN Conference began.¹⁸⁷ Even though it “seemed, for a time, that this effort might meet with considerable success,” Logan was disappointed.¹⁸⁸ If Bunche thought that incremental advances would change the condition of peoples in Africa and allow for emancipation in the medium term, Logan had little reason to believe in the good faith of European or American officials. More than almost any other author writing on the post-war world, Logan was unflinching in linking US idealist talk with the brutalities of Jim Crow: “Negro Americans hardly know what to say about the statement in the Potsdam declaration demanding the abolition of racial discrimination in Germany or the insistence by Secretary of State Byrnes that there should be free elections in Bulgaria” when “[t]here has been no indication that he has called for free elections in his own state of South Carolina where Negroes are most effectively disfranchised.”¹⁸⁹ Logan argued that “[t]he American people were neither imperialistic nor altruistic in 1919 and 1920.” The Second World War had shown them the strategic value of the colonial world. “They are therefore desirous of acquiring the outlying posts that will protect them from invasion, but there is no evidence of any greater altruism in 1945 than there was in 1919 or 1920.”¹⁹⁰ In his view, nothing less than a wholesale change in international colonialism, with universal direct international administration

¹⁸⁷ See letter from Logan to David Niles, April 3, 1945, in File 5, Box 109, Bunche papers. See also Rayford Whittingham Logan, “The System of International Trusteeship,” *Journal of Negro Education* 15 (1946): 294; Charles P. Henry and Tunua Thrash, “U.S. Human Rights Petitions before the UN,” *The Black Scholar* 26, no. 3–4 (September 1996): 62, 64.

¹⁸⁸ Logan, “The System of International Trusteeship,” 293.

¹⁸⁹ Logan, *The Negro and the Post-War World*, 62.

¹⁹⁰ Rayford Whittingham Logan, *The Senate and the Versailles Mandate System* (Washington, DC: The Minorities publishers, 1945), 102.

paired with domestic racial emancipation, would temper the fundamental racism of the international legal order.

Logan had been a skeptic of the structure of the conference and of the attending delegates, and he was thus not surprised at its outcome.¹⁹¹ He wrote in the *Pittsburgh Courier* in May 1945 that “[t]wo-thirds of the people represented at this conference are the darker people of the world. But nine-tenths of the delegates here are white. One-half of the peoples represented at this conference are women. But there are hardly a dozen women among the several hundred delegates. Most of the peoples of the world are workers. But there isn’t a pair of overalls among the delegates.”¹⁹² Logan looked at the body and saw an institution built on the same sorts of biases in power politics that had long defined international relations: racism, sexism, classism, and colonialism. He dedicated his 1945 book, *The Senate and the Versailles Mandate System*, written in the shadow of San Francisco, to “750,000,000 Dependent People.”¹⁹³ Nor was he alone: Du Bois wrote the members of the US delegation (including Bunche) a searing letter in mid-May, 1945, right after the Trusteeship provisions had been agreed to among the powers. He pleaded with the delegation to make a “preliminary statement on the essential equality of all races, the same statement which the United States and Great Britain once refused to grant Japan.” Here, Du Bois explicitly linked his call for equality in the UN to his call for equality in the League in 1919. Du Bois had tried to use Bunche as a go-between to install new language in the Charter that would guarantee that democracy was the only basis for the international order,

¹⁹¹ Nor was he alone. On African American skepticism towards the Charter, see Von Eschen, *Race against Empire*, 75–78.

¹⁹² Logan, “The ‘Little Man’ Just Isn’t Here,” *Pittsburgh Courier*, May 5, 1945; also quoted in Janken, *Rayford Logan*, 180.

¹⁹³ Logan, *The Senate and the Versailles Mandate System*, iii.

and that “at the earliest practical moment no nation or group shall be deprived of effective voice in its own government.”¹⁹⁴

Logan doubted that oral petitioning would be allowed if it was kept out of the wording of Article 87. Pointing to the negotiation history behind this article, Logan noted that the American draft stated only that the Trusteeship Council “shall be empowered to accept petitions,” in comparison to the final Charter, which stated that the body “may . . . accept petitions and examine them in consultation with the administering authority.”¹⁹⁵ Logan claimed that Bunche had responded to his concerns by saying the words “oral petitions” were not included because they “can’t spell out everything.” But, he asked sardonically, “while it was not found possible to add two words, ‘oral petitions,’ it was possible to add nine words”: “and examine them in consultation with the administering authority.”¹⁹⁶ At its heart, Logan had no faith in the good intentions of the people who would come to staff the new international institution, much as he had lacked faith in the League’s staff.

It is worth noting that Bunche and Logan did not disagree on the importance of petitioning and oral petitioning in particular. There was a difference of strategy. Logan wished to call out the failures of the Mandates and, drawing on his academic work on the system, he wanted to explicitly carve out a new and more liberal international order. Bunche, in contrast, realized the risks of stressing the contested nature of the Mandates during the negotiations, knowing the fundamentally conservative bent of the conference. By the end of 1945, Bunche was

¹⁹⁴ Letter from Du Bois to the American Delegation, UNCIO, May 16, 1945, in File 4, Box 109, Bunche Papers. Lewis argues that Bunche’s role in the administration “greatly inhibited his Du Boisian sympathies.” David Levering Lewis, *W.E.B. Du Bois: The Fight for Equality and the American Century 1919-1963* (New York: H. Holt, 2000), 509. It is unclear that even the most sympathetic of correspondents would have been able to include such a provision in the Charter.

¹⁹⁵ Logan, *The Negro and the Post-War World*, 82.

¹⁹⁶ *Ibid.*

charged with summarizing and interpreting the trusteeship provisions of the Charter for the State Department. He produced a memorandum that interpreted a right to oral petitioning into Article 87. In that memorandum, Bunche wrote that the “power to accept and examine petitions, oral as well as written, which was practiced by the mandates system with respect to written petitions but which was not included in the Covenant of the League of Nations, is formalized in the Charter.”¹⁹⁷ Describing the work of the London Preparatory Commission, which met shortly after the San Francisco conference, Bunche wrote that all participants agreed on the “recognition of the right of the inhabitants of trust territories or other interested parties to present oral as well as written petitions, which may be received and discussed in open meeting.”¹⁹⁸ Even though all participants had not agreed immediately, there “was no apparent opposition to the principle involved.”¹⁹⁹ Given the opposition in Britain and France to any extension of the supervisory powers of international bodies over colonial affairs, this was a startling re-write of the history of the Charter. It is ironic in light of Logan’s complaint about Bunche that the key phrase of Bunche’s State Department bulletin – “oral as well as written” – was belatedly penciled into Bunche’s early draft, marking a significant change from the original formulation: “power to accept and examine petitions, which was practice by the mandates system but which was not included in the Covenant.”²⁰⁰

¹⁹⁷ Ralph J. Bunche, “Trusteeship and Non-Self-Governing Territories in the Charter of the United Nations,” Department of State Bulletin, 13 (December 1945), 1041. Drafts of this memorandum (first produced as a speech for the American Society for the United Nations) were circulated within the State Department before publication and Benjamin Gerig, Alger Hiss, Harley Notter and Leo Pasvolsky, while expressing some uncertainty about it, signed off. See File 15, Box 341, Bunche Papers.

¹⁹⁸ Ralph J. Bunche, “Trusteeship and Non-Self-Governing Territories in the Charter of the United Nations,” Department of State Bulletin, 13 (December 1945), 1043.

¹⁹⁹ *Ibid.*, 1040.

²⁰⁰ Marked up draft of “Trusteeship and Non-Self-Governing Territories in the Charter of the United Nations,” p. 12, in File 1, Box 395, Bunche Papers.

Logan was particularly critical of any mealy-mouthed defense of the prerogatives of colonialism. Bunche, in his State Department memo, wrote, “it was felt by some delegations that great care should be taken not to imply that [a colonial] administering authority might be irresponsible, nor to belittle the administering authority in the eyes of the people administered.”²⁰¹ Logan was scathing:

“It is easy enough to understand why there was more sensitiveness about the feelings of the nations than there was about the welfare of the peoples to be placed under trusteeship. The preamble of the Charter starts off with what is at best a half-truth, namely, ‘We the peoples of the United Nations.’ So far as representation is concerned, the peoples to be placed under trusteeship or who will remain as colonial subjects had no spokesmen at San Francisco. This is one of the reasons why this writer had frequently referred to the Charter as a ‘tragic joke.’”²⁰²

As it happened, Bunche’s tactics prevailed. He proved his ability to interpret the Charter’s provisions from within the State Department, and later from the Trusteeship Division of the UN, making real what he could not “spell out” in the Charter. By October 1945, Bunche wrote in his diary that he had successfully carried his proposals for the Trusteeship Division and its preliminary rules of procedure in the London planning meetings for the UN.²⁰³ Shortly thereafter, Bunche confirmed that he had held “the fort single handed” against the British (Poynton), Dutch (Van Asbeck) and French (Ponsot) representative “on the issues of liberal rules of procedure for [the] Trusteeship council [regarding the] examination of reports, petitions, and visits.”²⁰⁴ Thus, even before taking up a formal role in the Secretariat, Bunche had laid a basis for that institution’s powers with regards to petitioning.

²⁰¹ Ralph J. Bunche, “Trusteeship and Non-Self-Governing Territories in the Charter of the United Nations,” Department of State Bulletin, 13 (December 1945), 1040.

²⁰² Logan, “The System of International Trusteeship,” 297.

²⁰³ See entry for October 3, 1945, in transcripts of Bunche diary in File 7, Box 1, Brian Urquhart papers, UCLA.

²⁰⁴ Entry for October 9, 1945, in transcripts of Bunche diary in File 7, Box 1, Brian Urquhart papers, UCLA.

In an article in the *New Republic* in October 1946, shortly after becoming the director of the Trusteeship Division of the Secretariat, Bunche made an even stronger defense of the inherent powers of the Trusteeship Council (TC) to accept petitions.²⁰⁵ Shortly thereafter, it became clear that the Council could not be created without the conclusion of trusteeship agreements between parties.²⁰⁶ It would therefore be almost eighteen months between the passage of the UN Charter and the first meeting of the TC, during which time the Secretariat of the UN took on the role of creating the Trusteeship System as a viable entity.²⁰⁷ Much like the first two years of the Mandates Section, this delay opened up a lot of space for innovation by the Secretariat. As Lawrence Finkelstein notes, “the Secretariat did not wait for member governments to take the initiative in working out rules for the handling of petitions that might be received in accordance with Article 87 of the Charter.” Rather, “the Secretariat took the initiative in proposing rules for consideration by the Trusteeship Council committee that was created for the purpose.”²⁰⁸ Bunche led that Secretariat office and crafted the language of the 1947-48 Trusteeship rules of procedure, allowing oral petitioning, crafting a robust system of annual visits to Trust Territories, and thus achieving a long-cherished goal of ongoing international supervision of colonial rule.

²⁰⁵ Ralph J. Bunche, “Trusteeship and Colonies,” Oct 28, 1946, *New Republic*, p. 543.

²⁰⁶ James N Murray, *The United Nations Trusteeship System*. (Urbana: University of Illinois Press, 1957), 47. For the debates over how the trusteeship agreements came to be signed, see *ibid.*, 73.

²⁰⁷ Murray, *The United Nations Trusteeship System.*, 47.

²⁰⁸ Finkelstein, “Bunche and the Colonial World”, in Rivlin, *Ralph Bunche, the Man and His Times*, 127.

Conclusion

Petitioning the Mandates System had evolved through of a restrictive set of procedures created by harried bureaucrats in Geneva in 1923 in the wake of colonial atrocities—and yet it had survived. By the end of May 1945, it had been included in the UN Charter. Its journey into the Charter reflected the ambiguous nature of the Mandates enterprise. The United States' position on petitioning had arisen from relatively radical beliefs in the need for extensive oversight in colonial territories. The delegation had been staffed by people who knew what the Mandates had looked like, and who had a clear vision of how they wanted it extended after the Second World War. Yet, the politicians and diplomats who achieved this goal spoke of the compromise achieved in the UN Charter in the words of continuity with the League.

It is difficult to say to what precise degree the final outcome of the petitioning debate resulted from the staff that joined the State Department early in the planning process. It is clear that Bunche and Gerig played central roles in the process, and that both brought their experiences of the League into their treaty drafting and informal advice. Neither wrote explicitly of what happened in the council room during those ten days in San Francisco, and it is hard to know how much of a role Bunche's prior experience with the Mandates allowed him to take a lead in these matters. Some contemporaries certainly thought highly of his contributions. The May 7, 1945, edition of *Manuscript*, a DC newsletter aimed at black audiences, noted that “The American draft proposal for trusteeship of colonies and dependent areas is encouraging too in its provision of power to receive petitions from dependent peoples and to institute investigations in an administering power's conduct of the trusteeship. MANUSCRIPT sees in this proposal the hand of Dr. Ralph Bunche, only Negro technical expert to the American delegation.”²⁰⁹

²⁰⁹ *Manuscript: A Washington New Letter*, No. 8, May 7, 1945, p. 2, enclosed in Box 94/6, Ralph Bunche Papers (underlining in

The conventional story of Ralph Bunche is of a radical Marxist student and professor who became a tool for the US government, silenced by the Red Scare of the late 1940s. It is true that by the 1950s Bunche had disowned a number of his earlier more radical views, particularly those made in *A World View of Race*. It is also true that by the late 1940s he became more distant from Du Bois and others in the more radical arm of the black liberation struggle.²¹⁰ Focusing on the petitioning story, though, shows a different Bunche, one who was acutely aware of his limited access to influence but who shrewdly deployed his position in the government to make serious changes to international institutions and procedures. Like Logan, Bunche knew the limits and possibilities of legal and institutional change. Rather than the conservatives both he and Logan have been branded, their work in the UN debates betrays a lawyerliness that had a significant impact on post-war possibilities in the Trusteeship Council.

By the 1950s, petitioning was a mainstay of the Trusteeship system. As Meredith Terretta has noted, petitioners in the African Trust Territories sent in letters by the thousands, and debates over petitions became a battlefield in the Cold War-era UN debates over decolonization.²¹¹ The Trusteeship Council and the General Assembly included recently decolonized states such as India by the 1950s, which sought to push an anti-colonial agenda on the world stage. These states made the kind of historical and procedural gymnastics Bunche had done as director of the Trusteeship Division effective. They, along with lawyers in the NAACP, were the driving force

original).

²¹⁰ It is also relevant that although Bunche was not very close to Du Bois, he remained cordial and helpful right up to Du Bois's outburst against him at Madison Square Garden in 1948, when the elder statesman inexplicably apologized to an assembly of Zionists on behalf of all black people for Bunche's role in the Palestine crisis.

²¹¹ Meredith Terretta, "'We Had Been Fooled into Thinking That the UN Watches over the Entire World': Human Rights, UN Trust Territories, and Africa's Decolonization," *Human Rights Quarterly* 34, no. 2 (2012): 329–60. See also Ullrich Lohrmann, *Voices from Tanganyika: Great Britain, the United Nations and the Decolonization of a Trust Territory, 1946-1961* (Hamburg: Lit Verlag, 2007).

behind one of the largest conflicts of the early UN: South Africa's continuing occupation of the mandated territory of South-West Africa.²¹² That conflict eventually came to the International Court of Justice and became the center of a fascinating legal debate about legal succession and individual rights. Through this publicity and activism, the notion that there was a general right to petition in international law spread, with later activists claiming that Article 87 of the UN Charter "has come to mean that any person, anywhere in the world, who writes to the UN with a complaint, criticism or suggestion about any or all of the trusteeship territories can count on having his case examined and acted upon."²¹³ Petitioning became a source of intense embarrassment for colonial powers, and petitioners from colonized states became some of the first people to begin petitioning international human rights bodies.

²¹² For a brief description of the case and its outcome, see the Conclusion of this dissertation. See also, Anderson, *Bourgeois Radicals*, chap. 2.

²¹³ "The Right to Petition," *Africa Today* 5 (1958): 10.

CONCLUSION

“Is it too utterly fantastic to conceive that black men will one day perfect an atomic bomb? No, it is not. I can picture an international conference, not more than twenty-five years from now, in which a black delegate will rise and declare: ‘Gentlemen: five hundred years is long enough for any people to be held in bondage, degraded, spit upon, exploited, disfranchised, segregated, lynched. Here is the formula for a home-manufactured atomic bomb. Give us liberty, or we will give you death.’”¹

- Rayford Logan, *The Negro in the Post-War World*, 1945

The period between 1947 and 1950 was a time of ferment in the United Nations system, especially in regard to colonial issues. The first wave of post-war decolonization had begun in earnest at the very moment that differences between the United States and the Soviet Union became irreconcilable. What colonial powers had hoped would be a relatively friendly and non-confrontational body despite their concessions at San Francisco—the UN—was quickly becoming a forum for almost incessant criticism of colonial rule. Some of the most fractious battles in the General Assembly concerned the twin questions of colonial excesses in Africa and the construction of an effective system to defend human rights. The legacy of the Mandates System played a key role in shaping the colonial solutions of the post-war world.²

The trajectory of petitioning in the Mandates System of the League of Nations, the subject of this dissertation, had at least three vital and under-appreciated effects on the

¹ Rayford Whittingham Logan, *The Negro and the Post-War World: A Primer*. (Washington, DC: Minorities Publishers, 1945), 88.

² As such, I am making an argument in the vein of Mark Mazower’s call to move past thinking of the UN as having emerged in whole cloth from the ashes of the Second World War, “uncontaminated” by the League. Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*, Lawrence Stone Lectures (Princeton: Princeton University Press, 2009), 14.

subsequent history of colonial rule and human rights in the post-war world. First, as Chapter Four highlights, petitioning in the Mandates System was the basis for an expanded system of colonial appeal in the Trusteeship Council of the United Nations. Ralph Bunche became the first director of the Trusteeship Division of the UN—the counterpart to the Mandates Section in the League—and he built up a system of petitioning that became the centerpiece for bringing colonial complaints before the UN, shaping expectations of how an international body might deal with individual complaints against states. By the early 1950s, the Trusteeship Council was receiving hundreds of petitions a year from around the world.³

The afterlife of the Mandates went beyond the trusteeship context. Anti-colonial advocates used the example of petitioning in the Mandates as a precedent and as a model for a robust post-war human rights appeals process. Thus, Hersch Lauterpacht, arguably the preeminent international lawyer of his time, argued that the UN Charter included an implicit right to petition the General Assembly, just as the League’s Covenant had included an implicit right to petition the Permanent Mandates Commission. His argument was identical to the arguments made by Rayford Logan and W.E.B. Du Bois when they organized a petition from African Americans to the UN’s General Assembly in 1947 and 1948. This formulation of an intrinsic right to petition proved vital in lobbying to create an effective appeals process in the UN-sponsored human rights organs of the late 1940s and 1950s, even as a right to petition was excluded from the Universal Declaration of Human Rights.⁴

³ See Meredith Terretta, “‘We Had Been Fooled into Thinking That the UN Watches over the Entire World’: Human Rights, UN Trust Territories, and Africa’s Decolonization,” *Human Rights Quarterly* 34, no. 2 (2012): 329–60; *Cameroonian Women, the Act of Petitioning, and the Creation of a Popular Nationalism, 1949-1960* (Madison: University of Wisconsin-Madison, 2004).

⁴ For an excellent analysis of the debate in the UDHR, see Christopher N. J. Roberts, *The Contentious History of the International Bill of Human Rights* (New York, NY: Cambridge University Press, 2014).

Finally, and most directly, the controversies of the Mandates System lived on in one of the most explosive political battles at the early UN. South Africa refused to place South-West Africa under the new Trusteeship System in 1945, and it shortly began to refuse to allow petitions to the UN, claiming that the Mandates System had lapsed. In a coordinated push by anti-colonial activists, African American supporters, and newly independent states in the UN, South-West African petitioners were welcomed to New York to make their claims against continued South African rule. These appeals led to a series of cases before the International Court of Justice, which forced the Court to rule on the status of petitioning in the League of Nations. When it did so, it built its arguments on the structures Logan, Bunche and, later, Lauterpacht had laid down: that petitioning was fundamental to any system of supervision in international law.

By reinterpreting the history of petitioning in the League as something that had been uncontroversial and natural, activists in the late 1940s were successful in advancing a vision of international law that was more emancipatory than the system established by the San Francisco conference alone. They might not have been able to change the Cold War dynamics that kept Namibia colonized as late as 1990, but they did provide one possible way to fracture the state-centric vision of the UN that its drafters had tried so hard to entrench. Petitioning in the Mandates System was not merely an obscure procedure from a failed international institution: it was the lynchpin for imagining new subjectivities and new forms of protest in international law.⁵

⁵ These three issues will form two chapters of the eventual book. For now, this conclusion provides an overview of these debates.

An Appeal to the World and a Human Rights Petitioning Process

The United Nations Charter, when it was finally completed, disappointed many advocates of internationalism. Rayford Logan recognized that the UN Charter had failed to give the institution a right to intervene on behalf of minorities and that “the right to intervene will rest upon treaties imposed upon weak nations,” the way it had worked in the Minorities Regime of the League.⁶ He cited the weakness of the UN and the strength of the Charter’s domestic jurisdiction clause, which was even more rigid than the Covenant’s formulation had been.⁷ This struck at the heart of why African Americans had approached the League in the first place: as mentioned in Chapter One, African Americans approached international institutions precisely to leapfrog a state that so comprehensively denied them rights, claiming civil rights were solely matters of domestic concern. Logan rightly understood that such a domestic jurisdiction clause in the Charter would likely mean that any claims from African Americans against the US for human rights abuses would be ruled inadmissible by the United Nations. Even though Bunche had already shown how petitioning could be expanded in the Trusteeship Council beyond the wording of the Charter, Logan despaired of the ability of the UN to ever deliver justice for minorities. He was, largely speaking, right.

At the very same time as Logan and Du Bois were considering how to use the UN to make an appeal for African American human rights, Hersch Lauterpacht, an Austro-Hungarian Jewish émigré in Cambridge, was working on a similar problem. Lauterpacht was the preeminent

⁶ Letter from Logan to Du Bois, October 12, 1946, W. E. B. Du Bois Papers (MS 312). Special Collections and University Archives, University of Massachusetts Amherst Libraries (henceforth, Du Bois Papers). Susan Pedersen has made the same point in comparing the two systems: “The minorities treaties were applied to fragile and often new states that were nevertheless recognized as sovereign; the mandates system, by contrast, was applied to territories conquered by strong states with preexisting and extensive colonial empires.” Susan Pedersen, “Back to the League of Nations,” *The American Historical Review* 112, no. 4 (October 2007): 1103.

⁷ Letter from Logan to Du Bois (II), October 12, 1946, Du Bois Papers. Mazower has argued the same. Mazower, *No Enchanted Palace*, 25.

advocate for creating a binding and effective system of post-war international human rights treaties, to curtail state sovereignty and bring human rights complaints to the international stage.⁸

The Mandates were familiar to Lauterpacht. Like many prominent international lawyers who had been trained in the interwar years, he had spent some time working on the legal ramifications of the system: one of his two doctoral theses in the 1920s had been on the principle of state responsibility for abuses in the mandated territories.⁹ He was known to members of the PMC, especially as his reputation grew over the course of the 1930s. His move to England corresponded with a growing support for liberal politics and, through Harold Laski and others, connections to anticolonial movements.¹⁰ Perhaps more than any other renowned international lawyer, Lauterpacht knew how the Mandates System worked, what the stakes in its legal regime were, and how colonial peoples had sought to use it during the interwar years. Thus, he was almost certainly aware of the tortured history of mandates petitioning, a history that was very familiar to all the members of the Commission and the Mandates System.

With intimate knowledge of colonial international law, Lauterpacht wrote his seminal 1945 call to arms, *An International Bill of the Rights of Man*.¹¹ In it, he made a two-pronged claim about the universal right of petitioning: not only should any post-war human rights body

⁸ See, for example, Egon Schwelb, "Civil and Political Rights: The International Measures of Implementation," *American Journal of International Law* 62 (1968): 827; J. W. Bruegel, "The Right to Petition an International Authority," *International and Comparative Law Quarterly* 2 (1954): 545. On Hersch Lauterpacht's life, see Elihu Lauterpacht, *The Life of Sir Hersch Lauterpacht, QC, FBA, LL.D.* (Cambridge, UK; New York: Cambridge University Press, 2010). For a sweeping survey of Hersch Lauterpacht's legal philosophy, see Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960* (Cambridge, UK; New York: Cambridge University Press, 2002), chap. 5.

⁹ Hersch Lauterpacht, "The Mandate under International Law in the Covenant of the League of Nations" (1922), in Hersch Lauterpacht and Elihu. Lauterpacht, *International Law, Being the Collected Papers of Hersch Lauterpacht*. (Cambridge, UK: Cambridge University Press, 1970), vol. III, p. 57. See also, Lauterpacht, *The Life of Hersch Lauterpacht*, 27.

¹⁰ Lauterpacht, *The Life of Hersch Lauterpacht*, chap. 3.

¹¹ The book had largely been drafted in 1943, before the finalization of the UN Charter. Hersch Lauterpacht, *An International Bill of the Rights of Man* (New York: Columbia University press, 1945).

explicitly guard such a right, but, more radically, such a right already existed in international law.¹² For legal precedents to back up this heterodox idea, Lauterpacht cited the actions and procedures of organizations like the Minorities Commission and the Mandates Commission. It was the Mandates, though, that fit Lauterpacht's vision of a human rights paradigm most closely, as a system that departed most clearly from the espousal systems of the previous century.¹³ Responding to critics who claimed that a global petitioning procedure would end up overrun with letters full of unjustified allegations against states, Lauterpacht pointed to the Mandates Rules of Procedure as a model for a post-war administrative order that would solve any such problems.¹⁴ Like Bunche and Gerig had at San Francisco in 1945, Lauterpacht pointed to the supposed lack of controversy around Mandates petitioning to argue in favor of post-war human rights petitioning.

By 1947 and 1948, both Logan and Lauterpacht faced a similar challenge: they had advocated for a Charter that would have a robust and universal petitioning system, a system that would protect human rights for minorities in particular. The Charter had failed to deliver. By this point, Logan had joined Du Bois in a project to submit a petition to the United Nations on behalf of African Americans, in the face of opposition from the United States government and NAACP allies like Eleanor Roosevelt. Indeed, as several scholars of this period have noted, this was a time when the NAACP itself was in retreat from global anticolonialism.¹⁵ A rapidly escalating conflict between Walter White and W.E.B. Du Bois split the organization's international efforts.

¹² Ibid., chap. XI.

¹³ Ibid., 48. It should be noted, as Mark Mazower has repeatedly, that the European Minorities System had essentially disappeared by 1945, largely as a result of the forced population transfers at the end of the war. Mazower, *No Enchanted Palace*, 25.

¹⁴ Lauterpacht, *An International Bill of the Rights of Man*, 172–73.

¹⁵ See, in particular, Von Eschen, *Race Against Empire*.

Logan, more than anyone else, was placed in an awkward position by this split. He remained a core member of the NAACP's policy planning committees and, after Du Bois was effectively expelled, became the organization's primary expert on colonial rule. That said, unlike many others (including Bunche), he never broke from Du Bois himself. In particular, even after the split between White and Du Bois was escalating, Logan was charged with writing the fourth chapter of *An Appeal to the World*, the petition that was submitted to the head of the UN's Human Rights body in 1948.¹⁶ In his chapter, Logan also sought to ground the post-war right to petition in the Mandates and in the Trusteeship paradigm. Logan argued that the UN should accept petitions "on behalf of minorities everywhere" because these minorities should not be treated any worse than the members of the UN, who had a "right to speak in the General Assembly." Similar to Lauterpacht, Logan claimed that the General Assembly was "the sounding board of the conscience of mankind," and that it should "be given the fullest opportunity to discuss petitions on behalf of minorities."¹⁷

Mandates petitioning bolstered that argument. Logan noted that even though the right to petition "was not specifically stated" in the Covenant of the League, "the Council in January, 1923, adopted procedures by which written petitions were receivable by the Permanent Mandates Commission." This right, Logan claimed, had been "formalized" in the Charter.¹⁸ If such a right to petition the United Nations existed for colonized peoples in the Trusteeship Council—a position Logan had of course pushed for—"[i]t would be highly inconsistent, to say the least, if

¹⁶ There are several studies of this petition. See, for example, Carol Anderson, "From Hope to Disillusion: African Americans, the United Nations, and the Struggle for Human Rights, 1944–1947," *Diplomatic History* 20, no. 4 (October 1, 1996): 531–64; Manfred Berg, "Black Civil Rights and Liberal Anticommunism: The NAACP in the Early Cold War," *Journal of American History* 94 (2007): 80–82.

¹⁷ Rayford Logan, "The Charter of the United Nations and its provisions for Human Rights and the Rights of Minorities and Decisions Already Taken under this Charter," Draft for W.E.B. Du Bois, 1946, p. 12, Du Bois Papers.

¹⁸ *Ibid.*

petitions on behalf of peoples in independent nations could not be received by the General Assembly.”¹⁹ Logan, then, was using the Mandates petitioning system to make a claim about the existence of a right to petition in international law, even absent explicit treaty language. He did this despite having argued to Bunche in 1944 and 1945 that any rights not listed in the Charter could hardly be expected to be interpreted into it. Yet, by 1948, Logan had seen the work Bunche and others had done to expand the scope of petitioning in the Trusteeship System. Logan’s work in *An Appeal to the World* sought to take that re-imagined history of colonial appeal and apply it to the General Assembly.²⁰

As Du Bois prepared his petition to the UN, Lauterpacht bemoaned what he saw as that body’s failure to protect human rights in the post-war world. Lauterpacht’s skepticism of the UN was confirmed in 1947, when he was passed over for a position on Eleanor Roosevelt’s Commission on Human Rights, at least partly because of his known radicalism in the defense of inherent rights.²¹ The Universal Declaration of Human Rights, with its soaring rhetoric, was merely a list of platitudes and, in Lauterpacht’s eyes, a non-binding and unenforceable charter was a betrayal of the promise of human rights.²² One of his biggest disappointments was in the lack of an effective right to petition in the UDHR—even if the human rights listed within it were considered part of customary international law, even the most rudimentary system of protection would be out of reach.

¹⁹ Ibid., 13.

²⁰ The Soviet Union introduced the petition to the UN, but it was blocked by the United States. Kenneth Robert Janken, *Rayford W. Logan and the Dilemma of the African-American Intellectual* (Amherst: University of Massachusetts Press, 1993), 189.

²¹ Jochen von Bernstorff, “The Changing Fortunes of the Universal Declaration of Human Rights: Genesis and Symbolic Dimensions of the Turn to Rights in International Law,” *European Journal of International Law* 19, no. 5 (2008): 905–7; Roberts, *The Contentious History of the International Bill of Human Rights*.

²² von Bernstorff, “The Changing Fortunes of the Universal Declaration of Human Rights,” 907–9.

In his 1950 book, *International Law and Human Rights*, Lauterpacht made the striking claim that the UN Charter and the UDHR in fact included an individual right to petition: though the “Charter does not refer to the right of petition as a safeguard of human rights and fundamental freedoms . . . , this is a right which must be implied . . . as the very minimum of the means of its implementation.” After all, though there “was no mention of the right of petition in the system of mandates . . . , subsequent to the establishment of the Mandates Commission the right of petition was regarded as a natural concomitant of the system established by the Covenant.”²³ Lauterpacht made two legal arguments through this juxtaposition. First, the Mandates System’s example stood for the proposition that any system of international oversight *needed* a right to petition in order to function. If the Human Rights Commission was serious about implementing the UN Charter’s provisions on human rights, it would also have to accept petitions.²⁴ The subtext of Lauterpacht’s argument might have been that the evolution of practices at the Trusteeship Council vindicated his claim. If the Trusteeship adversarial petitioning procedures were merely confirmatory of the Mandates System’s practices, then that went to show that the Mandates System’s procedures had enjoyed the same structure.²⁵ Lauterpacht thus claimed that the example of the Mandates went to show that the right to petition in general international law was a natural right, which did not need any basis in treaty. While I have no proof that Lauterpacht and Logan spoke with each other in the lead up to the 1948 NAACP petition, they made almost identical claims for how the development of petitioning in the Mandates System had inaugurated a general right to petition in international law. Indeed, it is

²³ Hersch Lauterpacht, *International Law and Human Rights* (London: Stevens and Sons, 1950), 244.

²⁴ *Ibid.*, 251.

²⁵ von Bernstorff, “The Changing Fortunes of the Universal Declaration of Human Rights,” 919–21.

worth noting that even the otherwise taciturn Bunche came out in support of linking Trusteeship to universal human rights and petitioning while in the UN. In an unusually strident speech for that moment in his career, Bunche told students at Fisk University in November 1947 that the great promise of the UDHR, if it was to ever be accepted, was that an “international bill of rights” could give all peoples “the fundamental right to appeal for redress of grievances” to an international organization, a right to send petitions to the UN along the lines of the NAACP.²⁶ Were such a right to be accepted, as it had been accepted in the Trusteeship Council, Bunche saw the future as one where African Americans, like all other national minorities, could use international bodies to make claims “against such undemocratic practices as restrictive covenants, segregation, disfranchisement, and all the rest.”²⁷

Mandates in the ICJ

These two experiences with petitioning the UN—of the NAACP and Lauterpacht—ran in parallel in the mid-1940s. They merged in the late 1940s during the struggle over South-West Africa, the very territory that had led to the creation of the 1923 Rules. The post-Boer War political arrangement between Anglophone and Afrikaner South Africans resulted in an intensification of the racial state in South Africa, which had already been among the most restrictive in the British Empire, culminating in the formal regime of apartheid. South-West Africa, in particular, became a space in which white South Africans, particularly Afrikaner South Africans, could make claims to the civilizing mission.²⁸ The fact that the South African

²⁶ “An International Bill of Rights,” Speech at Fisk University, November 8, 1947, p. 11, File 2, Box 343, Ralph Bunche Papers, UCLA Special Collections.

²⁷ *Ibid.*, 17.

²⁸ See Solomon Slonim, *South West Africa and the United Nations: An International Mandate in Dispute*. (Baltimore: Johns Hopkins University Press, 1973).

administration of the Mandate was overseen by the PMC, taken alongside the UK's refusal to hand over administration of black protectorates to South Africa, inflamed South African sensitivities about its dignity as a newly emerging sovereign state.²⁹ This sensitivity was heightened with regard to international organizations, given the outsize role Jan Smuts, the South African premier, had played in the creation of both the League and the UN. Even the minimal supervision entailed in the Mandates System chafed, especially as PMC officials successfully fought to prevent South Africa from annexing South-West Africa in the 1930s. It was in this context that South Africa decided not to bring South-West Africa into the UN's Trusteeship System at the end of the Second World War, something they believed they were entitled to do based on the plain wording of the Trusteeship provisions.³⁰

What South Africa had not counted on was the fact that the United Nations would see an influx of newly decolonized states as members in the late 1940s, states that would make it their mission to embarrass South Africa. The first volley was in 1947 by newly independent India, which launched a series of complaints against South Africa for violating the rights of Indian residents.³¹ Despite their pleas that such matters were outside of the competence of the UN under Article 2(7), the domestic jurisdiction clause, South Africa found its racial policies criticized in a very public fashion in the General Assembly.³² At the same time, pressure was building within

²⁹ See Margery Perham and Lionel Curtis, *The Protectorates of South Africa: The Question of Their Transfer to the Union* (London: Milford, 1935).

³⁰ For a brief analysis of South African anxieties about international supervision in South-West Africa in the 1930s and 1940s, see Carol Anderson, "International Conscience, the Cold War, and Apartheid: The NAACP's Alliance with the Reverend Michael Scott for South West Africa's Liberation, 1946-1951," *Journal of World History* 19 (2008): 298-301.

³¹ Taraknath Das, "Human Rights and the United Nations," *Annals of the American Academy of Political Social Science* 252 (1947): 57. On India and the early UN, see Manu Bhagavan, *The Peacemakers: India and the Quest for One World* (New Delhi: Harper Collins, 2012).

³² Anderson, "International Conscience, the Cold War, and Apartheid," 301.

both the Trusteeship Council and in the General Assembly's Fourth Committee to bring South-West Africa into the Trusteeship rubric. For a state that had found the PMC's relatively benign oversight onerous, the much more searching examination entailed by Trusteeship was unsurprisingly unpopular in South Africa.³³

South African politicians' ire was raised in part because of their firm commitment to a close textual adherence to the words of the UN Charter, which they had had a role in writing. They were frustrated at what they believed was an extra-legal campaign to expand the scope of the organization well beyond its competence.³⁴ They were particularly incensed at the General Assembly's willingness to accept letters from the Reverend Michael Scott, an Anglican minister who was carrying news of South African policies out of the territory.³⁵ In a repeat of the dynamics of the Bondelzwarts Rebellion, these letters challenged South Africa's claims about its administration of a referendum on South-West African incorporation into South Africa. Scott was able to get his letters to the General Assembly through the good offices of the Indian delegation, while the logistical support for his work was provided by the NAACP.³⁶ Roger Baldwin and his International League for Human Rights provided legal advice and consulted with Lauterpacht on the admissibility of such petitions to the UN.³⁷ In response, South Africa broke off all communication with the UN regarding its administration in South-West Africa,

³³ See, amongst others, Thomas Borstelmann, *Apartheid's Reluctant Uncle: The United States and Southern Africa in the Early Cold War* (New York: Oxford University Press, 1993).

³⁴ Mazower, *No Enchanted Palace*, chap. 4.

³⁵ For a general overview of Scott and the campaign in the UN, see Anderson, "International Conscience, the Cold War, and Apartheid"; Roger Stenson Clark, "The International League for Human Rights and South West Africa, 1947-1957: The Human Rights NGO as Catalyst in the International Legal Process," *Human Rights Quarterly* 34 (1981): 101-36.

³⁶ Anderson, "International Conscience, the Cold War, and Apartheid," 310-11.

³⁷ For a detailed analysis of the work done by this organization, see Clark, "The International League for Human Rights and South West Africa, 1947-1957." Hersch Lauterpacht played an important behind-the-scenes role in its legal briefing. *Ibid.*, 112 n.39. See also Anderson, "International Conscience, the Cold War, and Apartheid," 309.

claiming that its responsibilities had ended with the dissolution of the League.³⁸ The showdown reached a head in 1950, the same year Lauterpacht published *International Law and Human Rights*, when the International Court of Justice agreed to give an advisory opinion on South Africa's responsibility to the UN.

The 1950 South-West Africa case produced important statements about state responsibility, the law of treaties, and the legal nature of international organizations, as well as influential dissenting opinions that questioned the very basis of classical international law as an appropriate tool in deciding disputes in a post-imperial world.³⁹ The central holding from the Court was that South Africa remained bound by the obligations it had taken on in 1920 with regard to the Mandates.⁴⁰ However, it refused the argument made by many states that South Africa was also bound to bring South-West Africa within the Trusteeship Council.⁴¹ Instead, the Court held that the General Assembly of the United Nations acted as the successor to the League's Assembly, and so it was competent to receive the reports South Africa was bound to produce on its administration.⁴²

Though this was a far-reaching holding, deciding on the temporal basis for South Africa's obligations did not determine the question of petitioning, the heart of South Africa's recalcitrance. Petitioning appears nowhere in the League's Mandates provisions and was not a part of the treaties South Africa had signed at Versailles and after. If South Africa was only

³⁸ Anderson, "International Conscience, the Cold War, and Apartheid," 312.

³⁹ *International Status of South-West Africa (Advisory Opinion)*, 1950 I.C.J. 128, 180-82 (July 11) (Álvarez, J., dissenting); Ellison Kahn, "The International Court's Advisory Opinion on the International Status of South-West Africa," *The International Law Quarterly* 4, no. 1 (1951): 78-99.

⁴⁰ *International Status of South-West Africa (Advisory Opinion)*, 1950 I.C.J. 128, 138 (July 11).

⁴¹ *Ibid.*, 140.

⁴² *Ibid.*, 137.

bound by its 1920 obligations, did that mean that the United Nations could not receive petitions from South-West Africa? That was the argument South Africa advanced, drawing on the actual history of petitioning in the system.⁴³

It is here that the Court adopted the post-war re-reading of Mandates history. In order to find that South Africa had a continued responsibility for communicating petitions from South-West Africa, despite stating that its obligation “should not exceed that which applied under the Mandates System,” the Court held that petitioning had been part of the competences granted to the Assembly of the League, in order to allow it to effect its supervision over colonial rule in the Mandates.⁴⁴ The Court characterized petitioning as an “innovation” of the League through which supervision was “rendered more effective.”⁴⁵ It thus adopted Lauterpacht’s vision from 1945, of petitioning as being a fundamental part of any system of rights protection.⁴⁶ That, in turn, was indebted to the 1930s program to normalize petitioning in the System.

The Court would return to the question of petitioning in a decision in 1956, when the issue of oral petitioning was at hand.⁴⁷ Whereas it was at least arguable that petitioning had been considered a normal part of the PMC’s functioning in the 1920s, all the evidence showed that the PMC had resolutely refused to hear oral or adversarial petitions, something the recently formed

⁴³ This was also an argument raised by some of the separate opinions. *International Status of South-West Africa (Advisory Opinion)*, 1950 I.C.J. 128, 1173 (July 11) (Read, J., separate opinion) (“The regulation of petitions was based upon rules of procedure adopted by the Council of the League. . . . Obligations which the Union may have incurred as a result of the adoption of these rules cannot possibly be regarded as ‘international obligations under the mandate for South-West Africa.’”).

⁴⁴ *International Status of South-West Africa (Advisory Opinion)*, 1950 I.C.J. 128, 138.

⁴⁵ *Ibid.*, 137

⁴⁶ Contemporary commentators noted the radical nature of this decision. See, for example, Kahn, “The International Court’s Advisory Opinion on the International Status of South-West Africa,” 90–92.

⁴⁷ The question was on the table because of the South West Africa Committee’s decision to hear Michael Scott’s testimony, in an attempt to put even more pressure on South Africa. Clark, “The International League for Human Rights and South West Africa, 1947-1957,” 128–30; Anderson, “International Conscience, the Cold War, and Apartheid,” 315–19. Clark, at 128-30; Anderson, *International Conscience*, at 315-19.

South-West Africa Committee of the General Assembly sought to do.⁴⁸ The logic of Logan's argument from 1948 and Lauterpacht's 1950 work again informed the court's interpretation of precedent. The Court ruled that oral petitioning had to be allowed because having such a right was necessary to the functioning of the supervisory system of the UN, in the face of a state's intransigence.⁴⁹ In order to connect the practice to its historically-based 1950 opinion, the Court ruled that oral petitioning had been a part of the set of powers granted to the League that it had just never sought to implement.⁵⁰ Indeed, some judges went even further. For instance, the Soviet Judge Feodor Kojevnikov described the presentation of petitions from Mandated peoples as "one of the indefeasible rights of the population," based both in the League's Covenant and the UN's Charter and thus obviously allowable (if not required) in the South-West African situation.⁵¹ What had been a problem of a constitutional nature in the League, as Chapter Two showed, was re-written as a natural part of the body's operation.

The Court thus cut through the many possible meanings of petitioning to settle on a robust reading of the practice. It was ruling at a time when the Trusteeship Council, the body South Africa had pointedly refused to join, was exercising increased oversight over colonial rule, regularly hearing oral petitions. The ICJ's judgment conflated the past with the present, in order to bring about an effective form of international oversight. Judges on the Court, many of whom

⁴⁸ Indeed, the now Judge Lauterpacht noted in his separate opinion to the Court's 1955 advisory ruling that "the place assigned to . . . petitions in the System of Trusteeship exceeds the degree of supervision adopted in the Mandates System and that that means of supervision by the United Nations cannot, without the consent of the Government of the Union of South-West African [sic], be applied to the Mandated Territory of South-West Africa." *Voting Procedure on Questions Relating to Reports and Petitions Concerning the Territory of South-West Africa, (Advisory Opinion)*, 1955 I.C.J. 67, 94 (June 7) (Lauterpacht, J., separate opinion).

⁴⁹ *Admissibility of Hearings of Petitioners by Committee on the South West Africa (Advisory Opinion)*, 1956 I.C.J. 23, 29 (June 1).

⁵⁰ *Ibid.*

⁵¹ *Admissibility of Hearings of Petitioners by the Committee on South West Africa (Advisory Opinion)*, 1956 I.C.J. 23, 34 (Kojevnikov, J., separate opinion).

had been involved in the Mandates and Trusteeship Systems, came to rewrite its history. In years to come, José Luis Bustamante, Wellington Koo, and others who had had tenures in Trusteeship issues, would make similar claims for the naturalness of petitioning in their separate opinions to the Court, normalizing this vision of Mandates history. By doing so, they wrote the conflict and slow development of petitioning and transnational solidarity out of the history of the mandates, making petitioning seem natural and thus an uncontroversial basic right.

The 1960s brought a sharp U-turn in the Court's jurisprudence. Its 1966 judgment rejecting Ethiopia and Liberia's standing to sue South Africa marked the beginning of a two decade long lull in its activities, as decolonized states refused to bring cases before what they saw as a neocolonial body. Yet the alternate jurisprudence of rights persisted, albeit in dissents. Judge Kotaro Tanaka quoted Lauterpacht to insist that "the mandates after the First World War did not mention the right of petition [because] this right was 'regarded as a natural concomitant of the system established by the Covenant.'"⁵² In the context of an ossifying human rights movement, Tanaka made a plea for effective remedies based on his reading of League history: he claimed that "[e]ven if the right to petition is not based upon any legal provision, it is 'in a sense a natural right.'"⁵³ Petitioning in the Mandates System had a particular resonance in the creation of the post-war order, not only in terms of the Mandates but for the global human rights revolution of the late 1940s and 1950s.⁵⁴

Whether or not the League or the UN would be able to accept petitions was always dependent on the historicity of petitioning. When it first developed as a grassroots practice in

⁵² *South-West Africa (Ethiopia v. South Africa; Liberia v. South Africa)*, 1966 I.C.J. 6, 320 (Tanaka, J., dissenting)

⁵³ *Ibid* (quoting Duncan Hall).

⁵⁴ On the development of petitioning in Europe in the 1950s, see Bruegel, "The Right to Petition an International Authority."

1919 and 1920 in the League, few people—petitioners or those that were petitioned—thought Mandates petitioning was a normal or everyday part of the System. It was only later, in the 1930s, that partisans of the practice sought to give it a longer pedigree, linking Mandates petitioning to British imperial practices. That invented history of the Mandates petition took hold as few people have an interest in pointing to the practice’s disruptive potential once it have become a bureaucratized part of the Mandates Commission’s functioning. When the question of whether allowing colonial appeals was prudent came up in the founding of the UN, that same historical re-imagining was deployed again, now by American “experts” who sought to smooth over any constitutional questions that arose at the San Francisco conference. It is a measure of their success that, by the time the ICJ was studying the issue, their vision of petitioning had become commonsensical, as it remains today. This dissertation has sought to pry open that commonsensical vision of petitioning, to show the hard work that went into making colonial and antiracist voice possible.

APPENDIX

Transcriptions of Togolese Petitions Sent to the Early League of Nations

I. J.T. Mensah, May 18, 1920, Box R20, File 1/4900/3099, League of Nations Archives, Geneva

Confidential

Bagida Street
Lome
Togoland
18th May, 1920

Sir Eric Drummond
Secretary-General
League of Nations
London

Dear Sir,

Please don't think me churlish if, as a member of the Committee on behalf of Togoland Natives in LOME, (British Zone of Togoland) I have the impudence most respectfully and humbly to encroach upon your precious hours in scribbling you these lines in order to bring home to the League of Nations through you facts which are of first importance to us.

2. Having been instructed that the League of Nations, of which you are Secretary-General, has been formed, inter alia, purely and simply to safe-guard small powerless Nations, I feel it incumbent upon me to inform you that as we have learnt that our Togoland was being handed to another nation, not of our choice, we have therefore petitioned several times Viscount Milner, His Majesty's Secretary of State for the Colonies and other channels manifesting our

desire to remain under the Union Jack, but we have so far had no replies to the petitions and we are now filled with apprehensions, thinking that we are not being treated equitably, although we refer to the pledge given by the British Prime-Minister in the course of the great World War, (a war fought for Freedom and Liberty, a war of Right against Might and in which Right has won) that in deciding the question of the lost German Colonies the wishes of the people (inhabitants) be the dominating factor.

3. Our petitions have been signed in the first instance by almost all of the Chiefs in the British Zone of Togoland, and later on, successively by Mr. O. OLYMPIO, the President of the Committee on behalf of Togoland Natives.

4. I am sorry I have presently not got copies of all the petitions sent, but I sincerely trust that those attached hereto for your information will throw some light on the subject. I think I do not need make any further enlargement now, the petitions fully speaking for themselves, but I must request you most humbly, to put our claims, as shown in the attached memorials and those in possession of the Secretary of State for the Colonies, who may submit them to the League of Nations if requested to do so, before the Members of the League for their mature considerations, as I have every reason to believe that the non-fulfilment of the plighted word given by the first Minister of the British Empire, Mr. D. Lloyd George, would make the English prestige suffer considerably, at least throughout whole West Africa, and we, Natives of Togoland especially, hold England in the highest esteem.

5. I must mention that I am a native of the soil and I know too well that my fellow-country-men in the British Zone of Togoland at least want to be under no other rule but the British, and any decision arrived at contrary to their wishes will be taken, and is being taken, as tantamounting to enslavement and exploitation.

6. In 1918 when a Special Commissioner was sent here to ascertain what Government we wanted to remain under, we had unanimously informed the Commissioner, Mr. J. T. Furley (of the Gold Coast Civil Service) we wanted the British Government.

7. The rumour of the French taking over Togoland is becoming rampant and fills me, and, I know, each of us, with grave and alarming anxiety, hence I cannot help appealing to you, but if I am wrong in soliciting your assistance, I pray, forgive me, Sir, but I know that in writing this to you I am only voicing the sentiments of all my country men, yes, of all classes of the community.

8. I would mention that I am not a chief, but am a member of the Committee on behalf of the Togoland Natives, a Committee which was formed with the knowledge, consent and approval of the chiefs of the British Zone of Togoland; in this respect it is not fair to myself to sit unconcerned while also my liberty is to be invaded.

9. It would appear that this country has already been divided by Great Britain and France, so that in complete disregard of our wishes, this part is going to France, but telegraphic news just arriving on the Coast shows that according to what Mr. BONAR LAW hold the House latterly, the Mandates for Togoland and other ex-German Colonies have not been completed, and before they take effect they will be submitted to the Supreme Council and then to the League of Nations, of which you are the Secretary-General.

10. I desire, therefore, to impress upon you, Sir, that before the Mandates are approved or rejected, it must be well understood that the present division of Togoland is utterly against the wishes of us, the inhabitants.

11. In this connection I venture to suggest for your consideration, Sir, that the safest way in solving the problem, would be for a mixed commission to be appointed to find out from the

Natives concerned, their desire as to the Government they wish their own country to be administered by.

12. Kindly excuse the length of this letter, but I am only too anxious to express to you my real feelings, and I trust you will not consider it wanting in respect, where respect is due, but will, after perusal, be inclined to induce the League of Nations to temper the wind for the shorn lamb.

Awaiting, Sir, the favour of your reply,
I venture to subscribe myself
Your most obedient & humble
[Signed] J. T. Mensah

**II. Henry Kue Gaba to William Ormsby-Gore, April 14, 1922, Box S284, File 1(9),
League of Nations Archives, Geneva**

H.K. Gaba,
ANEHO,
TOGOLAND.

14/4/22.

The Honourable
W. ORMSBY-GORE, M.P.,
LONDON

Hon. Sir,

I take the liberty to write you to-day upon a matter very important. This matter concerns my country Aneho and Togoland in general. No doubt you might have heard much about this place already. The unfortunate country had suffered much under the German Government and there were many cries in those days.

When we were luckily released from the great oppression of the Germans we had great hopes for better things to come. When it was the intention of the European powers to save the ex German Colonies from terrorism questions came to us in this part of the world if we could answer them to show the facts that, the natives were really oppressed. The Rev. Acquah, of Cape Coast, then at Mphansipim School directed some of the questions to me, 13 in number.

I expressed my own opinion and gave the full experience I had. I had also touch with several of the Chiefs and eminent people who really stated what was the real defect of the late German Government.

At the close of the war rumours have it spread around that France would take up Togoland. We were cast down. I said it was a lie. Disappointment evinced in the face of many. We had been preaching long in several presses of our troubles and a preference of a better Government than that of France which is given us.

Later in 1919 we were noticed officially by Reuter's telegram that France lay claims on Togoland and Cameroons. We doubt such claims and we started our protest at once by forwarding cablegrams to Lord Milner, the then Secretary of State for the Colonies, with the hopes that the allies who mean to help us might consider the point.

Despite our protests we were handed over to a Government without our wish and despite the pledges of the Prime Minister, Mr. Lloyd George, which was plainly given that the choice of the people will be the deciding factor of their Government, and lastly the 14 points of President Wilson, was thrown aside.

After the announcement of the said claims France to obtain her wants pledged herself by another Reuter's telegram that she will elevate, educate, and improve the condition of the natives of the ex German Colonies industrially and economically. But this is only a word.

Knowing this game very well we started to protest before it is late. As it seems no heed was given to any and as a surprise and a mystery in the later part of 1920 France really took administration of Togoland, small portion (which) is given to Britain, which is a harm to the Colony. The whole colony was with great murmur and begin to distrust any pledge. Having no power we have to stoop and bear but what a hard thing it is for us.

In April 1921 head tax as well as other several ones were introduced. We stoutly opposed these as they are detestable in our country but we were forced to it. When we protested the Commandant gave us unbearing treatments and called us all sorts of names, and we were forced to write to the Liverpool and Manchester Chambers of Commerce through Mr. Pickering Jones on the matter.

Few cablegrams were forwarded to Mr. Charles Roberts also informing him of the taxes, forced labour, oppression and conscription started in Togoland, and the later to which you

directed a question to a Hon. member which appeared in an issue of "West Africa". We do not know how that question was thrashed as we hear nothing again.

But all reports were true. Things continue to grow worse for the only 1½ years France took the administration of Lome, and Aneho, and districts, towns and villages are depopulated and human progress ruined.

Although black men we are, but being the creatures (human being) of the only one God we have taste and feelings. Since the German Government has taken us up in 1885 and since we are in the midst of the French and the English we find the difference in Governments, and we know no one which is God's ordained Government with its righteous institutions as the British Government.

We were tortured, troubled, and ill treated by the Germans as if we borrow land from them and also look upon us as beasts of the fields, and ours was a pity. For the few knowledge and understanding we have (thank the Wesleyan Mission) we started our cries in the local papers of Nigeria and the Gold Coast, and this no doubt disclosed the mall administration of the Germans which brought about the bondage release question of the German colonies. But for one reason or the other we were handed over against our wish and the result is what it is to-day that we are suffering and the good work of the allies which was intended for the freedom of all nations is fruitless in our land, and we became serfs of the French Republique; now from the bad Germans to the worse French.

I enclosed you copies of cablegrams which was sent by counter attack by the Commandant, to the Ministere des Colonies, Paris, when the town people were at protest. These cablegrams were sent without the knowledge and consent of the inhabitants of Aneho, with the exception of few Chiefs he bribed. What knowledge these Chiefs have of the French now is

interesting to ask them to relate it. Nothing was done with the unanimous vote of the people and in one word it was a fraud.

I am sure you will study very well the report and the cablegrams and as nothing was done by the people themselves I beg to ask your assistance to propose to the League of Nations a special Commission of Enquiry, should be sent to this place to deal with the Chiefs for first hand information for what they experience at this short time. I am sure you will do your best with the assistance of Hon. friends and leave no stone unturned in this matter for us, and have the question of Togoland raised again as the nation is dissatisfied in all points and still they are pressed on it and the ever unrest is the lot of the poor natives in their own land. And why should our brothers in the British Zone cease from these special troubles in social, judicial and political life and we be still?

More anon.

I have the honour to be,

Hon. Sir,

Your obedient Servant,

(Signed) HENRY KUE GABA

III. An Open Letter to William J. Rappard, Esqr., By a Togolander, *The Voice of the People*, ca. 1923, File 9, Box S1612, League of Nations Archives, Geneva

Dear Sir,

It is a source of fortune and happiness to me to be in possession of your address, specially the liberty it affords to every enlightened Togoman to write and inform you of the French administration in Togo.

I wish my subject be treated seriously, for if it is done so it will set you free from worries about this territory; it will bring the place into peace and shall put the inhabitants into more satisfaction, and shall end the many publications and writings as a result of bad administration about the French.

Since the time of the sack of the Germans from Togo, the French and the English have taken possession of the Colony and divided same into two parts. The Togoman who had once got a European Government before the advent of these two (other) powerful nations, could readily differentiate the advantages and the disadvantages in the administration of the gone and the present Governments. I think it will be less fruitful to dwell now upon the regime of the Germans, but I will try to demonstrate the defects in the French administration that, even a non-politician, with common sense, could with some efficiency report about.

I admit and confess that we Togomen are presently unable to govern ourselves, but could through observation and experience with, right and justice, say something about how we should be governed. The English Government that is co-operating with the French in the Colony with one accord, but with different laws, is much more liked by the population.

We had not been given free chance to express our wishes and grievances. We are shit up, because the Frenchman thinks the Colony will be taken away from him if he allows the natives to report about their bad and wrong administrations in Togo.

I [unintelligible] for redress and amelioration, and feel, I [unintelligible], with justice and patriotism do so for the good of my country. I think you must have already received many reports about this subject, notwithstanding, I am forwarding you this paper. I should be understood that culture and development were known in Togo before the occupation of the French. Whilst the English have much added to it, the French have decreased it.

Our wishes should be addressed to the French Government rather than to the League of Nations, but since the French would not care to know what we mean by our wishes, and think we could not find the way to send our desire and complains to the world, we are now prepared to see you about our welfare and that of the French also.

While the French taxes the people full to the hand and exercises absolute power to gain his ends, he forgets to improve the Colony economically. He wants his laws to be obeyed without first creating a justifiable demand for them[.] Living in the neighbourhood of the English Colonies, one could through daily experiences, compare the administration that is being carried on by the English to rule the natives of comparative culture we concluded that the French administrators that hitherto have been sent to us have no knowledge at all of governing people; they are of ordinary types. They have no quality of observation and comparison; they are void of human feeling and the art of judgment; They are short of foresight, tact and regularity, and as a consequence do everything spasmodically. They make no use of experience, and think, Africa is a place of corruption containing corrupted people. Though uncultured we are, we could see the cultured man transparent in his wrong and foul conduct. They are inconsistent, capricious, selfish and individualistic. Such people would not do at all to administer the Colony.

Some of them have obtained good testimonials and records for the services they have rendered somewhere about in other Colonies under strict supervision of other useful, long and wide experienced officers; but they are to be blamed for dereliction of duty by us.

The Germans thought it useful, moral, economical, sanitary and municipal to construct public latrines in the towns of the Colony, whilst the French administrators with their wrong calculations and many defects find it proper to destroy some of these latrine-buildings and convert others into butcher's places and to neglect the reconstruction of those damaged bridges in order to "empecher" the economical welfare of the people in the Colony. Many of these incidents are happening in the town of ANEHO.

Having the belief that there are better white men of French origin in France who through polished training could further the interests of Togo, I restrict my comment only to the administrators hitherto sent to us. I beg you very much to kindly bring our misfortunes before any National Conference that might take place soon in Europe.

Every common man seems to know that the French people are here with us in order to preserve our rights and to establish peace among the natives in finishing their disputes for them. But the French being blind to his own duties is at all times content to see us in perpetual misunderstanding and to magnify every petty disagreement among us into quarrel. The local administrators seem to be thus diplomatic in order that they might be able to get the natives united against their insidious plans.

Allow me to mention that something very wrong and awful, atrocious and anarchic is going on among us brought about by the French people, and which need urgent investigation, consideration, and correction. We have not reached the stage where we can offer any active resistance to our leaders; but if we could, through some valuable comparisons, find that the

French of today with us act a wrong part, because useless people without soul and thought are thrown on his mercy—a mercy that belongs only to him and not to anybody else, I think it is proper to publish him and his bad actions in papers for him to read and amend.

Very many business houses of the gone Germans are left by the French Merchants unused and the Government is content to see these buildings going into ruin[.] Thanks to the few English firms that have opened their business in Togo for our employment. The French Government in Togo does not know that the revenue of the Government and the prosperity of the population depends largely on commerce. The people representing the French Government in Togo seem to be void of instruction and experience. Togo is suffering very badly at the hands of the French administrators[.] There is no economical, financial, industrial, moral and intellectual progress at all in Togo. We have been advancing very well before, but the French through no reason except through high treachery and villainy has brought every thing to a stop.

Why can't France send men of integrity to rule and administer us? If Togo begins to improve today it will add to the French commonwealth. Everybody today in Togoland is contemplating on "where he or she shall get the money to be paying "import" plus many other taxes levied on him or her"? It is necessary and important that we stand for redress. We could not live to see that most of the young promising sons of the soil emigrate daily to other English Colonies to find their livelihood there. They are willing to do and could, had they got some lucrative business in their own country to do, had the French Government created or encouraged business of some or any kind in the Colony. If the Merchant is there with his bustle of business everything is around him. The Government rejoices for the increase in its revenue through the unceasing importation of goods and exportation of raw materials. All self-traders then have fair chances to into purchasing business with Merchants. [Remainder torn and unreadable]

BIBLIOGRAPHY

Manuscript Collections

League of Nations Archives, Palais des Nations, Geneva

- Mandates Section
- Minorities Section
- Legal Section
- Political Section
- General Section
- Secretary-General
- Personnel
- Assembly
- Princeton Office
- Van Asbeck Papers

United Nations Archive, New York City

- Political Affairs – Trusteeship
- United Nations Information Organisation (UNIO), 1940-1945
- Preparatory Commission of the United Nations, 1945-48
- United Nations Conference on International Organization (UNCIO), 1944-1945
- Office for Special Political Affairs
- Department of Political Affairs
- Division of Trusteeship
- International Court of Justice
- United Nations Transition Assistance Group (UNTAG; Namibia)
- United Nations Commission on the Racial Situation in the Union of South Africa (UNCORS)
- Registry (Central and Branch)
- Trygve Lie Papers
- Ralph Bunche Papers
- Dag Hammarskjöld Papers
- Victor Hoo Papers
- H.A. Wieschoff Papers
- Andrew Cordier Papers
- Lawrence Finkelstein Oral History

British National Archives, Kew Gardens, London

- Colonial Office (CO)
- Dominions Office (DO)
- Foreign Office (FO)
- Prime Minister's Office (PREM)
- Security Services (KV)
- Board of Trade (BT)

British Library, London

- India Office Records (IOR) (papers moved to the British National Archives)
- Lord Sinha Papers
- Lord Curzon Papers
- Cecil of Chelwood Papers
- Leo Amery Papers

Indian National Archives, New Delhi

- Commonwealth Relations
- External Affairs
- Foreign and Political Department
- Legislative Affairs
- India Independence League
- Lala Lajpat Rai Papers

International Institute for Social History Archives, Amsterdam

- League against Imperialism Papers
- Socialist International Papers
- League of Nations Collection
- Fabian Society Papers

Library of Congress, Washington, D.C.

- Francis Sayre Papers
- Huntington Gilchrist Papers
- Benjamin Gerig Papers
- Rayford Logan Papers
- Arthur Sweetser Papers
- Leo Pasvolsky Papers
- Raymond Leslie Buell Papers
- U.S. American Commission to Negotiate Peace Records

Churchill College Archives Center, Cambridge University

- Winston Churchill Papers
- Leopold Amery Papers
- Ernest Bevin Papers
- Alexander Cadogan Papers
- Gladwyn Jebb Papers
- Maurice Hankey Papers
- Alexander Leeper Papers

Phillip Noel-Baker Papers
Arthur Salter Papers
Robert Vansittart Papers

Bodleian Special Collections, Oxford University
Walter Monckton Papers
Alfred Milner Papers
Gilbert Murray Papers
Alfred Zimmern Papers
Lionel Curtis and Round Table Collection
United Nations Career Records Collection (William Cottrell and Gladwynn Jebb)

Nuffield College Special Collections, Oxford University
Alexander Loveday Papers
Kenneth Younger Papers

Rhodes House Archives, Oxford University (now housed in Bodleian Special Collections)
Frederick Lugard Papers
Margery Perham Papers
Charles Buxton Papers
Arthur Creech-Jones Papers
Charles Wilton Wood Greenidge Papers
Malcolm MacDonald Papers
Africa Bureau Collection
Fabian Colonial Bureau Collection
Anti-Slavery Society Collection

London School of Economics Archives, London
League of Nations Union Collection
Fabian Society Collection
United Nations Association Collection
International African Institute (IAI) Collection
Colonial Social Science Research Council Collection
Harold Laski Papers
Arthur Hylton Poynton Oral History

School of Oriental and African Studies Special Collections, London
Council for World Mission/London Missionary Society Collection

New York Public Library Special Collections, New York City
International League for Human Rights Collection

Schomburg Center for Research in Black Culture, New York City
W.E.B. Du Bois Papers
St. Clair Drake Papers
Pettis Perry Papers
Ralph Bunche Papers

Paul Robeson Papers
Phelps-Stokes Collection

Columbia University Special Collections, New York City

James Shotwell Papers

James Graham Phelps Stokes Papers

Carnegie Endowment for International Peace Papers

Wellington Koo Papers

Dag Hammarskjöld Oral History Project (Cordier and Urquhart)

League of Nations Project (Lukac Branko, Thanassis Aghnides, Pablo de Azcárate, and
Edouard de Haller)

W.E.B. Du Bois Oral History

University of California, Los Angeles, Special Collections

Ralph Bunche Papers

Brian Urquhart Papers

University of Massachusetts, Amherst, Special Collections (online)

W.E.B. Du Bois Papers

Published Primary Sources

Foreign Relations of the United States

Transcripts of Parliamentary Debates in the UK (Hansard)

Minutes of the Meetings of the Permanent Mandates Commission

Minutes of the Meetings of the Council of the League of Nations

Official Journal of the League of Nations

Published Works

- Alexendrowicz, Charles Henry. *Studies in the History of the Law of Nations*. The Hague: Nijhoff, 1972.
- Alvarez, José E. *International Organizations as Law-Makers*. Oxford: Oxford University Press, 2006.
- Amos, Alcione M. "Afro-Brazilians in Togo: The Case of the Olympio Family, 1882-1945 (Les Afro-Brésiliens Du Togo: L'exemple de La Famille Olympio, 1882-1945)." *Cahiers d'Études Africaines* 41, no. 162 (2001): 293–314.
- Anderson, Carol. *Bourgeois radicals: the NAACP and the struggle for colonial liberation, 1941-1960*. Cambridge, U.K. ; New York: Cambridge University Press, 2015.
- . *Eyes off the Prize: African Americans, the United Nations, and the Struggle for Human Rights, 1944-1955*. Cambridge, UK; New York: Cambridge University Press, 2003. Retrieved September 1, 2017.
- . "From Hope to Disillusion: African Americans, the United Nations, and the Struggle for Human Rights, 1944–1947." *Diplomatic History* 20, no. 4 (October 1, 1996): 531–64.
- . "International Conscience, the Cold War, and Apartheid: The NAACP's Alliance with the Reverend Michael Scott for South West Africa's Liberation, 1946-1951." *Journal of World History* 19 (2008): 298–301.
- Anghie, Antony. "Colonialism and the Birth of International Institutions: Sovereignty, Economy, and the Mandate System of the League of Nations." *N.Y.U. Journal of International Law and Policy* 34, no. 3 (2002).
- . "Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law." *Harvard International Law Journal* 40, no. 1 (1999).
- . *Imperialism, Sovereignty, and the Making of International Law*. Cambridge, UK ; New York: Cambridge University Press, 2004.
- , ed. *The Third World and International Order: Law, Politics, and Globalization*. Leiden ; Boston: Martinus Nijhoff, 2003.
- . "Whose Utopia? Human Rights, Development, and the Third World." *Qui Parle* 22, no. 1 (2013): 63–80.
- Anker, Peter Martin. *The Mandates System: Origin, Principles, Application*. Geneva: League of Nations Publications, 1945.
- Antic, Ana, Johanna Conterio, and Dora Vargha. "Conclusion: Beyond Liberal Internationalism." *Contemporary European History* 25, no. 2 (May 2016): 359–71.

- Barros, James. *Betrayal from within: Joseph Avenol, Secretary-General of the League of Nations, 1933-1940*. New Haven: Yale University Press, 1969.
- Bear, Laura. "An Economy of Suffering: Addressing the Violence of Discipline in Railway Worker's Petitions to the Agent of the East Indian Railway." In *Discipline and the Other Body: Correction, Corporeality, Colonialism*, edited by S. Pierce and A. Rao. Durham and London: Duke University Press, 2006.
- Beauté, Jean, and Charles Rousseau. *Le Droit de pétition dans les territoires sous tutelle*. Paris: Librairie générale de droit et de jurisprudence, 1962.
- Becker Lorca, Arnulf. *Mestizo International Law: A Global Intellectual History 1842-1933*. Cambridge, UK: Cambridge University Press, 2016.
- . "Petitioning the International: A 'Pre-History' of Self-Determination." *European Journal of International Law* 25, no. 2 (2014): 497–523.
- . "Sovereignty beyond the West: The End of Classical International Law." *Journal of the History of International Law = Revue d'histoire Du Droit International*. 13, no. 1 (2011): 7–73.
- Beer, George Louis. *The English-Speaking Peoples: Their Future Relations and Joint International Obligations*. New York: Macmillan, 1918.
- Beer, George Louis, and Louis H Gray. *African Questions at the Paris Peace Conference*. New York: Negro Universities Press, 1969.
- Bell, Duncan. *Victorian Visions of Global Order: Empire and International Relations in Nineteenth-Century Political Thought*. Cambridge, UK; New York: Cambridge University Press, 2007.
- Bellegarde-Smith, Patrick D. "Dantes Bellegarde and Pan-Africanism." *Phylon* 42, no. 3 (1981): 233–44.
- Benjamin Gerig. "Significance of the Trusteeship System." *The Annals of the American Academy of Political and Social Science* 255, no. 1 (1948): 39–47.
- Bentwich, Norman. *Colonial Mandates and Trusteeships*. London: Grotius Society, 1947.
- Berg, Manfred. "Black Civil Rights and Liberal Anticommunism: The NAACP in the Early Cold War." *Journal of American History* 94 (2007): 80–82.
- Berman, Nathaniel. *Passion and Ambivalence: Colonialism, Nationalism, and International Law*. Leiden; Boston: Martinus Nijhoff Publishers, 2012.
- . "Shadows: Du Bois and the Colonial Prospect, 1925." *Villanova Law Review* 45, no. 5 (January 1, 2000): 959.

- Bernstorff, Jochen von. "The Changing Fortunes of the Universal Declaration of Human Rights: Genesis and Symbolic Dimensions of the Turn to Rights in International Law." *European Journal of International Law* 19, no. 5 (2008): 903–24.
- Bhagavan, Manu. *The Peacemakers: India and the Quest for One World*. New Delhi: Harper Collins, 2012.
- Birn, Donald S. *The League of Nations Union, 1918-1945*. Oxford; New York: Clarendon Press; Oxford University Press, 1981.
- Borgwardt, Elizabeth. *A New Deal for the World: America's Vision for Human Rights*. Cambridge, MA: Belknap Press of Harvard University Press, 2005.
- Borstelmann, Thomas. *Apartheid's Reluctant Uncle: The United States and Southern Africa in the Early Cold War*. New York: Oxford University Press, 1993.
- . *The Cold War and the Color Line: American Race Relations in the Global Arena*. Cambridge, MA: Harvard University Press, 2001.
- Bruegel, J. W. "The Right to Petition an International Authority." *International and Comparative Law Quarterly* 2 (1954): 545.
- Buell, Raymond Leslie. *The Native Problem in Africa*. New York: Macmillan Company, 1928.
- . *The United States and the League of Nations*. New York: Foreign Policy Association, 1930.
- Bunche, Ralph J. *A World View of Race*. Reissue of 1936 Association in Negro Folk Education edition. Port Washington, NY: Kennikat Press, 1968.
- Bunche, Ralph J. *An African American in South Africa: The Travel Notes of Ralph J. Bunche, 28 September 1937-1 January 1938*. Edited by Robert R. Edgar. Athens: Ohio University Press, 1992.
- Bunche, Ralph J. "French Administration in Togoland and Dahomey." Ph.D. dissertation, Harvard University, 1934.
- Burton, Margaret E. *The Assembly of the League of Nations*. New York: Horward Fertig, 1974.
- Callahan, Michael D. *A Sacred Trust: The League of Nations and Africa, 1929-1946*. Brighton; Portland: Sussex Academic Press, 2004.
- . *Mandates and Empire: The League of Nations and Africa, 1914-1931*. Brighton; Portland: Sussex Academic Press, 1999.
- Cançado Trindade, Antônio Augusto. "The Consolidation of the Procedural Capacity of Individuals in the Evolution of the International Protection of Human Rights: Present

- State and Perspectives at the Turn of the Century.” *Columbia Human Rights Law Review* 30 (1998).
- Chandra, Satish. *Individual’s Petition in International Law*. New Delhi: Deep & Deep Publications, 1985.
- Chowdhuri, Ramendra Nath. *International Mandates and Trusteeship Systems; a Comparative Study*. The Hague: M. Nijhoff, 1955.
- Clark, Roger Stenson. “The International League for Human Rights and South West Africa, 1947-1957: The Human Rights NGO as Catalyst in the International Legal Process.” *Human Rights Quarterly* 34 (1981): 101–36.
- Clavin, Patricia. “Conceptualising Internationalism between the World Wars: Introduction.” *Internationalism Reconfigured: Transnational Ideas and Movements between the World Wars*, 2011, 1–14.
- . *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*. New York: Oxford University Press, 2015.
- Coates, Benjamin Allen. *Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century*. New York: Oxford University Press, 2016.
- Cohen, Stanley. *States of Denial: Knowing about Atrocities and Suffering*. Cambridge, UK: Polity Press, 2012.
- Cohrs, Patrick O. *The Unfinished Peace after World War I: America, Britain and the Stabilisation of Europe, 1919-1932*. Cambridge, UK; New York: Cambridge University Press, 2008.
- Collini, Stefan. *Liberalism and Sociology: L. T. Hobhouse and Political Argument in England, 1880-1914*. Cambridge, UK; New York: Cambridge University Press, 1979.
- Conklin, Alice L. *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930*. Stanford: Stanford University Press, 1997.
- Cowan, Jane K. “Who’s Afraid of Violent Language?” *Anthropological Theory* 3, no. 3 (2003): 271–91.
- Craven, Matthew C. R. *The Decolonization of International Law: State Succession and the Law of Treaties*. Oxford; New York: Oxford University Press, 2007.
- Crawford, Neta. *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention*. New York: Cambridge University Press, 2002.
- Crozier, Andrew J. “The Establishment of the Mandates System 1919-25: Some Problems Created by the Paris Peace Conference.” *Journal of Contemporary History* 14, no. 3 (July 1979): 483–513.

- Das, Taraknath. "Human Rights and the United Nations." *Annals of the American Academy of Political Social Science* 252 (1947): 57.
- Davey, Arthur M. *The Bondelzwarts Affair: A Study of the Repercussions, 1922-1959*. Pretoria: Universiteit van Suid-Afrika, 1961.
- Dederling, Tilman. "Petitioning Geneva: Transnational Aspects of Protest and Resistance in South West Africa/Namibia after the First World War." *Journal of Southern African Studies* 35, no. 4 (2009): 785–801.
- . "‘We Are Only Humble People and Poor’: A.A.S. Le Fleur and the Power of Petitions." *South African Historical Journal* 62 1 (2010): 121–42.
- Dembour, Marie-Bénédicte, and Tobias Kelly. *Paths to International Justice: Social and Legal Perspectives*. Cambridge, UK; New York: Cambridge University Press, 2007.
- Derrick, Jonathan. *Africa's "Agitators": Militant Anti-Colonialism in Africa and the West, 1918-1939*. New York: Columbia University Press, 2008.
- Dimier, Véronique. "L'internationalisation du débat colonial: rivalités autour de la Commission permanente des Mandats." *Outre-Mers* 89, no. 336 (2002): 333–60.
- Du Bois, W. E. B., and Herbert Aptheker. *Against Racism: Unpublished Essays, Papers, Addresses, 1887-1961*. Amherst; London: University of Massachusetts Press, 1988.
- Dubin, Martin David. "Transgovernmental Processes in the League of Nations." *International Organization* 373 (1983): 469–93.
- Dudziak, Mary L. *Cold War Civil Rights: Race and the Image of American Democracy*. Princeton: Princeton University Press, 2011.
- Dugard, John. *The South West Africa/Namibia Dispute: Documents and Scholarly Writings on the Controversy between South Africa and the United Nations*. Berkeley: University of California Press, 1973.
- Egerton, George W. *Great Britain and the Creation of the League of Nations: Strategy, Politics, and International Organization, 1914-1919*. Chapel Hill: University of North Carolina Press, 1978.
- E.J. Hughes. "Winston Churchill and the Formation of the United Nations Organization." *Journal of Contemporary History* 9, no. 4 (1974): 177–94.
- Ellis, Charles Howard. *The Origin, Structure & Working of the League of Nations*. Clark: Lawbook Exchange, 2003.
- Emmett, Tony. *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*. Basel, Switzerland: P. Schlettwein Publishing, 1999.

- Falk, Richard A, Balakrishnan Rajagopal, and Jacqueline Stevens. *International Law and the Third World: Reshaping Justice*. London; New York: Routledge-Cavendish, 2010.
- Fink, Carole. *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878-1938*. New York: Cambridge University Press, 2004.
- . “The League of Nations and the Minorities Question.” *World Affairs* 157, no. 4 (1995): 197.
- Finkelstein, Lawrence S. “Castles in Spain: United States Trusteeship Plans in World War II.” Ph.D. dissertation, Columbia University, 1970.
- Finkelstein, Marina S. “The Individual Petition and International Responsibility.” Ph.D. dissertation, Columbia University, 1963.
- Gageby, Douglas. *The Last Secretary General: Sean Lester and the League of Nations*. Dublin: Town House and Country House, 1999.
- Gerig, Benjamin. “Colonial Aspects of the Postwar Settlement.” *International Conciliation*, 1942, 195–217.
- . “Colonies in an Eventual World Settlement.” *International Conciliation*, April 1941, 519–27.
- . “Possible Reorganization of the League of Nations.” *World Affairs* 105, no. 1 (1942): 34–36.
- Gilroy, Paul. *The Black Atlantic: Modernity and Double Consciousness*. Cambridge, MA: Harvard University Press, 1993.
- Ginnekan, Anique van. *Historical Dictionary of the League of Nations*. Lanham, MD: Scarecrow Press, 2006.
- . “Volkenbondsvoogdij: Het toezicht van de Volkenbond op het Bestuur in Mandaatgebieden 1919–1940 [The League of Nations as a Guardian: The League’s Supervising Machinery and the Administration of Mandated Territories, 1919-40].” Ph.D. dissertation, Rijksuniversiteit, Utrecht, 1992.
- Goebel, Michael. *Anti-Imperial Metropolis: Interwar Paris and the Seeds of Third World Nationalism*. Cambridge, UK; New York: Cambridge University Press, 2017.
- Gong, Gerrit W. *The Standard of “Civilization” in International Society*. New York: Oxford University Press, 1984.
- Gorman, Daniel. *The Emergence of International Society in the 1920s*. Cambridge: Cambridge University Press, 2014.

- Grant, Kevin, Philippa Levine, and Frank Trentmann. *Beyond Sovereignty: Britain, Empire, and Transnationalism, c. 1880-1950*. Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2007.
- Hales, James Camille. "The Creation and Application of the Mandate System." *Transactions of the Grotius Society*, 1940, 185–284.
- Hall, H. Duncan. *Mandates, Dependencies and Trusteeship*. London: Stevens, 1948.
- Headrick, Daniel R. *The Tentacles of Progress: Technology Transfer in the Age of Imperialism, 1850-1940*. New York: Oxford University Press, 1988.
- Heerma van Voss, Lex, ed. *Petitions in Social History*. Cambridge, UK: Cambridge University Press, 2001.
- Henry, Charles P., ed. *Foreign Policy and the Black (Inter)National Interest*. Albany: State University of New York Press, 2000.
- . *Ralph Bunche: Model Negro or American Other*. New York: New York University Press, 1999.
- Henry, Charles P., and Tunua Thrash. "U.S. Human Rights Petitions before the UN." *The Black Scholar* 26, no. 3–4 (September 1996): 60–73.
- Herzfeld, Michael. *The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy*. New York: Berg, 1992.
- Hilderbrand, Robert C. *Dumbarton Oaks: The Origins of the United Nations and the Search for Postwar Security*. Chapel Hill: University of North Carolina Press, 1990.
- Hill, Robert, ed. *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. I*. University of California Press, 1983.
- , ed. *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. II*. University of California Press, 1983.
- , ed. *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. III*. University of California Press, 1984.
- , ed. *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. IV*. University of California Press, 1985.
- , ed. *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. V*. University of California Press, 1987.
- , ed. *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. VII*. University of California Press, 1991

- , ed. *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. IX*. University of California Press, 1995.
- , ed. *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. X*. University of California Press, 2006
- , ed. *The Marcus Garvey and Universal Negro Improvement Association Papers, Vol. XI*. Durham: Duke University Press, 2011.
- Hill, Robert A., and Edmond J. Keller. *Trustee for the Human Community: Ralph J. Bunche, the United Nations, and the Decolonization of Africa*. Athens: Ohio University Press, 2010.
- Hinden, Rita, Henry Noel Brailsford, and Fabian Colonial Bureau. *Fabian Colonial Essays*. London: Allen & Unwin, 1945.
- Hull, Isabel V. *A Scrap of Paper: Breaking and Making International Law during the Great War*. Ithaca; London: Cornell University Press, 2014.
- Hunt, Lynn. *Inventing Human Rights: A History*. New York; London: W.W. Norton, 2008.
- Ibhawoh, Bonny. *Imperial Justice: Africans in Empire's Court*. Oxford: Oxford University Press, 2014.
- Iriye, Akira. *Cultural Internationalism and World Order*. Baltimore: Johns Hopkins University Press, 1997.
- Janken, Kenneth Robert. *Rayford W. Logan and the Dilemma of the African-American Intellectual*. Amherst: University of Massachusetts Press, 1993.
- Jesus Butler, Israel de. "A Comparative Analysis of Individual Petition in Regional and Global Human Rights Protection Mechanisms." *University of Queensland Law Journal, The* 23, no. 1 (2004): 22–53.
- Kahn, Ellison. "The International Court's Advisory Opinion on the International Status of South-West Africa." *The International Law Quarterly* 4, no. 1 (1951): 78–99.
- Karch, Brendan. "A Jewish 'Nature Preserve': League of Nations Minority Protections in Nazi Upper Silesia, 1933-1937." *Central European History* 46, no. 1 (2013): 124–60.
- Kelley, R. D. "'But a Local Phase of a World Problem': Black History's Global Vision." *Journal of American History* 86 (1999): 1045–77.
- Kennedy, David W. "The Move to Institutions." *Cardozo Law Review* 8 (1987): 841.
- Kimmich, Christoph M. *Germany and the League of Nations*. Chicago: University of Chicago Press, 1976.
- Knock, Thomas J. *To End All Wars: Woodrow Wilson and the Quest for a New World Order*. New York: Oxford University Press, 1992.

- Koskenniemi, Martti. *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960*. Cambridge, UK; New York: Cambridge University Press, 2002.
- Kramer, Paul. "Power and Connection: Imperial Histories of the United States in the World." *The American Historical Review* 116, no. 5 (2011): 1348–91.
- Krenn, Michael L. *The African American Voice in U.S. Foreign Policy since World War II*. New York: Garland, 1999.
- Kuehl, Warren F, and Lynne Dunn. *Keeping the Covenant: American Internationalists and the League of Nations, 1920-1939*. Kent, Ohio: Kent State University Press, 1997.
- Laing, Edward A. "The Norm of Self-Determination, 1941-1991." *California Western International Law Journal* 222 (1992): 209–308.
- Lake, Marilyn, and Henry Reynolds. *Drawing the Global Colour Line: White Men's Countries and the International Challenge of Racial Equality*. Cambridge, UK; New York: Cambridge University Press, 2008.
- Laqua, Daniel, ed. *Internationalism Reconfigured: Transnational Ideas and Movements between the World Wars*. London; New York: I.B. Tauris, 2011.
- Lauren, Paul Gordon. *Power and Prejudice: The Politics and Diplomacy of Racial Discrimination*. Boulder, Colo: Westview, 1996.
- Lauterpacht, Elihu. *The Life of Sir Hersch Lauterpacht, QC, FBA, LL.D.* Cambridge, UK; New York: Cambridge University Press, 2010.
- Lauterpacht, Hersch. *An International Bill of the Rights of Man*. New York: Columbia University press, 1945.
- . *International Law and Human Rights*. London: Stevens and Sons, 1950.
- . *The Development of International Law by the International Court*. London: Stevens, 1958.
- Lauterpacht, Hersch, and Elihu. Lauterpacht. *International Law, Being the Collected Papers of Hersch Lauterpacht*. Cambridge, UK: Cambridge University Press, 1970.
- Leeper, Donald S. "International Law: Trusteeship Compared with Mandate." *Michigan Law Review* 49, no. 8 (June 1, 1951): 1199–1210.
- Levine, Philippa, ed. *Gender and Empire*. Oxford: Oxford University Press, 2007.
- Lewis, David Levering. *W.E.B. Du Bois: The Fight for Equality and the American Century 1919-1963*. New York: H. Holt, 2000.
- Lindley, Mark Frank. *The Acquisition and Government of Backward Territory in International Law*. London; New York: Longmans, 1926.

- Logan, Rayford Whittingham. "The Historical Aspects of Pan-Africanism: A Personal Chronicle." *African Forum* 1 (1965): 90–104.
- . *The Negro and the Post-War World: A Primer*. Washington, DC: Minorities Publishers, 1945.
- . "The Operation of the Mandate System in Africa." *Journal of Negro History* 13 (1928): 423.
- . *The Operation of the Mandate System in Africa, 1919-1927, with an Introduction on the Problem of the Mandates in the Post-War World*. Washington, DC: The Foundation Publishers, Inc., 1942.
- . *The Senate and the Versailles Mandate System*. Washington, DC: The Minorities publishers, 1945.
- . "The System of International Trusteeship." *Journal of Negro Education* 15 (1946): 294.
- Lohrmann, Ullrich. *Voices from Tanganyika: Great Britain, the United Nations and the Decolonization of a Trust Territory, 1946-1961*. Hamburg: Lit Verlag, 2007.
- Louis, Wm. Roger. *Imperialism at Bay: The United States and the Decolonization of the British Empire 1941-1945*. Oxford: Clarendon Press, 1977.
- . *National Security and International Trusteeship in the Pacific*. Annapolis, MD: Naval Institute Press, 1972.
- . "The South West African Origins of the 'Sacred Trust,' 1914-1919." *African Affairs* 66, no. 262 (1967): 20–39.
- . "The United Kingdom and the Beginning of the Mandates System, 1919-1922." *International Organization* 23, no. 1 (January 1, 1969): 73–96.
- Maanen-Helmer, Elizabeth van. *The Mandates System in Relation to Africa & the Pacific Islands*. London: P.S. King & Son, 1929.
- MacMillan, Margaret. *Paris 1919: Six Months That Changed the World*. New York: Random House, 2002.
- Manela, Erez. *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism*. Oxford; New York: Oxford University Press, 2007.
- Mangone, Gerard J. *A Short History of International Organization*. New York: McGraw-Hill, 1954.
- Manjapra, Kris. *Age of Entanglement*. Cambridge: Harvard University Press, 2014.
- . *M. N. Roy: Marxism and Colonial Cosmopolitanism*. London: Taylor & Francis, 2016.

- Mann, Peggy. *Ralph Bunche, UN Peacemaker*. New York: Coward, McCann & Geoghegan, 1975.
- Margalith, Aaron M. *The International Mandates: A Historical, Descriptive, and Analytical Study of the Theory and Principles of the Mandates System*. Baltimore: The Johns Hopkins University Press, 1930.
- Mark, Gregory. "The Vestigial Constitution: The History and Significance of the Right to Petition." *Fordham Law Review* 66, no. 6 (January 1, 1998): 2153.
- Matz-Lück, Nele. "Civilization and the Mandate System under the League of Nations as Origin of Trusteeship." *Max Planck Yearbook of United Nations Law*. 9 (2005): 47–95.
- Mazower, Mark. *Governing the World: The History of an Idea*. New York: The Penguin Press, 2012.
- . *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*. Lawrence Stone Lectures. Princeton: Princeton University Press, 2009.
- . "The Strange Triumph of Human Rights, 1933–1950." *The Historical Journal* 47, no. 2 (June 2004): 379–98.
- McCarthy, Helen. *The British People and the League of Nations: Democracy, Citizenship and Internationalism c. 1918-45*, 2016.
- Mehta, Uday Singh. *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought*. Chicago: University of Chicago Press, 1999.
- Menon, P.K. "The International Personality of Individuals in International Law: A Broadening of the Traditional Doctrine." *Journal of Transnational Law and Policy* 1 (1992).
- Meouchy, Nadine, and Peter Sluglett. *The British and French Mandates in Comparative Perspectives/Les Mandats Francais Et Anglais Dans Une Perspective Comparative*. Leiden; Boston: Brill, 2004.
- Meriwether, James Hunter. *Proudly We Can Be Africans: Black Americans and Africa, 1935-1961*. Chapel Hill: University of North Carolina Press, 2002.
- Miller, David Hunter. *The Drafting of the Covenant*. New York: G.P. Putnam's sons, 1928.
- Mitchell, Timothy. *Rule of Experts: Egypt, Techno-Politics, Modernity*. Berkeley: University of California Press, 2002.
- Momirov, Aleksandar. "The Individual Right to Petition in Internationalized Territories: From Progressive Thought to an Abandoned Practice." *Journal of the History of International Law* 9, no. 2 (2007): 203–31.

- Morefield, Jeanne. *Covenants without Swords Idealist Liberalism and the Spirit of Empire*. Princeton: Princeton University Press, 2005.
- Morris, Aldon D. *The Scholar Denied: W.E.B. Du Bois and the Birth of Modern Sociology*. Oakland: University of California Press, 2015.
- Moyn, Samuel. "The Continuing Perplexities of Human Rights." *Qui Parle* 22, no. 1 (2013): 95–115.
- . *The Last Utopia Human Rights in History*. Cambridge, MA: Belknap Press of Harvard University Press, 2010.
- Mullen, Bill. *Un-American W.E.B. Du Bois and the Century of World Revolution*. Philadelphia: Temple University Press, 2015.
- Murray, James N. *The United Nations Trusteeship System*. Urbana: University of Illinois Press, 1957.
- Myers, Denys P. "Liquidation of League of Nations Functions." *The American Journal of International Law* 42, no. 2 (1948): 320–54.
- Noel-Baker, John Philip. *The League of Nations at Work*. London: Nisbet, 1927.
- Notter, Harley A. *Postwar Foreign Policy Preparation, 1939-1945*. Westport, CT: Greenwood Press, 1949.
- O'Sullivan, Christopher D. *Sumner Welles: Postwar Planning and the Quest for a New World Order, 1937-1943*. New York: Columbia University Press, 2014.
- Pahuja, Sundhya. *Decolonising International Law: Development, Economic Growth and the Politics of Universality*. Cambridge: Cambridge University Press, 2013.
- Parlett, Kate. *The Individual in the International Legal System: Continuity and Change in International Law*. Cambridge, UK; New York: Cambridge University Press, 2011.
- Parson, Donald. "The Individual Right of Petition." *Wayne Law Review* 13 (1966).
- Pauwels, Peter Carel. *The Japanese Mandate Islands*. Bandoeng: G.C.T Van Dorp, 1936.
- Pedersen, Susan. "Back to the League of Nations." *The American Historical Review* 112, no. 4 (October 2007).
- . "Getting Out of Iraq — In 1932: The League of Nations and the Road to Normative Statehood." *The American Historical Review*. 115, no. 4 (2010): 975.
- . "Metaphors of the Schoolroom: Women Working the Mandates System of the League of Nations." *History Workshop Journal* 66, no. 1 (2008): 188–207.

- . “Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations.” *Journal of Imperial and Commonwealth History* 40 (2012): 235.
- . *The Guardians: The League of Nations and the Crisis of Empire*. Oxford: Oxford University Press, 2015.
- . “The Meaning of the Mandates System: An Argument.” *Geschichte Und Gesellschaft* 32, no. 4 (October 1, 2006): 560–82.
- Pennybacker, Susan D. *From Scottsboro to Munich: Race and Political Culture in 1930s Britain*. Princeton: Princeton University Press, 2009.
- Perham, Margery, and Lionel Curtis. *The Protectorates of South Africa: The Question of Their Transfer to the Union*. London: Milford, 1935.
- Perth, Lord, Lord Harlech, Lord Lugard, Mr. Creech-Jones, Lord Chesham, Freda White, Bernard Bourdillon, et al. “The Future of the Mandates: A Symposium.” *African Affairs* 43, no. 173 (October 1, 1944): 159–71.
- Pienaar, Sara. *South Africa and International Relations between the Two World Wars: The League of Nations Dimension*. Johannesburg: Witwatersrand University Press, 1987.
- Pinderhughes, Charles. “21st Century Chains: The Continuing Relevance of Internal Colonialism Theory.” PhD dissertation, Boston College, 2009.
- Pitts, Jennifer. *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*. Princeton: Princeton University Press, 2005.
- Plummer, Brenda Gayle. *Rising Wind: Black Americans and U.S. Foreign Affairs, 1935-1960*. Chapel Hill: University of North Carolina Press, 1996.
- . *Window on Freedom: Race, Civil Rights, and Foreign Affairs, 1945-1988*. Chapel Hill; London: The University of North Carolina Press, 2003.
- Prashad, Vijay. *The Darker Nations: A People’s History of the Third World*. New York: New Press, 2007.
- Purdy, Jedediah, and Kimberly Fielding. “Sovereigns, Trustees, Guardians: Private-Law Concepts and the Limits of Legitimate State Power.” *Law and Contemporary Problems* 70 (January 1, 2007): 165–211.
- Rajagopal, Balakrishnan. *International Law from Below: Development, Social Movements, and Third World Resistance*. Cambridge, UK; New York: Cambridge University Press, 2003.
- Raman, Bhavani. *Document Raj: Writing and Scribes in Early Colonial South India*. Chicago; London: The University of Chicago Press, 2012.

- Ranshofen-Wertheimer, Egon F. *The International Secretariat: A Great Experiment in International Administration*. Washington, DC: Carnegie Endowment for International Peace, 1945.
- Ranshofen-Wertheimer, Egon Ferdinand. *International Secretariat: A Great Experiment in International Administration*. Unknown: Carnegie Endowment, 1972.
- Rappard, William Emmanuel. "The Mandates and the International Trusteeship Systems." *Political Science Quarterly* 61, no. 3 (1946).
- . "The Practical Working of the Mandates System." *Journal of the British Institute of International Affairs* 4, no. 5 (September 1925).
- Rees, Daniel François Willem van. *Les mandats internationaux*. Paris: Rousseau, 1927.
- Reisman, William Michael. "Reflections on State Responsibility for Violations of Explicit Protectorate, Mandate, and Trusteeship Obligations." *Michigan Journal of International Law* 101 (1989): 231–40.
- Renda, Mary A. *Taking Haiti: Military Occupation and the Culture of U.S. Imperialism, 1915-1940*. Chapel Hill: University of North Carolina Press, 2001.
- Richard, Marcel. *Le droit de petition: une institution transposee du mileu national dans le milieu international*. Paris: Recueil Sirey, 1932.
- Richardson, Henry J. *The Origins of African-American Interests in International Law*. Durham: Carolina Academic Press, 2008.
- Rivlin, Benjamin. *Ralph Bunche, the Man and His Times*. New York: Holmes & Meier, 1990.
- Roberts, Christopher N. J. *The Contentious History of the International Bill of Human Rights*. New York, NY: Cambridge University Press, 2014.
- Robinson, Pearl T. "Ralph Bunche and African Studies: Reflections on the Politics of Knowledge." *African Studies Review* 51, no. 1 (July 23, 2008): 1–16.
- Roosevelt, Franklin D, and Elliott Roosevelt. *F. D. R.: His Personal Letters*. Vol. III. New York: Duell, Sloan and Pearce, 1950.
- Rothberg, Michael. "W.E.B. DuBois in Warsaw: Holocaust Memory and the Color Line, 1949-1952." *The Yale Journal of Criticism* 14, no. 1 (April 1, 2001): 169–89.
- Royal Institute of International Affairs. *The International Secretariat of the Future: Lessons from Experience by a Group of Former Officials of the League of Nations*. New York: Oxford University Press, 1944.
- Russell, Ruth B. *A History of the United Nations Charter; the Role of the United States 1940-1945*. Washington: Brookings Institution, 1958.

- Saito, Natsu Taylor. "Decolonization, Development, and Denial." *Florida A & M University Law Review* 6 (2011 2010): 1.
- Santos, Boaventura de Sousa. *Another Knowledge Is Possible: Beyond Northern Epistemologies*. London: Verso, 2008.
- . *Toward a New Common Sense: Law, Science and Politics in the Paradigmatic Transition*. New York; London: Routledge, 1995.
- Schot, JW Johan, and VC Vincent Lagendijk. "Technocratic internationalism in the interwar years: building Europe on motorways and electricity networks." *Journal of Modern European History* 6, no. 2 (2008).
- Schwelb, Egon. "Civil and Political Rights: The International Measures of Implementation." *American Journal of International Law* 62 (1968): 827.
- Sherwood, Marika. "'There Is No New Deal for the Blackman in San Francisco': African Attempts to Influence the Founding Conference of the United Nations, April-July, 1945." *The International Journal of African Historical Studies* 29, no. 1 (1996): 71–94.
- Shilliam, Robbie. *The Black Pacific: Anti-Colonial Struggles and Oceanic Connections*. London: Bloomsbury Academic, 2015.
- Simma, Bruno, and Hermann Mosler. *The Charter of the United Nations: A Commentary*. Oxford; New York: Oxford University Press, 1994.
- Singh, Nikhil Pal. *Black Is a Country: Race and the Unfinished Struggle for Democracy*. Cambridge, MA: Harvard University Press, 2005.
- Sinha, Mrinalini. *Specters of Mother India: The Global Restructuring of an Empire*. Durham: Duke University Press, 2006.
- Skinner, Elliott P. *African Americans and U.S. Policy toward Africa, 1850-1924: In Defense of Black Nationality*. Washington, DC: Howard University Press, 1992.
- Slate, Nico. *Colored Cosmopolitanism: The Shared Struggle for Freedom in the United States and India*. Cambridge, MA: Harvard University Press, 2012.
- Slonim, Solomon. *South West Africa and the United Nations: An International Mandate in Dispute*. Baltimore: Johns Hopkins University Press, 1973.
- Sluga, Glenda. *Internationalism in the Age of Nationalism*. Philadelphia: University of Pennsylvania Press, 2013.
- . *The Nation, Psychology, and International Politics, 1870-1919*. New York: Palgrave Macmillan, 2006.

- Sluga, Glenda, and Patricia Clavin. *Internationalisms: A Twentieth-Century History*. Cambridge, UK; New York: Cambridge University Press, 2017.
- Smuts, Jan Christiaan. *The League of Nations: A Practical Suggestion*. London; New York: Hodder and Stoughton, 1918.
- Stahn, Carsten. *The law and practice of international territorial administration: Versailles to Iraq and beyond*. Cambridge: Cambridge University Press, 2010.
- Steiner, Henry J., and Philip Alston. *International Human Rights in Context: Law, Politics, Morals: Text and Materials*. Oxford; New York: Oxford University Press, 2000.
- Steiner, Zara S. *The Lights That Failed: European International History, 1919-1933*. Oxford; New York: Oxford University Press, 2005.
- Steinmetz, George. *Sociology and Empire: The Imperial Entanglements of a Discipline*. Durham: Duke University Press, 2013.
- Stephens, Beth. "Individuals Enforcing International Law: The Comparative and Historical Concept." *DePaul Law Review* 52 (2002): 433.
- Stone, Julius. *The Legal Nature of the Minorities Petition*. London: Oxford University Press, 1931.
- Sunil Amrith, and Glenda Sluga. "New Histories of the United Nations." *Journal of World History* 19, no. 3 (2008): 251–74.
- Sweetser, Arthur, and Egon Ferdinand Ranshofen-Wertheimer. *The United States, the United Nations and the League of Nations*. New York: Carnegie Endowment for International Peace, 1946.
- Tardu, M. E. *Human Rights: The International Petition System*. Dobbs Ferry, NY: Oceana Publications, 1979.
- Terretta, Meredith. *Cameroonian Women, the Act of Petitioning, and the Creation of a Popular Nationalism, 1949-1960*. Madison: University of Wisconsin-Madison, 2004.
- . "'We Had Been Fooled into Thinking That the UN Watches over the Entire World': Human Rights, UN Trust Territories, and Africa's Decolonization." *Human Rights Quarterly* 34, no. 2 (2012): 329–60.
- The League Hands Over*. Geneva: League of Nations Publications, 1946.
- Thompson, Elizabeth. *Colonial Citizens: Republican Rights and Paternal Privilege in French Syria and Lebanon*. New York: Columbia University Press, 2000.
- Tsing, Anna Lowenhaupt. *Friction: An Ethnography of Global Connection*. Princeton: Princeton University Press, 2005.

- Upthegrove, Campbell L. *Empire by Mandate: A History of the Relations of Great Britain with the Permanent Mandates Commission of the League of Nations*. New York: Bookman Associates, 1954.
- Urquhart, Brian. *Ralph Bunche: An American Life*. New York: W.W. Norton, 1993.
- US State Department. *The Conferences at Malta and Yalta, 1945*. Washington: U. S. Govt. Print. Off., 1955.
- Vitalis, Robert. *White World Order, Black Power Politics: The Birth of American International Relations*. Ithaca: Cornell University Press, 2015.
- Von Eschen, Penny M. *Race against Empire: Black Americans and Anticolonialism, 1937-1957*. Ithaca: Cornell University Press, 1997.
- Walters, F. P. *A History of the League of Nations*. Oxford: Oxford University Press, 1967.
- Warner, Michael. *Publics and Counterpublics*. New York; Cambridge, MA: Zone Books; Distributed by MIT Press, 2002.
- Wilde, Ralph. "From Trusteeship to Self-Determination and Back Again: The Role of the Hague Regulations in the Evolution of International Trusteeship, and the Framework of Rights and Duties of Occupying Powers." *Loyola of Los Angeles International and Comparative Law Review* 31 (2009): 85.
- Wright, Quincy. *Mandates under the League of Nations*. Chicago: University of Chicago Press, 1930.
- Yanaihara, Tadao. *Pacific Islands under Japanese Mandate*. Shanghai: Kelly and Walsh, 1939.
- Yusuf, Abdulqawi. *Pan-Africanism and International Law*. The Hague: Hague Academy of International Law, 2014.
- Zimmerer, Jürgen. *Genocide in German South-West Africa: The Colonial War of 1904-1908 and Its Aftermath*. London: Merlin Press, 2008.
- Zimmern, Alfred Eckhard. *The League of Nations and the Rule of Law, 1918-1935*. London: Macmillan, 1936.
- . *The Third British Empire: Being a Course of Lectures Delivered at Columbia University New York*. London: Oxford University press, 1927.
- Zuijdwijk, Ton J. M. *Petitioning the United Nations: A Study in Human Rights*. New York: St. Martin's Press, 1982.