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Title	The British Empire's southern Dominions and the emergence of the League of Nations "C" mandates, 1914–1926: Origins, administration and international oversight
Author(s)	Duffy, Gavan
Publication Date	2020-04-30
Publisher	NUI Galway
Item record	<a href="http://hdl.handle.net/10379/15937">http://hdl.handle.net/10379/15937</a>

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The British Empire's Southern Dominions and the  
emergence of the League of Nations "C" Mandates,  
1914–1926. Origins, Administration and  
International Oversight

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A thesis submitted for the  
degree of Doctor of Philosophy

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April 2020



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**Declaration**

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I, Gavan Duffy, declare that this thesis is submitted in fulfilment of the requirements for the completion of a, Doctor of Philosophy, from the National University of Ireland, Galway, and is wholly my own work, and does not to the best of my knowledge breach any law of copyright, and has not been taken from the work of others save and to the extent that such work has been cited and acknowledged within the text of my work. This thesis has not obtained a degree at the National University of Ireland, Galway or at any other academic institution.

*Gavan Duffy*

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**Gavan Duffy**

30th April 2020



## Summary of the Contents

This thesis examines the impacts of changing international opinion during the First World War regarding the expansion of colonial Empires, in this particular case the British Empire, and the desire to prevent annexation and place captured territories into a system of international oversight. By examining the period 1914 – 1925, I clarify the process by which Great Britain and her Dominions moved from a political position of wishing to annex former German colonies to one of accepting and operating within a system of international oversight. The time period studied includes the arrival of the United States as a major international power that plays a major part in the establishment of the mandates system together with the emergence of the Dominions as equal partners within the empire.

My research strategy includes an analysis of British Empire archival material and the League of Nations archival material. Data has been collected from archives, parliamentary papers, newspapers, and published reports as well as building upon the existing secondary sources. This thesis adds to the existing literature by examining the League of Nations C class Mandates administered by Britain and the Southern Dominions as a complete unit and demonstrates the complex international scene that was created both within the British Empire and at Geneva by the changing international order during the war period and its aftermath.

We find areas of contention and conciliation on issues such as over of German property, the citizenship of Germans who remain, and sovereignty in a new internationalized imperial context. The obligations of the 'sacred trust' are embodied and measured on issues such as education and labour. The southern Dominions and the PMC both thought that educating the indigenous inhabitants and having them in gainful employment would slowly bring them to a civilized point. Against these measures the mandatory powers and mandate oversight system would be found wanting.



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## Acknowledgements

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I am particularly grateful for the help and assistance from a number of people in my pursuit of the research necessary for the completion of this thesis. First and foremost, my primary thanks go to my supervisor, Dr Gearóid Barry, for his constant guidance and support. I also wish to thank the members of my Graduate Research Committee Dr Róisín Healy and Dr Kevin O’Sullivan, for annually assessing my ongoing research and providing encouragement.

Indeed, the staff of the History Department have always been encouraging. Their support and engagement when I presented elements of my project at two graduate research seminars, helped me hone my skills in presenting my research. I also got the opportunity to volunteer at two international conferences held by the History Department at NUIG.

The Moore Institute for Research in the Humanities and Social Studies, and its director, Professor Daniel Carey, assisted in ensuring I had a tranquil personal space to work in by providing me with a desk in the Hardiman Research Building. Both Martha Shaughnessy and Leanne Cox were professional and considerate administrators of the Hardiman Research Building during my time there.

This project has necessitated travel to several archives and would not have been possible without the monetary support of the College of Arts, Social Sciences & Celtic Studies at NUI Galway. Between 2014 and 2017, I was successful with my application for three travel bursary awards that contributed toward my research trips to London, Geneva, Pretoria, Canberra, and Wellington.

I would like to record the friendly assistance I received from the staff of the following institutions: The UK National Archives; The British Library; The League of Nations Archive; The National Archives of South Africa; The National Archives of Australia; Archives New Zealand; The Bodlien Library, Oxford; The LSE Library, London; and the James Hardiman Library at NUIG.

My close family, friends, and work colleagues have also been of great support to me. My family, Cormac and Breda, Trevor and Judith and Rosa, Karen and Keith and Emma and Eoghan, and Lynda, some of who may have thought me mad to attempt a PhD while working but supported me nonetheless, your support means so much. To my work colleagues at Duffy Burke & Co, who lightened my professional workload at the final stage of this project, I thank you. Thanks to my friends who provided welcome distractions over the past six years.

Finally, to Marie, I cannot overemphasise the unceasing help and support you have been to me. This journey has been as much yours as mine, and I know I could not have completed it without you.



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## List of Abbreviations

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<b>ASAPS</b>	The Anti-Slavery and Aborigines Protection Society
<b>ANMEF</b>	Australian Naval and Military Expeditionary Force
<b>ANZ</b>	Archives New Zealand
<b>BPC</b>	British Phosphate Commission
<b>CO</b>	Colonial Office
<b>CDM</b>	Consolidated Diamond Mines of South West Africa
<b>CID</b>	Committee of Imperial Defence
<b>DHPG</b>	Deutsche Handels und Plantagen Gesellschaft
<b>DKG</b>	Deutsche Kolonial Gesellschaft
<b>FO</b>	Foreign Office
<b>GSWA</b>	German South West Africa
<b>ICRC</b>	The International Committee of the Red Cross
<b>ILO</b>	International Labour Organisation
<b>IWC</b>	Imperial War Cabinet
<b>LN</b>	League of Nations
<b>LNU</b>	League of Nations Union
<b>NASA</b>	National Archive of South Africa
<b>NZEF</b>	New Zealand Expeditionary Force
<b>NZ</b>	New Zealand
<b>PMC</b>	Permanent Mandates Commission
<b>POW</b>	Prisoner of War
<b>RSSILA</b>	The Returned Sailors and Soldiers Imperial League of Australia
<b>SWA</b>	South West Africa
<b>TNA</b>	The National Archives, Kew, London
<b>UNAG</b>	United Nations Archives at Geneva
<b>UDC</b>	Union of Democratic Control
<b>UDF</b>	Union Defence Force
<b>US</b>	The United States of America





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... every species of political dominion . . . , are all in the strictest sense a trust: and it is of the very essence of every trust to be rendered accountable, and even totally to cease, when it substantially varies from the purposes for which alone it could have a lawful existence.

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Edmund Burke, Speech on the East India Bill, 1783

Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions.

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Article 119 of the Peace Treaty of Versailles

Vera Brittain, the British writer and feminist, travelled to Geneva in the late autumn of 1922. Brittain, a witness as a wartime nurse and as a bereaved sister and fiancée to the violence and loss the Great War imposed on millions across the world, now, in the early 1920s put her faith in, and her abilities as a public speaker at the service of, the new liberal internationalist experiment called the League of Nations as a bulwark against future war. While waiting for the League of Nations Assembly meeting to begin in September, she joined a League of Nations Union Summer School. Once official meetings began in earnest, Vera got to attend a meeting of the League's Permanent Mandates Commission. At it she heard Sir Joseph Cook, the High Commissioner for Australia, 'wrathfully endeavouring to answer satisfactorily some awkward questions asked by the Commissioners on the subject of Nauru'.<sup>1</sup> Nauru, a small island, just south of the equator, with a population less than 2,000 people and rich in phosphates had come under the oversight of the League's Mandate system as a "C" mandate. That such a small and sparsely populated territory was under scrutiny in Geneva is just a small part of the story of this thesis. At this point in the early 1920s, liberal internationalists like Brittain, and others like her in Britain and across the world, invested the League with hopes for a new world based on justice and the rule of law. The whole Mandates system, which lies at the heart of this thesis, which was based, as we shall see, on ideas of a 'sacred trust of civilization', would form therefore an important measure of the new world body's credibility, hampered as it was from the beginning by the absence of the United States and the exclusion of large swathes of the globe ranging from defeated powers, such as Germany, to colonized peoples and Soviet Russia.

Put simply, the Mandates system was the way the victorious powers of World War One managed the colonies Germany lost during and after the War, running them, they now claimed, in the name of international law and civilization. Susan Pedersen's *The*

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1. Vera Brittain, *Testament of Youth: An Autobiographical Study of the Years 1900 — 1925* (London: Victor Gollancz Ltd, 1935), 557; Gearóid Barry, 'Demobilization', 1914-1918-online. *International Encyclopedia of the First World War*, 2018,

*Guardians* (2014) is an immense study of the Permanent Mandates Commission of the League of Nations and it has corrected the older view that the mandates system which emerged from the War and was used in the 1920s as a mere change of clothes for imperialism, which concurs with the argument from Michael D. Callahan that the British and French had to accommodate the League in relation to the African B mandates.<sup>2</sup> Pedersen shows that international oversight was not a dead letter and that 'sacred trust' through the League made some difference to the exercise of sovereignty (itself a sticky issue) in the ex-German colonies after the War but in a way that still subordinated local populations to exploitation and/or to paternalism by white liberals. My study complements the great strengths in Pedersen's monograph on the mandates system. Drawing on her research and her findings, I have been able to look even more closely at the emergence and operation of the C Mandates from the start of the First World War to the mid-1920s, showing that annexation was the initial desired outcome before the British Empire's southern-hemisphere Dominions had to accept that this would not wash with world opinion owing to consciousness of American opinion and the rhetoric of Soviet Russia. All the Dominions, including Canada and Newfoundland, were drawn by the War into questions of international law. However, Australia, New Zealand, and South Africa, the three of which I refer to collectively in this thesis as the Southern Dominions, had the additional complication of running occupation regimes, and having to deal with Germans and their interests in the territories in question. The Southern Dominions in turn helped shape British imperial policy in the later years of the War and at Versailles, and thereafter exercised control over the territories in ways that show both the novelty and grave limitations of international oversight, within which racial hierarchy was left intact by Geneva oversight. This thesis details just how this system emerged as viewed from the ground, from national capitals in Australia, New Zealand, South Africa, and Britain, and how effective the League was at its task of oversight and protection of the welfare of indigenous people and the dealings with legacy issues relating to former German control and continuing German interests.

In summary, this thesis will examine how southern-hemisphere German colonies in Africa and the Pacific changed from being German Imperial possessions to become territories under occupations by the Southern Dominions during World War One and how they ultimately became League of Nations C mandate territories that were administered by said Dominions. I shall argue that this period of 1914—1926 where Nauru, New Guinea, Samoa and South West Africa were held between a state of Empire, Occupation, and Mandate, and the questions of continuity and discontinuity of these states have been alluded to in other works but are still insufficiently studied. My study is about internationalism and imperialism, viewed through the prism of the emergence of the League's mandate system. The use of this prism coincides with Patricia Clavin's view that international organisations can be used 'as a historical site through which to

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2. Susan Pedersen, *The Guardians: the League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015); Callahan argues that the British and French took their international obligations in their African mandates seriously. Michael D. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931* (Brighton: Sussex Academic Press, 1999); Michael D. Callahan, "Mandated Territories Are Not Colonies": Britain, France, and Africa in the 1930s', chap. 1 in *Imperialism on Trial*, ed. R.M. Douglas, Michael D. Callahan and Elizabeth Bishop (Lanham: Lexington Books, 2006), 181.

investigate the intersecting historiographies that include feminism, civil rights, health care and welfare.<sup>3</sup>

This thesis describes the process of occupation and mandate in order to answer three central research questions. Firstly how did the southern hemisphere Dominions react to the international constraints placed upon them in their administration of the territories under review between 1914—1926, and how effectively were these constraints applied by the international community? While the above question can be considered an overarching theme throughout every chapter of the thesis, the second research question — about how effectively the southern Dominions implemented the mandate agreements — is addressed more specifically in Chapters Four and Five of this thesis, because these chapters consider the years of the Permanent Mandates Commission's formal existence which began in 1921. Finally, and linked to the two previous questions, how did possession of these territories, either under occupation or as mandate, increase the profile of the southern Dominions as independent international actors? The purpose of answering these questions is to show that the War and the period after it demonstrate the recalibration of empire as an organizing principle of world politics after the crisis of the war so as to fit with an age of a new liberal imperium.

The thesis follows a broadly chronological order with our starting point being the First World War. The study of imperialism during the war period is important as the war can be viewed as 'not merely a war between European Nation States, but primarily as a war of multi-ethnic, global empires.'<sup>4</sup> At the outbreak of hostilities in August 1914, the southern Dominions of Australia, New Zealand, and South Africa received a request from the imperial Government in London to capture the German colonies that were adjacent to them. In the case of Australia this was German New Guinea and its various Pacific islands except Samoa which was the responsibility of New Zealand, and South Africa was requested to capture German South West Africa. The imperial government, in the probable expectation of a short European war, informed the Dominions that the captured colonies must be kept at the disposal of the imperial Government for purposes of an ultimate settlement at the conclusion of the war.

Over the course of the First World War, the German colonies were under military occupation. This was the first major conflict that would be conducted under the relatively recently adopted rules of war that were formulated during the Hague convention in 1907. These placed certain obligations upon the occupying powers with regard to wide-ranging issues such as the existing rule of law, property and state assets, and dealings with the local inhabitants. The framers of the Hague conventions expected the rules of war to extend to 'civilised people' so their application to colonies are of particular interest in this thesis due to the population been made up of a mixture of European and indigenous persons. During the occupation period the Dominions had to defer to the Colonial Office in London, and the relationship between the centre of the Empire and the periphery sometimes could be strained as both parts had different objectives. A study of this relationship can go some way towards explaining the emergence of the Dominions onto

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3. Patricia Clavin and Jens Wilhelm Wessel, 'Transnationalism and the League of Nations: Understanding the work of its economic and financial organisation', *Contemporary European History* 14, no. 4 (2005): 465–492.

4. Introduction in, Robert Gerwarth and Erez Manela, eds., *Empires at war, 1911-1923* (Oxford: Oxford University Press, 2014), 3.



the international stage in their own right while still being part of the British Empire. Some issues the occupation authorities had to deal with included the internment of German nationals, and labour conditions that by and large affected the indigenous population.

The southern Dominions were determined during the war and at the Peace Conference that followed that they should be able to annex the territories that they had captured. The strategies and politics that they pursued in the War period, and the reaction of other parties to them, shall allow me to explore the rationale behind the mandate system. The mandates system was formulated at the Paris Peace Conference in 1919 as a compromise between the imperial ambitions of the British Empire and France, and the anti-annexation aims of President Woodrow Wilson of the United States. Under the system, Mandatory powers, in our case the Southern Dominions, would have to administer the mandated former German territories on behalf of the newly formed League of Nations. As such my research investigates the evolution of British Imperial policy towards the proposed League of Nations and the mandates system itself.

My PhD thesis considers not just the Dominion states' relationships with London but also the impact of sub-imperial expansion, by becoming mandatory powers, on their own economies and society, especially as it related to issues of nationality, citizenship and property rights for German Europeans and for the indigenous populations of these territories. Considering the core principle of the C mandates was that 'the Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate', such topics as land rights, education, labour and health are all relevant to understanding the post-war project that was the mandates system and the unique space that was created in Geneva for outside bodies to petition on behalf of the indigenous population. In theory this should have placed a level of constraint upon how they governed mandates, which followed on from a period where, as an occupying power, the southern Dominions also should not have had a free hand in how they administered the German colonies in their possession owing to the Hague Conventions.

The colonies in question were German South West Africa, German New Guinea, and German Samoa. Nauru, although part of New Guinea, is treated separately as it was awarded as a separate mandate. Germany had acquired these territories as colonies over a brief period from 1885 to 1900 (See figure 1 and figure 2). When the German Reich was proclaimed in 1871, it did not show much interest in an overseas Empire. Its Chancellor, Otto von Bismarck was to famously state in the same year 'I will have no colonies' although the German constitution of that year did reserve the matter of colonisation for the imperial government.<sup>5</sup> The territories were acquired more so by the work of traders on the ground backed by a strong colonial lobby in Germany, than by Government endeavour. This expansion, not just of the German Empire but, of all European Empires meant that by the start of the twentieth century most of the territory of Africa, South East Asia and Oceania were under some sort of influence of a European power.<sup>6</sup> Understandably, the infamous genocide carried out by Germans in Namibia in 1904 features heavily in this

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5. Bernard Porter, *The Lion's Share: A Short History of British Imperialism 1850-2004*, 4th (Harlow: Longman, 2004), 76; Arthur J. Knoll and Hermann J. Hiery, eds., *The German colonial experience: select documents on German rule in Africa, China, and the Pacific 1884-1914* (Lanham: University Press of America, 2010), 1.

6. For an overview of German colonialism see Janne Lahti, 'German Colonialism and the Age of Global Empires', *Journal of Colonialism and Colonial History* 17, no. 1 (2016): 1-6; Heather Jones, 'The German Empire,

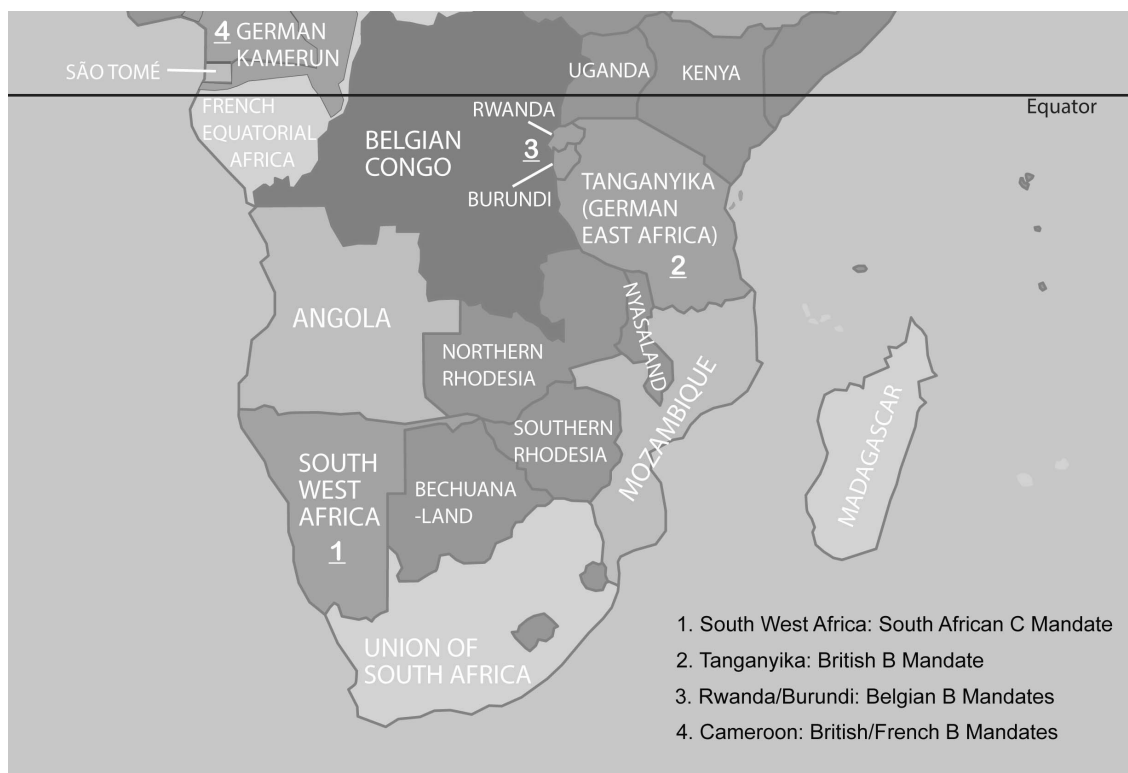


Figure 1: Map of southern hemisphere Africa with key of the distribution of mandates

literature on German colonialism. Heather Jones though, considers the German empire in ‘strategic and symbolic terms’, and portrays an Empire that, by 1914, had established an informal empire by the use of ‘soft power’ and a formal empire of colonies.<sup>7</sup>

The position of the United States in relation to the captured German colonies is critical to the understanding of the imposition of the mandate system on the occupiers of those colonies in 1919. The US would also drive the policy of no annexation in the post-war settlement even if, of course, the USA had its own ‘hidden empire’ since about 1900.<sup>8</sup> They also had support of some elements of British societal opinion. As early as September 1914 the Union of Democratic control (UDC), associated with more radical elements of Liberal and Labour opinion, had a policy that ‘no Province shall be transferred from one Government to another without the consent, by plebiscite or otherwise, of the population

1870-1918’, chap. 3 in *Empires at War: 1911-1923*, ed. Robert Gerwarth and Erez Manela (Oxford: Oxford University Press, 2014); Edward Ross Dickinson, ‘The German Empire: An Empire?’, *History Workshop Journal* 66, no. 1 (2008): 129–162; Sebastian Conrad, *German Colonialism: A short History* (Cambridge: Cambridge University Press, 2012); Michael Perraudin and Jürgen Zimmerer, eds., *German Colonialism and National Identity* (New York: Routledge, 2011); Knoll and Hiery, *The German colonial experience: select documents on German rule in Africa, China, and the Pacific 1884-1914*; George Steinmetz, *The Devil’s Handwriting: Precoloniality and the German Colonial State in Qingdao, Samoa, and Southwest Africa* (Chicago: The University of Chicago Press, 2007); Dr. Heinrich Schnee, *German Colonization Past And Future: The Truth About The German Colonies* (Woking: Unwin Brothers Ltd., 1926); Paolo Giordani, *The German Colonial Empire, its Beginning and Ending*, trans. Mrs Gustavus W. Hamilton (London: G. Bell & Sons, 1916); Although unable to read them, I am indebted to Dr Róisín Healy for making me aware of the following German language works. Winfried Speitkamp, *Deutsche Kolonialgeschichte* (Stuttgart: Reclam, 2014); Ulrike Lindner, *Koloniale Begegnungen: Deutschland und Großbritannien als Imperialmächte in Afrika 1880-1914* (Frankfurt am Main: Campus, 2011); Horst Gründer and Gisela Graichen, *Deutsche Kolonien: Traum und Trauma* (Berlin: Ullstein, 2005).

7. This was done in ‘a series of geographically sensitive regions’ for Britain such as the Ottoman Empire, in Southern Africa and the Pacific Jones, ‘The German Empire, 1870-1918’, 61.

8. Christopher Capozzola, ‘The United States Empire’, chap. 12 in *Empires at War 1911-1923*, ed. Robert Gerwarth and Erez Manela (Oxford: Oxford University Press, 2014), 235–253 (ch. 12); Daniel Immerwahr, *How to Hide an Empire: A Short History of the Greater United States* (Farrar, Straus & Giroux, 2019), EPUB eBook.

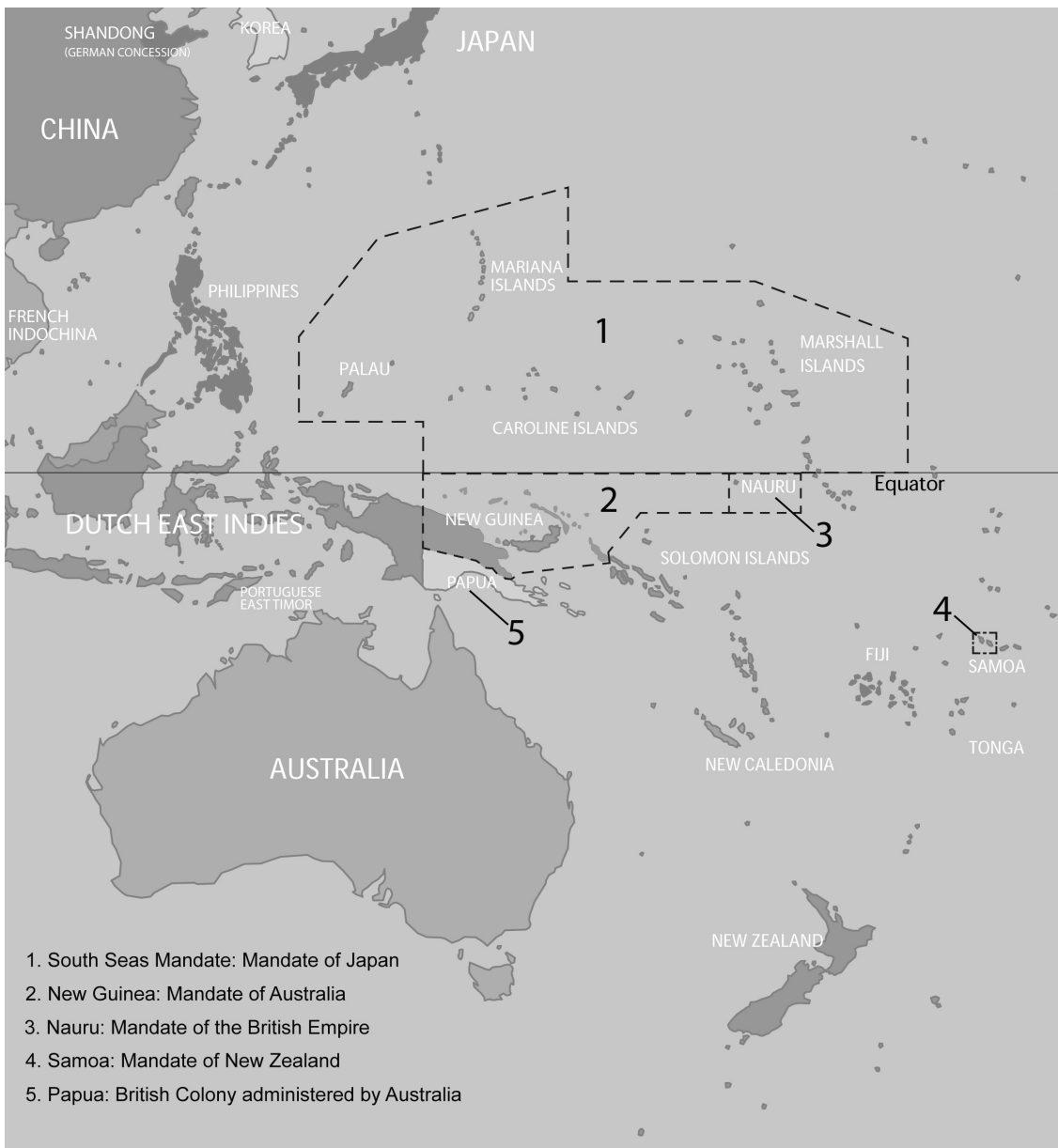


Figure 2: Map of the Pacific with key of the distribution of mandates

of such Province.<sup>9</sup> That said, none of the belligerent Governments started the war with a set of war or peace aims.<sup>10</sup> It was the entry of the US, however, that put pressure on the other belligerents to adopt a position that opposed outright annexation and refine their war aims. Within two months of the US entry to the War in April 1917, the British Foreign Secretary Arthur Balfour would be making public pronouncements that the German and Ottoman ex-colonies should be internationalised. Lord Balfour would state that ‘heaven forbid that [they] should still further enlarge the British Empire!’ as territorial expansion

9. George W. Egerton, *Great Britain and the creation of the League of Nations: Strategy, Politics, and International Organisation, 1914-1919* (Chapel Hill: The University of North Carolina Press, 1979), 6; MOREL/F13/6, Union of Democratic Control: World War I pamphlets, LSE Library, *The morrow of the War*, published by the Union of Democratic Control, nd.

10. In the view of James Avery Joyce it was only during the war that ‘ideals and objectives to justify the war and to lay down the conditions of peace were skilfully devised by the warring governments.’ James Avery Joyce, *Broken star: The Story of the League of Nations (1919-1939)* (Swansea: Christopher Davies (Publishers) Ltd, 1978), 25.

'was not, and is not, our aim'.<sup>11</sup> It is hoped that this thesis will contribute to a deeper understanding of the gap between the public policy statements of British statesmen and the reality of private discussions at the Imperial War Cabinet, as well as the openly expansionist aims of the southern Dominions.

The Versailles Treaty, negotiated after the First World War is, in the words of Daniel Gorman, 'among the most significant, and most analyzed, international events of the twentieth century.'<sup>12</sup> This thesis examines the emerging role of southern Dominions, in Paris, in the context of them as international actors, determined to annex the German colonies they occupied. I will demonstrate that after much negotiation, they had to compromise by putting the territories under the mandate system, but that they were also able to influence the outcome so that their territories came with the least amount of oversight possible. Yet when the great powers left Paris in June 1919 all that was in place of the mandates system was Article 22 of the League Covenant, that was heavy on rhetoric but lacked any real detail of how the system would operate. Like many issues in Paris, such as the setting of reparations, the peacemakers would leave it to be settled later. This thesis intends to determine the extent to which the apparatus of the mandates system was pushed by Britain and the southern Dominions, as parties vested in its application, and whether the policies they pursued towards its establishment are interrelated.

The League was the beginning of a working international civil service that worked with national governments and officials in an international setting in Geneva. To some degree, the Mandates system and the mandates section of the secretariat could be said to have transnational elements. Early definitions of transnationalism were taken to include 'extending or having interests beyond national bounds or frontiers', but as Patricia Clavin tells us, by the 1970s a definition was adopted to describe 'contracts, coalitions and interactions across state boundaries that were not directly controlled by the central policy organs of government.'<sup>13</sup> Could the mandate agreements be defined as such contracts? Certainly the governments of the Dominions had to have them ratified by the Council of the League as well as passing enabling legislation in their own parliaments, and the function of PMC could be considered interactions across state boundaries. Clavin herself states that the League and its satellite organisations helped in the 'creation of new intergovernmental forums that regenerated established transnational networks as well as creating new ones.'<sup>14</sup>

After the war, the southern Dominions set about replacing the occupation administrations with civilian administrations in their mandated territories. Some key areas that were identified for action in these early years included how to deal with Germans and their properties, the question of labour, dealing with indigenous affairs, and re-working the German systems of law, education, and health in place to be more in line with those of the Dominions.

11. Frederick Lugard, 'The Mandate System and the British Mandates', *Journal of the Royal Society of Arts* 72, no. 3736 (1924): 536.

12. Daniel Gorman, *The Emergence of International Society in the 1920s* (Cambridge: Cambridge University Press, 2014).

13. Patricia Clavin, 'Introduction: Conceptualising Internationalism Between the World Wars', in *Internationalism Reconfigured. Transnational Ideas and Movements Between the World Wars*, ed. Daniel Laqua (London: I.B. Tauris & Co Ltd, 2011), 2.

14. *Ibid.*, 7.

Turning now to a detailed review of the historical literature on the various aspects of my research project described above, it is true to say that while there is a relatively large body of literature on the topics of the international law of occupation and the mandates, little of it connects the two or spans the period that this thesis does. Also, unlike the Middle Eastern mandates which have attracted large numbers of scholars, the C mandates were in a region far removed from strategic imperial interests and centre. When it comes to studies, the one exception is Susan Pedersen's *The Guardians*, which has taken a transnational approach to the whole mandates system from its inception to its demise.<sup>15</sup> This thesis intends to bridge this gap between the histories of occupation and mandate, using the case of the occupation and mandate administration of Nauru, New Guinea, Samoa and South West Africa from 1914-1926. This thesis shall also provide a richer understanding of the operation of the relationship between Britain and the southern Dominions during the period in which the League of Nations was established. Previous scholarship has addressed various elements of my research, albeit to differing extents. This existing literature can be divided into those addressing both distinct time periods and themes. These can include the war years of 1914—18, the settlement period of 1919 at Versailles, and the international stage that was set up in Geneva. Other overarching works can include general histories of the British Empire, Imperialism, Internationalism, and Sovereignty.

Even on the British Dominions' experience alone, a considerable amount of literature has been published on the First World War, and my study hopes to build upon this by taking a transnational view of the southern hemisphere British Dominions. While historically much of the focus has been on the western front or European theatres, the War has more and more been viewed as a global conflict. There is still a major focus on the wider European theatre in general histories but newer works tend to have chapters on Africa and the Pacific. Michael Neiberg's work on the global history of the war details the African dimension, although he largely ignores the Pacific while Lawrence Sondhaus' *Global Revolution* compresses the action in Africa and Asia into one chapter. Some of Hew Strachan's works including his book *To Arms* remain the most complete attempt to look at the war's extra-European theatres from a military perspective. Volume one of the *Cambridge History of the First World War*, offers a comprehensive review of the global aspects of the war, and, of particular interest to this author, has a chapter on the laws of war.<sup>16</sup>

That is not to say that there are no historians who focus exclusively on Africa and the Pacific. Studies of the German colonies through the war have focused their attention mainly on Africa, and in particular on German East Africa, and have tended towards military history.<sup>17</sup> Bill Nasson has considered the War in Africa in general but focussed on

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15. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*.

16. Works that view the War as global, see; John Horne, ed., *A Companion to World War I* (Chichester: Wiley-Blackwell, 2010); Lawrence Sondhaus, *World War One: The Global Revolution* (Cambridge: Cambridge University Press, 2011); Hew Strachan, 'The First World War as a global war', *First World War Studies* 1, no. 1 (2010): 3-14; Hew Strachan, *The First World War: To Arms* (Oxford: Oxford University Press, 2001); Michael S. Neiberg, *Fighting the Great War: A Global History* (Cambridge, Massachusetts: Harvard University Press, 2005); Jay Winter, ed., *The Cambridge History of the First World War: Volume 1 Global War* (Cambridge: Cambridge University Press, 2014); Annie Deperchin, 'The Laws of War', chap. 23 in *The Cambridge History of the First World War Volume I*, ed. Jay Winter (Cambridge: Cambridge University Press, 2014).

17. Hew Strachan, *The First World War in Africa (1914-18)* (Oxford: Oxford University Press, 2004); Anne Samson, *Britain, South Africa and East African Campaign, 1914-1918: The Union comes of age* (Tauris Academic

South Africa in particular. His works have tended to highlight the military element of South African participation in the War but also refer to popular opinion within the Union.<sup>18</sup> Hermann Hiery's book *The Neglected War* has studied the effect of the New Zealand and Australian governments takeover and administration in Samoa, New Guinea and Nauru.<sup>19</sup> During the 1960s, Wm. Roger Louis, wrote extensively on the capture and disposal of the former German Colonies.<sup>20</sup> His 1967 book has one chapter dealing with the conquest of the colonies, sees the conquest, at the outset, as one not of imperial expansion but to protect the Empire's network of communications. Louis researched the origins of the mandates system and Susan Pedersen states that, 'the best modern treatment remains Wm. Roger Louis, 'The United Kingdom and the Beginning of the Mandates System''.<sup>21</sup>

Various themes that shall be looked at in chapter 1 and chapter 2 include the laws of war, and the treatment of POWs. Studies on the laws of war tend to come from those with a legal background.<sup>22</sup> One area this thesis will hope to expand on the existing literature of World War One is with regard to Military occupation and how it operated within the framework of existing international law under the Hague Conventions. Most works to date dealing with occupation, have tended to focus on the European theatres of the War, such as occupied Belgium or the Baltic, with the odd exception.<sup>23</sup> We can observe where this particular aspect has been neglected in existing works in Africa and the Pacific. For example, Strachan's chapter on German South West Africa only has half a page dealing with what happened after the German surrender in July 1915.<sup>24</sup> Wm. Roger Louis, also discusses the conquest of the German colonies but rather than focusing on the occupation period, he concentrates on the high politics of 1917 to 1919 that led to the mandates system.<sup>25</sup> There are some works that do touch upon the occupation periods up to 1918

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Studies, 2005); Anne Samson, *World War I in Africa: The Forgotten Conflict Among the European Powers* (London & New York: I.B. Tauris, 2013); Byron Farwell, *The Great War in Africa 1914-1918* (New York and London: WW Norton & Company, 1987).

18. Bill Nasson, 'British Imperial Africa', chap. 7 in *Empires at war: 1911-1923*, ed. Robert Gerwarth and Erez Manela (Oxford: Oxford University Press, 2014); Bill Nasson, 'Africa', chap. 16 in *The Cambridge History of the First World War Volume I*, ed. Jay Winter (Cambridge: Cambridge University Press, 2014); Bill Nasson, 'A Great Divide: Popular Responses to the Great War in South Africa', *War & Society* 12, no. 1 (1994): 47-64; Bill Nasson, 'War Opinion in South Africa, 1914', *The Journal of Imperial and Commonwealth History* 23, no. 2 (1995): 248-276.

19. Hermann Joseph Hiery, *The Neglected War: The German South Pacific and the Influence of World War I* (Honolulu: University of Hawai'i Press, 1995).

20. Wm. Roger Louis, 'African Origins of the Mandates Idea', *International Organization* 19, no. 1 (1965): 20-36; Wm. Roger Louis, 'Australia and the German Colonies in the Pacific, 1914-1919', *The Journal of Modern History* 38, no. 4 (1966): 407; Wm. Roger Louis, 'The South West African origins of the 'sacred trust', 1914 - 1919', *African Affairs* 66, no. 262 (1967): 20-39; Wm. Roger Louis, *Great Britain and Germany's lost colonies, 1914-1919* (Oxford: Clarendon Press, 1967).

21. 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, no. 2 (2012): 231-261.

22. Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge: Cambridge University Press, 2010); Yoram Dinstein, *The International Law of Belligerent Occupation* (Cambridge: Cambridge University Press, 2009); Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge: Cambridge University Press, 2010).

23. Vejas G. Liulevicius, *War Land on the Eastern Front: Culture, National Identity and German Occupation in World War I* (Cambridge: Cambridge University Press, 2000); Sophie De Schaepdrijver, 'Belgium', chap. 26 in *A Companion to World War I*, ed. John Horne (Chichester: Wiley-Blackwell, 2010); Sophie De Schaepdrijver, *The Long Shadow of the 'German Atrocities' of 1914*, 2014, accessed 11 August 2019, <https://www.bl.uk/world-war-one/articles/historiography-atrocities-the-long-shadow>; Sophie De Schaepdrijver, 'Belgium', 1914-1918-online. *International Encyclopedia of the First World War*, 2018,

24. Strachan, *The First World War in Africa (1914-18)*.

25. Louis, 'Australia and the German Colonies in the Pacific, 1914-1919'; Louis, *Great Britain and Germany's lost colonies, 1914-1919*.

and beyond.<sup>26</sup> Writing in the 1990s about the war in the Pacific, Hermann Hiery's book, *The Neglected War* goes into great detail about the administration of the German Pacific Colonies but only mentions the Hague Conventions on three occasions. Mary Boyd's much earlier but still highly valuable article from 1968 about the Military Administration of Western Samoa makes no reference to these international constraints.<sup>27</sup> Instead, she focuses on the economic considerations, relationships with the indigenous population, and the fate of Samoa after the war. Authors such as David Stevenson have focused their attention upon the international diplomacy that transpired during the war and his *The First World War and international politics* gives a background of the international conditions that prevailed that can somewhat explain the eventual establishment of the mandates principle.<sup>28</sup>

Whereas the wartime experience and treatment of POWs is an area that is now beginning to receive more academic study, I believe a gap in research still exists where the consideration of international obligations and their application in the colonial periphery can be expanded upon.<sup>29</sup> Tammy Proctor writes that the story of civilian internment is best documented for Western Europe. She also contends that for civilian internees 'their very status of civilian complicated their lives in multiple ways as international rules written to protect prisoners of war targeted soldiers and officers, not civilians.'<sup>30</sup> While Mahon Murphy's 2014 thesis does deal with German POW and civilians captured within German Colonies, my work is different as it aims to locate these Germans in the wider context of the southern Dominions' wartime aims for their occupied territories.<sup>31</sup> Brian Digre has also published a brief overview of the experience of occupation in Africa during and after the War.<sup>32</sup> Panikos Panayi's edited collection studies the Germans as minorities in other belligerent nations. Moreover, Panayi highlights an increased global Germanophobia before the war which contributed to the hostility German minorities would face during the War.<sup>33</sup> By threading the story of the German populations into the history of the mandate period, I shall argue that the treatment of Germans over the period of 1914—1926 was loosely covered by international rules, be they the Hague conventions or the Treaty of Versailles.

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26. Mary Boyd, 'The Military Administration of Western Samoa, 1914-1919', *New Zealand Journal of History* 2 (1968): 148–164; Jeremy Silvester, 'Beasts, boundaries and buildings: The survival and creation of pastoral economies in Southern Namibia, 1915-1935', chap. 4 in *Namibia under South African Rule: Mobility and Containment, 1915-46*, ed. Patricia Hayes et al. (Oxford: James Currey Ltd, 1998), 95–116; C. D. Rowley, *The Australians in German New Guinea 1914-1921* (Sydney: Melbourne University Press, 1958); Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*.

27. Boyd, 'The Military Administration of Western Samoa, 1914-1919'.

28. David Stevenson, *The First World War and International Politics* (Oxford: Oxford University Press, 1988).

29. Stefan Manz, Panikos Panayi and Matthew Stibbe, eds., *Internment during the First World War: A Mass Global Phenomenon*, Routledge Studies in First World War History (London & New York: Routledge, 2019); Heather Jones, 'Revising the Laws of War on Prisoners of War in the Twentieth Century: Introduction', *War in History* 23, no. 4 (2016): 408–415; Heather Jones, 'Prisoners of War', 1914-1918-online. *International Encyclopedia of the First World War*, 2015, Tammy M. Proctor, *Civilians in a World at War, 1914-1918* (New York & London: New York University Press, 2010); Alon Rachamimov, *POWs and the Great War: Captivity on the Eastern Front, The Legacy of the Great War* (Oxford & New York: Berg, 2002).

30. Proctor, *Civilians in a World at War, 1914-1918*.

31. Mahon Murphy, 'Prisoners of War and Civilian Internees Captured by British and Dominion forces from the German Colonies during the First World War' (PhD, The London School of Economics and Political Science, 2014).

32. Brian Digre, 'Occupation during and after the War (Africa)', 1914-1918-online. *International Encyclopedia of the First World War*, 2014,

33. Panikos Panayi, ed., *Germans as Minorities during the First World War: A global comparative perspective* (Farnham: Ashgate Publishing Ltd, 2014), 10.

Like the war period, much has been written over the years about the Versailles conference and the mandates system that was to come out of it.<sup>34</sup> The Peace Conference in Paris was a meeting not only of the victorious allies, to make Peace, but of a diverse range of non-governmental and nationalist bodies also eager to pursue their own agendas. They had been drawn to Paris mainly by the consciousness of American opinion, driven by its President Woodrow Wilson, and the rhetoric of Soviet Russia. While the principle of self-determination would first be promulgated by the Soviets, it would become intertwined in Wilson's vision of the post-war world. Whereas Lenin's view of self-determination should be applied 'towards the East, towards Asia, Africa, and the colonies' in the pursuit of forming nation states, the Wilsonian view of the principle adopted a much narrower concept that 'peoples may now be dominated and governed only by their own consent'.<sup>35</sup> The Wilsonian moment of 1919, and its perceived failures, frames a number of works about this period.<sup>36</sup> This thesis intends to determine the extent to which the southern Dominions shaped the discussion in Paris over the German colonies and whether they contributed to the perception the mandates system was a failure of the Wilsonian moment. Were the C mandates just a cloak for annexation? The debate has been taken up in recent times by historians of British imperialism in particular. Amongst this group, the annexation argument is advanced by Robert Johnson, who in recognising that the mandates only gave the Dominions 'the authority to govern as a protectorate in the name of the League' goes on further to argue that while mandates were not colonies 'the distinction was lost on those that lived there'. Overall he argues that British rule in the mandates looked like and was another form of imperialism.<sup>37</sup> Michael D. Callahan's 1999 book focuses on the B mandates in Africa directly under the control of Great Britain and France with little reference to Belgian B mandates or South Africa's C mandate. Brian Digre questions this decision, as if they were included in his study it would have been more difficult to portray the system as a 'success in the "reformation of imperialism" in Africa.' Referring to Callahan's criticisms of the then existing scholarship for underestimating the future role League mandate system as an improvement on colonialism, Digre argues that Callahan is not being fair. The studies Callahan criticised

34. General works about the Peace Conference include Margaret MacMillan, *Paris 1919: Six Months That Changed the World* (London: John Murray, 2003); David A. Andelman, *A Shattered Peace: Versailles 1919 and the price we pay today* (Hoboken: John Wiley & Sons, 2008); Howard Elcock, *Could the Versailles System have Worked?* (Cham: Palgrave MacMillan, 2018); Michael S. Neiberg, *The Treaty of Versailles A Concise History* (Oxford: Oxford University Press, 2017); Michael Dockrill and John Fisher, eds., *The Paris Peace Conference, 1919: Peace without Victory* (Houndmills: Palgrave MacMillan, 2001); M. L. Dockrill and Zara Steiner, 'The Foreign Office at the Paris Peace Conference in 1919', *The International History Review* 2, no. 1 (1980): 55–86.

35. Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton and Oxford: Princeton University Press, 2019), 36-8; As an example of the confusion about the concept of self-determination MacDonald questions 'what does self-determination mean? sovereign independence? or the freely expressed will of the people, even if this means something less than independence or, indeed, something less than internal self-government?' Barrie MacDonald, 'Self-Determination and Self-Government', *The Journal of Pacific History* 17, no. 1 (1982): 58.

36. Erez Manela, *The Wilsonian moment: Self-Determination and the International Origins of Anticolonial Nationalism* (Oxford: Oxford University Press, 2007), Kindle edition; Norman A. Graebner and Edward M. Bennett, *The Versailles Treaty and Its Legacy: The Failure of the Wilsonian Vision* (Cambridge: Cambridge University Press, 2011); Sarah Claire Dunstan, 'Conflicts of Interest: The 1919 Pan-African Congress and the Wilsonian Moment', *Callaloo* 39, no. 1 (2016): 133–150.

37. Robert Johnson, *British Imperialism* (Basingstoke: Palgrave MacMillan, 2003), 149-57; Callahan also advances this argument for Africa calling it a new scramble for Africa (especially in the case of the French attempts to water down their B mandates), while Henig called the C mandates 'paring mandatory obligations to the bone' Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931*, 9-14; Ruth Henig, *Versailles and after, 1919-1933*, 2nd (London & New York: Routledge, 1995), 18.



were, according to Digre, accounts which 'are explaining the colonial repartition of Africa during the war and peace conference, not the post-war evolution of the mandates system.'<sup>38</sup> Perhaps the League of Nations mandates system could be viewed as a 'project of transforming colonial territories into independent sovereign states'.<sup>39</sup> The problem with this view in the context of the C class mandates is that they did not contain any provisions for eventual independence. This was largely because the southern Dominions of South Africa, Australia, and New Zealand were intent on annexing the former German colonies and would only accept a mandate if no provisions were made for possible future independence.<sup>40</sup> Peter A. Dumbuya as quoted in Martyn Housden has called the system 'the most elaborate fig leaf ever devised to conceal the naked imperial expansion on the part of the victorious nations after the First World War.'<sup>41</sup> By focusing on C mandates instead of B or even A mandates, this thesis brings a different perspective to the historiography of the mandates system and engages with the arguments mentioned here.

The Peace conference in Versailles set up a Mandates Commission which met over the summer of 1919 in London. The British Empire, France, Japan and the United States were all represented on it. This author is in agreement with the assessment made by Scot D. Bruce in his comparatively recent PhD thesis that 'this transitional change in colonial decision-making has been virtually ignored by historians, most of whom were more interested in analysing either the European colonial demands in Paris or the finalized settlement accepted by the League of Nations in 1922.'<sup>42</sup> Much of the literature about the peacemaking neglects the workings of this commission. This even includes such works as *The Guardians* which dedicates about a page to it.<sup>43</sup> The archival material of the minutes of this commission which the author has viewed will form part of the discussion of how the mandates system was fleshed out from the bare bones that were agreed in Paris. The impact of this commission shall have to be compared to the work done by the early League officials who Pedersen states 'rescued the near-expiring mandates regime.'<sup>44</sup>

Other sources used included personal memoirs or books by those who were present at the Peace Conference with all the problems of bias they present.<sup>45</sup> In the realm of secondary literature on major political players, I was able to turn to the Haus Histories series, 'Makers of the Modern World', which includes a biography of not only David Lloyd George but also of all the Dominion Prime Ministers.<sup>46</sup> The series name is in itself a nod to the view that the Peace Conferences of 1919—23 still have an impact on the world

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38. Brian Digre, 'Reviewed Work(s): Mandates and Empire: The League of Nations and Africa, 1914-1931', *International Journal of African Historical Studies* 34, no. 1 (2001): 217-8.

39. Antony Anghie, 'Colonialism and the Birth of International Institutions: Sovereignty, Economy, and the Mandate System of the League of Nations', *Journal of International Law and Politics* 34 (2001): 514.

40. *Ibid.*, 525.

41. Martyn Housden, *The League of Nations and the Organisation of Peace* (Oxfordshire, England; New York: Routledge, 2012), 87-8.

42. Scot D Bruce, 'Woodrow Wilson's Colonial Emissary: Edward M. House and the Origins of the Mandate System, 1917-1919' (PhD, University of Nebraska, 2013), 139-40.

43. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 33.

44. *Ibid.*, 45-6.

45. Robert Lansing, *The Peace Negotiations: A Personal Narrative* (Boston and New York: Houghton Mifflin Company, 1921); Harold Nicolson, *Peacemaking, 1919* (Faber & Faber, 2013), Kindle edition; Lord Hankey, *The Supreme Control at the Paris Peace Conference 1919: A Commentary* (Oxon: Routledge, 2015).

46. Alan Sharp, *David Lloyd George: Great Britain* (London: Haus Publishing Limited, 2008); Carl Bridge, *William Hughes: Australia* (London: Haus Publishing Limited, 2011); Antony Lentin, *General Smuts: South Africa* (London: Haus Publishing Limited, 2010); James Watson, *W F Massey: New Zealand* (London: Haus Publishing Limited, 2010).

today and involved more than just the Big Three. This thesis will add to the existing literature by not only examining the aims of the southern Dominions as separate entities but as a wider part of the British Empire Delegation. I believe that existing literature has tended to focus upon the policies of Great Britain and has not given due consideration to the impact the Dominions had upon the founding of the League.<sup>47</sup> My thesis demonstrates that the Dominions, of Australia, New Zealand and South Africa, had as much interest in the dividing up of the German Empire as the Major Powers did at Paris.

A wide breadth of historical studies of imperialism has informed my approach to this thesis.<sup>48</sup> I have found the edited collection *Empires at War, 1911—23* especially thought-provoking. In that volume, which covers all world empires of the time, Gerwarth and Manela present empire 'as an inclusive and open concept that describes a polity whose territories and populations are arranged and governed hierarchically in relation to the imperial centre'<sup>49</sup> The Dominions were the highest level of the hierarchy of the British Empire. By the outbreak of war, the White Settler Dominions of Australia, Canada, New Zealand and South Africa had been granted responsible self-government within the empire, which meant local affairs were governed by a local Assembly and matters such as defence and foreign policy were left in the hands of the Imperial Government in London. Discussions on imperialism in the war and post-war period are also important as although the British Empire had reached its imperial height it is also viewed as the start of the decline of the Empire. Part of this relates to the destructive nature of the war and the pressures it put upon Britain itself. After the war this led to the enhanced standing of the Dominions within the Empire and the international community as League members. The War experience strengthened a type of British colonial nationalism within the White Dominions.<sup>50</sup> As part of this work I shall be examining how intra-imperial relations were reshaped during the First World War most notably with the Imperial War Cabinet's creation and the inclusion of Dominion representatives as part of the British Empire Delegation at Paris in 1919. As Daniel Gorman states, it was during the 1920s that 'within the "white" empire of the settlement colonies, internationalism fundamentally reshaped intra-imperial relations and encouraged the continued development of colonial nationalism.'<sup>51</sup> Therefore, it will also be necessary to continue the examination of intra-imperial relations up until 1926. 1926 is important as the Balfour Declaration, at the Imperial Conference, defined Britain and the Dominion as 'equal in status' in both their internal and external affairs, an aim shared by the newest and most reluctant Dominion,

47. Peter J. Yearwood, *Guarantee of Peace: The League of Nations in British Policy 1914-1925* (Oxford: Oxford University Press, 2009), The following take a British centric approach; Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931*; Peter Yearwood, 'On the Safe and Right Lines': The Lloyd George Government and the Origins of the League of Nations, 1916-1918', *The Historical Journal* 32, no. 01 (1989): 131; Egerton, *Great Britain and the creation of the League of Nations: Strategy, Politics, and International Organisation, 1914-1919*.

48. For general works on imperialism and colonisism, see Simon J. Potter, *British Imperial History: Theory and history* (London: Macmillan Education, 2015); John Darwin, *Unfinished Empire: The Global Expansion of Britain* (London: Penguin, 2013), Kindle edition; Frederick Cooper, *Colonialism in Question* (Berkeley and Los Angeles: University of California Press, 2005); Johnson, *British Imperialism*; L. J. Butler, *Britain and Empire: Adjusting to a Post-Imperial World* (London & New York: I.B. Tauris, 2002); Patrick Wolfe, 'History and Imperialism: A Century of Theory, from Marx to Postcolonialism', *The American Historical Review* 102, no. 2 (1997): 388.

49. Gerwarth and Manela, *Empires at war, 1911-1923*, 3.

50. Stephen Garton, 'The Dominions, Ireland, and India', chap. 8 in *Empires at War: 1911-1923*, ed. Robert Gerwarth and Erez Manela (Oxford: Oxford University Press, 2014).

51. Gorman, *The Emergence of International Society in the 1920s*, 11.

the Irish Free State founded in 1922. The Southern Dominions in turn helped shape British imperial policy at Versailles and thereafter exercised control over the territories in ways that show international oversight at work.

There is a body of literature that focus of the southern Dominions or the C mandate territories at an individual or national level. Both Australia and South Africa have monographs that in part deal with their military campaigns in the Pacific and Africa respectively.<sup>52</sup> In the last decade, Patricia O'Brien has studied Australian frontier and colonial policy in both Papua and New Guinea in the first half of the twentieth century, many times focusing on the violence between Australians and the indigenous populations.<sup>53</sup> She has also turned her attention to Samoa, where she has chronicled the life of Olaf Nelson and his engagement with others in transnational spaces.<sup>54</sup> Nelson, of Swedish and Samoan heritage, was one of the largest traders on the island, even before New Zealand's occupation, and would feature much in the affairs of the island throughout his life. Jan-Bart Gewald, Patricia Hayes, and Jeremy Silvester have all written extensively about SWA. None of these three has written specifically about the impact of the occupation or mandate, even if they cover topics as diverse as individual indigenous tribes or chiefs, and colonial administrators.<sup>55</sup>

The inter-war period has been well covered from the perspective of international affairs and the apparent failure of the Versailles settlement.<sup>56</sup> Certain publications have appeared that trace the relationship of the southern dominions with the League.<sup>57</sup> In 1980 W.J. Hudson opines that at first view Australia's contribution to the League appears

52. Robert Stevenson, *The War with Germany*, The Centenary History of Australia and the Great War (Melbourne: Oxford University Press, 2015); Bill Nasson, *Springboks on the Somme: South Africa in the Great War, 1914-1918* (Johannesburg; New York: Penguin, 2007); Samson, *Britain, South Africa and East African Campaign, 1914-1918: The Union comes of age*.

53. Patricia O'Brien, 'Remaking Australia's colonial culture?: White Australia and its Papuan frontier 1901-1940', *Australian Historical Studies* 40, no. 1 (2009): 96-112; Patricia O'Brien, 'Reactions to Australian colonial violence in New Guinea: The 1926 Nakanai massacre in a global context', *Australian Historical Studies* 43, no. 2 (2012): 191-209.

54. Patricia O'Brien, 'Ta'isi O.F. Nelson and Sir Maui Pomare Samoans and Māori reunited', *Journal of Pacific History* 49, no. 1 (2014): 26-49; Patricia O'Brien, 'From Sudan to Samoa: Imperial legacies and cultures in New Zealand's rule over the Mandated Territory of Western Samoa', chap. 7 in *New Zealand's Empire*, ed. Katie Pickles and Catherine Coleborne (Manchester: Manchester University Press, 2016); Patricia O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson* (Honolulu: University of Hawai'i Press, 2017); Patricia O'Brien, 'Bridging the Pacific: Ta'isi O.F. Nelson, Australia and the Sāmoan Mau', *History Australia* 14, no. 1 (2017): 13-31.

55. Jan-Bart Gewald, *Herero Heroes* (Oxford: James Currey Ltd, 1999); Jan-Bart Gewald, 'Mbadamassi of Lagos: A soldier for King and Kaiser, and a deportee to German South West Africa', *African Diaspora* 2, no. 1 (2009): 103-124; Jan-Bart Gewald, 'On becoming a chief in the Kaokoveld, colonial Namibia, 1916-25', *Journal of African History* 52, no. 1 (2011): 23-42; Patricia Hayes, "'Cocky Hahn and the Black Venus': the making of a Native Commissioner in South West Africa, 1915-46', chap. 14 in *Cultures of Empire: Colonizers in Britain and the Empire in the Nineteenth and Twentieth Centuries: A reader*, ed. Catherine Hall (Manchester University Press, 2000); Patricia Hayes, 'The failure to realise "human capital": Ovambo migrant labour and the early South African State, 1915-1930', *Collected Seminar Papers. Institute of Commonwealth Studies* 45 (1993): 55-70; Jeremy Silvester, "'Sleep with a southwester": Monuments and settler identity in Namibia', chap. 15 in *Settler Colonialism in the Twentieth Century: Projects, Practices, Legacies*, ed. Caroline Elkins and Susan Pedersen (New York and London: Routledge, 2012), 286-301; Silvester, 'Beasts, boundaries and buildings: The survival and creation of pastoral economies in Southern Namibia, 1915-1935'.

56. Henig, *Versailles and after, 1919-1933.*; Zara Steiner, *The Lights that failed: European International History, 1919-1933*, Oxford History of Modern History (Oxford: Oxford University Press, 2005); Antony Lentin, *Lloyd George and the Lost Peace: From Versailles to Hitler, 1919-1940* (Houndmills: Palgrave, 2001); Sally Marks, *The illusion of Peace: International Relations in Europe, 1918-1933*, 2nd (Basingstoke: Palgrave MacMillan, 2003); Adam Tooze, *The Deluge: The Great War and the Remaking of Global Order* (London: Allen Lane, 2014); Yearwood, *Guarantee of Peace: The League of Nations in British Policy 1914-1925*.

57. W J Hudson, *Australia and the League* (Sydney: Sydney University Press, 1980); Gerald Chaudron, 'The League of Nations and Imperial Dissent: New Zealand and the British Labour Governments, 1924-31', *Journal*

minimal but that this it was probably no more than could have been expected from such a distant member.<sup>58</sup> He does recognise the one area where Australia placed most concern in its interaction with Geneva which was the New Guinea mandate and devotes a full chapter to it. Gerald Chaudron's book dedicated to New Zealand and the League was only published in 2012 and only covers the Samoan mandate in a brief chapter.<sup>59</sup>

The League of Nations was a new organisation, forged by the post-war settlement designed to alleviate international tensions with an ultimate aim of preventing a future war. The internationalisation of labour, social and economic questions was also part of its brief, as Martyn Housden argues.<sup>60</sup> Gorman also takes this view, similarly recognizing that internationalism pre-dates the League but that 'it existed in the sizeable shadow of Nationalism', and only came of age in the 1920s. For him the League took shape 'under the direct influence of both imperial and anti-imperial dynamics.'<sup>61</sup> Two edited collections are relevant when discussing the League, firstly the collection edited by Glenda Sluga and Patricia Clavin entitled *Internationalisms: A Twentieth-Century History*, and secondly, the Daniel Laqua-edited *Internationalism Reconfigured*.<sup>62</sup> Most of the chapters in Laqua's book deals with the role or approach of non-state actors, an area my study also has interest in. The chapters on the Anti-Slavery Society and activism in the United Kingdom bear most relevance to my subject areas.<sup>63</sup> Sluga and Clavin state the aim of *Internationalisms: A Twentieth-Century History* was to call 'attention to uneasy alliances and unlikely fellow travellers across the conceptual borders of nationalism and internationalism'.<sup>64</sup> My work aims not only to call attention to the uneasy alliances that Sluga and Clavin's book highlights, but also to examine the competing aims of the southern Dominions that existed on both national and international levels. Mark Mazower is of the view that the League 'remained part of a world-view that took the virtues of empire for granted.'<sup>65</sup> If the virtue of empire is taken for granted where do the Dominions and their C mandates fall within an analysis of the League? Paternalism was embedded within the mandates system so that, as Róisín Healy and Enrico Dal Lago have argued in relation to

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*of Imperial and Commonwealth History* 39, no. 1 (2011): 47–71; Gerald Chaudron, *New Zealand and the League of Nations* (Jefferson, North Carolina: McFarland & Company, 2012); Gerald Chaudron, 'Obsession: New Zealand, Money and the League of Nations, 1920-35', *Journal of Imperial and Commonwealth History* 41, no. 1 (2013): 143–169.

58. Hudson, *Australia and the League*, 189-90.

59. Yearwood argues that a complex topic cannot adequately be explained at that length. Peter J. Yearwood, 'New Zealand in the League of Nations: The Beginnings of an Independent Foreign Policy, 1919-1939, by Gerald Chaudron', *The English Historical Review* 129, no. 538 (2014): 761.

60. Housden, *The League of Nations and the Organisation of Peace*, 36-7.

61. Gorman, *The Emergence of International Society in the 1920s*, 2-3.

62. Glenda Sluga and Patricia Clavin, eds., *Internationalisms: A Twentieth-Century History* (2017); Daniel Laqua, ed., *Internationalism Reconfigured: Transnational Ideas and Movements between the World Wars* (London & New York: I.B. Tauris, 2011).

63. Amalia Ribi, 'The Breath of a New Life'? British Anti-Slavery Activism and the League of Nations', in *Internationalism Reconfigured: Transnational Ideas and Movements between the World Wars*, ed. Daniel Laqua (London: I.B. Tauris, 2011); Helen McCarthy, 'The Lifeblood of the League? Voluntary Associations and League of Nations Activism in Britain', in *Internationalism Reconfigured: Transnational Ideas and Movements between the World Wars*, ed. Daniel Laqua (London: I.B. Tauris & Co Ltd, 2011), 187–208.

64. Sluga and Clavin, *Internationalisms: A Twentieth-Century History*, 11.

65. Mark Mazower, *Governing the World – The History of an Idea* (London: Allen Lane, 2012), Kindle edition, Section The Mandates System.

colonialism within Europe, that the mandatories '[were] convinced of their own superiority and of their ordained mandate to rule'.<sup>66</sup>

In the opinion of Mark Mazower and Susan Pedersen writing about the League fell out of fashion for a period after 1946 when it was dissolved.<sup>67</sup> Of the older literature, the work of Quincy Wright, the American political scientist, in the 1920s and 1930s has remained relevant.<sup>68</sup> One mandate in particular that was to receive much attention, after 1945, was South West Africa which South Africa had refused to put under the United Nations Trusteeship system.<sup>69</sup> Numerous cases were brought to the International Court of Justice about South Africa's administration of SWA which very much kept this former mandate in the spotlight of public opinion. As a mark of the recent revival of interest in the mandates system it was only in 2007 that Patricia Clavin was to write that 'we still do not know too much about the history of the League's mandate system.'<sup>70</sup> Capitalism and imperialism usually went hand in hand, something we must bear in mind when looking

66. Róisín Healy and Enrico Dal Lago, 'Investigating Colonialism within Europe', chap. 1 in *The Shadow of Colonialism on Europe's Modern Past*, ed. Róisín Healy and Enrico Dal Lago, Cambridge Imperial and Post-Colonial Studies Series (Cambridge: Cambridge University Press, 2014), 14.

67. Susan Pedersen, 'Review Essay Back to the League of Nations', *American Historical Review* October (2007): 1091; Some early examples of general writing on the League include the following, especially relevant to mandates are the works by Chowdhuri and Barrington. F.P. Walters, *A History of the League of Nations* (London: Oxford University Press, 1952); Joyce, *Broken star: The Story of the League of Nations (1919-1939)*; George Scott, *The Rise and Fall of the League of Nations* (London: Hutschinson, 1973); R. N. (Ramendra Nath) Chowdhuri, *International Mandates and Trusteeship Systems: A Comparative Study* (The Hague: Martinus Nijhoff Publishers, 1955); J. M. Barrington, 'The Permanent Mandates Commission and educational policy in trust territories', *International Review of Education* 22, no. 1 (1976): 88–94.

68. Wright covers topics in relation to Sovereignty and National status of Inhabitants Quincy Wright, 'Sovereignty of the Mandates', *The American Journal of International Law* 17, no. 4 (1923): 691–703; Quincy Wright, 'Status of the Inhabitants of Mandated Territory', *The American Journal of International Law* 18, no. 2 (1924): 306–315; Quincy Wright, 'The United States and the Mandates', *Michigan Law Review* 23, no. 7 (1925): 717–747; Quincy Wright, *Mandates Under the League of Nations* (Chicago: The University of Chicago Press, 1930); Quincy Wright, 'The Effect of Withdrawal from the League upon a Mandate', *British Year Book of International Law* 16 (1935): 104–113.

69. For works that are contemporary with the debate of the South West Africa mandate at the UN, see Ruth First, *South West Africa* (Harmondsworth: Penguin, 1963); R W Imishue, *South West Africa: An International Problem* (London: Pall Mall Press, 1965); M. Hidayatullah, *The South-West Africa Case* (London: Asia Publishing House, 1967); John Dugard, 'The Revocation of the Mandate for South West Africa', *The American Journal of International Law* 62 (1968): 78–98; John Dugard, *The SouthWest Africa/Namibia Dispute: Documents and Scholarly Writings on the Controversy Between South Africa and the United Nations* (Berkeley and Los Angeles: University of California Press, 1973).

70. Patricia Clavin, 'Europe and the League of Nations', chap. 14 in *Twisted Paths: Europe 1914-1945*, ed. Robert Gerwarth (Oxford: Oxford University Press, 2007), 331; Since Clavin's comment in 2007 there has been a resurgence of research, either directly or indirectly, in the mandates system. [Some works pre-date 2007, but a selection of recent works on the mandates system include; Peter Sluglett and Nadine Méouchy, eds., *The British and French Mandates in Comparative Perspectives*, Social, Economic and Political Studies of the Middle East and Asia (Leiden: Brill, 2004); Neta C. Crawford, *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention*, Cambridge Studies in International Relations (Cambridge: Cambridge University Press, 2004); Daniel Gorman, 'Liberal Internationalism, the League of Nations Union, and the Mandates System', *Canadian Journal of History*, no. December (2005): 449–477; Susan Pedersen, 'The Meaning of the Mandates System: An Argument', *Geschichte und Gesellschaft* 32, no. 4 (2006): 560–582; 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): 203–231; Susan Pedersen, 'Metaphors of the Schoolroom: Women working the mandates system of the League of Nations', *History Workshop Journal* 66, no. 1 (2008): 188–207; Hans Georg Wolf, 'British and French language and educational policies in the Mandate and Trusteeship Territories', *Language Sciences* 30, no. 5 (2008): 553–574; Ribi, "'The Breath of a New Life'? British Anti-Slavery Activism and the League of Nations'; Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations'; Paul Hibbeln, 'Supervising Imperialism: Petitions to the League of Nations Permanent Mandates Commission, 1920-1939', *Ohio Academy of History Proceedings*, 2013, 21–34; Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*; Amalia Ribi Forclaz, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880-1940* (Oxford: Oxford University Press, 2015); Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination*.

the economic activities of the C mandates.<sup>71</sup> In SWA there was a diamond mining industry, Nauru has its phosphate extraction industry, both New Guinea and Samoa had developed a plantation system, and New Guinea had possible mineral deposits to be extracted. This together with other economic activity should be investigated to observe if it was conducted for the benefit of the indigenous population or for the trustee powers.

We have seen that the German colonies that became the C mandates are on the margins of the historiography of the First World War and the inter-war period. As I have researched them however there have been three main books whose approach has influenced my study. Susan Pedersen's *The Guardians: The League of Nations and the Crisis of Empire* in fact covers part of the C mandates story and I have already acknowledged my debt to this book. Two other important books have been Patricia Clavin's *Securing the World Economy: The Reinvention of the League of Nations, 1920—1946*, and Lenoard Smith's *Sovereignty at the Paris Peace Conference of 1919*. As this thesis uses the analysis of Pedersen, Clavin, and Smith as the back-bone of this project it will be necessary here to discuss each work and explain how this thesis develops their ideas further.

Susan Pedersen in *The Guardians* has corrected the older view that mandates were a mere change of clothes for imperialism. She argues that the mandates system 'began as a project of imperial reconciliation and legitimation', it developed into something different over time, especially with Germany's entry into the League in 1926.<sup>72</sup> Mandates now meant that Empire could be called to the bar of world opinion at the League of Nations. The PMC saw themselves as 'a mechanism for defining norms of good governance and promoting imperial "best practice" across the globe.'<sup>73</sup> *The Guardians* is a transnational treatment of the three classes of mandates although its timespan leaves out the War years themselves in favour of starting with Versailles in 1919.<sup>74</sup> Areas in the book that overlap with material in this thesis include the Bondelswarts affair in SWA in 1922, and most importantly the process of petitioning. While this study stands on the shoulders of Pedersen's work, one major difference is that my thesis integrates a detailed archival analysis of the War years together with one on the Mandates period. My study looks more closely at the emergence and operation of the C Mandates from wartime occupation to mid-1920s. While *The Guardians* has a chapter about the Sovereignty debate around mandates, there is not much discussion upon the fate of Germans who remained in the C mandates, something I have space to explore in this thesis. During the mandate period we see that the mandatory powers were put under certain international obligations in the form of the mandates agreements.

Clavin's monograph *Securing the World Economy* studies the League's Economic and Financial Organization (EFO). Like Pedersen, Clavin covers the inner working of the

71. For some contemporary writing on the subject see Vladimir Ilyich Ulyanov Lenin, *Imperialism, the Highest Stage of Capitalism* (London: Penguin, 2010); J.A. Hobson, *Imperialism: A Study* (London: James Nisbet & Co, 1902).

72. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 403.

73. *Ibid.*, 404.

74. Pedersen has wrote extensively on the League and the Mandates in particular Susan Pedersen, 'Settler Colonialism at the Bar of the League of Nations', chap. 6 in *Settler Colonialism in the Twentieth Century: Projects, Practices, Legacies*, ed. Caroline Elkins and Susan Pedersen (New York and London: Routledge, 2005), 1–306; Pedersen, 'The Meaning of the Mandates System: An Argument'; Pedersen, 'Review Essay Back to the League of Nations'; Pedersen, 'Metaphors of the Schoolroom: Women working the mandates system of the League of Nations'; Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations'; Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*.

bureaucracy of the League by discussing the interactions among economists or colonial experts in Pedersen's case, politicians, and League officials in considerable depth. This is summed up by her view that 'in the interwar period, the League had helped to orientate action and create a social reality for the secretariat and the networks of expertise and government delegations it sustained.'<sup>75</sup> The fact that the EFO championed free trade in an age of protectionism and promoted Most-Favored-Nation status is of relevance to this thesis. Not unlike with the mandates system 'the founding fathers of the League of Nations had not intended the organization to contribute to economic reconstruction, or the operations of the world economy beyond a lofty pronouncement endorsing free trade.'<sup>76</sup> Circumstances forced or allowed the EFO to become interventionist in central Europe in particular. In parallel with this, the PMC's mission grew in the 1920s and it co-operated with the full range of league bodies (even if unlike the A and B mandate the C mandates were not meant to have an open door to international trade, being part of customs unions with their mandates' powers). Clavin also notes that the League and associated organisations such as the ILO and its Health Committee created 'new intergovernmental forums the regenerated established transnational networks as well as creating new ones.'<sup>77</sup> Both of these bodies engaged with the PMC throughout its existence. The ILO had an observer member on the PMC, and the Health Committee requested statistical information from the mandates.<sup>78</sup> My thesis will seek to explore in some more detail the transnational networks that were created by the southern Dominions' holding of mandates and the bodies mentioned above.

Leonard V. Smith's recent book *Sovereignty at the Paris Peace Conference of 1919* only looks at the mandates to 'focus on the establishment of the mandates, and why and how they came to assume the forms that they did.'<sup>79</sup> He analyses the different types of sovereignty that were both exercised and envisioned at Versailles. This includes what he calls both the 'unmixing' of lands and the 'unmixing' of people. In analysing the framework of the British Empire in Paris, he writes that the 'self-governing Dominions could pull in separate ways at a highly problematic moment for the metropole.'<sup>80</sup> My analysis of the working of the Imperial War Cabinet before the peace conference will help explain the origin of these tensions. Another comment that Smith makes about the mandates is something my thesis wishes to expand. It is that the mandates acted in 'further subcontracting empire.'<sup>81</sup> That subcontract was in the form of the mandatory powers of the southern Dominions and the League. Smith's examination of the concept of sovereignty in 1919 had informed my discussion of complicated issues like citizenship in the C mandates in the 1920s.

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75. Patricia Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946* (Oxford: Oxford University Press, 2013), 348.

76. *Ibid.*, 11.

77. Patricia Clavin, 'Defining transnationalism', *Contemporary European History* 14, no. 4 (2005): 7.

78. Daniel Roger Maul, 'The International Labour Organization and the struggle against forced labour from 1919 to the present', *Labor History* 48, no. 4 (2007): 477-500.

79. Leonard V. Smith, *Sovereignty at the Paris Peace Conference of 1919, The Greater War 1912-1923* (Oxford: Oxford University Press, 2018), 182; Smith was to find that 'Article 22 challenged the very notion of Empire' Leonard V. Smith, 'Empires at the Paris Peace Conference', chap. 13 in *Empires at War 1911-1923*, ed. Robert Gerwarth and Erez Manela (Oxford: Oxford University Press, 2014), 261.

80. Smith, *Sovereignty at the Paris Peace Conference of 1919*, 45.

81. *Ibid.*, 107.

As I have discussed, this thesis adds to an existing scholarly conversation by looking at British C mandates in a different time frame from other studies, by including the war years and other issues outlined above. To enable this thesis to fill the gap in the existing literature I have identified and have amassed and analysed a wide array of primary sources. I will now turn towards these sources and discuss the methodology used in this PhD to build an argument from my archival research. While the decision to base this thesis between 1914 and 1926 may seem arbitrary, it was chosen for a couple of reasons, Firstly it marks a period in which Germany is not considered to be part of the international framework, as set out by those countries who won the War in 1918 and set the terms of the peace treaty in 1919. During the war period it is a pariah state to some degree, and it was only upon its admission to the League in 1926 that it was able to take part in the mandates oversight apparatus, the Permanent Mandates Commission. Secondly, as John Darwin, a major historian of imperialism, reminds us, 1926 was the year when ‘the imperial government conceded the formal independence and constitutional equality of the dominions in external as well as internal affairs.’<sup>82</sup> It also places this thesis in the growing trend to expand the war period from between 1911—1925, in what William Mulligan calls the Long First World War. Robert Gerwarth and Erez Manela have also helped expand the chronology of the War by looking at empires from 1911 to 1923.<sup>83</sup>

In a recent round-table discussion Susan Pedersen said of her own book that ‘the narrative follows roughly the arc of their [the PMC] attention, although once I had chosen my subjects, I explored them not only through the Commission’s self-justifying prose but also through archival sources and voices from the mandatory powers and the territories themselves.’<sup>84</sup> I have to follow a similar approach. There has been no shortage of material. In addition to the available secondary literature three major primary sources of material were used in this thesis. First, there were the National Archives of Australia, New Zealand, South Africa, and the United Kingdom. These gave me plentiful sources of unpublished documents concerning the Imperial and Dominions’ respective policies towards the both their military occupations and the mandates system. Secondly, there was the League of Nations archives in Geneva which was a fantastic source of published League documents, such as the minutes of the Permanent Mandates Commission, and internal documents between the members of the PMC and the mandates section of the secretariat. Thirdly, I was able to visit a number of libraries in the UK that held the either personal or society papers. These include the Milner Papers, Lugard Papers, and papers of the Anti-Slavery Society held at the Bodleian Library in Oxford, the Papers of the League of Nations Union deposited in the LSE in London.

By having the opportunity of taking a multi-archive approach for supporting the argument of this thesis I have being able to scrutinise a vast wealth of primary sources. This use of the printed official reports, memoirs and even photos are highly relevant to the formulation of my argument. Some sources used such as British Foreign Office and

82. John Darwin, ‘Imperialism in Decline? Tendencies in British Imperial Policy between the Wars’, *The Historical Journal* 23, no. 3 (1980): 659.

83. William Mulligan, *The Great War for Peace* (New Haven: Yale University Press, 2014), 9; Gerwarth and Manela, *Empires at war, 1911-1923*; Alan Sharp, *The Versailles Settlement: Peacemaking after the First World War, 1919-1923*, 2nd (Basingstoke: Palgrave MacMillan, 2008).

84. Thomas Maddux and Diane Labrosse, eds., ‘Roundtable Review: Susan Pedersen. The Guardians: The League of Nations and the Crisis of Empire.’, *H-Diplo Roundtable Review* XVIII, no. 2 (2016): 1–33.



Colonial Office papers, the IWC minutes or League documents are cited in many of the secondary sources cited in this introduction. What I am doing in this thesis is putting these better known sources together with a new range of previously unknown material to answer newer questions such as, for example, what mandate imperialism felt like on the ground, in mandates or in Dominion capitals. The opportunity to study the papers listed above from the Bodleian Library and the LSE also let me add another dimension, that of both British officialdom and civil society. Alfred Milner had a long career in British public life. During the time frame covered in this thesis he served in the IWC, and between January 1919 and February 1921 served as the Secretary of State for the Colonies. His papers can therefore give us an insight into the formulation of the mandates system during 1919 and 1920. Frederick Lugard, former colonial Governor of Nigeria, was to serve on the PMC for fourteen years. Such was his influence that Pedersen describes his time on the Commission as a ‘Lugardian’ age.<sup>85</sup> From consulting his personal papers I have been able to get some insight into the thinking of one who was considered the foremost ‘colonial expert’ of his time. The League of Nations Union and the Anti-slavery Society were two important civil society organisations that had an interest in the operation of the mandates system. Their papers enable this thesis to bolster its argument by bringing in the views of the unofficial organisations that engaged with the League. This was normally done by way of correspondence with League officials or by availing of the petitions procedures of the mandates system.

In analysing this mass of sources I will be taking a broadly chronological approach, interspersed with thematic case studies as giving equal coverage to all four territories all the time would be more than the space this thesis could afford. The case studies, for example the 1918 influenza in Samoa in chapter 2 and the 1922 Bondelswarts affair in chapter 4, will always be put in context of the wider picture. Separately these case studies allow me to conduct a detailed investigation of a sample of the particular challenges facing occupation and mandate powers. These include such challenges as administrative competence, public health, and indigenous resentment in the case of the Samoan flu pandemic. In South West Africa questions of land, race and international oversight and scandal arise. As previously noted this thesis will mostly follow a chronological approach, but these case studies will make a more general point about the C mandates as a whole thus avoiding tedious repetition of parallel stories at all times. Where it will be possible to give coverage to all four territories, such as in the case of labour, a comparative framework will be applied. This will allow me to ‘formulate arguments at a middle range about differences and similarities among a range of cases that allow us to understand the issue at hand.’<sup>86</sup> Most of all, as I have at least nine vantage points to work with in my sources — the four mandate territories, three Dominions, London and Geneva, as well as humanitarian groups — I will be applying a transnational approach to this study of empire and of the League of Nations.<sup>87</sup> This transnational approach can be seen, for

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85. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*; Susan Pedersen, ‘Empires, States and the League of Nations’, in *Internationalisms*, ed. Glenda Sluga and Patricia Clavin (Cambridge: Cambridge University Press, 2016), 113–138.

86. Peter Baldwin, ‘Comparing and Generalizing: Why all history is comparative, yet no history is sociology’, chap. 1 in *Comparison and History: Europe in Cross-National Perspective*, ed. Deborah Cohen and Maura O’Connor (New York & London: Routledge, 2004), 11.

87. This approach will attempt to connect ‘the interrelationship between local and regional developments and the wider context of the history of the world’. Clavin, ‘Defining transnationalism’, 435; and also consider

example, in the political activism across borders for indigenous people, and in the fact that the PMC worked transnationally. Pedersen's work on petitioning from Samoa is an example of existing work that followed this approach.<sup>88</sup> The approach taken in this PhD is also influenced by the approach in the two edited volumes by Barry, Healy & Dal Lago, *Small Nations and Colonial Peripheries* especially, which showed how the War had to be de-centred and new vantage points included.<sup>89</sup> I shall also be adopting a comparative approach in much of this thesis due to the volume of territories and point of views involved. My aim in using this approach is that I hope, in the words of Deborah Cohen, that a comparative approach will lead me 'to ask questions that spark genuinely new interpretations.'<sup>90</sup>

Before concluding this introduction, I will provide a brief description of each chapter of the Thesis. It will see a transformation of the territories under review from being German Colonies to territory under occupation to C class mandates under a League Oversight Regime. The territories will shift from full German sovereignty to a contested sovereignty under the mandates system, and the southern Dominions shall also see their emergence as more independent international actors.

In chapter 1, we shall begin by contextualising the Imperial framework in which the Dominions operated in vis-à-vis Great Britain in 1914. This will enable us to discuss how the Dominions were brought into the war effort, and in particular the request to capture the German colonies located near them. In all cases, we can review the actions of the belligerents through the prism of the Hague Conventions that had been adopted to control the conduct of war. In all expeditions, how forces conducted their campaign and their deference to the international law and customs of war shall be examined.

Chapter 2 will discuss the period in which the Southern Dominions held the German colonies under Military Occupation for the duration of the war. I shall look at a number of different case studies to investigate to what degree International law and customs were adhered to and what part, if any, did they play in the decision-making process of the administration on the ground and the governments of the occupation powers. These case studies will include the treatment of German Nationals, including Prisoners of War, the relationship of the indigenous population to the mandate administration, economic policy, forms of administration put in place, and the application of the Hague Convention. We will also turn our attention towards the high politics of the British Empire and international factors from occupation to the end of the war that saw various actors push for outright annexations of the German colonies to those that resisted.

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the League's 'ability to work between and through different countries, continents or cultures, and their attempts to create common projects, behaviour or norms that weaved distinct and distant societies together.' Pierre-Yves Saunier, *Transnational history* (Houndmills: Palgrave Macmillan, 2013), 104.

88. Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations'.

89. Enrico Dal Lago, Róisín Healy and Gearóid Barry, eds., *1916 in Global Context: An Anti-Imperial Moment* (Routledge, 2018); Gearóid Barry, Enrico Dal Lago and Róisín Healy, 'Towards an Interconnected History of World War I: Europe and Beyond', chap. 1 in *Small nations and colonial peripheries in World War I*, ed. Gearóid Barry, Enrico Dal Lago and Róisín Healy (Leiden: Brill, 2016); Aude Chanson, 'German East Africa: A Territory and People in World War I', chap. 17 in *Small Nations and Colonial Peripheries in World War 1*, ed. Gearóid Barry, Enrico Dal Lago and Róisín Healy (Leiden, 2016).

90. Deborah Cohen, 'Comparative History: Buyer Beware', chap. 4 in *Comparison and History: Europe in Cross-National Perspective*, ed. Deborah Cohen and Maura O'Connor (New York & London: Routledge, 2004), 64.

Chapter 3 will focus on period of the Peace negotiations at Paris to the issuance of the C mandates by the League of Nations. While this chapter has a focus on the peacemaking process, it also introduces the transition from one form of administration, Military Occupation, to another under mandate. It will entail a discussion about how the new League set up its international structures but also how the mandated territories were administered in a period of uncertainty in what would be in the mandate agreements. The Paris Conference sees the emergence of the Dominions as limited international actors in their own right, so we shall discuss the evolving relationship between Britain and the Dominions through the prism of the negotiations around the mandate agreements.

In chapter 4 and chapter 5, we can examine the workings of the oversight regime put in place in Geneva and observe the impact, if any, it may have had. In conjunction with this discussion of what was happening at Geneva we shall also examine the views and actions of the Southern Dominions in their task of administering the Mandates. This shall be done through the prism of the mandate agreements and other international obligations and pressures upon the mandatories to ensure the mandates were not ruled like colonies. Areas of focus include the idea of the 'sacred trust' obligations to the local population and the petitioning system that was established.<sup>91</sup>

Before we turn to chapter one we find, by 1914, a world dominated by Empire, both formal and informal. The accepted means of protecting these vast territorial empires was by sea power. This concept was made popular by the American naval strategist, Alfred Thayer Mahan, in his 1890 book on the subject.<sup>92</sup> Over the next two decades fleets expanded, with Britain and Germany especially entering into a naval race. Due to the pre-war predominance of coal for fuelling ships, coaling stations and naval bases were required by the competing navies across the globe.<sup>93</sup> The parallel emergence of wireless radio as the main means of communication between the metropole and periphery of empires only added to the need for colonies in Africa and the Pacific. For these reasons that the European war which broke out in July–August 1914 became a truly World War. In this context, the distant German colonial territories of Nauru, New Guinea, Samoa, and South West Africa were deemed threats to the security of the British Empire with knock-on implications for the southern Dominions of Australia, New Zealand and South Africa.

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91. Geneva created a space in which non-governmental bodies could operate a type of 'humanitarian entrepreneurialism'. Forclaz, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880-1940*, 49; Pedersen, 'Review Essay Back to the League of Nations', 1111.

92. A.T. (Alfred Thayer) Mahan, *The Influence of Sea Power upon History, 1660-1783* (Boston: Little, Brown & Company, 1890).

93. For more on the naval race and coaling stations, see Peter Padfield, *Maritime Dominion and the Triumph of the Free World* (London: John Murray, 2009); Steven Gray, *Steam Power and Sea Power: Coal, the Royal Navy, and the British Empire, c. 1870–1914*, *The Cambridge Imperial and Post-Colonial Studies* (Cambridge: Cambridge University Press, 2018).

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## ‘The hoisting of the good old Union Jack’: The Southern Dominions and the takeover of German Colonies, 1914–15

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*Die Kolonien müssen in der Nordsee verteidigt werden*—the colonies must be defended in the North Sea

Byron Farwell, *The Great War in Africa*

### Chapter Introduction

The First World War cannot be just conceived of as a European War. As shall be discussed in this chapter it touched parts of the world far from Flanders fields. While Britain went to war claiming to secure the independence of small nations, it was later admitted by David Lloyd George that it was an Imperialist war and the securing of German colonies were among the Allies war aims.<sup>1</sup> A brief pre-1914 history of some of these colonies, German New Guinea, German Samoa, Nauru, and German South West Africa, was described in the introduction to this thesis. While the German overseas empire may not have been of major importance to Germany economically, strategically and symbolically, it would have to be defended at the outbreak of war. Unfortunately for Germany both its colonies and shipping were largely defenceless against the dominance of the Royal Navy.<sup>2</sup> Further reinforcing the weakness of the German position, except for Tsingtao in China, no German colony had a major naval base or coaling stations. German plans, in the case of war, were not to defend their colonial ports, except Tsingtao, but to use neutral harbours and remote locations. At best, the islands of the Pacific could be used as ‘a network of supporting points and hiding places for the conduct of cruiser warfare’.<sup>3</sup>

I will then proceed to focus on three Southern Dominions and their entry into the war and the manner in which takeovers of German colonies occurred. This chapter will address both easy conquests, as in the case of Samoa and Nauru, and contested takeovers such as occurred in German New Guinea and German South West Africa. I shall discuss how the Dominions became players in bigger strategic war games, such as the Pacific theatre, naval war, and Japanese power. The Dominions would also be confronted with challenges of establishing ‘legitimate’ occupations in the expectation of conforming with international norms such as the Hague Conventions. These Conventions that were imprecise in many cases, or as Heather Jones states, ‘presented only largely broad-brush guidance ... which was soon superseded by the challenges of the totalizing mentalities of the 1914–18 conflict.’<sup>4</sup> The provisions of international norms around armed conflict and occupation created a tension between annexation and trust, that was present from the beginning. This chapter’s focus will rely heavily on the point of view of the national

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1. Richard Rathbone, ‘World War I and Africa: Introduction’, *The Journal of African History* 19, no. 1 (1978): 4.  
 2. Padfield, *Maritime Dominion and the Triumph of the Free World*, 131.  
 3. Strachan, *The First World War: To Arms*, 448–9.  
 4. Jones, ‘Revising the Laws of War on Prisoners of War in the Twentieth Century: Introduction’, 409.

Governments in the Southern Dominions and London. I shall also attempt to include some input from civil society, mainly through personal memoirs or newspaper articles.

## 1.1 The global naval war, invading German territory and setting up administrations

I shall now turn to the outbreak of War and how the southern Dominions were drawn into the War. Specifically, this section will examine the various southern Dominions' responses to the July crisis in Europe, and the request for military assistance from London. I will discuss the importance of the worldwide network of German communications facilities which contributed to the global nature of the naval war in 1914. In this section, I shall also describe the military campaigns in which the territories of Samoa, New Guinea, Nauru and German South West Africa were seized from the Germans in the early part of the War before looking at the setting up of administrations under military occupation.

When studying the declaration of war in 1914, we must first examine the legal framework of the British Empire and the position of the Dominions within it. Dominions, as a technical term, was first used at the Colonial Conference of 1907 for the aggregate of the five colonies possessing responsible government.<sup>5</sup> The Executive Governments of the Dominions followed the British model closely. At its head was the monarch, who was represented in the Dominions by a Governor or Governor-General. The Governors in exercising his role 'was guided by his ministers, who held office nominally at his pleasure, really at the pleasure of the majority of the lower house of the legislature.' Despite its formal structures 'the British Empire was extremely decentralized and heterogeneous in its system of government, and never enjoyed anything approaching a single law or administration.'<sup>6</sup> One of the differences between the Imperial Parliament and those of the Dominions was that, while London possessed full sovereign authority of legislation, the Dominion Parliaments only had derivative authority granted by London to legislate for the territory of the Dominion. Two of the major restrictions upon the Dominion Governments, and relevant to the outbreak of war, were that they could not authorise a declaration of war or the annexation of territory.<sup>7</sup> Israel Goldblatt recognises this fact when discussing South Africa accepting an Imperial Government request to seize parts of German South West Africa even though they did not have 'the constitutional power to conquer or annex any foreign territory.'<sup>8</sup> Robert Stevenson highlights that the Australian constitution did not make reference to who was responsible for declaring war or the deployment of troops, which led to uncertainty as to whether Australia could declare war

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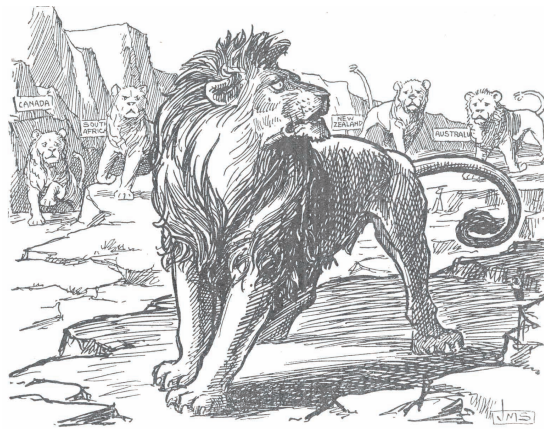
5. Arthur Berriedale Keith, *Imperial Unity and the Dominions* (London: Oxford at the Clarendon Press, 1916), 9; For more on the British Empire in the lead up to the War see Zara S. Steiner and Keith Neilson, *Britain and the Origins of the First World War*, Second, *The Making of the 20th Century* (Houndmills: Palgrave MacMillan, 2003).

6. Dickinson, 'The German Empire: An Empire?', 149; Porter explains that this was because 'the tighter the formal bonds, the more damaging would be the tensions between widely scattered nations with divergent interests.' Porter, *The Lion's Share: A Short History of British Imperialism 1850-2004*, 203.

7. Arthur Berriedale Keith, *War Government of the British Dominions*, Economic and Social History of the World War (London: Oxford at the Clarendon Press, 1921), 4-7; The British did not seek the opinion of the Dominions before declaring war in 1914. It did follow protocol and immediately informed them of the decision. Garton, 'The Dominions, Ireland, and India', 154-5.

8. Israel Goldblatt, *History of South West Africa from the beginning of the Nineteenth Century* (Cape Town, Juta & Company, 1971), 202.

without British approval.<sup>9</sup> The 1901 constitution did give the Australian government the right to control external affairs but, in practice, Australian politicians accepted that London managed foreign policy on behalf of the whole Empire.<sup>10</sup> This subservience is reflected in figure 3 where the Dominions are portrayed as cubs/pups to the adult lion/bulldog of Britain. I have observed this motif being used on a number of occasions in early war posters, cartoons and postcards. But it was not just subservience that drew the Dominions into the war. Historian William Mulligan put the support to Britain down to both their own security and imperial bonds 'sustained by notions of shared Britishness.'<sup>11</sup>



(a) Cubs of the Old Lion, *Western Mail* (Cardiff), 03 August 1914



(b) Are we Afraid? No - A propaganda postcard

Figure 3: Early War Imperial Propaganda

In Australia, the July crisis was considered serious enough that by 28 July, some on the naval board requested the Defence Minister, Edward Millen, to make preparations in the event of war.<sup>12</sup> There was a view among the political class that the coming war could add to Australia's Pacific possessions. This view was embodied in a newspaper article that Australia had '... a Pacific Ocean destiny, and for some years past [it has] been striving to attain Imperial recognition of our rights to enforce a definite Pacific Ocean policy.' As Roger Thompson puts it, the World War had opened the prospect of laying 'the foundations of a solid Australian sub-empire in the Pacific Ocean.'<sup>13</sup> In South Africa it was accepted that the Royal Navy would protect the Dominions' coastal waters and the Union would ensure its own land defence was seen to.<sup>14</sup> With a Defence force established only four years previously and various political factions functioning separately within it, South Africa was militarily unprepared for war.<sup>15</sup>

9. Stevenson, *The War with Germany*, 19.

10. Joan Beaumont, 'Unitedly we have fought': Imperial loyalty and the Australian war effort', *International Affairs* 90, no. 2 (2014): 399.

11. Mulligan lists Canada, Australia, and New Zealand of sharing this view. South Africa was still dealing with its place within the Empire as it was 'constructing a new state'. Mulligan, *The Great War for Peace*, 76.

12. Stevenson, *The War with Germany*, 1.

13. Article from *The Age* cited on page 203 in Roger C. Thompson, *Australian Imperialism in the Pacific: The Expansionist Era, 1820-1920* (Carlton: Melbourne University Press, 1980).

14. N. G. Garson, 'The Boer Rebellion of 1914', *History Today* 12, no. 2 (1962): 133.

15. Anne Samson, 'South Africa Mobilises: The First Five Months of the War', *Scientia Militaria - South African Journal of Military Studies* 44, no. 1 (2016): 5-6; Ian van der Waag, 'Recording the Great War: military archives and the South African official history programme, 1914-1939', *Scientia Militaria - South African Journal of Military Studies* 44, no. 1 (2016): 82.

While the British were able to draw on their colonies for manpower, the reverse was true for the local German colonial forces.<sup>16</sup> They could expect little support from Germany due to the perceived dominance of the Royal Navy. In January 1914, the Colonial Office in Berlin had instructed local commanders that, in the event of war, they were to take defensive measures only. So when war did break out, the commander in GSWA, Colonel Joachim von Heydebreck, ordered the defence of the territories' frontiers and the protection of settlers against potential internal unrest.<sup>17</sup> Germany's plan was that it may be able to gain a swift victory on the Western Front which could mean it would preserve, and possibly even extend, her overseas Empire. In support of this strategy the aim of the GSWA Governor, Theodor Seitz, was to hold onto an area of the colony for as long as possible, not only to tie down Allied forces, but also to secure a local armistice and to ensure that Germany maintained a claim to the colony.<sup>18</sup>

On 04 August 1914, a sub-committee of the Committee for Imperial Defence (CID) met to discuss combined naval and military operations against enemy territory. The CID was formed in 1902 to act as an advisory body for the British Prime Minister. By 1914 its remit was to look at specific issues for British Government departments, and to act as a forum where dominion politicians could discuss defence matters with British ministers and service chiefs regarding the world situation.<sup>19</sup> The sub-committee's aim outside of Europe in 1914 was:

denial — to close down Germany's ability to use its African and Pacific colonies as bases for offensive operations designed to widen the war, to prevent the use of their ports by German cruisers, and to break up the German global wireless network radiating out from Nauen that would coordinate the actions of those cruisers.

In light of these narrow aims, Hew Strachan theorises that the British Empire wartime invasion and occupations of the German colonies were not part of a metropole imperialist design, but due to the sub-imperialist ambitions of the southern Dominions.<sup>20</sup>

Ensuant from the CID meeting, the British Government sent telegrams to the southern Dominion Governments seeking their assistance in relation to German territories. The telegram read as follows:

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16. The German and indigenous military and police forces were small, and their main function was to preserve internal order. W. O. Henderson, 'The Conquest of the German Colonies, 1914-18', *History* 27, no. 106 (1942): 124.

17. Ian van der Waag, 'The battle of Sandfontein, 26 september 1914: South African military reform and the German South-West Africa campaign, 1914-1915', *First World War Studies* 4, no. 2 (2013): 144.

18. Henderson, 'The Conquest of the German Colonies, 1914-18', 125; David Killingray, 'The War in Africa', chap. 8 in *A Companion to World War I*, ed. John Horne (Chichester: Wiley-Blackwell, 2010), 120.

19. John P. MacKintosh, 'The role of the Committee of Imperial Defence before 1914', *English Historical Review* 77, no. 304 (1962): 501-502; Johnson states that 'two of the constructive contributions of the CID prior to World War I were the precedents of imperial cooperation through the CID, and the Government War Books.' Franklyn A Johnson, 'The British Committee of Imperial Defence: Prototype of U.S. Security Organization', *The Journal of Politics* 23, no. 2 (1961): 237.

20. The CID aims quoted above are from; Strachan, 'The First World War as a global war', 8-9; Ashley Jackson also states 'The drive behind the British empire's share in the division of the spoils was the "sub-imperial" ambitions and initiatives of the periphery, rather than the ambitions of the metropolis.' Ashley Jackson, 'Bechuanaland, the Caprivi Strip and the First World War', *War & Society* 19, no. 2 (2001): 123; Also see Roger Chickering, *Imperial Germany and the Great War, 1914-1918*, New Approaches to European History (Cambridge: Cambridge University Press, 2014), Kindle edition, Sec:Global War.

if your Ministers desire and feel themselves able to seize German wireless stations at [different depended on Dominion], we should feel that this was a great and urgent Imperial service. You will, however, realise that any territory now occupied must be at the disposal of the Imperial Government for purposes of an ultimate settlement at conclusion of the war. Other Dominions are acting in similar way on the same understanding.<sup>21</sup>

The CID recommendation to capture GSWA would have the 'political effect of inviting the co-operation of the South African government.'<sup>22</sup>

General Louis Botha, Prime Minister of the Union of South Africa, informed Britain that South Africans would conduct the defence of South Africa, thus releasing 6,000 Imperial troops for service elsewhere. There was some initial scepticism at South African cabinet level to the 07 August telegram, but the Government accepted the request subject to parliament approving it.<sup>23</sup> There was uncertainty that the South African parliament would approve action against GSWA, although constitutionally the Union was at war as part of the Empire. Botha shared the view that constitutionally South Africa was at war once the Empire was. Amongst the English portion of the population there was obvious support for war. However, amongst the Boer population there was a feeling that the majority would follow the lead of Botha on the matter.<sup>24</sup> Only a few years previously, a Boer newspaper, *Volkstem*, proposed that the Dominions should be given the option of remaining neutral in the case of Great Britain going to war.<sup>25</sup> On 14 September 1914, the South African Parliament voted by 92 votes to 12 in support of an invasion of German South West Africa. While there was some concern in South Africa that their Boer soldiers would end up fighting fellow Boers in GSWA, it was seen as an opportunity by the likes of Botha to enhance the security of South Africa by taking over the colony, and could also lead to further territories being brought into the Union.<sup>26</sup> South Africa, since its creation, had looked to expand its territory. Embedded within the South Africa Act of 1909, that created the Union, were provisions for an eventual incorporation of other African Territories, specifically Southern Rhodesia and the neighbouring British High Commission Territories.<sup>27</sup> There was also an opinion amongst some South African Boers

21. TNA, ADM 137/5, Records of the Navy Board and the Board of Admiralty: New Guinea and German Pacific Islands, 5 August-22 December 1914. Part 1, Telegram - Harcourt to Governor-General of Australia, 06/08/1914; Arthur Wilberforce Jose, *The official history of Australia in the War of 1914-1918; Volume IX – The Royal Australian Navy*, 9th, ed. C.E.W. Bean (Sydney: Angus & Robertson Limited, 1941), 47; Sergeant S. J. Smith, 'The seizure and occupation of Samoa', chap. 2 in *The War effort of New Zealand*, ed. Lt. H. T. B. Drew (Auckland: Whitcombe & Tombs Limited, 1923), 23.

22. Ronald Hyam, *The Failure of South African Expansion, 1908-1948* (London and Basingstoke: Palgrave MacMillan, 1972), 26.

23. W. S. Rayner and W. W. O'Shaughnessy, *The Conquest of German South-West Africa 1914-1915: A comprehensive First-hand Account and History by Two South African Correspondents* (Leonaur, 2014), 7; T. R H Davenport, 'The South African Rebellion, 1914', *English Historical Review* 78, no. 306 (1963): 74; Ian van der Waag, 'All splendid, but horrible: The Politics of South Africa's Second "Little Bit" and the War on the Western Front, 1915-1918', *Scientia Militaria - South African Journal of Military Studies* 40, no. 3 (2013): 75-6.

24. For studies of South African popular opinion at the outbreak of war, see Nasson, 'A Great Divide: Popular Responses to the Great War in South Africa', 48-9; Nasson, 'War Opinion in South Africa, 1914', 248-251; Samson, *Britain, South Africa and East African Campaign, 1914-1918: The Union comes of age*, 80-3; Bill Nasson, 'Economies and Home Front (Union of South Africa)', 1914-1918-online. *International Encyclopedia of the First World War*, 2018,

25. Basil A.F. Williams, *Botha, Smuts and South Africa* (London: Hodder & Stoughton, 1946), 89.

26. Strachan, *The First World War in Africa (1914-18)*, 63-4.

27. Michael Crowder, 'Tshekedi khama, Smuts, and South West Africa', *The Journal of Modern African Studies* 25, no. 1 (1987): 25.



that GSWA should be regarded as part of 'Afrikaner heritage', with Jan Smuts writing that 'when all is over and German South West Africa again forms a part of our Afrikaner heritage, feeling will quickly swing round and our action be generally approved. Hearty'.<sup>28</sup> The view that South Africa wished to expand into GSWA appears to have been considered by the Germans. One settler, Margarethe von Eckenbrecher, believed Botha used Union troops to invade GSWA to weaken any British claim to it.<sup>29</sup> She felt the main reason that South Africa desired the territory was most likely to gain control of its diamond mines.

The British Empire, as a sea-power, would have had no option but to protect the sea lanes so as not to hamper the movement of personnel and supplies.<sup>30</sup> German overseas colonies, with their long-range wireless stations, together with the fact they could also be used as possible resupplying bases for German cruisers, were always going to be considered targets. Therefore, they were occupied in what the official naval history stated was 'defense of our maritime communications and not for territorial conquest'.<sup>31</sup> The Dominions were additionally anxious about the possibility of the Germans using their colonies to launch naval attacks against them. In August 1914, a Melbourne paper, *The Age*, proclaimed that 'every German colony has a powerful wireless station' and at every opportunity German cruisers will use them as 'cover to harry and destroy our commerce, and maybe, to raid our coast'.<sup>32</sup> The Germans were also as aware as the British of the importance of communication outposts and on the 07 September the SMS *Nürnberg* destroyed the British cable station at the central Pacific Ocean atoll of Fanning Island. The British and southern Dominions' concerns, in relation to the German Asian Fleet, can be seen as justified when one considers that the German Cruiser *Emden* sank sixteen British ships in 1914, before it itself was destroyed in the Indian Ocean.<sup>33</sup> Ultimately, however at the outbreak of war the German commander, Vice-Admiral Maximilian von Spee, decided that their position in the Pacific was untenable without coaling stations, so he decided to sail eastward across the Pacific and into the Atlantic in an attempt to return to Germany.<sup>34</sup>

Pre-war, German naval expansion had forced the British Empire to react. At the 1909 Imperial Conference on Defence, at which all the Dominion Premiers were present, the Royal Navy advised that they could no longer guarantee sea supremacy in the Pacific.<sup>35</sup> In 1908, the CID had observed the need to have a force of ships in the Pacific due to the possible expiry of the Anglo-Japanese Alliance in 1915. There was a view at the conference that by 1915 'the Japanese and German fleets would be very formidable [and

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28. Louis, *Great Britain and Germany's lost colonies, 1914-1919*, 13; W. K. Hancock and Jean Van der Poel, eds., *Selections from the Smuts Papers: Volume III* (Cambridge University Press, 1966), Document 594, Letter - Smuts to Reitz, 22/09/1914.

29. Margarethe von Eckenbrecher, *Africa, What it gave me, what it took from me* (Bethlehem: Lehigh University Press, 2015), 236.

30. This British preoccupation with commerce and troop convoys being protected, rather than hunting down Spee's ships assisted the German East Asia Fleet Strachan, *The First World War: To Arms*, 471; 'In 1914, Great Britain and the Dominions owned 47.9% of the world's steam-powered tonnage, ... Germany 11.9%, the United States 4.6%, France 4.2%, and Russia 1.9%.' Keith Neilson, 'Greatly Exaggerated': The Myth of the Decline of Great Britain before 1914', *The International History Review* 13, no. 4 (1991): 706-7.

31. Louis, *Great Britain and Germany's lost colonies, 1914-1919*, 36.

32. *Ibid.*, 37.

33. Jones, 'The German Empire, 1870-1918', 64; Garton, 'The Dominions, Ireland, and India', 153-3.

34. For the importance of coaling stations to naval strategy, see; Gray, *Steam Power and Sea Power: Coal, the Royal Navy, and the British Empire, c. 1870-1914*.

35. For more on naval theory of the day, see Mahan, *The Influence of Sea Power upon History, 1660-1783*.

the position of Australia and New Zealand] might be one of some danger'.<sup>36</sup> One solution was the creation of an Australian Fleet. Sir John Fisher, the British First Sea Lord, was enthusiastic for the idea as it would enable the Royal Navy to concentrate their forces in home waters; he wrote to a friend 'we [can] manage the job in Europe. They'll manage it against the Yankees, Japs, and Chinese, as occasion requires out there.'<sup>37</sup> The concern about another naval enemy in the Pacific led the Australasian Dominions to oppose strenuously any acquisition of territory in the Pacific by European Powers, not only by the Germans but also by British allies, such as the French.<sup>38</sup>

The German extensive wireless network was almost global in coverage. The most important station, in Nauen, Germany, had a range of 5,000 nautical miles and so could communicate with all of Africa, the east coast of the United States and the naval station in Tsingtao. In the overseas colonies, the most powerful stations were at Windhoek in GSWA and on the Pacific Island of Yap.<sup>39</sup> The wireless stations of GSWA were important because they impacted upon Germany's ability to communicate with ships enroute to the east. The station at Windhoek could communicate with stations in Togoland, Cameroon and Tanganyika, and, in favourable weather conditions, directly with Nauen, Berlin and German ships on the high seas.<sup>40</sup> It is important to understand the nature of global communication in this era and its impact on control of regional spaces, to better understand the fears of both the British and the Southern Dominions of German presence and influence in what they would have considered their own spheres of influence. The British themselves were fully aware of the importance of an effective communications network for their international power. By the later part of the nineteenth century, all British Naval stations around the world were connected to the UK by an underwater cable system, and by the outbreak of the war they all also had a wireless station for shorter range communications.<sup>41</sup>

In the German Pacific colonies, there were no fortifications or colonial troops. For example, the cannon that were available in New Guinea were only used for ceremonial duties and had no live ammunition. This lack of preparation is, according to Hermann Hiery, likely due to the fact 'that the German colonial government in the Pacific was hostile to any move that would have given the military greater influence over local administration.'<sup>42</sup> The only land forces generally available to the Germans were local indigenous police units, and its real strength in the region was symbolised by the Imperial Navy's East Asia Squadron, which was based out of Tsingtao. It would be the elimination of these ships and their support network of German colonies that would drive initial British strategy in 1914. The Germans, in an effort to ensure their ships could be

36. Dr David Stevens, *The Australian Navy and the 1909 Imperial Conference on Defence*, accessed 30 April 2017, <http://www.navy.gov.au/history/feature-histories/australian-navy-and-1909-imperial-conference-defence>.

37. Stevens, *The Australian Navy and the 1909 Imperial Conference on Defence*; Winston Churchill, then First Lord of the Admiralty, told the Dominions in April 1913 that 'the situation in the Pacific ... will be absolutely regulated by the decisions in the North Sea' John Darwin, *The Empire Project: The Rise and Fall of the British World-System, 1830-1970* (Cambridge: Cambridge University Press, 2009), 271.

38. Peter Overlack, 'Australian Defence Awareness and German Naval Planning in the Pacific, 1900-1914', *War & Society* 10, no. 1 (1992): 41.

39. Strachan, *The First World War: To Arms*, 452.

40. Waag, 'The battle of Sandfontein, 26 september 1914: South African military reform and the German South-West Africa campaign, 1914-1915', 143.

41. Padfield, *Maritime Dominion and the Triumph of the Free World*, 131-2.

42. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 11-2.

adequately supplied, established supply stations throughout Asia, as well as on the east and west coasts of South America. These stations were staffed and had a line of credit to purchase goods that they could then transport to the navy on supply vessels when needed.<sup>43</sup> Key to the elimination of the German base at Tsingtao would be Japan.<sup>44</sup>

The German Pacific colonies' ability to resist was also weakened by the fact they were completely dependent on Australia, New Zealand and East Asia for food supplies.<sup>45</sup> Dr Erich Schultz, Governor of German Samoa, told a meeting of German officials that the standing doctrine was 'that the colonies would not be militarily defended. Their fate would be decided in Europe'.<sup>46</sup> While Schultz did not take either side in this meeting with his officials, the news that England was involved in the conflict must have swayed his opinion. In a war with France and Russia alone he would have advocated resistance.<sup>47</sup> Schultz, in my opinion, was confused as to the actual legal position of Samoa should there be armed resistance to an invasion. He told the meeting of 05 August that, if an invasion was unsuccessfully resisted, then the territory would be considered 'as captured, and become the property of the Enemy, whereas Occupation would only be a technical capture, a difference that could be of great importance when Peace was declared'.<sup>48</sup> The Hague Conventions states that a territory is considered occupied when it is actually placed under the authority of the hostile army. It makes no reference to if there is armed resistance or not. While both Mary Boyd and Hermann Hiery refer to the 05 August meeting of German officials in Samoa, neither of them make any reference to the deliberations on the international regime of occupation.<sup>49</sup> Another reason for the German decision in Samoa may relate to the possible loyalties of the local population. It was reported in Australia, by an island trader, that 'the natives are restless, and it is believed that if fighting occurs the natives will attack the Germans, as they do not like being under German rule.' There were some offers, most notably in the Mariana Islands and Samoa, to take up arms for the defence of German territory, but these offers were refused. It was noted that the reaction to the rejections were emotional.<sup>50</sup>

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43. Strachan, *The First World War: To Arms*, 452.

44. During the Japanese operation the British also supplied a smaller number of troops to the operation thereby ensuring that 'Britain colluded ... in the infringement of the rights of neutrals — a principle which they had ostensibly got into this war to defend.' Hew Strachan, *The First World War* (London: Simon & Schuster, 2014), 73; A.N. Hilditch, 'Capture of Tsing-Tao', chap. 6 in *World's War Events: Volume 1*, ed. Francis J Reynolds and Allen L Churchill (New York: P.F. Collier & Son Limited, 1919), 203-4.

45. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 21.

46. ANZ, ACGA 8280 IT1/107 EX 2/10, Doctor Schultz 1) Copy of private diary 2) Copy of proceedings of meeting of Germans held in Apia 5 August 1914, Proceedings of Meeting of Germans held in Apia, 05/08/1914; The sentiment that the fate of the colonies would be decided in Europe was prevalent with both Germans and British 'Dr. Solf', *Wairarapa Age* (Masterton), 29 September 1914, Dr Solf, German Colonial Minister, also stated the fate of the colonies would not be decided in the Pacific, but on the battlefields of Europe. Eckenbrecher, *Africa, What it gave me, what it took from me*, 227; Porter, *The Lion's Share: A Short History of British Imperialism 1850-2004*, 232.

47. Both the British and German assessment of their ability to resist are similar. Schultz states the island was not fortified, there were no trained troops, and there was no hope of assistance from the fleet. There were only 65 rifles and 6,000 rounds of ammunition. The New Zealand assessment was that there was no land defense on Samoa other than about 80 armed native constabulary with German officers, and they rely for protection on the presence of gunboat Cormoran. NAA, A1, 1914/17193, Occupation of Samoa; ANZ, ACGA 8280 IT1/107 EX 2/10, Proceedings of Meeting of Germans held in Apia, 05/08/1914.

48. ANZ, ACGA 8280 IT1/107 EX 2/10, Proceedings of Meeting of Germans held in Apia, 05/08/1914.

49. Boyd, 'The Military Administration of Western Samoa, 1914-1919', 54; Hermann Hiery, 'West Samoans between Germany and New Zealand 1914-1921', *War & Society* 10, no. 1 (1992): 53-80.

50. Island trader report from, 'Conditions in Samoa', *The Dominion* (Wellington), 26 August 1914, 6; Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 31.

The little island of Nauru lying some 50 miles south of the equator, was administered as part of German New Guinea. The Naval notes on the expedition from Australia to carry out the aims of Imperial request of 06 August 1914 had the stated object of either to seize or destroy the wireless station at Nauru. It was envisaged that a cruiser with one Company of Infantry and a machine gun would be sufficient to overcome any resistance that could be encountered at Nauru. It was noted that the condition of the wireless station would determine if it would be destroyed or kept active with the island occupied.<sup>51</sup> An occupation for the duration of the war would negate the risk of Nauru becoming an intelligence gathering station, a scenario the Admiralty contemplated and feared. This fear cannot be discounted as it must be remembered that the German East Asia Squadron was still active at this time and Nauru was seen as a link between Samoa and the Marshall islands where the German Cruisers may be hiding. It was suggested that the Australian ship HAMS *Encounter* should act against Nauru as it was possible there was coal stored there.<sup>52</sup> Apart from the need to disable its wireless station and possible coal stores, Nauru would probably have been of no significance to any Power during the war, were it not for its deposits of high grade phosphates. For this reason it was singled out as being well worth capturing due to its 'valuable Guano deposits'.<sup>53</sup> After hearing about the outbreak of war by wireless the German Administrator of the Island, Herr Wostrack, declared martial law. Measures taken were to confiscate firearms, appoint eight German staff of the Phosphate Company to 'keep Peace and Quietness', and impose a 9.00 pm curfew. Wostrack faced a situation in which the British population outnumbered that of the German. A local agreement was reached with the British run Ocean Island that British subjects on Nauru could transfer to Ocean Island.<sup>54</sup>

Regardless of Nauru, New Guinea and Samoa, it would be the communication hub at Yap, which would be eventually occupied by the Japanese, that was more important to the Royal Navy. The Japanese capture of Yap, together with the other German Colonies north of the equator, just as Australia had a force in motion to capture them, created an uneasy wartime understanding that the equator would be the demarcation line between Japanese and the British Empires zones of occupation.<sup>55</sup> This was confirmed by the CO as early as December 1914, that due to the fact that the Japanese are engaged in 'policing waters [in the] Northern Pacific' it would be strategic to accept their occupation of German Colonies and to leave 'whole question of [their] future to be settled at the end of war'.<sup>56</sup>

51. TNA, ADM 137/5, Naval Notes on Joint Expedition from Australia.

52. Ibid., Report by Adml Sir H. Jackson, 24/08/1914.

53. Ibid.

54. R. Maslyn Williams and Barrie MacDonald, *The Phosphateers A History of the British Phosphate Commissioners and the Christmas Island Phosphate Commission* (Melbourne: Melbourne University Press, 1985), 103-7.

55. Sondhaus, *World War One: The Global Revolution*, 110; For more on Japan's activities regarding German Colonies, see J. Charles Schencking, 'Bureaucratic politics, military budgets and Japan's southern advance: The Imperial Navy's seizure of German Micronesia in the First World War', *War in History* 5, no. 3 (1998): 308-326; Timothy D Saxon, 'Anglo-Japanese Naval Cooperation, 1914-1918', *Naval War College Review* 53, no. 1 (2000): 1914-1918; Thomas W. Burkman, *Japan and the League of Nations: Empire and World Order, 1914-1938* (Honolulu: University of Hawai'i Press, 2008), pp 4-6.

56. Gordon Greenwood and Charles Grimshaw, eds., *Documents on Australian international affairs 1901-1918* (Melbourne: Nelson [u.a.], 1977), 741; TNA, CAB 23/1, War Cabinet - Minutes of Meetings. Series W.C.: Nos. 1 - 82 (includes Air Board, pp23-26; Allied Naval Conferences), When seeking the opinion of the Dominions in 1917, the imperial government, informed them that 'no assurance would be given to Japan without her supporting British claims south of the Equator ... and there would be no publication of assurance without British consent.', War Cabinet Minutes, 01/02/1917.

Experience from the occupation of Samoa in August led the British to believe that the German Pacific Islands were very short of food. There was an opinion amongst the Royal Navy that unless there were strong reasons otherwise, it would be a strain on the British to occupy Anguar and Nauru. An occupation would mean the British, under international law, would have to ensure that they would feed the local population and thus relieve the Germans of this responsibility.<sup>57</sup> One of the root causes of supply issues to Nauru stemmed from the Pacific Phosphate Company (PPC). At the outbreak of war, it sought instructions from the CO and the Treasury as to the company's best course of action, mainly due to the fact that it had a relationship with the German Government. They were instructed to cease any phosphate shipping to Germany, and any communication with Nauru. The latter instruction caused the supply issue as the PPC were in charge of feeding the workforce of over 1,000 people. When guidance was sought from the FO on the matter, it replied that the 'matter was one for the German Government until such time as Nauru was occupied by British troops.'<sup>58</sup> On the 09 September crew from the *Melbourne* put the wireless station out of action and removed two engineers from the island. While the navy may have had no interest in occupying the island at this point, it appears the Colonial Office did. In a telegram on the 08 September, the Colonial Secretary, Lewis Harcourt was of the opinion that Nauru should be occupied and that the PPC could supply it. The purpose of the occupation was so the wireless station could be used for British purposes. The Navy did not disagree with this proposed course, once the island had been supplied before the occupation took place.<sup>59</sup> The occupation eventually took place in November with no resistance offered by the Germans. Some soldiers that were disappointed by the lack of action decided to shoot some village pigs which caused 'the natives to complain'.<sup>60</sup> Lord Balfour, a director of the PPC Company, was worried that the Australians in occupation would be difficult to shift in the future.<sup>61</sup>

After rallying to the Empire's cause, New Zealand set about putting together a force of about 1,400 that would be capable of capturing Samoa. The troops embarked on two troopships and were subsequently joined, as escorts, by cruisers from the Royal Navy's New Zealand station, and later by the Australian Navy ships, *Australia* and *Melbourne*, together with the French Dreadnought *Montcalm*. This protection was deemed necessary as the whereabouts of the German Pacific Squadron was still unclear. After receiving the Imperial telegram noted above, the Government of Australia was reluctant to proceed with the seizure of the German bases while Vice-Admiral Maximilian von Spee's Pacific Squadron remained at large. The Government replied to London on 07 August stating that they would be willing to carry out the tasks requested of them 'provided that the German fleet is considered the first objective'.<sup>62</sup> The Australians' task, of transporting a naval and military force to German New Guinea, was also hampered by the need of its navy to provide an escort for the New Zealand expedition to Samoa. This delay in

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57. TNA, ADM 137/5, Telegram HMAS Australia to Admiralty, 05/09/1914; Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 117.

58. Williams and MacDonald, *The Phosphateers A History of the British Phosphate Commissioners and the Christmas Island Phosphate Commission*, 104.

59. TNA, ADM 137/5, CO to Admiralty, 08/09/1914.

60. Williams and MacDonald, *The Phosphateers A History of the British Phosphate Commissioners and the Christmas Island Phosphate Commission*, 117.

61. *Ibid.*, 109.

62. Jose, *The official history of Australia in the War of 1914-1918; Volume IX – The Royal Australian Navy*, 49.

invading New Guinea gave rise to what can be considered unfounded fears, when it is seen how unprepared the Germans were, in Australian controlled Papua of a German invasion from German New Guinea in August 1914.<sup>63</sup> Papua did have a contiguous border with German New Guinea (see figure 2), but as the Germans possessed little knowledge of the New Guinea interior, any potential invasion would have to be by sea.<sup>64</sup> It is an acceptable fact that any military action in the Pacific in World War One would have to be carried out with the belligerents' respective navies.



Figure 4: Postcard: Samoa yielded without a struggle; Observer Print.[1914]

When the expedition arrived at Apia, the capital of Samoa, at the end of August, the harbour was devoid of German ships. The *Psyche* was sent into the harbour under a flag of truce to demand the surrender of the colony and the immediate cessation of wireless operations. Unbeknown to them, the German governing council had already decided, as discussed earlier, not to offer any resistance to the expected military occupation of the island. After some time, the acting-Governor, Schultz, conveyed the following message to the force lying at anchor that he left 'it to Your Excellency, to take possession of the Protectorate of Samoa, and only beg to observe that Your Excellency must also take over the responsibility for the life and property of the European population.'<sup>65</sup> The above message indicates that it was expected, at least until the war ended, that Europeans on the island would not be affected by the occupation. One could conclude, if we view the content of the postcard in figure 4, in which a German trader tells a New Zealand Soldier that "You can have her an velcum but hurry up mit der trade", that the Germans were more concerned with their commercial interests in the Pacific than with maintaining German sovereignty. This postcard can also be viewed at nothing more than New

63. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 23.

64. To read more about the pre-war Papua and German New Guinea, see Chapter 4 in; Paul W. van der Veur, *Search for New Guinea's Boundaries* (Canberra: Australian National University Press, 1966), 36-61.

65. Jose, *The official history of Australia in the War of 1914-1918; Volume IX – The Royal Australian Navy*, 61.

Zealand propaganda in which the Samoans are satisfied with the change of administration over the loutish Germans. I have viewed other media from this period that portrays Samoa as a maiden enamoured with a New Zealand man, no doubt to symbolise New Zealand as a protector.

Not long after the New Zealand occupation, on 14 September, the German fleet arrived at Apia in Samoa but left later that same day. Although there were no Allied ships present, Spee decided against any action due to a lack of troops to retake the island. He also decided against bombarding the harbour in case it caused damage to German property or may have injured or killed any of the Samoan civilian population.<sup>66</sup> While the bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings was forbidden under the Hague Conventions, the presence of the New Zealand Expedition Force in Apia would tend to suggest the port was defended. Also, Spee would have been within his rights to use force if Apia held depots of arms or war materiel, workshops or plant which could be utilized for the needs of the hostile fleet.<sup>67</sup>

Turning now to German New Guinea, the official history of Australia's capture and administration of the German Colonies stated that:

the object of the expedition [against German New Guinea] was to seize all German wireless telegraph stations in the Pacific, to occupy German territory as soon as possible, and make suitable arrangements for temporary administration, but not to proclaim any formal annexation.<sup>68</sup>

This correlates with the objectives of the Admiralty who wished to either seize or destroy the wireless stations. From their point of view the mission against Yap was the most pressing. In relation to the mission against Rabaul, the administrative capital of German New Guinea, the Australians were instructed to prevent the completion of the wireless station, but also that the expedition should include 'a set of powerful wireless telegraph apparatus and Operators . . . to enable the station nearly completed by the Germans to be used.'<sup>69</sup> The CID, on 17 August, began to move towards a position of occupation of the German territories out of a fear the wireless equipment would be hidden and put back into service once the landing parties had left.<sup>70</sup>

A full day running battle (called the battle of Bita Paka) took place when an Australian landing party attempted to approach the wireless station at Herbertshohe, the colony's former capital, located a few miles away from Rabaul. Some reported episodes of this battle, shall be discussed in more detail in section 1.2. In possible anticipation of some type of action on the part of the Australian force, it was reported that most houses on the shoreline had Red Cross flags draped on them in the hope of protection from any naval bombardment.<sup>71</sup> German forces that were defending the wireless station consisted of

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66. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 27.

67. *Avalon Project - The Laws of War*, Article 1 & 2, Bombardment by Naval Forces in Time of War (Hague IX), accessed 3 August 2018, [https://avalon.law.yale.edu/subject%7B%5C\\_%7Dmenus/lawwar.asp](https://avalon.law.yale.edu/subject%7B%5C_%7Dmenus/lawwar.asp).

68. Seaforth Simpson Mackenzie, *The Official History of Australia in the War of 1914-1918 Vol. X: The Australians at Rabaul. The Capture and Administration of the German Possessions in the Southern Pacific*, 10th, ed. C.E.W. Bean (Sydney: Angus & Robertson Limited, 1941), 91.

69. TNA, ADM 137/5.

70. *Ibid.*, Proceeding of the CID, 17/08/1914.

71. Although the Red Cross flag was only to give protection for hospitals, ambulances and evacuation parties, the above shows an awareness of international regulations the civilian population. F.S. Burnell, *Australia v. Germany: The Story of the taking of German New Guinea* (London: George Allen & Unwin Ltd, 1915), 90.

about twenty Germans and up to seventy indigenous armed police. The performance of these indigenous police came in for criticism from both the British and the Germans for the poor marksmanship, with the British report saying their losses would have been more but for the 'native police being very poor shots'.<sup>72</sup> The battle at Bita Paka was the first and last real resistance in German New Guinea. Within a week the German acting Governor, Eduard Haber, signed terms, and the remaining force of forty Germans and 110 police surrendered.<sup>73</sup>

All this time most of the German Fleet was attempting to reach Germany via Cape Horn. One of its cruisers, *Emden*, remained in the Pacific to harry British shipping. It had some success in bombarding the oil refinery at Madras on the South East coast of India, and by attacking the port of Penang in British Malaya before being destroyed by HMAS *Sydney* in November 1914. One interesting side note is, that on the way between Madras and Penang the *Emden* called to the British island of Diego Garcia which due to its isolation did not know that they were at war with Germany. While there, the ship and crew were welcomed and its refuelling passed without any incident.<sup>74</sup> This anecdote does display, however the importance of the wireless network to both sides.

Spee had a victory over British ships off the coast of Chile near Coronel, but this sealed his fate as the Royal Navy sent a more modern force south from the North Sea to destroy Spee's Squadron. One of the most damaging outcomes of Coronel was the 'serious blow to the mystique of Britain's long ascendancy at sea.'<sup>75</sup> Again displaying the importance of the wireless networks, Spee, while making his attempt to reach Germany, decided to destroy the wireless station on the Falkland islands believing it to be undefended.<sup>76</sup> This was the very place where the British force was assembling, and in the ensuing battle, all but one of the German cruisers were sunk.<sup>77</sup> It should be noted that the dangers posed by German colonies that could be militarised and used as German bases would play a large part in the Dominions' future arguments for maintaining them. The action of the East Asia Squadron could be used to support this line. Indeed, in 1914, the risk posed by the German ships meant the delay, from September to November, of troop convoys from Australia and New Zealand departing for Europe.<sup>78</sup>

So far this section has focused on action in the Pacific. The following section will discuss the South African conquest of German South West Africa. Their strategy for the campaign in GSWA started with a three-pronged attack, although this was changed to an invasion made up of five columns after the Boer Rebellion. The South African forces were mainly made up of permanent standing units and temporary conscripts of the Active Citizen Force. These ranks were supplemented by veterans of the Anglo-Boer War, who also volunteered in substantial numbers.<sup>79</sup> The wireless station in Swakopmund was

72. TNA, ADM 137/5, folio 151; Burnell, *Australia v. Germany: The Story of the taking of German New Guinea*, 172.

73. Stevenson, *The War with Germany*, 41.

74. Jose, *The official history of Australia in the War of 1914-1918; Volume IX – The Royal Australian Navy*, 171.

75. Padfield, *Maritime Dominion and the Triumph of the Free World*, 136.

76. David Stevenson, *1914-1918: The History of the First World War* (London: Penguin, 2004), 83.

77. For more on the story of the East Asia Squadron, see Strachan, *The First World War: To Arms*, 475-9; Peter Hart, *The Great War* (London: Profile Books, 2012), 111; Stevenson, *1914-1918: The History of the First World War*, 82-4; Padfield, *Maritime Dominion and the Triumph of the Free World*, 131-40; Strachan, *The First World War*, 75-9.

78. Stevenson, *1914-1918: The History of the First World War*, 84.

79. Rayner and O'Shaughnessy, *The Conquest of German South-West Africa 1914-1915: A comprehensive First-hand Account and History by Two South African Correspondents*, 27-8.



shelled by a converted liner. On 19 September 1914, Lüderitz was occupied with only a brief skirmish on its outskirts with a German Patrol. The main German force was able to make an unhindered retreat inland leaving the town undefended. As the main part of the force sailed into the port, a white flag was raised above the town hall which was promptly replaced by the Union Jack after the official surrender by the local *Bürgermeister*. In August, it transpired that the Germans had begun to dismantle the wireless stations in Lüderitz and Swakopmund, although it should be noted that the former was later brought back into use by the South Africans. By the end of September, the Germans no longer had the use of two of the four GSWA stations. The remaining stations available to them were at Aus and Windhoek and, although powerful, they were unable to communicate with other German colonies at this point, due to the loss of other wireless stations that were able to boost their signals. Their most effective use at this point was to attempt to listen into Union transmissions and to prevent Union forces from sending messages, by transmitting at the same time.<sup>80</sup>

After the initial success in occupying Lüderitz, South Africa suffered a major defeat in late September at Sandfontein where a German force of about 2,000 overcame a smaller force of 300 South Africans. Other than its three wells there was not much strategic importance to Sandfontein. Abraham Morris, a Bondelswarts leader who had resisted German colonization for some years, and who would play a major role in the Bondelswarts Affair in 1922, served as a guide for the South Africans. Morris believed the South Africans had selected an exposed position for their camp and was reputed to have asked an officer present, 'Baas, why do they sit down round the water-hole, waiting like a lot of Namaqua partridges for the Germans to come and catch us?'<sup>81</sup> Indeed, when the battle commenced, the South Africans were out gunned and throughout the morning suffered German shelling. The battle lasted most of the day, with time for the Germans to break for lunch, and the South African surrendered at about six in the evening. Indicating the importance of water sources in GSWA, which shall be discussed further in section 1.2, the survivors of both sides ran for the wells and mingled 'as if never a shot had been fired.'<sup>82</sup> Casualties were light on each side at less than twenty killed, but the defeat was a blow to South African prestige and emboldened some less than loyal Boer commanders.

Sandfontein was only one event leading up to the Boer revolt. Trouble had been brewing within some elements of the Boer community since war was declared in September. Indeed in the western Transvaal there was evidence of unrest before the Government even recommended invading GSWA.<sup>83</sup> On 13 October, the Boer commander of force B, Lieutenant-Colonel Manie Maritz, rebelled. He had previously made contact with the Germans in GSWA, and after going into rebellion he declared South Africa independent and at war with Britain.<sup>84</sup> South Africa's leaders had hoped that

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80. Rayner and O'Shaughnessy, *The Conquest of German South-West Africa 1914-1915: A comprehensive First-hand Account and History by Two South African Correspondents*, 34-46.

81. Waag, 'The battle of Sandfontein, 26 september 1914: South African military reform and the German South-West Africa campaign, 1914-1915', 150.

82. Farwell, *The Great War in Africa 1914-1918*, 80.

83. Davenport, 'The South African Rebellion, 1914', 76.

84. Maritz and about 500 of his soldiers went over to the Germans. For a general detail of the rebellion, see; André Wessels, 'Afrikaner (Boer) Rebellion (Union of South Africa)', 1914-1918-online. *International Encyclopedia of the First World War*, 2015, Garson, 'The Boer Rebellion of 1914'; Sandra Swart, 'Desperate men': The 1914 Rebellion and the Politics of Poverty', *South African Historical Journal* 42, no. 1 (2000): 161-175.

participation in the war could unite the Afrikaans and English-speaking sections of the Union, but some Afrikaners saw the war as a opportunity to re-establish a Boer republic.<sup>85</sup> In Germany, the prospect of a Boer rebellion was seen as a means of distracting Britain from the action in Europe, and in Britain it was reported as a result of German intrigue (see Figure 5). On the ground though, German support was far less direct as there was a fear that a German invasion or direct support for the rebellion would result in the Boer and English uniting in a struggle of national defence.<sup>86</sup> That said they were willing to recognise an independent Boer Republic, should the Boers themselves be able to achieve it. With this in mind the Rebellion can very much be seen as Boer affair.

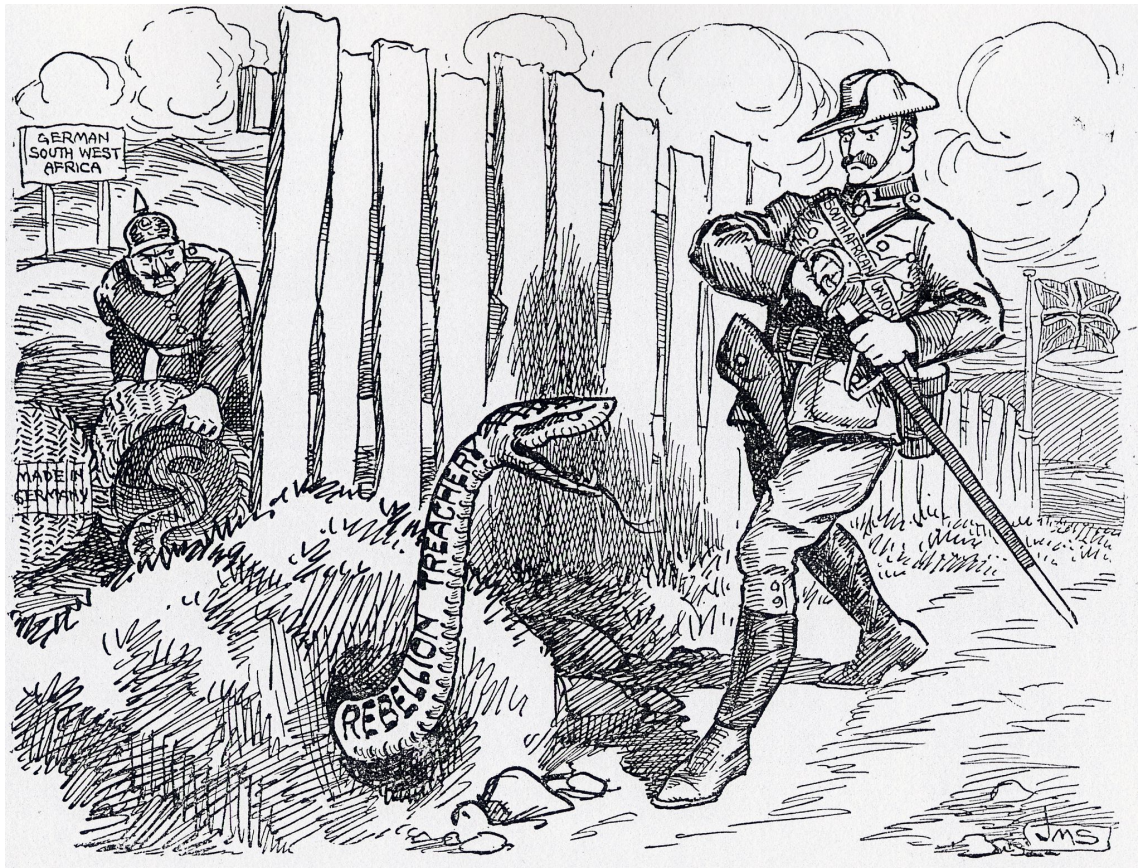


Figure 5: An Unwelcome Visitor: Western Mail (Cardiff), 15 October 1914

The Imperial Government was concerned enough by the rebellion to make preliminary plans to divert troops from Australia and New Zealand, that were en-route to Europe, to the Cape should be the need arise. This was conveyed to Lord Buxton, the Governor-General, by secret telegram on 23 October 1914. While Botha and Smuts appreciated the offer, they hoped to deal with the matter by trusting their own troops. It is probable that they feared the reaction amongst the wider Boer community upon the arrival of Imperial troops in South Africa.<sup>87</sup> Rather than relying on Imperial troops, Botha ensured it was loyalist Boer troops that put down the rebellion to reduce the possibility of

85. Evert Kleynhans, 'South African Invasion of German South West Africa (Union of South Africa)', 1914-1918-online. *International Encyclopedia of the First World War*, no. September 1914 (2015): 10; Waag, 'All splendid, but horrible: The Politics of South Africa's Second "Little Bit" and the War on the Western Front, 1915-1918', 77.

86. Strachan, *The First World War in Africa (1914-18)*, 75.

87. Louis, *Great Britain and Germany's lost colonies, 1914-1919*, 51-2.

unrest within the Union.<sup>88</sup> This offer of troops by the London Government remained highly secret and the Colonial Secretary, Lewis Harcourt, did not even inform the Australian Government of it.

One result of this rebellion was that the Defence Minister, Jan Smuts, was able to introduce conscription, 'so that by early 1915 South Africa had 70,000 men under arms, all white, with 43,000 involved in South West Africa.'<sup>89</sup> Writing later, Smut's son was to see the rebellion as a blessing in disguise; as it allowed for an excuse for not invading GSWA before the South Africans had built up a sufficient force to ensure victory.<sup>90</sup> It should be noted that there were a couple of exceptions to this all white fighting force. It did contain a few Cape Coloured artillerymen and the South African combatants were also serviced by 33,000 Africans and Coloured servicemen.<sup>91</sup> Facing the South Africans, the Germans had a smaller force at their disposal for the defence of the colony. It was composed of 2,000 white *Schutztruppen* and 480 police, which was bolstered by about 3,000 settlers. Unsettling for the likes of Botha was the probability of South African Boers, that had fled to GSWA, taking up arms against his forces. The Boer press and some commanders publicly declared that they should join up with the Germans and the British estimated that about 11,000 did. In contrast to this view, both Botha and Smuts believed the campaign against the Germans could unite both settler camps within South Africa and promoted the war effort to stop the Germans from taking over their land.<sup>92</sup>

After the initial setbacks the South Africans began to achieve their objectives and by May 1915, both of the wireless stations at Swakopmund and Windhoek had been captured. On 11 May, Seitz spoke to Botha on the telephone, and asked to arrange a meeting to discuss terms. This encounter took place on the 20 May after a ceasefire was arranged. The Germans suggested that hostilities cease and that both sides retain their current positions, with a neutral zone between them, until after the end of the War in Europe, after which time the colony would be returned to Germany and suitable compensation paid. They also threatened to involve the indigenous population in the conflict, which shall be discussed later, but still their terms were rejected, with Botha stating that his terms were unconditional surrender.<sup>93</sup> At this point in time, it should be noted that, the South Africans had achieved all the objectives of capturing the colony's wireless stations as set out by the Imperial Government. It is plausible that Botha wanted to complete the capture of all GSWA with Union troops to increase their claim over it when the peace negotiations would come around.<sup>94</sup> The Germans' position deteriorated over the next couple of months, and they were forced to accept unconditional surrender by July 1915. The Germans asked for honourable terms and perhaps with one eye on the Boer population within GSWA and another on probable savings on not having to continue the campaign, Botha gave lenient terms and over 5,000 Germans who surrendered were

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88. Farwell, *The Great War in Africa 1914-1918*, 82.

89. Killingray, 'The War in Africa', 118-19.

90. Jan Christian Smuts, *Jan Christian Smuts: A biography* (London: Cassell & Co. Ltd, 1952), 135.

91. Nasson, 'British Imperial Africa', 140; Timothy H. Parsons, 'Mobilising Britain's African Empire for War: Pragmatism vs Trusteeship', *Journal of Modern European History* 13, no. 2 (2015): 191.

92. Neiberg, *Fighting the Great War: A Global History*, 302.

93. Strachan, *The First World War in Africa (1914-18)*, 89; Farwell, *The Great War in Africa 1914-1918*, 98-9.

94. Strachan, *The First World War in Africa (1914-18)*, 89; This theory was also evoked by one German settler. Eckenbrecher, *Africa, What it gave me, what it took from me*, 236.

allowed to keep their weapons and return to their farms.<sup>95</sup> Bill Nasson is of the opinion that the 'mild terms ... were aimed at fostering German compliance and stable white minority collaboration'.<sup>96</sup> There is some evidence to support this as, before hostilities had ended, Smuts had telegraphed Botha with a proposal 'that well educated civilian enemy subjects not of military age or capacity and who have means to support themselves' be released and be allowed to return to GSWA. Botha did not agree, and thought any possible return would only be after the full surrender and occupation of the territory. In his opinion the well-educated and officials were largely bitter, and causing trouble.<sup>97</sup> Upon the surrender of GSWA though Botha did encourage his troops to show respect to those they had just defeated. He issued an order to the Union troops now in occupation stating that 'Peace, having been arranged in South-West Africa, all ranks of the Union forces in that territory are reminded that self-restraint, courtesy and consideration of the feelings of others on the part of the troops whose good fortune it is to be victors is essential.'<sup>98</sup> The campaign in GSWA had cost the Germans 798 casualties. Reflecting this sacrifice and somewhat explaining the future German attachment to this colony in particular, a German General was to remark that GSWA was 'a country in which so many German sons have fallen and been buried [there] can no longer be a foreign land to us, but rather a piece of the homeland, to care for which is our sacred duty.'<sup>99</sup>

One aspect of the campaign that shall be relevant into the mandate period was the construction of new railway lines in both South Africa and GSWA.<sup>100</sup> Before the invasion had even started, the South African Defence Department had taken a decision to extend the existing railway system along the Orange river to Upington. Of significance is the fact that later, this railway line was again extended to connect with the German system at Kalkfontein. It was even noted at the time that 'the completed system will now serve a rich if somewhat limited farming area, which had been too long neglected in this respect.'<sup>101</sup> The African campaigns of the UDF would shape its composition after the war. As Ian Van der Waag points out the UDF would become a small force with an emphasis on mounted infantry and a small air force, but little room for mechanisation due to the lack of infrastructure in Africa.<sup>102</sup> This would make the UDF sufficiently capable of

95. TNA, CAB 44/2, Committee of Imperial Defence, Historical Branch and Cabinet Office, Historical Section: War Histories: Draft Chapters and Narratives, Military: Operations in the Union of South Africa and German South-West Africa; narrative of events 1914 Aug.-1915 Aug. 191; Peter D. Womack, *Warfare in German South-West Africa 1884-1915*, Kindle edition, Chap.18.

96. Nasson, 'British Imperial Africa', 142.

97. NASA, BNS 1/7/8 Z51, Release of certain classes of prisoners with permission to return to German South West Africa. Telegram from Smuts to Botha 07/06/1915 and reply to same, 08/06/1915.

98. Williams, *Botha, Smuts and South Africa*, 99.

99. Trevor R. Getz, 'Smuts and the Politics of Colonial Expansion: South African Strategy in Regard to South-West Africa [Namibia] and the League of Nations Mandate: c. 1914-1924' (Masters of Arts, University of Cape Town, 1997), 14.

100. In the mandates period SA passed legislation to intergrate the mandate rail system into that of the Unions. A Miescher state railways were also 'the material and tangible vehicle of imperial expansion that transformed vast parts of late nineteenth and early twentieth century worlds.' Giorgio Miescher, 'Arteries of Empire: On the Geographical Imagination of South Africa's Railway War, 1914/1915', *Kronos* 38, no. 1 (2012): 24-5.

101. Rayner and O'Shaughnessy, *The Conquest of German South-West Africa 1914-1915: A comprehensive First-hand Account and History by Two South African Correspondents*, 67; Considering that imperial requirements were limited to the destruction of the German wireless stations, 'the construction of the railway connecting Prieska and Kalkfontein foreclosed the South African intent for permanent occupation.' Miescher, 'Arteries of Empire: On the Geographical Imagination of South Africa's Railway War, 1914/1915', 46.

102. Waag, 'All splendid, but horrible: The Politics of South Africa's Second "Little Bit" and the War on the Western Front, 1915-1918', 98.

dealing with internal conflict, without incurring many own-force casualties. This, we shall see is what occurred during the Bondelswarts uprising of 1922 which shall be discussed in detail later.

As we have seen in both the Pacific and Africa, the Southern Dominions all carried out the requested duty to put the German wireless network out of commission. They all had to deal with different local conditions, such as the whereabouts of the German Asia Squadron or the Boer rebellion. While we see hints of their sub-imperial ambitions, the Imperial Government had informed them that any occupied territories must be at their disposal for any peace conference. It is towards these occupations that I shall now turn my focus.

The lawyer, Allan Gerson, divides the occupation of enemy territory 'into three classes of control: invasion; belligerent occupation; and post-surrender occupation.'<sup>103</sup> All the territories under review were invaded and were controlled in a post-surrender occupation. GSWA, briefly, could have been considered to have been under belligerent occupation, where South Africa had effective military control over a portion of the colony, although the Germans had not surrendered and continued to retain control over certain areas of the territory until July 1915.<sup>104</sup>

To understand the framework in which the occupations occurred we must revisit the details of the Hague Conventions which laid out the international expectations and obligations placed upon the southern Dominions in German Colonies. Article 42 of the annex to the 1907 Convention states that a 'territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.' In the Pacific, this state could be said to have existed by the end of October 1914. In the case of German South West Africa, the southern part of the colony was under South African rule a few months before the territory was surrendered in July 1915. Article 43 sets out the overarching principle in which military occupation was to be carried out. It states that the occupying force 'shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.' The underlying concept behind article 43 is that 'the Occupying Power does not acquire sovereignty of the ousted occupied state. Instead, its role is to act only as a temporary custodian of the territory until the end of occupation.'<sup>105</sup>

In the context of the First World War, the occupations of the territories under review did not happen in isolation. Large areas of Europe, both west and east, the Ottoman Empire, and other regions of Africa were like wise occupied.<sup>106</sup> The establishment of occupation administration is important, because as Gearóid Barry reminds us 'zones of

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103. Allan Gerson, 'War, Conquered Territory, and Military Occupation in the Contemporary International Legal System', *Harvard International Law Journal* 18, no. 3 (1977): 528.

104. For example Botha writes in May 1915; 'I am now authorizing Mentz to take command over the whole conquered territory so that there will be uniformity in all the towns and all farmers will be treated alike, and especially so that there will be strong, sympathetic control of the Natives.' Hancock and Van der Poel, *Selections from the Smuts Papers: Volume III*, Document 635, Letter - Botha to Smuts, 25/05/1915.

105. Yutaka Arai-Takahashi, 'Preoccupied with Occupation: Critical Examinations of the Historical Development of the Law of Occupation', *International Review of the Red Cross* 94, no. 885 (2012): 54.

106. For a summary of Belgium's and Africa's occupations, see; Schaepdrijver, 'Belgium'; De Schaepdrijver, 'Belgium'; Digre, 'Occupation during and after the War (Africa)'.



occupation were particularly liable to see more “civilized” norms of war disintegrate’.<sup>107</sup> This shall become more important as I discuss the administration’s engagement with international laws towards civilians and property in section 1.2 of this chapter and later in chapter 2.

When it came to setting up wartime occupation administrations the southern Dominions were pretty much left to their own devices. The telegram sent from London, in August 1914, requesting the capture of German wireless contained no instructions about what type of administration should be set up in German colonies should they be captured. The only condition was they should be at the disposal of the Imperial Government when peace arrived. The vagueness of the telegram led the Senior Naval officer of the New Zealand Division to seek clarification. He requested the Governor to seek the ‘opinion of Colonial Office regarding [the] appointment of Governor’ in Samoa.<sup>108</sup> The Minister of Defence must also have considered the same dilemma as he requested the commander of NZ forces, Major General Alexander Godley, to review the orders given to Colonel Logan. It transpired the orders given to Logan were of a purely military nature. It did not occur to Godley that he should issue ‘supplementary orders ... before sailing as regards the position he is to assume after having occupied the Island, or as regards any action they would wish to take in any way except as regards his military duties.’<sup>109</sup> The one order Logan was given, should occupation occur, was to take whatever measures he thought necessary to control the inhabitants.

While military occupation did not result in the transfer of sovereignty, the occupying powers all proceeded to organise events that would display to the local populations that the Germans were no longer in control.<sup>110</sup> In Samoa the New Zealand occupation force, on the day they landed, in its first demonstration of their new authority, carried out a ceremony of lowering the German flag and occupying Government buildings. The following morning, 30 August 1914, the British flag was formally hoisted and an occupation proclamation read by Colonel Robert Logan in the presence of his troops and a gathering of European and indigenous inhabitants. To give the ceremony some added pomp the expeditions’ warships fired off a gun-salute.<sup>111</sup> This ceremonial process of replacing the German flag with that of the British was carried out across the Pacific with photographs being taken (see figure 6), no doubt to be used for propaganda purposes. In Nauru the ceremony gave rise to patriotic fervour in one PPC employee who described it hence;

the hoisting of the good old Union Jack on foreign soil and the reading of the proclamation annexing new land to England. It was a fine sight ... I for one

107. Gearóid Barry, ‘Moral Norms and Values’, 1914-1918-online. *International Encyclopedia of the First World War*, 2019,

108. ANZ, ACGA 8280 IT1/287 EX 39/2, Occupation of Samoa: Instructions to Colonel Logan re, Telegram Senior Naval Officer, NZ Division to Governor of New Zealand. 14.08.1914; Colonel Robert Logan was appointed acting Administrator after consulting with the Imperial Government. NAA, A1, 1914/17193, Cable from the Governor of New Zealand, 11/09/1914.

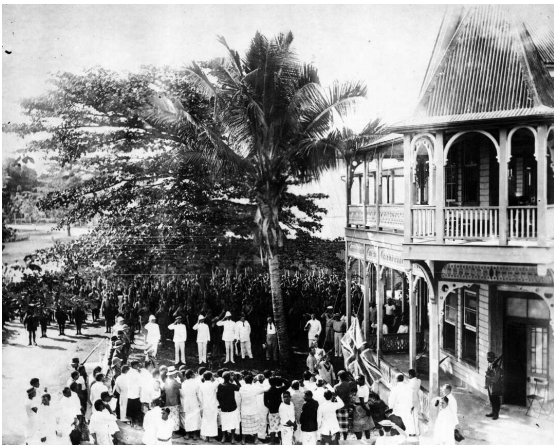
109. ANZ, ACGA 8280 IT1/287 EX 39/2, Memorandum for the Hon. Minister of Defence, 26.08.1914.

110. For a summary of sovereignty and occupation, see; Dinstein, *The International Law of Belligerent Occupation*, 49-51; The Dominions were instructed to hoist the British flag and establish temporary administration in captured German colonies in the Pacific, but not to proclaim any formal annexation. NAA, A4, NG38, New Guinea Prisoners of War - Deportation of Germans from captured territories, Telegram - Harcourt to GG Australia, 18/08/1914.

111. Smith, ‘The seizure and occupation of Samoa’, 35-37.

will never forget the feeling when that flag unfurled. The joy of it seemed to send a shiver down my body and into my boots.<sup>112</sup>

As I have previously stated, when the town of Lüderitz surrendered in GSWA the white flag above the town hall was promptly replaced by the Union Jack. After the occupation of the capital, Windhoek, Botha released a proclamation imposing martial law in the colony. These 'notices were placed everywhere, passed around to everyone, even handed out at the bookstore in Swakopmund.'<sup>113</sup> In New Guinea, the Australians issued a proclamation to the indigenous population as well in which they stated 'No more 'um Kaiser, God Save 'Um King' and told the local chiefs that 'the British flag would not be hauled down' to explain the change of Administration.<sup>114</sup>



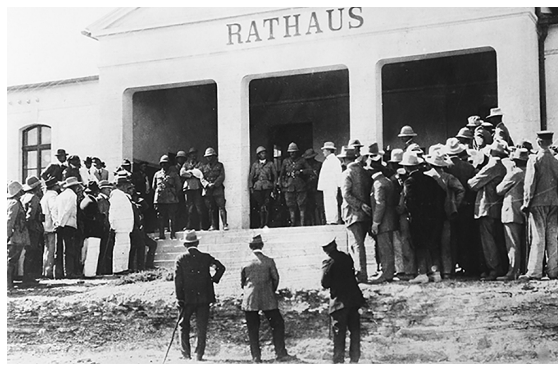
(a) Apia - Samoa



(b) Nauru



(c) Angorum - New Guinea



(d) Windhoek - GSWA

Figure 6: Flag raising and proclamation reading ceremonies, 1914-15

As the commanding officer of the expeditionary force, Logan was placed in charge of the Samoan occupation administration. He was deemed a suitable candidate for the post by the New Zealand authorities due to the fact that he came from a farming background

112. Williams and MacDonald, *The Phosphateers A History of the British Phosphate Commissioners and the Christmas Island Phosphate Commission*, 116.

113. As with in Lüderitz there was a change of flag. Margarethe von Eckenbrecher 'noticed the white flag had disappeared from the church tower and that above the city hall the Union Jack flapped in the breeze.' Eckenbrecher, *Africa, What it gave me, what it took from me*, 249-252.

114. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 98; Michael G Ekstein-Frankl, 'The Development of British War Aims: August 1914 - March 1915' (PhD, University of London, 1969), 289.

rather than a military one.<sup>115</sup> One of the first difficulties that the New Zealanders had to deal with was the issue of supplies. The island was beginning to run low and there was a need for rice, sugar, flour and tea to be delivered. Rice was urgently needed to prevent any unrest amongst the Chinese 'coolie' population and thirty tons were shipped from Suva in Fiji with more ships chartered to supply the island.<sup>116</sup> Samoa was open for trade but the occupation force was unsure of what customs tariffs to apply. The Imperial Government informed them that the rates should remain the same, as this was regulated for under the Hague Conventions. This again provides evidence that International law formed part of the decision-making process, even if those on the ground such as the Samoan Administration may have been unsure of its application.

After the removal of German officials, which will be discussed in more detail in chapter 2, Logan had posts filled with members of the occupying force. While he was satisfied with their performance in their new Civil Service roles, he had reservations about them remaining on as military forces members. He sought permission from New Zealand that they be discharged from military duties and be appointed to the positions they were holding in the administration as civil servants. The Government was to give two options to those acting as officials on the island, They were that they could volunteer for active service elsewhere, or if they did not volunteer and are recommended by Logan for retention they would be transferred from the Military to the Civil Service.<sup>117</sup> Whatever Logan's view, it appears though that there was some concern, in New Zealand, about the capacity of civil appointees in Samoa. The Minister of Defence, in February 1915, was aware of inexperienced persons in civil positions. In the Minister view 'this needs investigation ... [as] qualified men are especially necessary in the initial stages of our occupation.'<sup>118</sup> When Logan reported back he was satisfied with the performance of all departments except for the Post Office, he had all the staff of the Post Office replaced. His original appointment, whose background was as a railway stationmaster, was made in haste, and he was not aware at the time that there were others on the force that had worked in postal services before the war.<sup>119</sup>

The military occupation of German New Guinea was undertaken by the Australian Naval and Military Expedition (ANMEF). It was said that the ANMEF adopted German colonial methods, which was described by Captain Jens Lyng as 'pay them badly; tax them heavily; [and] treat them severely.'<sup>120</sup> Hubert Murray, who was the Lieutenant-Governor of the neighbouring Australian administered Papau, was not impressed by the performance of the New Guinea administration. Murray believed the aims of the occupation were for profit, as by adopting the German model of administration, the Australians continued the practices of forced and unpaid indenture of women, children, and men for work on roads and government plantations, letting the wages for labourer be half what they were in Papua, and allowed employers to punish

115. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 157.

116. TNA, ADM 137/5, Folio 153.

117. ANZ, IT 1 513 EX 89/1, Civil Service - Samoa - General, Correspondence between the Logan and NZ, October 1914 to January 1915.

118. Ibid.

119. Davidson reports that across a number of departments inexperienced staff were appointed. J. W. Davidson, *Samoa Mo Samoa: The Emergence of the Independent State of Western Samoa* (Melbourne: Oxford University Press, 1967), 92-3.

120. O'Brien, 'Remaking Australia's colonial culture?: White Australia and its Papuan frontier 1901-1940', 106.



labourers without any legal proceedings.<sup>121</sup> There will be a discussion on Australian policies toward flogging in New Guinea in chapter 2.

On Nauru it took some time for the British and Australians to decide who should administer the island. The Australians were of the opinion that since Nauru was part of the New Guinea colony for which they had accepted the surrender then they should be in control. The British eventually agreed that an Australian military force would occupy the island but that the civilian Administrator would come from the Western Pacific High Commission.<sup>122</sup> Charles Workman, a deputy Commissioner for the Western Pacific, was appointed by the British Government to be Administrator, took up his position in December 1914. It appears that the Nauru occupation did conform to international law. In the report on the wartime administration it was stated that 'in accordance with the terms of the capitulation, local laws and customs were continued, as far as practicable'.<sup>123</sup> The military occupation force who consisted of about fifty infantry troops was reduced in size after the appointment of Workman. The remaining men would be used to train a local Volunteer Defence Force.<sup>124</sup> Workman wanted to rename the island, Pleasant Island, the original name given to it by European explorers. Upon finding out about the proposal 'the Colonial Office informed him that under international law the name could not officially be changed until after the end of the war.'<sup>125</sup> This is because the occupation of Nauru did not convey sovereign rights. In comparison, the South Africans, as noted below, dropped the word German from German South West Africa.

It is possible that the Pacific Phosphate Company, wished that the administration of Nauru should be a matter for the British Colonial Office and not for the Commonwealth Government, so they could maintain their mining rights.<sup>126</sup> Effectively the island was under dual control for the rest of the war as, the Australian Administrator of New Guinea ceased to exercise jurisdiction over Nauru except in military matters, and the control of commercial interests and all questions of administrative policy were within the remit of the High Commissioner for the Western Pacific. One example of this process relates to when the British Phosphate Company had negotiated land purchases off the Germans prior to hostilities and it was the Administrator that had to request instructions from the High-Commissioner in Fiji, that they be allowed to complete the transaction during the war.<sup>127</sup> This arrangement can go some way in explaining the combined jurisdiction of the mandate that was to be agreed after the war.

Upon the defeat of the Germans, the South Africans' established a martial law regime with the administration of the territory carried out by the military. The first step by the South Africans was to appoint a military governor and chief civil secretary to run the

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121. O'Brien, 'Remaking Australia's colonial culture?: White Australia and its Papuan frontier 1901-1940', 106.

122. The Administrator would be subordinate to Colonel Homles in military matters, but in civilian matters will take instructions from High Commissioner for Western Pacific NAA, A1, 1915/19390, German New Guinea. Capitulation of, Telegram London to Australia, 28/12/1914, Williams and MacDonald, *The Phosphateers A History of the British Phosphate Commissioners and the Christmas Island Phosphate Commission*, 115.

123. NAA, CP103/11, 455, Nauru Reports (Valuable Spares), 3.

124. Williams and MacDonald, *The Phosphateers A History of the British Phosphate Commissioners and the Christmas Island Phosphate Commission*, 117-8.

125. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 118.

126. Mackenzie, *The Official History of Australia in the War of 1914-1918 Vol. X: The Australians at Rabaul. The Capture and Administration of the German Possessions in the Southern Pacific*, 146.

127. TNA, DO 140/835, British Phosphate Commissioners: Reports: Report of visit to Ocean Island and Nauru by A.H. Gaze: April to June, 1915.

territory. This was done by proclamation on 11 July 1915. Their duties were '... to take all measures, and by proclamation to make such laws, and enforce the same, as you may deem necessary for the peace, order and good government.'<sup>128</sup> In the short term, Botha ensured the administration implemented policies with the aim of replacing GSWA Germans with Boers.<sup>129</sup> It is also noteworthy to observe that at this point they renamed the German colony as the South West African Protectorate. This step of removing the German name displays, even at this early point, that the South Africans were attempting to impose their own brand upon the territory. Displaying their future desires for the area, the South Africans in October 1915 replaced the military governor and chief civil secretary with an administrator who was answerable directly to the government in Pretoria.<sup>130</sup> This administrative model was to remain in force until after the armistice on 11 November 1918, when the administration would be further defined just sixteen days later as shall be discussed in chapter 3. The South Africans attempted during this period to establish administrative control over the northern part of the territory beyond what was called the 'police zone', which had never been effectively subjected to German control.<sup>131</sup> They also incorporated the port enclave of Walvis bay, which before the war was completely surrounded by GSWA.<sup>132</sup> In legal matters, after 1915, both the German Civil and Criminal Codes were kept but the Administrative system that included the court system was abolished. No new courts were set up to replace it but military magistrates' courts operated in some districts and a biannual Special Criminal Court met to hear more serious cases.<sup>133</sup>

During the military occupation, South African civil servants were retained by the Administration. General Smuts in late August convened a meeting of all the heads of Departments to discuss the question of payment to these staff. In total, representatives of thirteen departments attended the meeting. Four proposals were put forward but one was picked for further discussion due to the fact that it 'presented the most logical and equitable basis for discussion.'<sup>134</sup> This proposal would ensure that civil servants would

128. Dugard, *The SouthWest Africa/Namibia Dispute: Documents and Scholarly Writings on the Controversy Between South Africa and the United Nations*, 27.

129. Neiberg, *Fighting the Great War: A Global History*, 303; Even before the German surrender Botha writes 'We shall have to make a point of it in the [upcoming South African] elections that this territory will now afford an opening particularly for acquiring land, as well as openings in the police and administration etc.' Hancock and Van der Poel, *Selections from the Smuts Papers: Volume III*, Document 639, Letter - Botha to Smuts, 02/06/1915; Botha's letter to smuts is also quoted in; Tony Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, Basel Namibia Studies Series (Basel: P. Schlettwein Publishing, 1999), 69.

130. David McCarney, 'Smuts, South West Africa and the League of Nations, 1919-1924' (PhD, University of Natal, 1978), 5.

131. Gewalt, 'On becoming a chief in the Kaokoveld, colonial Namibia, 1916-25', 25; The Police Zone, located in central and southern Namibia, was separated from the territories to the north by a veterinary fence. This 'division was further reinforced through the imposition of countless administrative, legal, and economic distinctions that together served to divide the country into a settler-dominated region south of the border and an exclusively African territory north of the border, in which the majority of Namibians lived.' Giorgio Miescher, *Namibia's Red Line: The History of a Veterinary and Settlement Border* (Houndmills: Palgrave MacMillan, 2012), 1.

132. David Simon, 'Strategic territory and territorial strategy: The geopolitics of Walvis Bay's reintegration into Namibia', *Political Geography* 15, no. 2 (1996): 197.

133. André du Pisani, 'State and Society under South African Rule', chap. 2 in *State, Society and Democracy: A Reader in Namibian Politics*, ed. Christiaan Keulder (Windhoek: Macmillan Education Namibia (Pty) Ltd, 2010), 53.

134. NASA, MNW 299 MM2685/15, South West Africa Protectorate. Taking over of administration of Mining Industry by Mines Department, Notes of Conference held in the acting Secretary for Finance office, 24/08/1915.

receive their existing Union salary (and ordinary increments, if any, as they fall due), plus free rations (provided by Defence Department), plus free accommodation.<sup>135</sup>

Thus, in this section we have seen that each of the Dominions took consideration of the laws of occupation when establishing their receptive administrations. They all made the most of the transition of power to put on ceremonies that were as much for the residents of the occupied territories as anything else. We have also observed that finding appropriate personnel and the appointment of civil servants was an issue that required cross departmental attention and dialogue between civilian and military arms of the state. Having discussed how the southern Dominions have invaded and established their occupation administration, the final section of this chapter addresses some case studies that relate to questions of international law, morality and race during and in the aftermath of takeover.

## 1.2 Captives, banned bullets and poisoned wells: the takeovers and scoring points on international law

In the following pages, I will present the argument that International law and perceptions of morality and race were a factor during the conquest of the southern Hemisphere German colonies. Both international law and perceptions of morality had an impact on decision-making by Allied and German commanders and on civilians' perceptions of their rights in captivity. Above all it could be invoked to discredit the enemy and former colonial power, Germany. I shall begin with a brief introduction as to the stage of the International Law of Armed Conflict at the outbreak of World War I.<sup>136</sup> I shall then examine the case studies of the use of dum-dum bullets in New Guinea, poisoning of wells and use of jagged bayonets in GSWA, and the actions of the German Pacific fleet. Later in this section I will turn to the issue of POWs in GSWA during the conflict period. Chapter 2 will revisit this topic after the cessation of hostilities, and into the occupation period in all the territories that are the subject of this thesis. During the conflict period, combatants and civilians were made prisoners. The GSWA campaign provides a clear example of what Heather Jones calls, 'the blurring of combatant-civilian distinctions' due to the call up of German farmers to defend the colony.<sup>137</sup> The use of or refusal to use indigenous troops shall also be examined.

Although there have been customary laws of war throughout history it was only from the middle of the nineteenth century that the rules of war became more codified. This systematisation can be taken in the context the growing movement toward

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135. NASA, MNW 299 MM2685/15, Proposals respecting the emoluments to be paid during the period of Military Occupation, to officers of the public service of the Union who have been retained in, or who may be sent to the South West Africa Protectorate for Civil Duty.

136. For a summary of the evolution of International Law, see Robert Kolb and Richard Hyde, *An Introduction to the International Law of Armed Conflicts* (Oxford: Hart Publishing, 2008), (especially pp 37-42); John Horne, 'Atrocities and war crimes', in *The Cambridge History of the First World War*, ed. Jay Winter (Cambridge: Cambridge University Press, 2014), 561-584; Solis, *The Law of Armed Conflict: International Humanitarian Law in War*, (especially pp 38-57); Heather Jones, 'The Great War: How 1914-18 Changed the Relationship between War and Civilians', *The RUSI Journal* 159, no. 4 (2014): (especially pp 85-7); Captain Grant R Doty, 'The United States and the Development of the Laws of Land Warfare', *Military Law Review* 156, no. 1987 (1994): 224-255; Xu Jin, 'The Evolution of International Laws of War', *Chinese Journal of International Politics* 2, no. 2 (2008): 171-203.

137. Jones, 'The Great War: How 1914-18 Changed the Relationship between War and Civilians', 89.

internationalism, observed for example by the creation of the Red Cross in 1864. The last major codification before the outbreak of the First World War was The Hague Conferences of 1899 and 1907. This was a reaction to what Barbara Tuchman describes as the process by which 'land warfare was revolutionized by the introduction of the magazine-loading small-bore rifle, the improved Maxim machine gun, and smokeless powder' in the last two decades of the nineteenth century.<sup>138</sup> In the Russo-Japanese War of 1904—1905, Japan followed the rules of war, as adopted under the convention, carefully. Hatsue Shinohara explains this ready acceptance of the Hague Conventions was due to the view that it 'was deemed as a necessary requirement to be accepted as a member of the civilized society of nations.'<sup>139</sup> Whatever the rules of war, the mode of combat during the Great War went through a revolution. Weapons such as Poison Gas were employed by both the Central Powers and Allies even though prohibited.<sup>140</sup> Many of the breaches of International law or accusations of them were used by all sides to portray the other side in a negative light. On the Western Front, Germany's violation of Belgian neutrality, enshrined in international law, together with the killing of about 5,500 civilians and destruction of cultural properties led to public outrage around the rest of the world.<sup>141</sup>

Turning to the Pacific, when the German acting-governor of Samoa surrendered, he sought protection for Apia's wireless station by reference to the Hague Conventions. The British had threatened to bombard it if the Germans refused to cease transmitting, but the German reply stated that 'according to the principles of the rights of nations, especially the agreements of the Second Hague Peace Conference, the bombardment of our (said?)[sic] harbours and Protectorates is forbidden, and also the threat to do so.'<sup>142</sup> The article that the Germans were referring to states that 'the bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.' Possibly in order to ensure that they could not be accused of breaching the conventions by the time the fleet had reached New Guinea in September, the Rear-Admiral in Charge had come to the opinion that 'such high powered stations ... must be regarded as primarily intended for hostile purposes and therefore come under ... [the] Second Hague Conference.'<sup>143</sup> The article that they were placing reliance on referred to 'workshops or plant which could be utilized for the needs of the hostile fleet'.<sup>144</sup> The above article would allow commanders of a naval force to destroy the wireless stations.

When considered against conflicts of the juggernaut armies clashing in Europe, the battle of Bitia Paka in New Guinea pales in insignificance. Yet for such a small engagement,

138. Barbara W. Tuchman, *The Proud Tower: A Portrait of the World Before the War, 1890-1914* (New York: The Macmillan Company, 1996), 235.

139. Hatsue Shinohara, 'International Law and World War I', *Diplomatic History* 38, no. 4 (2014): 882.

140. For more on the development of combat, see Stéphane Audoin-Rouzeau, 'Combat', chap. 12 in *A Companion to World War I*, ed. John Horne, trans. Heather Jones (Chichester: Wiley-Blackwell, 2010).

141. For more on atrocities in Belgium and its use in propaganda, see Schaepdrijver, 'Belgium'; De Schaepdrijver, 'Belgium'; Alan Kramer, *Dynamic of Destruction: Culture and Mass Killing in the First World War, The Making of the Modern World* (Oxford: Oxford University Press, 2007); Jo Fox, *Atrocity propaganda*, 2014, accessed 11 August 2019, <https://www.bl.uk/world-war-one/articles/atrocity-propaganda>; De Schaepdrijver, *The Long Shadow of the 'German Atrocities' of 1914*.

142. TNA, ADM 137/5, Letter from acting-Governor of Samoa, 30.08.1914.

143. TNA, ADM 137/5, Folio 152; The Australians were also informed in Rabaul that it was a breach of international law to shell unfortified places. NAA, A4, NG7, Expeditionary Force to New Guinea - Terms of Capitulation etc, Translation of a Diary written by a German Official and discovered in the Treasury, Rabaul, 12/08/1914.

144. *Avalon Project - The Laws of War*, Article 2, Bombardment by Naval Forces in Time of War (Hague IX).

breaches of the law of war were suspected. There were charges that the Germans used dum-dum bullets as well as bayonets that had saw-like edges, that inflicted very serious wounds on the Australians.<sup>145</sup> A member of the ANMEF stated that he had recovered ammunition from prisoners that included 'dumdums, explosive and soft-nosed.'<sup>146</sup>

The expanding bullet, commonly referred to as dum-dum bullets, after the British Dum Dum Arsenal in India where an early model was produced, was developed to expand to create a bigger wound. When discussed at the 1899 Hague Convention, their use was defended by the British representative, Sir John Ardagh, with support from the American military delegate, Captain Crozier. Ardagh, displaying his racial preconceptions, argued that dum-dums were needed in colonial conflicts with non-Europeans because when it was in the nature of a European to know 'that he is wounded ... [whereas a] fanatical barbarian, similarly wounded, continues to rush on, spear or sword in hand; his conduct is in flagrant violation of the understanding relative to the proper course for the wounded man to follow'.<sup>147</sup> Ardagh's argument did not convince the conference, which voted 22 against 2 to adopt that 'the Contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core, or is pierced with incisions.'<sup>148</sup> The two countries to vote against it were Great Britain and the United States.

The colonial space was not the only theatre of war that accusations of use of the dum-dum were levelled during the First World War. In Europe both sides accused each other of using expanding bullet ammunition or other breaches of the international law around armed conflict.<sup>149</sup> These accusations were used by both powers for propaganda reasons (see figure 7 for a German example), to portray the other side as being barbaric.<sup>150</sup>

There are a couple of possible explanations in relation to the ammunition used in New Guinea. One is that the Melanesian Police may have used such ammunition as the Hague Conventions applied only to military forces and not to police. The other is that the inexperienced troops of the ANMEF took the severe wounds caused by high velocity bullets for the work of dum-dums. Robert C. Stevenson's recent study of Australia's war with Germany raises these points and also that one doctor on the force noted, after treating the wounds caused to Captain Brian Pockley, that they were not caused by dum-dums contrary to later press reports.<sup>151</sup>

After the Battle at Bita Paka, some soldiers recorded that the high number of casualties among the Melanesian police was as a result of them being bayoneted by the

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145. 'From the Pacific', *Timaru Herald* (Timaru), 3 October 1914, 3; 'Australian Operations in New Guinea', *The New Zealand Herald* (Auckland), 22 September 1914, 8; 'German Possessions', *The Maryborough and Dunolly Advertiser* (Maryborough), 1 October 1914. In this account one soldier, called Steet, was shot in the knee with a dum-dum and died later. 'AUSTRALIAN FLEET', *The Tamworth Daily Observer* (Tamworth), 22 September 1914. It was reported Commander Elwell was killed with a jagged bayonet, a fearful wound being inflicted; *The New Zealand Herald*, 'Australian Operations in New Guinea', This article also reports the Elwell wounds.

146. 'Dumdum bullets', *The Dominion* (Wellington), 15 October 1914, 6.

147. Tuchman, *The Proud Tower: A Portrait of the World Before the War, 1890-1914*, 262.

148. Declaration on the Use of Bullets Which Expand or Flatten Easily in the Human Body; July 29, 1899 *Avalon Project - The Laws of War*.

149. Paul Cornish, 'Expanding Bullets', 1914-1918-online. *International Encyclopedia of the First World War*, 2015, Dinstein, *The International Law of Belligerent Occupation*, 9.

150. One GSWA settler appears to imply the same against the mixed race Basters when it was discovered they 'had a goodly supply of mostly carved and hollowed-out bullets in their possession.' Eckenbrecher, *Africa, What it gave me, what it took from me*, 245.

151. Stevenson states that 'whatever the reality, the perception among the Australians was that the police had used illegal ammunition in violation of the rules of war.' Stevenson, *The War with Germany*, 40.



Figure 7: German World War I postcard, accusing the French troops of using “The infamous Dum-Dum-Bullets”. Published some time between late 1914 and 1918.

Australians.<sup>152</sup> An account rendered much later by an elder in the village of Kabakaul, called Old Bob, described the execution of two white men and a number of indigenous police. He recounts that ‘Then a big man of war said “fire” and they all died, ... they shot all the men who were lined up on one side. Only one boy was alright, a young boy such as this, he ran away. So they all died and the trench they dug was full with dead bodies.’<sup>153</sup>

The idea that there were summary executions during the campaign cannot be discounted. As Heather Jones writes there is an unknown about

... what actually happened at the moment of surrender — the extent to which surrender was accepted or how often men surrendering were shot out of hand — remains one of the least researched, or indeed researchable, aspects of the Great War. On all the war’s fronts, there were many cases of quarter being refused to surrendering soldiers;<sup>154</sup>

A couple of factors could attribute to the possible extrajudicial killing of prisoners by the ANMEF at Bitu Paka. One is racial preconceptions by the Australians of the Melanesians, that meant they were less inclined to apply the rules of war to them and the other is that the Australians snapped over the perception that illegal ammunition was used by the indigenous police force. As one soldier of the battle said, ‘Our men are bursting to get revenge & God help any black snipers whom we get hold of, for they won’t get quarter I can tell you.’<sup>155</sup> The quote that no quarter would be given is of interest as it was forbidden

152. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 277.

153. Fran Kelly, *Claims Australians executed prisoners in WWI engagement*, September 2014, accessed 21 September 2017, <http://www.abc.net.au/radionational/programs/breakfast/claims-of-australian-war-crimes-in-first-wwi-engagement/5734180>.

154. Jones, ‘Prisoners of War’.

155. Stevenson, *The War with Germany*, 40.

to declare that no quarter would be given. It was also against the laws of combat to kill or wound an enemy who, having laid down their arms, or having no means of defence, had surrendered at discretion.

In GSWA it was also noted that bayonets with jagged edges were in the possession of German soldiers.<sup>156</sup> While the Hague Conventions are clear on the non-use of dum-dum bullets, there is no direct reference to the bayonets described above, contemporary press reports alleged both were against the provisions of civilised warfare. These bayonets commonly called saw-back bayonets (see example at figure 8), were used mainly by pioneer troops and machine gun crews. It was used to chop down bushes, and with cutting wood and wire fence posts. When used as a traditional bayonet, this style of blade would cause a far greater wound on its victim when removed. Due to this it could be argued that a clause of the Hague Conventions forbidding the employment of arms, projectiles, or material calculated to cause unnecessary suffering applied to this style of bayonet.



Figure 8: German KS 98 bayonet, with scabbard - GSWA 1915

Turning to GSWA, the South Africans based their arguments on International law when accusing the Germans of poisoning water wells on their retreat from Swakopmund and as the South Africans advanced. This tactic was expected by some members of the South African force. As recalled in the memoirs of a Dr Walker of the South African force, they 'received orders to move on to Tsaobis, forty odd miles of river-bed and desert. There was no water between here and Tsaobis, and no doubt the Germans would destroy the wells or poison the water at this latter place.'<sup>157</sup> It was not only in GSWA that the Germans were suspected of poisoning water supplies. It was reported in the *Times* in London, that there was a suspicion that a river at Ypres was poisoned with arsenic by the German Army. While the Ypres incident was reported upon without additional comment, the poisoning of wells in GSWA was described as 'barbarous' as it was 'very serious in a country where

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156. 'Murderous Bayonets', *The Chronicle* (Adelaide), 16 October 1915, 45.

157. Dr HFB Walker, *A Doctor's Diary in Damaraland* (London: Edward Arnold, 1917), 66.



water is so scarce.<sup>158</sup> Water was of immense concern to the campaign in GSWA. While the border areas contained water supplies the interior of the country was waterless.

The South Africans communicated to the Germans that the poisoning of wells was against the rules of war and the German commander Colonel Victor Franke, would be held personally responsible for this uncivilised act. Franke countered that they had posted notices at the poisoned wells and if there were none they must have been stolen. It appears that many signs left by the Germans either blew down or were not even noticed by the South Africans with one writer reported that no signs were ever found.<sup>159</sup> W. S. Rayner noted that at Klein Aus, the poisoned well 'bore a label, the work of someone unlettered in English, indicating that the water was not fit for drinking purposes.', something that was also supported by newspaper reports.<sup>160</sup> Not only that but the smell of the sheep-dip used to foul the well could be smelt over a mile away. The same writer discussed the legality of the poisoning with a captured German doctor. The Germans' view was that the water belonged to the Germans, and they could do what they wanted to it. Had they 'poisoned water that did not belong to them, then they would indeed have been guilty of a violation of international conventions.'<sup>161</sup> What the preceding shows is the level at which the idea of international laws and conventions had entered the discussion on the limitation of action in certain scenarios. At the command level, Louis Botha, who led the invasion while still Prime Minister of the Union, at least twice referred to the Hague Conventions in his communiqués and drew attention to Article 23 which provided that it was 'especially prohibited to employ poison or poisoned arms' and Botha contended that the display of warning notices did not lessen this breach.<sup>162</sup> Franke was also reported as stating they tried other methods before turning to sheep-dip. Franke informed Botha that they tried using cooking salt on the wells but found it ineffective for preventing the use of the water supplies.<sup>163</sup> It should also be noted that the South African did not cover themselves in glory upon discovering wells were poisoned. They issued a directive that German POWs 'would be asked to drink freely from all water supplies so it could be ascertained whether or not the water' was safe.<sup>164</sup> This may have been the reprisals noted in the 07 May newspaper article in the *Kalgoorlie Miner*. At a meeting between Botha and the Germans in late May, Seitz admitted to using sheep dip on wells. He assured Botha 'that they are not now using any poisoning matter or anything that is injurious to humans' and would make sure all water is usable going forward. Botha was of the opinion that this action was so the Germans could have 'a means of saving the

158. The report on Ypres 'German Use of Poison', *The Times* (London), 20 May 1915, 8; The description of well poisoning in GSWA 'In South-West Africa', *The Times* (London), 29 April 1915,

159. Edmund Dane, *British campaigns in Africa and the Pacific: 1914-1918* (London: Hodder & Stoughton, 1919), 42; Farwell, *The Great War in Africa 1914-1918*, 92.

160. Rayner and O'Shaughnessy, *The Conquest of German South-West Africa 1914-1915: A comprehensive First-hand Account and History by Two South African Correspondents*, 141; *The Kalgoorlie Miner* (Kalgoorlie), 7 April 1915, 5.

161. Rayner and O'Shaughnessy, *The Conquest of German South-West Africa 1914-1915: A comprehensive First-hand Account and History by Two South African Correspondents*, 141-2.

162. TNA, CAB 44/2, 166; 'SOUTH-WEST AFRICA', *The Kalgoorlie Miner* (Kalgoorlie), 7 May 1915, This newspaper article also states Botha would employ reprisals should the poisoning continue.

163. 'German Use of Poison'; This may be why German settler, Margarethe von Eckenbrecher, wrote 'springs and water holes had to be rendered useless (though not by poisoning)' Eckenbrecher, *Africa, What it gave me, what it took from me*, 242.

164. Evert Kleynhans, 'A critical analysis of the impact of water on the South African campaign in German South West Africa, 1914-1915', *Historia* 61, no. 2 (2017): 45.



honour of the officers and the troops.<sup>165</sup> Part of the reason the Germans may have felt it was acceptable to poison the wells could be explained by their interpretation of the laws of war. As Alan Kramer writes, 'although Germany signed the Hague Conventions, its military leaders remained fundamentally opposed in spirit.'<sup>166</sup> Military necessity permeated every level of German military thinking. If they owned the wells and military necessity meant they needed to be put out of use, then they were within their right to do so. As one German General was to say about poison gas in 1916, 'what are the Hague agreements now? ... scraps of paper blowing in the wind!'.<sup>167</sup> While the South Africans had earlier threatened to hold the German Commanders responsible no action was taken against them after their surrender. According to Mahon Murphy the main reason for this 'was the threat of reprisal against British officers in Germany'.<sup>168</sup>

The 1899 and 1907 Hague Conventions also set out guidelines in which POWs should be treated. The pre-1914 laws of war mainly focused on combatant prisoners of war, with some additional protections offered for padres, medical staff, and journalists. As for civilian internees, they had no protection under international humanitarian law until later in the twentieth century. Part of the reason for this was because 'international law before the First World War struggled to envisage that conflicts would involve more complex prisoner-taking'<sup>169</sup> That did not prevent German civilian prisoners from thinking they had a level of protection under international law. This is demonstrated by the examples discussed in this section where petitions are made to the powers on conditions of imprisonment. This is also something that is noted by Mahon Murphy, who sees the petitions sent to the Foreign Office as a method in which 'prisoners were able to find common cause in what they felt was their mistreatment under international law'.<sup>170</sup>

While there may have been a legal argument that the Conventions did not apply to the conflict on a *de jure* basis, none of the belligerent states denied that the conventions were applicable during the First World War.<sup>171</sup> International non-governmental bodies such as the International Committee of the Red Cross (ICRC), and neutral countries attempted to act as honest brokers in relation to POWs held by the warring powers. These bodies conducted inspections of camps, which was aimed to bring transparency to the treatment of prisoners, together with the ICRC publishing alleged violations of the Conventions.<sup>172</sup>

As the conflict progressed in GSWA, many Germans from the Protectorate, either combatants or civilians, were being interned by the South Africans. The South Africans

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165. Hancock and Van der Poel, *Selections from the Smuts Papers: Volume III*, Document 635, Letter Botha to Smuts, 25/05/1915.

166. Kramer, *Dynamic of Destruction: Culture and Mass Killing in the First World War*, 25-6.

167. Isabel V. Hull, *A Scrap of Paper: Breaking and Making International Law during the Great War* (Ithaca and London: Cornell University Press, 2014), 235.

168. Murphy, 'Prisoners of War and Civilian Internees Captured by British and Dominion forces from the German Colonies during the First World War', 56; For Post war attempts at war crimes prosecution, see; Horne, 'Atrocities and war crimes'.

169. Jones, 'Revising the Laws of War on Prisoners of War in the Twentieth Century: Introduction', 409-10.

170. Murphy, 'Prisoners of War and Civilian Internees Captured by British and Dominion forces from the German Colonies during the First World War', 66.

171. Lindsey Cameron, 'The ICRC in the First World War: Unwavering belief in the power of law?', *International Review of the Red Cross* 97, no. 900 (2015): 1106-7.

172. The ICRC policy was to publish the allegations received, ignoring those sent to all powers already, without ascertaining the veracity of the complaints and would also publish the responses received. Cameron, 'The ICRC in the First World War: Unwavering belief in the power of law?', 1109; Murphy, 'Prisoners of War and Civilian Internees Captured by British and Dominion forces from the German Colonies during the First World War', 15.

considered repatriating some of these to Germany. To concur with Mahon Murphy, and as the examples below will show, 'the repatriation of German prisoners from the extra-European theatre of the First World War was a complex and constantly developing process.'<sup>173</sup> In early October 1914 the Secretary of State had asked Pretoria as to their opinion on a German request for a Danish Shipping Company to transport 2,000 women and children from GSWA to Europe. Their opinion was probably sought due to the recent repatriation agreement between the British and Germans.<sup>174</sup> The South Africans came to the conclusion for military considerations that this would not be desirable.<sup>175</sup> At this time 422 German women and children that had been deported from Lüderitz were held at the Natheun Barracks, Pietermaritzburg, Natal. They contended that they were expelled from Lüderitz 'contrary to all International Laws, Conventions and Customs.'<sup>176</sup> Women from the town left under the impression that they would be permitted to remain free within the Union until the end of hostilities. They were part of a larger group of Germans transported from GSWA to South Africa, where the men were placed with the other POWs, and the women and children were put into refugee camps.<sup>177</sup>

One of the repatriation arrangements made between Great Britain and Germany was for the mutual exchange of POWs as long as they were medically unfit for service. While the scheme was extended to South Africa, they only had one POW that met the criteria, and they had already released him to the care of a mission in Natal. They realised that it might not be a practical scheme for them, but if anything was to proceed then 'the question of getting rid of the occupants of the Refugee Camps should be dealt with at the same time.'<sup>178</sup>

In May 1915, the question of repatriating Prisoners from South Africa was revisited.<sup>179</sup> While in February, 223 Germans were willing to return to Germany, by April this had reduced to seven women with three children. The South Africans believed that if the scheme was to include male non-combatants, that a larger number of both men and women would choose this option. One of the reasons that they wished to return more Germans to Germany was that they now realised that it was possible that there would be an influx of German prisoners as Windhoek and other towns in GSWA were captured. No doubt remembering the second Boer war, the South Africans found that 'the formation of concentration camps for the protection and maintenance of these persons [seems] most

173. Murphy, 'Prisoners of War and Civilian Internees Captured by British and Dominion forces from the German Colonies during the First World War', 205.

174. 'As early as October 1914 the British and German governments had reached agreement for "the mutual repatriation of all clergy, medical practitioners, women, children, and males under 17 and over 55"' Panayi, *Germans as Minorities during the First World War: A global comparative perspective*, 273.

175. NASA, BNS 1/7/11 Z74, Repatriation of Women & Children, Telegram from Secretary of State to Governor-General, Pretoria 06/10/1914 and reply 10/10/1914.

176. Ibid., Letter from D. Dommer and M. Otzen to Commissioner of Enemy Subjects, 09/02/1915.

177. NASA, BNS 1/7/6 Z16, German deportees from GSWA, release on parole and return to Germany of. Letter Commissioner of Enemy Aliens to Minister of Interior, 24/04/1915; Louis Botha, informed a Pietermaritzburg deputation that the Government had selected Fort Napier as an internment camp because Natal was the 'most British portion' of the country. Graham Dominy, 'Pietermaritzburg's Imperial Postscript: Fort Napier from 1910 to 1925', *Natalia* 19 (1989): 35.

178. NASA, BNS 1/7/8 Z39, Exchange of prisoners incapacitated by wounds, Various correspondence between London and Pretoria, March-April, 1915.

179. Again Panayi notes agreements between the British and Germans in 1915. Panikos Panayi, *Prisoners of Britain: German civilian and combatant internees during the First World War* (Manchester: Manchester University Press, 2012), 274.

undesirable.<sup>180</sup> Repatriation was deemed the better course of action as any Germans that returned to GSWA 'after the war would be a potential source of unrest and danger'. If they were already in Europe when the war ended it would be easier to repatriate any Germans they did not want in GSWA.<sup>181</sup>

Conditions at the camps were not always ideal. For example, in one case camp authorities were refusing to issue the German women and children with boots and clothing, stating that the claims for these provisions were unwarrantable and that 'no continental Government' would issue same. The Germans contended that no Continental Power has had to deal with such a scenario as a case of Women and Children been taken captive in a foreign land and has not yet 'occurred in warfare between civilised nations.'<sup>182</sup> Furthermore, accommodation at the camp left a lot to be desired and there was an average 55 men to a barrack, where they had to sleep on the floor. Again citing international norms, they have been banned from writing letters to Germany or GSWA which to them, was not even a right denied to military prisoners.<sup>183</sup> Camps were generally lightly guarded though. The South Africans were under the impression that they did not need many Guards because the German men knew a breach of their parole would lead to them being separated from their families.<sup>184</sup>

In this earlier period of internment up until the end of hostilities very diverse, formal and informal efforts were made to alleviate the suffering of German Prisoners. The German subjects within the Union were permitted to form a committee to help provide assistance to those interned.<sup>185</sup> Issues around money and possible destitution were a recurring theme of captivity. Just the fact of having German money could result in German POWs falling upon hard times. While in South Africa they could exchange it for British money, albeit at losses of about fifty percent, but this practice together with being able to exchange money by sending it to neutral countries was banned. In December 1914, the American Consulate General in Cape Town requested permission from the Governor-General of South Africa that they would be allowed to relieve 'such cases of destitution, among those refugees ... by advancing them small amounts for their immediate needs, taking German money as security'.<sup>186</sup> The Consulate General had sought the permission of the State Department in Washington, and they were agreeable subject to permission from the British. On 17 December, Smuts replied that he had no objection to the proposals of the Americans.

The Red Cross Society in Windhoek also wished to offer assistance to the residents of Lüderitz that were now interned in South Africa. Unfortunately, they were unable to

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180. TNA, CAB 44/2, 175; NASA, BNS 1/7/11 Z74, Repatriation to Germany of wives and families of enemy subjects and enemy subjects over military age: Also repatriation to GSWA of enemy Subjects, Telegram — GG South Africa to Secretary of State, 11/05/1915.

181. TNA, CAB 44/2, 176.

182. NASA, BNS 1/7/11 Z74, Letter from D. Dommer and M. Otzen to Commissioner of Enemy Subjects, 09/02/1915.

183. Conditions in camps could vary greatly, for more see; Proctor, *Civilians in a World at War, 1914-1918*, 219-36; NASA, BNS 1/7/8 Z54, Improvements desired by prisoners of war in camp no3 at Pietermaritzburg, The POW Camp Committee made an application for improvements which include more blankets, better exercise arrangements, periodic medical exams, and improved bathing arrangements. 30/05/1915.

184. NASA, BNS 1/7/6 Z16, Letter Commissioner of Enemy Aliens to Minister of Interior, 24/04/1915.

185. The government collaborated this relief committee and members of the committee were permitted to visit the Pietermaritzburg camp. Tilman Dederling, 'Prisoners of War and Internees (Union of South Africa)', 1914-1918-online. *International Encyclopedia of the First World War*, 2015,

186. TNA, FO 383/50, Foreign Office: Prisoners of War and Aliens Department: General Correspondence from 1906: Germany: Prisoners, Letter US Consulate Cape Town to GG South Africa, 04.12.1914.

transmit money from GSWA to Cape Town and asked the American Consulate to advance £1,500 to a committee in South Africa. This loan would be repaid to them at the cessation of hostilities from their bank account in Windhoek. The Americans had concerns though when they were informed that Governor Seitz had withdrawn the money in Windhoek before its occupation and brought it with him to Grootfontein. As the amount now needed to cover expenses for the internees was over £5,000, the Americans would not authorise this amount until the money was transferred to South Africa.<sup>187</sup> They requested that the South Africans contact the German Governor to convey this information. The Department of Defence did conduct some negotiations with Governor Seitz, but when hostilities ended in early July, these ceased as the Americans could now be in direct communication with him.<sup>188</sup> After the cessation of hostilities in July, the German Government were of the opinion that after the occupation the South African Government were responsible for looking after distressed persons. Therefore, they instructed the US Consul-General in Capetown to stop drawing the monthly £2,500, it was using for relief in GSWA, from the US London Embassy.<sup>189</sup>

There was widespread use of indigenous troops in the First World War. France, in particular, and Great Britain used colonial forces on the Western Front.<sup>190</sup> Any anxiety felt by the use of non-European troops in combat was alleviated by the notion that 'the imperative of defending the empire could outweigh the desire for racial exclusivity.'<sup>191</sup> Greatly outnumbering the colonial combat troops were labour corps drawn from colonies. The Allies even recruited about 150,000 Chinese to work in the rear area of the western front.<sup>192</sup> The Germans also employed indigenous troops for the defence of its colonies. In Africa, it relied on Askari troops, although in German South West Africa less so due to their reluctance to arm tribes that they had recently fought armed conflicts with. As noted earlier in this chapter there were little to no combat formations in the Pacific colonies, so the Germans, in addition to calling up settlers, relied upon indigenous armed police units to supplement German officers. When reading the accounts for the campaigns in New Guinea, I agree with the contention of Adam Marre that the New Guineans are the forgotten voices of the campaign.<sup>193</sup>

I will now examine the case of use of indigenous troops in GSWA to demonstrate how racial attitudes by the belligerents attempted to keep it 'a white man's war.'<sup>194</sup> German

187. TNA, FO 383/50, Letter American Consulate General to GG. 07/06/1915; NASA, BNS 1/7/8 Z49, Relief for Enemy Aliens.

188. TNA, FO 383/50, Letter GG to American Consulate General. 03/08/1915.

189. NASA, BNS 1/7/8 Z49, Telegram - American Ambassador, London to American Consul-General, Capetown, 10/11/1915.

190. France used about 500,000 colonial troops, and 140,000 Indian Troops served in 1914-15 Santanu Das, *Experiences of colonial troops*, 2014, accessed 11 August 2019, <https://www.bl.uk/world-war-one/articles/colonial-troops>; Richard Fogarty, *Race, racism and military strategy*, 2014, accessed 11 August 2019, <https://www.bl.uk/world-war-one/articles/race-racism-and-military-strategy>; Christian Koller, 'The recruitment of colonial troops in Africa and Asia and their deployment in Europe during the First World War', *Immigrants and Minorities* 26, nos. 1-2 (2008): 113.

191. Jane Burbank and Frederick Cooper, 'Empires after 1919: Old, new, transformed', *International Affairs* 95, no. 1 (2019): 86.

192. For more on the use of indigenous labour corps on the western front see Proctor, *Civilians in a World at War, 1914-1918*, 40-57.

193. He cites historical and colonial factors, such as racism and indifference, as contributing to this. Adam Marre, 'Searching for Bitapaka: creating voices for history 's silenced', *Limina* 15 (2009): 1-3.

194. Killingray, 'The War in Africa', 118; There was even cases in GSWA where German missionaries attempted to convince Herero in their sermons, that this was a 'white man's war'. Gewalt, *Herero Heroes*, 231.

propaganda echo this sentiment of keeping the war racially white by alluding to the 'alleged impact on the future of the colonial system and the supremacy of the "white race"' by the deployment of colonial troops on European battlefields.<sup>195</sup> While in the campaign both sides generally did not employ Africans as fighters, with some exceptions, they were used in other roles. During the GSWA campaign 6,633 officers, 69,834 white troops, and 33,646 coloured support labourers made up the South African force.<sup>196</sup> Bill Nasson records that black South Africans were limited to support roles under the legislation that established the UDF, although they did wear a UDF armband. Furthermore, Coloured scouts who were familiar with the GSWA terrain, were 'armed discreetly'.<sup>197</sup> These are possibly the scouts that are pictures in figure 9(b). As noted above, Abraham Morris, a Bondelswarts leader acted as a guide for the South Africans. His advice at the battle of Sandfontain was ignored. It can only be guessed at but was it because he was African. According to Michael Neiberg the whites in Africa were also fighting against African aspirations for independence. They were not willing to see the natives grow more powerful because of the war.<sup>198</sup> The South African Government had rejected offers from the South African Native National Congress and the African Political Organisation to recruit troops for the campaign.<sup>199</sup>

One exception to this trend is a group of indigenous Cameroonian troops that served with Germans in GSWA (see figure 9(a)). In July of 1909, this group of 49 received a lifelong banishment from German Cameroon to GSWA, for refusing to carry out the orders of their German officers. And these men were not alone. Their families consisting of, twenty-one women and seven children accompanied them on their deportation.<sup>200</sup> They would work in GSWA for the next four years, before being mobilised on the outbreak of war. The Germans had good reasons, according to Hew Strachan, against attempting to recruit amongst the estimated 80,000 native Namibians as they believed that a war with a foreign enemy would only give the indigenous tribes a context for rebellion against the Administration.<sup>201</sup> Indeed, later in the campaign this fear was to come true. The Bastards, émigrés of mixed race who originally came from the Cape and of who we shall hear about when the territory is under mandate, revolted against the Germans in late April 1915. The German commanders attempted to call up all able-bodied Baster men to defend the colony at the start of the war. The local German magistrate arranged a meeting with the Baster Council but his request was met with opposition. They gave numerous reasons for this including lack of men and proper training as well as the fact that it was a conflict between whites. While hoping to remain neutral the Basters agreed to mobilisation after Governor Seitz 'assured them that it was a conflict between whites and that they would

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195. Koller, 'The recruitment of colonial troops in Africa and Asia and their deployment in Europe during the First World War', 124.

196. Henderson, 'The Conquest of the German Colonies, 1914-18', 131; The South Africans use black & coloured troops as labourer and drivers. Strachan, *The First World War in Africa (1914-18)*, 86.

197. Nasson, *Springboks on the Somme: South Africa in the Great War, 1914-1918*, 65.

198. Neiberg, *Fighting the Great War: A Global History*, 298; In contrast, the South African Native National Congress offered to raise African troops in the hope that in fighting for civilisation in Europe they would achieve rights in South Africa. Mulligan, *The Great War for Peace*, 76-7; Colonial soldiers after the war were affected by the 'hope of seeing their situation improve on their return and disillusionment at the inertia of colonial society' Bruno Cabanes, '1919: Aftermath', in *The Cambridge History of the First World War*, ed. Jay Winter (Cambridge: Cambridge University Press, 2014), 172-198.

199. Parsons, 'Mobilising Britain's African Empire for War: Pragmatism vs Trusteeship', 191.

200. Gewald, 'On becoming a chief in the Kaokoveld, colonial Namibia, 1916-25', 112-3.

201. Strachan, *The First World War in Africa (1914-18)*, 76.



(a) German South West Africa



(b) South Africa



(c) New Guinea

Figure 9: Use of Indigenous troops or scouts

only be used for police service behind the front.<sup>202</sup> Their semi-independent police company had been used in the early phase of the conflict by the Germans to guard both communication lines and white POWs.<sup>203</sup> Earlier in April a Bastard Chief had approached Botha, but he was told not to get involved. The South Africans could deal with the Germans, but Botha wanted the Bastards 'as transport riders and in other capacities.' Botha would 'not ask them to shoot Germans', but to help repair and build the railways.<sup>204</sup>

According to the case studies above, we can infer that there was a knowledge of international law by the belligerents. In the combat phase, the use or perceived use of illegal weapons, were called into question with reference to the Hague Conventions. We also observe how racial preconceptions may have effected the course of actions taken

202. G.J.J. Oosthuizen, 'The Military Role of the Rehoboth Bastards during the South African Invasion of German South West Africa, 1914-1915', *Scientia Militaria - South African Journal of Military Studies* 28, no. 1 (1998): 93-4; Seitz's communication was 'The Bastard Council is hereby assured that the Bastard Company is called up for the purpose of keeping peace and safety in the country, and to catch cattle thieves and other thieves. The Bastards will not be employed to fight against whites.' Andrea Rosengarten, 'A Most Gruesome Sight': Colonial Warfare, Racial Thought, and the Question of 'Radicalization' during the First World War in German South-West Africa (Namibia)', *History* 101, no. 346 (2016): 433.

203. In the words of one settler it 'was an uncalculated mistake' as 'colored men should never have been placed over white men'. Eckenbrecher, *Africa, What it gave me, what it took from me*, 245.

204. NASA, *BTS 1/18/8 Vol I*, South West Africa. The Rehoboth Tribe General File, Record of Interview between Botha and Van Vijk, 01/04/1915.

against those deemed to be in breach of the laws of war. In New Guinea, the indigenous police possibly were killed after the fact for perceived use of dum-dum bullets, yet in South Africa no action was taken against those that poisoned the wells. Whether bombing wireless stations or poisoning well, both sides were able to adapt their own interpretation of international law to their own needs. As another example of how international law were to be expected to be followed we see that civilians increasingly use them as part of their argument if they feel mistreated by the authority they are interned by. This is a trend we shall see continuing in chapter 2.

## **Chapter Conclusions**

By November 1914, in the Pacific, and July 1915 in the case of GSWA, the southern Dominions were in outright possession of the German Colonies they invaded. This chapter both tells this story but also the imperial, of Britain, and sub-imperial, of the southern Dominions, aims in capturing the German colonies. These occupations took place within the framework of the existing international law which has been displayed in this chapter with reference to attitudes to prisoners, and discourse in relation to the conduct of hostilities, most notably using the poisoning of wells in GSWA and use of dum-dum bullets in New Guinea as case studies. We also observe how early occupation administration were established, initially with no clear instruction to the military personnel on the ground. In the next chapter, I shall expand on the study of these administrations and how wartime occupation policies bed down and come into sustained tension with international law, by the use of case studies. We shall also see how outside factors, such as the formation of the Imperial War Cabinet, American entry to the war, and the rhetoric emanating from the Soviets after the Russian Revolution, all mean that the spotlight falling on the future of these territories can be viewed in the context of a new diplomacy, which has a rhetoric of anti-annexationism.

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**'Practically British now, and we want to keep it British.': The Southern British Dominions as wartime occupiers and their disputed imperial war aims**

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### Chapter Introduction

This chapter will discuss the period in which the Southern Dominions held the German colonies under military occupation until November 1918. In these war years, as this chapter shows, the governance of these territories stood at the crossroads of Dominion policy and a much bigger contest of ideas about the shape of the future peace, and the international order based on legality not force. As we have seen in chapter 1, international law was used by all parties when deemed prudent. This continues into the wartime occupation where the Dominions were faced with issues of international law in their dealings with German citizens and business interests. We shall investigate to what degree international law and customs were adhered to and the extent to which they informed the decision-making process of the administrations on the ground and the governments of the occupation powers. All the minutiae of detail discussed in this chapter such as administration policy, currency issues, internment camps, and public health in these five territories has to be viewed against the context of the wider developing international picture. Even while the War is ongoing, a battle of ideas is taking shape over the possible future peace, that encompass such structural forces as imperialism, labour, and emerging US power.

This chapter shall also examine the high politics of the British Empire and international factors in the period from about 1916 to the end of the war that saw various actors push for outright annexations of the German colonies to those that resisted such a land grab. The focus will be on the workings of the Imperial War Cabinet that was convened from 1917 onwards. It is during this period some important individuals, such as, for example, Jan Smuts and Robert Cecil, and their policies towards an emerging mandates system come more into view. The IWC had senior representatives from all the Dominions, thereby giving the southern Dominions a growing role in formulating British imperial war aims, such as on the retention of the German Colonies. As William Mulligan states, the IWC was 'in many ways, a heightened version of pre-war imperial gatherings. However, it was celebrated in 1917 as an event pregnant with the possibility of institutionalizing the power and authority of the empire in a more formal and enduring way.'<sup>1</sup> The southern Dominions' desire for outright annexation met an obstacle in new emerging ideas from Wilson's America and Soviet Russia which meant imperial expansion would have to take on a liberal and internationalist guise.

I shall devote a section of this chapter to both the Samoan flu epidemic and flogging in New Guinea and SWA. This section shall be used as a case study of the occupation regime's competence and moral authority. In the case of the Samoan flu, its impact would last into the mandate period and flogging in New Guinea and SWA would make its way

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1. Mulligan, *The Great War for Peace*, 199-200.



before the deliberations of the Permanent Mandates Commission. These case studies serve to show that these politically insignificant, if sometimes physically large, occupied German colonies play their role in a much bigger political game in which the British and German empires want to discredit one another, and local difficulties which manifest Dominion incompetence as occupiers concern more than just unfortunate local populations.

## **2.1 Dealing with German administrations and indigenous peoples, and the constraints of international law**

In this section I will examine cases of contention between the occupying powers and German officials or residents in the occupied colonies. I will focus on cases where international law was used as a basis to address a grievance. The latter part of the section will address policies adopted by the occupying administration in relation to the indigenous population. These shall be discussed in the context of the southern Dominions' desires to retain the German colonies after the War. More specifically, this section looks in detail at a sample of cases relating to the occupiers' relations with German officials in Samoa and the applicability of the Hague Conventions. I will then turn to the treatment of German civilian and military POWs in GSWA. Finally this section concludes with an examination of the policies adopted in relation to the indigenous populations in Samoa, Nauru and GSWA.

As was mentioned in the previous chapter, the regime around POWs was codified by the Hague Conventions. We have examined in chapter 1 the imprisonment of combatants and civilians during the armed conflict stage of the conquest of the southern hemisphere German colonies. This section shall continue my analysis of Prisoners' conditions and international law into the occupation period.<sup>2</sup> In the territories under review Germans were interned, and in most cases they were deported to the occupying Dominion. In the following pages, I will present the divergent policies adopted by the Dominions in relation to German internees and, conditions that they had to endure during their captivity. Inter-spaced with this narrative will be examples where all sides place reliance on International law to bolster their arguments.

Early in his tenure as military administrator of Samoa, Robert Logan adopted a policy of removing German officials who he perceived may cause trouble for his administration. The German Governor of the island and some officials were immediately transported to New Zealand for internment. Logan conducted negotiations with the remaining German officials about carrying on in their current posts under the occupation administration. They agreed to remain in place, but within a few days they all resigned when Logan said the administration was being carried on in the name of King George V and German officials were now British officials.<sup>3</sup> The Germans refused to be bound by this and in

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2. Matthew Stibbe, 'Enemy Aliens and Internment', 1914-1918-online. *International Encyclopedia of the First World War*, 2014, Between 50,000 to 100,000 non-combatants were interned outside of Europe.

3. TNA, FO 383/50, Letter from Governor of Samoa to CO 19.04.1915; For more on wartime internment in Samoa see Sandra Barkhof, 'The New Zealand occupation of German Samoa during the First World War, 1914-18: Enemy aliens and internment', chap. 10 in *Internment during the First World War: A Mass Global Phenomenon*, ed. Stefan Manz, Panikos Panayi and Matthew Stibbe, Routledge Studies in First World War History (London & New York: Routledge, 2019).

retaliation Logan deported ten further principal officials to New Zealand. While possibly not against the strict letter of the Hague Conventions, it could certainly be argued Logan's action went against the spirit of them. The conventions expressed that it was 'forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.' Logan himself blamed the Germans for refusing 'to carry on in the terms of the Hague Convention, and [he] found it necessary to appoint officials from [his] occupying force, to carry on the administration of the various Departments.'<sup>4</sup> To maintain a working civil administration, the German Government officials who had resigned were replaced by men selected from the occupation force. Logan was of the opinion that he could run an efficient administration by replacing all the Germans and with a smaller staff than that previously employed.<sup>5</sup> When it came to appointments in Samoa, sometimes just being of German descent was an issue for the administration as well. In late 1915, when the postmaster in Samoa wished to re-enlist in the Army, his deputy was not appointed. While one of the reasons given was that the deputy did not have enough experience another was his name, Mr. J. T. Schulenberg.<sup>6</sup> Schulenberg had been born in New Zealand to German parents and was deemed unsuitable so a postmaster from New Zealand was appointed instead.

In New Guinea it was decided, soon after the occupation, that any German military personnel whose usual job was that of a civilian would be allowed to return to their workplace on the condition that they took an oath of neutrality. There was one notable exception to this exemption in that any German officials, who had been called up for military service, were not able to avail of it. Yet, even this had to give way in certain practical cases as there was a need for officials for 'the protection of the white population against the natives' in rural areas. The Australians took the decision that Germans were to remain in place until relieved if they took the aforementioned oath.<sup>7</sup> Many of the German officers refused to take the oath of neutrality and were shipped to Sydney.<sup>8</sup> Nauru, as part of the German New Guinea colony, should have been covered by the surrender terms signed between the Australians and Germans which included the term of no deportations of Germans, if they took an oath of neutrality. Over time the 45 Germans on the island were deported, and their return during the war was forbidden by Australian officials.<sup>9</sup> Under the terms of the surrender agreed in New Guinea, the German Officials should have been able to return to Germany. Yet three months later they were still in Sydney. Eduard Haber, the former acting Governor, felt the delay was a breach of the Hague Conventions, as they provided that the terms of any capitulations 'should be observed scrupulously by both parties.'<sup>10</sup> Haber got his wish and, together with 85 officials, was repatriated to Germany via the United States in January 1915.

4. ANZ, *ACGA 8280 IT1/25 EX 1/10*, Administration of Samoa - Report by Colonel Logan.

5. ANZ, *ACHK 8604 G1/202 1916/218*, Occupation of Samoa and of other German Possessions in the Western Pacific - Publication of Correspondence etc, 4-5; One notable exception was Irishman Richard Williams, who pre-war was working in the German administration. At the outbreak of war, he went to hand in his resignation, but the occupation had already begun. Probably due to his British nationality, he was appointed deputy administrator of the colony. ANZ, *ACHK 8604 G1/202 1916/218*, 8; Boyd, 'The Military Administration of Western Samoa, 1914-1919', 151.

6. ANZ, *IT 1 513 EX 89/1*, Memorandum for Chief of the General Staff, 15/11/1915.

7. Rowley, *The Australians in German New Guinea 1914-1921*, 4.

8. Burnell, *Australia v. Germany: The Story of the taking of German New Guinea*, 176.

9. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 40.

10. NAA, *A4, NG7*, Letter - Haber to Bray, 15/12/1914.

When the s. s. *Messina* arrived in Nauru, on 03 November 1914, with the occupation force on board, part of the crew's mission was to return to Australia with the German members of the PPC workforce. Four senior German employees on the ship were given £5 each so as not to arrive in Australia with no money. Unfortunately for the rest of the workforce, they would have to wait until arrival to receive their wages. The removal of the German workforce was seen as an urgent matter for the Pacific Phosphate Company as they wished to reintroduce the British workforce.<sup>11</sup>

The resignation of the German officials in Samoa was to lead to a dispute over pay as Logan made moves to confiscate a year's advance salaries that the Germans had been paid after the outbreak of war.<sup>12</sup> In correspondence that was to drag on into late 1915, the German Governor, Dr. Erich Schultz, made much use of the terms of the Second Hague Convention to argue his point. In October 1914, Schultz wrote to the Governor-General of New Zealand, Lord Liverpool, stating that he had not yet received the payments due to him as a prisoner of war under the terms of the Hague Conventions. He further goes on to state that the matter is urgent due to the fact that Logan in Samoa has prevented German officials from drawing on their private funds held with the German trading firm *Deutsche Handels und Plantagen Gesellschaft* (DHPG).<sup>13</sup> New Zealand adopted the position that the former Governor was mistaken in his view that he should receive payment under the Hague Conventions, as in the French version it was made clear that, a civilian official does not fall under the remit of the conventions. Schultz, in replying, attempted to turn the New Zealand argument upon themselves in stating that as 'Governor of Samoa, I am Commander-in-Chief of the colony according to German colonial law, and endowed with military powers.' In his opinion he was therefore a German officer and entitled to the protection and terms of the Hague Conventions.<sup>14</sup> This had no impact on New Zealand who informed Schultz that his most recent correspondence were taken under consideration but that they saw no reason to change their opinion on the matter.<sup>15</sup>

The arguments used by Schultz cited the clauses in the Hague Conventions that state an occupying force can only claim public property not private property, as the Germans were claiming their advanced salaries were. It was further claimed that the payments made were lawful under German law and since the New Zealand administration of Samoa was 'not the legal successor of the German Government, but holding the German territory of Samoa only "occupationem"' it did not have any claim if there could be one to the funds.<sup>16</sup> This line fell on deaf ears as both the Foreign Office and the Colonial Office in

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11. Williams and MacDonald, *The Phosphateers A History of the British Phosphate Commissioners and the Christmas Island Phosphate Commission*, 115-6; NAA, A1, 1915/19390, On 06 November 1914, German Commissioner and 25 others taken prisoners and sent to Sydney. Telegram GG Australia to High Commission for Western Pacific, 19/11/1914.

12. As we have seen in chapter 1, the Australians were none to pleased about advance pay upon surrender either.

13. As Samoa had no bank, DHPG was used to deposit funds. TNA, FO 383/50, Letter Schultz to Liverpool, 14.10.1914.

14. His argument supports the contention by Proctor that 'the problems of the civil/military divide, [created] categories of people who did not fit neatly in either.' Proctor, *Civilians in a World at War, 1914-1918*, 205.

15. Correspondence between Schulz and New Zealand are in, TNA, FO 383/50, Memo for Liverpool, 19.10.1914, Schultz to Liverpool, 05.11.1914, Hamilton to Schultz, 16.11.1914.

16. *Ibid.*, Schultz to Liverpool, 05.02.1915.

London concurred with New Zealand's course of action of not handing the funds over to the Germans.<sup>17</sup>

Returning to the topic of repatriation, it continued to be a slow process throughout the occupation period. The case of Hans von Tecklenburg, a former deputy-governor of Samoa, highlights some of the issues faced by POWs in seeking to be repatriated. Tecklenburg had received permission to be interned in Switzerland under an agreement between the French and German governments, possibly due to his wife being French. She was considered of unsound mind and had been in an asylum in New Zealand before they embarked to Europe. While originally having no objections to the move, later the British requested the French to retain him as they were in discussions with the Germans for a reciprocal repatriation of POWs, and Tecklenburg's fate would depend on the outcome of these talks. He had been in Europe for three months when he made a request for monies held for him in New Zealand to be sent to him.<sup>18</sup> The Foreign Office had no objection to the money being forwarded to the French to give to Tecklenburg. What they did object to was this German being able to be interned in Switzerland without them receiving anything in return.<sup>19</sup> Unfortunately for Tecklenburg, the war was to end before any agreement could be reached. The Foreign office was to lament for him that 'the Germans would have been wise if they had concluded the bargain in time! As it is I suppose Tecklenburg will remain where he is until Peace is signed.'<sup>20</sup>

The South Africans returned to the question of the voluntary repatriation of Germans to Germany, of men of non-military age together with women and children.<sup>21</sup> In South Africa about 100 enemy subjects had applied and Smuts was hoping to transport any applicants from the Protectorate that may wish to go as well. Uptake was slow in SWA though, with only eleven applications, which was put down to a reluctance by women to leave their menfolk. There was a view that many more would start to apply 'when pressure of economic conditions in the Protectorate become more severe.'<sup>22</sup>

It was not only repatriation to Germany that had to be considered. Many of the Germans interned in South Africa wanted to return to South West Africa after the conflict had ended. All the inhabitants of Lüderitz, that had been interned in the Union were returned in August 1915, except for a few persons that the Department of Defence wished to retain.<sup>23</sup> Many of these who were kept in South Africa were still interned as they refused to sign the parole that would allow them to return to SWA. In January 1916, there were still twenty-three retained in South Africa, of which eighteen were for refusing parole, two for having no means to support themselves and the rest at their own request.<sup>24</sup>

17. Robert Cecil, a later advocate of the League of Nations, was to note that considering the Germans 'constant disregard of the laws and customs of war, [the British] are amazed that they would have thought it right to appeal to the Hague Convention.' *ibid.*, Handwritten minute - Robert Cecil, December 1915.

18. Monies were held by the Commandant at Motuihi POW Camp, due to the regulations on how much money POWs could carry with them.

19. Handwritten notes concur that they should request the Germans repatriate Sir John Irvine in exchange. One official goes as far as writing 'I agree, I am all against giving up this Hun for nothing. Even if they will not give us Irvine, they will offer someone else.' TNA, FO 383/433, Foreign Office: Prisoners of War and Aliens Department: General Correspondence from 1906: Germany: Prisoners, Minute No. 13116, 13/09/1918.

20. *Ibid.*, Minute No. 17840, 23/11/1918.

21. This was also discussed chapter 1.

22. NASA, CES 126 ES70/2592/14 Part II, Repatriation of Enemy Subjects to German South West, Telegrams between Smuts and Chief Secretary, Windhoek, 12-13/08/15.

23. *Ibid.*, Letter Secretary SWA to Secretary for the Interior, December 1915.

24. NASA, CES 126 ES70/2592/14 Part II, Botha to Governor-General, 24/01/1916; The GG doubted it would be within the spirit of International Law and Custom to remove German civilians, (even if they had served as

Many of the families interned at Roberts Heights, in South Africa, were returned by the Government, but some women had to remain behind as their children were sick at the time of transportation. Later, they enlisted the help of the American Consul to request the South African Government to repatriate them at its cost. The Americans brought it to the attention of the South Africans that they thought it very unfortunate that these Germans 'should be obliged to remain indefinitely away from their homes and support on account of the untimely illness of some of the children.'<sup>25</sup> The Department of Defence arranged for the transportation back to SWA for these four families at its own cost later that September.

The South African military commander in German East Africa requested permission for the transfer of German Women and children from that colony to either German South West Africa or the Union itself due to health reasons. The Union refused to allow them to come to South Africa but after reconsideration was open to them being transferred to German South-West Africa. The Administrator of GSWA was also open to the Germans being transferred and stated 'that the Germans in that territory have an organisation ready to receive the persons in question.'<sup>26</sup> Finally, the Union Government decided that the best course of action would be for the women to remain in East Africa or be transferred to Egypt. A couple of reasons were behind this decision. Firstly, there were strong objections in South Africa to it, and secondly, the Union Cabinet feared that 'any camp for 1,500 women and children would be designated a "concentration camp," and would be used by the Boer Nationalists for political purposes.'<sup>27</sup>

After the cessation of hostilities in SWA, in 1915, German military POWs were interned in two camps that were established in GSWA. There was one camp for officers at Okanjande and another for other ranks at Aus. As both Johann Bruwer and Mahon Murphy, in separate studies, report the issue of tents for POW was a point of contention. In Okanjande, it was described as 'not a treatment befitting European soldiers.'<sup>28</sup> The prisoners in Aus, after being refused building materials, proceeded to build their own accommodation (see figure 10). They manufactured their own mud bricks and used their tents as roofs.<sup>29</sup> The Germans at the camp at Aus, were also joined by the 41 Cameroonian troops, whose fate I have discussed in chapter 1. While these Cameroonians were interned with the German troops, they did not get the same privileges and were employed in sanitary work. In August 1915, possibly to show that they were more lenient

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reservists), provided they were willing to take the Oath of Allegiance. NASA, *BNS 1/7/11 Z74*, Minute No 9/64/16 - 15/05/1915.

25. NASA, *CES 126 ES70/2592/14 Part II*, Letter from American Vice Consul to Commissioner for Enemy Subjects, 04/09/1915; Funding repatriations was a grey area. The South African Control and Audit Office thought it should be 'embodied in some form of international agreement or in the Hague Convention.' NASA, *CES 126 ES70/2592/14A*, Provision of Funds by the German Government for the repatriation of Civilian Enemy Subjects, Letter — 15/10/1918; Women and children were treated as refugees and not as prisoners. Dederling, 'Prisoners of War and Internees (Union of South Africa)'.

26. TNA, *CAB 24/152*, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): Western and General Report No. 86. Part I - British Empire and Africa. Folio 55.

27. TNA, *CAB 24/147/20*, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): Western and General Report No. 45, Folio 207; The fear of establishing concentration and refugee camps in SWA, resulted in SA examining if they could repatriate men, who can't partake in military service, women and children, where they cannot make provision for their own livelihood. NASA, *CES 126 ES70/2592/14 Part II*, Repatriation of Enemy Subjects to Germany, Minute 1010 - 30/08/1915.

28. Murphy, 'Prisoners of War and Civilian Internees Captured by British and Dominion forces from the German Colonies during the First World War', 68.

29. Johann Bruwer, *Prisoner of War Camp Aus 1915-1919*, 2nd (Windhoek: Namibia Scientific Society, 2003), 9-10.

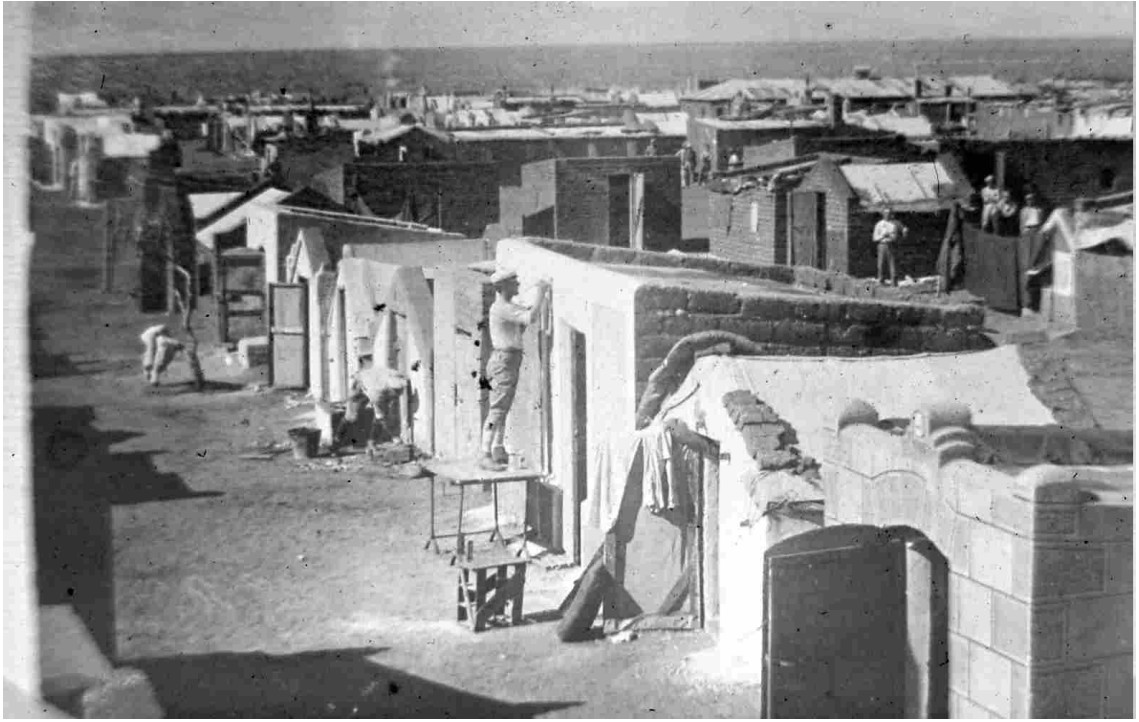


Figure 10: Aus POW Camp (GSWA) c.1915-1919

administrators, the SA Department of Native Affairs sought that they be released if they were seen as no threat to the South African administration.<sup>30</sup> It would be 1917 before an agreement was reached with the British authorities in Nigeria and the French in Cameroon that allowed the prisoners to return to their homelands. The officer commanding the prison camp was sorry to see them leave, as they were employed at a cheaper rate than local labour and 'that at least 30 to 35 [indigenous workers] would be required to replace the 23 Cameroonians.'<sup>31</sup>

The relationship of the Dominion occupiers with the local indigenous populations forms an important aspect of this chapter due to the nature of colonial administration and to the later clause within the mandate agreements to promote to the utmost the material and moral well-being and the social progress of the inhabitants. What is of interest in the period of occupation (1914-19) is the attitude of the administrations towards the indigenous peoples and what actions, if any, were taken to improve their position. Also, it will be of importance to highlight and discuss any incidents that may have lasting impacts into the mandate period on the relationship between the administrations and the local populations.

Prior to the arrival of the New Zealanders, the Germans had set up a system of administration that 'intervened closely in Samoan affairs.'<sup>32</sup> The principle Samoan Chief was made subordinate to the German Kaiser, and local Samoan Officials were supervised by European ones. After the flag raising ceremony in Apia, Logan held a meeting with Samoan Chiefs. His view was that the Chiefs had a friendly attitude towards them. He also reported that he was informed by 'reliable sources that the vast majority of the

30. Gewalt, 'Mbadamassi of Lagos: A soldier for King and Kaiser, and a deportee to German South West Africa', 116-7.

31. *Ibid.*, 121.

32. I. C. Campbell, 'Resistance and colonial government', *Journal of Pacific History* 40, no. 1 (2005): 47.

natives are in sympathy with the British occupation of Samoa.<sup>33</sup> While Hiery reports that the occupation was received enthusiastically by London Mission Society (LMS) missionaries and some of their Samoan followers, there were others less enthusiastic about the New Zealanders. Tupua Tamasese, an Fautua (High Chief), continued to display pictures of Kaiser Wilhelm II and his wife, even after images of the Kaiser had been banned. Not only did he tell Logan 'that he would comply only when the war was over and if Samoa were to remain British', but he was also the only person in Samoa to fly the German flag on the Kaiser's birthday.<sup>34</sup> Some Germans that were still resident in Samoa attempted to cultivate, albeit cautiously, a pro-German mood amongst the Samoans. Karl Hanssen, a Manager of the *Deutsche Handels und Plantagen Gesellschaft* (DHPG), believed that the majority of chiefs, and in his view it depended on them, would not welcome a change of government.<sup>35</sup> Hanssen's work would be cut short when he was arrested by the occupation force and sent to New Zealand in October 1915. As Hiery notes 'it caused bewilderment when the LMS's British clergy preached a crusade against the evil Germans while an almost cordial relationship was maintained between German and English civilians in Apia's everyday life'.<sup>36</sup>

Logan, early in the occupation, proclaimed Samoans were not allowed to travel by canoe even though this was one of their main means of transportation, although this was later amended by proclamation, where the travel restriction was confined to enemy subjects.<sup>37</sup> While this would have inconvenienced indigenous Samoans, the Administration also sought to gain favour with them. In early 1915, Logan contacted the New Zealand government to request if they could make representations to the Australian Government for the return of Samoans who had been exiled by the German authorities for having the audacity of asking how their taxes were spent by the Germans. As they were held in Saipan, which was now under Japanese occupation, the New Zealand representations had to go through the British Government in London. In late November 1915, fifty-eight of the exiled Samoans were returned to the Island by steamer. The Administrators' reasoning for seeking their return was to show the Samoans an example of the British sense of fairness.<sup>38</sup> It is also probable that it was done to show the New Zealand administration of the island in a better light than that of the German one. Of course what was not mentioned was that, in the view of Mary Boyd, was that the original exile of the Samoan group to Saipan had more to do with the intrigues of local English and part-English residents attempting to restore the influence of a Samoan King for their own ends.<sup>39</sup>

The interaction between the indigenous Samoans and the Chinese indentured labourers led the Faipules, an indigenous advisory council, to request Logan to do

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33. ANZ, *ACHK 8604 G1/202 1916/218*, 5.

34. Hiery, 'West Samoans between Germany and New Zealand 1914–1921', 56-7.

35. James N. Bade, ed., *Karl Hanssen's Memoirs of his Wartime Experiences in Samoa and New Zealand 1915-1916* (Frankfurt am Main: Peter Lang, 2016), 96.

36. Hiery, 'West Samoans between Germany and New Zealand 1914–1921', 59.

37. Taea Delphina Kerslake, 'Samoa and New Zealand's Special Relationship: More than a Neighbour?' (Master of Law, The University of Waikato, 2010), 14; NAA, *A1, 1916/28433*, British Military Occupation of Samoa. Proclamation No. 30, 28/04/1916; Logan brought in these rules without any consultation with the Samoans Cluny & La'avasa Macpherson, *The Warm Winds of Change: Globalisation in Contemporary Samoa* (Auckland: Auckland University Press, 2009), 46.

38. 'Exiled Samoans', *The Evening Post* (Wellington), 11 December 1915, 5.

39. Boyd, 'The Military Administration of Western Samoa, 1914-1919', 150.

something about it. They informed him at a meeting that 'the Chinese were corrupting their women and they were unable to keep the Chinese out of their houses.' He issued a proclamation No. 42 to deal with the matter, which forbade any indentured Chinese from entering a Samoans house, but also that no Samoan was allowed to let any Chinese into their house. The punishment for breach of these rules could be a £5 fine or imprisonment with labour of up to six weeks.<sup>40</sup> He was also aware that as his next meeting with the Faipules that he would be requested 'to issue a further proclamation making it a penal offence for a Samoan woman to enter a Chinese house.'<sup>41</sup>

The New Zealand occupation force also contained 90 health staff of the New Zealand Army Medical Corps. Their primary duty was to look after the health of the New Zealanders, but they also took on many of the public health functions that the Germans would previously have attended to. Unfortunately for the islanders the medical services were under-resourced. Some methods adopted to improve local sanitation were the issuing of regulations forbidding public rubbish dumping and the clearing of 'tins, coconut shells, or other receptacles that might catch and retain water', no doubt to prevent mosquitoes. Still, by 1916, the Principal Medical Officer wrote to Logan that 'it is a matter of urgency that something should be done soon so that we can get a start up to improve the sanitary conditions.'<sup>42</sup> It was suggested that the health regulations from another British territory, Fiji, should be adopted in their entirety at least until the end of the Occupation.



(a) Colonel Logan and his staff, Western Samoa



(b) Colonel Pethebridge and staff, Rabaul, 1915

Figure 11: Samoa & New Guinea — War time occupation Administration Staff

On Nauru, the main change under occupation, in the Australians' opinion, related to the indigenous population. Under the German system, the Nauruans were left to themselves, provided they paid their poll tax, whereas under the wartime military occupation, the Nauruans found they were 'called upon to take part in the improvement of the Island, hygienically, socially, and administratively.'<sup>43</sup> That said one of the first

40. ANZ, *ACGA 8280 IT1/25 EX 1/12 1*, Administration of Samoa - Information gained by Doctor Pomare, Proclamation No. 42.

41. ANZ, *IT1 208 EX 17/1 part 2*, Labour - Samoa - General, British Military Occupation of Samoa - Confidential Dispatch No. 44.

42. Maj Michael Tyquin, 'Problems in paradise: Medical aspects of the New Zealand occupation of Western Samoa, 1914 -1918', *Journal of Military and Veterans' Health* 20, no. 2 (2012): 8.

43. NAA, *CP103/11, 455, P.3*; LNA, *Box R32 1/20349/9598*, Mandate for Nauru, P.3.



actions of the occupation troops did not endear them to the indigenous Nauruans. Williams reports that, likely due to the disappointment of not meeting any German resistance, troops took to shooting village pigs. This action resulted in complaints been made.<sup>44</sup> Colonel Holmes, tasked with removing the German population from the Island, was possibly aware of the impact of removing the previous European masters of the Island. In a move designed to calm the local population, the Australians informed the Nauruan Chiefs that the Germans would return to the island in three months.<sup>45</sup> The last Germans to be deported from the island was a German priest and two nuns. The administration had no problem with the two nuns, but the priest was deemed to be a nuisance. He was described as 'an ignorant and bigoted German . . . , and has lost no opportunity in bringing charges against the Garrison and against the Gilbert Police.'<sup>46</sup> They were deported to Australia, but it was not deemed necessary to intern them there. The Administrator in Nauru was pleased with the effects of the deportations and was able to report 'that the change of attitude of the natives has been marked.'<sup>47</sup>

In GSWA, tensions in relation to indigenous and settler issues began to arise almost immediately for the administration. The grain harvest failed in Ovamboland in the North of GSWA which led to much migration of the African population. The Herero tribes, that the Germans had massacred before the war and had forced to live on reserves, began to move back to the areas where they came from. Jan-Bart Gewald states that due to the amount of people moving 'the administration were forced to accept the factual reoccupation of parts of Hereroland'.<sup>48</sup> Although effectively in control of GSWA the South Africans were precluded, under international obligations, from alienating or allocating any land on a permanent basis. Many other Namibian tribes used this to their own advantage and deserted their work places in large numbers and settled on vacant Crown Land and unoccupied farms.<sup>49</sup> At first, the South African administration allowed this movement, even if it was labourers away from farms, as they did not have the troops available for GSWA, due to their commitments fighting in German East Africa. Also, because of the famine in the north, Ovambo people migrating from there filled up the shortfall in labour for the reopened diamond and copper mines as well as the settlers' farms. In fact, the military administration tried to encourage urban blacks to settle in rural areas to increase the supply of labour to farms.<sup>50</sup>

Probably with an eye on opinion within the African population, the administration relaxed pass laws, lifted restrictions on African ownership of cattle, and reformed harsh German labour policies.<sup>51</sup> Some changes to the pass laws in 1916 were to bring them in line with regulations in the Cape, where there were fewer restrictions on the movement of

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44. Williams and MacDonald, *The Phosphateers A History of the British Phosphate Commissioners and the Christmas Island Phosphate Commission*, 117.

45. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 117-8.

46. NAA, A1, 1916/11373, Deportation of a priest and two nuns from Nauru. Letter Charles Workman to Military Commandant, Victoria Barracks, Sydney, 13/12/1915.

47. Ibid., Letter Charles Workman to Military Commandant, Victoria Barracks, Sydney, 07/02/1916.

48. Gewald, *Herero Heroes*, 233; Jan-Bart Gewald, 'We Thought we would be Free': *Socio-Cultural Aspects of Herero History in Namibia, 1915-1940* (Köln: Rüdiger Köppe Verlag, 2000), 26-7.

49. Wolfgang Werner, 'A Brief History of Land Dispossession in Namibia', *Journal of Southern African Studies* 19, no. 1 (1993): 141.

50. Gewald, *Herero Heroes*, 233; Werner, 'A Brief History of Land Dispossession in Namibia', 141.

51. Nikki Kalbing, 'A matter of life and death: Criminal law and the death penalty in South West Africa (SWA) under South African rule, 1915-1939', *South African Historical Journal* 66, no. 2 (2014): 6.

women in the rural setting. This in turn created a network whereby farm labours could be informed as to working conditions throughout the region and enable them to take advantage of this information in a competitive labour market.<sup>52</sup>

Farming had suffered, especially in the southern part of the colony, due to the invasion. Firstly, white farmers were recruited into the *Schutztruppe* and after the conflict were interned. Secondly, large amounts of stock was driven north and commandeered to feed both the retreating Germans and the advancing South Africans. As an example of the decimation of stock in the region, it was recorded that the Black stock owners of the Bondelswarts reserve had just 600 small stock and 30 large stock remaining after the conflict whereas 15,227 and 123 respectively were lost or consumed.<sup>53</sup> Compensation for the Black farmers could in no way account for what they had lost as, for example, the Bondelswarts farmers only received one goat for every twelve they had lost.<sup>54</sup> The South Africans continued the German tradition of maintaining native reserves. According to Wolfgang Werner, this system of reserves was established 'to provide labour to the colonial economy, particularly settler agriculture, rather than lay the foundation for successful small scale farming.'<sup>55</sup> To support this claim, Werner cites the example of the remarks of a Captain Bowker, the Officer in Charge of Native Affairs. Bowker observed in 1916 that 'there is a marked tendency among the natives to shirk work the moment they become the possessors of a few head of goats and cattle' and that, in his opinion, the best way to encourage labour was to levy a grazing tax on the indigenous population. He believed this tax would be the best way to entice those who had some livestock to work as 'a little financial pressure must always produce a more wholesome affect than the best police methods'.<sup>56</sup> South Africa was prevented from proclaiming permanent reserves until the fate of the colony was decided at the end of the conflict. What they did instead was to set up what they called temporary reserves. When the mandate was issued in 1920 about 30 such reserves were in existence all over the country.<sup>57</sup>

It could be argued that the South Africans also wanted to be lenient to the inhabitants of GSWA for other reasons. While, as stated above, the South Africans' administrative resources were stretched, due to other commitments, they were also aware that at the end of the war, should the Allies win, they would want to keep the territory. As part of this campaign, the South Africans set out to prove they were better at the task of running the colony than the Germans' had been. That said, not all the indigenous population were won over by South African war-time rule. For example, the Kwanyama King, Mandume resisted the administration until South African troops killed him in battle in 1917.<sup>58</sup> Some other indigenous leaders fared better than King Mandume during this period. In late 1916 a warlord, named Oorlog, came into GSWA from Angola and drove out local inhabitants. He was to be recognised as a chief by the South Africans within the year. That said, he could have suffered a similar fate as the Kwanama King in February 1917, after the

52. Silvester, 'Beasts, boundaries and buildings: The survival and creation of pastoral economies in Southern Namibia, 1915-1935', 101.

53. Ibid., 99.

54. Ibid.

55. Werner, 'A Brief History of Land Dispossession in Namibia', 136.

56. Ibid.

57. Ibid., 141.

58. Kalbing, 'A matter of life and death: Criminal law and the death penalty in South West Africa (SWA) under South African rule, 1915-1939', 6.

Administration received reports that his band killed 36 people in a village attack, they began planning a military operation against him.<sup>59</sup> Oorlog was repentant before the South Africans, and if anything he was able to embed himself within the local administration due to the good personal relationships he established with officials when they toured the area. As Gewald states, this 'elaborates the point, raised elsewhere by John Lonsdale and Bruce Berman, that interpersonal relationships — not bureaucratic structures — were of crucial importance in the establishment and maintenance of early colonial rule in Africa.'<sup>60</sup>

What the above section had displayed is that the Southern Dominions, in their relationship with the indigenous population, were more concerned with ensuring that policies were put in place to support post-war aspirations rather than the need to conform with international laws and conventions.

## **2.2 Good Government? Floggings in New Guinea and GSWA, and New Zealand and the influenza pandemic in Samoa, 1918**

This part of the thesis comprises two case studies that show how Dominion governments at times struggled with incidents that either were used as propaganda, such as flogging, or seriously impacted on future government into the mandate period, such as the influenza pandemic. While I shall mostly focus on the influenza in Samoa, I will draw reference to how the epidemic impacted on the other territories under review in this thesis. This shall be used for the purpose of contrast. While other territories such as Nauru and GSWA were greatly impacted by the influenza, the impact on the society of these territories was not as lasting as it was in Samoa. As I will show, the New Zealand's handling of the epidemic would colour the Samoa-New Zealand relationship well into the future, not least during the 1920s.

Turning first to flogging in German territories we find that practices were based on a racial hierarchy. While flogging of indigenous populations was allowed, it was not for indentured labourers.<sup>61</sup> In reaction to a mass strike, in Nauru, of Chinese labourers, the Germans unsuccessfully attempted to bring in flogging for them. The main reason against it was because of the possible negative impact on Chinese public opinion.<sup>62</sup> Indigenous indentured labourers in New Guinea were subject to a 1900 law for the maintenance of discipline among them. Crimes they could be flogged for included insubordination or 'continued neglect of duty and laziness' and punishments of up to 25 strokes could be meted out every fortnight.<sup>63</sup> As noted by Susan Pedersen, Germany had forced Africans into their service through 'a ban on all native property, the registration of all male

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59. Gewald, 'On becoming a chief in the Kaokoveld, colonial Namibia, 1916-25', 30.

60. *Ibid.*, 24.

61. Samoa was an outlier; flogging was legal as punishment for Chinese immigrant workers in Samoa and in the rest of the German Pacific until 1912, but it was illegal for Samoans. Steinmetz, *The Devil's Handwriting: Precoloniality and the German Colonial State in Qingdao, Samoa, and Southwest Africa*, 328; Ben Featuna I Liua'ana, 'Dragons in little paradise: Chinese (mis-) fortunes in Samoa, 1900-1950', *Journal of Pacific History* 32, no. 1 (1997): 32.

62. It also did not help the China was about to abolish flogging as well. Stewart Firth, 'German Labour Policy in Nauru and Angaur, 1906 - 1914', *The Journal of Pacific History* 13, no. 1 (1978): 41.

63. Stewart Firth, 'The Transformation of the Labour Trade in German New Guinea, 1899-1914', *The Journal of Pacific History* 11, no. 1 (1976): 61; Similarly, in GSWA flogging could be used, not only for serious crimes, but as disciplinary measures for offences against the Master and Servants Law, such as insubordination or neglect of duty. TNA, CAB 24/151, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): Western and General Report No. 73. Part I - British Empire and Africa. folio 48.

Africans over the age of seven, the imposition of a strict labor requirement, and the heavy use of "paternal chastisement" (or flogging).<sup>64</sup>

For all the later indignation, discussed below, from the Dominions about the German practices of flogging the major crisis in the war period related to the Australian flogging of Europeans in New Guinea. The background to the case was that European Plantation owners in the northern Bismarck Archipelago blamed the leader of the local Australian Wesleyan Methodist Mission, a Reverend William Henry Cox, for the desertion of their plantation workers after the Australian occupation. He was subsequently beaten up by some drunk plantation owners. Holmes, the Australian Commander, who could only be described as taking the law into his own hands, ordered that the planters, without any sort of trial, were to be publicly flogged. The fact that one of the planters was from an allied nation, Belgium, and another tried to commit suicide did not spare them. It is probable that the whipping should never have been carried out as the *Manual of Military Law* that Holmes relied on forbade corporal punishment. The incident was to come to international notice when photographs of it emerged, although Holmes had ordered that none be taken (see figure 12). One local repercussion though was that all Germans, that had remained in the service of the occupation administration up to that point, resigned the day after the whippings.<sup>65</sup>

While both Hiery and Murphy discuss the flogging incident, with Murphy in particular focusing on the later international reaction to it, I am going to discuss the debate around the international law that occurred in Australian official circles.<sup>66</sup> The Germans made an official complaint to Britain seeking that both Holmes and the New Guinea Provost-General, be tried and all copies of the photos of the incident destroyed. They based their complaint on the fact that the punishment of the Germans was not a punishment that was prescribed under the German legal code. Displaying a level of uncertainty and trepidation within the Australian Department of Defence, one officer was to declare 'I fear this question will become troublesome.'<sup>67</sup> As a precaution against any more accusations, Holmes was informed that the Australian Government considered 'it inadvisable, as a matter of principle, that corporal punishment should be inflicted on enemy subjects or prisoners of war, and no such action to be taken in the future.' In building their case, the Australians relied heavily on the terms of surrender, that as we saw in chapter 1 were deemed lenient, to bolster the rationale that the flogging were permissible. The military, in reviewing the situation, considered that 'on strictly legal grounds, except so far as the laws and customs of war may be considered legally binding, the action of the Administrator cannot be called in question by the enemy subjects concerned.'<sup>68</sup> To reinforce their position, they sought the opinion of Pitt Cobbett, a Professor in International law. Pitt's review of the case, unsurprisingly, found that the Australians were within their rights to have ordered the flogging. Pitt came to the

64. Pedersen, 'Settler Colonialism at the Bar of the League of Nations', 117.

65. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 36-8; NAA, A1, 1925/8405, Floggings - Flogging of Germans in late German New Guinea, A number of resignation letters in this file refer to the flogging as a reason for their resignation.

66. Murphy, 'Prisoners of War and Civilian Internees Captured by British and Dominion forces from the German Colonies during the First World War', 87-91; Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 36-7.

67. NAA, A1, 1925/8405, Department of Defence Minute, 07/01/1915.

68. Ibid., Department of Defence Minute, 18/12/1914.



Figure 12: The flogging of a German by orders of Colonel William Holmes, as a reprisal for the flogging of a British missionary, the Reverend W A Cox

conclusion that the beating of Cox was a breach of Articles of the Proclamation of Martial Law issued at the commencement of the occupation, and could be dealt with under military law. Not only that, it was also consistent with Article 43 of the 1907 Hague Convention, and the punishment bestowed on the Germans 'did not contravene any other positive rule of international law.'<sup>69</sup> Effectively, what the Australians relied upon to defend themselves, not unlike the Germans when they poisoned the wells in GSWA, was the 'concept of necessity'. Article 43 of the 1907 Hague Convention placed obligations on Australia to preserve the laws in place at occupation, known as the conservationist principle, but it also gave them latitude on this general principle if they were 'absolutely prevented' from respecting the local laws.<sup>70</sup> What this case demonstrates was how parties, in this case Australia, used international law to cloak an unsavoury act in a certain degree of legality.

Flogging was, again, to raise its head near the end of the military occupation. In August 1915, the new Administrator, Colonel Pethebridge, abolished flogging as a disciplinary punishment administered by employers, but reintroduced it immediately as part of the criminal justice system.<sup>71</sup> News of the practice filtered back to Australia. Upon

69. NAA, A2, 1917/3615 Part 4, German New Guinea - Flogging of certain German subjects at Rabaul, The Rabaul Case, Opinion of Professor Pitt Cobbett, 21/01/1916.

70. For more on the background of these concepts and their development, see Arai-Takahashi, 'Preoccupied with Occupation: Critical Examinations of the Historical Development of the Law of Occupation'.

71. Hiery goes on to say that 'it soon became apparent that the regulations existed only on paper, because officials in the outer stations interpreted them as meaning that flogging could continue but could only be

hearing press reports of the re-introduction, on the request of German inhabitants, of flogging of indigenous people, the Association for the Protection of Native Races in Australasia and Polynesia wrote to the Minister of External Affairs. They protested the practice due to the fact that they considered the Australians' mission to be 'to protect the Native peoples, to secure their welfare, and to give the humane government for which the British have been invariably known in their relation with the backward races.'<sup>72</sup> Because of this type of external lobby group pressure and public opinion; the Government decided in July 1919 that the flogging of the New Guineans was to be abolished.<sup>73</sup>

In GSWA, the military administration attempted to put some safeguards in place in relation to flogging. While not banning the practice, employers now had to obtain a court order before they could use flogging as a disciplinary tactic. The newly introduced masters and servants laws abolished an employer's private right of punishment. This, as Nikki Kalbing says, allowed the administration to place labour 'under legally regulated government control, not in private hands.'<sup>74</sup> During the military occupation, there was a 'little forcible persuasion' to get the indigenous population to work.<sup>75</sup>

All the while the Southern Dominions argued that German treatment of the indigenous population in their colonies was justification enough to take them off them.<sup>76</sup> The South Africans went so far as to produce a report to highlight the deficiencies of German rule in GSWA. The report on the German administration, also known as the Blue Book, made numerous references to flogging.<sup>77</sup> Major Thomas Leslie O'Reilly, the prime compiler of the report, had access to the GSWA administrative archive. These archives 'contained a series of files dealing with the concerns raised in Berlin about the excessive flogging that was taking place in the territory.'<sup>78</sup> Understandably, O'Reilly's most pressing concern was about the continuing practice of corporal punishment by policemen of the occupation administration. The use of flogging had been abolished under martial law, but O'Reilly expressed concern that beatings still existed and it would have a detrimental impact on indigenous population's view of the South Africans.<sup>79</sup> The Blue Book was

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administered by them, or with their express approval.' Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 80-1.

72. NAA, A1, 1919/4022, Flogging Natives in German New Guinea, Letter-Association for the Protection of Native Races in Australasia and Polynesia to Minister of External Affairs, 26/03/1919.

73. NAA, A1, 1919/7606, Consul General Japan: Information re treatment of New Guinea Natives by Commonwealth Govt. Letter-Acting Prime Minister to Concul-General for Japan, 04/07/1919; Bulbeck reports that local planters and officials argued against its prohibition. Chilla Bulbeck, *Australian women in Papua New Guinea: Colonial Passages, 1920-1960* (Cambridge: Cambridge University Press, 2002), 138; Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 82.

74. Kalbing, 'A matter of life and death: Criminal law and the death penalty in South West Africa (SWA) under South African rule, 1915-1939'.

75. Permanent Mandates Commission, *Minutes of the Third Session, 1923*, 18th meeting 31/07/1923, 121.

76. TNA, CAB 24/37/80, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): War Aims. Draft statement by General Smuts. Folio 243.

77. Other contemporary pamphlets also make reference to the German use of flogging, for examples, see Frank MacLean, *Germany's Colonial Failure Her rule in Africa condemned on German Evidence* (Boston and New York: Houghton Mifflin Company, 1918); René Puaux, *The German Colonies: What is to become of them?* (London: Wightman & Co., 1918).

78. Jeremy Silvester and Jan-Bart Gewald, *Words cannot be found, German Colonial Rule in Namibia: An Annotated Reprint of the 1918 Blue Book* (Leiden: Brill, 2003), xvii.

79. One person interviewed described the South Africans as 'just the same as the German police.' Silvester and Gewald, *Words cannot be found, German Colonial Rule in Namibia: An Annotated Reprint of the 1918 Blue Book*, xviii-xix; Under the law the police were not supposed to flog workers. Wolfgang Werner, 'Playing Soldiers': The Truppendienst Movement Among the Herero of Namibia, 1915 to ca. 1945', *Journal of Southern African Studies* 16, no. 3 (1990): 478; Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, 77.

roundly criticized in Germany as British propaganda with one Swiss newspaper reporting from German wireless that it was 'merely an attempt at incitation on the part of England in order to create a feeling in favour of the planned campaign for the robbery of Germany's colonies.'<sup>80</sup> Others, such as the Dutch press, were also sceptical of the Blue Book, comparing it to propaganda that was produced before the conquest of the Congo or Burma. They made the claim that the English had used exactly the same arguments before when describing the Boers before defeating their Republics. The Blue Book is viewed as nothing more than 'a very transparent attempt to justify "morally" the annexation of the German colonies.'<sup>81</sup> While, undoubtedly the Blue Book was presented first and foremost as an argument that Germany should not retain her colonies after the war, Jeremy Silvester also argues that it served a second purpose. The report accounts for German near genocidal campaign in parts of GSWA in 1904-05, which left some indigenous groups severely underpopulated. This in turn portrayed a depopulated land that for the South Africans created a 'useful image of newly available space, ripe of settlement', the old idea of terra nullius.<sup>82</sup> This Blue Book colonial controversy should also be related to the massive propaganda battles unleashed in 1914 over German atrocities during the invasions of Belgium and France — which did occur — but which provoked angry German denials and counter-accusations against the Entente Powers, all which is well documented by John Horne and Alan Kramer in their 2001 study.<sup>83</sup>

I shall turn now to my other case study, the 1918 influenza pandemic in Samoa. The H1N1 influenza virus, otherwise known as the 'Spanish Flu', was highly infectious and life threatening. It traversed the globe during 1918 and 1919 in 'three distinct but related waves, an infectious but relatively mild first wave in March-July 1918, the deadly second wave in August-December 1918, and a serious but more moderate third wave in 1919.'<sup>84</sup> Of all the territories under review, the influenza pandemic had the most impact on Samoa. As a result, New Zealand's administration, and its relationship with the indigenous Samoan population, suffered a major setback over its handling of the influenza epidemic that hit the island. The Military administration in Samoa was to come under severe scrutiny for its role in the influenza outbreak on the Island. These criticisms were heightened by the ability of the American Samoan Islands to enforce a strict quarantine

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80. TNA, CAB 24/152, folio 62; For more on the official German reaction and perspective represented in their 1919 'White Book' see Mads Bomholt Nielsen, 'Delegitimizing Empire: German and British Representations of Colonial Violence, 1918-19', *International History Review*, 2019, 1-18.

81. TNA, CAB 24/152, folios 78-9; John H. Harris, of the ASAPS argued that Germany had forfeited her moral right to colonies because of inhumane treatment of the natives. ED Morel, one of the whistle-blowers on Belgian atrocities in the Congo, argued that German rule in Africa had not been any worse than that of the other colonial powers. Louis, 'African Origins of the Mandates Idea', 32.

82. Silvester, 'Beasts, boundaries and buildings: The survival and creation of pastoral economies in Southern Namibia, 1915-1935', 97.

83. John Horne and Alan Kramer, *German Atrocities, 1914: A history of denial* (New Haven: Yale University Press, 2001); Accounts of the 1904-07 Genocide also feature in the Blue Book David. Olusoga and Casper W. Erichsen, *The Kaiser's Holocaust: Germany's forgotten genocide and the colonial roots of Nazism* (London: Faber & Faber, 2010).

84. Howard Phillips, 'Influenza Pandemic (Africa)', 1914-1918-online. *International Encyclopedia of the First World War*, 2015, In part these waves were spread by the early stages of troop demobilizations. As Barry states these demobilizations 'coincided with waves of public apprehension on numerous fronts over and above those previously stated. The most lethal of these challenges was the global influenza pandemic commonly referred to as the Spanish Flu.' Barry, 'Demobilization'.

that prevented the disease from afflicting it. In contrast, Western Samoa lost approximately 22 per cent of its population to the epidemic.<sup>85</sup>

In this sorry story, the Imperial Government in London was also culpable to a degree in the spread of influenza in the Pacific. The Colonial Office in London was organized geographically, and there was never cross communication between departments. Due to the fact that Africa was a different section to the Pacific, they did not know what was going on after the first outbreak in Africa.<sup>86</sup> I have seen evidence that the southern Dominions were in direct contact with each other in relation to the spread of the flu. In October 1918, South Africa sent Australia warning about how serious the outbreak of influenza they were experiencing was, so they could take measures to prevent its introduction to Australia.<sup>87</sup> One member of the LMS living on Samoa, reported to the Epidemic Commission, a post-facto official investigation, that the news of an influenza outbreak was well-known in Samoa before the arrival of the virus in Samoa. He told the Commission that Samoa should have been 'prepared and not take[n] a risk, knowing what had happened in other parts of the world. This [is] a large native population, and it is not like dealing with whites. You cannot take the risk here that you could take in Auckland or in other places in New Zealand.'<sup>88</sup> In fact, it is hard not to come to the conclusion that New Zealand was not incompetent in not informing Samoa of the influenza currently raging across the Pacific. This is supported by the fact that before the flu reached Samoa in November most deaths in New Zealand had already occurred during the second wave when it hit in mid-October 1918.<sup>89</sup>

The influenza came to Samoa on 07 November 1918 by way of the steamer *Talune* (see figure 13). Some evidence is quite damning of the procedures adopted when the *Talune* docked in Apia. A Missionary, Paul Cane, who was extremely sick upon arrival at Samoa, testified that the Doctor that came on board did not examine him, and he just walked past him on his disembarkation. This is in contrast with some people he met on the island who commented on how sickly he looked. He also noted that local opinion compared the New Zealanders' reaction unfavourably to the German administration's stringent precautions that were taken when a ship of Chinese labourers had docked with smallpox before the War.<sup>90</sup> The Principal Medical Officer on Samoa recorded in his diary that '... it was not until we opened the papers received by the mail brought by the *Talune* that we learnt there had been an outbreak of a serious nature in Auckland and Suva.'<sup>91</sup>

85. The extremes of mortality between Western and American Samoa 'fuelled speculation, anger and resentment by the indigenous population about the way the colonies were administered.' Phyllis S. Herda, 'Disease and the Colonial Narrative: The 1918 Influenza Pandemic in Western Polynesia', *New Zealand Journal of History* 34, no. 1 (2000): 137; Patrica O'Brien states that 'this catastrophe cast an enduring shadow over the New Zealand-Samoa relationship.' O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson*, 29; J. B. Condliffe states that the epidemic left behind 'a memory that years of effective public health work has failed to soften.' J.B. Condliffe, 'New Zealand's Troubles in Western Samoa', *Foreign Affairs* 8, no. 3 (1930): 474.

86. Sandra M. Tomkins, 'The Influenza Epidemic of 1918-19 in Western Samoa', *The Journal of Pacific History* 27, no. 2 (1992): 184-6; For more on the British Empire response to the influenza see David Killingray, 'A New 'Imperial Disease': The Influenza Pandemic of 1918-9 and its Impact on the British Empire', *Caribbean Quarterly* 49, no. 4 (2003): 30-49.

87. NAA, A11804, 1918/254, Influenza, Telegram - GG South Africa to Australia, 12/10/1918.

88. ANZ, IT 1 146 EX 8/10 2, Medical - Samoa Epidemic Commission 1919, 36-7.

89. John Ryan McLane, 'Setting a Barricade against the East Wind: Western Polynesia and the 1918 Influenza Pandemic' (PhD, University of Otago, 2012), 28-31.

90. ANZ, IT 1 146 EX 8/10 2, 17-22.

91. Tyquin, 'Problems in paradise: Medical aspects of the New Zealand occupation of Western Samoa, 1914-1918', 9; Logan also only learned of the flu when he read the papers brought by the *Talune*. Tomkins, 'The Influenza Epidemic of 1918-19 in Western Samoa', 187.



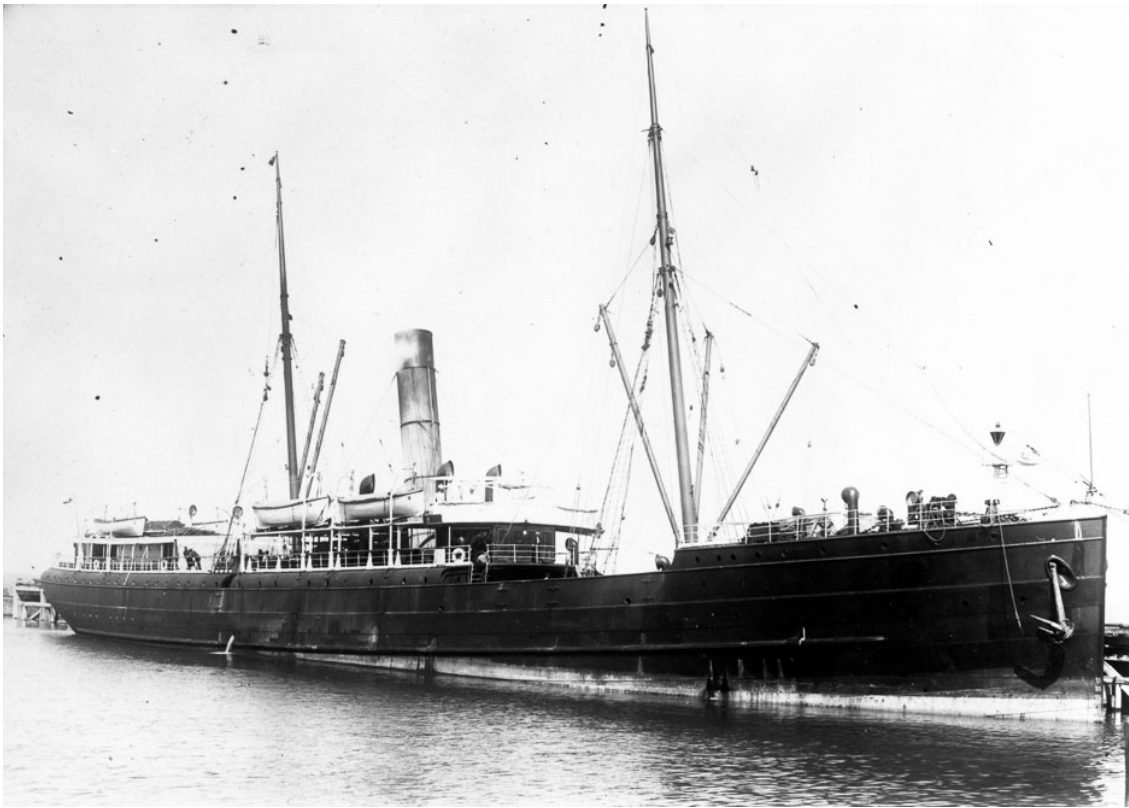


Figure 13: The steamship Talune at the Napier breakwater in 1908

Poor procedures also allowed for influenza to get into South West Africa. It arrived in the country through South Africa where the infection arrived at Cape Town after two troopships enroute from Europe had refuelled in Freetown, in Liberia, during the outbreak. Some on board were ill, and they were hospitalised on arrival in Capetown with the rest of the ship's complement 'confined to a military camp for two days, under less-than-rigid quarantine.'<sup>92</sup> After their quarantine they were allowed to travel on to their final destinations in South Africa. Over the next few days, cases of influenza appeared among those who had been in contact with the soldiers of the troop ship. The train network allowed for the spread of the disease, with railway workers and their families among the first to fall ill and die.<sup>93</sup> In Windhoek, a train arriving from the Union was 'on time, though its conductor was dead and a critically ill waiter died shortly after being admitted to hospital.' A travelling circus also spread the disease in the territory. In the words of one settler, Margarethe von Eckenbrecher, 'all of us, whether German, English, Boer, or native, began to panic.'<sup>94</sup> The pandemic left an impression, for when a circus

92. Phillips, 'Influenza Pandemic (Africa)'; Jackson, 'Bechuanaland, the Caprivi Strip and the First World War', 140-1; For more on the flu in South Africa, see Howard Phillips, 'The Local State and Public Health Reform in South Africa: Bloemfontein and the Consequences of the Spanish 'Flu Epidemic of 1918'', *Journal of Southern African Studies* 13, no. 2 (1987): 210-233.

93. Killingray, 'A New 'Imperial Disease': The Influenza Pandemic of 1918-9 and its Impact on the British Empire', 36.

94. For her description of the pandemic in Windhoek, see pp 279-85 Eckenbrecher, *Africa, What it gave me, what it took from me*; Eight percent of the Windhoek population was to perish. Killingray, 'A New 'Imperial Disease': The Influenza Pandemic of 1918-9 and its Impact on the British Empire', 36-7; For other research on the influenza in SWA see Marion Wallace, *A History of Namibia. From the Beginning to 1990* (New York: Columbia University Press, 2011), 215; Chambikabalenshi Musambachime, 'Kapitohanga – "It kills faster than a bullet": The impact of the influenza epidemic on the populations of Central and Southern areas of South West Protectorate (Namibia) from October 1918 to December 1919', (Basel), 1999,

came to town again, the indigenous population did not attend as years ago the circus had brought death. In the POW camp at Aus, in SWA, a total of 59 POW and 50 members of the South African force died. The mining industry was also impacted by the influenza epidemic. The epidemic had been preceded by a severe outbreak of measles, and the combination resulted in a 20 per cent death rate among black labourers in the diamond mines in Lüderitz. In an attempt to prevent the transmission of the influenza, the Police Zone border was closed for three months from October 1918, and no traffic was permitted between the southern and northern portions of SWA.<sup>95</sup> Echoing language that would be used in Samoa, Otjherero-speakers in SWA called the influenza *kaapitohanga*, meaning 'it came as fast as a bullet', due to the rapid way the infection spread.<sup>96</sup>

In contrast, the influenza outbreak was not as severe in Australia as they implemented a strict quarantine system. That said, the second wave did arrive in January 1919, though it was not as severe as in other places and mortality rates were lower than expected. The Australians also applied their quarantine protocols to the territories under their control, and they generally did not see any outbreak until early 1919.<sup>97</sup> As David Killingray states, the 'Commonwealth quarantine system did effectively control shipping out from Australia and thus prevented the spread of the worst of the infection to certain island groups of the western Pacific region' including New Guinea.<sup>98</sup>

Nauru, even due to its isolation was not spared the ravages of the influenza epidemic. As Hiery says, the Administration would have known 'about the devastating effects of a flu epidemic, especially on non-European populations' and yet appeared to do little to prevent it coming onto the island.<sup>99</sup> It is probable that the Influenza arrived onto the island in September 1920, by newly arrived indentured labourers from China. Like Samoa, Nauru may well have been spared the Influenza had they adopted quarantine policies similar to those in place at American Samoa. When one considers that the population of the island was about 3,000, the impact was large with 301 inhabitants of the island succumbing. At one point it was reported that 30 Europeans and 550 Nauruan were infected, although no figures were given for the Chinese indentured labourers.<sup>100</sup> Over a

95. The 59 in Aus was most of the total of 69 POWs who died during the 3 years the camp operated. The total POW numbers were 1,438. Bruwer, *Prisoner of War Camp Aus 1915-1919*, 27; Stats for the diamond mines are in: Anthony Brian Emmett, 'The Rise of African Nationalism in South West Africa/Namibia, 1915-1966' (PhD, University of the Witwatersrand, Johannesburg, 1987), 311; Miescher, *Namibia's Red Line: The History of a Veterinary and Settlement Border*, 75; 'An outbreak of measles in Windhoek in August 1918 led to 386 patients being admitted to the Native Hospital, and in October of that same year the first case of Spanish Influenza occurred in the town.' Ann Wanless, 'The Silence of Colonial Melancholy: The Fourie Collection of Khoisan Ethnologia' (PhD, University of the Witwatersrand, Johannesburg, 2007), 62.

96. Killingray, 'A New 'Imperial Disease': The Influenza Pandemic of 1918-9 and its Impact on the British Empire', 37; The Ovambo Reserve Ojteru lost 12% of its residents during the epidemic Miescher, *Namibia's Red Line: The History of a Veterinary and Settlement Border*, 123.

97. McLane, 'Setting a Barricade against the East Wind: Western Polynesia and the 1918 Influenza Pandemic', 31; Australia's 'strict maritime quarantine ... possibly helped "to dull the edge of the disease's virulency"'. Nevertheless the total death toll in the winter of 1919 was 12,000.' Killingray, 'A New 'Imperial Disease': The Influenza Pandemic of 1918-9 and its Impact on the British Empire', 40.

98. Killingray, 'A New 'Imperial Disease': The Influenza Pandemic of 1918-9 and its Impact on the British Empire', 40.

99. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 128.

100. TNA, DO 140/257, British Phosphate Commissioners: UK Commissioners Correspondence, Telegram - CO to Australia, 11/09/1920; Tabucanon and Opeskin state that the influenza reduced the island's population by nearly one-fifth Gil Marvel Tabucanon and Brian Opeskin, 'The resettlement of Nauruans in Australia', *Journal of Pacific History* 46, no. 3 (December 2011): 350; Viviani states that 230 Nauruans and 99 other Pacific islanders died. Nancy Viviani, *Nauru: Phosphate and Political Progress* (Canberra: Australian National University Press, 1970), 53.

third of the phosphate workers from the Caroline and Marshall Islands died during the epidemic. The New Zealand phosphate commissioner claimed the Nauruans were more susceptible to the flu because they were 'extremely lazy', echoing the charge against the indigenous population that was used in Samoa. Regardless of the views of the commissioner, the Nauru administration was appreciative of prompt assistance from the PPC when Influenza hit Nauru.<sup>101</sup> A longer lasting impact on the indigenous population is that after the influenza, Nauruans had a higher risk of getting leprosy, probably due to a weakened immune system.<sup>102</sup>

Returning our focus to Samoa, once the passengers of the *Talune* had been allowed to disembark, the disease spread rapidly throughout the island. This was to lead future administrator, Robert Tate, to remark that 'this disease was not easily seen until it went through the country like fire through dry grass.'<sup>103</sup> So fast was the spread of the flu, that on the 19 November, Logan requested help from New Zealand, to whom he reported that 80 per cent of the Samoans were affected and there were already numerous deaths. Since the medical staff were overworked he requested urgent naval medical assistance from Sydney as he had heard that there was a ship available there. The cost of the subsequent Australian Relief expedition would eventually be over £4,000 broken down between pay for personnel, supplies, and vaccine.<sup>104</sup> The New Zealand Government took the decision in 1920 to pay the bill out of central New Zealand funds rather than charge it to the Samoan Administration. This decision was based on the view that the influenza had caused 'intense bitterness and resentment' toward the administration which had now almost disappeared but there would be a risk of 're-opening of the old wound by calling upon the Samoan Administration to meet this large expenditure.'<sup>105</sup> Historian John Ryan McLane notes that the 'absence of medical staff still deployed in the battle zones of the First World War contributed to high mortality rates across the Pacific.'<sup>106</sup> Revealing the dire situation, Logan twice informed Auckland that outside of Apia the administration was unable to do anything to contain the epidemic, firstly stating that the 'white population has been organised to feed the living and bury the dead around Apia but can do nothing outside.', followed only a few days later by a telegram saying 'we are quite unable to do anything to outlying districts or Savaii'.<sup>107</sup>

One day later, the episode that was to ensure Logan's tenure as Administrator was untenable occurred. The US Governor in American Samoa telegraphed Logan, primarily

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101. TNA, DO 140/257, Telegram - CO to Australia, 30/09/1920.

102. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 128; George W. Bray, 'The Story of Leprosy at Nauru', *Journal of the Royal Society of Medicine* 23, no. 9 (1930): 27-8; Ironically, quarantined leprosy patients, isolating on Nu'utele, a short distance from the Samoan mainland were not affected by the influenza outbreak. Safua Akeli, 'Leprosy in Samoa 1890 to 1922: Race, Colonial Politics and Disempowerment' (Masters of Arts, University of Canterbury, 2007), 140.

103. ANZ, AAYS 8638 AD1 988/49/891/3, Medical - Influenza - Samoa - Outbreak of, Report of meeting held at Mulinu'u, 28/01/1919; For example in the village of Sauniatu the first death occurred on the 13th of November. 'A former resident recalls that at one stage he, as a nine-year old child, and one older man were the only ones well enough to get about. Not only did they have to gather, prepare, and distribute the food to the sick but theirs was also the unenviable task of burying the dead in the rocky ground.' Kenneth W. Baldridge, 'Sauniatu, Western Samoa: A Special purpose village, 1904-34', *The Journal of the Polynesian Society* 87, no. 3 (1978): 180.

104. See for discussion on vaccine brought to Samoa G. Dennis Shanks, 'The 'influenza' vaccine used during the Samoan pandemic of 1918', *Tropical Medicine and Infectious Disease* 3, no. 1 (2018): 1-6.

105. ANZ, AAYS 8638 AD1 988/49/891/3, Memo: Minister of External Affairs to J. G. Coates, 02/07/1920.

106. McLane, 'Setting a Barricade against the East Wind: Western Polynesia and the 1918 Influenza Pandemic', 5.

107. ANZ, AAYS 8638 AD1 988/49/891/3, Telegram - Logan to New Zealand, 19/11/1918 & 21/11/1918; NAA, A2, 1919/701, Influenza epidemic Samoa.

to inform him there would be a quarantine on vessels from Apia, but it was the last line of the telegram, and Logan's inaction in relation to it, that would cause a scandal. The telegram asked Logan to 'inform me if we can be of any service or assistance.'<sup>108</sup> Rather than accept help from Pago Pago, only ten hours away by ship, Logan closed down wireless communication with it. He used the excuse that he only had one radio operator, and he needed rest, although when the operator later testified before the epidemic commission he contradicted this hypothesis.<sup>109</sup> The fact that Logan refused help, that could arrive in a day, not only lost him all his credibility with the Samoan population but also the New Zealand public as well.

The high casualty rate reinforced the New Zealand administration's perception of the Samoans as a people who needed tutelage and were critical of any local responses to the epidemic.<sup>110</sup> Logan's opinion of the pandemic in its aftermath only confirms these perceptions. Writing to the Governor-General, Logan informed him that the Samoan's attitude to New Zealand rule had changed, due to the introduction of the flu and the burials in common graves, but 'like children they will get over it, provided they are handled with care.'<sup>111</sup> In spite of these attitudes, the New Zealand Government established an Epidemic Commission to investigate the influenza on the island. The Administrator, Robert Logan, was temporarily replaced as administrator by Colonel Robert Ward Tate, but following the former's statements to the Epidemic Commission, Tate was offered the position for three years.<sup>112</sup> The Samoa Influenza Commission further found that the influenza was epidemic in Auckland before the departure of the ship that brought it to Samoa, and the New Zealand Government should have sent a wireless message ahead to Samoa. Their larger findings were that the Health or the Defence Department, or both, failed in their duty towards Samoa.<sup>113</sup> The Commission visited Samoa between May and July 1919 where they took evidence from over 100 witnesses.

Table 1: Population change in Samoa between 07 November – 31 December 1918

	<b>Men</b>	<b>Women</b>	<b>Children</b>	<b>Total</b>
Before epidemic	10,988	12,327	14,863	38,178
After epidemic	7,723	9,623	13,290	30,636
Decrease	3,265	2,704	1,573	7,542

The deficiency in medical examinations at Samoa and other British islands did not appear to improve after the 1918 epidemic. We see, as discussed above, that influenza was able to make it's way to Nauru as late as September 1920. The Governor-General was not impressed with medical inspections of ships on his tour of the Pacific Islands in July 1919, citing the ones conducted at US islands as stricter. In a crossed out section of his confidential report, he states that he thought 'that if the general examination by medical officers of passengers on ships had been more stringent at the various ports in the Pacific, it is improbable that the passengers and crew of the "Talune" who introduced the disease

108. *Report of Samoan Epidemic Commission*, 1919, 9.

109. *Report of Samoan Epidemic Commission*, 11; ANZ, IT 1 146 EX 8/10 2, 203.

110. Tomkins, 'The Influenza Epidemic of 1918-19 in Western Samoa', 191.

111. ANZ, ACGA 8280 IT1/25 EX 1/10, Letter - Logan to GGNZ, 08/07/1919.

112. Mary Boyd, 'Coping with Samoan resistance after the 1918 influenza epidemic: Colonel Tate's problems and perplexities.', *The Journal of Pacific history* 15, no. 3 (1980): 156-7.

113. 'N.Z. Departments Blamed', *The Times* (London), 19 August 1919, 9.

to Samoa would have been permitted to land.<sup>114</sup> It is possible the Governor-General's report had some impact on New Zealand policy though. A couple of months later Australia was informed that no passengers from New South Wales would be allowed to land at Samoa, due to an outbreak of Influenza in the former.<sup>115</sup>

In the opinion of the new Administrator, Tate, the important effect of the epidemic losses was the transfer of the leadership to younger chiefs which was called 'the leadership of boys'. Of the thirty members of the Fono O Faipule, the indigenous advisory council, only six survived the pandemic.<sup>116</sup> The indigenous judiciary also suffered much loss, resulting in the need for new recruitment and training to be undertaken.<sup>117</sup> According to Tate, this new Samoan elite had come into their positions due to family connections rather than ability, and they had never gained the respect of the common people. This new leadership was able to articulate its dissatisfaction, with the New Zealand administration to Tate and the League of Nations was seen as a possible venue in airing of grievances. Laying blame on the New Zealanders' 'overbearing rule', the Samoans stated they would 'await the end of the fono [a Samoan word for council] of the League of Nations ... [where] the faults of your administration of Samoa will be advised.'<sup>118</sup> This shows that the Samoan indigenous political elite were plugged into the international rhetoric of the League of Nations. It was not only the indigenous population that were impacted. The European and those of European-Samoan ethnicity, were heavily affected as well. O. F. Nelson, a wealthy trader on the island, of Samoan and Swedish heritage, lost his mother, his brother and his wife, and his sister in the space of one week.<sup>119</sup> The obituaries of the local paper, which was shut down for a week due to lack of staff, was full of similar stories.<sup>120</sup> Nelson would later go on to serve on the legislative council established in the mandate period, and be central to the growing self-government movement on the island in the later 1920s. The cases reported here illustrate the importance of the epidemic to the future relationship between the elites of Samoan and New Zealand rule as a rapid changing of leaders brought on by it, in all likelihood, replaced an indigenous leadership relatively satisfied with the administration with those that would go on to oppose it. This is summed up in the words of a Revered J. W. Hills who said that Britain, through its representative New Zealand, had 'lost more in prestige in the last month than was gained in the last four and half years.'<sup>121</sup>

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114. ANZ, ACGA 8280 IT1/25 EX 1/11, Administration of Samoa - Governor General's visit to Apia.

115. NAA, A2, 1919/701, Telegram New Zealand to Australia, 09/09/1919.

116. As Samoan society was a gerontocracy, 'the loss of many older people carries with it the prospect of social instability and of radical change, because the knowledge that guarantees the stability of the society is lost before it can be transmitted to the succeeding generation.' Macpherson, *The Warm Winds of Change: Globalisation in Contemporary Samoa*, 47; Also see Hiery, 'West Samoans between Germany and New Zealand 1914-1921', 64.

117. ANZ, ACGA 8280 IT1/25 EX 1/10, Letter - Logan to GGNZ, 08/07/1919.

118. ANZ, G48 36 S10, Samoa - Orders of Administrator on general affairs, For Tate's quote see, Memo for Minister of External Affairs, 21/10/1921, 4. Quote from Samoan leadership see, Speech by the Vas-o-Fonoti to Tate, 16/12/1920; Tate feared that dissatisfaction amongst the Samoans risked them becoming 'the Irish of the Pacific'. Mary Boyd, 'Racial Attitudes of New Zealand Officials in Western Samoa', *New Zealand Journal of History* 21, no. 1 (1987): 144.

119. O'Brien, 'Bridging the Pacific: Ta'isi O.F. Nelson, Australia and the Sāmoan Mau', According to O'Brien Nelsons 'life was profoundly impacted by these events and he in turn shaped the ensuing history'[14.

120. Davidson, *Samoa Mo Samoa: The Emergence of the Independent State of Western Samoa*, 94; O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson*, 34.

121. ANZ, AAYS 8638 AD1 988/49/891/3, Extract of Letter from J. W. Hills, 25/12/1918.

The direct result from the influenza is that Tate was presented with a petition from the Samoan Chiefs that Samoa be placed under US rule or, failing that, under direct British rule. The New Zealanders tried to present this petition as being driven by outside influence, of Europeans or Americans, rather than the true wishes of the Samoans.<sup>122</sup> The petition was withdrawn in late January 1919, due in part to the Samoans' satisfaction with the attitude adopted by Tate after his appointment.<sup>123</sup> While we observe that the influenza was a major crisis on Samoa, that led to a petition to remove New Zealand from administering the islands, in the short term, their fate was to be decided at the Peace Conference negotiations at Paris. That said, there would be a longer term impact, due to the disruptive nature of the flu on Samoan society, as the territory moved into the mandate period.

### 2.3 Making occupation pay? Labour, Plantations and Mines

This section examines the policies adopted by the Southern Dominions in relation to the economic concerns of their captured territories.<sup>124</sup> Each of the territories had different bases of economic activity, but one common fact was the need for labour to work each of these bases. For example, in Samoa the economy was mainly based around the coconut plant so there were plantations, but in Nauru it was phosphate mining. Both of these were labour-intensive, and with the indigenous population unwilling to work for either industry, the Germans before occupation had turned to Chinese indentured labour. Both in New Guinea and GSWA, labour was generally sourced internally within the colony, although not always from the region in which the industry was located. We shall see, from the examples below, that in general the occupation administrations adopted policies whose aim was to supplant German economic interest with their own. My examples shall start with Samoa and policies towards plantations and the German trading firms. A similar approach will be taken to New Guinea and Nauru with a larger focus on indentured labour. Finally I will discuss the mining industry in GSWA. In most cases it will also be observed that international law, to some extent, limited their course of action.

German economic interests in Samoa were almost immediately affected by the occupation. A proclamation made on 05 August 1914, based on the Hague Conventions, restricted export trade to British and neutral firms and prevented trade with Germany. Due to the fact that German firms made up a substantial amount of Samoan export trade the New Zealand government obtained permission from London for them to trade with the British.<sup>125</sup> Indigenous production also decreased in the early period of the occupation. After the declaration of war, the German Governor reduced the *lafoga* (head tax) for the current year. Since they no longer needed cash to pay the *lafoga*, Samoans stopped cutting their copra crops, due to them being self-sufficient without it anyway.<sup>126</sup> Logan noted

122. Davidson, *Samoa Mo Samoa: The Emergence of the Independent State of Western Samoa*, 96; Boyd, 'Coping with Samoan resistance after the 1918 influenza epidemic: Colonel Tate's problems and perplexities.', 160-62.

123. In evidence to the Pandemic Commission, it was stated the petition was drafted after Logan did not treat the Samoans right after the epidemic. ANZ, *IT 1 146 EX 8/10 2*, 202; Also see Boyd, 'The Military Administration of Western Samoa, 1914-1919', 163.

124. W. O. Henderson, 'Germany's Trade With Her Colonies, 1884-1914', *The Economic History Review* 9 a, no. 1 (1938): For a summary of German trade in its colonies, see.

125. Boyd, 'The Military Administration of Western Samoa, 1914-1919', 155.

126. Hiery, 'West Samoans between Germany and New Zealand 1914-1921', 60.

after his arrival in Samoa that taxes had just fallen due and that little of them had been collected. He took the attitude that there should be a certain level of latitude before commencing the collection of the outstanding taxes.<sup>127</sup> This he possibly did to ensure good relations with the Samoans.

Early in the occupation, due to the issue of food shortages, Logan also had to deal with the dispute where about 120 Chinese indentured labourers had effectively imprisoned their German employer in his house. The administrator sent some of his troops together with indigenous police forces to suppress the Chinese protest. The incident led Logan to two conclusions. Firstly, that the German planters should be allowed to retain firearms for their own protection. The rationale for this was that he would prefer to run the risk of a German using weapons against the New Zealand forces than that 'a European family should be placed at the mercy of the Chinese.' Secondly, he came to the opinion that the Chinese 'are a menace to the European population unless very carefully handled.'<sup>128</sup>

During the war, some Chinese indentured labourers were repatriated to China after the completion of their contracts. In February 1917, sixty-one Chinese boarded the *Atua* for return to China by way of Sydney. The Samoan administration had to place a guarantee with the Australian Government of £100 per labourer against them deserting while at a Australian port. At this juncture, Logan was still of the opinion that there was 'a sufficiency of labour in Samoa to keep the plantations [sic] in a state of production.'<sup>129</sup>

The large German firm, the *Deutsche Handels und Plantagen Gesellschaft* (DHPG) which had significant trade and influence in the Pacific Islands, was placed in military receivership in 1915, together with all other German trading concerns of any importance which were similarly closed and their assets liquidated.<sup>130</sup> Logan had long been antagonistic to the German company and its manager, Karl Hanssen. Earlier in the year, the DHPG manager had sought advice from the American Consul on the possibility of the firm suing the Occupation Administration for the 650 marks that it felt it had lost due to the administration's actions. The Consul stated he could give no advice, but he did convey to Hanssen that even if he was successful 'it lay with their [the New Zealand Administration] power to do greater injury to his firms[sic] business than the amounts involved[sic].'<sup>131</sup> Mitchell did lodge a protest, on behalf of DHPG, to the Treasury in Apia which quoted articles from the Hague Conventions as to why they should not have to transfer 650 marks. Logan in reply suggested that the US consul 'advise this firm to cease quoting the Hague Conventions, as such quotations, coming from a German Firm, borders on the grotesque.'<sup>132</sup> On the same day Logan also wrote a letter to Hanssen informing him that he was in control of the island and that the American Consul had nothing to do with the matter. There was also included a threat to close the firms business should they not comply with the request for the transfer of funds. As we see this threat was carried out, although probably as a result of a policy decision to remove German

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127. ANZ, ACHK 8604 G1/202 1916/218, 11.

128. Ibid., 7.

129. ANZ, IT1 208 EX 17/1 part 2, Telegram Logan to Governor (NZ). 12/02/1917.

130. Smith, 'The seizure and occupation of Samoa'; Logan's rationale for appointing a Receiver rather than liquidation was that closing down the company would hurt traders TNA, FO 383/538, Foreign Office: Prisoners of War and Aliens Department: General Correspondence from 1906: Repatriation of prisoners of war, Folio 173.

131. TNA, FO 383/50, Mitchell to Secretary of State (Washington), 27.03.1915.

132. Ibid., Logan to Mitchell, 16.03.1915.

trade than in relation to this specific incident.<sup>133</sup> However, the New Zealand Government, possibly aware of the limitations upon it under international law, decided that the DHPG plantation lands should not be sold during the War.<sup>134</sup> This was a position that was supported by London. At late as January 1918, the Colonial Office was informing New Zealand of its limitation of action in Samoa. They passed on the opinion of the Foreign Office that although New Zealand could seize enemy property in New Zealand, this was not the case in Samoa. In occupied German territory they were 'restricted by land war regulations[,] Hague Conventions and by International law. Moreover ... the sale of plantations in Samoa would be highly inexpedient having regard for the very considerable allied interest in territory', which was under occupation by the Germans in Europe.<sup>135</sup> As for Hanssen, he was eventually shipped to New Zealand as a Prisoner of War under the charge of breaching censorship rules. To no avail, Hanssen used a breach of international law as his defence in his trial. He argued that Logan had breached the Hague Conventions by confiscating his mail as it was neutral mail due to the fact it was posted to San Francisco in the US.<sup>136</sup> Logan must have been glad to have been rid of this German with his constant referring to the Hague Conventions.

In place of these German companies, the New Zealand administration granted the firm Burns Philp and Co. a virtual monopoly in relation to imports and exports. They promoted copra (the dried meat of the coconut) production, and this rose from 66.5 per cent to 80.4 per cent of all the island's exports between 1916 and 1918. This was done to the detriment of other produce and together with export taxes to cover the cost of the occupation, it drove many local Samoan producers from the market.<sup>137</sup> Burns Philp also profited from the liquidation of the DHPG. The liquidator of the German firm was an employee of Burns Philp which helped ensure that when the auction for the DHPG assets were held, few people turned up to bid.<sup>138</sup> As a result Burns Philp was able to obtain the prime location in the Harbour for a knock-down price. At first, no move was made against DHPG in American Samoa, due to US neutrality, but after US entry into the war in 1917, it was noted that the company was liquidated in New Zealand controlled German Samoa. The British informed the US office of the Alien Property Custodian, that should the DPHG be closed down in American Samoa it could be considered 'that German influence in the South Seas Islands ... to have been very thoroughly eliminated [sic].'<sup>139</sup> The assets of DHPG were subsequently wound up on the US mainland and in American Samoa after the US entered the war.

By early 1918, the New Zealanders were worried enough about the performance of estates to request that all German, and all British, Allied or Neutral estate which may go

133. According to O'Brien it was because 'German traders were continuing their connections with Germany, [that] an abrupt end to German commerce in Samoa was enforced.' O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson*, 30.

134. Mackenzie, *The Official History of Australia in the War of 1914-1918 Vol. X: The Australians at Rabaul. The Capture and Administration of the German Possessions in the Southern Pacific*, 93.

135. ANZ, AAYS 8647 AD10/25 53/1/2, Disposal of enemy property, Samoa, January-June, Telegram - CO to GGNZ, 18/01/1918; Logan was also advised in 1916 that to avoid international difficulties he should not liquidate any entity that has a citizen of a neutral state as a partner. ANZ, ACGA 8280 IT1/346 EX 61/13, Winding up of Enemy Firms and Plantations in Samoa, Dispatch - GGNZ to Logan, 16/09/1916.

136. Bade, *Karl Hanssen's Memoirs of his Wartime Experiences in Samoa and New Zealand 1915-1916*, 105.

137. Strachan, *The First World War: To Arms*, 482.

138. Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 156.

139. ANZ, ACHK 16558 G2/49 1919/610, German Firms in Samoa, Letter - John B. Lyon (British Embassy, Washington) to Walther Denegre (Director, Bureau of Insular Possessions), 02/10/1918.



into liquidation be placed under the administration of one official. This official, would maintain separate financial statement for each plantation, but would have the power to temporarily use surplus from profitable estates to maintain the loss-making ones. Over time, it was expected that the profits would be restored to the estate that made them. There was concern that the application of profits from German estates being used in such a manner would appear like confiscation unless some procedure could be put in place to allay this perception. It was suggested that a fund be employed for the upkeep of insolvent plantations that all plantations paid into regardless of nationality. The British were also conscious of the 'great anxiety of the Governments of France and Belgium that no action should be taken in occupied territory which can be used by Germany as a justification for confiscatory action on her part in territory which she has occupied in Europe.'<sup>140</sup>

In New Guinea, it appears that some of the indigenous population took the opportunity of the upheaval of the early occupation to loot and burn plantations, and New Guineans employed as police, store-men, sailors, servants abandoned their positions.<sup>141</sup> In most cases the German owners and settlers who worked on the plantations were allowed to continue working them, because the alternative would be to send them to Australia as prisoners of war, as most of them had been drafted into the German defence forces of the territory, and to remain there at the expense of the Government while their properties were neglected. The Australians decided that if the plantations were destroyed, the economic value of the Territory would be diminished, which would be of no benefit to the British Empire should it be able to acquire the colony at the end of the War.<sup>142</sup> The Germans were also aware of the importance of the plantations to the economic value of New Guinea, as they were one of the few means of producing an export commodity. Between 1900 and 1914, the export value of copra doubled due to the rising demand for vegetable oils in Europe. This export market made plantations viable as the local market would not. According to a German report in 1916, New Guinea was 'a sparsely populated country whose inhabitants have as few needs as the Melanesians, trade with the local population can naturally play no important role.'<sup>143</sup>

What the Australian administration did to increase trade was similar to New Zealand in Samoa; they handed control of imports and exports to Burns Philp and Co. Profits and exports increased dramatically during the war, mostly through the labour of the natives who were forcibly recruited to work and kept under control through corporal punishment. It was clear the Australians and the Germans could work together for the pursuit of profit, but did so mostly on the backs of the indigenous population.<sup>144</sup> In light of this spirit of co-operation and the terms of the occupation, the German plantations actually increased the amount of land under cultivation in the period up to 1918. This was done because there was an expectation amongst the Germans that their property rights would be respected after the war.<sup>145</sup>

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140. ANZ, ACHK 16558 G2/48 1919/68, German Plantations in Samoa.

141. Burnell, *Australia v. Germany: The Story of the taking of German New Guinea*, 177-8.

142. Mackenzie, *The Official History of Australia in the War of 1914-1918 Vol. X: The Australians at Rabaul. The Capture and Administration of the German Possessions in the Southern Pacific*, 97.

143. Peter Sack, 'German New Guinea: a reluctant plantation colony?', *Journal de la Société des océanistes* 42, nos. 82-83 (1986): 111-12.

144. Strachan, *The First World War: To Arms*, 482.

145. Peter Cahill, 'A prodigy of wastefulness, corruption, ignorance and indolence': The expropriation board in New Guinea 1920 1927', *Journal of Pacific History* 32, no. 1 (1997): 4.

Indigenous labour was also kept in New Guinea for the duration of the war. In October 1915, the omnipresent Burns Philp requested that they be allowed to recruit in New Guinea for plantations they owned in the British Solomon islands. This was denied under German laws and also to maintain the value of the colony. This attitude not only extended to Australian companies but also to New Zealand who hoped that about 200 New Guineans, who had been working on plantations in Samoa, could be replaced upon the expiration of their contracts. The prohibition on recruiting New Guineans for work outside of the territory remained in place until after the enactment of the League of Nations mandate.<sup>146</sup>

Pre-war the Germans had set no limits on Chinese immigration into New Guinea, but they were kept separate from the white community. The Chinese population had grown from about 200 in 1890 to 1,427 in 1913. Before the war Chinese commercial activities had grown to such an extent that they were considered a threat to European traders. Claims made against Chinese traders included that they remained open 'deep into the night' and threatened European firms with 'grievous competition'.<sup>147</sup> When the Australians occupied the colony they continued to legislate for the Chinese population. In 1915, the administration issued an ordinance that set out the status of different races in New Guinea in which the Chinese were on a par with Europeans. This is interesting when one considers the restrictions that were placed on Asians trying to emigrate into Australia where they faced widespread discrimination. In 1916, they issued a *Control of Chinese Trade Order* to restrict Chinese trade in New Guinea. It laid down conditions 'that forbade Chinese persons, firms or companies from importing goods wholesale, or exporting goods on their own or a client's behalf.' Furthermore, the permission of the Controller of Customs was required before Chinese commercial concerns could import anything. In a clause that was clearly to the benefit of the European traders, 'all import transactions could only be carried out by European firms which received a commission of 20% of the value of imports.'<sup>148</sup> In a further Ordinance that was issued in 1917, European firms were protected against competition from Chinese firms.

During the occupation of Nauru, Phosphate mining by the Pacific Phosphate Company, now exclusively British staffed, continued. It should be remembered from chapter 1, that the Island was occupied largely because the phosphate deposits made it economically important. With that in mind, actions were taken to secure the economic output of the island during the war. In 1915, the German shares in the Company were placed in the hands of the Public Trustee of enemy property by the British Board of Trade and were later sold at auction in July 1917 to a British shipping firm.<sup>149</sup> The maintenance of the labour force on Nauru was important to maintain the working of the phosphate fields. Numerous reports from agents of the PPC, who visited Nauru during the war, display anxieties about the number of indentured labourers available to them.<sup>150</sup> In an attempt to manage the labour force, when labourers were not mining they were employed

146. Rowley, *The Australians in German New Guinea 1914-1921*, 118-20.

147. Peter Cahill, 'Chinese in Rabaul - 1921 to 1942: Normal Practices, or Containing the Yellow Peril?', *Journal of Pacific History* 31, no. 1 (1996): 75.

148. *Ibid.*, 76.

149. International Court of Justice, *Certain Phosphate lands in Nauru: Memorial of the Republic of Nauru*, International Court of Justice, 1990, 12.

150. TNA, DO 140/835; TNA, DO 140/656, British Phosphate Commissioners: Reports: Report on visit to Ocean Island and Nauru, April-June, 1915 by H. E. Coane of J. M. and M. E. Coane, Consulting Engineers,

extending cuttings, which would enable the phosphate to be extracted more easily and with less staff at a later date. According to Katerina Teaiwa, 'the transformations brought by open-cut mining of small islands are deep and long-term.'<sup>151</sup> It was also recommended by agents to 'consider possible reductions in ... working costs, by means of mechanical appliances and otherwise, and to report as to the safe working capacity and maximum output of each Island'.<sup>152</sup>

One policy that was adopted by the Administration that was to draw the ire of the British Phosphate Company was the adoption of British Currency instead of German. The proclamation declared that only German metal currency could be used and it was to be fixed at sixpence to the mark. This had numerous disadvantages according to the company as it forced them to use British currency, and opened up the company to loss on the appreciation of German currency. They also were of the opinion that the Nauruans would lose out as well, as it would double their taxation due to the fact that they only possessed German money, and render any of their paper money valueless. They felt this would mean the Nauruans would 'have strong reason to regret the advent of British Government'.<sup>153</sup>

One of the main economic sectors in German South West Africa was the mining industry. The South Africans had a keen interest in the mining industry before the colony was captured.<sup>154</sup> The most notable types of mining were for diamonds and copper mining. Diamonds had been discovered in GSWA in April 1908, and by 1913—14, about 1.3 million carats of diamonds were being sold to the value of £2,698,500.<sup>155</sup> There were other reasons the South Africans would want to acquire control of the diamond mines. For example, the low extraction cost of one shilling and six pence of the German South West African fields was far less than the five shillings in South Africa.<sup>156</sup> Before the occupation had even begun, it was suggested by a Lieutenant-Colonel Muller in June 1915, that it should be a priority that the South Africans secure the records of the Mines Department in Windhoek. Additionally, he suggested that copper mines be reopened for numerous reasons. It would create 'employment for a number of men who would otherwise be idle' and the economic activity created for the Government could go some way towards reducing the cost of the invasion.<sup>157</sup> Muller was not the only person to factor in the contribution the mines could make to the occupation. A Mr. G. Percy Ashmore, living in London, contacted the South African High Commissioner, in May 1915 to enquire if he could apply for the job of working the Zumet Copper Mine. He had previously worked in

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Melbourne. TNA, DO 140/836, British Phosphate Commissioners: Reports: Report of visit to Ocean Island and Nauru by A.H. Gaze: September to December, 1918.

151. Katerina Teaiwa, 'Ruining Pacific Islands: Australia's Phosphate Imperialism', *Australian Historical Studies* 46, no. 3 (2015): 378.

152. TNA, DO 140/656, Letter from King to Coane, 31/12/1915.

153. TNA, DO 140/835.

154. As did the Colonial Office in London with the Permanent Under Secretary noting that 'we shall of course fall heirs to all ... the German Government's holdings in the diamond mines if we get South-West Africa.' Ekstein-Frankl, 'The Development of British War Aims: August 1914 - March 1915', 288.

155. NASA, MNW 258 MM3490/14, De Beers Consolidated Mines Ltd. First two copies of a joint report on the Diamond Deposits of German SW Africa, Diamond Deposits of German South West Africa Report, 13.

156. Getz, 'Smuts and the Politics of Colonial Expansion: South African Strategy in Regard to South-West Africa [Namibia] and the League of Nations Mandate: c. 1914-1924', 15.

157. NASA, MNW 295 MM2525/15, Suggestion by Lieut-Col Muller that Union Government should secure the records of the Mines Department in German South West Africa, Letter Muller to Mines & Industries, 28/06/1915.

GSWA for two years, and believed that as soon as the Zumet Mine was captured from the Germans that it could be made operational for the benefit of the Union.<sup>158</sup> During the war period, there was an abundance of indigenous labourers to work in the mines. Drought in the well populated north of the country during 1915 and 1916 had forced people south. The copper mine in Tsumeb benefited from this as the town was home to a large Oshiwambo-speaking community (see figure figure 14).<sup>159</sup>



Figure 14: Women Sorting Ore for the Crusher, Tsumeb Mine

The only significant administrative action that the South Africans made during the martial law period in relation to the diamond industry was that any diamond taxation and royalties which were previously paid to the German Colonial authority were now payable to their administration.<sup>160</sup> One of those to recognise an opportunity in the South African conquest of GSWA was Ernest Oppenheimer, who since 1902, was an agent in Kimberley for his family mining firm, Dunkelsbuhlers. Following on from a tip he received from Henry Charles Hull, a former South African Minister of Finance, he was able to gain ownership of the formerly German-controlled mines in South West Africa.<sup>161</sup>

In August 1915, the South African Department of Mines & Industries had no objections to the restarting of operations at the Khan and Otavi Copper mines. At this point in time

158. NASA, MNW 295 MM2504/15, G.P. Ashmore, Application to work Zumet Copper Mine, Letter Ashmore to High Commissioner, London, 20/05/1915.

159. Miescher, *Namibia's Red Line: The History of a Veterinary and Settlement Border*, 75.

160. Albert Jacob Kawana, 'The political economy of mining laws and regulations in Namibia from 1884 to 1986' (PhD, University of Warwick, 1988), 72; NASA, MNW 295 MM2497/15, Re Marking of Diamonds now in German South West Africa, In April 1915, a South African firm of Diamond merchants wrote to the Minister of Mines and Industries hoping that the South African Government would adopt a similar approach as the Germans and it was hoped that they 'would like to keep the matter in South African Hands'.

161. William Minter, *King Solomon's mines revisited: Western interests and the burdened history of Southern Africa* (New York: Basic Books, 1986), 48; Nasson, 'Economies and Home Front (Union of South Africa)'.

they did not wish for the diamond mines to reopen. As part of the occupation, South African railways would operate the rail lines in the protectorate and likewise staff from the Department of Mines & Industries would do the same with the mines.<sup>162</sup>

In September 1915, a Captain Langley, was appointed to take over the Mines Department in Windhoek. Amongst his instructions was that relief works, to ensure the maintenance of their mining properties, at the Angra Fequens Diamond mine could be undertaken by the Chamber of Mines for their bona fide white employees (and no others).<sup>163</sup> The availability of relief just to white employees shows a racial element of South African policy even when it came to economic matters.

What we have observed during the occupation period it that the southern Dominions, even though they did not have full sovereignty over the occupied territories, adopted policies with the aim of removing German influence and trade. In the next section we shall see how they went about influencing British Imperial policy to ensure that they retained the German Colonies, by using a different rhetoric based on security.

## **2.4 The Southern Dominions and their interests in the new Imperial War Cabinet, 1917-18.**

I shall now turn to the high politics that surrounded the debate about the fate of the mandate, in the later war years. In this section, we shall observe the emergence of the southern Dominions as policy-makers in the wider Imperial framework, mainly by their participation in the Imperial War Cabinet (IWC) of 1917-1918. This section will be broadly chronological in nature. It will demonstrate how the Dominions used their influence at the top table of British Imperial policy-making to push their own agendas for the annexation of German colonies. It shall also show how they reacted to pressure for a move towards an internationalised system of control as pursued by the USA, non-governmental organizations and lobby groups from civil society.

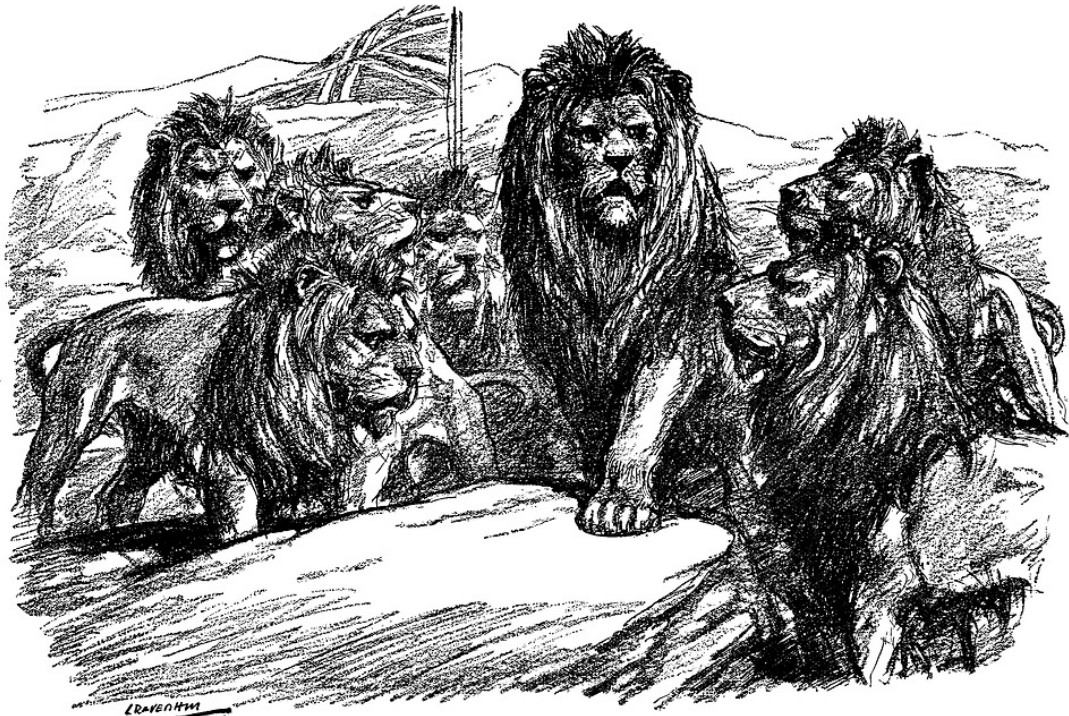
While the British started the war instructing the Dominions that the German colonies had to be available to the Imperial Government at the conclusion of the conflict, the longer the war continued the more this position began to shift. This is an important element to study, not only in the context of the fate of the territories but also, with regard to the evolving framework of the Empire and the Dominions' position within it. While legally, at the start of the war there was a supremacy of the Imperial government over Dominion governments, Keith argues that in all matters in which Dominion autonomy could be respected, this was done.<sup>164</sup> If we look at figure 15 as compared to figure 3 in chapter 1, we observe that the public imagery of the Dominions had also changed. No longer are the Dominions seen as cubs or pups, but are fully grown lions standing together with the British lion, although it still appears the British lion holds centre stage. It is an important reminder, that even in public opinion, the status of the Dominions was changed by the War.

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162. NASA, MNW 299 MM2685/15, Telegram to H. Warington Smyth from Acting Secretary of Department of Mines & Industries, 07/08/1915.

163. He was further instructed that should any diamonds be found during this work that they be turned over to the Government. *ibid.*, Telegram to Government Mining Engineer from Secretary of Department of Mines & Industries, 18/09/1915.

164. Keith, *War Government of the British Dominions*, 21.



A FAMILY COUNCIL.

THE IMPERIAL WAR CABINET IS NOW IN SESSION.

Figure 15: A Family Council: The Imperial War Cabinet is now in Session

Before the IWC met in 1917, there were early desires to retain the German colonies by the Southern Dominions. Taking Australia as an example, in October 1914, Atlee Hunt, Secretary of the Department of External Affairs, discussed with the Lieutenant Governor of Papua, Sir Hubert Murray, the possible future amalgamation of German New Guinea with Papua should Australia control it after the war. Hunt was of the view that

... seeing that the expedition of conquest was Australian, and that the territories have so much in common with our Territory of Papua, there is very little doubt but that our Government will urge strongly that the control of such of the German Territories as we desire should be handed over to us.<sup>165</sup>

Australian Prime Minister, Billy Hughes, as early as 1915, when he visited England was trying to ascertain from the British, what German territory in the Pacific would Australia control after the war.<sup>166</sup> South Africa was also determined to control GSWA. In a memorandum prepared by Smuts in 1917, the first of four major war aims was to be the:

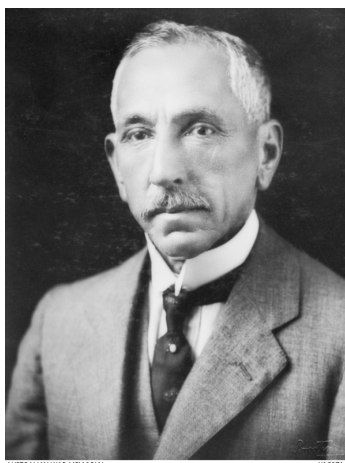
destruction of the German colonial system with a view to the future security of all communications vital to the British Empire. This has already been done — an achievement of enormous value which ought not to be endangered at the peace negotiations.<sup>167</sup>

165. Alan Kerr, *A Federation in these Seas: An account of the acquisition by Australia of its external territories, with selected documents* (Barton: Attorney General's Department, 2009), 69.

166. Williams and MacDonald, *The Phosphateers A History of the British Phosphate Commissioners and the Christmas Island Phosphate Commission*, 120-1.

167. Hancock and Van der Poel, *Selections from the Smuts Papers: Volume III*, 482.

In London, suggestions were made in 1915 that the Imperial Government should constitute an Imperial Conference with the Dominion Governments. Lewis Harcourt, Secretary of State for the Colonies, informed the House of Commons in April that the suggested Conference would not be held due to some of the Dominions being unfavourable to it. It would instead be the intention of the Imperial Government to consult 'each Prime Minister most fully and if possible personally when the time arrives to discuss possible terms of peace'.<sup>168</sup> When David Lloyd George became Prime Minister in December 1916, he told the House of Commons that it was time to create an Imperial War Cabinet so that the Dominions could formerly partake in the discussions on how the Empire conducted its war effort. This was considered necessary as at this point of the war as the Dominions were providing substantial manpower and materials for the Imperial war effort. For this, the Dominions now expected to be consulted on the war effort and also to have their input into any peace negotiations that were to follow.<sup>169</sup> The conference would also be an opportunity to put forward views concerning the fate of the captured German islands. Speaking in the Australian parliament, in April 1915, Joseph Cook, the opposition Liberal leader, declared the need to hold an Imperial Conference before the end of the war in part to discuss the German colonies.<sup>170</sup>



(a) Billy Hughes — Australia



(b) William Massey — New Zealand



(c) Jan Smuts — South Africa

Figure 16: Southern Dominion Representatives at the Imperial War Cabinet

When the IWC was convened, Australia, Canada and New Zealand were represented by their respective Prime Ministers with the Union of South Africa sending their Defence Minister, Jan Smuts to sit on their behalf (see figure 16). Up until the post-war Peace

168. Keith, *War Government of the British Dominions*, 23.

169. MacMillan, *Paris 1919: Six Months That Changed the World*, 51; Robert Borden, Canadian Prime Minister, was to ask in January 1916 was 'the war being waged by the UK alone, or is it a war waged by the whole Empire?' Darwin, *The Empire Project: The Rise and Fall of the British World-System, 1830–1970*, 335-6; The Milnerites in cabinet also wanted an imperial conference to coordinate contributions to the war effort as the new Lloyd George government sought to 'harness more fully the potential of the Dominions.' Egerton, *Great Britain and the creation of the League of Nations: Strategy, Politics, and International Organisation, 1914-1919*, 45; John Darwin, 'A Third British Empire? The Dominion Idea in Imperial Politics', chap. 3 in *The Oxford History of the British Empire: Volume IV: The Twentieth Century*, ed. Alaine M. Low, Andrew Porter and William Roger Louis (Oxford: Oxford University Press, 1999), 67-8.

170. Gabriel Olaneunle Olusanya, 'The New Guinea Mandate: Australia's "Sacred Trust"' (Masters of Arts, The University of British Columbia, 1961), 25.



Conference, there were numerous top-level discussions by the Imperial War Cabinet in relation to the German colonies that would later make up the League of Nations mandate territories. When the IWC opened on the 20 March 1917, Lloyd George was non-committal about his position with regard to the German Colonies. He hoped that the IWC would 'treat this question as part of the whole problem of the settlement of the war, and not consider it merely from the point of view of any particular part of the Empire.'<sup>171</sup> As an example of the non-committed nature of British policy at this period, only a few months earlier, in November 1916, Harcourt, now First Commissioner of Works, wrote to Edward Grey, the Secretary of State for Foreign Affairs, about the possibility of offering GSWA 'in exchange for all their territory in East Africa'.<sup>172</sup> William Massey, Prime Minister of New Zealand, put Lloyd George under no illusion of his position stating that;

We have got rid of them [the Germans], I hope permanently ... [and] so far as New Zealand is concerned ... if we have to give back Samoa and allow the Germans to re-establish themselves in the South Pacific it will be the bitterest pill that the New Zealanders have ever had to swallow.<sup>173</sup>

Smuts agreed with Massey and was of the opinion that South Africa had to keep German South West Africa. He confirmed as much in a meeting with French Prime Minister Paul Painlevé in April 1917, stating it was essential for the security of the Union.<sup>174</sup> Turning to possible war aims, the IWC requested Lord Curzon, Secretary of State for Foreign Affairs, to prepare a report. When the report was prepared it came to the unanimous decision that the safety of British Empire could only be secured by removing the menace of the German colonial system. Curzon reported that the German colonies were not in any sense a part of Germany and inhabited by locals with no desire to return to German rule. The discussion of course refrains from talking about the Germans that lived in the colonies, or of the indigenous population that appeared to support the German administration earlier in the war, as discussed earlier. Smuts, alluding to the concept of the consent to be governed, believed that 'if it were a question of no annexation except by the wishes of the inhabitants, he was quite prepared to submit the question of the future government of East Africa to the vote of the 8,000,000 natives, which he had no doubt would be unanimously in favour of British rule.'<sup>175</sup> It is noteworthy that he did not offer to put the question of the future status of South West Africa to a vote of its indigenous population. Sir Robert Borden, the Canadian Prime Minister, likely referring to the United States, felt Curzon's report should be considered in tandem with the views that might be taken by their Allies. Massey's view was that the report was based on considerations of the future security of the British Empire and on the idea of preventing future wars. Writing in his memoirs in the 1930s, Lloyd George was to state Curzon's report was the first time that it was mooted that the German colonies might remain in British possession after the war. He further went on to say that the main reason for this was at the insistence of the Dominions.<sup>176</sup> Lloyd George's assertion is not altogether accurate though. While this may

171. TNA, CAB 23/43, Imperial War Cabinet, Minutes of Meetings: c1916-1939, 20.03.1917.

172. Louis, *Great Britain and Germany's lost colonies, 1914-1919*, 68.

173. TNA, CAB 23/43, 20.03.1917.

174. Sarah Gertrude Millin, *General Smuts* (London: Faber & Faber, 1948), 26.

175. TNA, CAB 23/40, Imperial War Cabinet, Minutes of Meetings: Nos. 1 - 14, 01.05.1917.

176. David Lloyd George, *War Memoirs of David Lloyd George, 1917* (Boston: Little, Brown, & Company, 1934), 22.



have been the first time the item was broached at the IWC, it was not the first time it was advocated at British Government level. In 1915, a Colonial Office memorandum stated that 'it is out of the question to part with any of the territories now in the occupation of Australia and New Zealand ... German South-West Africa ... must obviously be retained as part of the British Empire'.<sup>177</sup> There was, within the 1915 cabinet, some opposition to an expansionist policy as another memorandum from the then Lord Chancellor, Viscount Haldane, advocated no territorial penalties on Germany in an eventual peace conference so as to prevent any revenge attempt.<sup>178</sup>

The IWC also considered the framework of the Empire and the Dominions' place within it. One of the resolutions passed in 1917 was that 'the Imperial War Conference are of opinion that the readjustment of the constitutional arrangements of the component parts of the Empire is too important and intricate a subject to be dealt with during the war, and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of hostilities'.<sup>179</sup> This was the beginnings of the move towards the equality of status between the Imperial centre of Great Britain and the self-governing Dominions, that would culminate in the statute of Westminster of 1931.

It is also of interest, in the context of internal British politics and the framing of the argument of what the war was being fought for, that the British Labour Party representative on the IWC, Mr Arthur Henderson was the only dissenting vote in the IWC on the adoption of the report on war aims. He felt that although the report had conditions attached on annexing territory, he felt that the Labour Party could not support any report that sought annexations after the war.<sup>180</sup> This sentiment was to be echoed when the Labour Party released its' *Memorandum on War Aims* in late December 1917. In it, the party made clear that it had no sympathy with any attempts to acquire any territory by force. While the report made no reference to the ex-German colonies in the Pacific or GSWA it did propose that the current colonies in tropical Africa already under international control, i. e. the Berlin Acts, should be transferred to the proposed League of Nations as a single independent African state.<sup>181</sup> While the British Labour movement had tried to create a public debate against annexation in the first three years of the war, the British and Dominion Governments were largely unaffected by this debate until the United States entered the war in 1917.<sup>182</sup>

When the US did enter the war, the British Empire had to reconsider its position in regard to the German Colonies, to take into account US views. From the outset, President Woodrow Wilson had made it clear that he did not favour annexation of Germany's occupied colonies. This view appears to have begun to formulate in the President's mind

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177. Wm. Roger Louis, 'Great Britain and the African Peace Settlement of 1919', *The American Historical Review* 71, no. 3 (1966): 882-3.

178. Egerton, *Great Britain and the creation of the League of Nations: Strategy, Politics, and International Organisation, 1914-1919*, 33.

179. Keith, *War Government of the British Dominions*, 36.

180. Lloyd George, *War Memoirs of David Lloyd George, 1917*, 22; TNA, CAB 23/40, 01.05.1917.

181. TNA, CAB 24/37/67, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): Memorandum on War Aims. (Labour Party and Trade Union Congress), The Labour Party and The Trade Union Congress, 5-6.

182. 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): 484; The French Socialist party adopted a similar position to the British Labour party in February 1918. Henri Grimal, *Decolonization: the British, French, Dutch and Belgian Empires, 1919-1963*, trans. Stephan De Vos (London and Henley: Routledge & Kegan Paul, 1978), 11; Manela, *The Wilsonian moment: Self-Determination and the International Origins of Anticolonial Nationalism*, 36.

before the United States entry into the war as in his speech, on 27 May 1916, to the League to Enforce Peace he stated that 'each people should be free to choose the sovereignty under which it desired to live'.<sup>183</sup> Also, on 22 January 1917, Wilson delivered his "Peace without Victory" speech, in which he stated that 'no peace can last, or ought to last, which does not recognise and accept the principle that governments derive all their just powers from the consent of the governed'.<sup>184</sup> On the 08 January 1918, in an address to both Houses of Congress, Wilson laid out his vision of the post-war settlement, which became known as the Fourteen Points. It would be on these Fourteen Points that Germany would seek an Armistice with the Allies some ten months later. Point five dealt directly with any colonial claims and it is worth stating the point in its entirety as a contrast to the actual discussions that would take place in Paris. It stated:

A free, open-minded and absolutely impartial adjustment of all colonial claims based upon a strict observance of the principle that in determining all such questions of sovereignty, the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined.<sup>185</sup>

Both Erez Manela and Adam Tooze have come to the conclusion, which I agree with, that point five was hardly an unambiguous endorsement of colonial self-determination as it called for the 'interests' of colonial peoples to be taken into account rather than their express wishes.<sup>186</sup>

The interest of the population in the occupied territories would be a recurring theme in the pre peace conference discourse, although as we shall see in chapter 3, it was less in the minds of those deciding the fate of the colonies. In part Wilson's 18 January speech was given due to Lloyd George giving a British war aims speech, at Caxton Hall in London, on 05 January.<sup>187</sup> Lloyd George left the fate of the German colonies in abeyance until any future peace conference but stated that the 'wishes and interests of the native inhabitants' should be the main driver of any decision. Wilson's fourteen points were also a reaction to the Bolsheviks' principles for negotiations at the Brest-Litovsk Peace Conference which called for 'allowing national groups to determine their own political futures through referendums'.<sup>188</sup>

183. Egerton, *Great Britain and the creation of the League of Nations: Strategy, Politics, and International Organisation, 1914-1919*, 31.

184. Frank Ninkovich, *The Wilsonian Century: U.S. Foreign Policy Since 1900* (Chicago: The University of Chicago Press, 1999), 58-9.

185. United States Department of State, *Papers relating to the foreign relations of the United States, 1918. Supplement 1, The World War Volume I*, Washington, 1933, 15.

186. Manela notes point five 'left open the question of just who would decide what those interests were: the people themselves or the colonial powers?', but at least signalled Wilson's 'dissatisfaction with the reigning imperial order in international society.' Manela, *The Wilsonian moment: Self-Determination and the International Origins of Anticolonial Nationalism*, 40; Tooze notes that 'it was significant that Wilson spoke here of the interests, not the voice, of those populations. This was entirely compatible with a deeply paternalistic view of colonial government.' Tooze, *The Deluge: The Great War and the Remaking of Global Order*, 120.

187. Woodward states that 'in many respects Lloyd George [speech] was more Wilsonian than Wilson's Fourteen Points address'. Smith states that 'Far more explicitly than Wilson ever did, Lloyd George extended self-determination to the German colonies'. David R. Woodward, 'The Origins and Intent of David Lloyd George's January 5 War Aims Speech', *Historian* 34, no. 1 (1971): 35; Smith, *Sovereignty at the Paris Peace Conference of 1919*, 182.

188. A. Scott Berg, *Wilson* (London: Simon & Schuster, 2013), 468; Tooze, *The Deluge: The Great War and the Remaking of Global Order*, 71.

Smuts, in a report to the IWC, deferred to Lloyd George's stated opinion that the German colonies are held, at the disposal of a Peace Conference whose decision must have primary regard to the wishes and interests of the indigenous population. What is interesting is the following passage highlighting the possibility that the indigenous population could be consulted. Smuts goes on to write,

various tribal organizations under Chiefs and Councils who are competent to consult and speak for their tribes and members and thus to represent their wishes and interests in regard to their disposal. The general principle of National self-determination is therefore as applicable in their cases as in those of occupied European population.<sup>189</sup>

This idea seems a sea-change away from what was to be argued by Smuts and the other Southern Dominions at a later date. The need of at least consulting the indigenous population can be related to the new policy promulgated by the Russian Soviets of self-determination. This was recognised by the British, and they requested the southern Dominion Governments that

owing to the Russian attitude, manifested during the peace negotiations with Germany, regarding the right of populations to determine their future, ... to furnish statements concerning the wishes of the natives of German New Guinea, Samoa, and German South-West Africa to live under British rule.<sup>190</sup>

Any suggestions of the southern Dominions on the subject were also invited. As Alan Kramer states, the Russian Revolution 'reawakened the debate about war aims and utterly changed its terms of reference' in Britain.<sup>191</sup>

On the next day, Logan received a telegram, that due to 'Russia stressing the right of a population ... to determine its own future and the probability of proposal to apply this in the case of the German colonies' that he was to compile that would support 'the contention that the natives of Samoa appreciate and desire to remain under British rule'. London, through the Colonial Office (CO), did inform New Zealand that it was not intended that seeking the views of the Samoans should be any way interpreted as a suggestion that a plebiscite would be held on the subject.<sup>192</sup> Rather than calling an official meeting of the Faipules, Logan sought the view of the Chiefs privately. After holding a meeting with two of the High Chiefs a meeting of the Samoa Toiena Club, an indigenous Commercial and Political club which included the Chiefs of every District in Samoa, met to discuss the issue of the future rule of the island. This meeting was unanimous in wanting Samoa to remain under British rule, a declaration that surprised Logan, as he

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189. TNA, CAB 24/37/80, Folio 242.

190. TNA, CAB 24/151, WESTERN AND GENERAL REPORT. No. 50. Week ending 09.01.1918; Robert Cecil proposed at public statement that was not carried by the War Cabinet that 'a statement that the captured German colonies should be dealt with according to the interest and desires of the governed', George Barnes advocated a statement that 'the German colonies should be dealt with by a plebiscite;' which he gathered that the result was not likely to be unsatisfactory to the British. TNA, CAB 23/13, War Cabinet - 'A' Minutes: Nos. 37A - 360A.

191. Kramer, *Dynamic of Destruction: Culture and Mass Killing in the First World War*, 97; Also see Derek Benjamin Heater, *National self-determination: Woodrow Wilson and his legacy* (Houndmills: Macmillan Press, 1994), 36-7.

192. ANZ, ACGA 8280 IT1/511 EX 88/7 1, Attitude towards British Rule - Destiny of Samoa, Telegram - GGNZ to Logan, 10/01/1918 & Telegram - CO to GGNZ, 15/01/1918; ANZ, ACGA 8280 IT1/372 EX 67/12/1, Retention of Samoa by the British.

believed they would have made a non-committal statement. Two of the reasons given by the meeting to remain under British rule were that the Faipules were consulted before any changes are made to regulations that affect them, and they are able to receive justice in the courts whereas under the German regime they could not.<sup>193</sup> It was not just the Samoans that wished for the island to remain under British rule. In New Zealand, a body called the Soldiers' Mothers' League passed a resolution that the body 'respectfully urge the government to remain firm in its attitude regarding the retention of colonies formally held by Germany in the South Pacific.'<sup>194</sup>

A telegram received by the CO, a couple of weeks after the armistice, from Nauru did not bode well for the acceptance of Australian rule. The telegram from the Administrator read that 'chief spontaneously requests me to inform you does not wish to be subject to rule of any self-governing dominion but remain with Colonial Office.'<sup>195</sup> The petition that was signed on 28 October 1918, by the majority of adult Nauruans, also asked that the island be kept under British administration. It was noted in a report from the representative of the Pacific Phosphates Company that the Nauruan Chiefs did not want the island to be handed over to Japan or to the Dominions.<sup>196</sup>

During the last six months of the war, British consideration returned to the German Colonies threat to the security of the Empire and the southern Dominions. In June 1918, the First Sea Lord, Sir John Jellicoe drew attention to the point, that due to the fact that submarine and aircraft had seen advances in their development during the war the return of colonies to Germany would greatly increase the danger to the Empire's maritime position in the future.<sup>197</sup> These were sentiments that were being echoed in Australia. In July, the *Sydney Sun* newspaper reported that Hughes had justified his visit to London by crystallising opinion against the return of Pacific colonies to Germany.<sup>198</sup> The paper's main concern was that if Germany retained the colonies, it would use them as naval and submarine bases to threaten Australian national security. Their fears may have had some foundation as in a fund-raising speech in Berlin during August, a Captain von Wiese stated that 'We need colonies in the Pacific for military and strategic reasons; we need naval bases.'<sup>199</sup> Yet in December of the previous year, Philip Kerr, Lloyd George's private secretary, told Smuts that it was 'absolutely fatal to suggest that the German colonies must be retained because they are essential to British communications. The USA won't look at that for a moment'.<sup>200</sup> Hughes also got to make the security argument directly to Wilson. In May 1918, the Australian Prime Minister, on his way to Britain for the IWC, had the

193. ANZ, ACGA 8280 IT1/511 EX 88/7 1, Letter - Logan to GGNZ, 31/01/1918 & Telegram - CO to GGNZ, 15/01/1918.

194. ANZ, ACGA 8280 IT1/372 EX 67/12/1, Letter - Emily Nicol to Minister of Defence, 16/02/1918.

195. TNA, CAB 24/71/4, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): Retention of Nauru Island, Caroline Islands and Marshall Islands under British Government. Telegram from High Commissioner of Western Pacific to Secretary of State for Colonies. Telegram from High Commissioner of the Western Pacific to CO, 26/11/1918.

196. TNA, DO 140/836, PPC report Page 12, 31/12/1918.

197. TNA, CAB 23/41, Imperial War Cabinet, Minutes of Meetings: Nos. 15 - 29, 27.06.1918; Stevenson reports that in the 1917 peace overtures Lloyd George had to take into account the Dominions territorial claims, 'as well as the Admiralty's anxiety to deprive the enemy of potential bases for U-boats and commerce raiders that could threaten British imperial communications.' David Stevenson, 'The Failure of Peace by Negotiation in 1917', *The Historical Journal* 34, no. 1 (1991): 82.

198. TNA, CAB 24/152, Folio 14.

199. *Ibid.*, Folio 50.

200. Hancock and Van der Poel, *Selections from the Smuts Papers: Volume III*, 803; Crozier, 'The Establishment of the Mandates System 1919-25: Some Problems Created by the Paris Peace Conference', 484.

opportunity to meet with the President in Washington. He made it clear to Wilson that Australia did not want territory for itself but to ensure that the Pacific remained safe. To ensure that safety, the German colonies needed to be in the hands of the British Empire and friendly powers. The President was non-committal about the Pacific colonies and in the words of Hughes, he remained 'as unresponsive as the Sphinx in the desert'.<sup>201</sup> What is significant about the above, as we shall see in chapter 3, is the continuing formulation of a security argument for retaining the colonies by the British, and a position from the US that security issues will not be accepted for a reason to retain them.

I shall now turn to the emergent idea for a mandate system that occurred during the war period. Throughout the war there was a number of proposal and documents put together by a wide range of groups that suggested a future League of Nations.<sup>202</sup> For example, the Fabian Society, a socialist group, requested Leonard Woolf, the husband of Virginia, to write a report on international government which was released in 1916. As a friend of Cecil's, Woolf, himself a former colonial civil servant, was assured that his publication was circulated within Whitehall and was even used as a basis for early Foreign office plans on a League.<sup>203</sup> Another pamphlet was produced by a former leading Fabian, Sir Sydney Olivier, who had also served as the Governor of Jamaica between 1907 and 1913. While I have found no evidence that his work was circulated in Whitehall in the same way that Woolf's was, I do note that his writing contained many of the protections for the indigenous populations that make it into the mandate agreements. These include the prohibition of forced labour, except for definite and approved local services, and the exclusion of distilled liquor.<sup>204</sup> He also grappled with the concept of sovereignty of any transfer of the German colonies, stating that they would become 'the trustee of [the] sovereign power', that they be transferred to under the League. Echoing an argument used by Wilson in Paris, Olivier felt that 'the more successful Colonial Powers would have no reason to shrink from entering into such a self-disciplining compact'.<sup>205</sup> Of the most importance, due it being used as a framework for the mandates system, was Jan Smuts *The League of Nations — A Practical Suggestion* published in December 1918. When Pitman Potter compared Article 22 of the Covenant, the article that related to mandates, with General Smuts' plan he found that, while all the fundamental principles of Article 22 are to be found in the Smuts plan, not all the fundamental principles of the latter remain in Article 22.<sup>206</sup> Smuts wrote that 'Europe is being liquidated, and the League of Nations

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201. Bridge, *William Hughes: Australia*, 54.

202. For further reading on this see (especially pp 252-256) Crawford, *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention*.

203. Mazower, *Governing the World – The History of an Idea*, The British Empire as a League of Nations; Janet M. Manson, 'Leonard Woolf as an Architect of the League of Nations', *The South Carolina Review*, 2007, 3; Woolf says that Sir Sydney Waterlow, Philip Noel-Baker, and Lord Cecil, informed him that it 'was used extensively by the government committee which produced the British proposals for a League of Nations . . . , and also by the British delegation to the Versailles Conference.' Leonard Woolf, *Beginning Again: An Autobiography of the years 1911-1918* (London: The Hogarth Press, 1972), 189; The Anti-Slavery and Aborigines Protection Society also produced a number of pamphlet on indigenous matters to be considered at any peace conference. John H Harris, *Native Races and Peace Terms*, London, 1916; The Anti-Slavery and Aborigines Protection Society, *Native Races and Peace Terms* (London, 1917).

204. He goes further than the mandates by suggesting protection of native land rights, restrictions on contract labour, and insuring the administration can not be exploitative. Sir Sydney Olivier, *The League of Nations and Primitive Peoples* (London: Oxford University Press, 1918), 13.

205. *Ibid.*, 14.

206. Pitman B. Potter, 'The Origin of the System of Mandates under the League of Nations', *American Political Science Review* 16, no. 4 (1922): 570.

must be the heir to this great estate.<sup>207</sup> For the disintegrating Empires in Europe and Turkey, he envisioned that the League of Nations would act as a future guardian for any states that may arise until they were in a position to govern themselves. As for the German colonies in the Pacific and Africa, who he never envisaged a mandates system for, Smuts went on record as saying they 'are inhabited by barbarians, who not only cannot possibly govern themselves, but to whom it would be impracticable to apply any ideas of political self-determination in the European sense.'<sup>208</sup> He did believe they should be consulted on whom they should want to govern them; no doubt believing they would prefer anyone instead of the Germans back and due to their backward state the principle of non-annexation could not apply to them. This suited both the South African argument and that of the other southern Dominions that the African and Asiatic territories were so sparsely populated and politically underdeveloped, from their point of view, that they should be annexed by the power currently occupying it. This is at odds with those who may argue that Smuts plan was to give the new League 'responsibility for the administration of [the] former German colonies'.<sup>209</sup> Carl Bridge says that in fact, Smuts was horrified at the US proposal to put South West Africa and the Pacific colonies under the mandate system.<sup>210</sup>

Some ideas of the US proposals can be seen in the workings of the US Inquiry. The Inquiry was a study group of experts set up by Wilson to examine matters for the Peace conference.<sup>211</sup> Its recommendation with regard to the German colonies was that what constituted the Bismarck Archipelago and the German Solomon Islands should be entrusted to the Australians under a mandate, but that the New Guinea area should be transferred to the British Empire. This should be done on the understanding that the areas be added to the Australian administered Papua.<sup>212</sup> Their rationale for this was that 'to preserve the administrative integrity of this section would serve no really useful purpose, but would artificially handicap its development by unnecessarily multiplying governmental machinery.'<sup>213</sup> Samoa was to go to New Zealand as a mandate. Of interest is the Inquiry's concern relating to the Japanese possessions in the Northern Pacific. They believed it was 'far more essential to establish safeguards in them than in those [territories] which are now occupied by Australia and New Zealand.'<sup>214</sup> These safeguards included some that would make their way into the mandate provisions, such as no fortifications or naval bases, a prohibition on compulsory labour, unless on essential public works and freedom of activity to missionaries. It is interesting to note that they also proposed that the personal and property rights of Germans be protected, which as we shall see in chapter 3, were not included in the Peace Treaty. The Inquiry was also of the opinion that no decision could be taken about German South West Africa without taking into consideration the views of South Africa.<sup>215</sup>

207. Jan Smuts, *The League of Nations: A Practical Suggestion* (London: Hodder & Stoughton, 1918), 11.

208. *Ibid.*

209. Mazower, *Governing the World – The History of an Idea, The British Empire as a League of Nations.*

210. Bridge, *William Hughes: Australia*, 77.

211. Secretary of State, Robert Lansing recommended setting up the group as is would be impossible to find negotiators for any peace conference that would have known all the issues in detail. Berg, *Wilson*, 465.

212. George Louis Beer, *African questions at the Paris Peace Conference, with papers on Egypt, Mesopotamia, and the colonial settlement.* (New York: Negro Universities Press, 1969), 457.

213. *Ibid.*, 458.

214. *Ibid.*, 453.

215. *Ibid.*, 60.

Smuts' proposals for the League of Nations to use existing powers to take up the positions as mandatory to administer the territories stemmed from the belief that the organisation would not have the expertise or administrative manpower to carry out the task. This in turn may lead to the League being discredited in the eyes of the public if they failed in this mission. Alluding to the principle of self-determination, now adopted by Wilson, Smuts proposed that no mandatory State ought to be appointed by the League in respect of a territory without the consultation of the population of said territory. In a further nod to Wilson and American economic concerns, *A Practical Suggestion* advocated that the mandates should adopt an 'open door' policy with regard to economic affairs. Provisions should also be made that no military forces should be formed in any mandate territories beyond what the League should lay down as necessary for purposes of internal police.<sup>216</sup> Members of the British Government were impressed with Smuts' pamphlet, with Lloyd George going as far as saying it was 'one of the ablest state papers he had read'.<sup>217</sup> There was an opinion in the British government that of the three British documents that were draft plans for a League of Nations, Smuts' one would most appeal to Wilson's ideals. It was agreed by the IWC, despite the objections of Hughes, that they should forward Wilson a copy of *The League of Nations — A Practical Suggestion* as being the British view on the matter.<sup>218</sup>

As the war reached its climax, the British began to firm up their position as regards the German colonies. The IWC held a general discussion on War aims between 13 and 15 August 1918. Arthur Balfour, the Foreign Secretary, presented two propositions: firstly, that no colonies should be handed back to Germany and secondly, that Australia and New Zealand should obtain the German colonies south of the Equator in the Pacific and South Africa German South West Africa. Lord Curzon stated a few days later that 'the area of certainty [with regard to war aims outside Europe] comprised such matters as the Islands of the South Pacific and German South-West Africa, which could not in any circumstances be given back'.<sup>219</sup> Sir Robert Borden, the Canadian Prime Minister, wanted to prevent Germany from becoming a world power again, but refused to back the idea that the British Empire should come out of the war with vast territorial gains. This was not what the people of Canada had gone to war for, and they were 'not prepared to fight, and [would] not fight, for any territorial extension of the British Empire, which we regard as already unwieldy[sic]'.<sup>220</sup> Borden was still concerned about the attitude of the US and the need to ensure they were included in any settlement of the matter. Lord Reading, the British Ambassador to the US, was sure that as long as Wilson was President that the United States would be against annexation of the German colonies. Lloyd George sought Lord Reading's opinion of what Wilson's view would be if they were held in trust on 'behalf of the nations, and especially on behalf of the natives of those territories'.<sup>221</sup> He replied that he would see no objection if it was a real trusteeship rather than just a statement of it for the sake of appeasing them. This is reinforced by the outcome of a separate meeting Sir William Wiseman, chief of British intelligence in the US, had with

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216. Smuts, *The League of Nations: A Practical Suggestion*, 22.

217. Lentin, *General Smuts: South Africa*, 53.

218. *Ibid.*, 55.

219. TNA, CAB 23/42, Imperial War Cabinet, Minutes of Meetings: Nos. 30 - 48, 15 August 1918.

220. TNA, CAB 23/43, 13 August 1918.

221. *Ibid.*

Wilson during the discussions leading up to the German Armistice. Wiseman noted that Wilson 'would be well content to see the German Colonies administered by Great Britain, whose Colonial government was in many respects a model for the world.'<sup>222</sup> Wilson further went on to convey his view that he would prefer that the German colonies would not form a sovereign part of the British Empire after the war, but that they would be administered in some way in trust for the League of Nations. At the IWC meeting Lord Cecil interjected that he believed this topic of the German colonies should be discussed in connection with the League of Nations. Cecil's comment may highlight an awareness that the proposed League may be the ideal body to act as a trustee. Borden was to make a similar point linking German Colonies to the opinion that the US saw the issue as closely related to the League.<sup>223</sup>

Lloyd George had hoped that America would take some role in the development of German East Africa, but Massey was worried about giving the US some German colonies as a way to invest them in the mandates system. The British Prime Minister 'considered that America, with her immense wealth and enterprise, would do far more for the development of such a region as East Africa than we could, and ... he was all in favour of inviting America to take in hand the trusteeship of that colony.'<sup>224</sup> Massey made the point of arguing against the US being given any of the German Colonies after the war, due to the fact that New Zealand and Australia had taken the risks in capturing the territories and there was no point in giving America a strategic foothold in the south Pacific as they did not know what the Empire's relationship would be with the United States in twenty years time. At this point in time, Massey declared 'the South Pacific is practically British now, and we want to keep it British.'<sup>225</sup> At the IWC meeting of 20 December 1918, as preparation for the upcoming peace conference in Paris was ongoing, discussions once again turned towards the fate of the captured German colonies. Lloyd George again reaffirmed his view that the colonies should not be returned to Germany. The Prime Minister went on to state that what was 'certain was that those colonies which had been captured by Dominion troops must be retained by the Dominions concerned, such as the Pacific colonies south of the Equator, and German South-West Africa.'<sup>226</sup> It is clear by war's end that the Empire's position and of the Dominions themselves was steadfast for ensuring that the territories captured by them would remain in their control after the Peace Conference.

But as the war ended, there was growing concern in Britain about what point five of Wilson's fourteen points actually meant due to the President's unwillingness to clarify it.<sup>227</sup> The Americans did publish an official commentary on the Fourteen points and in a telegram to Wilson his advisor, 'Colonel' House, told the President that

some fear is expressed in France [and England] that this involves reopening of all colonial questions. Obviously it is not so intended. It applies clearly [to

222. John L. Snell, 'Wilson on Germany and the Fourteen Points', *The Journal of Modern History* 26, no. 4 (1954): 368; Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931*, 23.

223. TNA, CAB 23/43, 26 November 1918.

224. TNA, CAB 23/42, Folio 15; Sterling J. Kernek, 'Distractions of Peace during War: The Lloyd George Government's Reactions to Woodrow Wilson, December, 1916-November, 1918', *Transactions of the American Philosophical Society* 65, no. 2 (1975): 90.

225. TNA, CAB 23/43, 14 August 1918.

226. TNA, CAB 23/42, 20 December 1918.

227. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931*, 23.



those] colonial claims which have been created by the war. That means the German colonies and any other colonies which may come under international consideration as a result of the war.<sup>228</sup>

In relation to the equitable claims of all parties, the commentary document goes on to explore the claims of 'Great Britain and Japan, the two chief heirs of the German colonial empire'. House argues that the reason Great Britain and Japan feel the colonies cannot be returned to Germany are 'because she will use them as submarine bases, because she will arm the blacks, because she uses the colonies as bases of intrigue, because she oppresses the natives.'

The key point that shows a movement in the American thinking towards a system of international oversight is contained within the last paragraph of commentary on Point five of House's telegram to Wilson. It would be expected that;

... a colonial power acts not as owner of its colonies but as trustee for the natives and for the interests of the society of nations, that the terms on which the colonial administration is conducted are a matter of international concern and may legitimately be the subject of international inquiry, and that the peace conference may, therefore, write a code of colonial conduct binding upon [all] colonial powers.<sup>229</sup>

The US embassy in London was keeping an eye on any pronouncements by the British and reported an unusual solution to the annexation problem in that there was;

a rumour that if Holland should enter the war or give valuable aid to the Allies the German colonies might be handed over to her, but I attach no importance to this further than that it indicates a disposition to find a solution of the question along the line of no annexations.<sup>230</sup>

As most of the existing Dutch Colonial territories were in South-East Asia, might this imply that this solution would relate to the German colonies now occupied by the Pacific Dominions. I am sure this would have been bitterly opposed by Australia and New Zealand.

It is argued that three factors from the war helped to shape the postwar opposition to colonial expansion. The first was that many colonised people directly took part in a war promoted as one fought for freedom, secondly the critical Soviet attitude to colonialism after the Russian Revolution, finally the Western powers recognition of Eastern European countries gave rise to the same desire for self-determination amongst colonised people.<sup>231</sup> Lloyd George himself somewhat alludes to this in his memoir written in the 1930s. He was of the opinion that Britain, who went to war over Belgian neutrality actually 'managed during the War to pick up a number of German colonies that she did not really

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228. United States Department of State, *Papers relating to the foreign relations of the United States, 1918. Supplement 1, The World War Volume I*, 407.

229. *Ibid.*, 403-15.

230. *Ibid.*, 414-5.

231. Siba N'Zatioula Grovogui, *Sovereigns, Quasi Sovereigns, and Africans: Race and Self-Determination in International Law*, Borderlines (Minneapolis Minn.: University of Minnesota Press, 1996), 113.

want'.<sup>232</sup> Of course the counterpoint to this point of view is that the Allies never intended to give freedom to the captured colonies and that the pronouncements and criticisms of the Soviets were largely ignored in Paris. As Wilson was enroute to Europe for the peace conference, he confided in his staff that the German Colonies could be entrusted to the proposed League, which would then have small nations administer them with their economies open to all. While this was in line with Smuts' plan for mandates in Europe and Turkey, it was out of kilter with the ambitions of the southern Dominions in Africa and the Pacific.<sup>233</sup> So what we have observed from the discussion about Southern Dominions and British Imperial war aims, and the international context is that by war's end, the battle lines were drawn for the upcoming peace conference. On one side, we had the southern Dominions intent on annexation, and on the other, a US President completely opposed to it.<sup>234</sup> In between these two points of view were the British Imperial Government and an ever expanding bodies of lobby groups that would all come together at Paris to decide the post-war fate of the German colonies.

## Chapter Conclusion

By the end of the war, we observe that the southern Dominions have increased their profile as international actors. The British adopted a position by 1916 that their input was needed to fully pursue the war effort. This increased participation led to the Dominions, as discussed above, having an increased input in policy formulation, not only concerning the Germans' colonies, but the proposed future League of Nations. This highlights the new balance of power within the British Empire which is epitomized by the IWC from 1917. Looking ahead to the next chapter, the Dominions were determined that this increased diplomatic profile would result in a say at the peace conference, although legally they were still constituent parts of the British Empire. They had adopted a unified position, to bring to the peace conference, that the German colonies were to remain in their possession after the war. The idea of the mandates were introduced into public discourse during 1918, but the Dominions' were determined to push for annexation for the territories they occupied rather than put them under a system that included any international obligations or control. This ensures that the Dominions' would have a significant role at Versailles and the messy transition to mandate status that was to follow it.

232. David Lloyd George, *War Memoirs of David Lloyd George, 1918* (Boston: Little, Brown, & Company, 1937), 214.

233. George Curry, 'Woodrow Wilson, Jan Smuts, and the Versailles Settlement', *The American Historical Review* 66, no. 4 (1961): 974.

234. J. Lee Thompson, *A Wider Patriotism: Alfred Milner and the British Empire, Empires in Perspective* (London: Pickering & Chatto (Publishers) Limited, 2007), 170.



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**“British flag no damn good, sar!”: The Southern Dominions, the Versailles settlement and the complicated transition to the “C” mandates, 1919-20**

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We get out the League Covenant regarding Mandates. We observe (I think it was Milner who observed) that this article provides for ‘the consent and wishes of the people concerned.’ They find that phrase very amusing. How they all laugh!

Harold Nicolson, *Peacemaking*, 1919

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### Chapter Introduction

The post-war fate of the German Colonies was decided at the Paris Peace Conference that sat during the first half of 1919. As we have seen in chapter 2, there was much wartime debate on international trusteeship for former German colonies. This debate would continue into the Peace Conference, including amongst the representatives of the Great Powers, as the major power-brokers, civic society groups, and interested individuals. The Powers first met as the Council of Ten which was the Prime Ministers and Foreign Ministers of the United States, the United Kingdom, France, Italy and Japan. This group then devolved into the Council of Four, which consisted of the leaders of the US, the United Kingdom, France, and Italy. Outside of these Councils a multitude of commissions and expert groups were formed to discuss the various topics up for discussion. The Dominions themselves all brought delegations and the struggle of that separate representation forms part of this chapter. This was made possible by two reasons, firstly that by exercising jurisdiction on the ground during the War, and secondly by the nature of an evolving international system, they get to be players in the Wilsonian settlement at Paris. This chapter, continuing the argument from the last, shows the developing relationship between the UK and the Dominions and also the Dominions as international actors in their own rights. The debate, at Paris, over the manner in which the ex-German territories would be apportioned and regulated forms part of the wider context of what is known as the Wilsonian moment. Were it not for Woodrow Wilson, and his influence at the conference, would the German colonies have been put under any form of international oversight? Wilson emboldened the ideal of New Diplomacy of which the proposed mandates system formed part. The idea had developed throughout the war with bodies such as the British Union of Democratic Control supporting it. Key elements of New Diplomacy included open covenants to increase transparency, a community of nations to secure future peace and the idea of self-determination for those who could rule themselves to the European standard.<sup>1</sup> The system of mandates ‘emerged out of the global [war] when humanitarian feeling clashed with practical realism leading to a final

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1. Natasha M. Leyk, ‘New Rhetoric, Old Practices: Combining Old and New Diplomacy in 1919’ (Honors Project, Macalester College, 2009), 43-5.

compromise, which recognized that the well-being of the non-self-governing peoples was a matter of vital international concern.<sup>2</sup> After the conference we see the move towards setting up the international institutions established by the Treaty for Peace, of which the mandates form a part. The commission that meets in London to decide the terms on which the mandates will be issued is followed by the setting up of the League structures. This includes the setting up of the mandates apparatus that is enshrined in Article 22 of the League Covenant. The southern Dominion Governments during this period both face the certainty that the colonies will not be returned to Germany but also the uncertainty as to the form of administration that they can establish.

### **3.1 Annexation stymied: The British Empire Delegation at Versailles and the emergence of the "sacred trust", January-June 1919**

In the section that follows, I will argue that by achieving separate representation at the Peace conference the Dominions in effect became quasi-independent international actors. After discussing the fight for separate representation, what shall follow will be an account of the negotiations at Paris over the mandates, displaying how the Dominions were involved throughout in ensuring, at least for the territories that they held, that the mandates system would be characterized by light touch regulation. While the negotiations were conducted at conference level between the leaders of the Allied Powers and the Prime Ministers, there were also concurrent negotiations being conducted at delegation level by civil servants that were important to how the mandates system would develop. This section will also contain a discussion of the various non-governmental bodies that were at Paris or petitioned the conference in an attempt to influence how mandates would be designed. This discussion will touch upon issues such as international relations, trusteeship, and sovereignty, which will also feature in discussions in future chapters.

The fact that the Dominions wished to have separate representation at the peace conference was a major step in the framework of the Empire. Never before had the Dominions represented themselves at an international conference.<sup>3</sup> In international law the Dominions were still seen as subservient to Britain in international affairs, although as we saw in chapter 2 they had an increased input into policy by participation in the IWC.<sup>4</sup> There was much annoyance amongst the Dominion Prime Ministers when it was suggested, before the Peace Conference, that they would just form part of the British Empire Delegation (BED), rather than having their own delegations.<sup>5</sup> French proposals for representation of different nations at the conference made no reference to the Dominions which prompted a discussion amongst the IWC as to the fairness of the matter. Billy Hughes argued, in a nod to the growing spirit of internationalism, that 'if the League of Nations were to endure, it would be one of those questions at the Conference which would most vitally concern the Dominions.' Both Hughes and Robert Borden made

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2. Chowdhuri, *International Mandates and Trusteeship Systems: A Comparative Study*, 8.

3. A precedent in their favour, for separate representation was set in 1914 when Canada, Australia, and New Zealand signed the International Convention on the Safety of Life at Sea.

4. It was recognised during the war the Dominions should be seen as autonomous nations of an Imperial Commonwealth, and should have an adequate voice in foreign policy and in foreign relations. Keith, *War Government of the British Dominions*, 36,148.

5. MacMillan, *Paris 1919: Six Months That Changed the World*, 52.

comparisons of their countries' war contribution to that of smaller nations, with Borden declaring that it would be inconceivable to the Canadian public that a country like Portugal should have more representation given the fact that Canada lost more troops than Portugal even put on the field.<sup>6</sup>

The IWC adopted a position that the Dominions and India should have the same status as Belgium and other smaller Allied States, and should be part of the BED when matters that concerned them came up for discussion.<sup>7</sup> Britain's allies were wary of both the actual and perceived view that the Empire's delegation could have too many representatives.<sup>8</sup> Wilson asked whether the Dominions could not be provided for by making the delegates interchangeable to which Lloyd George replied that 'they were independent nations and that they had given the British Empire one million of their best troops.'<sup>9</sup> In the end Wilson and the other Allies compromised, and Australia, Canada, South Africa and India were assigned two delegates, and New Zealand, one. This outcome gave the southern Dominions major input into the final deliberations as to what would become of the former German Colonies. The Dominions also were cognizant of this fact. Hughes was to suggest that while the Dominions did not get any greater representation than the smaller nations at the Versailles conference, because they were part of the BED, as well they were kept up to date on all significant issues and 'no important step was taken except after discussion and agreement at the British Empire Delegation.'<sup>10</sup> (see figure 17) Smuts also believed they got the best of both worlds by having separate representation and membership in the BED, which he liked to call 'Independence Plus'.<sup>11</sup> Achieving separate representation created an anomalous situation according to Professor of International Law, R. P. Anand, who in referring to the case of India, highlights that you had a dependent state 'of a foreign power, a colony which could not control its internal affairs, [that] was accepted as a sovereign state by an international treaty.'<sup>12</sup>

6. Both Hughes and Borden quotes are from TNA, CAB 23/42, 31 December 1918; The manpower contribution of the colonies and dominions to the Allied war effort is illustrated by their casualty figures: 62,056 Indians killed, 59,330 Australians, 56,639 Canadians, 16,711 New Zealanders, 7,121 South Africans, about 2,000 east Africans (black men were never counted so carefully as whites), 1,204 Newfoundlanders, 850 west Africans. Porter, *The Lion's Share: A Short History of British Imperialism 1850-2004*, 229.

7. TNA, CAB 23/42, 31 December 1918; While Borden, Smut and Hughes worked as a team, Hughes was responsible for the detail 'specifically for ... the representation of the Dominions by independent delegations, as well as, and distinct from, membership in the imperial delegation.' L. F. Fitzhardinge, 'Hughes, Borden, and Dominion Representation at the Paris Peace Conference', *The Canadian Historical Review* XLIX, no. 2 (1968): 160.

8. MacMillan, *Paris 1919: Six Months That Changed the World*, 52; According to Gerald Chaudron, the Americans and French had reservations against separate Dominion representation as it may upset the smaller powers, and they did not regard the Dominions as independent states. Gerald Chaudron, 'New Zealand and the League of Nations' (PhD, University of Canterbury, 1989), 6.

9. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume III*, Washington, 1946, 500.

10. Bridge, *William Hughes: Australia*, 76-7; Snelling states 'the role of the Commonwealth deputations in establishing the mandate system was of much consequence.' R. C. Snelling, 'Peacemaking, 1919: Australia, New Zealand and the British Empire Delegation at Versailles', *The Journal of Imperial and Commonwealth History* 4, no. 1 (1975): 25; One dissenting view was Harry Holland from the New Zealand Labour movement who thought that New Zealand's 'voice in the matter of what is to be done with [Samoa] when the war is ended will not amount to much more than a whisper.' H. E. Holland, *Samoa: A Story that teems with Tragedy* (Wellington: The Maoriland Worker Printing & Publishing Company, 1918), 18.

11. David Reynolds, *The Long Shadow: the Great War and the Twentieth Century* (London: Simon & Schuster, 2013), Kindle edition.

12. R. P. Anand, 'The Formation of International Organizations and India: A Historical Study', *Leiden Journal of International Law* 23, no. 1 (2010): 8; Harold Nicolson was to write 'our Dominions get separate representation as independent countries: this has been taken more calmly than we expected: people think that it takes us down a peg.' Nicolson, *Peacemaking, 1919*, 196.

As we have seen from the deliberations of the IWC in chapter 2, it is clear that the southern Dominions went to Paris with the aim that the German territories that they occupied would not come under any international oversight. As British cabinet papers stated at the time, while they were in Paris to reach a general peace settlement, 'the Dominion Representatives were absorbed in helping to solve all the problems but none so much as that of Mandates.'<sup>13</sup> Their tactic for solving this problem was to push for annexation of their occupied German colonies. There is evidence that there was widespread support for this point of view in the southern Dominions as well with the *New Zealand Herald* declaring that the German colonies in the Pacific were 'as menacing to New Zealand and Australia as the annexation of Belgium would have been to Britain and France'.<sup>14</sup> The South African Representatives, Smuts and Botha, were similarly under pressure from the Afrikaner press at home, with one newspaper going as far as to tell them that they should not 'show themselves before the public of South Africa without German South-West Africa in their pocket'.<sup>15</sup> The British themselves were also in a unique position going into the Peace Conference. Unlike most of the other Powers, they had substantially achieved two of its paramount war aims, 'the neutralisation of the German High Seas Fleet and the elimination of German colonial competition'.<sup>16</sup> For the sake of Imperial unity they were compelled to support the Dominions in their quest for annexation.<sup>17</sup> Harold Nicolson, a BED member wrote that it would have been impossible for Lloyd George not to support the Dominions for 'had he, above all, had an open breach with Australia or South Africa upon the distribution of the German Colonies ... then he also would have had to face a hostile House of Commons'.<sup>18</sup>

The desire for the southern Dominions to annex the former German colonies that they occupied would result in a sometimes bitter period of negotiations with Wilson. In part this was down to the Dominions' determination to annex German colonies against a Wilson that was equally determined that they should transfer to the League of Nations.<sup>19</sup> In preliminary discussions with George Louis Beer, his colonial expert from the Inquiry,

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13. TNA, CAB 21/217, Cabinet Office, Registered Files, etc: History of the British Empire Delegation and its work in Paris during the Peace Conference, Folio 93.

14. Watson, *W F Massey: New Zealand*, 73.

15. Lentin, *General Smuts: South Africa*, 59; As Cabanes states Each delegation 'bore the weight of the expectations of public opinion in [their] own country.' Cabanes, '1919: Aftermath'.

16. Richard M. Watt, *The Kings Depart - The Tragedy of Germany: Versailles and the German Revolution* (New York: Simon & Schuster, 1968), 55; John Darwin states that 'of the three principal victor powers, the United States, France and Britain, the British seemed best placed to turn the making of peace to their advantage.' Darwin, *The Empire Project: The Rise and Fall of the British World-System, 1830-1970*, 359.

17. Although Lloyd George was to write in his war memoirs much later that they would have been willing to use the German colonies as bargaining chips in the Peace conference. Lloyd George, *War Memoirs of David Lloyd George*, 1918, 214.

18. Nicolson, *Peacemaking, 1919*, 72; Neu is also of the view that Lloyd George could not ignore the demands of the Dominions Charles E. Neu, *Colonel House: A biography of Woodrow Wilson's silent partner* (New York: Oxford University Press, 2015), 391.

19. Egerton, *Great Britain and the creation of the League of Nations: Strategy, Politics, and International Organisation, 1914-1919*, 112; Eventually, Wilson accepted the Dominions 'right of occupation, but held tenaciously to the principle that all newly acquired colonies come under the political mandate of the League of Nations for the protection of the native peoples. These new governments would exercise mandatory, not sovereign, rights.' Graebner and Bennett, *The Versailles Treaty and Its Legacy: The Failure of the Wilsonian Vision*, 49; British thinkers like Lionel Curtis thought there could be a balance stating that 'In tropical Africa; as in the Pacific, the only hope of those races who cannot as yet govern themselves or ever learning to do so is in tutelage by some great democratic civilized nation. Once for all, the League of Nations will render obsolete the old pernicious idea of empire, rightly abhorrent to the American tradition.' Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton and Oxford: Princeton University Press, 2009), 44-5.

Wilson saw the German colonies becoming the 'common property' of a League of Nations and whose administration would be carried out by small non-imperial European states. Beer disagreed and believed that the British Empire was the best model to follow for protecting indigenous populations and for the application of free trade.<sup>20</sup>

Before the issue of the disposal of the German colonies even came up for discussion the Conference set up a League of Nations Commission whose purpose would be to draft the Covenant of the League. From the minutes of the Council of Ten it is interesting to note that during the discussion on this commission there is no reference to former German colonies being put under any international oversight. It is no surprise that the League of Nations commission was established at the start of the conference considering it was a cornerstone of Wilson's programme for peace.<sup>21</sup>

As part of the British preparations for the upcoming discussion on colonial issues, Lord Robert Cecil held a meeting, on 20 January 1919, in his hotel room in Paris with other British Empire Delegation officials. The specific purpose of the meeting was to discuss the application of the mandatory principle on the territories in Africa and the Pacific, and is important as many of the principles that would make it into the mandate agreements were discussed. These included a prohibition on raising 'native' troops, and that slavery and the sale of liquor to the indigenous populations would be outlawed. The British had reservations about outright neutrality of the mandates. They believed it would be problematic and that non-fortification of ports should be a matter for the Admiralty and the War Office.<sup>22</sup> The open door policy could also lead to problems, and that South Africa would oppose the open-door principle in relation to trade in German South West Africa 'on the grounds that like Alsace-Lorraine it would form an integral part of the customs area of a self-governing Dominion.'<sup>23</sup> It is also worth noting the use of the phrase 'integral part' in the above quote due to it forming a key component of the principle of the C mandate at a later date. The meeting also set out a framework of oversight that would not be too dissimilar to the one that would be adopted. It was proposed that mandatories would 'be invested with all powers and rights of a sovereign government, but they shall report annually to the League of Nations on all matters relating to the discharge of their obligations under this convention.'<sup>24</sup> It was proposed that the League's oversight and

20. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 18; Curry, 'Woodrow Wilson, Jan Smuts, and the Versailles Settlement', 973; An example of British confidence in their system of Empire is that a memorandum by the Foreign Office Official G. S. Spicer suggested that Great Britain could propose that the League set up a permanent office devoted exclusively to the study of African indigenous problems. It further implied that colonial powers that treated indigenous people properly should not have to worry about such an office. LNA, Box R13 1/2372/2372, Subjects concerning Africa to be dealt with at the Peace Conference, Memo—Some of the principal points concerning Africa to be dealt with at the Peace Conference, 17/01/1919.

21. Christopher Seton-Watson, '1919 and the Persistence of Nationalist Aspirations', *Review of International Studies* 15, no. 4 (1989): 311; Charles Seymour, *The intimate papers of Colonel House: The ending of the War* (Boston and New York: Houghton Mifflin Company, 1928), 251-2; Edward House, Wilson's adviser urged him to make the League the centre of his program telling him that 'once that [the League of Nations] is a *fait accompli*, nearly all the very serious difficulties will disappear.' Neu, *Colonel House: A biography of Woodrow Wilson's silent partner*, 382-3.

22. TNA, FO 608/240, British Delegation, correspondence and papers relating to the League of Nations relating to labour: Agriculture; Africa; International Arbitration; Commissions; Committee Meetings; Conferences, Folio 70.

23. Cecil's view was that if they were to concede this point to South-Africa then they would find it impossible to force the open-door on the French and the Pacific Dominions and he resolved to talk to Smuts about it. *ibid.*, Folio 79.

24. TNA, FO 608/240, Folio 71; The resultant memo from this meeting, split the territories into two categories Ernst B. Haas, 'The Reconciliation of Conflicting Colonial Policy Aims: Acceptance of the League of Nations Mandate System', *International Organization* 6, no. 4 (1952): 533.



powers of inspection, at first, would be limited to ensuring that the mandatories executed their stipulations in relation to the former German colonies. In a separate memorandum Secretary of State for Foreign Affairs, Arthur Balfour, also contemplated an oversight mechanism; he believed there needed to be some element of inspection without defining one, but he wanted 'some method of conveying in cases of scandal independent information to the League of Nations', but also recognised there could be issues with powers of inspection.<sup>25</sup> Surprisingly, considering how mandatory powers would oppose the right of League inspection, it was proposed that this facility might be called upon for other territories if requested of the powers concerned.<sup>26</sup> The above displays that many of the features of the mandate system were driven by the BED and by extension the Dominions who wanted the watering down of any proposals by Wilson for a more robust international type system.



Figure 17: A meeting of the British Empire Delegation at Mr Lloyd George's house, Rue Nitot in Paris, 01 June 1919

Turning to the deliberations of the Council of Ten in late January 1919, we shall see the input and impact that the southern Dominions had to the discourse regarding the German colonies. On 23 January 1919, the Council started discussions on territorial and colonial matters. Lloyd George used the very fluid and chaotic situation in Europe, for

25. Balfour states that without inspection 'the members of the League would be helpless; but with it, they would be in constant peril of coming in collision with the mandatory power.' TNA, FO 608/242, British Delegation, correspondence and papers relating to League of Nations, including: Maritime Powers; Rights of Nations; Netherlands; Organisation of the League of Nations; Omni-National Confederation; Persia; Programmes, Memo-Balfour, Paris, 27/01/1919.

26. TNA, FO 608/240, Folio 70.

example, the breakup of the Austro-Hungarian Empire and the civil wars in Russia, as an excuse to move the discussion onto colonial issues which could be resolved fairly quickly as opposed to European questions which could take considerable time. He was supported in his proposal by the French and Italians, with Wilson reluctantly agreeing.<sup>27</sup> The next day the German colonies were discussed, and the Dominion Prime Ministers joined the Council of Ten, as Lloyd George thought it best for each Dominion to present its own case separately. All parties including Wilson and Orlando, who had no claim on German colonies, agreed that it was their policy to oppose the restoration of the German colonies. While this principle was adopted, it was further agreed that this would not be made public at this time as their negotiations could now be printed around the world the next day.<sup>28</sup>

Lloyd George opened the discussion by stating that since the policy was set that Germany's colonies would not be returned, then it had to be established what would become of them. His proposals included that there be a mandatory system or outright annexation. That he proposed both scenarios deftly displays Lloyd George's awareness that he was both trying to 'satisfy Wilson's idealism and the practical demands of [his] Dominion' Prime Ministers.<sup>29</sup> In his case for a mandatory system he stated that the League could not directly administer these territories, so another way had to be found therefore, he suggested that member nations could undertake this trusteeship on behalf of the League as a mandatory.<sup>30</sup> He went on to list a number of features that the mandate system might entail, and it is interesting to note the similarity between them and the meeting in Cecil's hotel room only a few days before although he did not attend. Lloyd George concluded by making a brief case for each southern Dominion in favour of annexation.

Hughes was the first Dominion representative to present his case on behalf of Australian claims to New Guinea, followed by Smuts for South Africa's claim to South West Africa, and lastly by Massey for New Zealand to retain Samoa. Hughes in particular had been building up to this moment, and while he believed that Wilson was against him he hoped that they could convince him of their argument.<sup>31</sup> During his presentation Hughes used a large map of the Pacific, that had been prepared by the Royal Geographical Society, that placed Australia at its centre. This was used by Hughes to show those assembled that the 'islands in the Pacific encompassed Australia like fortresses' and therefore New Guinea was essential to the security of his country.<sup>32</sup> Smuts

27. Wilson's view was that the 'world's unrest arose from the unsettled condition of Europe, not from the state of affairs in the East, or in the Colonies'. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume III*, 700.

28. This action reflects the rising influence of press reports on popular opinion unlike at the congress of Vienna in 1815 or Utrecht 200 year before. Henig, *Versailles and after, 1919-1933.*, 3.

29. Sharp, *David Lloyd George: Great Britain*, 146.

30. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume III*, 719.

31. Only a few days before, on 17 January, he wrote to the Australian Governor-General that he was 'working up the case for the ex-German colonies and the pacific.' and his plan to win over Wilson was to give 'him his League of Nations ... he will give us all the rest. He shall have his Toy!' Louis, *Great Britain and Germany's lost colonies, 1914-1919*, 129; Louis, 'Australia and the German Colonies in the Pacific, 1914-1919', 417; L. F. Fitzhardinge, 'W. M. Hughes and the treaty of Versailles, 1919', *Journal of Commonwealth Political Studies* 5, no. 2 (1967): For more on Hughes presentation, pp 135-7; Hughes cabinet cautioned him not to 'endanger relationships with [the] Motherland ... [or] antagonize America' in his endeavours. Peter. Spartalis, *The Diplomatic Battles of Billy Hughes* (Sydney: Hale & Iremonger, 1983), 142.

32. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume III*, 720; Bridge, *William Hughes: Australia*, 78; Since it was decided that Germany was not to receive back her colonies, although he could not say it due to the fact they were an ally, Hughes meant security from Japan. MacMillan, *Paris 1919: Six Months That Changed the World*, 111.

also echoed Hughes security concerns when he referred to the Boer rebellion in 1914 that he stated was caused by German overtures to recognise an independent South Africa should an uprising succeed. Smuts had also used the security argument in a speech to American newspaper editors, where he said that those German colonies that were conquered by the southern Dominions would have to be given to them for their 'future development or [whose] security they are necessary.'<sup>33</sup> Massey completed the trio of citing security concerns by stating that 'they did not want to be confronted with a menace such as Germany had been to the nations of Europe for the last hundred years.'<sup>34</sup> Samoa to New Zealand was of great strategic importance, and he viewed it as the key to the Pacific. Japan also had interests in the formulation of the mandates system, and felt justified in claiming retention of the leased territory of Kiaochow and all the German Islands in the Pacific, North of the Equator. Echoing Dominion arguments they stated keeping German influence out of the Pacific was one reason for retaining the German possessions. While Wilson and Hughes had very little in common, concern about Japan was something they would have agreed on. Wilson was to write later, on the back of a secret memorandum, that his 'difficulty is with the demands of men like Hughes and the certain difficulties with Japan. ... A line of islands in her (Japan's) possession would be very dangerous to the U. S. '<sup>35</sup> The southern Dominions' sub-imperialism displayed in their presentations above can be viewed as 'often motivated by the desire to protect existing colonies from perceived external threats on their borders.'<sup>36</sup>

Wilson, ultimately, rebutted the argument used by the Dominions that they needed the former German territories for security reasons. He singled out Australia's claims and was of the view that their 'position was based on a fundamental lack of faith in the League of Nations.'<sup>37</sup> The League's proposed collective security clauses would ensure that Australian fears were more negated as a mandatory rather, for should a country attack a mandate all League nations would take up arms for the mandatory. This view rather overstates what would eventually become enshrined within the League covenant. Wilson then posed two questions; firstly assuming the League of Nations existed, was it necessary, from the point of view of protection to have annexation and if the answer was in the negative what was there in the principle of a mandate system that would make its adoption objectionable?<sup>38</sup> Wm. Roger Louis contends that by using South West Africa and New Guinea as examples that Wilson was making it clear to those present that he 'rejected the annexationist claims of the southern Dominions.'<sup>39</sup> While Wilson disparaged the arguments of southern Dominions, they had support from the other Allies. It was

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33. In the same speech he advocated a mandates system for other German colonies. W. K. Hancock and Jean Van Der Poel, eds., *Selections from the Smuts papers Volume IV* (Cambridge: Cambridge University Press, 2007), Document 857 – Speech 1918.

34. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume III*, 726.

35. Bridge, *William Hughes: Australia*, 78; David Hunter Miller, who helped draft the covenant, thought that the best America could get out of the Pacific was 'that the remaining islands should not become naval bases and that we should have privileges for wireless communication in the Island of Yap'. David Hunter Miller, 'The Origin of the Mandates System', *Foreign Affairs* 6, no. 2 (1928): 281; Steiner, *The Lights that failed: European International History, 1919-1933*, 45.

36. Potter, *British Imperial History: Theory and history*, 28.

37. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume III*, 741.

38. *Ibid.*, 743.

39. Louis, *Great Britain and Germany's lost colonies, 1914-1919*, 131.

reported in the *Herald* (of Melbourne) that both Clemenceau and Orlando told Hughes that he made a strong case, with Orlando saying Hughes' case was based on security concerns in a manner that was similar, he argued to the '[Italian] case for Dalmatia'.<sup>40</sup>

I will turn now to what Wilson's thoughts were on the mandates system as the principles he laid out in Paris were to a large degree an effort to get the system adopted by the conference. Fundamentally he felt that the basis of the mandates idea grew out of the feeling which had sprung up all over the world against further annexation. Since they were not going to be returned to Germany some other system had to be put in place to 'develop them and to take care of the inhabitants'.<sup>41</sup> In a meeting with the Indian delegation he was to further define the concept as follows;

The whole theory of mandates is not the theory of permanent subordination. It is the theory of development, of putting upon the mandatory the duty of assisting in the development of the country under mandate, in order that it may be brought to a capacity for self-government and self dependence which for the time being it has not reached, and that therefore the countries under mandate are candidates, so to say, for full membership in the family of nations.<sup>42</sup>

Wilson had two overarching principles in his view of the mandate system. These were that the League would set down some general principles of how the mandate would be administered with particular reference to the conditions of inhabitants, and that there should be no discrimination against the League members to restrict economic access. Under this arrangement South Africa, and by implication the other southern Dominions, could apply its laws in so far as that they were applicable to the mandate and 'administer it as an annex to the Union so far as consistent with the interest of the inhabitants'.<sup>43</sup> They could impose import duties and that would be fine as long as all countries paid the same duties and the same right of access. The British Board of Trade's view was that the open door could not be fully applied to former German colonies under the Empire's control as there was already a British Empire system of preferential rates in place.<sup>44</sup> It is a bit ironic that Wilson was such a strong advocate of the Open Door policy in Paris considering it is one the United States itself was not that enamoured of. In the Philippines there was a ten-year term of open door contained in the peace treaty that ended the American-Spanish War, and once this term expired, in 1908, the US turned to a preferential system. Only American Samoa and the Panama Canal Zone had the Open

40. Bridge, *William Hughes: Australia*, 79; MacMillan, *Paris 1919: Six Months That Changed the World*, MacMillan reports that one of the Australian delegation was not so kind. Their assessment was that he was 'being used as a Catspaw by the French'.

41. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume III*, 740.

42. It should be noted though that this meeting was held in the context of the Treaty with Turkey so it probably does not convey Wilson's views on the mandate system as it applied to the C class mandates but rather A class mandates that were considered far closer to self-government. TNA, FO 608/155, British Delegation, correspondence and papers relating to political matters: proceedings of the Peace Congress meetings, including: Resumption of trade with Esthonia (Estonia) and Poland. Territorial boundaries of the former Austro-Hungarian territory. Re, Folio 320.

43. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume III*, 741.

44. Max Beloff, *Britain's Liberal Empire 1897-1921*, 2nd (Houndmills: Macmillan Press, 1987), 282.

Door and this was by treaty obligation.<sup>45</sup> In Wilson's view what was fundamental to the concept was 'that the world was acting as trustee through a mandatory, and would be in charge of the whole administration until the day when the true wishes of the inhabitants could be ascertained.'<sup>46</sup> Under the system of mandates if someday the population of the mandate should wish to have a union with the mandatory, Wilson would be the last to object. It says something of the racial preconceptions of Wilson that he did not think that the inhabitants did not already know what administration they wanted.

The deadlock in the negotiations was eventually broken by a suggestion made by the BED. Originally Cecil and Smuts presented a system that did not envisage the inclusion of the southern Dominions' occupied territories. The BED were told that when there were 'German Colonies with a British Dominion next door [that] in these cases there should be annexation. For many reasons it was impossible to make a Dominion into a mandatory.'<sup>47</sup> Due to Wilson insisting that all territories being included, the BED were presented with a new proposal, which included the southern Dominions' territories as a C class mandate. For these it was suggested that 'the laws and institutions of the community entrusted with the government would have to be applied.'<sup>48</sup> This was a tense time in the negotiations even for the BED members. Maurice Hankey, the cabinet secretary, recalled that

it involved many meetings of the British Empire Delegation, and an infinity of delicate negotiation. ... Hughes and Massey, who insist on annexation of the German Islands in the South Pacific, are our principal difficulty, but President Wilson, in his insistence on the affiliation of these colonies, in some form or another, to the League of Nations, is even more obstinate. The trouble is that both are very unyielding. However, I am hopeful that we are now on our way to an accommodation.<sup>49</sup>

Wilson was willing to accept the C class mandate compromise that had been proposed as long as its 'interpretation [was] to come in practice from General Smuts'.<sup>50</sup> This was a defeat for Smuts as he was never inclined to put GSWA or the German Pacific colonies under mandate. It is argued that Smuts in fact only viewed the C class mandate as a 'substitute for annexation to appease Woodrow Wilson on the rights of subject nations and self-determination'.<sup>51</sup> Smuts' son also appears to agree with this sentiment. In his biography of Smuts, he wrote that his

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45. Benjamin Gerig, *The Open door and the mandates system* (London: George Allen & Unwin Ltd, 1930), 89-90; For more on US imperialism, see Daniel Immerwahr, *How to Hide an Empire: A Short History of the Greater United States*.

46. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume III*, 741.

47. Louis, 'The South West African origins of the 'sacred trust', 1914 - 1919', 34.

48. TNA, CAB 21/217, Folio 116; While Smuts and Cecil get a lot of credit for developing the compromise, the whole BED contributed with the Australian J. G. Latham, and Briton Cecil Hurst being instrumental in drafting the C class clause. Hudson, *Australia and the League*, 29; Beaumont, 'Unitedly we have fought: Imperial loyalty and the Australian war effort', 409; David Lee, 'Sir John Latham and the League of Nations', chap. 5 in *League of Nations: Histories, Legacies and Impact*, ed. Joy Damousi and Patricia O'Brien (Melbourne: Melbourne University Press, 2018), 89; Spartalis, *The Diplomatic Battles of Billy Hughes*, 133; Barrie MacDonald, *In Pursuit of the Sacred Trust: Trusteeship and Independence in Nauru* (Wellington: New Zealand Institute of International Affairs, 1988), 7.

49. Hankey, *The Supreme Control at the Paris Peace Conference 1919: A Commentary*, 60.

50. Lentin, *General Smuts: South Africa*, 62.

51. Nasson, 'British Imperial Africa', 149.

father saw it was not the time to press for the incorporation of South-West Africa into the Union. He did the next best thing. ... He saw to it that the Union took over South-West Africa under a "C" Mandate which was almost tantamount to annexation and left the future incorporation open for decision by plebiscite.<sup>52</sup>

Hughes and Massey only reluctantly agreed to the C mandate compromise when assured that they could control immigration, tariffs and navigation.<sup>53</sup> This supports the argument that the C class mandates was effectively the take over of the German colonies 'with the cloak of moral respectability represented by the mandate system'.<sup>54</sup>

Once the system of mandates was accepted by all parties, Lloyd George wanted to announce to the press who would be the mandatories at the same time the Treaty was issued, but Wilson was anxious to avoid the appearance that the division of the spoils was happening simultaneously with the Peace.<sup>55</sup> In finally agreeing the distribution of the mandates one issue that came up was the mandate for Nauru (For mandates distributions see table 2). Lloyd George told his fellow Council of Four members that there were still difficulties to be worked out between the United Kingdom, Australia, and New Zealand, and the best course of action would be to allocate the mandate to the Empire.<sup>56</sup> Milner had suggested that the island of Nauru be assigned to the West Pacific islands that were under the British High Commissioner in Fiji. This echoed the position that was operated during the war period. The British probably felt they had the support of the occupying power, Australia, on such a policy as Milner had received a memorandum from Hughes a few weeks before, in which he wrote that 'as regards the island of Nauru, Australia would be satisfied with any form of mandate satisfactory to the British Government.'<sup>57</sup> Wilson noted that once assigned to the BE in its own right it could not be handed over to one of the Dominions. Also, the open door had to be applied as Article 22 provided for it.<sup>58</sup> This last point is of note as the C mandate agreements had no provision for the open door.

Indeed, it is easy to see how Wilson could be mistaken as the emergence of the text that would become Article 22 of the covenant went through a painstaking drafting. While article 22 was part of the covenant, the peace conference's League commission did not

52. Smuts, *Jan Christian Smuts: A biography*, 220.

53. Hughes was reassured by Hankey that the C mandates were 'equivalent to a 999 year lease as compared with freehold' MacMillan, *Paris 1919: Six Months That Changed the World*, 112; Peter M Sales, "A LITTLE GERMAN COLONY HERE OR THERE!" THE U. S.-AUSTRALIAN CLASH AT THE PARIS PEACE CONFERENCE OF 1919', *Australasian Journal of American Studies* 8, no. 1 (1989): 29.

54. William R. Keylor, 'Versailles and International Diplomacy', chap. 19 in *Treaty of Versailles A Reassessment After 75 Years*, ed. Gerald D. Feldman Manfred F. Boemeke and Elisabeth Glaser (Cambridge: Cambridge University Press, 1998), 494.

55. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume V*, Washington, 1946, 473 - Meeting of Council of Four, 05/05/1919; Wilson's postponement of assigning the mandates until early May 'was mainly for appearance's sake, for the territories already had been informally allocated.' Steiner, *The Lights that failed: European International History, 1919-1933*, 44.

56. The idea to have the Nauru mandate issued to the Empire was proposed by Massey. According to Chaudron, this was a significant achievement for Massey, considering that New Zealand's claim to Nauru was so weak. Chaudron, 'New Zealand and the League of Nations', 12.

57. MS. Milner dep. 387, Papers of Alfred Milner: Correspondence with various Governors, 1919-21, Bodleian Library, University of Oxford, Memorandum – Australia and the Pacific Islands, 06/02/1919; In June 1919, it was still been reported that Nauru would be administered by the British High Commissioner of Fiji. 'Mandates', *The Times* (London), 6 June 1919, 14.

58. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume V*, 492 - Meeting of Council of Four, 06/05/1919.

draft the main parts of it.<sup>59</sup> The original draft of 04 February 1919 made no reference to the A,B,C class mandate system that was to be present in the finalised Covenant, but provisions for the open door policy to be applied were.<sup>60</sup> The open door policy was resisted by the southern Dominions and would be not mentioned in the class C mandates. Another significant amendment, that was proposed by Baron Makino, was to take out the word 'if' in the paragraph relating to C mandates. This now meant that the C mandates instead of being administered 'as if integral portions' of the mandatory the wording now conveyed that they 'be best administered under the laws of the Mandatory as integral portions of its territory.'<sup>61</sup>

Table 2: Distribution of Mandates by Council of Four in 1919

Distribution of Mandates					
"A" Class Mandates	Mandatory Power	"B" Class Mandates	Mandatory Power	"C" Class Mandates	Mandatory Power
Syria	France	Cameroon	France	South West Africa	South Africa
Lebanon	France	Togo	France	South Seas Mandate	Japan
Iraq	Great Britain	Cameroon	Great Britain	Nauru	British Empire
Palestine	Great Britain	Togo	Great Britain	New Guinea	Australia
Transjordan	Great Britain	Tanganyika Rwanda-Brundi	Great Britain Belgium	Western Samoa	New Zealand

Harold Nicolson was to lament the way in which the colonial settlement reached was not in the spirit of Wilson's fifth point. He later wrote that 'the German Colonies were distributed among the victors in a manner which was neither free, nor open-minded, nor impartial. The wishes, to say nothing of the interests, of the populations were ... flagrantly disregarded.'<sup>62</sup> Yet in Paris Wilson succeeded in ensuring all the German colonies would be included in the mandates regime. It was only a partial victory though as he did not succeed in establishing self-determination as the basis for mandate system.<sup>63</sup> The idea of holding the territories in trust would create a different issue revolving around sovereignty. For the Professor of Law, Antony Anghie, while 'the League itself was subordinate to the will of sovereign states' normally in relation to 'the mandates, this relationship was reversed entirely', and the system 'rather than being the product of sovereign states, [was] given the task of creating sovereignty out of the backward peoples and territories'.<sup>64</sup> This issue of sovereignty, as shall be discussed chapter 4 and chapter 5, would cause problems for the mandatories in the future. It would result in multiple debates, memorandums, and requests for the view of the mandatory powers themselves. As Leonard Smith states 'just where sovereignty lay in the mandates would never be wholly clear'.<sup>65</sup> Wilson, in a draft covenant prepared on 10 January 1919, called for wide-ranging powers to the League with regard to the proposed mandates. It effectively

59. Potter, 'The Origin of the System of Mandates under the League of Nations', 569; According to F. P. Walter, Article 22 of the covenant is 'unique in that it was not written by the league committee but by the Supreme Council'. Walters, *A History of the League of Nations*, 57.

60. TNA, FO 608/240, Folio 101.

61. Also See Appendix A *ibid.*, Folio 134.

62. Nicolson, *Peacemaking, 1919*, 35.

63. Louis, 'Great Britain and the African Peace Settlement of 1919', 881.

64. Anghie, 'Colonialism and the Birth of International Institutions: Sovereignty, Economy, and the Mandate System of the League of Nations', 544-5.

65. Smith, *Sovereignty at the Paris Peace Conference of 1919*, 47.

established full power of administration to the League who then may in turn assign it to another nation by way of a mandate. Smith notes that 'Wilson's draft posited a sovereign, imperial League.'<sup>66</sup> Leonard Woolf, the internationalist, would have been satisfied with this form of system as he felt it was essential that sovereignty lay with the League, not the individual colonial powers.<sup>67</sup> It is noted by Carsten Stahn that this method of international administration was favoured by Germany as they hoped that they could administer their colonies in the name of the League.<sup>68</sup> Robert Lansing was wary of the issue of sovereignty, thought that the wise course of action would be 'to postpone the advocacy of mandates, based on the assumption that the League of Nations could become the possessor of sovereignty, until the practical application of the theory could be thoroughly considered from the standpoint of international law'.<sup>69</sup> For Lord Milner there was not as much concern about the sovereignty issue. He was happy to let the lawyers sort it out. President Wilson originally wanted a mechanism in which the League could terminate a mandate. He was forced to drop it, mainly due to the opposition from Australia and New Zealand.<sup>70</sup> Had Wilson's proposal been adopted it would have further reinforced that sovereignty did indeed rest with the League. Quincy Wright, a prominent 1920s legal expert on the subject, 'believed that the mandatory, acting with consent of the Council, [could] legally terminate the mandate'.<sup>71</sup> As Smith notes 'at a practical level, neither the conference nor the League sought to abolish empire, any more than they sought to abolish the nation-state.'<sup>72</sup> It appears ironic then that the only African territory, outside of the German Colonies, that there were discussions in Paris about including in the mandate system was the nation state of Liberia. While the US claimed to be a sponsor to Liberia, their official view was they did not want it brought under the mandate system.<sup>73</sup> The British wondered if the mandate system was only to be applied to the conquered territory from war 'and never to be applied again, or is it to survive ... and remain as a means of dealing with future problems connected with backward countries?'<sup>74</sup> They also feared that if the US was to assume direct responsibility and deny the necessity of a mandate it would be a severe blow to the principles of the League. Within the US delegation the likes of Beer and House privately felt there would be a

66. *Ibid.*, 184.

67. This would potentially allow 'the mandate system to operate as a vehicle for a disinterested international authority to promote the general welfare of colonial peoples.' Luke Reader, 'An Alternative to Imperialism': Leonard Woolf, The Labour Party and Imperial Internationalism, 1915–1922', *International History Review* 1 (2019): 159; Peter Wilson, *The International Theory of Leonard Woolf: A Study in Twentieth-Century Idealism* (Houndmills: Palgrave MacMillan, 2003), 102.

68. Carsten Stahn, *The law and practice of international territorial administration: Versailles to Iraq and beyond*, Cambridge studies in international and comparative law (Cambridge: Cambridge University Press, 2008), 77.

69. Lansing, *The Peace Negotiations: A Personal Narrative*, 84.

70. Kenneth Joseph Cosgrove, 'The American anti-colonial tradition and international accountability for dependent peoples: A study of the American role in the establishment of the League of Nations mandates system and the United Nations trusteeship system' (PhD, University of London, 1991), 160; James Crawford, *The Creation of States in International Law* (Oxford: Clarendon Press, 2007), 337.

71. Wright, 'Sovereignty of the Mandates', 700.

72. Smith, *Sovereignty at the Paris Peace Conference of 1919*, 47.

73. Cosgrove stresses that the US 'did not desire to preserve undue influence in Liberia.' Cosgrove, 'The American anti-colonial tradition and international accountability for dependent peoples: A study of the American role in the establishment of the League of Nations mandates system and the United Nations trusteeship system', 106.

74. TNA, FO 608/219, British Delegation, correspondence and papers relating to Africa (Political): Italy; Liberia; Liquor traffic; Missionaries; Mines and mining; 'Native' races; Peace Congress; Partition of Africa; Railways; United States; Tropical Africa; Treaties; West Afr, Folio 90.



clear case for US to accept a mandate for Liberia.<sup>75</sup> Grappling with the issue of sovereignty the State Department felt the League could not impose a mandate on Liberia without her consent. Cecil viewed that a Mandate could be consistent with Liberian membership of the League, 'provided that its foreign affairs are left, ... in the hands of the Liberian Government.'<sup>76</sup> The reason I highlight this case is that it displays the fluidity in which sovereignty was viewed at Paris. Here we had an Allied sovereign state, who had an official Delegation at the conference, who would be a full member of League of Nations being considered as a potential mandate. The contradiction of the situation was not lost on those discussing it, as shown by Cecil's comment about the possibility of Liberia being placed under a mandate while also being a member of the League. While discussions on the matter continued it appears the matter petered out and was dropped by the end of June 1919.<sup>77</sup> While outside the scope of this study it should be noted that during the 1930s, in response to revelations of forced labour, there were calls from international liberals that Liberia be put under a mandate held by the US.<sup>78</sup>

Linked to the issue of sovereignty was the issue of the status of Germans in German colonies under mandate. The position of the southern Dominions was that while Australia and New Zealand supported widespread expulsion of Germans, South Africa wanted to keep a large part of the German settler class in South West Africa, but also wanted to retain the power to eject those they did not like.<sup>79</sup> This served a South African desire to create a settler type colonial system in South West Africa. In a draft document that was prepared by the CO, it was proposed that should the German colonies be ceded to the Empire, inhabitants would assume nationality of the acquiring power, although, special provisions would be needed under mandate for Germans who may be allowed to stay. The main reasoning for this was that German nationals 'would be a constant source of danger, especially where there was a large native population, at least during the early years of reconstruction.'<sup>80</sup>

Philip John (PJ) Noel-Baker, an assistant to Lord Cecil, was cognisant of the fact that civilians had never been deprived of private property in a treaty before, and in his opinion that to establish such a precedent (as set out in Article 297) at the same time as the mandate system would discredit the latter.<sup>81</sup> Cecil appeared to agree with Noel-Baker, and held the opinion 'that to deprive the German residents of their property without

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75. Beer was to write in his diary that 'a mandate would be the best solution.' Wm. Roger Louis, 'The United States and the African Peace Settlement of 1919: The Pilgrimage of George Louis Beer', *The Journal of African History* 4, no. 3 (1963): 422-3.

76. The State Department also pointed out that the Pan-African Congress, showed that the Black population in the US was sensitive regarding the political situation in Africa. TNA, FO 608/219, Folios 101,143.

77. Ibid., Matters had progress to the point where Eric Drummond, as Secretary General of the League, discussed the Liberia question with Beer in June 1919.

78. Pedersen, 'Review Essay Back to the League of Nations', 1105; Pedersen, 'The Meaning of the Mandates System: An Argument', 11; Frederick Lugard who was to serve on the PMC was to note, when discussing Liberia, that 'however strong a sympathy we may feel for the aspirations of these African progressives, sane counsellors will advise them to recognise their present limitations.' Frederick Lugard, *The Dual Mandate in British Tropical Africa* (Edinburgh and London: William Blackwood & Sons, 1922), 85.

79. TNA, FO 608/241/1, German Colonies: Treatment of Germans, containing: Treatment of Germans in German colonies placed under mandate Clauses regarding the German Colonies for insertion in peace preliminaries, Folio 4.

80. Ibid., Folio 12.

81. In a memorandum to Cecil in mid-March 1919, Noel-Baker believed that the proposed provisions would reduce Germans to poverty and was something that was not even done by the Germans to the French in 1871. *ibid.*, Folio 1.

compensation was a folly ... not really to the interest of the Allies'.<sup>82</sup> Even if the treaty provided for property to be confiscated from the Germans that would be no justification for expelling them (Article 122). One of the main problems, according to Noel-Baker and Cecil, with the clauses to expel Germans from the mandate territories was that exclusion of Germans could not be maintained once Germany was admitted to the League. From the point of view of public opinion the expulsions could be seen as vindictive and unjustifiable. The British also wished to have a clause inserted in the treaty that would mean Germans allowed stay in the mandate territories would acquire the nationality of the State placed in control of the territory.<sup>83</sup> This would be seen to be at odds with the notion that the State in control did not hold sovereignty but that sovereignty was held 'in trust' for the League. Arthur Balfour advocated that it be left up to the mandatory state to make decisions on repatriating German nationals. Their powers would also extend to defining the 'conditions upon which German subjects of European origin shall, or shall not, be allowed to reside, hold property, trade or exercise a profession'.<sup>84</sup> It was further noted that the inhabitants of the former German territories now were entitled to the diplomatic protection of the Governments now exercising authority. By the time the treaty was finalised it was phrased (in Article 127) that the 'native' inhabitants had the diplomatic protection mentioned above probably to be clear that Germans did not.

As we saw in chapter 2 the raising of the British flag was a potent symbol of the occupation. In 1919, the issue as to what flag would fly over the mandated territories came up for consideration. Cecil's view was that the symbolism of a League trustee flag would foster the idealism of the whole project. He was opposed by officials in the CO who stated that 'unless the insignia of the League are made subsidiary to the Flag of what is really the Protective State, the result on the natives of the Tropical African Mandated territories will be to form the opinion that (in the expressive lingo of the West Coast) "British flag, no dam good Sar!"'<sup>85</sup> What a League flag may also have done was to imply that sovereignty rested with the League.

During the meeting of the Conference there was also numerous delegations attempting to get their own agendas heard. This was due to Wilson's message of self-determination having an impact around the world, and many groups went to Paris on their own initiative. Algerian, Vietnamese, and Tunisian nationalist movements seized on this concept to advance their claims for self-government.<sup>86</sup> According to Erez Manela 'groups aspiring to self-determination formed delegations, selected representatives, formulated demands, launched campaigns, and mobilized publics behind them. They composed and circulated a flood of declarations, petitions, and memoranda directed at the world leaders.'<sup>87</sup> One such meeting was the Pan-African congress held in Paris in February 1919. W. E. B. Du Bois, one of the organisers, hoped to send invitations to representatives of the

82. Ibid., Folio 14.

83. Ibid., Folio 1-22.

84. TNA, FO 608/155, Folio 164.

85. Wm. Roger Louis, 'The United Kingdom and the Beginning of the Mandates System, 1919-1922', *International Organization* 23, no. 1 (1969): 74-5.

86. Anghie, 'Colonialism and the Birth of International Institutions: Sovereignty, Economy, and the Mandate System of the League of Nations', 553; Erez Manela, 'Dawn of a New Era: The "Wilsonian Moment" in Colonial Contexts and the Transformation of World Order, 1917-1920', chap. 5 in *Competing Visions of World Order: Global Moments and Movements, 1880-1930s*, ed. Sebastian Conrad and Dominic Sachsenmaier (New York: Palgrave MacMillan, 2007), 122.

87. Manela, *The Wilsonian moment: Self-Determination and the International Origins of Anticolonial Nationalism*.

black communities of former German colonies. One of the chief aims of the congress was the recognition of the need for the development of the former German colonies under the guarantee and oversight of the League of Nations.<sup>88</sup> As Sarah Claire Dunstan discusses, the future of Germany's African colonies was crucial to Du Bois's planning. While recognising that self-determination would not be applied to people that the Western world considered backward, Du Bois hoped that 'the creation of a representative Pan-African leadership that epitomized European values might demonstrate the potential of the indigenous Africans to be steered towards self-determination under careful guidance.'<sup>89</sup> This was encapsulated in a resolution passed by the Congress regarding the government of Africans. One of the underlying principles of the resolution was that 'wherever persons of African descent are civilized and able to meet the tests of surrounding culture, ... they shall not be denied on account of race or color a voice in their own government'.<sup>90</sup> In relation to South West Africa, the African National Congress of South Africa urged trusteeship by Britain, or the United States or France. It appears they wanted the territory administered by anyone other than South Africa, but their requests received no attention at Paris.<sup>91</sup> The Anti-Saloon League of America, which claimed to represent the majority of gentlemen in the United States, wanted to prohibit liquor traffic amongst native races who do not have the right to self-government. It was proposed by the Foreign Office official, PJ Noel-Baker, that they should see the Mandatory Commission of the Conference if they were to see any committee. One of the clauses of their petition is of interest in the wider debate of the availability of alcoholic beverages to the indigenous population. This clause stated the that;

To provide for the complete and effective prohibition of the liquor traffic among those native races to which the Peace Conference will not accord the right to determine their own form of government, such prohibition to apply to all persons living with the territory inhabited by these native races.<sup>92</sup>

The whole debate around alcohol and its availability in the mandates would not only form part of the mandate agreement but also be a feature of the deliberations of the Permanent Mandates Commission when discussing annual reports.

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88. W. E. B. Du Bois, *Memorandum from W. E. B. Du Bois to to M. Diagne and others on a pan-african congress to be held in Paris in February, 1919, January 1, 1919*, Special Collections and University Archives University of Massachusetts Amherst Libraries, 1919; For more on the organisation and deliberations of the congress, see Caio Simoes de Araújo, 'Between Race, Nation, and Empire: Tensions of (Inter)-Nationalism in the Early Interwar Period, 1919-23', chap. 8 in *Beyond Versailles: Sovereignty, Legitimacy, and the Formation of New Politics After the Great War*, ed. Marcus M. Payk and Roberta Pergher (Bloomington: Indiana University Press, 2019); Clarence G. Contee, 'Du Bois, the NAACP, and the Pan-African Congress of 1919', *The Journal of Negro History* 57, no. 1 (1972): 13-28; Dunstan, 'Conflicts of Interest: The 1919 Pan-African Congress and the Wilsonian Moment'; Mazower, *Governing the World – The History of an Idea*.

89. Dunstan, 'Conflicts of Interest: The 1919 Pan-African Congress and the Wilsonian Moment', 134; Burbank & Cooper likewise state that the congress 'challenged the racial order of colonialism and advocated a gradual movement towards self-government in African colonies.' Burbank and Cooper, 'Empires after 1919: Old, new, transformed', 83.

90. Arnulf Becker Lorca, 'Petitioning the International: A 'Pre-history' of Self-determination', *European Journal of International Law* 25, no. 2 (2014): 500; The Congress did not have much impact on the mandate deliberations and did not get an audience at the Peace conference, although Du Bois did meet with Beer and some Wilson advisors. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 30.

91. Minter, *King Solomon's mines revisited: Western interests and the burdened history of Southern Africa*, 44.

92. TNA, FO 608/152, British Delegation, correspondence and papers relating to political matters: interpreters; international affairs; Japan; Jewish question; labour; violation of laws; languages; lawsuits; League of Nations; liquor traffic; libraries and mandates. Folio 166.

The following example shows the possible access and limitations to the influence that lobbying bodies could have. The Anti-Slavery and Aborigines Protection Society (ASAPS) was as Amalia Ribí Forclaz describes 'one of many non-governmental organizations which invested high hopes in the results of international debates in Paris.'<sup>93</sup> John H. Harris of the ASAPS, wrote a newspaper article in the *Westminster Gazette* highlighting the cost of capturing the mandate territories and the impossibility of leaving the liability of conquest on the books of the territories in question and therefore should become an international liability under the League of Nations.<sup>94</sup> In the opinion of one Foreign Office official the article appeared 'to be pure tosh', with another describing Harris as trying to get the ASAPS 'recognised as one of the Great Powers.'<sup>95</sup> But there may have been a rationale behind Harris's article. Early in the conference he was informed that the FO would not be able to meet a deputation from the ASAPS. It was suggested to him that if they were to draw up a memo that could be published in the press, then that memo 'would be carefully studied.'<sup>96</sup> It could be deduced that Harris's article was fulfilling two aims, firstly, it was putting its position into the public domain, and secondly, it was indirectly communicating with the British Government. In the end the idea was dismissed, as the Dominion leaders were against the idea of the League contributing funds to the mandates. Smuts was of the opinion that such a proposal would make the whole idea 'for a League on Nations impossible' as what nation would want to cover the costs of administering the mandates.<sup>97</sup>

It is clear that the mandates system adopted at Paris was not to be international administration. Carsten Stahn defines the difference between the two as, in the case of international administration, 'involving the independent international institutions in the process of administration' as opposed to 'the meditating of authority through state-centred forms of administration' as would occur with the mandates system.<sup>98</sup> It could also be said that Wilson's doctrine of self-determination would not be applied to the mandates. I agree with the opinion that they were 'the first formal recognition that the rulers had some kind of responsibility towards those that they ruled, [and] was a small first step towards the possibility of self-rule.'<sup>99</sup> The clause within the mandate agreement that 'the material and moral well-being and the social progress of the inhabitants' had to be promoted goes some way towards establishing this. The administration as envisaged under the mandates was 'primarily a disinterested technique of administration, by neutral third actors (as opposed to the parties of the conflict) in the process of administration.'<sup>100</sup> One of the other successes of Wilson was that the southern Dominions 'were obliged, in taking possession of the German colonies, to commit themselves to the principle that the interests of the natives should be paramount and primary purpose of the mandate.'<sup>101</sup> For some imperialists, the mandates system was a chink in the concept of imperial unity. Leo

93. Forclaz, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880-1940*, 47.

94. TNA, FO 608/241/1.

95. TNA, FO 608/241/1, Folio 41 & Harris, John H. The German Colonies, *Westminster Gazette* clipping; TNA, FO 608/219, Folio 330; Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 30.

96. TNA, FO 608/219, Folio 332.

97. Hughes believed that mandate would be averse to using its own funds when it knew there were League funds available. TNA, CAB 21/217, Folio 110.

98. Stahn, *The law and practice of international territorial administration: Versailles to Iraq and beyond*, 49.

99. Dockrill and Fisher, *The Paris Peace Conference, 1919: Peace without Victory*, 24.

100. Stahn, *The law and practice of international territorial administration: Versailles to Iraq and beyond*, 49.

101. Seton-Watson, '1919 and the Persistence of Nationalist Aspirations', 315.

Amery believed it was important the mandates be given to Great Britain as opposed to the Dominions. He did not want the Dominions to be dealing directly with the League about mandates 'or the Mandatory Sytem [sic] to become in fact an occasion for breaking up the unity of Imperial Foreign policy.'<sup>102</sup>

Although its drafters may not have realised it, the mandates were to be a durable thing. It was noted in 1950 after the demise of the League, by the International Court, when giving its opinion on the status of South West Africa that the mandate continued to exist due to its general public interest.<sup>103</sup> It also, as Henri Grimal was to write, they gave official recognition to the 'sacred mission of civilisation' of which the logical outcome would be the progress of the mandates to self-determination.<sup>104</sup> Other Historians argue that the Versailles Treaty simply divided Germany's overseas possessions among the victors, and 'to veil the annexation the territories were held as League of Nations mandates' and that 'Imperialism appeared triumphant, despite the disguise of mandates.'<sup>105</sup> It merely represented a new form of compromise between clashing imperial powers who sought to remove one source of friction by recourse to internationalization; the Mandate System was an acceptable compromise between the liberal humanitarianism of Woodrow Wilson, who sought to strike a blow against further colonial expansion of any kind, and the strategic and economic motives of French and British groups which had historically been identified with expansion and who did not want to stop in 1919.<sup>106</sup>

When the German Treaty signed in Paris in late June 1919, most of the major political leaders began to return to their home countries leaving the remaining work of the Peace Conference up to diplomatic staff. The major accomplishment of inserting the principle of the mandates system into the treaty now had to be followed up by the actual appointment of the mandates and the setting up of the instruments of oversight. The process of replacing the military administrations that had been in place during the war-time occupation of the German colonies with civil ones also had to begin to take place in earnest within the environment that the mandate system would create.

### **3.2 International lobbying and great power foot-dragging: The League's Permanent Mandates Commission gets started, June 1919-December 1920**

What follows is an examination of the period after the negotiations in Paris concluded up to the issuance of the mandate texts in December. More specifically, I will discuss the

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102. MS. Milner dep. 389, Papers of Alfred Milner: Papers relating to mandates and negotiations for the peace treaties, 1918-20, Bodleian Library, University of Oxford, Letter - Amery to PH Kerr, no date; Anghie links the mandates to the development of the Dominions as international actors and states that 'having been assured considerable control over the natives, the Dominions celebrated their diplomatic victory as an acknowledgement of their new international status.' Antony Anghie, "'The Heart of My Home": Colonialism, Environmental Damage, and the Nauru Case', *Harvard International Law Journal* 34, no. 4 (1993): 451.

103. Crawford, *The Creation of States in International Law*, 316.

104. Grimal, *Decolonization: the British, French, Dutch and Belgian Empires, 1919-1963*, 16.

105. Marks, *The illusion of Peace: International Relations in Europe, 1918-1933*, 30; W. O. Henderson, 'The Peace Settlement, 1919', *History* 26, no. 101 (1941): 66; Woolf, whose war-time League plan was lauded in Whitehall thought so, stating 'The British and French Empires were still going strong and still adding to their territories, either unashamedly or, rather shamefacedly and dishonestly, by the newly invented Mandate system, which some people recognized as a euphemism for imperialism.' Leonard Woolf, *Downhill all the way* (London: The Hogarth Press, 1975), 222.

106. Ernst B. Haas, 'The attempt to terminate Colonialism: Acceptance of the United Nations trusteeship system', *International Organization* 7, no. 1 (1953): 1.

working of the post-conference Mandates Commission that was established to agree the mandates text. I will then turn to the continuing petitioning by outside bodies which were trying to influence the shape of the mandates system. After the establishment of the League in early 1920 I will examine the process of setting up the mandates system and the Permanent Mandates Commission. This section will rely on my extensive research of British imperial and Dominion government records.

Like other matters that were decided by the peace conference, a special commission was created to complete the drafting of the mandate texts. This commission arose after Alfred Milner, the British Colonial Secretary, had drafted mandate agreements for the Council of Four to review. Wilson did not agree with Milner draft as 'they hardly provided adequate protection for the native population; they did not provide sufficiently for the open door; and the Class "C" Mandates did not make provision for missionary activities.'<sup>107</sup> Wilson proposed a special committee to look at drafting mandate agreements. Spartalis notes, this committee had to establish, firstly how best to eliminate German rights in its former colonies and secondly what conditions should be attached to each mandate.<sup>108</sup> This commission is a distinct result of the work of the peace conference and should not be seen as an embryonic stage towards what would become the Permanent Mandates Commission of the League. It should be viewed more as an implementation body set up by the Allies to work out arrangements for a mandates system. According to Michael D. Callahan, the commission met once in Paris on the 28 June, three days after the signing of the Treaty, but nothing of merit was achieved, and they did not meet again until July in London.<sup>109</sup> It could be ascertained though that certain battle lines were being drawn at that meeting. Japan raised the issues of forced labour and the position of military presence in a mandate and the French were concerned about the commercial equality clause.<sup>110</sup> As the papers of Lord Milner show there was much discussed that would make it into the mandates, such as, agreement that 'essential public works' could be exempted in the forced labour clause. Furthermore, the French and British disagreed about commercial equality (i. e. an Open Door for foreign trade) being applied to the C mandates, with French Colonial Minister Henry Simon saying both commercial equality and protection of natives were 'anterior to the theory of mandates'. Milner's defence was that in the C mandates only the protection of the indigenous population applied and not economic equality. Simon conceded that he would not oppose this contention for SWA 'but in regard to the Pacific felt bound to demand trade equality'.<sup>111</sup> House would be vital in ensuring that the American point of view would be represented at this conference. He had been picked by Wilson 'to curb the land-grabbers' as well as articulating the US position in relation to the mandates.<sup>112</sup> It should be noted that the Dominions were not represented directly at this conference with Milner expected

107. United States Department of State, *Papers relating to the foreign relations of the United States, The Paris Peace Conference, 1919 Volume VI*, Washington, 1946, 727 - Meeting Council of Four, 27/06/1919.

108. Spartalis, *The Diplomatic Battles of Billy Hughes*, 145.

109. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931*, 41-2.

110. Thompson, *A Wider Patriotism: Alfred Milner and the British Empire*, 180.

111. *MS. Milner dep. 390*, Papers of Alfred Milner: Papers relating to mandates and negotiations for the peace treaties, 1918-20, Bodleian Library, University of Oxford, Notes on meeting of Special Commission on Mandates, Paris, 28/09/1919.

112. Stephen Bonsal, *Suitors and Suppliants: the Little Nations at Versailles* (Safety Harbor: Simon Publications, 1946), 326; Bruce, 'Woodrow Wilson's Colonial Emissary: Edward M. House and the Origins of the Mandate System, 1917-1919', 93.

to act as a spokesperson for their interests. Although it would be another eighteen months before they were issued, at the Commission meeting of the 18 July 1919, draft C mandates were agreed upon that other than some minor typographical changes would be the same as the finalised versions. Another major issue that was to arise at these meetings was the Japanese concern about the treatment of their nationals in other C mandate territories. Viscount Chinda said there was much discrimination against Japanese citizens in Australia and wanted to know if 'this discrimination would be extended to the former German possessions in the South Pacific.'<sup>113</sup> The Japanese believed the clause in the B mandate that ensure nationals of all league nations economic rights should be in the C mandate. Milner said he would agree with his proposal if it was not for the strong objections of the Dominions, as opposed to those of the United Kingdom. Falling back on the defence used against the French discussing economic equality the British reiterated that the only obligation under the C mandate was to the 'natives'. Milner stated that the concessions that the Dominions believed they had received could not be withdrawn, and he was opposed to any other restrictions on the C mandates that was not contained within the Covenant.<sup>114</sup> This above case highlights, once again, the position the southern Dominions played in the drafting of the conditions attached to the C mandates.

Showing the limitations of the Committee that met to draft the mandates, House informed them that they were bound by the decisions that had already been taken in Paris. Simon agreed with the Japanese that they were right about the principles of the League but in this case that 'absolute principles must give way to facts.'<sup>115</sup> It is hard not to feel sympathy for the Japanese position. Upon issuance of the Mandates, Japan would find itself in a worse position with regard to the immigration of its citizens into former German colonies than that of before the war. It now seemed paradoxical to the Japanese that they would now be in a disadvantaged position considering that it was the Japanese Naval effort at the beginning of the war that assured the security of the Pacific.<sup>116</sup> The matter of the Japanese reservation on the C mandate agreements was to drag on into 1920 making it difficult to issue the mandates. In Australia, Sir Joseph Cook, the Minister for the Navy, thought it 'quite unfair' for Japan to be raising the question of racial equality at the present moment. The League was not functional and the Dominions had no representatives at the Supreme Council meetings unlike Japan that was one of the Powers. He did not believe that Japan was worse off now than it was before the war. For one, it had been allotted the islands north of the equator and also enjoyed economic privileges under the Labour Covenant, which had 'been framed for her benefit'.<sup>117</sup>

The commission eventually petered out. The main reason for this was that Simon continued to insist that France should have the right to recruit Africans to the military from within the mandated territories. Both Milner and House reiterated that this point had been rejected in Paris, which in turn gave Simon the excuse of effectively leaving the commission by not attending any further meetings. Still, the British attempted to get the

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113. TNA, FO 608/152, Folio 228.

114. Ibid.

115. Ibid., Folio 229.

116. The Japanese had agreements in place with Germany that ensured freedom of immigration into the Marshall and Caroline Islands pre 1914. 'Japan's Objection To Pacific Mandates', *The Times* (London), 27 December 1919, 9.

117. 'Pacific Mandates', *The Times* (London), 10 January 1920, 9.

mandate agreements finalised. Cecil Hurst, a Foreign Office official who had also worked on the League's Covenant, drafted a C class mandate agreement which he showed to Lord Milner. It was then sent to Paris in the hope that the Supreme Council might approve of it 'before the Americans left Paris.'<sup>118</sup> They were not agreed in December 1919, and Milner was of the view that the reason the mandates had not been issued was the refusal of the US to ratify the peace treaty. He hinted that they may have to go it alone with issuing the mandates. In writing to the Governor-General of Australia he stated that

it seems to me just possible that in view of long vista of uncertainty caused by American situation the four other Principal Allied and Associated Powers may be induced to go ahead by themselves and issue Mandates without waiting for constitution of League leaving it to America to adhere if and when it suits her. This would not be altogether satisfactory but would be better than present position. Any way as a last resort I am trying it.<sup>119</sup>

While Milner's mandate commission was struggling to reach agreement, the Imperial Government was also coming under pressure from the southern Dominions to have their C mandates finalised. In August and September 1919, the governments of South Africa and Australia respectively contacted London requesting that the mandates be issued at the earliest opportunity. In responding to these requests both Lloyd-George and Milner conveyed that the Mandates could not be issued until the League Council was established and until that time they should 'carry on administration of territories to be mandated ... in accordance with the terms of the draft (mandate) telegraphed to you ... which must be regarded as provisionally authoritative.'<sup>120</sup>

It was not only the Dominions making representation to the Mandates Commission. Following on from the trend seen in Paris, non-governmental bodies and other interested parties were also making representations to the Mandates Commission. The ASAPS Committee wrote a draft mandate for the commission to consider.<sup>121</sup> They regretted that no opinions were sought from local chiefs or councils as per the promise by Lloyd George. A number of points of interest that they raised were that the mandatory power should only use local revenues for local expenditure and that all lands 'not already alienated by regular title shall be declared native lands'.<sup>122</sup> For the proposed Mandatory Commission to be established they believed it should 'be capable of hearing and adjudicating upon allegations of violation of these international obligations'.<sup>123</sup> In a clause that would not have been favoured by the mandatory powers in any way, the Society were of the opinion that the Mandatory should surrender all rights to the mandate should it be found by the

118. LNA, *Box R10 1/2320/1347*, 'C' Mandates; LNA, *Box R13 1/2321/2321*, 'C' Mandates.

119. TNA, *CAB 24/94/8*, War Cabinet and Cabinet: Memoranda (CP War Series): Mandates. Telegram from the Governor General of the Commonwealth of Australia to the Secretary of State for the Colonies. Telegram-Milner to GG Australia, 19/11/1919.

120. Crozier, 'The Establishment of the Mandates System 1919-25: Some Problems Created by the Paris Peace Conference', 487.

121. The Commission noted that, 'in accordance with the instructions given to it by the Council of the Principal Allied and Associated Powers, has heard statements by the representatives of the Anti-Slavery and Aborigines Protection Society'. TNA, *CAB 24/84/28*, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): Commission on Mandates. Copy of letter sent by the Chairman to the Secretary-General of the Peace Conference.

122. The Anti-Slavery and Aborigines Protection Society, *A draft colonial Mandate submitted to the Commission on Mandates* (From: The Anti-Slavery & Aborigines Protection Society, 1919), 3-5.

123. *Ibid.*, 6.



Commission that they were in violation of the mandate. This was giving more power to the League and the Mandates Commission than was ever envisaged by those who set the framework of the mandates system. They also submitted for consideration the proposal that an African should sit on the Mandates Commission. The ASAPS would also write to the embryonic League about the possible impact of near to medium term future losses in the new mandates. John Harris, its secretary, wrote to Robert Cecil that if the mandate system is to maintain the principle of Trusteeship or Tutelage that these losses should be covered by way of a guaranteed loan.<sup>124</sup> This echoed his earlier appeal that the League could contribute to the expense of the mandates. The early League officials decided to defer the matter until the mandates section and the Mandates Commission could look at it. They did come to the judgement that Harris's point referred more to B mandates as 'the C mandates seemed to allow for an integral fiscal union.'<sup>125</sup>

The Holy See had enquired of the principal Allies as to what the position of their missions would be in the mandate territories. Their reply was that the mandatory agreements that would be put in place would include the provision, from Article 22, that guaranteed freedom of conscience and religion.<sup>126</sup> This would ensure that missionaries of all denominations would be able to continue their work, retain their schools, and to acquire property in the mandated territories. If it is necessary to transfer property belonging to German missions to Board of Trustees, then the property of Catholic Missions would be placed at the disposal of the Holy See.

The protection that the missionaries enjoyed in the mandates was in no large part down to Wilson who had sought to incorporate religious freedom into the framework of the League. When his proposal failed to make it into the League Covenant, he ensured a provision for freedom of conscience and religion was inserted into the Mandate.<sup>127</sup> During the deliberations of the mandates commission, House proposed that Missions be given the same rights in C mandates that they received in the B mandates. Milner believed a Missions clause could be dealt with by inserting a paragraph from the revised Berlin Act which should meet the conditions sought by the Americans and the French. His approach drew the ire of Billy Hughes, who had the strongest objection to absolute right of any person to enter the mandate who calls themselves a Missionary.<sup>128</sup> Replying to Hughes, Milner, as Chair of Mandate Commission, believed he did his best to get a mandate agreement that would be favourable to the Dominions. There were no objections from South Africa or New Zealand, and he thought it would be unwise to reopen the question. He furthermore believed there was no absolute right to enter the mandate for missionaries as they are 'subject to the provision of any local law for the maintenance of public order and morals.'<sup>129</sup>

Carl Bouchard has shown that in this period a lot of private citizens lobbied governments alongside NGOs to put forward peace plans as part of a transnational debate

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124. LNA, *Box R13 1/1914/1914*, Mandates Finances, Letter - Harris to Cecil, 03/11/1919.

125. *Ibid.*, Minute, 07/11/1919.

126. LNA, *Box R9 1/980/980*, Position of Religious Missions under the Mandatory System, Declaration by Principal Allied and Associated Powers to the Holy See, 16/06/1919.

127. Anna Su, 'Woodrow Wilson and the Origins of the International Law of Religious Freedom', *Journal of the History of International Law* 15, no. 2 (2013): 239-54.

128. TNA, *FO 608/152*, Folio 198, 230.

129. *Ibid.*, Folio 199.

and the apparent democratization of world politics in the Wilsonian moment.<sup>130</sup> One example of such public advocacy was Samuel Colcord, a retired New York builder turned peace advocate, who published a pamphlet with plans for the German colonies. Colcord thought there were potent reasons for giving the German colonies to France, Belgium and other devastated nations as part payment of reparations until they gained independence by a two-thirds vote in the League of Nations. This would give direct control to the acquiring power rather than joint. His view was to take the League out of government business as under mandate system the league was bound to interfere. The colonies would not be taken from Germany as spoils of war but as payment of fair reparation, which would prevent the mandate plan from becoming the same as direct annexation.<sup>131</sup>

In January 1920 the treaty of peace was ratified which meant the League could come into formal existence. As a result of the Powers not having been able to finalise mandate agreement texts during the mandate commission discussions in London in the summer of 1919, it would be left to the embryonic League apparatus to finalise them. Susan Pedersen credits the early officials of the League rather than the well-known architects of Wilson, Smuts et al. with ensuring the mandates system was fully established.<sup>132</sup> I do not intend to go into great detail of the establishment of the League as its institutional story has already been told by others.<sup>133</sup> Briefly, the three arms of the League were constituted, the main decision-making body, the Council, on which the Great Powers had a permanent seat, the League Assembly saw that every member state represented and therefore gave small states a voice at Geneva, and a Secretariat which was the administrative heartbeat of the League (see Appendix C).<sup>134</sup> The League's first Secretary-General, Sir Eric Drummond, was tasked with organising the Secretariat, a task which, according to Patricia Clavin, 'was very much suited to the British civil service well rehearsed in the setting up of overseas administrations'.<sup>135</sup> According to Mazower the secretariat became more powerful than envisaged due to the fact that the full assembly only met annually which gave a large degree of personal initiative to the secretariat.<sup>136</sup>

130. Carl Bouchardeau, *Le citoyen et l'ordre mondial (1914-1919): le rêve d'une paix durable au lendemain de la Grande guerre, en France, en Grande-Bretagne et aux États-Unis* (Paris: A. Pedone, 2008).

131. Samuel Colcord, *The Colcord Colonies Plan: What to do with the German colonies* (New York: Emerson Curtis, 1919), 3-4; Another anonymous advocate wrote under the pseudonym Africanus, *The Adjustment of the German Colonial Claims: Dedicated to the American and British Delegates of the Peace Conference*, Bern, 1918.

132. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 45-6.

133. For more, see David Macfadyen et al., *Eric Drummond and his Legacies: The League of Nations and the Beginnings of Global Governance* (Cham: Palgrave MacMillan, 2019); Clavin and Wessel, 'Transnationalism and the League of Nations: Understanding the work of its economic and financial organisation'; Steiner, *The Lights that failed: European International History, 1919-1933*; Clavin, 'Europe and the League of Nations'; Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*; Martin David Dubin, 'Transgovernmental Processes in the League of Nations', *International Organization* 37, no. 3 (1983): 469-493; 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); Walters, *A History of the League of Nations*; Scott, *The Rise and Fall of the League of Nations*.

134. In the mind of the larger nations, the fact its meetings held in public 'made the Assembly an unpredictable and thus dangerous institution.' Anique H.M. van Ginneken, *Historical Dictionary of the League of Nations* (Lanham: The Scarecrow Press, 2006), 8-9.

135. Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, 14; During the summer of 1919 Drummond only had a staff of three, one of which was the housekeeper, and they operated out of one room in London. Mazower, *Governing the World – The History of an Idea, Statesmen and Experts*; For discussion on establishment of Secretariat, see chapter 5 Macfadyen et al., *Eric Drummond and his Legacies: The League of Nations and the Beginnings of Global Governance*.

136. Mazower, *Governing the World – The History of an Idea, Statesmen and Experts*.

The delay in issuing the mandates since the summer of 1919 was causing concern within the working of the League itself. While the Supreme Council had stated who the mandatory powers would be in Paris, the work of issuing the Mandate agreements became deadlocked. As shall be discussed below, most of the southern Dominions passed legislation to account for the fact the mandate territories were no longer under military occupation. This gave rise to much misunderstanding. Officials within in the League recognised this and hoped the Council would deal with issuing B and C mandates. By bringing the mandates system into effect by conferring the mandates the League could counteract any misunderstanding.<sup>137</sup> Further pressure was applied by the League of Nations Union (LNU), who in June 1920 set up a Mandates Committee, with the aim of drafting alternative mandate agreements for the League to consider.<sup>138</sup> Its chair was to be a future PMC member, William Ormsby-Gore. The LNU, even at this early stage, envisaged a petition system within the mandate agreements. There was a request by the International Policy Committee to include an article that would create the necessary framework 'where the representation of aggrieved parties in connection with the execution of the mandate will be forwarded to and considered by the Permanent Mandates Commission.'<sup>139</sup> Religious bodies were also making their opinions known. The World Alliance for promoting International Friendship through the Churches wrote to the League detailing the resolutions passed by its International Committee. The World Alliance was concerned with the moral character of the mandates about to come into being and declared that they should, above all, 'embody the principle of trusteeship on behalf of the natives ... and their preparation for self-government in a universal society of free nations.'<sup>140</sup> While these representations may not have had much impact, they do display an awareness in public opinion bodies of the new nature of the mandates.

The British Government position in the summer of 1920 was that draft mandates when agreed would be voluntarily sent to the Council of the League. Drummond was concerned, though, and in July 1920 informed the League Council that it was already six months since the provisions of Article 22 came into effect. The matter could not 'be indefinitely deferred' and it was up to the Council to draft the mandate agreements.<sup>141</sup> There were those, such as Cecil, that argued that the mandates were to be agreed by the members of the League, which implied the Assembly, as under Article three of the Covenant, the Assembly was to be made up of representatives of members of the League. The whole mandates system ran the risk of been viewed as a sham unless the League was given control over the terms of the mandates.<sup>142</sup> Paul Hyman, the Belgian politician now President of the Council of the League, in his report to the Council, disagreed with Cecil. He referred back to the mandates commission that met in London over the summer of 1919 as a desire for the Allied Powers to draw up the mandate agreements. Furthermore,

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137. LNA, *Box R10 1/1728/1347*, German South West Africa, Minute - PJ baker to Van Hamel and Beer, 23/10/1919.

138. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931*, 53.

139. LNU/5/44, League of Nations Union: Mandates Committee, LSE Library, Meeting of 28/06/1920.

140. NASA, *BTS 2/1/160 LN 25/1*, Miscellaneous Societies - Resolutions of regarding the League of Nations, Letter - World Alliance for promoting International Friendship through the Churches to LN, 30/10/1919.

141. TNA, *CAB 24/117/58*, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): League of Nations. Responsibilities of the League arising out of Article 22 (Mandates), Memorandum laid by the Secretary-Genreal before the Council on July 30th, 1920.

142. Robert Cecil and Thomas Mackenzie, 'Mandates', *The Times* (London), 1 July 1920, 12.

he was of the view that if the treaty drafters wanted the Assembly to draw up mandate agreements 'they would have mentioned it by name, rather than use an obscure periphrasis.'<sup>143</sup>

Cecil viewed the mandates system as a new era in Colonial Government, but that this had all been put in jeopardy by the pronouncements of the Government. The Australians were concerned about the Japanese objections to the C mandates. They were of the view that Japan put its case to the Peace Conference the previous year and this was rejected, and this decision was embodied in the Covenant. They requested 'that diplomatic pressure should be brought to bear on the Japanese Government by the British Government to join in the immediate issue of the mandate.'<sup>144</sup> The British replied that they were doing everything possible to achieve a settlement.

In the second half of 1920 the work of the PMC began in earnest. The League's oversight regime of the mandates was provided for in paragraphs seven and nine of Article 22 (see appendix A). A report presented to the League Council on 05 August 1920 advocated two possible interpretations of Article 22. The Council could either content itself that the mandatory Power acted within the limits of the mandate or it could also ascertain if 'the mandatory Power made good use of these powers and whether its administration has conformed to the interests of the native population.'<sup>145</sup> In reality the Council delegated its oversight role to the Permanent Mandates Commission. This was done as the Council had little time for discussing the mandates and even less for any discussion with regard to the B and C class mandates.<sup>146</sup> This gave the PMC a certain level of independence in that it was left to function without too much oversight from the Council. The PMC was made up of ten members, which expanded to eleven in 1924. In order to be deemed truly independent, it was agreed that any member of the PMC could not hold another position with their national government and would 'be appointed by the Council and selected for their personal merits and competence.'<sup>147</sup> It was recognised that the members of the PMC would have to be experts in the field of colonial administration in order for it to function in role as an advisory committee to the League Council with regard to the mandates.<sup>148</sup>

A drawback of this mandates system was that the PMC was reliant upon the mandatories for information in relation to what was happening in the mandate territories. For example, when South Africa passed a Bill in 1919, so as that they could legislate for SWA until the mandate was received, the mandates sections of the League had to request the British Colonial Office to forward a copy of Bill to them.<sup>149</sup> Another contributing factor was the fact that commission members were not allowed to travel to the mandate

143. TNA, CAB 24/117/58, Report presented by the Belgian Representative, Monsieur Hymans, and adopted by the Council of the League of Nations, meeting at San Sebastian on August 5th, 1920.

144. TNA, CAB 24/106/40, War Cabinet and Cabinet: Memoranda (CP War Series): Mandates. Telegram from the Governor General of the Commonwealth of Australia to the Secretary of State for the Colonies. Telegram-GG Australia to CO, 24/05/1920.

145. *The Mandates System: Origin, Principles, Application*. (Geneva: League of Nations, 1945), 33.

146. Hudson, *Australia and the League*, 133.

147. Uptegrove, *Empire by Mandate: A History of the relations of Great Britain with the Permanent Mandates Commission of the League of Nations*, 26; 'Constitution of the Permanent Mandates Commission', *Official Journal*, no. November/December (1920): 87.

148. F. S. Northedge, *The League of Nations: its life and times, 1920-1946* (Leicester: Leicester University Press, 1986), 198.

149. LNA, Box R10 1/1347/1347, South-West African Mandate Bill.

territories. The mandates section secretariat attempted to address this shortcoming by regularly circulating news from the press and other sources to the PMC members.<sup>150</sup> The first appointed head of the mandates section of the secretariat was the American George Beer, but he did not take up the post due to ill health and the United States not ratifying the covenant. The post was finally filled by the Swiss Historian, William E. Rappard who had grown up in the United States and as such could speak English as well as French.<sup>151</sup> Rappard believed that the mandates system was critical to the future of colonial progress and at the first PMC meeting on 4 October 1920 stated to those present that 'it was impossible to over-estimate the importance of the duties of the present Commission'.<sup>152</sup> The first British member of the PMC, W. Ormsby Gore, thought though 'that the *modus operandi* of the Mandate Commission must be as simple as possible. Its functions, be it remembered, are not administrative.'<sup>153</sup> Regardless of the checks and balances the architects of the mandates system believed they had embedded into the system, their were still some detractors. Frederic Harrison, the jurist, felt an opportunity had been missed by not bringing more territories seeking self-determination, or as he described them 'potential mandates' into the system. John A. Hobson, the economist, was a long term critic of imperialism. Firstly, for Hobson, the mandates were nothing more than spoils of war, and later he felt that the League was unable 'to enforce even the most elementary safeguards against the abuse of Mandatory Powers, and how impotent is the permanent Commission to secure full and reliable information in the annual reports from the Mandatories'.<sup>154</sup>

Although the PMC function was to examine annual reports from the mandatory powers we shall see that its functions expanded with the introduction of a petitioning system in 1922. This shall be discussed in more detail in future chapters. It is sufficient to note here the view of Susan Pedersen, that the regular review of mandatory annual reports by the PMC and the rights of petition sought to make the League's oversight real even if petitioners rarely won any redress.<sup>155</sup>

The German Government was also making its views known. In December 1920, it drafted a memorandum to the League of Nations as to what it saw as the League's responsibility under Article 22 of the Covenant. Although the Allies had stated who the mandatory powers would be, the document laid out that this was the duty of the League and there was nothing in the Covenant that suggested that 'the League can leave the task of nominating Mandatories to any other authority.' It was the German view that Article 118 and 119 of the Treaty of Versailles only vested their former Colonies with the Principal Allies and Associated Powers until such time as the League was set up and could appoint Mandatories. As to the proposed composition of the Permanent Mandates Commission, the Germans did not think it would be an effective body if each of the mandatory powers

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150. Northedge, *The League of Nations: its life and times, 1920-1946*, 201.

151. Ania Peter, 'William E. Rappard and the League of Nations: A Swiss contribution to international organization', in *The League of Nations in retrospect* (Geneva: Walter de Gruyter, 1983), 222.

152. Pedersen, 'The Meaning of the Mandates System: An Argument', 3.

153. W. Ormsby Gore, 'The League of Nations starts an outline by its organisers', chap. 7 in *The League of Nations starts: An outline by its organisers* (London: Macmillan & Co, 1920), 114.

154. Gregory Claeys, *Imperial Sceptics: British Critics of Empire, 1850-1920* (Cambridge: Cambridge University Press, 2010), For Harrison's view see p. 89 and for Hobson's p. 259.

155. Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations', 232-3.



Figure 18: Secretariat: Mandates Section (William Rappard seated first on right)

were allowed one delegate each on it. Their view of the proposed mandates structures to be set up by League Council amounted 'to the almost complete elimination of the Assembly, and it reduces the role of the Council to a mere formality, and thus invalidated the control vested in the League.'<sup>156</sup> This in turn would show the whole mandates system up to be a 'mere fiction' and the German Government would be forced to view the colonial solution as a violation of the Peace Treaty. They requested that the Assembly of the League discuss this matter to ensure the system being put in place was 'in conformity with the letter and the spirit of Article 22 of the Covenant.' Germany had signed up to the Covenant with the expectation of being admitted to the League and therefore have a part in the distribution of the mandates. As they were not admitted to the League, Germany did not feel itself 'any longer bound by that portion of the treaty under which the German colonies were surrendered.'<sup>157</sup>

The delay in issuing the mandates also led to clash of opinions between the Assembly and the Council. Due to the fact that the PMC had at this point not been set up and the draft mandates were not issued, a number of delegates suggested that the Assembly take charge of the mandates issue and draft mandate agreements itself. While the Council respected the Assembly's right to discuss the mandates, it successfully argued that it held

156. TNA, CAB 24/116/61, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): League of Nations. Mandates. The Responsibility of the League under Article 22 of the Covenant. Memorandum from the German Government concerning the fate of the former German Colonies.

157. 'Germany Repudiates Mandates', *The Sunday Times* (Perth), 21 November 1920, 1.

ultimate responsibility for the mandates.<sup>158</sup> Going forward the Assembly would be able to make suggestions to the Council regarding Mandates and was to consider the section of the Council's annual report dealing with Mandates. It was Balfour who was most opposed to the Assembly's claims, citing that it would have 'momentous' and 'appalling' consequences which would endanger the future of the League itself.<sup>159</sup> That said a sub-committee of the sixth committee made a number of recommendations to the council with regard to the mandates system being set up. They included that members of the PMC 'would not be dismissed without the assent of the majority of the Assembly', one member would be a woman, and the mandatories should present a report on their recent administrations.<sup>160</sup> In relation to the point on appointing a woman to the PMC it was lobbying by international women's organizations which led to this recommendation.<sup>161</sup>

As late as December 1920, the President of the Council of the League was contacting the British Prime Minister urging a quick settlement of the mandates. In his view there was a groundswell of strong public opinion that the mandates agreements should be settled. The President expected that the Assembly would 'remind the Council of the clause in the Covenant which declares that the degree of authority, control or administration to be exercised by the Mandatory shall if not previously agreed upon be determined by the Council.'<sup>162</sup> It was hoped that the Principal Allied Powers could forward mandate agreements to the League before the conclusion of its sitting. Possibly with one eye on the renewal of the Anglo-Japanese Alliance the Japanese withdrew their objections to the C mandates texts once a formula could be found to preserve their dignity. This was achieved by 'Australian assurances disclaiming any intention to subject Japanese interests in New Guinea to worse treatment than they had received under the Germans'<sup>163</sup> At the council meeting of 14 December 1920, Balfour on behalf of the British government issued, for review and approval, the draft mandate agreements for the former German Territories of South West Africa, Samoa, the Island of Nauru, and the possessions situated in the Pacific South of the Equator, other than Samoa and Nauru which were approved on the 17 December.<sup>164</sup> As Pedersen noted, the clash between the Council and the Assembly had an impact. After getting the C mandates approved, the Council over the next few months appointed the members of the PMC and issued the B mandates.<sup>165</sup> While that stage was set in Geneva for the oversight regime to begin, the Dominions were active in ensuring the form of administration to be established in their mandates met their strategic policy aims.

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158. Walters, *A History of the League of Nations*, 121-2; Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 51.

159. Crozier, 'The Establishment of the Mandates System 1919-25: Some Problems Created by the Paris Peace Conference', 489.

160. ANZ, EA2 17 114/3/2, League of Nations - Assembly - Reports of New Zealand representatives, Report - J Allen, 17/12/1920.

161. Pedersen, 'Metaphors of the Schoolroom: Women working the mandates system of the League of Nations', 191.

162. TNA, CAB 24/116/12, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): Mandates, Telegram from Hymans to Prime Minister, 01/12/1920.

163. Louis, 'The United Kingdom and the Beginning of the Mandates System, 1919-1922', 79.

164. 'The Mandates Question .', *League of Nations Official Journal* 2, no. 1 (1921): 11-12.

165. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 51.

### 3.3 Coconuts, diamonds, and phosphates: creating the commercial facts on the ground in the C Mandates, 1919-20

As discussed in chapter 2 the mandated territories had been governed under military administration after their capture until their fate could be decided. The C Mandates were approved by the League in December 1920, thereby enabling the southern Dominions and, in the case of Nauru, the British Empire to go about establishing a system of government and administration. In this section I will mainly focus on how the southern Dominions wished to minimize outside interference, keep a minimum of respectability while also coming under pressure from their own parliaments, demobbed soldiers and business for material gain. Internally this section is organised as follows in a thematic fashion: it begins with an examination of the systems of administration established in each territory covered in the thesis. Of particular interest will be the case of Nauru. Then I shall discuss how the mandatory powers dealt with the removal of Germans from mandate territories. This created a economic vacuum in which the southern Dominions had to adapt economic polices to ensure the continued viability of formerly German-owned mines and plantations.

As the Dominions were self-governing the idea that they now held mandates in trust from the League caused some to wonder about the legal framework of the British Empire and the Dominions' power to legislate for mandates. One point was clear though; the southern Dominions, as signatories, were bound by the terms of the Treaty of Versailles, together with the Mandate agreements, as a legal basis for the control of their mandates. Broadly two different approaches were taken, either for the Dominions to legislate for the mandates from their own Parliaments, or, in line with the Imperial framework, to use legislation that was already provided by the Imperial Parliament.<sup>166</sup> The approach taken by each Dominion reflected their view regarding imperial and international law. South Africa and Australia took the view that the mandate was issued to them directly by the Allied and associated Powers whereas New Zealand used the Imperial framework by deriving its mandate authority from an Imperial Act known as the Foreign Jurisdiction Act. South Africa acted as it did as it was 'always restive under imperial restrictions and jealous of her international status,' Australia did so as it did not receive any specific instructions from Britain, and finally New Zealand acted as it did as it felt more integrated into the imperial framework and less inclined to claim a separate international status.<sup>167</sup>

Denied annexation at Versailles, Hughes set out to ensure that Australia's administration in New Guinea 'was such as was consistent not only with our national safety but our economical, industrial, and general welfare.'<sup>168</sup> While waiting for the League to issue the mandate, the Government introduced a bill that provided for its eventual acceptance.<sup>169</sup> One of the main points of contention for the opposition was that it

166. 'The Mandates', *The Sydney Morning Herald* (Sydney), 4 November 1920, 9; Arthur Berriedale Keith, believed that the mandate enabled a Dominion Parliament the full authority to legislate for a mandate and that it would 'not be subject to the Royal right of dis-allowance applicable to colonial enactments, and that no right of appeal to the Judicial Committee exists in respect of judgements rendered in [the] courts' of a mandate. A. Berriedale Keith, 'New Zealand And Samoa', *The Times* (London), 24 October 1919, 8.

167. Lucretia L Ilsley, 'The Administration of Mandates by the British Dominions', *American Political Science Review* 28, no. 2 (1934): 288.

168. 'The League of Nations', *The Australasian* (Melbourne), 13 September 1919, 37.

169. It appears that there was very little interest in the bill as during the debate the House frequently did not have quorum. 'Federal Session', *The Sydney Morning Herald* (Sydney), 16 September 1920, 9.



was not made clear in the bill whether or not the White Australia policy applied to New Guinea. The Labour party supported a position of international control, but Sir Joseph Cook of the Liberals stated that 'the man who wanted international control could not be a friend of white Australia.' The Labour party moved an amendment that would delete the clause in the Bill that would allow for effectively forced labour on essential public works and service, albeit with pay. The Government retorted that the territory was to be governed in the interest of the local population so was it not reasonable 'that these natives should not make some contribution for the development of their own lands.', although it eventually relented and the final bill contained no forced labour provisions.<sup>170</sup>

In the meantime the Military Occupation was still ruling the territory by making proclamations, one of which validated acts performed during the occupation period. This included all laws brought in since the occupation, any transfer of lands approved by the Administrator and any decision to put land to public use.<sup>171</sup> I note that the Australian approach for future administration of New Guinea differed from the approach adopted in New Zealand to deal with Samoa. Whereas New Zealand provided for a comprehensive system of Government in the bill passed in anticipation of receiving the mandate, the Australian one only laid out broad principles.

The Australian Government proceeded to appoint a three person royal commission who would formulate policies for the governance of the new mandate. The commission chairperson was Hubert Murray, who was the Lieutenant-Governor of Papua and a champion of promoting the rights of the indigenous population. Hughes also selected Atlee Hunt, secretary of the Department of Home and Territories, and Walter Lucas, islands manager of Burns Philp, who had already established an overseas shipping monopoly for the territory, to look after business interests on the royal commission.<sup>172</sup> As a result of these appointments it is unsurprising that two of the main findings of the commission, which were beneficial to Australian business, included:

1. that the interests of New Guineans should not override the need for economic development; and
2. that all Germans should be expelled from the mandate and their assets be expropriated.

The Commission was divided on its recommendations with Murray having divergent views to Hunt and Lucas. Murray, basing his rationale on Article 22, believed it would be in New Guinea's benefit if big plantations were nationalised and carried on their trade in the public interest. Smaller properties of less than 400 hectares could be leased to individuals or companies. The spirit of the Covenant 'could not be satisfied if the development of the country was "solely in the interests of the European settler" and if the "natural duty of the native" was perceived to be "to assist the European with his

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170. *The Sydney Morning Herald*, 'Federal Session'; 'The Mandates - Government in New Guinea', *The Sydney Morning Herald* (Sydney), 23 September 1920, 8; For more on the White Australia policy see (especially Chapters 6 & 12) Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the International Challenge of Racial Equality* (Cambridge: Cambridge University Press, 2008).

171. TNA, CO 667/1, Colonial Office: New Guinea (Former German Territory) Government Gazettes, Vol6-No. 8.

172. Roger C. Thompson, 'Making a Mandate: The Formation of Australia's New Guinea Policies 1919-1925', *The Journal of Pacific History* 25, no. 1 (1990): 69.

labour".<sup>173</sup> Both Hunt and Lucas disagreed with this sentiment, and they favoured the sale of all former German plantations, with a preference of sale to returning soldiers.<sup>174</sup> The Prime Minister's Office was of the view that during the Military Occupation, it had been possible to make some improvements in the administration of native affairs, particularly in regard to the employment of indigenous labour. Hughes instructed the New Guinea Administrator that 'on the establishment of the Civil Administration, you will give immediate attention to the framing of systematic plans that will ensure the obligations undertaken by the Government ... to promote the well-being and progress of the natives shall be faithfully performed.'<sup>175</sup>

As for the make up of the future Civil Service of New Guinea The Returned Sailors' and Soldiers Imperial League of Australia (RSSILA) made the case for returning soldiers. The RSSILA stated that it would be a fitting tribute to the returning veterans if 'the Civil Service in German New Guinea should consist of returned sailors and soldiers only.'<sup>176</sup> On 01 November 1920 the Prime Minister's Department sought applications to the Public Service for the late German New Guinea. The positions to be filled included the Administrator, Official Secretary, a Judge, a Principal medical officer, and a number of District Officers. The district officer would be the workhorse of the administration and their role was defined as having

responsible for the general peace and good order of the district. ... He will act as the representative of the Administrator in such matters as the maintenance of satisfactory relations with the natives, the upkeep of the roads and other public works, ... and other matters of an administrative character.<sup>177</sup>

For many parts of the Mandate the Government was represented by the district officer and the indigenous police force. Generally a patrol of a white field officer and up to ten indigenous police officers would explain to the local populace what the Government 'wanted, checked to see if the Government's demands were met, and punished those who failed to obey.'<sup>178</sup>

In October 1919, the New Zealand Minister of Defence, Sir James Allen outlined the proposed internal government of Samoa. He envisaged a Legislative Council of no more than eight members. Indigenous Chiefs would be able to sit on this Council, but for the moment there would be no elective representation. Allen supported this course informing the NZ House of Representatives that for the moment the Samoans 'must feel their way.'<sup>179</sup> Robert Logan, before his dismissal over the influenza pandemic, had pointed out

173. Christine Weir, 'White Man's Burden', 'White Man's Privilege': Christian humanism and racial determinism in Oceania, 1890-1930', chap. 7 in *Foreign Bodies: Oceania and the Science of Race 1750-1940*, ed. Bronwen Douglas and Chris Ballard (ANU E Press, 2008), 293.

174. 'Mandate Possessions', *The Argus* (Melbourne), 22 May 1920, 21.

175. NAA, A4, NG23, Mandates for German New Guinea, Memo - Prime Minister to New Guinea Administrator, 23/04/1921.

176. NAA, A1, 1919/12152, Returned Soldiers: Public service German New Guinea; The issue of filling positions in British Mandates with returned officers was also raised in the British House of Commons LNA, Box R9 1/776/776, Administration of Territories under a British Mandate, Letter - F. P. Walthers to Private Secretary for Bonar Law, 16/08/1919.

177. NAA, A1, 1921/3329, Applications appointment German New Guinea & Nauru, Clipping from *Gazette*, 04/11/1920.

178. August Ibrum Kituai, *My Gun, My Brother: The World of the Papua New Guinea Colonial Police, 1920-1960* (Honolulu: University of Hawai'i Press, 1998), 1.

179. 'Future of Samoa', *The Samoa Times* (Apia) 19, no. 47 (22 November 1919): 5.

to the Government that 'if the welfare of the Natives is to be a first consideration it is necessary for the Administrator to specially guard their interests'.<sup>180</sup> The opposition Labour Party disagreed with Allen, Logan and the Government. They advocated internal self-government under the mandate. Speaking in parliament one of its members, Harry Holland, a militant socialist within the NZ movement, was to claim that the government's approach was 'establishing not a democracy but a form of autocracy'.<sup>181</sup> I think it is fair to state that the Labour party was sceptical about the C mandate agreements because they contained no provision for self-government, even if, as Nicholas Hoare points out, Harry Holland was an exception in the New Zealand Labour party in the degree to which he took an interest in Samoan affairs.<sup>182</sup> The New Zealand Government eventually took the position not to draft any legislation for Western Samoa until after it was to receive the mandate.<sup>183</sup> They did bring in a Samoa Constitution Order in May 1920, which was adopted almost word for word as the Samoa Act in 1921. It created a two tier system, one for the indigenous population and one for the rest. But the Constitution order only regulated for the non-indigenous population by advocating a legislative council. The indigenous faipule would continue to exist as an advisory council to the Administrator.

For the South African Prime Minister Jan Smuts, the C mandate of South West Africa amounted to 'annexation in all but name'.<sup>184</sup> The South Africans passed legislation in September 1919, that gave them and the Governor-General of South Africa powers over SWA. This Act and statements by the Governor-General that 'the territory will in future form an integral part of the Union' did not go unnoticed. Showing how the new League had captured the public imagination, a Mr W. K. Kelsey, from the US, wrote to the Foreign Office asking what authority Lord Buxton had to make such a claim. His reason for asking such a question was the perceived view in the US 'that the British Empire has "grabbed" territory by means of the "mandatory" provisions of the Peace Treaty and intends keeping it forever, whatever the League of Nations may think, say or do'.<sup>185</sup> This view could only do the League much harm. A Commission was established, in late 1920 before the mandate was issued, whose remit was to investigate the future form of Government for SWA. In its interim report the Commission recommended the formation of a council of a purely advisory nature on the repeal of Martial Law. This Council, in their view, should consist of six members, appointed by the Governor-General, of which five should represent the farming, commercial, mining and wage-earning interests, while the sixth member should be someone who can advise on 'all matters concerning the natives in the Protectorate'.<sup>186</sup>

The most contentious administration to be set up was that of Nauru. Before the mandate was conferred, Great Britain, Australia and New Zealand signed an agreement

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180. ANZ, *ACGA 8280 IT1/25 EX 1/10*, 2; A government auditor agreed with Logan in stating that any measure of self-government should not be instituted hastily. ANZ, *IT 1 513 EX 89/1*, Short report on the Samoan Civil Service, p. 1.

181. Davidson, *Samoa Mo Samoa: The Emergence of the Independent State of Western Samoa*, 99.

182. Nicholas Hoare, 'Harry Holland's 'Samoa complex'', *Journal of Pacific History* 49, no. 2 (2014): 151–169.

183. 'Censorship does not exist in Samoa', *The Samoa Times* (Apia) 20, no. 40 (21 October 1920): 10.

184. Lentin, *General Smuts: South Africa*, 146.

185. LNA, *Box R10 1/1728/1347*, Letter from Kelsey to FO, 07/10/1919.

186. Robert Love Braum, *Southwest Africa under mandate: documents on the administration of the former German Protectorate of Southwest Africa by the Union of South Africa under mandate of the League of Nations, 1919-1929*, ed. Robert Love Braum (Salisbury: Documentary Publications, 1976), Interim Report of the Commission appointed to enquire into the question of the future form of Government in the South-West Africa Protectorate, 11/11/1920, on pages 27-8.

for the joint administration of the island, and the operation of its phosphate deposits. This agreement was passed into law in the three countries as the Nauru Island Agreement Act.<sup>187</sup> There was a measure of unease about the agreement on the part of the British, and the government felt the need for agreement to be kept secret for the meantime, as is shown in a telegram to the Governor-Generals of Australia and New Zealand, on 16 July 1919, which added this remark: 'Confidential for the present, as it is undesirable that its existence should become known publicly before the whole question of Mandates has been formally settled.'<sup>188</sup>

The agreement put in place an Administrator, who for the first five years was to be Australian, whose duties were to make ordinances for the peace, order and good government of the Island. There was also to be a three person Board of Commissioners, in whom the title and responsibility of the phosphate deposits of the Island rested.<sup>189</sup> The Commissioners aspired that the Administrator should work in harmony with them, but were of the view that the Administrator's role was to influence the indigenous population so the BPC would have their goodwill.<sup>190</sup> According to Tabucanon and Opeskin, 'this arrangement circumvented the vesting of title in the mandate holders themselves, which would have been inconsistent with their obligations as trustees.'<sup>191</sup> Historian Katerina Teaiwa has demonstrated that 'the key stakeholders and beneficiaries of phosphate mining in the Pacific' were the Australians, who administered the island, although the mandate was granted to the British Empire.<sup>192</sup>

There was opposition to the agreement in the British House of Commons, most of it stemming from a belief that the agreement was 'against the principles of the League.' William Ormsby-Gore, who would later serve on the Permanent Mandates Commission, told the house that 'the arrangements giving priority to the three purchasers were inconsistent with Article 22 of the Covenant with its provision of equality of opportunities in mandated territories for members of the League.'<sup>193</sup> But Ormsby-Gore went even further in declaring that the agreement 'in direct conflict with ... the open door and the principles of trusteeship'.<sup>194</sup> The view of these opponents was that it would be hard for the

187. Jan Smuts, was annoyed that South Africa wasn't included as the mandate was conferred to the British Empire. Milner ignored Smuts handwritten note and official reminder six months later. Sharp, *The Versailles Settlement: Peacemaking after the First World War, 1919-1923*, 174; MacDonald, *In Pursuit of the Sacred Trust: Trusteeship and Independence in Nauru*, 15; As various letters on file show South African companies were to make requests to purchase Nauru phosphates to the South African Government in to the 1920 NASA, *PM 1/2/196 PM51/1*, Peace Treaties: Nauru Deposits; The former Prime Minister, Herbert Asquith, agreed with Smut's view, stating that 'South Africa and Canada were as much entitled as any other part of the Empire to have a voice in the matter.' 'House Of Commons', *The Times* (London), 17 June 1920, 7.

188. International Court of Justice, *Certain Phosphate lands in Nauru: Memorial of the Republic of Nauru*, 17; NAA, A518, J800/1/2 Part 1, Nauru. Administrative - Control and administration, Telegram - CO to GG Australia, 16/07/1919.

189. The Commissioners bought the mining rights of Pacific Phosphate Company on 01 July 1920 at a cost of £3,500,000 *Agreement between His most Gracious Majesty King George V and Others, and the Pacific Phosphate Company Limited*, London, 1920, 12-3; Viviani, *Nauru: Phosphate and Political Progress*, 45.

190. NAA, A2910, 430/1/4 Part 2, Agreement with Pacific Phosphate Company - Nauru and Ocean Island, Notes for the consideration of the Board of Commissioners, 09/09/1920.

191. Tabucanon and Opeskin, 'The resettlement of Nauruans in Australia', 341.

192. Teaiwa, 'Ruining Pacific Islands: Australia's Phosphate Imperialism', 376.

193. Robert Cecil backed him up by stating that the confiscation of the natural resources of Nauru 'was a violation of the spirit of the covenant.' 'Phosphates And Principles', *The Times* (London), 17 June 1920, 12; James Allen could not understand how Ormsby-Gore why he was appointed to the PMC after his opposition to the Nauru Bill ANZ, *ACGA 8280 IT1/251 EX 25/1/10 1*, Mandates - Permanent Commission of League of Nations, Letter — Allen to Massey, 11/08/1922.

194. It is noted by Pedersen that Ormsby-Gore never lost his scene of outrage at the deal, even when he served on the PMC. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 75.

British to stand by this agreement and then insist on economic parity in other mandates. Others called for the agreement to be put before the League Council for adjudication, but of course, the Government could not support such a position and refused to submit the agreement to the League. This refusal, at least for Cecil, left the whole mandates system and the supervisory powers of the league open to be viewed as a farce.<sup>195</sup>

The Treaty of Versailles gave the Southern Dominions a legal basis for the expulsion of Germans from their mandate territories.<sup>196</sup> Australia and New Zealand repatriated most German residents from their mandates, and South Africa retained a substantial portion of the German population of SWA.<sup>197</sup>

As has been previously noted, the Royal Commission into the future of New Guinea recommended that all Germans be expelled. This was to include German missionaries, which we shall see over the next two chapters was a drawn out and ultimately unsuccessful policy. In Samoa, the deportation of the German population got under-way in 1920.<sup>198</sup> In June, 104 Germans, three British wives of Germans, and 72 children were repatriated to Germany. Tate feared Samoan unrest due to the deportations. To avoid the chance of any he requested a naval destroyer to be in Apia harbour during the removal of the Germans.<sup>199</sup> As most of these Germans were plantation owners the Administration recognised that there would be a negative impact on local traders. The Plantations would pass to the Crown Estates Department, who would get their 'supplies through Government channels rather than adapt the less economical course of dealing with the local merchants.'<sup>200</sup> It was predicted that the removal of the Germans would have large impact on the plantation trade. A sizeable proportion of those removed were 'counted among the most experienced overseers and planters' on the island and it was difficult to envisage who would replace them.<sup>201</sup> The deportation of German also created a void in the political class on the island. O. F. Nelson pushed for 'the need for democratic representation of the people of Samoa "now that most Germans have been repatriated."<sup>202</sup>

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195. Robert Cecil, 'Mandates', *The Times* (London), 25 June 1920, 12.

196. Article 122 reads 'the Government exercising authority over such territories may make such provisions as it thinks fit with reference to the repatriation from them of German nationals and to the conditions upon which German subjects of European origin shall, or shall not, be allowed to reside, hold property, trade or exercise a profession in them.' *Treaty of Peace between the Allied and Associated Powers and Germany*, 1920, 1–152, <http://www.austlii.edu.au/au/other/dfat/treaties/1920/1.html>.

197. For repatriation of Germans post-war see the following Panayi, *Prisoners of Britain: German civilian and combatant internees during the First World War*, pp 276-288; Murphy, 'Prisoners of War and Civilian Internees Captured by British and Dominion forces from the German Colonies during the First World War', Especially chapter seven; Panikos Panayi, 'Prisoners of War and Internees (Great Britain)', 1914-1918-online. *International Encyclopedia of the First World War*, 2017,

198. The German Government were to make funds available for repatriation. ANZ, ACHK 8604 G1/255 1920/516, Repatriation of German Officials from Samoa, Swiss Embassy London to Foreign Office, 29/12/1919; In 1919 the NZ Military felt it was 'advisable to get rid of as many Germans as possible who will not accept the proposed national naturalization. ... A ship should be held available to transport the Germans ... to leave Samoa in order to give them as little opportunity as possible to foment trouble.' ANZ, AAYS 8638 AD1/1027 59/35/1, Chaplains; Prisoners of War; Reservists - Reparation - Germans for Samoa, Letter - Major-General Robin to Minister of Defence, 05/08/1919; In NZ the government were able to deport unnaturalized Germans and Austrians if they were judged to be disloyal or disaffected. Matthew Henry, 'Border geostrategies: Imagining and administering New Zealand's post-World War One borders', *New Zealand Geographer* 64, no. 3 (2008): 199.

199. Hiery, 'West Samoans between Germany and New Zealand 1914–1921', 67.

200. ANZ, ACGA 8280 IT1/275 EX 29/17 3, Enemy Aliens - Deportation from Samoa.

201. NAA, A1, 1920/10488, Repatriation of Germans from Samoa. Newspaper clipping – The Dominion, 26/05/1920.

202. O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson*, 48.

In South West Africa, between April 1919 and February 1920, 6,374 Germans were deported back to Germany of which, 3,718 were officials or military and police personnel, and 1,223 were classed 'undesirables' with the remainder seeking repatriation.<sup>203</sup> It did not take much to be classed undesirable and subject to deportation. According to one German, this included anyone who looked for state support, voiced strong opinions against the new government, drunkards and loudmouths, together with 'barmaids and other immoral women, as well as those who had simply been accused or denounced by former friends and neighbors'.<sup>204</sup> South Africa was the one mandatory that kept a large proportion of the German population, approximately half, in their mandate. This helped serve a South African desire to create a settler colonial system in South West Africa. There were some that felt the South Africans had treated the deported Germans unfairly. C. T. M. Wilcocks, who was part of the Commission to review what sort of Government SWA should have, refused to sign the commission's report. In his separate memorandum he declared 'that great injustice was done to the 6,374 Germans who were deported without charge or trial and that this should be redeemed by allowing them to return and re-instating them in their former possession and occupations.'<sup>205</sup> It did not take long after the war for the Boer and German communities to realise that they must work together. A public meeting was held in Windhoek in October 1919 with the objective of strengthening ties between the Europeans in the territory. The result was the formation of the *Zuid West Vereniging* (South West Union) on a non-political basis.<sup>206</sup>

Also in October 1919, the Governor-General of South Africa, Viscount Buxton, conducted a tour of South West Africa. The main object of his visit was to meet the German community that remained in the territory. In his opinion this was important because for 'all intents and purpose, [they were] to become citizens of the Union.'<sup>207</sup> The case of imposing Union nationality on the Germans would cause much debate over the next few years in Geneva. As part of his tour, Buxton gave a speech at Windhoek, where he made reference to three main premises on which the Germans should be in no doubt or ambiguity. Firstly, that under no circumstances would the country be given back to Germany, secondly that in future SWA would form an integral portion of the Union and lastly whatever the constitution of the League of Nations may be and even if Germany is to be a member of it, neither of the first two premises would be open for re-consideration. These points had 'been settled irrevocably, once and for all, by the Peace Treaty.'<sup>208</sup> Here Buxton is referring to Article 119 of the Treaty of Versailles where Germany renounced any claims on its former colonies.

203. The deportations were accomplished by eleven ships sailing from Lüderitz, Walvis Bay and Cape Town. Bruwer, *Prisoner of War Camp Aus 1915-1919*, 40; Wallace, *A History of Namibia. From the Beginning to 1990*, 215. 204. Eckenbrecher, *Africa, What it gave me, what it took from me*, 277-8.

205. Norman Leys, *Letter from Norman Leys to W. E. B. Du Bois, May 27, 1921*, Special Collections and University Archives University of Massachusetts Amherst Libraries, 1921; Braum, *Southwest Africa under mandate: documents on the administration of the former German Protectorate of Southwest Africa by the Union of South Africa under mandate of the League of Nations, 1919-1929*, See full memo pp. 34-38.

206. K Dierks, *Chronology of Namibian history: From Pre-historical Times to Independent Namibia*, 2002, <http://www.klausdierks.com/chronology/75.htm>, <http://www.klausdierks.com/Chronology/>.

207. TNA, CO 879/119/18, Visit of the Governor-General to the South West Territory in October, 1919. Despatch from Viscount Buxton, Dispatch from Viscount Buxton, p.1.

208. TNA, CO 879/119/18, Dispatch from Viscount Buxton, p.4; Buxton later wrote to his secretary that his speech 'came as rather a shock to the German Community as they had a sneaking feeling that the Mandate might mean something less than "Union"'. Marion Wallace, 'Personal Circuits: Official Tours and South Africa's colony', *Journal of Southern African Studies* 41, no. 3 (2015): 643.

The Treaty of Versailles also gave the Dominions power to deal with German property in mandated territories.<sup>209</sup> In New Guinea, all German plantations would be sold to private firms or individuals. The main motive for liquidating the German firms according to C. D. Rowley was that it removed the last stronghold of German trade in the south Pacific creating a void that Australian firms could fill.<sup>210</sup> The Australian Military Administration, once confident of receiving the mandate started to issue ordinances to help 'expropriate and control German property' which was then put into public trusteeship.<sup>211</sup>

The Australians set up an Expropriation Board to deal with these ex-enemy estates. Walther Lucas, by now director of the Pacific Island branch of the Prime Minister's department, was the Chairman of this board. It was noted in the press, without any challenge to Lucas's integrity, that it was unfortunate that a former chief officer of Burns Philp, the company who had recently bought all the German plantations auctioned in Samoa, would be in charge of the probable sale of plantations in New Guinea.<sup>212</sup> Other members of the board could be seen to have vested interests with one other member having lived in Rabaul before the war and having a brother who owned extensive properties in the territory, and another being the manager of the bank which the Germans were forced to conduct all their business through during the occupation. This composition, unfortunately, could only look negative to the outside viewer.

The expropriation of German property caused a dilemma for the Administrator in Rabaul, who sought guidance from Australia as to what to do with Germans who became unemployed due to the expropriation of German firms. He wished to send these unemployed Germans to Australia and let them be dealt with from there. The relevant Departments in Australia were of the view that there would have to be an amendment to the Immigration Act to enable the repatriation of persons liable for compulsory repatriation under the Peace Treaty. The Prime Minister's Office approved of this course of action in September 1920 and the amendment was passed through Parliament by the start of December.<sup>213</sup>

Enquiries into the possibilities of obtaining private estates in New Guinea were received by the Department of External Affairs.<sup>214</sup> In one case, a Mr Gore, who had served in New Guinea, requested some information into the possibility of him buying a private

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209. Article 297(b) gave 'the right to retain and liquidate all property, rights and interests belonging ... to German nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates, including territories ceded to them by the present Treaty.' *Treaty of Peace between the Allied and Associated Powers and Germany*.

210. Rowley, *The Australians in German New Guinea 1914-1921*, 304-307; According to Hermann Hiery, the deportation of Germans, together with the liquidation of German firms were 'practically identical with Burns Philp's war aims.' Hiery, *The Neglected War: The German South Pacific and the Influence of World War I*, 113.

211. Cahill, 'A prodigy of wastefulness, corruption, ignorance and indolence': The expropriation board in New Guinea 1920-1927', 4; The Australian Commissioner of Lands reported that of roughly £5 million worth of property in New Guinea, German companies owned about £4.5 million worth, with the remainder owned by British or Asiatic interests. 'Catholic Missions in the Islands: Federal Inquiry', *The Catholic Press* (Sydney), 10 July 1920, 21.

212. 'German New Guinea', *The Argus* (Melbourne), 29 October 1920, 7.

213. NAA, A1, 1920/17296, Deportation of German employers from German New Guinea; A German who owned a plantation in New Guinea but had been interned in the US during the War wished to return to New Guinea as his mother was still living there, but his request was denied. NAA, A1, 1920/5477, F W Turton, Return of German subject to New Guinea.

214. NAA, A1, 1920/17736, Information re German New Guinea, Correspondence in this file led the Department of Home and Territories to write 'that constant inquiries are being received from individuals who desire to know' how land can be settled in the territory. NAA, A1, 1919/11263, Leo Gors from German New Guinea.

estate in New Guinea. He was informed that the Department of Defence was of the view that no action could take place until they received the terms of the mandate.<sup>215</sup> In the meantime, the government planned to investigate the issue of Soldier settlement. Hughes was of the opinion that 'every encouragement would be given to induce the soldiers to take up land in Australia. If, however, some men preferred, ... to settle in the islands, the Commonwealth would consider the question of assisting them.'<sup>216</sup> The RSSILA wrote to the Commissioner for Lands with a proposal that German colonists be replaced with returned soldiers. Its rationale for this was 'to ensure that the trade of the territory shall be secure to the British Empire.'<sup>217</sup> Their proposal would see each ex-soldier receive a plot of 250 acres. It is no surprise that returning soldiers were seeking opportunities in New Guinea; as the war period had seen an increase in trade. Exports in 1918 were one third greater than in 1916. The Copra export had increased from 12,649 tons to 20,682 ton over this period mainly due to an increase of areas planted.<sup>218</sup>

Like in New Guinea, demobilised Soldiers were inquiring from the Government would they be able to acquire land in Samoa to settle on. It was the Government's view that, until the Mandate was issued and the policy of disposal of German lands and property was decided, they could not make any decision about letting former soldiers settle in Samoa.<sup>219</sup> In the meantime, Germans estates were valued before they were repatriated.<sup>220</sup> When James Allen visited the Island and toured the DHPG plantations he came to the opinion that there should be no rush to dispose of the plantation as there was a lack of trained personnel to work them. He favoured a policy of 'using the big plantations as training grounds for people who would eventually take up the land.'<sup>221</sup> This is similar to what was happening in New Guinea, where there was a plan to take over 40,000 acres for a soldier settlement of plantations. The soldiers would need a course of instruction and it would have to be funded from Australia.<sup>222</sup>

With the removal of Germans from Samoa and the need to keep their plantations in working order there was an immediate need for labour. To meet demand, in 1920, the New Zealand government allowed the resumption of the practice of plantations bringing in Chinese labourers to work on the plantations. In 1914 there was a combined indentured labour force of about 3,000 but by 1920 this had reduced to about 1,000. This

215. NAA, A1, 1919/11263, Letter - Secretary of Home and Territories Department to Mr Leo E. Gore, 27/06/1919.

216. 'Soldier Settlement in Islands', *The Western Argus* (Kalgoorlie), 11 May 1920, 8; The Administrator, G. F. Johnson was of the view that 'the former German colonies were unsuitable for white settlement by Australians and their families: ' Kent Fedorowich, 'Ex-Servicemen and the Politics of Soldier Settlement in Canada and Australia, 1915-1925', *War & Society* 20, no. 1 (2002): 75-6.

217. NAA, A4, NG14, Settlement of Returned Soldiers - German New Guinea, Letter - RSSILA to Commissioner for Lands, 05/08/1919; Martin Crotty, 'What more do you want?: Billy Hughes and Gilbert Dyett in late 1919', *History Australia* 16, no. 1 (2019): For more on the RSSILA and their engagement with Hughes, see.

218. NAA, A4, NG9, Plantation in German New Guinea, Memorandum-Administrator NG to Department of Defence, 06/01/1919 & Letter-Chief Surveyor NG to Administrator NG, 04/01/1919.

219. ANZ, IT1 106 EX 2/9, Administration - Reports on Samoan affairs for information of Governor General, Letter - GG, New Zealand to Robert Tate, 19/11/1919.

220. When they were deported in June 1920, they were provided with a warrant for payment by the German Government. NAA, A1, 1920/10488, Newspaper clipping - The Dominion, 26/05/1920.

221. 'Pacific Problems', *The Samoa Times* (Apia) 20, no. 18 (1 May 1920): 4; A soldier had asked Allen could the Government provide training to returned soldiers on how to work plantations. ANZ, ACGA 8280 IT1/436 EX 74/3, Soldier Settlements for Samoa, Extract from Dispatch from Allen to the Governor-General, 17/11/2019.

222. NAA, G261 *General Correspondence Files, 1914-23*, Memo re Soldier settlement, 07/08/1918.



naturally led to a decline in the plantations on the island.<sup>223</sup> Even the London Missionary Society endorsed the decision to resume the indentured labour system as long as strict controls were put in place. They did not believe this would adversely impact on the moral fabric of the island but did think that it would be preferable to have married Chinese labourers come to Samoa.<sup>224</sup> It is notable that one of the Government's arguments against increasing the number of indentured labourers was that the 'mandate was accepted on the behalf of the Samoans, and their interests should be of first importance.'<sup>225</sup> The Government also accepted that trade would be open to all League members under the mandate. It hoped that the fact that New Zealand held the mandate meant that 'there would be special opportunities to encourage [New Zealand] trade with the islands.'<sup>226</sup>

Prior to reintroducing Chinese labour, New Zealand had sought labour, without success, from within the Empire. In June 1919, they contacted the Colonial Office about the possibility of obtaining labour from the West Indies. It was noted by the Colonial Office though that the introduction into the Pacific of 'Negroes' would raise serious issues, and the proposal would be unpopular in Barbados and may raise wages there.<sup>227</sup> The Jamaican authorities advised that the current conditions there made 'recruitment undesirable from the ordinary population' but there may be some returning soldiers that could be tempted to go if the terms of their working conditions were favourable.<sup>228</sup> Their expectation would be a minimum wage of a dollar a day and paid passage for their families. If possible a further inducement could be the prospect of obtaining a land grant in Samoa. The reply from Barbados was that it was impossible to get labourers to go to Samoa due to distance.<sup>229</sup>

In the New Zealand House of Representatives the Labour members opposed the re-introduction of the indenture system on moral grounds but this was rejected.<sup>230</sup> The practice of bringing in Chinese labour was unpopular with the indigenous population and ran contrary to the policy at home which under the newly introduced immigration legislation restricted Chinese immigration to 100 per year regardless to the amount of Chinese that left New Zealand.<sup>231</sup> John H. Harris of the ASAPS understood the reports of the indentured labour conditions in Samoa were 'totally at variance with the Covenant, the avowed principle of the mandates and of the Washington Labour Conference.'<sup>232</sup>

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223. New Zealand Members of Parliament who had visited the island came away with the view that labour had to be imported to keep the larger plantations going. 'New Zealand In The Pacific', *The Times* (London), 7 July 1920, 13.

224. NAA, A1, 1920/19894, Chinese labourers for Samoa, Memorandum-Indentured Labour for Samoa; 'Chinese Labour For Samoa', *The Times* (London), 2 August 1920, 7.

225. NAA, A1, 1920/19894, Memorandum-Indentured Labour for Samoa.

226. 'Future of Samoa'.

227. TNA, CO 318/351, Correspondence on matters relating to the West Indies from the West India Committee and from 'miscellaneous' Government departments and other organisations: Labour for Samoa, Minute, 16/06/1919.

228. TNA, CO 137/732, Despatches from Leslie Probyn, Governor of Jamaica: Labour for Samoa, Telegram Governor of Jamaica to Secretary of State for the Colonies, 22/06/1919.

229. The Governor of Windward Islands reported there was insufficient labour to cover local needs. TNA, CO 28/295, Despatches from Charles Richard Mackey O'Brien, Governor of Barbados: Labour for Samoa, Telegram Governor of Barbados to Secretary of State for the Colonies, 08/07/1919.

230. Joseph Ward objected and was on record as saying that he believed Great Britain would be a better mandatory for Samoa due 'to the coloured labour problem'. 'The Peace Treaty', *The Times* (London), 3 September 1919, 10.

231. Watson, *W F Massey: New Zealand*, 134-6.

232. John H Harris, 'The Colonial Mandates', *The Times* (London), 30 May 1920, 12.

A policy adopted by the South African to help establish a settler society in SWA, was to free up land for farmers to settle. Under the Germans large areas of land had been owned by concession companies such as the *Deutsche Kolonial gesellschaft*. The South Africans were to expropriate these lands from the concession companies and to declare all unallocated lands to be Crown Lands. At the commencement of South African rule there were 1,138 White farms. South African land legislation was introduced and a Land Board was set up to allocate farms to White farmers coming into the territory. There were plenty looking to make a living in SWA as displayed by the number of applicants for the farms that the Government advertised. There were over 800 applicants for the first seventy-six farms that the Government advertised.<sup>233</sup> Farming was to produce wool and meat. Even before the war ended, it was expected that farms would be run by white farmers but the labour be provided by the indigenous population in the same way it was done in South Africa.<sup>234</sup> The Governor-General in his tour of SWA in 1919 met with deputations from indigenous tribes, where he expressed his view of what was expected from them. While 'they would in future be protected from ill-treatment' they were under an obligation 'of rendering good and willing service to their employers.'<sup>235</sup> In his previous address in Windhoek, Buxton, stated that the administration would 'be based on the principle that the Europeans, the natives and the coloured communities, the indigenous population as well as the settler, are equally entitled to receive, and will receive, even-handed justice.' Again though he makes reference to the obligation of the native to carry out their services to the best of their abilities and 'to be obedient and respectful, and not to bring trivial complaints against their employers.' In turn, they could look to the administration to protect them from violence, and in a probable acknowledgement of the mandate, 'from forced unpaid labour, from the curse of drink, and from the temptation of arms.'<sup>236</sup>

## Chapter Conclusion

The period from the start of 1919 to the end of 1920 is crucial to the overarching narrative of this thesis. It was a time of flux where it was not certain what would happen to the former German colonies. We have observed the territories under review transfer from military occupation to a regime of mandates. While there were international rules in force for military occupations, we saw in chapter 2 that international oversight was on a very ad hoc basis. While the southern Dominions first gained a victory by gaining independent representation at the peace conference, their arguments for retaining full control of their occupied German colonies were not so successful. This was in no little part down to Woodrow Wilson's discourse on sovereignty and self-determination. Once it became clear that annexation was not possible the southern Dominions fought to ensure that whatever oversight regime would be put in place would be light touch. The compromises agreed at Paris in the creation of the C class mandates would create some issues, such as sovereignty and nationality, that would occupy the time of the oversight regime created

233. First, *South West Africa*, 106-7.

234. Beer, *African questions at the Paris Peace Conference, with papers on Egypt, Mesopotamia, and the colonial settlement.*, 21.

235. TNA, CO 879/119/18, Dispatch from Viscount Buxton, p.2.

236. TNA, CO 879/119/18, Dispatch from Viscount Buxton, p.6; Buxton in turn received petitions from Namibians in which they requested settlement of land questions, repeal of German laws and better wages. Wallace, 'Personal Circuits: Official Tours and South Africa's colony', 646-7.

by the League of Nations. We see in this period the emboldening of representative groups, such as the ASAPS, that would use the future petitions' framework to be at least a thorn in the side of the mandatory powers. One, for the most part absent voice of in this chapter has been that of the indigenous populations of the C mandates. This is of no surprise when one considered that they were viewed as being 'inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world'. Wilsonian Self-determination was only for those people who could stand by themselves. The indigenous voice will get to be aired in the next chapters as the petitioning regime that gets implemented ensured indigenous voices were at least to be heard, if not listened too, before the PMC. So as 1920 turned into 1921 we see that the international civil service that was the League Secretariat had been established and the C mandate agreements had similarly been issued. The basis of a mandates oversight regime had been put in place, and the scene was set for it to commence its work.

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## **'We are face to face with a new institution.': Early years of the mandate and League oversight - 1921-23**

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It is always under great difficulties, and very imperfectly, that a country can be governed by foreigners ...

John Stuart Mill, *CONSIDERATIONS ON REPRESENTATIVE GOVERNMENT* (London: Parker, Son, and Bourn, 1861), pp. 324-325

### **Chapter Introduction**

At the first meeting of the Permanent Mandates Commission (PMC), Wellington Koo, the Chinese President of the Council, conveyed that the authors of the Covenant, in Article 22 had 'decided that the League should attempt a very bold, wise and generous experiment in colonial administration.'<sup>1</sup> This echoed the view of League Council President, Paul Hymans who, the previous year, informed the League Council that 'we are face to face with a new institution.'<sup>2</sup> Antony Anghie contends that 'the Mandate System represented a dramatically different approach to what broadly might be termed "colonial problems": the complex problems generated by Western governance of colonized peoples', and was seen as a departure from the evils of nineteenth century colonialism.<sup>3</sup> In this chapter we examine the first years of this system. We observe how the structures of League oversight evolve and how, if at all, the mandatory powers adapt their administration in response to the mandate system. It is worth reminding the reader, that only over 1919 and 1920 were the details of how this would all operate were put in place. In practice the mandatory powers moved gradually from one international administration framework, the rules of occupation under the Hague Conventions, to another, covered by the terms of the mandate agreements. This chapter will also discuss, thematically, some key aims of the mandate agreements, such as the well-being and social progress of the inhabitants, Religious Freedom, and prohibition of slavery. While not envisioned by those who drafted the mandates, issues should as sovereignty and nationality, and the rights of petitions to the PMC, would help to define the work around mandates.

#### **4.1 The PMC and its first three sessions, 1921-23, ground rules and first steps**

While we have seen from the previous chapter the League had to be built from scratch, so did the mandates system. While article 22 of the Covenant set out that a Permanent

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1. Permanent Mandates Commission, *Minutes of the First Session*, Geneva, 1921, First Meeting 4/10/1921, 3.

2. TNA, CAB 24/117/58, Report presented by the Belgian Representative, Monsieur Hymans, and adopted by the Council of the League of Nations, meeting at San Sebastian on August 5th, 1920.

3. Anghie, 'Colonialism and the Birth of International Institutions: Sovereignty, Economy, and the Mandate System of the League of Nations', 515; Antony Anghie, 'Nationalism, Development and the Postcolonial State: The Legacies of the League Of Nations', *Texas International Law Journal* 41 (2006): 452.

Mandates Commission (PMC) would be established, it would be the PMCs constitution, adopted by the Council in November 1920, that would be the framework of its operations.<sup>4</sup> The structure and functions of the PMC will be explained in the following section, by focusing its membership, what major issues they discussed, and the establishing of procedures, with particular emphasis on the questionnaire and the petitions process.

Turning first to membership, the PMC constitution allowed for nine members, and an additional expert member that was appointed by the International Labour Organisation (ILO) (For PMC members 1921–27 see table 3). The ILO was the new workers' rights body established in 1919 as part of the peace settlement in an explicit acknowledgement of the link between social reform, combating Leninism, and future peace. Its first director was the moderate French socialist Albert Thomas. Rappard would describe the ILO representative on the PMC, Harold Grimshaw, as 'half a member of the Committee', but also noted that this meant he could 'enjoy much greater freedom of expression'.<sup>5</sup> Members were appointed due to their experience in colonial matters. Due to this most appointments to the commission were former colonial Governors or administrators, except for the female member as discussed later. As most members were retired, and there were no restrictions on the amount of time they could sit on the PMC, they tended to serve on the Commission for long periods. The majority of the PMC members had to be nationals of non-Mandatory Powers, a fact Susan Pedersen states excluded the southern Dominions from having a member sit on the Commission.<sup>6</sup>

From before its inception there was a campaign to include a woman member on the PMC. When the Assembly was discussing mandates at its first session in 1920, and trying to pressure the Council to bring the system in effect, it passed a resolution that the PMC should have one woman member.<sup>7</sup> The Women's International League for Peace and Freedom (itself founded at the Hague conference of anti-war feminists in 1915) along with the National Union of Societies for Equal Citizenship proposed to the Anti-Slavery and Aborigines Protection Society (ASAPS) that they should work together in a public campaign for the inclusion of at least one woman on the Mandates Commission. John Harris of the ASAPS concurred that 'every ounce of pressure should be put forward to secure the appointment of a woman upon the Commission on Mandates'.<sup>8</sup> He also proposed the possibility of appointing an educated African woman upon the Commission. The difficulty, as he saw it, would be to find a suitable one. The only candidates he could think of were a Mrs. Oluwole, wife of the bishop of Lagos, and a Mrs. (Princess) Obasa. Separately the LNU suggested Froken Forchhammer as a suitable

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4. For a copy of the PMC constitution see, 'Constitution of the Permanent Mandates Commission'.

5. Grimshaw's position also meant that the PMC could 'not be held responsible for any criticisms' by him. LNA, S284 1(3), Letters: M. Grimshaw, Letter - Rappard to Grimshaw, 13/07/1923; John Harris of the ASAPS would later write that Grimshaw 'has shown himself to be a perfectly invaluable member of the commission.' John H Harris, *Slavery or Scared Trust?* (London: Williams & Norgate Ltd, 1926), 111.

6. For a background of members of the PMC, see Pedersen, 'Settler Colonialism at the Bar of the League of Nations', 61-3.

7. Denys P. Myers, 'The mandate system of the League of Nations', *The Annals of the American Academy of Political and Social Science* 96, no. 1 (1921): 75.

8. MSS.Brit.Emp S.22 G401, Papers of the Anti-Slavery Society: German mandated territories, Bodleian Library, University of Oxford, Letter Women's International League to Harris, 31/01/1921, Letter Harris to WIL, 01/02/1921, Letter - National Union of Societies for Equal Citizenship to ASAPS 08/02/1921; TNA, CO 323/904, Correspondence, Original - Secretary of State, Letter - National Union of Societies for Equal Citizenship to Lord Curzon, 29/12/1922.

woman to sit on the PMC.<sup>9</sup> Forchhammer, Vice-President of the Women's International League for Peace and Freedom, did not get a seat at the PMC, but would later serve on the Danish delegation at the Assembly.<sup>10</sup> According to Susan Pederen, it was the lobbying by International Women's organisations that led to a woman being appointed to PMC, and the fact Sweden agreed to appoint a woman as its representative.<sup>11</sup>

The Pan-African Congress also wished to influence the make-up of the PMC. Although the Congress felt an affinity with the ASAPS, and held discussions with Harris, it was of the view that the ASAPS 'were naturally more conservative than the Pan-African Congress.' Congress felt it was logical, that considering the majority of the populations in African mandates was indigenous, that someone of African descent should serve on the Commission. Probably aware of bias against Africans, the Congress worded their petition carefully. They requested 'that a man of Negro descent, properly fitted in character and training be appointed a member of the Mandates Commission so soon as a vacancy occurs.'<sup>12</sup> This proposal was part of a wider trend, of bodies recommending more radical membership of the PMC. Both publicly and privately at the League there were those who supported the appointment of a coloured member to the PMC.<sup>13</sup> These representations and petitions fell on deaf ears as during the life of the League no African or person of colour was appointed to the PMC. The campaign to elect a woman and a person of colour to the PMC is an example, as Helen McCarthy describes, of 'how feminists, pacifists, anti-colonial campaigners and humanitarian reformers worked across national borders and through the international machinery of the League to advance their respective causes.'<sup>14</sup>

As noted above, by and large membership of the PMC was stable, but the one rule that guaranteed a change in membership on the PMC was that members were forbidden from holding an office which puts them in a position of direct dependence on their Governments. Two members of the PMC were to fall foul of this rule after the first session. Ramon Pina of Spain had taken a job with his government and William Ormsby-Gore, the British representative, had been forced to give up his position due to the fact that he was appointed as the Under-Secretary of State for the Colonies.<sup>15</sup> He was replaced as the

9. This was suggested by the Womens Advisory Committee, with the support of the management Committee of the LNU. LNU/8/7, League of Nations Unions: Memorandum on the questionnaire of the Mandates Committee, LSE Library, Minute No: 688, 15/02/1921.

10. Forchhammer speeches at the Assembly were instrumental in the League setting up a commission to investigate the traffic of women and children. Macfadyen et al., *Eric Drummond and his Legacies: The League of Nations and the Beginnings of Global Governance*, 139-40; Paul Knepper, *International Crime in the 20th Century: The League of Nations Era, 1919-1939* (Houndmills: Palgrave MacMillan, 2011), 94-5.

11. Pedersen, 'Metaphors of the Schoolroom: Women working the mandates system of the League of Nations', 191-3.

12. W. E. B. Du Bois, *The Negro and the League of Nations*, Special Collections and University Archives, University of Massachusetts Amherst Libraries, 1921, 5; The Bureau International pour la Defense Des Indigenes also supported the Congress resolution. LNA, Box R39 1/15866/13940, Deuxieme Congres Pan-Africain, Aout-Septembre 1921, Letter — Bureau to League, 16/09/1921; Marcus Garvey's Universal Negro Improvement Association informed the League that DuBois and the Congress did not represent Africans. LNA, Box R39 1/15499/13940, Pan African Congress, August-September, 1921, Telegram, nd.

13. Proposed members included John Harris of the ASAPS, Leonard Woolf, and W. E. B. DuBois. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 59-60.

14. McCarthy, 'The Lifeblood of the League? Voluntary Associations and League of Nations Activism in Britain', 188.

15. Anna Wicksell hoped Ormsby-Gore would 'some day come back [to the PMC] richer by that experience.' LNA, Box R60 1/24276x/22099, Procedures to be followed in the treatment of petitions from inhabitants of mandated areas, Letter - Wicksell to Rappard, 22/11/1922.

British Member on the Commission by the retired Governor-General of Nigeria, Sir Frederick Lugard. Lugard had originally been the preferred choice of many officials within the British Foreign and Colonial Offices in 1921 before the appointment of Ormsby-Gore.<sup>16</sup> In appointing Lugard, the British felt they had to consult with the southern Dominions on whom they would appoint to the PMC. This was probably due to the fact that the southern Dominions also held mandates. Before his appointment the CO wrote to Lugard informing him that they had sought and now received approval of his appointment as the Great British representative to the PMC from the Dominions of Australia, New Zealand and South Africa.<sup>17</sup> The appointment was one that was welcomed within the Mandates Section. Rappard wrote to Lugard congratulating him on his appointments and also telling him that his book, *The Dual Mandate* was 'the bible of the Mandates Section ever since its publication.'<sup>18</sup> While Lugard's reputation definitely preceded him in 1922, an assessment of his time in Nigeria by historian I. F. Nicolson was to state that it was built on 'a propaganda campaign directed to the creation and manipulation of his own fame as an administrator, and of the myth of the superiority of his territory, and his methods over all others.'<sup>19</sup>

At its first session, the PMC had very little work to consider due to the fact that the first year of C class Mandate administration had not finished, so its early work revolved around drafting its own rules of procedures. Firstly it elected Marquis Alberto Theodoli of Italy, its Chairman, a role he would serve in until 1937. He made sure to note to his fellow members that Italy was the only non-mandatory Power with a permanent seat on the PMC.<sup>20</sup> Flora Shaw (Lady Lugard) thought that while Theodoli was Chairman of the committee, it was William Rappard, head of the Mandates Section, whom she described as 'a breezy American Swiss', that did the hard work.<sup>21</sup>

One of the first things the PMC had to decide, and highlighting the changing framework of the British Empire, was who should they deal with in regard to the Dominion mandates. The Dominions were all original member states of the League and had representatives on League bodies. Ormsby-Gore believed they should deal with the Dominions directly, as he was of the view that London would not deal with any questions submitted to it about a Dominion mandate. The exception was Nauru which was a special case. Ormsby-Gore told the PMC that the Foreign Office, not the Colonial Office, would

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16. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 62; Rappard wrote to Ormsby-Gore wondering if Lugard would be appointed to the PMC LNA, S284 1(9), Letters: M Ormsby-Gore, Letter - Rappard to Ormsby-Gore, 20/11/1922.

17. MSS.Lugard 119/2, Papers of Frederick Dealtry Lugard, Bodleian Library, University of Oxford, Letter - E. Marsh (CO) to Lugard, 19/01/1923.

18. MSS.Lugard 119/2, Letter Rappard to Lugard 12/02/1923; Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 109; At a proceedings Rappard stated 'of course the best colonial administrators have in the past already considered their task in the light of a "Dual Mandate".' W. E. Rappard, 'The Practical Workings of the Mandates System.', *Journal of the British Institute of International Affairs* 4, no. 5 (1925): 221; According to Dimier, *the Dual Mandate* set out to show that the mandate system was no different from British rule. Véronique Dimier, 'On good colonial government: Lessons from the League of Nations', *Global Society* 18, no. 3 (2004): 283—4.

19. Roger C. Thompson, 'Hubert Murray and the Historians', *Pacific Studies* 10, no. 1 (1986): 83.

20. Permanent Mandates Commission, *Minutes of the First Session*, First Meeting 4/10/1921, 3; Theodoli walked out of the PMC in June 1936 after having condemned Britain and France for their decision to include in the League sanctions against Italy their mandated territories. He did not return but refused to give up his post until May 1937 and officially resigned only after Italy's withdrawal in December 1937 Elisabetta Tollardo, *Fascist Italy and the League of Nations, 1922-1935* (London: Palgrave MacMillan, 2016), 186.

21. MSS.Lugard 119/4, Papers of Frederick Dealtry Lugard, Bodleian Library, University of Oxford, Letter - Lady Lugard to Major E.J. Lugard, 20/07/1923.

Table 3: Members of the PMC 1921—27 †

Members of the Permanent Mandates Commission by nationality							
	1921	1922	1923	1924	1925	1926	1927
Britain	W. Ormsby Gore		Sir Frederick Lugard				
France	Jean Bapiste Beau					Martial H. Merlin	
Italy	Marquis Alberto Theodoli						
Japan	Kunio Yanagita			Chiyuki Yamanaka			
Portugal	Alfredo Freire d'Andrade						
Spain	R. Pina	Count de Ballobar		Leopoldo Palacios			
Netherlands	D.F.W van Rees						
Belgium	Pierre Orts						
Sweden	Anna Brugge-Wicksell						
Switzerland					William Rappard		
Germany							L. Kastl
ILO	Harold A. Grimshaw						

†. Compiled from information in PMC minutes and Susan Pedersen's *The Guardians*

be the relevant British department to contact, but it would be best they should use whatever procedure is in place at present by the League.<sup>22</sup> Rappard informed the commission that the League contacted the countries directly for important matters but this was a role of the council of the League and not the PMC which was only an advisory body. A year later New Zealand would write to the League regarding communications channels. They found that communications from the League were 'being received ... through various channels, in some cases addressed direct to various Departments'.<sup>23</sup> The New Zealanders' solution was to request the League to forward all communication to the Governor-General, with a copy to be sent to the high commissioner in London. Each of the Dominions would appoint their respective high commissioners as delegates to the Assembly. They would also be appointed to discuss annual reports with the PMC since it met at the same time as the Assembly.<sup>24</sup>

With regard to that special case of Nauru, some on the PMC felt that the mandate for Nauru had been ceded by His Britannic Majesty to either the three Governments concerned or to one of them. The conventions between the British Empire Governments had not been officially conveyed to the League of Nations.<sup>25</sup> The League covenant

22. Permanent Mandates Commission, *Minutes of the First Session*, First Meeting 4/10/1921, 4; Maurice Hankey, the British Cabinet Secretary, felt the issue of how the LN communicated with the Dominions was 'a constitutional [question] of little importance'. *MS. Milner dep. 391*, Papers of Alfred Milner: Papers relating to mandates and negotiations for the peace treaties, 1918-20, Bodleian Library, University of Oxford, Note from Hankey to Cabinet, nd.

23. ANZ, *ABAH W4187/39 GG3(2)*, Channel of Communication between NZ Government and the League of Nations, Letter – Massey to GG NZ, 19/05/1922.

24. Chaudron, 'Obsession: New Zealand, Money and the League of Nations, 1920-35', 145,155.

25. Permanent Mandates Commission, *Minutes of the Second Session*, Geneva, 1922, Ninth Meeting 5/08/1922, 46.



contained the provision that international treaties were not valid until lodged with the League. Although this Nauru Agreement was passed by the three parliaments of Britain, Australia, and New Zealand, rather than by way of a treaty it further shows the ambiguous nature of the agreement and the position of the southern Dominions within the international system. The Belgian member, Orts thought the PMC should draw the Council's attention to the matter of the Nauru agreement. When Joseph Cook, by then the Australian High Commissioner in London, raised the matter with Australia, Prime Minister Hughes cabled that he presumed 'it was the business of British Government to inform League of Nations of agreement, but unaware whether it did so. Australian Government is merely agent for the three Governments in giving instructions to Administrator.'<sup>26</sup> Rappard was of the opinion that the League could not do all that much as the attribution of the mandates was vested in the Supreme Council of the Allied and Associated Powers. In regard to Nauru, the Government of Australia had not been designated the mandatory Power in the mandate agreement. Since there was no Government of the British Empire, they had to choose one of the constituent Governments to administer Nauru.

The PMC, early on, also discussed the limitation on its power in relation to the mandates. Mandate holders had been assigned in 1919 as we have seen. Application of this took time. The C mandates themselves had been issued in December 1920 with the A and B mandates issued later. Hendrick Van Rees, the Dutch representative believed that Article 22 of the League Covenant had very clearly defined roles for the PMC but that their constitution gave them more powers due to a more general wording. He wondered if the terms of the mandates were exclusively within the remit of the Council or if the PMC could now amend them.<sup>27</sup> Pierre Orts, from Belgium which, unlike the neutral Netherlands, had been delegated a mandate holder, reasoned that if the Commission had been unable to propose modifications to the draft mandate agreements in December 1920, then logically it should not be able to propose any amendments after the fact to the final terms of the Mandates. Furthermore, in his opinion, due to the fact that the mandate agreements could only be altered by the Governments concerned, the commission could have no involvement as the members of the PMC were not representatives of their Governments. Rappard told the Commission that the Council expected the PMC to only examine the reports of the mandatories. It was noted though that in the process of examining these reports, the Council could not take exception to questions or opinions from the PMC in relation to the terms of the mandate and their application in accordance with Article 22. He went on further to say that 'the Council would doubtless desire that the Commission should be its watchful counsellor.'<sup>28</sup> The above discussion demonstrates both the limitation of powers that were imposed on the PMC and the awareness of its members to such limitations as well as views on how the boundary upon them may be pushed.

To further assist with their duty of examining report, the PMC was responsible for drafting a questionnaire that would be used by the Mandatory powers as a guideline for

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26. Kerr, *A Federation in these Seas: An account of the acquisition by Australia of its external territories, with selected documents*, 171.

27. Permanent Mandates Commission, *Minutes of the First Session, Second Meeting 05/10/1921*, 9.

28. *Ibid.*

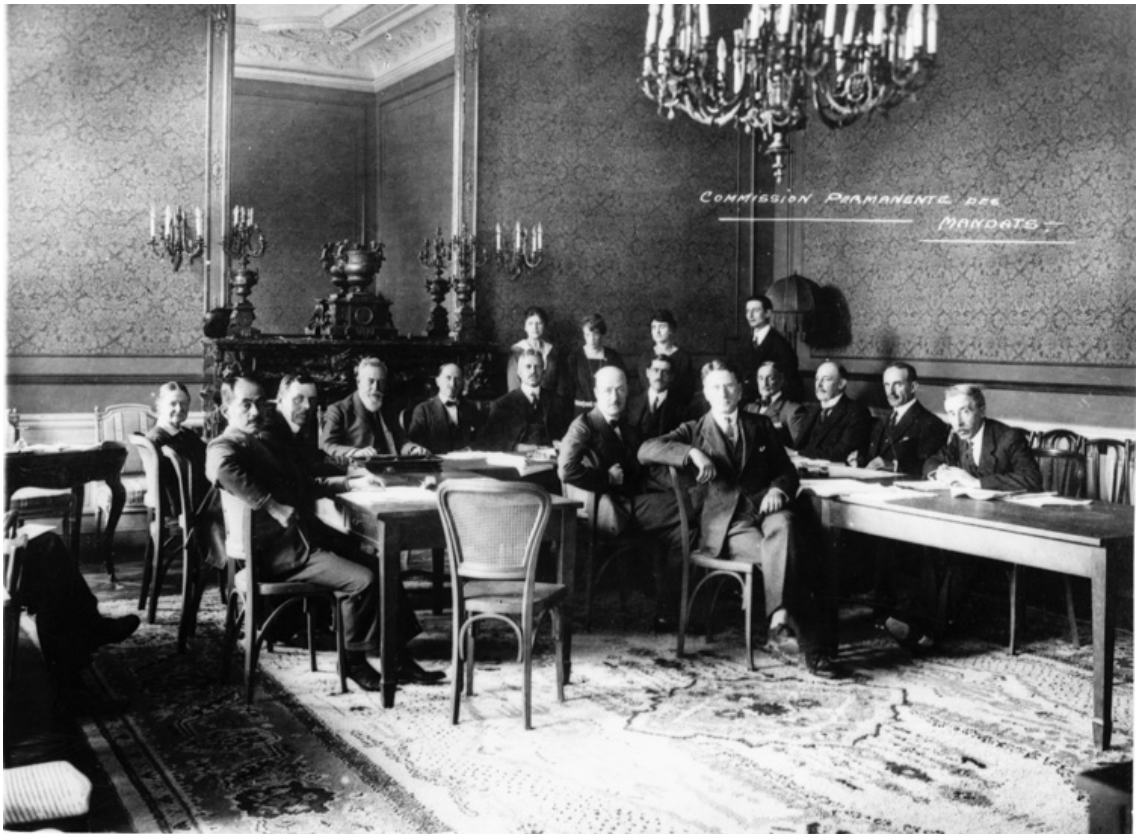


Figure 19: Meeting of the Permanent Mandates Commission sometime in the 1920s

their annual reports.<sup>29</sup> This was done in the hope that they would receive standardised reports going forward. They had to be careful to develop a questionnaire 'without ruffling the feelings of the members of the mandatory powers on the Council.'<sup>30</sup> The LNU believed the questionnaire helped alleviate the problem of how 'the PMC performed a supervisory role, while the mandatory power ... assumed the administrative role.'<sup>31</sup> In recognising the difference between the C mandates and the other classes in Article 22 and that the responsibility of the League in relation to this class may be less, the PMC considered the questions contained in the draft questionnaire in this context. Ormsby-Gore believed questions on land tenure should take into account of the special conditions in South West Africa, which was sparsely populated and had a limited water supply.<sup>32</sup> The questionnaire could be considered one of the more significant results of the first session. Philip Noel-Baker of the League's Secretariat was of the view, after reading the minutes, that the session was a success and that the PMC had 'consistently tried to run faster than the Secretariat suggested that it should.'<sup>33</sup> They had deferred considering the question of indigenous labour conditions until such a time as the Director of the ILO

29. Other League bodies such as the EFO, ILO, and the Health Organisation also used questionnaires to gather information. Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, 36; Iris Borowy, *Coming to Terms with World Health: The League of Nations Health Organisation 1921-1946* (Frankfurt am Main: Peter Lang, 2009), 252,285; Antony Alcock, *History of the International Labour Organisation* (London and Basingstoke: Palgrave MacMillan, 1971), 51.

30. Edward C. Jenkins, 'Economic Equality and the Mandates Commission', *Journal of Political Economy* 37, no. 5 (1929): 607.

31. Gorman, 'Liberal Internationalism, the League of Nations Union, and the Mandates System', 469.

32. Permanent Mandates Commission, *Minutes of the First Session, Sixth Meeting 7/10/1921*, 30.

33. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931*, 69.

could be present. When the ILO gave its opinion in relation to Native Labour conditions, it concluded that the questionnaire could base itself on Article 421 of the peace treaty. This article referred to colonies and protectorates and imposed on members of the ILO the obligation to apply labour conventions to their colonies and protectorates.<sup>34</sup> There appears from the minutes to have been no discussion around the fact that Mandates were neither colonies nor protectorates. The League's Health Organisation assisted the Commission in drafting the parts of its questionnaire on public health, and Swedish female PMC member, Anna Bugge-Wicksell, pushed for more prominence of education.<sup>35</sup> The Health Organisation was more interested in health structures been put in place in the mandates rather than statistics in relations to diseases. The rationale for this was 'that the public health conditions in the mandated territories will depend above all on the development of public health organisation.'<sup>36</sup> To this end the questions were kept to a general nature of in relation to public health. Other sections such as land tenure also contained a very general set of questions.

When it was suggested that they should insert a question relating to the general principles on which the mandates was administered, Rappard pointed out that this information would already be contained in the reports and the PMC ran the risk of antagonising the Administrators by inserting this question. The majority of the commission believed that the questionnaire should be 'sufficiently homogeneous to give as few loopholes as possible for criticism.'<sup>37</sup> The PMC submitted the questionnaires to the Council for approval as part of its first report. The Commission was aware that the questionnaire was 'open to criticism' but it also reserved 'the right to complete and improve [it] according to experience acquired in studying the reports.'<sup>38</sup> In 1926, the PMC would attempt to expand the scope of the questionnaire, which would face successful resistance from the mandatories, which shall be discussed in the next chapter.

Rappard felt the duties of the mandates section were two-fold. One was to act as a permanent Secretariat to the Commission, and the other was to act on behalf of the Assembly and Council on all matters relating to mandates. They helped to keep the PMC members up to date with current events by forwarding them ten monthly dossiers, that contained paper and magazine clippings, extracts from parliamentary papers together

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34. Permanent Mandates Commission, *Minutes of the First Session*, Sixth Meeting 07/10/1921, 28-30.

35. Wright, *Mandates Under the League of Nations*, 127; Barrington, 'The Permanent Mandates Commission and educational policy in trust territories', 89; Pedersen, 'Metaphors of the Schoolroom: Women working the mandates system of the League of Nations', 193.

36. NAA, A518, C849/1/2, Nauru - Annual Report to League of Nations for 1921, Letter - President of the Health Committee to President of PMC, 16/08/1922; At a meeting with the head of the Health Commission it was decided that Health Commission would amend a PMC resolution in such a way that it might give full satisfaction to the trained hygienists and statisticians. LNA, Box R61 1/22290/22290, Résolutions suggérées par l'examen des rapports concernant les territoires sous mandat, au sujet de maladies tropicales, Letter - Rappard to President of the Health Committee, 12/08/1922.

37. The 1921 questionnaire had fifty questions relating C mandates. These were spread across the following categories; labour conditions (11); slavery (7); liquor control (5); military service (4); education (4); land tenure (4); public health (3); arms control (2); economic equality (2); demography (1); moral welfare (1); and public finance (1). Permanent Mandates Commission, *Minutes of the First Session*, Sixth Meeting 7/10/1921, 29-30; Orts thought it necessary to draw up a questionnaire that would be above criticism. Permanent Mandates Commission, *Minutes of the First Session*, Sixth Meeting 7/10/1921, 32.

38. TNA, CAB 24/129/26, War Cabinet and Cabinet: Memoranda (CP War Series): League of Nations Mandates. Report submitted to the Council of the League of Nations on October 10th, 1921, on behalf of the Permanent Mandates Commission by its Chairman, M. Theodoli. Report submitted to the Council of the League of Nations on October 10th, 1921, on behalf of the Permanent Mandates Commission by its Chairman, M. Theodoli, 4-5.

with other sources of information in relation to the mandates.<sup>39</sup> To assist in this latter task, Rappard sought advice from Harris and the ASAPS. He asked them for a list of newspapers that could be subscribed to that would best express the opinions of the indigenous populations in the mandated territories.<sup>40</sup> In at least one case, a member of the PMC, also sought out Harris for his recommendations. Anna Bugge-Wicksell wrote to him after the first session to ask for the 'addresses of "reliable and liberal-minded" persons in the mandates to whom she could turn for independent information'.<sup>41</sup>

One of the most fraught proposals to finalise was in relation to petitions about mandates. There was no provision to the right to petition in relation to the mandates in either of the Covenant or the mandate texts.<sup>42</sup> Almost from the start of its existence and, if anything, continuing the trend for petitioning the powers that existed at Versailles, the League began to receive petitions about the mandates. Winston Churchill, the British Colonial Secretary in 1921—22, was of the view that it was 'obviously unsuitable that petitions of this nature . . . , should be circulated in this way.' He was not against the idea of petitions, but the lack of legal framework in which the League could deal with them.<sup>43</sup> There was also concern about petitions in the Dominions. Sir James Allen, NZ High Commissioner in London and representative to the PMC, was fearful that the mandates system may lead to trouble 'if the native population or contract labour come to believe that they have a right to appeal to the Permanent Mandates Commission.'<sup>44</sup>

On top of petitions coming from persons in the mandated territories there was also ones emanating from independent interested bodies. In the first year of the League letters or petitions from these bodies were generally circulated among the delegations, but the mandatory Governments objected to this. In April 1922, Rappard had to inform Harris that the previous Letter from ASAPS to the League was not circulated to members. This was due to 'certain recent incidents — Governments objecting to the distribution through the Secretariat of documents emanating from private sources — have obliged the Secretary-General to be very cautious. He therefore could not see his way to distribute your society's letter to the members of the League.'<sup>45</sup> Highlighting the interest in the public mind that the mandates had taken and the political space that Geneva had created for interested parties, Rappard informed the Commission, at the start of its second session, that during the year the mandates section had received 613 memoranda, appeals, letters and telegrams on only Syria and Palestine.<sup>46</sup>

39. Permanent Mandates Commission, *Minutes of the Second Session*, First Meeting 1/08/1922, 7.

40. *MSS.Brit.EMP S.22 G402*, Papers of the Anti-Slavery Society: German mandated territories, mandates, Bodleian Library, University of Oxford, Letter - Rappard to Harris, 30/06/1921.

41. Pedersen, 'Metaphors of the Schoolroom: Women working the mandates system of the League of Nations', 193; This request can be explained by Bugge-Wicksell self perceived lack of knowledge. She was to write to Rappard that she sent a 'paper to [him] because I am always feeling so uncertain, so handicapped by my lack of knowledge, that I need backing up by somebody telling me that what I have written is not mere stupidity and ignorance.' LNA, S284 1(1), Letters Mme Bugge-Wicksell, Letter - Bugge-Wicksell to Rappard, 11/02/1923.

42. The LNU International Policy Committee had hoped the mandate agreements would contain an article 'where the representation of aggrieved parties in connection with the execution of the mandate [would] be forwarded to and considered' by the PMC LNU/5/44, LNU IPC meeting, 28/06/1920.

43. Momirov, 'The Individual Right to Petition in Internationalized Territories. From Progressive Thought to an Abandoned Practice', 217-18.

44. ANZ, ACGA 8280 IT1/251 EX 25/1/10 1, Letter - Allen to Massey, 11/08/1922.

45. *MSS.Brit.EMP S.22 G402*, Letter - Rappard to Harris 19/4/1922.

46. Permanent Mandates Commission, *Minutes of the Second Session*, First Meeting 1/08/1922, 7.

After reviewing the work of the first session of the PMC, the Assembly passed a resolution where they hoped that:

1. All petitions emanating from inhabitants of the mandated areas will be sent to the Permanent Mandates Commission through the intermediary of the local administration and of the mandatory Power;
2. No petition concerning the welfare of the inhabitants of mandated areas emanating from other sources will be considered by the Permanent Mandates Commission before the mandatory Power has had full opportunity of expressing its views.<sup>47</sup>

This resolution could be taken as the Assembly attempt to influence what procedures would be put in place, although the final arbitrator of any proposal would be the council. Dantès Bellegarde, the Haitian Assembly member, was of the view that the ability to petition was 'the most effective guarantee which we can supply to the populations under the mandates system'. The weakness he found in the system proposed was it forced residents of the mandates to 'communicate their grievances to the very persons of whom they complain.'<sup>48</sup> The mandatory powers in the Assembly opposed a petitioning system. They felt to allow petitions before the PMC would create 'a tribunal controlling the administration of the area'.<sup>49</sup>

A couple of suggestions to alleviate the problem of not being able to discuss petitions with the petitioners were that the PMC request the Council to give it special authority to hear any particular petitioner when it considers it desirable or that the Mandatory appoint the petitioners as one of its own representatives. The rationale was that 'if the Government has nothing to hide or to fear it should welcome such an opportunity for publicly discrediting its critics.'<sup>50</sup> On the PMC, Freire D'Andrade of Portugal thought appeals or protests should be settled by the laws of the territory in question. If they could submit appeals to the PMC they would get a considerable number. He displayed an accurate foresight as the commission was to indeed receive numerous petitions over the course of its life.

The British Government had drafted a memorandum on procedures in relation to petitions from inhabitants of the Mandates. It was the British representative on the PMC, William Ormsby-Gore, with the assistance of the League of Nations Union and the Colonial Office that wrote up rules for petitioning. He approached the task with the view that like in the British Empire where inhabitant had right to appeal to parliament the same should apply to Mandate, although his draft rules were quite restrictive though.<sup>51</sup> Petitions from residents of the mandates had to go to the mandatory power first and if the PMC received any they returned them. Petitions from outside interested bodies went to PMC who decided if they would be discussed. It has been noted that petitions had the potential to develop into a further supervisory role for the PMC and was the most direct

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47. ANZ, *ACGA 8280 IT1/375 EX 67/12/34*, Petitions to League of Nations - General, Resolution adopted by the Assembly, 20/09/1922; Permanent Mandates Commission, *Minutes of the Third Session*, First meeting, 20/07/1923, 9.

48. Chowdhuri, *International Mandates and Trusteeship Systems: A Comparative Study*, 206.

49. Quoted as from the Third Assembly meeting of 20/09/1922 Stahn, *The law and practice of international territorial administration: Versailles to Iraq and beyond*, 85.

50. H. R. G. Greaves, *The League Committees and World Order* (London: Oxford University Press, 1931), 194-5.

51. Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations', 234.

form of contact they had with the inhabitants of the mandates.<sup>52</sup> The British wished for the PMC to discuss the document and make recommendations to the Council. Some on the PMC believed it was outside their remit to discuss the document as it was for the Council. Ormsby-Gore said the cover letter stated that the PMC may wish to discuss the Memorandum. The view was taken that they would have to seek Council approval before discussing the memorandum. Ormsby-Gore was willing to take the responsibility of requesting that the Commission would be able to discuss it and would telegraph Mr. Tufton who was an assistant to the British delegation.<sup>53</sup> He informed Tufton that the PMC had 'scruples about considering document addressed [to] Council without express invitation.' Tufton would later inform Rappard that the President of the Council did 'not intend to ask the Permanent Mandates Commission to advise on the question at all.'<sup>54</sup> The commission adopted a practice of publishing petitions in their minutes. This satisfied many of the petitioners sufficiently. According to Anique Van Ginneken, this was due to the 'fact that individuals could make a direct appeal to an international organization and receive the full and public attention of the commission ...'.<sup>55</sup>

Over the course of its session in early 1923 the Council of the League approved the PMC procedures for dealing with petitions. These procedures were largely based on the previous British proposals and the procedures for minorities and the Saar.<sup>56</sup> The right to petition was strongly resisted by the French. In the words of Pedersen it 'was only British pressure, the Secretariat's quiet diplomacy and the League Assembly's outrage over revelations that South Africa had interpreted the "sacred trust" as license to bomb rebellious tribesmen in their South West African mandate' that forced its acceptance.<sup>57</sup> The League petitioning system adopted was an attempt to balance the right to petition with the right of mandatory powers not to have to deal with seditious or trivial petitions. The system as set up operated on 'consultation and co-operation rather than on close surveillance or sharp criticism'.<sup>58</sup> This can be observed in the need to send petitions through the mandatory powers, the six-month time frame given to them to respond, and the fact the petition was discussed with their representative before the PMC. This generous six-month window to reply together with the fact that the PMC in its early days only met annually also created an issue. As George Ntamark notes, a flaw with the petitioning procedures was 'the passage of time', with the possibility of a year passing before a petition might be heard.<sup>59</sup>

52. Hibbeln, 'Supervising Imperialism: Petitions to the League of Nations Permanent Mandates Commission, 1920-1939', 21-2; Grimal, *Decolonization: the British, French, Dutch and Belgian Empires, 1919-1963*, 16.

53. Permanent Mandates Commission, *Minutes of the Second Session*, Second Meeting 01/08/1922, 15.

54. LNA, Box R60 1/22099/22099, Submission to the League of Nations of petitions from inhabitants of Mandated Territories, Telegram - Ormsby-Gore to Tufton, n. d., Letter - Tufton to Rappard, 10/08/1922.

55. Ginneken, *Historical Dictionary of the League of Nations*, 22; The petition system was 'the first time in colonial history, the administrators are made to answer challenges from those whom they administer, before an independent Commission.' Ralph Wilde, *International Territorial Administration* (Oxford: Oxford University Press, 2008), 366.

56. Permanent Mandates Commission, *Minutes of the Third Session*, First meeting, 20/07/1923, 9.

57. Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations', 235.

58. According to Zara Steiner 'the detailed examination of annual reports and local petitions ... were sympathetic but critical, [and] had a positive effect on the mandatory representatives.' Steiner, *The Lights that failed: European International History, 1919-1933*, 360.

59. George B Y Ntamark, 'Interests versus obligations: the mandates system of the League of Nations and the Cameroon mandates 1919-1946' (PhD, Keele University, 2002), 192.

Antonio Salandra, the Italian Representative to the Council, believed 'that petitions may be very valuable assistance to the Mandates Commission when investigating' the mandate annual reports.<sup>60</sup> In this regard the Petitioning system meant the PMC received information from the Mandates that it may not receive from other channels. As discussed above the mandates section attempted to prepare dossiers of information, and petitions added another angle to this.<sup>61</sup>

The procedures were open to interpretation in the mandated territories. In SWA, the Administration did not see why it would have to prepare a response to a petition from A. A. S le Fleur, a leader of the racially and culturally mixed Griqua people, due to him not being an inhabitant of the territory, instead residing in South Africa. Pretoria sought its own guidance on the matter. In the memorandum that was prepared, it was determined that the SWA administration was wrong in its interpretation, and their view could not 'have been the intention of the Rules of Procedure, which provide that in each case comments should be attached to such petitions.'<sup>62</sup>

Rappard believed that the PMC which was 'an apparently insignificant addition to the original plan may well prove to be its boldest innovation.'<sup>63</sup> The Commission would go on to become, as Susan Pedersen says, 'a more independent body than anyone could have predicted.' This independence had its foundation in the fact that PMC 'members served without term; that it derived its authority from written texts; and that its deliberations were published and publicized.'<sup>64</sup>

## 4.2 Administrations, Labour, and Education: The C Mandates and the social progress of their inhabitants

The base concept on which the mandate system was established was that of 'trusteeship'. Article 22 of the Covenant stated that it formed 'a sacred trust of civilisation'. It was not a new concept though. In 1783, Edmund Burke spoke of the idea of trust in relation to British Rule in India. It was also embedded into the General Act of the Berlin Conference of 1884—85, under which the colonial powers in Africa were bound to 'watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being.'<sup>65</sup> I intend in this section to consider social progress under a number of headings that cropped up in the extensive work I did in the archives

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60. ANZ, ACGA 8280 IT1/375 EX 67/12/34, Report on Procedures in respect of Petitions by Antonio Salandra.

61. While useful for gathering information, Matz states that the petition system 'hardly functioned as an effective procedure to achieve a change of policy of the Mandatory' Nele Matz, 'Civilization and the Mandate System under the League of Nations as Origin of Trusteeship', *Max Planck Yearbook of United Nations Law* 9, no. 1 (2005): 74; Elizabeth F. Thompson (University of Virginia) was 'struck that much of the work of the PMC involved rationalizing how to dismiss petitions and critics.' Maddux and Labrosse, 'Roundtable Review: Susan Pedersen. The Guardians: The League of Nations and the Crisis of Empire.'

62. NASA, BTS 2/1/160 LN27/5, AAS Le Fleur:- Petition concerning the Bondelzwart Report and Other, Memo - Unsigned, 11/08/1923; For more on A. A. S le Fleur see Tilman Dederig, 'We are only humble people and poor': A.A.S. le Fleur and the power of petitions', *South African Historical Journal* 62, no. 1 (2010): 121–142.

63. Rappard, 'The Practical Workings of the Mandates System.'

64. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 62-3; French delegate Gabriel Hanotaux at a council meeting asserted that the PMC had exhibited a tendency to go beyond its powers. LNA, S284 1(14), Letters: Lord Lugard, Letter - Lugard to Rappard, 19/04/1924.

65. Wilde, *International Territorial Administration*, 319-20; For more on the international law background of the sacred trust, see Brian Deiwert, 'A New Trusteeship for World Peace and Security: Can an old League of Nations idea be applied to a Twenty-First Century Iraq?', *Indiana International & Comparative Law Review* 14, no. 3 (2015): 773-5.

for this three-year period 1921—23, namely citizenship issues, German and indigenous property rights, native reserves (especially in SWA), alcohol control, labour issues and questions to do with money and with religious missions. All in all, this will show how effective or not the Mandates were as part of an international oversight system. Firstly I will review the administration structures put in place in the mandates and what level of representation, if any, was given to the local populations. This shall be followed by an examination of the system of indigenous reverses that the South Africans put in place in SWA. The issue of the possible conflict between economic exploitation and the spirit of the mandates forms the next part of the section. Finally this section will conclude with a discussion on systems of education and indentured labour.

Yanagita Kunio, the Japanese member on the PMC, believed that the 'principle of protection of native culture', was most important in the C mandates.<sup>66</sup> The PMC even discussed the principle of disinterestedness in tandem with the idea of trust. However, it is important in discussing this topic to view it through the prism of the time. As Patricia O'Brien writes 'racial ideas ensured that upward social mobility for non-Europeans was as rare as their economic progress.'<sup>67</sup> What this section will discuss is the notion of the sacred trust and disinterestedness. I shall do this by discussing administrations put in place and indigenous representation, if any, in it. Other areas that shall be discussed are the concerns about the liquor trade, the idea that education could uplift the indigenous populations, and the health of said populations. Separately labour issues, especially the presence of indentured labour, was much discussed by the PMC, whether it was concern over the conditions of indigenous workers, or the impact on local populations due to imported workers.

When it came to administering their mandates, the southern Dominions reverted to the system adopted across the British Empire that of indirect rule. While this 'version of ruling through indigenous intermediaries, [was] practiced in one form or another in empires past and present', the British adopted it mainly as it kept expenses down.<sup>68</sup> As we shall see though, while a certain level of authority was given to the indigenous populations the real power, by and large, rested with the local administrator. These local administrators were controlled by their respective Dominion governments 'directly through appointments and legislation, and indirectly through instructions to the administrator and reservation of legislation made by him alone or with a subordinate legislative body.'<sup>69</sup> With the introduction of Lugard to the PMC, that body also began to accept that the policy of indirect rule was suitable for the mandates. Lugard had adopted

66. Thomas W. Burkman, 'Yanagita Kunio, Nitobe Inazo and the League of Nations', chap. 2 in *Yanagita Kunio and Japanese Folklore Studies in the 21st Century*, ed. Ronald A. Morse (Kawaguchi: Japanime Co. Ltd., 2012), 44.

67. O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson*, 57.

68. Local 'Chiefs were expected to collect taxes, organize labor to build roads, and sometimes round up workers for railway construction or white settlers.' Jane Burbank and Frederick Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton: Princeton University Press, 2010), 316-7; For other examples and definitions of indirect rule, see Kathryn Tidrick, *Empire and the English Character: The illusion of Authority* (London & New York: Tauris Parke Paperbacks, 2009), 194-221; M. D. Olson, 'Indirect rule' and the rule of law in Samoa', *Journal of Historical Geography* 28, no. 3 (2002): 381-2; Matthew K. Lange, 'British Colonial legacies and Political Development', *World Development* 32, no. 6 (2004): 906-7; Especially Lugard's style of indirect rule, see Ben Silverstein, 'Indirect Rule in Australia: A Case Study in Settler Colonial Difference', chap. 6 in *Studies in Settler Colonialism: Politics, Identity and Culture*, ed. Fiona Bateman and Lionel Pilkington (Houndmills: Palgrave MacMillan, 2011), 92-6.

69. Ilsley, 'The Administration of Mandates by the British Dominions', 290.



indirect rule when Governor of Nigeria. Betraying the racial hierarchy that O'Brien notes above, Lugard, while promoting some local autonomy, noted the system still required 'the ceaseless vigilance of the British staff to maintain a high standard of administrative integrity, and to prevent oppression of the peasantry.'<sup>70</sup> If eventual self-government was the aim of the mandates system, although recognised in the C class as sometimes a very far-off one, then the system of indirect rule ensures that the path is slow one. As one proponent, anthropologist Bronislaw Malinowski, of indirect rule said, 'all social development is very slow, and ... it is infinitely preferable to achieve it by a slow and gradual change coming from within'.<sup>71</sup> As Susan Pedersen notes the PMC, and in my view not unlike Lugard himself, 'deployed a language of trusteeship and indirect rule to surmount the challenge posed by wartime nationalists, rebuild great-power comity, and re-establish the legitimacy of imperial rule.'<sup>72</sup>

The advisory council, with appointed official and non-official members, appears in some form in all the southern Dominion mandates. In SWA, G. R. Hofmeyr, the Administrator had the power to choose the six members of the Advisory Council. The members of the council were to be representative of the 'farming, commercial, mining, wage-earning, and native interests.'<sup>73</sup> It is no surprise the South Africa adopted a system of indirect rule. Smuts was of the view that in South Africa that the most efficient was to govern was by 'creating parallel institutions — giving the natives their own separate institutions on parallel lines with institutions for whites.'<sup>74</sup> Considering they wished to incorporate SWA into the Union, it is feasible to think they would adopt similar policies there as well. Indeed, Christiaan Keulder believes that even today the institution of traditional leadership in Namibia is 'firmly rooted in colonial policies of indirect rule'.<sup>75</sup> The South Africans imposed their own unique system of administration. As previously discussed the country was divided into two zones, north and south (the police zone). In the north they established a system of indirect rule and land was kept in the hands of the traditional authorities. However, in the south they employed 'policies of direct control and expropriated the land of the indigenous population to build commercial farms for their settlers.'<sup>76</sup>

It was noted by the PMC that in certain mandates, such as Nauru, that the question of the representation of the 'native' did not arise. The indigenous population in Nauru had a

70. Lugard explains his system of indirect rule on pp 200-04 Lugard, *The Dual Mandate in British Tropical Africa*, 198; Lugard had only implemented direct rule in the north of the colony Johnson, *British Imperialism*, 193.

71. Porter, *The Lion's Share: A Short History of British Imperialism 1850-2004*, 280.

72. She describes this as the 'Lugardian' Period. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 293; She also notes that 'Article 22 of the League Covenant had been drafted with British practices in mind anyway'. Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations', 245.

73. LNA, *Box R10 1/22654/1347*, South African Mandate for the late German Possessions in South West Africa, Report of the Administrator of South-West Africa for the year 1921, 3; The South African Cabinet, decided in late 1921 that a legislative council should be established to replace the advisory at an early date. TNA, *CAB 24/157/15*, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): British Empire Report No. 55, Folio 75.

74. Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination*, 48.

75. Local leaders 'became local-level lawmakers, tax collectors, Police commissioners and judges. Customary law became a mechanism for upholding the colonial order: perhaps even to the extent that the colonial order became the "customary".' Christiaan Keulder, 'Traditional leaders', chap. 5 in *State, Society and Democracy*, ed. Christiaan Keulder (Windhoek: Macmillan Education Namibia (Pty) Ltd, 2000), 150.

76. Daniela Behr, Roos Haer and Daniela Kromrey, 'What is a Chief without Land? Impact of Land Reforms on Power Structures in Namibia', *Regional and Federal Studies* 25, no. 5 (2015): 459.

restricted from of self-government where the village Chiefs were allowed to make general arrangements for the welfare of the villages. For administrative purposes the island was divided up into fourteen districts of which each was headed by a chief. Lugard pointed out that there were only 1,000 Nauruans and taxes levied on them were numerous and at a high rate. Indentured workers did not have to pay high taxes.<sup>77</sup> It should be noted that while outside the time-frame of this thesis, an Advisory Council was established in 1927, which consisted of the Head Chief and Deputy Head Chief, and the Chiefs of each of the fourteen districts. This Council advised the Administration in relation to indigenous matters.<sup>78</sup>

The civil government of Samoa was codified in the Samoa Act of 1921. This was, with some minor amendments, the same as the Constitution order of 1920 and would remain the basic law of the island until independence in 1962.<sup>79</sup> Samoa had a Legislative Council in place to advise the Administrator on governance matters (see figure 20). The discussions at the PMC though show the limitations of the Council. The Legislative Council was appointed by the Governor-General. British subjects, Samoans or those born in Samoa could be appointed. Ordinances still needed the approval of the Administrator and the Governor-General could repeal any Ordinance within one year after the Administrator's approval. In an undated and unsigned 1921 memo, it was proposed that the franchise for the Legislative Council be made up of those that were classed as European. There was a fear though that a large part of the electorate would be made up of men 'who can just satisfy the court that he lives as a European and not as a Samoan, and has some European blood in him.'<sup>80</sup> The same report suggested asking the CO what was common practice in other similar British territories. They wanted to devise some way to restrict the franchise as in the words of the official 'to give the vote to the whole of the Samoans at the present time would, I think, be an absurdity.' It is noteworthy that the PMC did not see any need to question any further the lack of a democratic franchise in the system. Allen said that the deficit in the public finances was due to lack of labour on the island and pre-war conditions were not yet restored. The Samoan Trader, O. F. Nelson, believed both of the above issues had a possible local solution. Writing to William Massey, he advocated an oversight role on public expenditure to a board of citizens and the need for representation for 'natives, traders and planters' on the Legislative Council.<sup>81</sup> At first all members of the Council were appointed by the administrator, until an 1923 amendment to the Samoa Act permitted elections of three members. Even after this change in policy, six members continued to be appointed by the administration.

Another important aspect of the Samoan administration was the Fono of Faipules. This was an indigenous advisory council, that was originally established by the Germans

77. Permanent Mandates Commission, *Minutes of the Third Session*, Ninth meeting, 25/07/1923, 55.

78. International Court of Justice, *Certain Phosphate lands in Nauru: Counter-Memorial of the Government of Australia*, 1993, 17.

79. Davidson, *Samoa Mo Samoa: The Emergence of the Independent State of Western Samoa*, 101.

80. It further noted that these men were 'little removed from the Samoan'. ANZ, IT1 1 EX 1/8, Legislative Council of Western Samoa, Memo — Legislative Council, nd but probably late 1920 early 1921; O'Brien assumes that the memo is written by the Administrator Robert Tate. O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson*, 76 & 324; For more on racial classification in Samoa, see Weir, 'White Man's Burden', 'White Man's Privilege': Christian humanism and racial determinism in Oceania, 1890-1930', 320-21.

81. O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson*, 48; Nelson was to state that the council did not give it's members much power, but it was 'a liberal start and [they] should make the best of it, looking to the future for further advancement'. ANZ, ACGA 8280 IT1/445 EX 79/80, Welfare League of Western Samoa, Speech made by O. F. Nelson, Apia, 19/11/1923.



Figure 20: Members of the first Legislative Council of Western Samoa, ca. 1921

and retained by New Zealand. It was retained on the basis that Samoans would probably be always outvoted by the 'European' members if they had a seat on the legislative council. As a way to meet Samoan aspirations towards self-government, Robert Tate treated the Fono as 'a proto-parliament'.<sup>82</sup> It was the top-level of a system that included a Pulenuu (Town Ruler), Faamasino (Native Judge), Komisi (Member of Lands and Titles Commission), and Pulefaatoaga (Inspector of plantations). All of these indigenous officials were appointed by the administration and where possible appointments were made 'by the promotion of those who have served in the lower ranks, so that after a man has been elected by his people to become a Pulenuu, he may look forward to being appointed to higher ranks, if the value of his service merits.'<sup>83</sup> Two chiefs also acted as advisors to the Administrator when it came to indigenous matters. Discussing the 1921 report in the New Zealand Parliament, Ernest Lee, Minister of External Affairs, stated that 'the first and the main duty of this Government is the well-being of the Samoans, and every other consideration must give way where the well-being of these people is concerned.'<sup>84</sup>

Australia did not set up any local government infrastructure in New Guinea. The Administrator ruled by issuing laws in the name of the mandatory power. Australia did

82. His replacement General Richardson continued the policy. Campbell, 'Resistance and colonial government', 50; Proto is appropriate as the Fono 'had no legal provision, nor had its powers been defined as it had not even rated a mention in the Constitution Order.' O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson*.

83. ANZ, ACGA 8280 IT1/25 EX 1/12 1, Extract from Speech of the Governor at Fono of Faipules, 02/02/1921.

84. New Zealand, *Parliamentary Debates*, 1854–1987, 4th Session, 20th Parliament, 09 October 1922, <https://babel.hathitrust.org/cgi/mh?a=listis&c=71329709>.

go out of its way to telegram the League in May 1921 that civil administration under the mandate had commenced in New Guinea. While Rappard admitted he was 'somewhat at a loss to understand the significance' of the telegram, he also felt 'it was obvious that the deference shown the League of Nations by this official announcement ... should be warmly welcomed.'<sup>85</sup>

While the Australians may not have been extending any form of local government there was concern about the decline of the indigenous population in New Guinea. Edmund Piesse in the Prime Minister's Department wrote that 'the decline of the native population must be faced in [a] more effective fashion than at present.' The Health services could be improved by regular medical patrols, but according to Piesse, this was not the root cause of the decline. It was due to 'the effect on the native mind of the impact of white civilisation'.<sup>86</sup> He did not think the local Administration was up to the task of reversing the trend and suggested a dual approach as a solution. First a handbook for the indigenous population should be drafted and an ethnologist of the highest obtainable qualification be appointed. At the 1923 Pan-Pacific Science Congress, the Director-General, J. H. L. Cumpston, of the Australian Department of Health, referenced this decline when requesting 'greater cooperation between island health authorities in the prevention of epidemics and the improvement of Indigenous health.'<sup>87</sup> The alternative according to Cumpston would be that the indigenous populations would die out and be replaced by Asiatics. Privately the Australians had concerns about the state of the medical services in New Guinea. In a report to the Commonwealth Government the link was made between a robust medical service and promotion of the inhabitants under the Mandate. The report found though that 'the necessity of adequate medical attention to the native is very pressing ... [and] tropical diseases of a serious type are distressingly common.'<sup>88</sup> Displaying the paternal bias of the Australians the report went on later to state that with a working medical service 'every cure [will be] a walking advertisement of the paternal care of the Administration.'

Speaking in the Australian Parliament, Stanley Bruce, the Prime Minister, summed up the Commonwealth's position thus: 'Australia is a mandated power administering New Guinea, and as such is responsible, not merely to the people of this Commonwealth, but also to the League of Nations, and to the nations of the world. By our administration of this mandated Territory we shall be judged by the world.'<sup>89</sup> Australia wanted to present a picture of an efficient administration to the League. To this end, they appointed, in April 1921, Edmund Piesse to 'be responsible for seeing that our obligations under the League of Nations ... are met'.<sup>90</sup> He proposed expenditure on health, for education for New Guineans, specialised training for officers of the New Guinea Administration. Piesse's

85. LNA, *Box R33 1/12690/9599*, Australian Mandate for New Guinea, Minute - 18/05/1921.

86. NAA, *A1, 1923/18418*, Natives - Decline of Native Population - New Guinea, Memo - Prime Ministers Dept by EL Piesse, 11/04/1923.

87. Alexander Cameron-Smith, 'Australian Imperialism and International Health in the Pacific Islands', *Australian Historical Studies* 41, no. 1 (2010): 60.

88. NAA, *A1, 1923/19026*, Mr. East's Report on the Administration of New Guinea, Page 1 of report on the Medical Service.

89. Commonwealth of Australia, *House of Representatives Debates, 1901-1980*, 9th Parliament, 2nd Session, 11 July 1923, <https://historichansard.net>.

90. Thompson, 'Making a Mandate: The Formation of Australia's New Guinea Policies 1919-1925', 70.

idea that land should be in the locals hands was rejected as they could have an income from renting and thereby not need to work for the plantations.<sup>91</sup>

I shall turn now to a case study of the Reserve system put in place in SWA, as I believe it gives a strong example of how a system of indirect rule was established in a C mandate but also how the mandatory powers separated lands in their mandates. The Administration had set up temporary reserves during the occupation period, and a Native Reserve Commission was to investigate the best way to implement a permanent system of reserves (see figure 21 ). The rationale behind the system was that it would secure the 'contentment and welfare of the natives ... [and] establish certainty to the whites as to [the] permanent place of abode of the natives', as well as to 'prevent vagrancy and idleness.'<sup>92</sup> This Native Reserves Commission was established in June 1920, and was instructed by the Native Affairs Department that, 'where possible large areas should be provided away from European inhabited parts as this gives better opportunities for healthy family life, future control and automatically complies with Segregation Policy, so much advocated in parts of the Union.'<sup>93</sup> In querying the indigenous reserves the PMC were informed that these were lands set aside for the occupation by particular tribes. The local chiefs and their headmen carried out most local administration with restriction on killing of their own subjects and interference with other tribes. It was further noted that the pass system did not apply in the reserves.<sup>94</sup> A pass system did operate in the mandate though and was restricted to indigenous men. Farmers complained that the 'Natives' had too much freedom during the period of transition from German to South African administration.<sup>95</sup> Special native affairs officers were appointed and a less severe pass system was introduced to replace the German one.<sup>96</sup> Lugard did not understand the need for a pass system if they were not compelled to wait on the reserves but it was put to him that it was 'intended to prevent vagrancy.'<sup>97</sup> This system of indigenous administration is described by Reinhart Kössler as, being 'mediated at the lowest level by "native" state functionaries ... [who] in turn, [were] strictly subordinate to the lowest echelon of white officialdom.'<sup>98</sup>

It seems the reserves were under resourced as there were only three officials residing in the reserves that had a population of about 100,000. Another class of reserve was under direct control of the administration, where the local chiefs had no powers. The power to redistribute land in these reserves rested with the Union Parliament rather than with the Administrator of SWA. The Administration did have the power to buy lands when needed. One such case was the tribal lands of the Berseba tribe who retained its lands after signing

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91. Thompson, 'Making a Mandate: The Formation of Australia's New Guinea Policies 1919-1925', 71.

92. LNA, *Box R10 1/22654/1347*, Report of the Administrator of South-West Africa for the year 1921, 13.

93. Reinhart Kössler, 'From Reserve to Homeland: Local Identities and South African Policy in Southern Namibia', *Journal of Southern African Studies* 26, no. 3 (2000): 448.

94. Permanent Mandates Commission, *Minutes of the Third Session*, Seventeenth meeting, 31/07/1923, 103-4.

95. According to Pedersen 'White farmers, desperate for labour, were soon clamouring for a return to "German" methods.' Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 117.

96. Permanent Mandates Commission, *Minutes of the Third Session*, Seventeenth meeting, 31/07/1923, 108.

97. *Ibid.*, Seventeenth meeting, 31/07/1923, 105.

98. Kössler, 'From Reserve to Homeland: Local Identities and South African Policy in Southern Namibia', 451; Since the South Africans believed SWA to be 'white man's country', the government should be controlled by whites. Daniel Joseph Walther, *Creating Germans Abroad: Cultural Policies and National Identity in Namibia* (Athens: Ohio University Press, 2002), 154; The early mandate administration could be described as the disappearance of 'the tentative liberalism of the military administration ... and settler interests once more reigned supreme.' Emmett, 'The Rise of African Nationalism in South West Africa/Namibia, 1915-1966', 152.

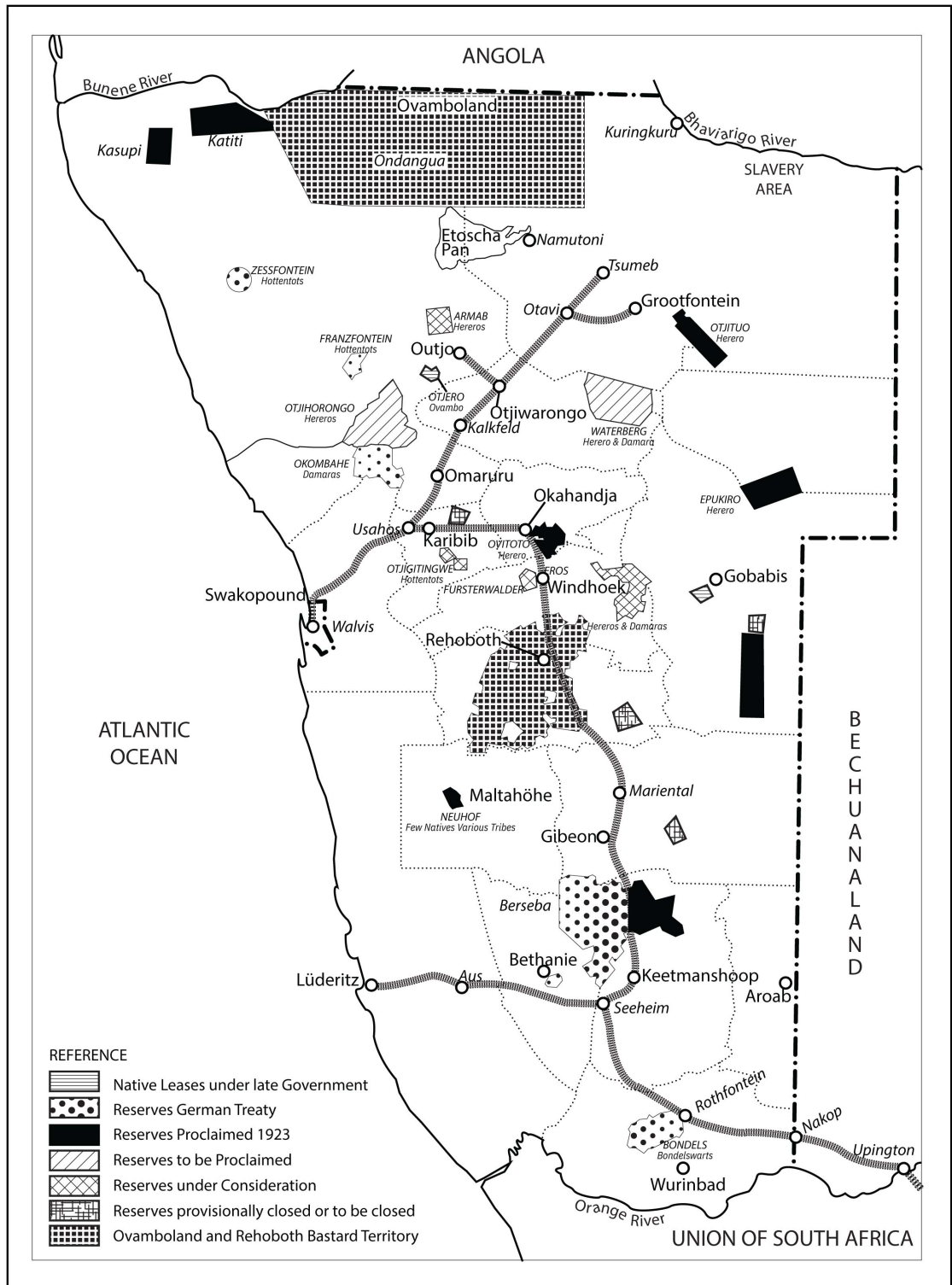


Figure 21: Map of SWA Native Reserves, ca. 1924

a treaty of protection and friendship with the Germans in 1885. By 1921, the Berseba owed large debts to European traders and approached the administration with the offer to sell some of their land to them, under the aforementioned treaty. The Administration purchased 206,557 hectares for £13,000. Its intention was to use this land as 'a reserve for certain other Hottentots who are at present unprovided for.'<sup>99</sup> The policy in SWA where

<sup>99</sup> NASA, GG 1554 50/974, Natives: Land, Acquisition by SWA Administration of certain land belonging to the Bersheba tribe of hottentots. Minute No: 2334, 07/10/1921.

possible was one of segregation of the races. This was done in the interest of the natives according to Walton. They had to be brought gradually under the influence of civilisation.<sup>100</sup> The Chair of the Committee enquired how this could be 'reconciled with the spirit of the mandate and the civilising mission with which the Mandatory was entrusted.'<sup>101</sup> Herbst said though that the policy of segregation had not yet been applied to the mandate, and the reserves were just homelands for the indigenous population. The system of reserves can be seen as a part of a policy of segregation though, as the pass system curtailed travel and the law against private ownership of land restricted the place one could reside.<sup>102</sup> The proposals of the Reserves commission and old German and newer SWA laws in relation to passes and labour contracts were used to more strictly control the indigenous Namibian population. While I shall be discussing labour issues later, it is worth noting at this point that the native reserves formed part of what Pedersen called 'an infamous troika of institutions [of] passes, compounds, and reserves, [which] therefore established a pattern of state intervention that immediately shaped South Africa's racially coercive labor market.'<sup>103</sup>

It is noteworthy also that Lugard question the system of reserves, as noted above, considering a full chapter of *the Dual Mandate* was devoted to the topic. He recognised in his book that there were two views towards reserves. One was that

provided that the area assigned to the natives was fully adequate for their needs, and for future expansion, and that proper steps were taken for their material and moral welfare, few will be found to dispute the advisability or justice of the formation of native reserves in the circumstances.

The other was that reserves only isolated the indigenous population, and 'to perpetuate bad customs, and to retard civilisation'. In this second case one suggestion, made in the case of East Africa, was to ensure that any reserves were under the control of trustees drawn from the judiciary or mission bodies. Lugard himself disagreed with this proposal and noted that the 'Government is itself the trustee, and should be competent to take its own measures for the good of the natives.'<sup>104</sup> The opinion taken by Lugard displays in one way that the PMC was at times slow to criticise the mandatory powers on policy. As we shall see later when discussing the Bondelswarts affair, criticism would be more forthcoming when the issue was not about policy but the extent to which the mandatory could go to ensure the indigenous population were 'kept in line'. Also, it is interesting to

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100. Permanent Mandates Commission, *Minutes of the Third Session*, Seventeenth meeting, 31/07/1923, 104.

101. *Ibid.*, Seventeenth meeting, 31/07/1923, 105.

102. For more on the segregation policy of the Reserves Commission, see Kössler, 'From Reserve to Homeland: Local Identities and South African Policy in Southern Namibia', 448-50; This view is also supported by Dederig who states that 'A strong segregationist component was reflected in the commission's proposal that these reserves should be located as far away as possible from white settlement areas.' Tilman Dederig, '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 (December 2009): 790; Wallace states that the implementation of the reserves policy 'signalled the end of the "hands-off" approach ... taken with regard to the black population during the First World War... [and the SWA Administration] aggressively pursued the imposition of segregationist measures similar to those being applied in South Africa itself.' Marion Wallace, 'Making tradition': Healing, history and ethnic identity among Otjiherero-speakers in Namibia, c. 1850-1950', *Journal of Southern African Studies* 29, no. 2 (2003): 362.

103. Pedersen, 'Settler Colonialism at the Bar of the League of Nations', 194.

104. For Lugard's discussion on reserves, see chapter XV Lugard, *The Dual Mandate in British Tropical Africa*, 323-32.

note that reserves in SWA were generally on arid land. This would not appear to meet Lugard's criteria for an adequate system of reserves. The policy to situate them on arid land was deliberate as the administration used it as a reason to control livestock levels as a further way to control the people living there.<sup>105</sup>

While the precise word of disinterested did not appear in the Covenant, Rappard was of the view that the word 'tutelage' that appeared in the mandate agreement implied a disinterested activity. This discussion on disinterestedness occurred over whether the mandatory powers should have to pay for any German debt on their mandates. Rappard believed it would be unfair to expect them to have to pay these debts, due to the fact that they were only administering the territories as trustees for the League and as such should derive no benefit from them. His proposal was that the value of the territories ceded should have been offset against the reparations account, and should, after that, the territories came to be exploited, then the League stood open to being accused of sanctioning such exploitation. Lugard thought, if there was no principle of disinterestedness applied, the mandates would in reality be a disguised form of annexation.<sup>106</sup> In considering the position in New Guinea the PMC, except for van Rees, thought state enterprises in the mandated territories were contrary to the spirit of disinterestedness.<sup>107</sup> Van Rees put on the record what he saw as problems with the mandatory in a number of mandates from acquiring German property and lands as state lands. The idea of the mandate system rejected the principle of annexation but it could be viewed that former German properties that are vested as state domain of the mandatory power could be deemed such. They reverted to the Treaty of Versailles to get a full understanding of the issue. Article 257 of the treaty allows for the transfer of German state property to the mandatory Power 'in their capacity as such.'<sup>108</sup> For the Commission this later phrase implied that the transfer of property did not entail any right for the mandatory Power to continue to hold them, should the mandate be transferred to another country.

The concept of disinterestedness also raised its head when discussing Nauru. Orts raised the question of the exploitation of the phosphates fields on the island and the possibility that this activity should be condemned as well. Lugard disagreed on the basis that a large amount of money had been paid to the holders of the rights to mine the phosphates before the mandate was even conferred.<sup>109</sup> This of course raises the question, as previously discussed, of Australia, Great Britain and New Zealand putting the agreement in place about the phosphate mining before the mandate was agreed to circumvent the spirit of the mandate system. For example, Nauru played an important

105. Dederling, 'Petitioning Geneva: Transnational Aspects of Protest and Resistance in South West Africa/Namibia after the First World War', 790; Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 118; Botha concludes that 'reserves in Namibia were not considered to be economically sustainable enclaves, capable of accommodating large numbers of Africans.' Christo Botha, 'The Politics of Land Settlement in Namibia, 1890-1960', *South African Historical Journal* 42, no. 1 (2000): 262; Digre, 'Occupation during and after the War (Africa)'; It was not only in SWA this occurred, in East Africa 'the best land had been expropriated to white settlers, and local populations forced into inadequate "native reserves."' Wilson, *The International Theory of Leonard Woolf: A Study in Twentieth-Century Idealism*, 98.

106. For Rappard's and Lugard's discussion, see Permanent Mandates Commission, *Minutes of the Third Session*, Ninth meeting, 25/07/1923, 56.

107. *Ibid.*, Twenty eighth meeting, 07/08/1923, 183-7.

108. *Ibid.*, Thirtieth meeting 08/08/1923, 195-6.

109. *Ibid.*, Ninth meeting, 25/07/1923, 57.



part in New Zealand's "'grasslands revolution" of the 1920s and 1930s', but 'this was dependent on an exploitative colonialism aimed not just at possessing the land, but also uplifting it and taking it away.'<sup>110</sup> Britain had previously raised this point of obligation with its partners in Nauru. The Colonial Office wished to discuss with Hughes and Massey, the responsibilities of the British Empire under the mandate 'and especially in respect to natives', when both Dominion Prime Ministers were in London during 1921.<sup>111</sup> They were concerned that the interests of the BPC were not congruent with those of the Nauruans and may actually be opposed to them. When the League was critical of the implementation of the spirit of the mandate of Nauru, the mandatorys were able to rely upon the indigenous Chiefs to support them. In a statement produced in 1922, the Chiefs of the island, speaking on behalf of their people, wanted the League to know that they had 'no fault to find with the present Administration.' In fact, they were grateful for all being done to advance their interests, and were 'grateful to the League of Nations for placing [them] under the protection of so great a nation as the British Empire.'<sup>112</sup> Ormsby-Gore still was of the opinion though that if the position of the administration was not in conformity with the Covenant, it became ipso facto invalid by Clause I(i) of the Agreement Act. Cook would later write to Hughes that Ormsby-Gore as the British representative on the PMC was of little help to them.<sup>113</sup> The Australian Government requested that in future the Nauru report include a map of the island, showing areas occupied by the Nauruans, areas that could produce food, and phosphate bearing and mined areas. This was hoped to help to alleviate the concern about 'the supposed conflict between the interest of the natives and of the Phosphate Commission'.<sup>114</sup>

The PMC had fears that in Nauru the wealth of the island could induce the mandatory Power to subordinate the interest of the people to the exploitation of the wealth. Also, they were concerned that the agreement between the three governments may not be in accordance with the Covenant as the mandate should be exercised on behalf of the whole League of Nations.<sup>115</sup> Cook, replying to the content of the general observations report, believed the passage relating to Nauru was unfortunate and unjustified. There was no exploitation, and he thought the position of the indigenous population had improved on the island due to a larger royalty being received for the phosphates than there had been under the German regime. Allen agreed with his Australian counterpart in stating that the three countries involved would not permit the exploitation of the Nauruans. He also wanted to point out that far from making a profit the mandates were actually costing them money to administer.<sup>116</sup>

Both Australia and New Zealand were surprised by what they considered, the attacks from the Commission. At high level in both Governments, they could have seen 'some justification', had they focused their attack on either labour conditions in New Guinea or

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110. Tom Brooking and Eric Pawson, *Seeds of Empire - The Environmental Transformation of New Zealand* (London: I.B. Tauris & Co Ltd, 2014), 186.

111. NAA, A3932, SC227, Nauru Estimates Control of Administration - Pacific Phosphate Company, Telegram - SS for the Colonies to GG Australia, 21/04/1921.

112. NAA, A518, C849/1/2, Translation of statement by Nauruan Chiefs, 01/11/1922.

113. Ibid., Telegram - Cook to Hughes, 12/08/1922.

114. Ibid., Prime Ministers office - Report on Nauru 1922 - Instructions to Administrator, 29/09/1922.

115. Permanent Mandates Commission, *Minutes of the Second Session*, Eleventh Meeting 07/08/1922, 55.

116. Ibid.

Samoa.<sup>117</sup> Possibly to ensure some good propaganda for the three in their polices about Nauru, the Australian Government arranged for the printing of a pamphlet by Harold Pope, the BPC Commissioner for Australia, detailing the progress on the Island since coming under British control. It would appear the PMC concern had some impact on the policy regarding the island. In 1922, the Secretary of State for the Colonies, Winston Churchill, agreed with an Australian proposal that an agreement for the administration of Nauru should be made permanent. Churchill believed that it would 'be unnecessary to record in the agreement the understanding that the island had not been acquired by the Commonwealth.'<sup>118</sup> This position had been held by Churchill for at least a year. Writing to Hughes, he was of the view that 'as the Mandate was given to the British Empire we are all responsible to the League of Nations for the manner in which it is carried out.'<sup>119</sup> The Tripartite Agreement for the Administration of Nauru, which was separate from the phosphate mining agreement, was signed on 30 May 1923. The PMC acknowledged that although the Administration was carried out by the Australians that all Ordinances issued by the Administrator of Nauru would be subject to the confirmation or not of His Majesty.

Australia had set up a trade agency to buy supplies for the administrations of New Guinea and Nauru and the Expropriation Board. They sold copra and other produce for the Expropriation Board. In its first year it made a profit of £112,628 which was paid to Australia. Cook defended this course of action due to the fact Australia received no payment from the mandate and yet it paid many expenses on its behalf. Theodoli, hinting at the concept of disinterestedness, conveyed to Cook that the principle of the mandate was that the mandatory Power should derive no profit from the mandate territory. It was suggested that the profit be best accounted for by giving it to the central treasury of the mandate.<sup>120</sup> The PMC had raised certain objections in the previous year to some points in the labour ordinance in place and these had been rectified during the year. There were now provisions in place for the protection of women and the only punishment that employers could use without recourse to the authorities was to deprive their employees of tobacco.<sup>121</sup> It was also noted in one page of the annual report for 1922 that the Australian Government had made a profit on the sale of appropriated German assets and in another page it said the Australians had not made any profit. Orts thought it was contrary to the spirit of the Covenant for the mandatory Power to derive any direct benefit from a mandate.<sup>122</sup> It was decided to ask the Australian representative for an explanation of the contradiction in the report.

Another area that appeared to be of particular interest to 'western civilisation' was the use of alcohol by indigenous populations. This can be taken in context of the popularity of a wider temperance movement and the perceived evils of alcohol. The mandate agreements expected the mandatory powers to ensure that the supply of intoxicating spirits and beverages to the natives would be prohibited (see Appendix B). It was

117. ANZ, IT1 253 EX 25/1/12, Mandate - Nauru - Labour proposal to introduce 48 hour week, Letters between Gray and Please, 20/09/1922 & 03/10/1922.

118. Kerr, *A Federation in these Seas: An account of the acquisition by Australia of its external territories, with selected documents*, 170.

119. NAA, A3932, SC227, Letter - Churchill to Hughes, 20/06/1921.

120. Cook gave the example that New Guinea received a subsidy of £45,000 for the mail service alone. Permanent Mandates Commission, *Minutes of the Third Session*, Twenty third meeting, 03/08/1923, 167.

121. *Ibid.*, Ninth meeting, 25/07/1923, 55.

122. *Ibid.*, Ninth meeting, 25/07/1923, 56.

conveyed by Rappard, at the start of the second session, that the Council wanted the PMC to 'investigate most carefully the measures taken by the mandatory Powers' to combat alcoholism within the indigenous population.<sup>123</sup> Outside bodies also contributed to the debate. The League of Nations Union commissioned a sub-committee to look at liquor traffic in colonies and mandated territories. They concluded that in mandates that it would be impracticable to prohibit the manufacture, sale or importation for sale of beverages containing less than twelve per cent alcohol.<sup>124</sup> Their rationale for this was that 'native made fermented intoxicants may contain approximately that percentages ... and most Mandatory Powers would find it impossible to prevent the sale of the Native intoxicants.'<sup>125</sup> In an example of how the League gathered and disseminated information, the LNU forwarded this report to the League, whereon Rappard requested their permission to forward to the PMC. This issue recurred in the years 1923—26 which are the subject of the next chapter and there shall be a fuller discussion of alcohol control in the mandates in chapter 5, though it is worth noting that already in Samoa in 1923 the authorities were already combating home brewing of pineapple liquor in illegal stills by Samoans and the smuggling of opium into Samoa for use by the Chinese population there.<sup>126</sup> Indeed, already in 1922, the South Africans had threatened to report the Portuguese government in Angola to the League for not doing more to combat the importation of alcohol from Angola into Ovamboland in the north of SWA. After all, both SA and Portugal were signatories to the Convention relating to Liquor traffic in Africa that placed an obligation on them to prevent liquor importation into the region.<sup>127</sup>

Education of the indigenous population was seen as one of the major ways in which their social progress could be achieved. It was something that the League and the PMC advocated from the beginning, and the Commission assigned responsibility for education matters to Bugge-Wicksell.<sup>128</sup> The mandatories attempted to embody this concept in annual reports to the League. For example, the 1922 report for Nauru stated that 'education is considered to be the best means for the cultivation of', developing the well-being and the social progress of the inhabitants.<sup>129</sup> Similarly, the New Zealand proposals for the Samoan education system felt that 'the organisation of public education

123. Permanent Mandates Commission, *Minutes of the Second Session*, First Meeting 1/08/1922, 7.

124. This Committee was chaired by Lugard, and also had Harris as a member. LNA, Box R35 1/26206/11192, Liquor traffic in Mandated Territories, Report of a Committee appointed by the League of Nations Union, 2.

125. *Ibid.*, Report of a Committee appointed by the League of Nations Union, 05/12/1922.

126. In 1922, 290 gallons of sacramental wine, 50 gallons of Port, 160 gallons of whiskey, 40 gallons of Brandy, and 98 gallons of stout all labels of medicinal purposes were imported to Samoa LNA, Box R35 1/30485/11192, Collection of information as to the traffic in alcoholic liquors in Mandated Territories, Letter and report — Minister of External Affairs(NZ) to LN, 23/08/1923; Permanent Mandates Commission, *Minutes of the Second Session*, Sixth Meeting 03/08/1922, 32 & Eighth Meeting 05/08/1922, 42; Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations', 243; Liua'ana, 'Dragons in little paradise: Chinese (mis-) fortunes in Samoa, 1900-1950', 41; In 1923, there was astonishment on the PMC that the New Guinea report implied that there was no indigenous manufacture of alcoholic drinks. Permanent Mandates Commission, *Minutes of the Third Session*, Ninth meeting, 25/07/1923, 56.

127. NASA, GG 184 3/4035, Liquor: Miscellaneous, Illicit importation of liquor from Portuguses West Africa into SW Africa, Minute 516 - Prime Ministers office, 17/07/1922; NASA, GG 186 3/4183, Liquor: Miscellaneous, Importation of liquor from Portuguese West Africa into South West Africa, Foreign office to Chargé d'Affaires Lisbon, 25/09/1922.

128. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 134; Fiona Paisley, *Anna Bugge-Wicksell and Education at the Permanent Mandates Commission*, 2018, accessed 2 June 2019, <http://www.auswhn.org.au/blog/anna-bugge-wicksell/>; A resolution of the 4th Assembly hoped for a 'continuous improvement in the moral and material condition of the natives by means of ... education'. Wolf, 'British and French language and educational policies in the Mandate and Trusteeship Territories', 556.

129. NAA, A518, C849/1/2, Annual report for administration of Nauru 1922, p. 6.

is the highest trust and function of the people accepting a mandate.<sup>130</sup> On the Commission, Lugard's *Dual Mandate* was used as the basis of how the PMC viewed the education question. Other interested bodies also had an interest in education. The LNU published a pamphlet, by the radical socialist Norman Leys, in which they called for spread of education, which could help toward the 'growth of suitable indigenous social and political institutions.'<sup>131</sup> By viewing the education systems put in place in the C mandates and the way in which they were scrutinised at the PMC one can form an opinion on if the education was indeed used to promote the advancement of the indigenous populations. For us to examine if the mandates system was something different to colonialism we shall have to determine if the mandatory powers impressed their 'own system of education', or adopt something else due to the limitations of the mandate.<sup>132</sup>

Freire d'Andrade was concerned that the SWA educational sector appeared not to have done much to improve the education of the indigenous population.<sup>133</sup> There were four main languages in use in SWA which made for a more complex situation with regard to the education system but also resulted in a fairly liberal regime with regard to the number of languages allowed in schools. G. R. Hoymeyr in answering the questionnaire stated that the education of the indigenous population was the remit of the Missionary Societies. To assist them with this, the Administration paid a grant to pay salaries 'of approved teachers in approved schools', and to cover certain school expenditure.<sup>134</sup> It was noted by the commission that it would be desirable to have a list of missionary bodies working in the SWA mandate. This is possibly in the context of the fact that the education of the indigenous population was left to the missionaries but the white population education system was provided by the state. More information was also desired on this subject.<sup>135</sup> Although an Education law was enacted there did not seem to be a single public school in the mandate for the education of the indigenous population yet there had been £79,000 spent on education for the rest of the population. By 1923, it was noted there were still no native Government Schools. It had been policy just to financially assist the running of mission schools. Any mission that met the conditions set down would receive assistance. The Administration paid the salaries of the Teachers together with supplying any books and materials needed. It was noted that the Administration were about to set up some public Government schools in a departure from the policy of subsidising mission schools.<sup>136</sup> The Administration had not set up any industrial or agriculture colleges as they felt there was no need. There was no demand for training in cottage industry as 'the

130. ANZ, IT1 178 EX 13/1, Education - Samoa - General file, Proposals for the development of Education in Western Samoa, 21/07/1919.

131. Norman Leys, *A plan for Government by Mandate in Africa* (London: League of Nations Union, 1921), 8.

132. For a definition of preconditions needed to use the terms 'coloniser' and 'colonised', see Healy and Dal Lago, 'Investigating Colonialism within Europe', 9.

133. Permanent Mandates Commission, *Minutes of the First Session, Seventh Meeting* 07/10/1921, 33-4; Cohen determined that South Africa continued the German policy of two separate education systems; one for the indigenous people, run entirely by the missionaries, and one for whites that was predominantly government-run and which provided a superior education. Ellis ascertained that the South Africans wanted to control, but not improve, indigenous education. Cynthia Cohen, "The natives must first become good workmen": Formal educational provision in German South West and East Africa compared', *Journal of Southern African Studies* 19, no. 1 (1993): 134; Justin Ellis, *Education, Repression & Liberation: Namibia* (London: Catholic Institute for International Relations & World University Service, 1984), 18.

134. LNA, Box R10 1/22113/1347, South African Mandate for the Late German Possessions in German South West Africa, Replies to Questionnaire, 6.

135. Permanent Mandates Commission, *Minutes of the Second Session, Fifth Meeting* 03/08/1922, 27.

136. Permanent Mandates Commission, *Minutes of the Third Session, Eighteenth meeting*, 31/07/1923, 111.

natives in the district were of a very backward class'.<sup>137</sup> The Administration would be willing to assist any mission that wished to establish a trade school if they could satisfy themselves that the money provided would not be squandered. Since the Administration did not require a guarantee of the standard of teaching it was possible money would not be very well spent.<sup>138</sup> The Administration had the right to inspect schools once a year. It was recognised when the Commission were discussing the Bondelswarts affair that the position was deplorable with regard to native education.<sup>139</sup>

With regard to education in Nauru, the sum of £482 was set aside in 1922, which appeared to be a very minor part of the overall budget of the island. One explanation for this was 'that the main part of the expenditure (on education) was borne by the missions.'<sup>140</sup> Yet Nauru had no Government or Government assisted schools. Two schools were run by the Roman Catholic Mission, and one by the Protestant Mission. The Mission schools on the island provided education for 215, whereas one Government school had seventeen European pupils.<sup>141</sup> An experienced teacher was on loan from the Victoria Education Department. He served in the dual role of Master of the European school and Supervisor of the Mission schools. An additional duty was to 'hold classes to train the native teachers to teach.'<sup>142</sup> Privately the Administrator was not satisfied with the level of education in the Mission schools. He saw no alternative but to take the whole of the secular education into Government control.<sup>143</sup> To placate the Missions he assured them that they would be supported in providing religious instructions to the Nauruans. As part of this expansion of the Administration into the Education sphere, Griffith planned to build three new schools. He hoped to use funds from the Nauru Royalty Trust Fund which was established so that Administrator could have funds available to be solely devoted 'to improving the present day conditions of the Nauruans.'<sup>144</sup>

New Zealand already had to lend Samoa £100,000 for public works by 1922. Work of the missionary schools was highly valuable, but they needed assistance. Schools of the first standard were still exclusively managed by the missionaries. These missionary schools were subject to Government inspection. Schools of the second standard had Samoan teachers and management that were trained by the missionaries and received assistance from the Administration. Third and higher level were run by the Government and had English teachers.<sup>145</sup>

An Education Ordinance was issued for New Guinea in 1922. Education of the indigenous population would be both elementary and technical. An education tax would be payable by all taxable 'natives' to pay for the system which would be administered by a

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137. Permanent Mandates Commission, *Minutes of the Third Session*, Eighteenth meeting, 31/07/1923, 111; As Pedersen notes the South Africans 'declined to "waste money" on native education with the argument that the natives did not want education anyway.' Pedersen, 'Settler Colonialism at the Bar of the League of Nations', 120.

138. Permanent Mandates Commission, *Minutes of the Third Session*, Eighteenth meeting, 31/07/1923, 111.

139. *Ibid.*, Nineteenth meeting, 01/08/1923, 129.

140. *Ibid.*, Ninth meeting, 25/07/1923, 54.

141. NAA, CP103/11, 455, The average daily attendance of the schools was 72 to the Roman Catholic Mission and 170 to the Protestant Mission.

142. LNA, Box R68 1/27996x/27995, Etude comparative des questions relatives a l'administration des territoires sous mandat, Report – Education in Mandated Territory 1922 by Mme. Bugge Wietsell, P.10.

143. NAA, A3932, SC227, Letter - Griffiths to PM Australia, 11/05/1923.

144. *Ibid.*, Letter - Griffiths to PM Australia, 20/06/1923.

145. Permanent Mandates Commission, *Minutes of the Second Session*, Eighth Meeting 5/08/1922, 43.

Native Education Trust. It was asked that Australia would furnish greater detail on the primary education system and the language that was used in schools.<sup>146</sup>

Although not specifically mentioned in the mandate agreements or article 22 of the covenant, the issue of labour took up much of the commission deliberation. This in part was due to the use of indentured labour in the South Pacific and the push in SWA to encourage the indigenous population to work for Settler Farmers or in the mining industry. The matter of labour is important when discussing the issue of administration. As discussed above administration in the C Mandates was largely achieved through indirect rule. One of the characteristics of indirect rule was 'the coercive capacity of local authority to ... round up labour.'<sup>147</sup> Also, Article 23 of the covenant put an obligation on the Members of the League to 'endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend'.<sup>148</sup>

In 1919, the Consolidated Diamond Mines of South West Africa (CDM) had taken over the diamond industry in SWA. Diamond mining occurred in the south of the country and in the north, the Tsumeb mine, extracted copper, lead, and zinc. These enterprises required a labour force and the administration put policies in place to meet this need. Ovamboland in the north supplied most of the labour. The administrative structure developed to ensure recruitment consisted of white officials, and local headmen on the native reserves, who were approved by the South West Africa Administration and received a small salary in exchange for their services. It was these local headmen that enabled the recruitment of African labourers.<sup>149</sup> Over 7,000 Ovambos had been recruited by the Administration to work in mining and on the railways, thereby freeing up local labour for the farming community. Commenting on the report Freire d'Andrade noted that from his experience it was easier to get the indigenous population to work in the mines or the railways than it was to turn them to farming.

At the PMC, both Harold Grimshaw (ILO) and Swedish PMC member Anna Bugge-Wicksell thought the information provided in relation to SWA labour conditions was not sufficient for the Commission to make any useful comments.<sup>150</sup> The PMC formed an opinion that the conditions of the indigenous population could be improved if the credit system of trade that operated on the native reserves could be abolished.<sup>151</sup> Herbst believed that the indigenous population would suffer if credit was to be restricted but personally thought if practical it would be best to abolish the credit system. Another weakness in the credit system is that the indigenous population were paid in kind, but they were required to pay the dog tax in cash.<sup>152</sup> As shall be seen later in this chapter, the

146. Ibid., Sixth Meeting 3/08/1922, 33.

147. Frederick Cooper cited in Gewalt, 'On becoming a chief in the Kaokoveld, colonial Namibia, 1916-25', 25.

148. *Treaty of Peace between the Allied and Associated Powers and Germany*, Part I-The Covenant of the League of Nations.

149. Allan D. Cooper, 'The Institutionalization of Contract Labour in Namibia', *Journal of Southern African Studies* 25, no. 1 (1999): 121-138.

150. Permanent Mandates Commission, *Minutes of the Second Session*, Fifth Meeting 3/08/1922, 26-7.

151. This system was where the traders issued credit to their indigenous reserves residents rather than cash, and there were cases under the credit system where the indigenous population paid double the price as the white man. Permanent Mandates Commission, *Minutes of the Third Session*, Nineteenth meeting, 01/08/1923, 130.

152. In some places the employer paid the dog tax on behalf of their labourers such as the shortage of labour. *ibid.*

tax that was levelled on dog-owners among the indigenous population, in an effort to protect wildlife, was contentious because so high. In contrast with the credit system for the indigenous population, the administration suggested policies to subsidize the settler farming community. When prices of pedigree cattle stock were depressed in South Africa, Hofmeyr wanted to take advantage of them and purchase bulls for resale to SWA farmers.<sup>153</sup> The Administrator felt it was his duty to improve the breed of stock in the Territory.

Betraying a European view of what can only be assumed to be the African and Pacific Territories, Freire d'Andrade, stated that 'certain tribes considered labour unworthy of man, regarding it as a thing which should be left to women alone. This idea was beginning to change, but the change would not be encouraged by allowing natives to abstain from labour.' He was in favour of prohibiting forced labour that was defined as the practices of taking the indigenous populations out of their villages and bringing them under escort to another area to work but was also against any measures that would consecrate the 'right to idleness and laziness [that was] very prevalent in some native tribes'. There should be no entitlement to refuse work but people should have the right to choose the nature and location of their own work. It was clear to him that the Covenant stated that forced or obligatory labour should be prohibited and while respecting this principle there was also an expectation of the *obligation to work*(sic) in civilised countries, by which is implied western civilisation, and that this should also be reflected in the mandates. This idea of idleness was rooted in the mindset of the SWA settler farmers as well. The administration received claims that there were 'large numbers of young and able-bodied natives living in the various native reserves in a state of idleness.'<sup>154</sup> It was Freire d'Andrade's rationale that by not letting idleness take root within the indigenous men in the mandates could they effectively protect against female and child labour.<sup>155</sup> Rappard reminded the PMC that they were bound by the mandates that provided for these prohibitions, and they should not appear to be promoting exceptions that were not in them. Freire d'Andrade was insistent that it should not be admitted that the 'native' had a right to not work which would only promote idleness and render impossible the development and progress of the territory.

One of the articles of the C mandate agreement was that the slave trade be prohibited. It was stated, in 1921, that there was no slavery and no compulsory labour in New Guinea. This seems strange to say when large portions of the territory had yet to be explored. In the New Guinean 1922 report it was revealed that there existed slavery in areas not yet under Government control. Domestic slavery was also found in the Okavango region of SWA by an official. It was difficult to interfere in tribal matters as active steps might result in war. The Commission requested further information in relation to this matter and also what remedies the Administration were proposing to carry out. Herbst hoped the officials would be able to use their moral influence to curtail the slavery.<sup>156</sup> John Harris, of the

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153. The sum of £4,000 was suggested to be spent, and the cattle would be sold to SWA farmers for cash or credit not exceeding twelve months. NASA, *TES 7541 F88/56*, South West Africa. Pedigree Stock: Purchase of for sale to Farmers, Administrator SWA to Minister of Finance, Pretoria, 19/11/1923.

154. Reinhart Kössler, *From Reserve to Homeland: South African "Native" Policy in Southern Namibia* (Windhoek: Namibia Economic Policy Research Unit, 1997), 22-3.

155. Permanent Mandates Commission, *Minutes of the First Session*, Sixth Meeting 7/10/1921, 31.

156. Permanent Mandates Commission, *Minutes of the Third Session*, Seventeenth meeting, 31/07/1923, 107.

ASAPS, wrote to Sir Edgar Walton about this. He noted that the High Commissioner's office had reported that no slavery existed in SWA. Harris wished to know what steps were going to be taken to combat it.<sup>157</sup> Indeed, the ASAPS was to lobby vigorously at the League in relation to slavery. It was turned on to the subject by a pamphlet on the subject in Ethiopia (then called Abyssinia), which it in turn forwarded to the mandates section.<sup>158</sup> As shall be discussed in more detail in the next chapter a Temporary Commission on Slavery was set up by the Council in 1924 following suggestions of the third and fourth Assemblies. The PMC was closely integrated with this Commission as some of its members also sat on it.

In further discussion about recruitment of indigenous workers Cook said that the first consideration of the Australian Government is to the welfare of the indigenous population even if this cost more and more profits could be realised by unrestricted private enterprise. Cook went on to state that 'no contract could be made with a native without the cognisance of the District Officer'.<sup>159</sup> The DO also had the power to cancel a contract if he believed there was unfair treatment. Indeed, as noted by Chilla Bulbeck, in territories 'under indirect rule, the District Officers were the masters, the chiefs were the prefects and the tribesmen were the boys'.<sup>160</sup> A medical check up was required both before and after the contract. There had been a request to the Australians from the Samarai Chamber of Commerce in Papua, to amend the New Guinea Native Labour ordinance. The amendment they sought was that miners would be allowed to bring Papuan indentured workers with them into the mandate. The Home and Territories Department refused the request. The reason was that there was always a shortage of labour in Papua and that if they granted the miners' request they 'would create a precedent, which would render it very difficult to decline similar requests'.<sup>161</sup> They had no objection though to miners hiring and training New Guineans to mine. During this correspondence, there was no consideration of the terms of the mandate.

The Australians adopted a different policy when it came to Nauru. By and large, the Administration did not allow recruiting in the New Guinea mandated territory for work in another territory. The only exception to this in the year of 1921 was 110 labourers that were allowed to be recruited by the British Phosphate Commission in Nauru to work the phosphate fields there.<sup>162</sup> Cook actually referred to Nauru as a neighbouring island although there is a considerable distance between Nauru and some parts of New Guinea. It is also telling that the only outside territory in which workers were permitted to be recruited to was the one in which Australia itself had a major commercial interest in with its third share in the control of the British Phosphate Commission.

157. NASA, *BTS 2/1/6 LN 1/26 Vol I*, Fourth Assembly of the League at Geneva, 1923, Letter Extracts from Walton, 04/09/1923.

158. Ribi states that the fact Ethiopia was 'a sovereign African country ... outside the terms of the Mandates Commission' did not stop the ASAPS Ribi, 'The Breath of a New Life? British Anti-Slavery Activism and the League of Nations', 101; There were some attempts to get Ethiopia to recognise obligations to combat slavery before it was admitted to the League in 1923. Lorca, 'Petitioning the International: A 'Pre-history' of Self-determination', 519-20.

159. Permanent Mandates Commission, *Minutes of the Second Session, Sixth Meeting 3/08/1922*, 31.

160. Bulbeck, *Australian women in Papua New Guinea: Colonial Passages, 1920-1960*, 193.

161. NAA, *A1, 1921/16207*, Indenture of Papuan Natives for late German New Guinea, Letter - Home and Territories Dept to Samarai Chamber of Commerce, 16/08/1921.

162. Permanent Mandates Commission, *Minutes of the Second Session, Sixth Meeting 3/08/1922*, 30.



In the early years of the mandates system, the issue of Chinese indentured labour in Samoa led to much discussion. Chinese labourers worked in Samoa for a period of three years, and no labourer could be re-indentured without their consent. They could be allowed to bring their wives with them at expense of the Administration. To avail of this, they would also have to sign a six-year contract instead of the usual contract of three years.<sup>163</sup> The reason for the three-year contract was that it was noted that some Chinese associated themselves with Samoan women. By only being indentured for three years they were not able to learn the local languages or to associate intimately with indigenous population. This issue of contact between the Chinese and Samoans would cause much concern. It was purported that indentured labour was needed as they could not 'persuade the natives to do the work necessary to maintain the island in its present state of cultivation.'<sup>164</sup> It was asked of Sir James Allen if the Administrator did not find it difficult to reconcile 'his position as protector of the labourers with his position as an official of the New Zealand Government who was naturally anxious to make the Crown Lands as productive as possible.' Allen replied that the workers had recourse to the terms of their contracts and under the law courts of the island.

The Methodist Church in New Zealand also set up a commission to study the indentured labour situation in the Pacific. Drawing on testimony from the head for Methodist church in Samoa and representatives of the London Missionary Society, the report substantiated the need to import labour. This was deemed necessary until the population of Samoa grew to meet labour demands. It was noted that most indentured labour worked on Government plantations and this should 'prevent the more objectionable characteristics of privately recruited labour'.<sup>165</sup> A Reverend Shinkfield, in some way echoing Grimshaw's concerns about the length of contracts, believed that the administration had two possible alternatives to lessen any moral problems. One was to let the Chinese bring their spouses, and the other was to shorten their contracts. They had chosen the shorter contract model but this would be ineffectual if they were allowed to renew it indefinitely. The Methodist Commission also corresponded with the New Zealand Government, and it was convinced that their 'sacred trust of civilisation involves the maintenance of ... plantations [as] their reversion to jungle would seal the fate of the Samoan race.'<sup>166</sup> So happy were the New Zealand Government with this report, they forwarded twelve copies to the Australian Government with more copies being sent to the League, for the Council and the PMC, and to the Imperial Government. In writing to Australia, the Prime Minister's office stated that 'the findings of this impartial and disinterested body are a complete justification of the policy of the Commonwealth and New Zealand Governments in connection with the employment of indentured labour for the development of the mandated territories under their control.'<sup>167</sup> In 1921, Missionaries from the London Missionary Society based in Samoa conveyed the sentiment that the

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163. Grimshaw was of the opinion that this period seemed to be too long and might actually mean that wives would not accompany their husbands to Samoa. Permanent Mandates Commission, *Minutes of the Third Session*, Tenth meeting, 25/07/1923, 58.

164. Permanent Mandates Commission, *Minutes of the Second Session*, Eighth Meeting 5/08/1922, 42.

165. NAA, A1, 1923/13410, Employment of Indentured Labour for Development of Mandated Territories, Pamphlet - The Labour Problem in the Pacific Islands, 8.

166. *Ibid.*, Pamphlet - The Labour Problem in the Pacific Islands, 11.

167. *Ibid.*, Letter - PM New Zealand to PM Australia, 21/05/1923.

presence of numerous Chinese labourers in Samoa is 'not so much of an evil that one might suppose.'<sup>168</sup>

The matter of Chinese labourer and Chinese immigration in Samoa also caused concern in some corners of the New Zealand Government. Some Chinese on the island were there as artisans, mechanics and domestic workers. The Department of External Affairs found this system unsatisfactory. They wanted all Chinese on the Island to be there under the same conditions and 'particularly in the matter of repatriation at the end of the contract.'<sup>169</sup> The solution to this would be the omission of one word in the Samoa Immigration Order of 1920. By deleting the word 'agricultural' which meant the clause in the 1920 order related to agricultural workers, New Zealand were able to bring all Chinese workers in Samoa under a system that meant they had to be repatriated at the end of their contracts. This was the sole reason for the Samoa Immigration Amendment Order, 1921. The Chinese Government then requested that the British Government ask New Zealand to allow the Chinese already in Samoa under the contracts that would have allowed them to stay thereafter their expiration to be allowed do so, and be let accept any employment that may be offered to them. New Zealand replied that it could not allow, on the expiration of their contracts, any of the Chinese labourers 'remaining permanently in Western Samoa as free citizens.'<sup>170</sup>

There were some that held the view that the indentured labour system would have to end, sooner or later. A Captain Carter, who had been in Samoa since about 1916, believed the system was 'out of date, and unworkable with any margin of profit or advantage to the employer'.<sup>171</sup> He proposed a scheme where Chinese labourers would be granted a three-year work permit. They would be free to work in any labour, but not to set up their own trade. After the permit expired, they would not have the right to remain in Samoa. One of the advantages Carter saw in his scheme would be that 'the labour party [sic] at home would have to drop the slave argument as there would be no indentured labourers'.<sup>172</sup> Privately, J. D. Gray, the Secretary of the Department of External Affairs, was of the view that the present system of indenture was not ideal. He was also conscious of the growing public opinion against it. In writing to Albert Ellis, of the British Phosphate Commission, he says that they 'cannot shut [their] eyes to the fact that sooner or later the weight of modern democratic opinion will inevitably force all British Administrations ... to drastically revise the system.'<sup>173</sup> In 1923, a Chinese Free Labour Ordinance was introduced. Some initial reaction, at least from the Planters, was positive. While recognising that it was early days of the new system, the President of the Planters Association of Samoa, believed that it was 'undoubtedly much more favourable to the planters than the terms which they have had to put up with during the last years.'<sup>174</sup>

The need for labour in the C mandates was down to the fact that there were European-run enterprise, be they Plantations in the Pacific or Mining and farming in SWA.

168. They did admit though that the moral dangers are greater in some cases. *MSS.Brit.Emp S.22 G401*, Letter - ASAPS to Charles R.N. Mackie, 12/04/1921.

169. ANZ, *ACGA 8280 IT1/212 EX 17/1/1*, Labour - Chinese immigration to Samoa - Prohibitions against Chinese, Letter - Secretary, Department of External Affairs to Solicitor-General, 20/01/1921.

170. *Ibid.*, Memo for NZ PM from Minister of External Affairs, 15/06/1921.

171. ANZ, *ACGA 8280 IT1/210 EX 17/1 12*, Labour - Samoa - General, Chinese Labour for Western Samoa by Capt. R. J. Carter, 1.

172. *Ibid.*, Chinese Labour for Western Samoa by Capt. R. J. Carter, 4.

173. *Ibid.*, Letter - Gray to Ellis, 12/01/1923.

174. *Ibid.*, Memo for Secretary for External Affairs, 27/09/1923.

As we have already discussed the southern Dominions had the power under the Treaty of Versailles to deprive the previous German owners of these enterprises. It is to this question of sovereignty and rights that we shall now turn to.

### 4.3 Dealing with German remnants: sovereignty, nationality, property, and missions

Susan Pedersen writes that 'no question raised by the mandates system was more disputed than that of sovereignty.'<sup>175</sup> Even before the PMC began meeting this question was perplexing those interested in the mandates. At an early meeting of the League Council, in San Sebastian, in August 1920, the issue was discussed. Then President of the Council, Paul Hymans of Belgium, refused to be drawn on the matter. Noting the creation of the mandates system he stated the world was 'face to face with a new institution.'<sup>176</sup> He was certain of the fact that Article 119 of the Treaty of Peace had transferred sovereignty to the Allied and Associated Powers. It is largely because of the haste of setting up the mandates system issues such as sovereignty and nationality were overlooked. For the mandatory powers themselves sovereignty was not a major issue at first as it did not matter as long as no one else had sovereignty over the mandates.<sup>177</sup> It should be noted though that the Dominions used language that implied sovereignty quite early in the mandate period. For example when informing London of the commencement of civil government in New Guinea, the Australians stated that 'by this transfer Australia *now owns*[emphasis added] and administers a country outside itself' the future importance of which is highly regarded.<sup>178</sup> This section is roughly divided into three parts. Firstly the issues of sovereignty and nationality will be examined, with a particular focus on SWA. Secondly I will then turn to the issue of property rights in the mandates under review with emphasis on ex-German property, state-owned land, and indigenous lands. Finally this section will conclude with an analysis of the application of the religious freedom clause of the C mandate agreements and its effect on religious missions.

At the PMCs first session, Rappard acknowledged that the mandates system was a kind of compromise between the advocates for annexation and the idea of international administration.<sup>179</sup> Arthur Balfour had described it at the Council as 'a self-imposed limitation by the conquerors on the sovereignty which they exercised over conquered territory'.<sup>180</sup> Rappard also drew attention to the point that there had been debate in relation to the nationality of inhabitants of the SWA mandate and that it had not been resolved. One view was that the mandatory Power could impose British citizenship on inhabitants of the mandate, unless they protested against it, but this view would only strengthen those who argued that the C mandates were nothing more than disguised

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175. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 204.

176. John H Harris, 'The challenge of the mandates', *The Contemporary Review* 119 (1921): 464; Jedediah Purdy and Kimberly Fielding, 'Sovereigns, Trustees, Guardians: Private-Law Concepts and the Limits of Legitimate State Power', *Law and Contemporary Problems* 70, no. 3 (2007): 192.

177. Crozier, 'The Establishment of the Mandates System 1919-25: Some Problems Created by the Paris Peace Conference', 485-6.

178. TNA, CAB 24/157/3, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): British Empire Report No. 43, British Empire Report No. 43. 10/05/1921, 10.

179. Permanent Mandates Commission, *Minutes of the First Session*, First Meeting 4/10/1921, 3.

180. Smith, *Sovereignty at the Paris Peace Conference of 1919*, 251.

annexation.<sup>181</sup> The case of sovereignty and nationality was part of the wider expansion of international law in the 1920s. The mandates system itself helped to deepen 'the role of international law outside Europe, introducing the creation of sovereignty as a job for law.'<sup>182</sup> It also gave a legal form to a form of trusteeship. Purdy and Fielding state the 'system created a form of limited sovereignty in the "mandatory powers" that administered and legislated in the underdeveloped regions', but they also recognise that other authors contend that sovereignty rested in the League.<sup>183</sup>

Also at the first session a general discussion occurred in relation to the nature of nationality of those that inhabited the C mandates. In Samoa, they were not British subjects and a Council of Jurist had ruled that British Naturalisation should be refused to those who applied for it but in the Japanese mandate they were, of right, Japanese subjects. Orts considered the question to be one of extreme importance that should be settled, or would it be that the mandate inhabitants would be considered 'homeless' or more to the point stateless? It was proposed that the matter be put in the PMC report to the Council. Ormsby-Gore noted that it appeared from the reports from South Africa that the future of SWA lay in its incorporation into the Union and this would give certain rights to the inhabitants.<sup>184</sup> The League Council also adopted a proposal on 10 October 1921, that three members of the PMC should investigate the issue of nationality of inhabitants of B and C mandates. It was expected that this report would provide a practical solution to the matter of nationality.<sup>185</sup> The status of inhabitants mattered as Leonard Smith notes that 'contemporaries certainly understood the stakes in assigning a specific nationality to inhabitants of the mandate territories, and what a small step it would prove from annexing people to annexing lands.'<sup>186</sup>

At the third meeting of the second session of the PMC, the issue of nationality of inhabitants of mandates came up for discussion. The Prime Minister of South Africa, General Jan Smuts, had written to Rappard about the subject in relation to South West Africa. Smuts recognised that in most of the former German colonies that the German population had been expelled but that South Africa had taken a 'more merciful attitude' by allowing most of the German population to stay in the hope that they would 'respond to the (South African) benevolence' with co-operation with the new Administration.<sup>187</sup> In one regard, Smuts was correct in that it was largely a South West Africa issue. For comparison, in Samoa, where Germans were kept under observation for a number of years, there were never any more than 53 Germans in the reports.<sup>188</sup>

Unfortunately in Smuts' view, the Germans still look towards the German Fatherland and pine for the day the territory reverts to being a German colony. The Germans wished to have their own legislative institutions and did not comprehend the provision of the

181. Permanent Mandates Commission, *Minutes of the First Session*, Seventh Meeting 7/10/1921, 33-4.

182. Stephen Wertheim, 'The League of Nations: A retreat from international law?', *Journal of Global History* 7, no. 2 (2012): 228.

183. Purdy and Fielding, 'Sovereigns, Trustees, Guardians: Private-Law Concepts and the Limits of Legitimate State Power', 195.

184. Permanent Mandates Commission, *Minutes of the First Session*, Seventh Meeting 07/10/1921, 34.

185. Permanent Mandates Commission, *Minutes of the Second Session*, First Meeting 01/08/1922, 2-3.

186. Smith, *Sovereignty at the Paris Peace Conference of 1919*, 254.

187. Permanent Mandates Commission, *Minutes of the Second Session*, Annex 6, Letter from General Smuts, 4/07/1922.

188. ANZ, *ACGA 8280 IT1/275 EX 29/17 3*, After three years of reports of good conduct of Germans it was decided that annual reports not required any more. Memo - Samoan Administration, 23/07/1923.

mandate that means South Africa can administer the territory as an integral portion. It was even explained to the Germans that the C mandate 'largely ignores them as Germans, and affords guarantees only in respect of the indigenous native population.'<sup>189</sup> The only solution that Smuts could see was that South Africa pass a law that made the Germans South Africans with the right to individually opt-out. The PMC noted that this question of national status most affected SWA as most of the white population was German. If Germany became a League member they might agitate for a return to German rule. As part of the South African report into the future government of SWA it was proposed that Germans would be allowed to choose their nationality. If they became South African they would get the vote and other privileges, but they could also remain German if they wished without the said privileges. The idea of a mandate nationality was ruled out. The South African High Commissioner wrote to the League that the 'great majority of white inhabitants of territory are British subjects who decline to exchange that nationality for extraordinary nebulous status of Mandate subjects.'<sup>190</sup> He went on to further propose that German subjects would prefer Union nationality to be conferred on them by law so to avoid the invidious position of having to voluntarily renounce their German nationality. Ormsby-Gore did not think it was within South Africa's right as a mandatory Power to naturalise the Germans en masse. Beau also thought the problem did not occur in any other mandate with the possible exception of Samoa. South Africa had relied on the German population for the administration of SWA, but had been deceived as to the state of German hostility.<sup>191</sup> Orts was of the view that SWA had a settler population whereas in other German colonies Germans were only temporary residents. Since Germany had lost her sovereignty over her colonies it was agreed that the indigenous population was no longer German. Why was it assumed the white German inhabitants somehow maintained their German nationality? He could not recall any precedent of a population removed by treaty from the sovereignty of a State retaining that nationality. Ormsby-Gore did not think that nationality for the inhabitants transferred unless it was covered by an article of the treaty. The Chairman wondered if the Commission would accept the view that C mandates were equivalent to annexation.<sup>192</sup> This was the very position that the drafters of the mandate system did not want the C mandates to be seen as. In 1919, just after the peace treaty was signed but before the mandates were issued, Robert Tate in Samoa was requesting the New Zealand Government to indicate what the policy would be regarding naturalisation of Germans. He was under the presumption that it would be 'possible that British naturalisation may be permitted to some Germans.'<sup>193</sup> He recommended that few, if any, Germans married to Germans should be considered for a nationalisation scheme.

In London there were some concerns about granting national status in mandated territories. Doubt was expressed by the CO as to the desirability of providing for the naturalization of inhabitants of Mandated Territories. The department did not want to comment on C mandates but found it might be worthwhile discussing the whole issue

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189. Permanent Mandates Commission, *Minutes of the Second Session*, Annex 6, Letter from General Smuts, 4/07/1922.

190. LNA, Box R57 1/27935/16844, Statut national des habitants des territoires sous mandats B et C, Note regarding the National Status of Inhabitants of B & C Mandated Territories. Rough Draft, 1923.

191. Permanent Mandates Commission, *Minutes of the Second Session*, Third Meeting 2/08/1922, 16.

192. *Ibid.*, Third Meeting 2/08/1922, 17.

193. ANZ, ACGA 8280 IT1/275 EX 29/17 3, Extract from Despatch No. 6 1919, 21/08/1919.

with Dominion governments before the Council discussed the issue again.<sup>194</sup> The British government had laid out their position in a memorandum in which the following points were relevant to the discussion of the PMC:

- (a) The mandate does not in itself affect the nationality of the inhabitants of the territory mandated;
- (b) The special condition relation to administration as an integral part of the Mandatory's territory, where they occur, should not affect the nationality of *European* inhabitants of the mandated territory;
- (c) The nationality of the *native* inhabitants also of such territory remains unaffected by the special condition referred to above. In this connection it may be pointed out that, under Article 127 of the Treaty of Versailles, such natives are entitled to diplomatic protection by the mandatory Power . . . . The treatment of these natives as British-protected person does not of course confer upon them British nationality.

The British memo did point out the difference though between the other mandates and SWA in that nearly all ex-enemy subjects had been removed from the other mandates.<sup>195</sup> Ormsby-Gore agreed with this point as in SWA the Germans 'were undeniably part of the assets of the colony', and this was why the South African wanted to keep them and what was causing the difficulty for them. This is in contrast with the views portrayed about the Germans as colonial rulers only a couple of years previously when their rule was seen as a liability to the development of the region.

Article 127 of the Versailles Treaty mentions that only the 'native' inhabitants are entitled to the diplomatic protection of the Government exercising authority. It was noted that Sir Cecil Hurst, legal advisor to the FO, did not believe that the transfer of territory meant the transfer of nationality. Van Rees thought the PMC should express an opinion on whether the white Germans retained German nationality in SWA. Ormsby-Gore, British member of the PMC from 1921—22, suggested that they could ask the Permanent Court of International Justice to give an opinion on the matter specifically if Articles 119—127 of the Treaty meant that white Germans living in the former colonies lost their nationality. The use of the term white Germans of course ignores any inter-racial relationships that Germans may have had with the indigenous population. In drafting a reply to Smuts the Commission decided that they were not competent to make a decision on such matter and would draw the Council's attention to the matter.<sup>196</sup> In the same period the South Africans were informing their civil service about the correct naming protocol for the mandate. It had come to Government attention that South African Departments were still referring to the South-West Africa Protectorate, rather than the Territory of South West Africa. Heads of Departments were also reminded that under proclamation No. 40 of 1920, 'the spelling of "Windhuk" was altered to "Windhoek", Luderitzbucht to "Luderitz" and "Bethany" to "Bethanie"'.<sup>197</sup> This renaming exercise could be viewed as a subtle way of removing German symbols in the mandate and reinforcing South African sovereignty claims.

194. TNA, CO 323/898, Correspondence, Original - Secretary of State, Folio 457.

195. Permanent Mandates Commission, *Minutes of the Second Session*, Third Meeting 2/08/1922, 17; In fact more than 1,400 Germans had received entry permits into SWA in 1921-22 Walther, *Creating Germans Abroad: Cultural Policies and National Identity in Namibia*, 113.

196. Permanent Mandates Commission, *Minutes of the Second Session*, Third Meeting 2/08/1922, 18-19.

197. NASA, TES 7541 F88/53, South West Africa. Address etc. correct Designation, Circular No. 15, 16/08/1922.

The PMC eventually passed the following resolutions in relation to the question of the national status of the inhabitants of B and C mandates to be presented to the Council in a memorandum from the Chairman of the Commission. In it the PMC alluded to the principles of Article 22, and noted that it was important that the native inhabitants of B and C mandated territories should receive a national status clearly distinguished from that of the mandatory Power. They also felt it would be neither useful nor expedient for the League to define with greater precision the national status of these inhabitants. When it came specifically to C mandates, the PMC felt it best if the mandatory provided regulations, in conformity with their own laws, for the individual and purely voluntary acquisition of their nationality by the inhabitants of the territories.<sup>198</sup> The Council had also decided to rely on Article 122 of the Treaty of Versailles to promote collective nationalisation of Germans in SWA even if this was not in spirit with the mandate. It was decided that this course of action could not be considered an infraction of Article 22 of the Covenant as the view was founded on another article of Treaty.<sup>199</sup>

In October 1923, Smuts met with a Mr. de Hass of the German Foreign Office and Dr. Ruppel of the German Ministry of Reconstruction. For the Germans the meeting was about what attitude the German Government would adopt in relation to the proposed South African law that would automatically grant citizenship to the Germans of South West Africa. Smuts laid out a number of conditions that he hoped would result in the Germans having no objection to his proposed law. These included that Germans would share both the privileges and responsibilities of the South African citizenship, concessions on the use of the German language together with financially assisting the two German schools. The South Africans committed to applying Union immigration laws to SWA and Germans who conformed to this act would be welcome to immigrate. The Administration would also take steps to allow the appointment of one German member to the Land Board and the Board of Land and Agricultural Bank.<sup>200</sup> In the aftermath of this agreement, the German Government attempted to assist the South Africans in convincing the SWA Germans of its benefits. De Hass exchanged notes with Smuts that the German Government would 'exercise its influence among the Germans to accept Union nationality ... and to advise them not to make use of their right to object.'<sup>201</sup> This had the desired effect on the SWA Germans as a delegation of them agreed to promote the agreement reached. In discussing the legal status of inhabitants of mandates, the scholar Quincy Wright made reference to the treason trial of Jacobus Christian after the Bondelswarts affair, which shall be discussed in more detail later. When Christian's conviction was appealed to the South African Supreme Court, the court had to review the defence that treason could only be committed against a sovereign Power. The court did find that SWA was 'not a sovereign and independent state', but was able to uphold the treason conviction on the basis that South Africa has 'full power of administration and legislation' as mandatory.<sup>202</sup> This confusing saga had now reached some sort of conclusion in SWA, no such special provisions were made for Germans in Nauru, New Guinea and Samoa, with

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198. Permanent Mandates Commission, *Minutes of the Second Session*, Annex 4, 87.

199. Permanent Mandates Commission, *Minutes of the Third Session*, First meeting, 20/07/1923, 9.

200. TNA, FO 93/36/91, Memorandum: Germans in Mandated Territory of South-West Africa, 1-3.

201. Goldblatt, *History of South West Africa from the beginning of the Nineteenth Century*, 220.

202. Wright, 'Status of the Inhabitants of Mandated Territory', 306-8.

the exception of missionaries in New Guinea, most Germans were expelled in the early 1920s.

Turning from citizenship to the linked issue of German property in the territories, this was another political hot potato. In effect, the PMC was playing catchup as the Dominions up to the time of the PMC's Third Session in 1923 had largely suited themselves on this question and in various ways would continue to do so afterwards. The PMC found the question so knotty that it even tried half-heartedly to pass the parcel to the Reparations Commission set up under the Versailles settlement. There appeared to be no general practice in place in the different mandates for the disposal of ex-German assets. In the Versailles Treaty, Article 297(b) was the legal justification used for the mandatory powers to retain and liquidate German property in the mandates.<sup>203</sup> In 1923, the Legal section of the secretariat gave an opinion on the sale of ex-German property in the mandates. As the money raised was to go into the reparations accounts it was deemed by the legal section to be within the remit of the Reparation Commission and not the PMC.<sup>204</sup>

In March 1921, New Zealand had informed the League that any company that was incorporated in or having its head office in Germany had been liquidated following the occupation in 1914. The proceeds of the liquidations would be dealt with in accordance with the New Zealand Treaty of Peace Order 1920. New Zealand had also retained all landed property of companies which were incorporated in or having its head office in Germany and of any German Nationals that were repatriated or now living outside the mandate.<sup>205</sup> This course of action meant that Crown lands in Samoa consisted of German state lands as well as lands from private German individuals that had been taken over. The New Zealand Government was hoping to sell the smaller Crown estates as they were difficult to manage. When it came to the question of ownership it was noted that Crown lands were as a last resort vested in the King. Profits from the estates went to New Zealand and put to the credit of the Samoan Crown estates. Any profits from the Crown Estates would be used for public works in Samoa but to date there had been none.<sup>206</sup> In 1923, New Zealand amended the Samoan Crown Estates Order allowing for the possibility of returning land to former owners. This could be done at the discretion of the Minister of External Affairs, if the land had 'been so vested in error, or that it [was] desirable ... to restore any such land ... to the former owner'.<sup>207</sup> Part of the reason for this ordinance was that the Samoan Administration wished to re-vest land formerly owned by a German bankrupt company so it could be sold for the company's creditors. There were also fears, in Samoa, that German trading companies would be reformed. Even if that did not happen, it was possible the new owners, mostly British, of liquidated German

203. Article 297 was often quoted to Germans attempting to prevent their property from being expropriated. Spartalis, *The Diplomatic Battles of Billy Hughes*, 203.

204. Permanent Mandates Commission, *Minutes of the Third Session*, Tenth meeting, 25/07/1923, 63.

205. LNA, *Box R34 1/12644/9643*, Liquidation of Property of ex-enemy subjects in the territories placed under Mandates, Letter - Massey to Drummand, 15/03/1921; When Germans were repatriated they were informed that their landed property would be retained under article 297. The value would be credited to the clearing office to the German Government who would reimburse the owners. All other property would be sold by the Commissioner of Crown Estates and net proceeds sent directly to them in Germany. ANZ, *ACHK 8604 G1/275 1922/309*, German property in Western Samoa, Note - Foreign Office (London) to German Ambassador, 07/01/1922.

206. Permanent Mandates Commission, *Minutes of the Second Session*, Ninth Meeting 5/08/1922, 44-5.

207. ANZ, *ACGA 8280 IT1/365 EX 67/1*, Samoa Crown Estates Order - 1920 and Amendments, Order in Council, 29/10/1923.



concerns would apply for former German employees of these companies to be admitted to Samoa. The rationale was they were 'the only people who have sufficient knowledge and experience to manage the properties.'<sup>208</sup>

As was discussed in chapter 2, the issue of German funds held in Samoa, continued post-war. The occupation administration had seized funds from the DHPG during 1917. Some of these funds, £438, had been collected for the German Overseas Women's Red Cross Society, and the society wished for them to be passed over in 1922. The New Zealand Crown Solicitor thought the best course of action would be that the money should be returned to those who donated it. He believed that New Zealand could rely on Article 297 of the Versailles Treaty to retain the funds. He went as far as stating that New Zealand's, in comparison with rest of the Empire's 'treatment of the property of ex-German nationals of Samoa has been most generous.'<sup>209</sup> The Administrator also thought that the money should not be given to German Red Cross. The British for their part had not come across any similar cases. Contrary to the views of the Crown Solicitor and the Administrator, the Government took the decision to transfer the funds to the German Red Cross.

Lugard enquired about the affairs of the ex-German estates in New Guinea and wanted to know how many had been sold and if the remainder stayed in the possession of the Government. All German estates had been expropriated as 'the Germans had been sent away because they made trouble for the authorities if they remained. They desired to have restored to them.'<sup>210</sup> Cook asserted that the German property passed to the Australian Government under the mandate. It should be noted that the terms of the mandate make no reference to ex-enemy property and it was the Treaty of Versailles that gave the Australians the power to expropriate the German property. The Australian Government had passed the necessary legislation for exportation before the mandate was issued in 1920. The system was in no way fair to the Germans. One District Officer reported that one German couple 'finally received the equivalent of £21 Australian for their nine years work in bringing a plantation into bearing — a plantation we valued at the time, in Australian money, at £17,000.' The only conclusion he could draw, while also recognising the collapse of the German mark as a reason for destitution of German planters, was 'that the method of expropriation in New Guinea was, unjust and hate-breeding'.<sup>211</sup> An Expropriation Board was set up and about 600 cases were adjudicated on and expropriation recommended.

Some Germans wished to stay in New Guinea and a legal tribunal had been set up to adjudicate on these cases. The length of time they lived in New Guinea and individual

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208. ANZ, AAAB 449/2/e 29/33/1, Re return of German nationals to Samoa, Letter-Commercial Secretary to Government House, New Zealand, 12/01/1922.

209. ANZ, ACGA 8280 IT1/275 EX 29/17/2 1, Enemy Aliens - German Red Cross funds in Samoa, Memo for Minister of External Affairs - German Red Cross Funds held in Samoa, 11/05/1923; Karl Hanssen, the manager of the Samoan branch of the DHPG, spent the early 1920s trying to recover, it appears unsuccessfully, his personal property that was included in the liquidation of the DHPG during the war. ANZ, ACHK 8604 G1/294 1924/986, Property of German Nationals formerly domiciled in Samoa, Various letters on file, 1922-1924.

210. Permanent Mandates Commission, *Minutes of the Third Session*, Twenty third meeting, 03/08/1923, 164; Also see Cahill, 'A prodigy of wastefulness, corruption, ignorance and indolence': The expropriation board in New Guinea 1920 1927'.

211. B Jinks, P Biskup and H Nelson, eds., *Readings in New Guinea History* (Sydney: Angus & Robertson, 1973), 233-4; The League also received a letter in 1923 where the Expropriation Board was described as 'a disgrace to the British flag.' LNA, Box R33 1/29818x/9599, Australian Mandate for former German New Guinea, Letter — Captain D. Hope, 19/07/1923.

character were taken into account when making a decision.<sup>212</sup> PMC wondered if the difficulty in selling the ex-German estates had anything to do with doubt about the 'permanence of the mandate'?<sup>213</sup> Cook did not think it had anything to do with the mandate system. Ex-German estates came up for discussion again in relation to Economic Equality as the report indicated that they had been reserved for ex-soldiers. This was not the case according to Cook as they were advertised in London, but they only received one tender. Criticism had been made of the system of disposing of the ex-German property as per the debates of the Australian Parliament and had been reported in the press. These criticisms included that there was favouritism and irregularity in the sale of the properties.<sup>214</sup> The Government had set up an enquiry but this does not imply that they believe the allegations. They have also appointed a firm of accountants to investigate the transactions of the Expropriation Board.

In the Lands Ordinances, it was provided that the indigenous population had no power to dispose of any land, unless they had prior permission from the Administrator. This was done to protect the New Guineans from being exploited by private individuals, they declared. The indigenous population were regarded as proprietors of the soil by the Administration but land could only be rented off them with restrictions. According to Van Rees, he believed the restrictions in place meant that it was not the indigenous population that could be 'really considered as proprietor but the Government.' This would mean that the land would be private state domain which would not be admissible.<sup>215</sup>

In dealing with the matter of land that belonged to the state the following two questions were deemed important by the commission. Did the German state lands belong to the mandatory Powers in that capacity or as part of their state assets and could the mandatory Power say these land are now part of their state Domain? The Commission decided that the best course of action would be to invite the Governments in control of the mandates for their views and interpretation of the terms that were used.<sup>216</sup> South Africa took a different approach, in the same way as with German subjects, in that it did not liquidate the property of ex-enemy subjects.<sup>217</sup> In 1922, the Union of South Africa had nationalised the railways and harbours of the mandate of South West Africa as part of the railways of South Africa. Previously they had been the property of the German Government. This was the first instance that the PMC had before it of a mandatory power nationalising property of a mandated territory. The Chairman believed that the Act of Parliament in South Africa that effect this transfer was in contradiction with Article 257 of the Treaty of Versailles. SA High Commissioner Walton argued, unsuccessfully, that the South African Government had built over 400 miles of railway and extensively renovated more. Theodoli did not think this should impact on the legal reading of the treaty.<sup>218</sup> The South African legislation had transferred all railways, harbours in SWA to the

212. Of the cases reviewed one in five was appealed of which one in three resulted in a successful appeal. Spartalis, *The Diplomatic Battles of Billy Hughes*, 216.

213. Permanent Mandates Commission, *Minutes of the Third Session*, Twenty third meeting, 03/08/1923, 164.

214. *Ibid.*, Twenty third meeting, 03/08/1923, 166.

215. Permanent Mandates Commission, *Minutes of the Second Session*, Seventh Meeting 4/08/1922, 39.

216. Permanent Mandates Commission, *Minutes of the Third Session*, Third meeting, 21/07/1923, 22.

217. One exception was £600,000 taken from Diamond mining companies. LNA, Box R34 1/12012/9643, Liquidation of Property of Ex-enemy subjects in territories placed under mandates, Letter - South Africa to League, 16/03/1921.

218. Permanent Mandates Commission, *Minutes of the Third Session*, Seventeenth meeting, 31/07/1923, 107.

Governor-General of the Union. The PMC noted this but recorded that there was a contradiction with Article 257 of the Treaty of Versailles. The treatment of one Mrs Reiner in SWA displays how complicated the disposal of German assets could be. She was an enemy subject, who had passed away, so, in the opinion of the Custodian of Enemy Property, her estate should be dealt with on the terms of the Peace Treaty. She had left her estate to a British subject, but this would have no impact. Her heirs would only be entitled to the Certificates of Credit to which she would have been entitled to had she lived.<sup>219</sup> There is no discretion in the matter, and the only way to do something would be for South Africa to pass special legislation.

A fundamental principle of the mandates system was that there was no interference with religious freedom. This is of interest to this issue of sovereignty as most missionary bodies had an international context to them. As early as June 1919, the Allied and Associated Powers were able to inform the Roman Catholic Church that the mandate agreements would contain a clause guaranteeing freedom of conscience and religion. While it was envisaged that the property of German Missions would have to be transferred to a Board of Trustees it was also accepted that 'missionaries of all denominations shall be allowed freely to prosecute their calling, to maintain their schools and other institutions'.<sup>220</sup> The LNU published a pamphlet in which freedom of conscience should be enshrined. They hoped the Mandatory would make available land for lease for the building of schools, hospitals, and places of worship. One safeguard they wanted put in place was that 'no child should be compelled to receive any religious instruction contrary to its parents' wishes'.<sup>221</sup> Even the US wanted to ensure that, while they may not have signed the Versailles Treaty, American Missionaries would not be hindered in the mandates. Hughes in a conversation with Balfour said that he desired 'that the position of the United States missionaries should be assured'.<sup>222</sup> There were some concerns about the missions. Quincy Wright wrote that the religious orders had the potential to 'interfere with native interests although the mandatory has ample power to deal with them in the interests of public order'.<sup>223</sup> There was also the odd occasion in which trouble had arisen due to mission rivalries. Religion played an important part in the rationale of the civilising mission for some humanitarian bodies. John Harris of the Anti-Slavery and Aborigines Protection Society, while supportive of the League and its mandates system, did not think it could replace the role of the missionary.<sup>224</sup>

A certain number of German missionaries had been allowed, for the time being, to remain in the territory of New Guinea.<sup>225</sup> Generally, the Australian administration gave German missionaries extensions to their permission to stay, while they considered whether to deport them back to Germany. This resulted in the German missionaries remaining the dominant group in the space of 'religious and educational interactions

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219. NASA, *TES 7541 F88/47*, South West Africa. Rieser, Mrs, Letter - Custodian of Enemy Property to Treasury, 06/06/1922.

220. LNA, *Box R9 1/980/980*, Allied & Associated Powers reply to Holy See, 16/06/1919.

221. Leys, *A plan for Government by Mandate in Africa*, 12.

222. NAA, *A1, 1923/14423*, Foreigners and foreign interests in Territory of New Guinea - Treatment of, Memo - Prime Ministers Dept, Treatment of Foreigners and foreign interests in Territory of New Guinea, 17.

223. Wright, *Mandates Under the League of Nations*, 566-7.

224. Forclaz, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880-1940*, 52.

225. Permanent Mandates Commission, *Minutes of the Second Session*, Sixth Meeting 3/08/1922, 32.

with New Guinea's indigenous inhabitants, ... into the mid-1930s.<sup>226</sup> Official Australia did try to put pressure on religious groups to replace German nationals in New Guinea missions. Atlee Hunt, of the Department of Home and Territories, addressing a Methodist Conference in Australia, wondered if they would be able to fill the place of German missionaries if the Government were to expel them. In late 1922, the Australian Government implemented policy that meant that no new German Missionaries could enter New Guinea; those there, after giving an oath of loyalty, could remain for seven years; and any replacement missionaries would have to be Australian or American, if Lutheran, and non German for other denominations.<sup>227</sup> The Catholic Church contended that Article 438 did not apply to them as the Holy See owns the missions not individual societies. Australia requested information from London to if this had arisen in other British Mandates. The Vatican had made the same claim in Cameroon but it was not accepted, and their mission properties were vested in a board of trustees.<sup>228</sup> In SWA, there was no specific legislation in relation to liberty of conscience and religion. The rationale for this was that these freedoms had 'existed for many generations under the laws of the Union.'<sup>229</sup> Missionaries were allowed to enter the indigenous reserves. This was important in the context of the mandate system as under the mandate agreements it was necessary to 'allow all missionaries, nationals of any state member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.' In the realms of social progress and legal entitlements, the record of League oversight in the first period of its existence was mixed, influential in some areas, quite toothless in others, as the above discussion of citizenship, property, pass laws and missions shows. The major test of this period was to come though in the Bondelswarts controversy that blew up in SWA in 1922, to which we now turn.

#### 4.4 A test for petitioning: The Bondelswarts Affair of 1922 and South Africa at the bar of the PMC

The first real major test of the impact that the PMC could have in relation to the C mandates came after what was called, by the SWA Administration, the Bondelzwarts rebellion occurred in SWA. While this incident is well covered by Pedersen in *the Guardians*, I shall also cover it as it shall serve as an comparative example to the case of the Rehoboth, that Pedersen does not cover in great detail, which I shall discuss in chapter 5.<sup>230</sup> This section shall not repeat the rules of procedures in relation to petitions that have already been extensively discussed in section 4.1. It shall start with an overview of the conditions in SWA that resulted from the Bondelswarts affair. The focus shall than switch to Geneva where I will scrutinise the League's reactions and specifically the PMC's

226. Christine Winter, "'A good-will ship": The light cruiser Köln visits Rabaul (1933)', *Australian Journal of Politics and History* 54, no. 1 (2008): 45.

227. Spartalis, *The Diplomatic Battles of Billy Hughes*, 212; The policy did not apply to Polish Roman Catholics of Polish descent born in German Poland. NAA, A518, E118/2, Mandated Territories - Foreign Missions, Memo - Home and Territories Department, 11/12/1923 & 14/02/1924.

228. NAA, A518, E118/2, Correspondance between Melbroune and London, 10/09/1923 & 06/11/1923.

229. LNA, Box R10 1/22113/1347, Replies to Questionnaire, 4.

230. To borrow a phrase from Pedersen, 'Put bluntly, my selection principle was: If a tree falls in a mandated territory and Geneva hears it, I hear it.' Maddux and Labrosse, 'Roundtable Review: Susan Pedersen. *The Guardians: The League of Nations and the Crisis of Empire.*', 112-34; Pedersen, *The Guardians: the League of Nations and the Crisis of Empire.*

examination of the incident. In this section it will be evident that there existed diverging views as to what the limits of power were of the League in dealing with the administration of the mandates.

The incident occurred in May and June 1922, but the grievances that led to its outbreak had been brewing for quite some time. These grievances included the high level of a dog tax, and the tribe being unable to keep their own branding irons, which were held by the local magistrate, whereas white farmers could.<sup>231</sup> Of the above grievances, the high level of dog tax was a conscious policy decision of the Administration. It was originally imposed in 1917 and strictly enforced, with the rate of tax increased in 1921. The Administrator, Gysbert Reitz Hofmeyr, when appointed in 1920, noticed a vast number of dogs, which in his mind prevented the indigenous population and 'a certain class of European squatter' from pursuing 'honest labour'.<sup>232</sup> He was also encouraged to raise the tax by farmers as an inducement for those who had dogs to hunt to seek work on farms. Hofmeyr, in his report of 1921, was of the view that the dog tax had worked and after raising it, then reduced it by 50 percent. His report stated that the dog tax had 'fulfilled its immediate object in the prevention of the pernicious evil perpetrated by certain whites and black in keeping large numbers of dogs to forage for them, ... affording these vagrants and loafers an easy means of livelihood, which relieves them of any need to work.'<sup>233</sup> The spark that lit the flame, was the return to SWA of the Bondelswarts traditional leader, Abraham Morris, in April 1922, and the administration's reaction to it.<sup>234</sup> Just to remind the reader, Morris assisted the South Africans during their invasion of GSWA as discussed in chapter 1.<sup>235</sup> When in 1922, the two police officers sent to arrest Morris were repulsed by the tribe the scene was set for a strong Administration reaction. To assist him in suppressing the perceived Bondelswarts revolt, Hofmeyr assembled a volunteer force of 370 and received two De Havilland D.H. 9 aeroplanes, two mountain guns and four Vickers machine-guns with the respective personnel from the Union.<sup>236</sup> Germans still resident in SWA also volunteered to be part of the force to suppress the Bondelswarts but were refused. As Margarethe von Eckenbrecher, a German settler who remained in SWA until the 1930s, wrote, they, the Germans, had done this to 'demonstrate

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231. McCarney, 'Smuts, South West Africa and the League of Nations, 1919-1924', 30.

232. Gavin Llewellyn Mackenzie Lewis, 'The Bondelswart Rebellion of 1922' (Master of Arts, Rhodes University, 1977), 49.

233. LNA, Box R10 1/22654/1347, Report of the Administrator of South-West Africa for the year 1921, 4; Crawford states that the relatively high taxes were to subsidize 'mandatory administration and forced Africans to work in wage labor on white farms.' Crawford, *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention*, 274.

234. The South African later would admit, at the PMC, that in their opinion that it was the return of Morris that was the cause of the whole affair. Permanent Mandates Commission, *Minutes of the Third Session*, Eighteenth meeting, 31/07/1923, 116.

235. In fact one police unit involved in the suppression of the rising spent a night camped at Sandfontein, where Morris had advised the South Africans in 1914 Rodney C. Warwick, 'The Battle of Sandfontein: the Role and Legacy of Major-General Sir Henry Timson Lukin', *Scientia Militaria - South African Journal of Military Studies* 34, no. 2 (2011): 80.

236. Andries M. Fokkens, 'The Suppression of Internal Unrest in South West Africa (Namibia) 1921-1933', *Scientia Militaria - South African Journal of Military Studies* 40, no. 3 (2013): 119-20; One local official later wrote though that 'when what came to be known as the Bondelswarts rebellion broke out at Warmbad in the South [Hofmeyr] ordered a uniform from his tailor in Cape Town. Legend has it that punitive measures were not to be undertaken until the uniform arrived' Wanless, 'The Silence of Colonial Melancholy: The Fourie Collection of Khoisan Ethnologica', 70.

that the whites were unified when it came to fighting the blacks.<sup>237</sup> Airplanes were also used in the suppression of indigenous troubles was also used in the mandates of Iraq and Syria. I shall not go into the detail of the suppression of the Bondelswarts revolt other than to say that over 100 of the tribe and Morris were killed.<sup>238</sup> It might have been the quick and overwhelming use of force used by Hofmeyr that led the LNU to write to the League to request that 'except in cases of immediate necessity, no punitive expeditions should ... be permitted in mandated territory without the prior consent and directions of the Mandatory Government.'<sup>239</sup> For Frederick Cooper, punitive expeditions, such as that against the Bondelswarts, was the mark of colonisation and a feature of maintaining control. The use of aeroplanes was the 'marrying [of] new technology to an age-old tactic in aerial bombardments during rebellions'. It was also driven by 'the need to keep the costs of administration and discipline low, whatever the claims of civilizing missions or rule of law.'<sup>240</sup> One of the causes of the military response of the SWA administration could be attributed to the belief that they saw indigenous organisations and grievances as a direct threat to their authority.<sup>241</sup>

It would not be long before word on the punitive expedition made its way to Europe, and pressure would come on the PMC to discuss the matter. In the South African parliament there was also a heated debate about the rebellion. Many South African Labour MPs accused the Government of breaching the trust integral to the mandate. Not only was there a breach but 'no effort was made to carry out the trust which was committed to us.'<sup>242</sup> While Smuts was under pressure in Pretoria, he still had some support from members of the ASAPS, even though they abhorred the news coming from SWA. British academic and internationalist, Gilbert Murray believed it would 'be necessary to strengthen Smuts' hand against the more brutal section of colonial opinion.'<sup>243</sup> Smuts did not mind the debate within Parliament as he saw the affair as an internal security matter.

At Geneva the South African delegation had put a report before the Assembly about the Bondelswarts affair which was prepared by the Administrator of South West Africa. The Assembly passed resolutions that requested the PMC to look at the aftermath of the

237. Later a Newspaper article was to state that 'a most disappointing fact of the uprising, ... is the fact that German settlers did not volunteer when volunteers were sought.' Germans strongly encouraged the administrator to correct this false accusation. Eckenbrecher, *Africa, What it gave me, what it took from me*, 291-2.

238. For a detailed description of the military action, see Fokkens, 'The Suppression of Internal Unrest in South West Africa (Namibia) 1921-1933'; Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*; Tilman Dederling, 'Air Power in South Africa, 1914-1939', *Journal of Southern African Studies* 41, no. 3 (2015): 451-465.

239. LNA, Box R10 1/29575/1347, South African Mandate for former German South West Africa, Letter - Gilbert Murray(LNU)to Eric Drummond(LN), 13/07/1923.

240. Cooper, *Colonialism in Question*, 157; Hofmeyr contended that 'but for these machines an assault on the position would have resulted in a very serious loss of life.' I assume he means South African lives considering over 100 Bondelswarts perished in the bombing. NASA, *PM 1/1/435 PM141/1922 Part 2*, Hottentot Rising in S.W. Africa, Summary of the Causes by the Administrator, 02/06/1922.

241. Many Bondelswarts believed Morris would lead the fight to reclaim what they perceived to be rightfully theirs. Fokkens, 'The Suppression of Internal Unrest in South West Africa (Namibia) 1921-1933', 111-8.

242. LNA, Box R10 1/29706/1347, South African Mandate for former German South West Africa, Extracts from the debate in the Union House of Assembly, 22-24/05/1923, 1-7.

243. MSS.Brit.EMP S.22 G402, Letter Gilbert Murray to Harris, 2/11/1922; Harris was to write that the Bondelswarts affair was used by Hertzog to try to bring down Smuts. MSS.Brit.EMP S.22 G403, Papers of the Anti-Slavery Society: German mandated territories, mandates, Bodleian Library, University of Oxford, Letter - Harris to Lady Gladstone, 13/07/1923.

rebellion as well as reviewing the reports on the rebellion.<sup>244</sup> Separately, the ASAPS had some reservations about the manner in which the South African Enquiry was conducted. It wrote to Drummond that they had seen in South African papers that the proceedings would be 'conducted in camera, and that neither the Press nor the public' would be present.<sup>245</sup> Drummond replied that he had no information on it but that a full report would be published. South Africa did intend to publish the report and forward it to the League. Smuts believed the report would 'not cause the sensation that Mr Harris [of the ASAPS] and his friends [expect] it would.'<sup>246</sup> The ASAPS had in 1922 made its opinion clear about the use of force against the Bondelswarts. In another of the many letters to the League on the matter, they stated that they 'know of no Administration which would meet with the amount of resistance that appears to have been shown in this case by bombing the people from aeroplanes and "spraying" them with machine guns from other aeroplanes.'<sup>247</sup> When later considering an Act of Indemnity, the South African Attorney General disagreed with such a view. He stated that the administration was 'legally justified in suppressing the rebellion by the employment of whatever force the necessity of the case demanded.'<sup>248</sup> What a plaintiff in a legal case could argue was whether the level of force taken was justifiable. In the end no act was passed as Hofmyer did not want one as he was both convinced he acted correctly and that and the passage of such an act would only leave him open to the charge that he 'wished to cover up certain events by the protection of an indemnity.'<sup>249</sup> The South African Peace Society also questioned the use of aeroplanes to deal with Bondelswarts incident. What is interesting in their letter to Smuts was that they refer to the Hague Conventions and that Germany was condemned for bombing from airplanes in the war. Using the language of the mandates system, they condemned the methods used by the administration as 'unworthy of civilisation' and would impact on South Africa's reputation in the 'eyes of the civilised world.'<sup>250</sup> Ormsby-Gore writing privately to Rappard felt that it was the SWA Native affairs

244. Permanent Mandates Commission, *Minutes of the Third Session*, First meeting, 20/07/1923, 8; Dantès Bellegarde, the Haitian member of the Assembly was instrumental in pushing for the resolution. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 112-3; Bellegarde's intervention was widely commented upon in the international press Dederig, 'Petitioning Geneva: Transnational Aspects of Protest and Resistance in South West Africa/Namibia after the First World War', 792.

245. LNA, Box R10 1/23488/1347, South African Mandate for the late German West Africa, Letter - Harris to Drummond, 15/09/1922; The ASAPS also met with Walton, SA High Commissioner, to strongly urge the appointment of a trained lawyer on the enquiry NASA, PM 1/2/66 PM21/1 Vol 1, Report etc of Commission of Inquiry Bondelswarts Rebellion of 1922, Telegram — Walton to Smuts, 12/09/1922.

246. Jean Van der Poel, ed., *Selections from the Smuts Papers: Volume V* (Cambridge: Cambridge University Press, 1973), Letter Smut to E. H. Walton, 16/03/1923; It is not surprising Smuts was of the opinion that report would not be sensational as it was carefully edited. Smuts requested certain recommendations to be taken out of administrators report as they would cause a storm in parliament and at the League. NASA, PM 1/2/66 PM21/1 Vol 2, Report & Commission of Inquiry into the Bondelswarts Rising. May 1922, Telegram — Smuts to SWA, nd but probably 1922.

247. MSS.Brit.EMP S.22 G403, Letter - ASAPS to Drummond, 03/08/1922; LNA, Box R41 1/22331/15778, South African Mandate for late German West Africa.

248. He was also of the opinion that detained Bondelswarts would succeed in an action against the administration for false imprisonment, and that the Administrator did not possess immunity from subpoena and that he could be called as a witness should be avoided. NASA, PM 1/2/66 PM21/1A, South West Africa. Suggestion proclamation of an indemnity measure in connection with the Bondelswartz Rebellion, Memo - Bondelzwarts Rebellion - Act of Indemnity, 26/01/1923.

249. Smuts in his reply agreed with him. *ibid.*, Letter Hofmyer to Smuts, 02/02/1923, Smuts to Hofmyer, 12/02/1923.

250. They feared that 'the name of South Africa [would] "stink in the nostrils of humanity"' NASA, PM 1/2/66 PM21/2 Part II, SWA. Report of a Commission. Bondelswartz Rebellion, Letter - South African Peace Society to Smuts, 27/07/1922; Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 122.

administration's personnel that was the problem. He noted that 'progressive opinion in this country [UK] ... does not think well of the Dutch administration in South West Africa [and] in using the word Dutch I raise the real difficulty in this matter.'<sup>251</sup> The difficulty as he saw it was that 'native' administration in South Africa was usually carried out 'by persons of British birth and traditions' whereas in SWA it was not.

Harris would again write to the League, on the basis that the report from the South African Commission of Enquiry was in his view, impaired. For Harris and the ASAPS, any 'suppression of the evidence ... must weaken public confidence in the Mandatory system and in the completeness of control which can be exercised by the League.'<sup>252</sup> Meanwhile, the South African Peace Society wanted the League Assembly to appoint its own commission of Enquiry. It felt a League enquiry would carry more weight as an impartial and independent body. They felt that if such a committee was made permanent for disputes between indigenous populations and the mandatory powers, that it 'would have a beneficial influence on Native policy and administration in neighbouring states.'<sup>253</sup> In a separate letter the ASAPS hoped the PMC would investigate the whole affair and would 'state what, in its opinion, constitutes rebellion justifying punitive measures.'<sup>254</sup> These examples demonstrate the level of information available to such bodies as the ASAPS and their access to high level officials within the League. In fact, the rebellion would take up a substantial part of the Commission's third session. They had to examine the Bondelswarts affair due to the Assembly resolution and 'the interest aroused in public opinion by this unfortunate affair.'<sup>255</sup>

The PMC had to define how they were going to study the Bondelswarts rebellion. It was felt that the report of the Commission of Enquiry from South Africa did not answer the points raised in the Assembly resolution. Rappard pointed out that the Assembly resolution did not relieve the PMC of its duty to the Council. One member of the PMC wanted to see if they could speak with a representative of the ASAPS, who had written to the PMC about the incident. The Commission had to wrestle with the submission of bodies such as the ASAPS. The hypothetical question was raised as to whether the evidence of the ASAPS should be held higher than that of the South African Government. It was put that they should accept with reserve the statements of the ASAPS or other similar associations. The PMC decided to telegram the ASAPS for 'all relevant detailed written information from responsible persons'.<sup>256</sup> Since South Africa had forwarded the Commission of Enquiry report without comment it could be inferred that it agreed with its findings without reservation. The PMC hoped that if South Africa agreed with the enquiry report they would be in a position to make a public announcement as to the facts of the case.<sup>257</sup> If the South African Government did not agree with the report, the PMC wondered if they should not inquire as to what further actions South Africa going to take

251. LNA, S284 1(9), Letter - Ormsby-Gore to Rappard, 09/06/1923.

252. LNA, Box R10 1/25963/1347, Bondelswart Rebellion, Letter - Harris to Drummond, 23/07/1923.

253. LNA, Box R10 1/24778/1347, South African Mandate for late German South West Africa, Letter - South African Peace Society to League Assembly, 27/10/1922.

254. MSS.Brit.EMP S.22 G403, Letter - ASAPS to Drummond, 03/09/1922.

255. Permanent Mandates Commission, *Minutes of the Third Session*, First meeting, 20/07/1923, 10.

256. *Ibid.*, Eleventh meeting, 26/07/1923, 64-7.

257. Although the PMC noted that it appeared from a Smuts speech to the Cape Parliament that the opposite was the Governments view *ibid.*, Twelfth meeting, 27/07/1923, 70.



to investigate the matter. The above highlights the information vacuum in which the PMC were operating.

The South African report was possibly forwarded to the League due to the concerns of Sir Edgar Walton, the South African High Commissioner to London. He believed that they could be in an awkward position if they were not able to produce it when the League met. Walton had also been told privately that Hofmeyr had 'lost his head ... [as] he had no experience in this particular kind of job.'<sup>258</sup> He was willing to put up a defence to their critics for he was 'sure that Hofmeyr did nothing more than he conscientiously believed to be absolutely necessary'. Yet when Walton appeared before the PMC he had received no instructions from his government as to if they endorsed the report into the Bondelswarts rebellion. The PMC felt they must know the conclusions of the mandatory government. The PMC were worried that if the South African Government reject their own enquiry there is a danger that the PMC may now become a Commission of Enquiry.<sup>259</sup> Walton speaking about the responsibility of South Africa towards the administration of South West Africa stated that due to the fact that the League gave them the territory to govern that 'It has to be responsible, it is responsible, and it is responsible to the League for what it has done'.<sup>260</sup> The Commission did not want to be seen as an enquiry and was of the opinion that the role of the PMC should be to say if the explanations provided by South Africa are satisfactory or not.

When it came to examining the Bondelswarts affair Van Rees was of the opinion that the PMC should be concerned with whether responsibility for the rebellion could be partly attributed to the local mandate administration. They felt that if the suppression of revolt was harsh, local government would have to show that less drastic measures were impossible.<sup>261</sup> Lugard understood that it was the mandatory Power that was responsible for the administration of the mandate so it would be difficult for the commission to discriminate between the mandatory Power and the local administration. The question that the PMC needed to answer was: what constituted a massacre or a severe suppression of a rebellion?<sup>262</sup> South Africa had sent a Major Herbst, who was secretary to the administrator of SWA, to Geneva to assist with the inquiry into the Bondelswarts affair. One of the reasons that Herbst was sent was 'to do everything possible to set ourselves [South Africa] right in the eyes of the world.'<sup>263</sup> His appearance before the PMC created some confusion as they grappled with what his legal position before them was. Was he a representative of the Prime Minister, Smuts, or a duly appointed representative of South Africa? Whatever capacity Herbst was attending in there were those who wanted his experience to be a memorable one. Gilbert Murray wrote to John Harris that he was 'inclined to suggest that you or I ought to see Ormsby-Gore and propose that he should

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258. NASA, *BTS 2/1/6 LN 1/26 Vol I*, Extract from Sir Edgar Walton's letter, 21/02/1923; Walton had reported to Pretoria the previous year that the general impression in Geneva was that the treatment of the tribe was far from humane, that the attack was not justified, and that the operations were conducted in a brutal manner. NASA, *PM 1/2/66 PM21/1 Vol 1*, Extract from Sir Edgar Walton's Letter, 13/09/1922.

259. Permanent Mandates Commission, *Minutes of the Third Session*, Eighteenth meeting, 31/07/1923, 114.

260. *Ibid.*, Eighteenth meeting, 31/07/1923, 115.

261. *Ibid.*, Twelfth meeting, 27/07/1923, 68.

262. *Ibid.*, Twelfth meeting, 27/07/1923, 69.

263. McCarney, 'Smuts, South West Africa and the League of Nations, 1919-1924', 31; This was a logical course of action when considered that members of the PMC were privately writing that 'the [South African] report has not convinced me that the administration's way of treating it was satisfactory.' LNA, *Box R68 1/27996x/27995*, Letter — Bugge-Wicksell to Rappard, 29/06/1923.

put the fear of the Lord into Herbst. It is important that Herbst should realise British Opinion, as well as the opinion of the League, takes the Bondel business very seriously.<sup>264</sup>

While maybe not putting the fear of the Lord into him, Herbst was questioned by the PMC on numerous aspects of the whole affair. These ranged from if the Administrator had the power to order the expedition or if he had to defer to the South African Government, to questions about the use of airplanes against the Bondelswarts. It was specially noted that 'the natives were very frightened of aeroplanes.'<sup>265</sup> He was asked if the planes were there to intimidate the Bondelswarts or to bomb them to which Herbst replied they intended to bomb them as they were afraid they would continue a guerilla war otherwise. In talking about the use of the aeroplanes Herbst, showing some knowledge of their use in other hotspots around the empire, states 'economy has dictated the withdrawal in Mesopotamia of the infantrymen and other arms, and the substitution of the aeroplane, which has bombed villages, etc., exactly as was done in South-West Africa.'<sup>266</sup>

The Commission turned the discussion towards the Bondelswarts' grievances against the Administration, especially the dog tax. In 1921, there was an increase in the tax to £1 for the first dog and £10 for five dogs which van Rees of the PMC thought was 'a very high tax indeed.'<sup>267</sup> Theodoli considered that the dog measures in place in SWA were similar to those in force in European capitals. Herbst asserted that it was his view that in many cases the Bondelswarts refused to pay out of passive resistance rather than an inability to pay.<sup>268</sup> In relation to the grievance about the branding irons the PMC wanted to know why the indigenous farmers had to pay the same price as European farmers for the irons when in their case the police held them. Herbst said that the cost of producing them was fixed by law. He also makes the interesting comment that 'the possession of stock by a native is not welcomed by farmers, ... ' and that the reason the magistrate held onto the natives' branding irons was to protect them from being accused of stealing stock as farmers often did.<sup>269</sup> There is a further exchange about the relationship between the European farmers and the indigenous population. Lugard noted that it was clear from the South African report into the rebellion that 'ignorant farmers' thought the natives were there chiefly as labourers for them to which Herbst replied that 'it was not only ignorant farmers, it was also the educated farmers who thought that.'<sup>270</sup> As to the direct causes of the rebellion the South African did not have a direct answer for the Commission. It was clear that the tribe supported those that resisted the attempted arrest of Morris and it

264. *MSS.Brit.EMP S.22 G403*, Letter - Gilbert Murray to Harris, 01/06/1923.

265. Permanent Mandates Commission, *Minutes of the Third Session*, Eighteenth meeting, 31/07/1923, 117; Pierre van Ryneveld, who was in charge of air operation during the Bondelswart incident 'later expressed his satisfaction with the efficiency of South African air power.' Dederig, 'Air Power in South Africa, 1914-1939', 458; Hofmeyr noted that the 'Air Force succeeded in bringing about complete demoralisation of the enemy'. NASA, *PM 1/2/67 PM21/2*, Report on the Bondelswarts Rising - 1922, Special Field Order - 09/06/1922; Also see NASA, *PM 1/1/435 PM141/1922 Part 2*, Rising in South West Africa, Summary of the causes by the Administrator, 5.

266. Permanent Mandates Commission, *Minutes of the Third Session*, Eighteenth meeting, 31/07/1923, 123; For more on the use of the RAF in a colonial setting see David E Omissi, *Air power and colonial control: The Royal Air Force 1919-1939*, Studies in Imperialism (Manchester: Manchester University Press, 2017).

267. Permanent Mandates Commission, *Minutes of the Third Session*, Eighteenth meeting, 31/07/1923, 118.

268. *Ibid.*, Eighteenth meeting, 31/07/1923, 119.

269. *Ibid.*

270. Permanent Mandates Commission, *Minutes of the Third Session*, Eighteenth meeting, 31/07/1923, 120; According to Pedersen white opinion in SWA backed the Administration, and it is 'Here we find the authentic voice of settler colonialism. The native should work or starve.' Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 123.

appeared to Herbst that this was the point on which they went to war. Orts wondered 'was it not one of these cases of collective loss of reason on the part of an ignorant population most anxious to throw off the European yoke.'<sup>271</sup>

After interviewing Herbst, the PMC set about drafting a report on the enquiries into the Bondelswarts affair. They were aware that they had only heard one side of the story and the only way to hear the other side was to go to SWA.<sup>272</sup> As I have discussed above, the idea of visiting mandate territories as part of the mandates oversight regime had been ruled out. The Commission's draft findings, as prepared by the Chairperson, included the following:

1. The fundamental causes of the movement are various and remote
2. The rising could probably have been prevented by timely personal action on the part of the Administrator. No such action was taken. This is regrettable.
3. The repression appears to have been carried out with excessive severity, and had it been preceded by a demonstration of the overwhelming force at the command of the military authority, an immediate and perhaps bloodless surrender might have been anticipated.

Freire d'Andrade thought it would be best that each member of the committee should send the Chairperson a memorandum on their own view of the affair. It was then suggested that Rappard could draft the definite text. Rappard refused on the grounds that he did not want the secretariat to be undermined by accusation of drafting the PMC conclusions. It was decided that each member of the committee would draft their own observations and the PMC would then meet to discuss them.<sup>273</sup>

As the Commission was nearing the end of its work for the third session, Major Herbst reappeared before them. It seems that South Africans had become aware that the PMC could issue an adverse opinion and so Herbst was put before them again to better present the case for the administration.<sup>274</sup> This action can to some degree demonstrate the moral authority that the PMC could have. According to Herbst it was only after the affair that the administration learn of grievances in relation to the dog tax and branding-irons. He also referred to the law of the mandate and international agreements about the obligation to ensure indigenous persons did not carry firearms. His view was that it was part of the duty of the PMC to see that particular law in the mandated territory carried out strictly. There was a fear amongst the South Africans that it would be impossible for the Administrator to continue in his post if he was criticised by the PMC.<sup>275</sup> Orts wanted the final report from the PMC to state clearly that they did not consider the appearance of Herbst before them to be the same as a report based on a final investigation. They were of the view that the PMC could only express an opinion on the information that was before it which it believed was insufficient.<sup>276</sup>

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271. Permanent Mandates Commission, *Minutes of the Third Session*, Eighteenth meeting, 31/07/1923, 122.

272. *Ibid.*, Nineteenth meeting, 01/08/1923, 135.

273. *Ibid.*, Nineteenth meeting, 01/08/1923, 136.

274. Pedersen thinks that possibly Freire d'Andrade showed Walton and Herbst the draft of the PMC report. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 124.

275. Permanent Mandates Commission, *Minutes of the Third Session*, Twenty seventh meeting, 07/08/1923, 183-7; South African 'public opinion would stand no censure of local officials.' Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 123; One SWA newspaper did dissent from this view and reported that 'the nobler course of action would have been one of patient perseverance rather than ferocious punishment.' Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, 122.

276. Permanent Mandates Commission, *Minutes of the Third Session*, Thirty first meeting 08/08/1923, 201-2.

The Portuguese member Freire d'Andrade gave a dissenting opinion in writing, the main points of which can be summarised as follows:

1. It was not proven that the rebellion was suppressed by excessive means, and the Administrator's action probably prevented the spread of Rebellion.
2. While the Bondelswarts had reasons for discontent they were not sufficient to start a rebellion, and the Administration had dealt with these grievances after the rebellion.
3. It was probably that certain officials or individuals acted in a reprehensible manner during the suppression of the rebellion, and they should be punished or dismissed but only if found guilty by further enquiry.<sup>277</sup>

The South Africans, believed that Freire d'Andrade, had 'shown himself very friendly ... over the Mandates Report.', and that he would refuse to sign the commission's report. Freire d'Andrade informed Walton that he agreed with the memorandum the latter had submitted to the commission, and that the commission's own report 'reflected unjustly upon' the South Africans.<sup>278</sup>

Theodoli's final report however took the administration to task and was of the view that 'the administration pursued a policy of force rather than persuasion and this policy has always been applied in the interest of the colonist rather than the indigenous population.'<sup>279</sup> For him the Administration in South West Africa was acting to preserve its own authority and in the interests of the minority white population. Orts though was against the idea of including in the text of their report the line 'first in importance come the interest of the natives, secondly the interest of the whites.' It appears that Theodoli was willing to walk out on the PMC on this matter and stated that 'on the present subject of debate, the divergences between the commission and himself were concerned not with words but with substance.'<sup>280</sup> Such harsh criticism of the administration could be behind the South African view that they had 'certain enemies in the camp' on the commission.<sup>281</sup> This view was reinforced by the leaking of parts of the PMC report before the members of the Council received it. Walton wondered if all this negativity towards South Africa had 'been organised by the Aborigines Protection Society.'<sup>282</sup>

After the presentation of the report to the Council, who thanked the South Africans for their report and hoped the Bondelswarts would show a steady and continuous advancement, the Assembly also received it. The Assembly passed a resolution on it which was later communicated to South Africa by the League. The Assembly expressed regret that the PMC was not 'able to report that satisfactory conditions' had been re-established in the Bondelswarts district. They further hoped that future reports would 'contain such information as may allay all misgivings' about relations with the Bondelswarts.<sup>283</sup> While the final reports and resolutions to South Africa from the League could be considered mild, at least the southern Dominions were put on notice that their

277. Ibid., Thirty first meeting 08/08/1923, 204.

278. NASA, BTS 2/1/6 LN 1/26 Vol I, Letter Extracts from Walton, 04/09/1923.

279. Permanent Mandates Commission, *Minutes of the Third Session*, Thirty second meeting 09/08/1923, 206.

280. Permanent Mandates Commission, *Minutes of the Third Session*, Thirty second meeting 09/08/1923, 206-207; For more on this incident also see, Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 125-6.

281. NASA, BTS 2/1/6 LN 1/26 Vol I, Letter Extracts from Walton, 06/09/1923.

282. NASA, BTS 2/1/87 LN 13/4 Vol 5, League of Nations: Permanent Mandates Commission, Letter - Walton to FS Malen, 08/09/1923.

283. NASA, BNS 2/1/86 LN 13/4 Vol 1, League of Nations: Permanent Mandates Commission, Letter - Drummond to Smuts, 29/12/1923.

administrations 'would be conducted under the glare of international scrutiny'.<sup>284</sup>

Pedersen also contends, and I agree, that the whole affair 'drove the Commission to define its doctrine and practice; and it shaped how the Commission viewed all other mandatory powers and how those powers responded.'<sup>285</sup>

## Chapter Conclusion

The years 1921 to 1923 were to be an important period in the life of the mandates system. Like the League itself it had to be built from the ground up. This led to the rather bureaucratic task of draft constitutions, appointing commissioners, and operating procedures. While the Council drafted the constitution it was the PMC members that set their own procedures with Council approval. We see in the appointment of the PMC members a predisposition to appoint former colonial officials, but we also see the continuation of the practice of lobbying from representative bodies. This is most notable, and successful, in the case of the lobbying to have a woman appointed to the PMC. We also begin to see the independent-mindedness of the PMC when they begin to draft rules that at times faced resistance from the mandatory powers. The efficiency of the PMC meant the mandates as a whole could be 'generally recognised as a working reality and in no sense as a mere "camouflage for annexation," to borrow a phrase current in the early days of the experiment.'<sup>286</sup> The history of procedures in this chapter is at times a tedious subject but procedures mattered. In these early years of the PMC, an annual pattern was established which the interested parties worked around, involving annual reports from the Mandate governments ahead of late summer sessions of the PMC examining these reports ahead of their reporting to the League Council. We shall see this resistance from mandatory powers to any procedural changes in the oversight regime continue in chapter 5. What we also observe in the first number of years is the embedding of a routine of examining the annual reports by the PMC. While on the ground we see the local administration, by and large, put very little infrastructure in place for any eventual self-government, we do see attempts at least to be perceived in front of the PMC to be promoting the sacred trust. This became more difficult to defend when the PMC questioned such issues as the Phosphate mining in Nauru, or any hint of exploitation of the mandate territories resources. To this end, the PMC were always interested in the labour situations in C mandated territories, especially in the case where indigenous workers had to move large distances from their homes to work. In the Pacific mandates the question of the indentured labour also raised the dual question of the fairness of the whole labour system and the impact of Asian labourers on the indigenous population. In the case of the Bondelswarts affair, South Africa had to defend its whole suitability to even hold a mandate. As Susan Pedersen writes, they were 'at the bar of the League of Nations', and public opinion was horrified by the bombing of the tribe. The PMC was willing to criticize South Africa without going too far in its condemnation in part to protect this new internationalized imperial framework itself.

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284. Pedersen, 'Settler Colonialism at the Bar of the League of Nations', 120.

285. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 127.

286. H. Wilson Harris, *The League of Nations* (New York: Jonathan Cape & Harrison Smith, 1929), 89.

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**'This Commission was working on a live question, which was changing': The mandates and League oversight - 1924-26**

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It [the mandates system] also constitutes what is perhaps the strongest single link between the League, whose main activities are confined to Europe, and some of the British Dominions, who must sometimes be tempted to ask what the international organism situated in far-away Geneva is to them.

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William Rappard, "The Practical Workings of the Mandates System", 1925, p. 219

## Chapter Introduction

While the first three years of the operation of the mandates system was a blaze of agreeing procedure and dealing with major issues such as sovereignty and the Bondelswarts Affair, we see some of those themes reoccurring over the next few years. The Commission had settled in to its annual routine of examining reports with the accredited representatives and reporting any concerns to the Council. Yet, the issue of the questionnaire and procedures around petitioning would be revisited with the mandatory powers resisting any expansion of the powers of the PMC. Old ill-practices would raise their heads again with accusations of flogging in New Guinea, leading to an independent review of the whole direction of indigenous policy and its examination at Geneva. This is discussed in the wider context of Australia, New Zealand, and South Africa attempting to grapple with their 'sacred trusts', and not only their actual policies to uplift the indigenous population, but their attempts to ensure they are viewed favourably in Geneva. The tricky issue of the remnants of German properties was slowly playing out at this stage, with the PMC still inquisitive as to the policies adopted by the mandatories. This question was made all the more pertinent by the changing European diplomatic background due to the end of a period of intense Franco-German tensions over the Ruhr (1923-4) and the emergence of diplomatic détente with Locarno in 1925.<sup>1</sup> Locarno acted as a stimulus that brought Germany back into the concert of European nations, and culminating in German entry into the League in September 1926. As we shall see, concern about impending German entry would filter down to the mandatory powers. The chapter shall conclude with a review of the Rehoboth petitions, where I shall examine what different approach South Africa took as opposed to the Bondelswart affair only a few years previously. While outside the scope of this thesis I shall also underlying tensions in Samoa that developed during this period that contributed to the outbreak of the Mau movement in the late 1920s.

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<sup>1</sup> For more on inter-war European diplomacy, see; Steiner, *The Lights that failed: European International History, 1919-1933*; Clavin, 'Europe and the League of Nations'; Sharp, *The Versailles Settlement: Peacemaking after the First World War, 1919-1923*.

## 5.1 League questionnaires, good impressions and the Ainsworth report into abuses in New Guinea

By the time of the Fourth Session of the Permanent Mandates Commission which was held in Geneva in June 1924, the PMC had made some further important changes in procedure and its membership had also evolved. At the Ninth Session in 1926, the French delegate, Martial Merlin, would describe this evolution as the PMC 'working on a live question, which was changing.'<sup>2</sup> This section shall start with the evolving membership of the PMC followed by a discussion of the mandates questionnaire. My focus will then turn to the administrations in each of the C mandate territories with an emphasis on controversies that arose in New Guinea.

From its inception in 1921, a representative of the ILO — normally Harold Grimshaw — was present at its meetings. In 1926, a Mrs. Weaver stood in for Grimshaw at some meetings of the PMC, displaying the relative equality that was growing around the League.<sup>3</sup> Now in 1924, at the request of the League Assembly the Health Organisation of the League was to be systematically consulted by the PMC on matters of public health in the mandate territories. Several members of the PMC were to take part in the work of the Temporary Commission on Slavery in the years 1924 to 1926.<sup>4</sup> Furthermore, the PMC decided that any organ of the League could seek a hearing with it.<sup>5</sup> This showed the willingness of various League bodies to consult with one another, whether or not that led to greater practical collaboration. As Patricia Clavin states 'despite the outward appearance of a coherent structure, in practice the organization came to comprise different institutions and networks that pulled in different directions' there were signs, by the mid 1920s, of how the Commission was beginning to interact with other arms of the League.<sup>6</sup> As regards mandatory power delegates, in 1924 South Africa changed its usual practice of sending its High Commissioner in London to represent it before the PMC and sent the Administrator of South West Africa, Gysbert R. Hofmeyr. One of Hofmeyr's first statements to the Commission was that he saw it as 'a co-worker in connection with the important duties ... in South-West Africa.'<sup>7</sup> Sending the 'man on the ground' from SWA was a measure of SA concern for its reputation at the PMC and in Geneva in general after the public relations disaster of the Bondelswarts affair in 1922-23 as discussed in chapter 4.

One of the biggest changes to the operation of the mandates section at Geneva which served as the permanent secretariat of the PMC during the fourth session was the

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2. Permanent Mandates Commission, *Minutes of the Ninth Session*, Geneva, 1926, Tenth Meeting, 14/06/1926; SWA Administrator G. R. Hofmeyr echoes this by stating that 'the mandates system is a live one'. NASA, *BTS 2/1/87 LN 13/4 Vol 8*, League of Nations: Permanent Mandates Commission 4th Session June 1924, Letter - Hofmeyr to Hertzog, 04/02/1925.

3. Unfortunately I have been unable to find out any more information about Mrs. Weaver. Permanent Mandates Commission, *Minutes of the Ninth Session*, Second Meeting, 08/06/1926; For more on feminism and Women at the League, see Pedersen, 'Metaphors of the Schoolroom: Women working the mandates system of the League of Nations'; Carol Miller, "'Geneva – the key to equality": Inter-war feminists and the League of Nations', *Women's History Review* 3, no. 2 (1994): 219–245; Klaas Dykmann, 'How International was the Secretariat of the League of Nations?', *International History Review* 37, no. 4 (2015): 721–744.

4. The ILO also seized the chance to use the Commission on Slavery as a lever for their own campaigns. Maul, 'The International Labour Organization and the struggle against forced labour from 1919 to the present', 480.

5. Permanent Mandates Commission, *Minutes of the Fourth Session*, Geneva, 1924, First meeting, 24/06/1924, 8-9.

6. Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, 5.

7. Permanent Mandates Commission, *Minutes of the Fourth Session*, Fifth meeting, 26/06/1924, 42.

resignation of its director William Rappard when he was appointed as the Vice-Rector of the University of Geneva. The PMC pushed unsuccessfully for whatever could be done to keep Rappard as head of the mandates section should be done.<sup>8</sup> The Swiss academic's expertise and organisational ability was valued so much so that at the next Session (Fifth Session) held in October 1924 Rappard was co-opted onto the PMC itself as the delegate of the Swiss government. This action required an official expansion of the size of the PMC for a Swiss to take a seat. Rappard's replacement as head of the mandates section was an Italian called Vito Catastini. Catastini, who spoke no English but could just read it, had to deal with those on the PMC like Lord Lugard, who had no understanding of French.<sup>9</sup> It was only required to have one of the official languages of the League, and translators and interpreters were used to bridge the gap between those who might not have one or the other.

At the Fifth Session, the PMC's attention was drawn to another procedural matter, about the contents of the questionnaire for the C mandates. The PMC's first uses of questionnaires in 1922 was discussed in chapter 4. Over time the number and nature of questions asked evolved. The questionnaires were meant of course as a window into how the mandates were being run. They looked more closely at some issues than others but the questionnaires also changed to reflect concerns registered by the League Council to which the PMC reported, thus adding a question on the trafficking of women and children in 1923. The PMC, like the League in general, was acutely conscious of international public opinion and sought to publicize its annual reports. Equally though there seems to have been an unequal relationship when it comes to the flow of information to the body at times.<sup>10</sup> The mandatory powers seemed able to control the flow of information to League officials at times. For instance, the League Librarian warned the PMC privately in 1925 that insisting too much on getting critical perspectives from the mandates might alienate the mandatory powers, warning, in 1925, it was with difficulty that the League Library was kept on the mailing list for government publications. Any deviation from current procedures could 'run the risk of the Library being cut off from the regular receipt of documents.'<sup>11</sup>

Turning now to the substance of administration on the ground in the C mandates in the years 1923-26, it appeared as if New Zealand and Samoa were the star pupils in the eyes of Geneva. Positively, the NZ administration was thinking of establishing a permanent indigenous civil service. As it stood, NZ officials were only appointed to Samoa for three years, and they remained members of the civil service of New Zealand who retained their pension and promotion rights back home. On the other hand, as regards political representation of Samoa's inhabitants racial distinctions applied. The indigenous population was not allowed to sit on or elect members to the Samoan Legislative Council. To be eligible to be elected a person had to be male, have at least a

8. Eric Drummond ruled he could not hold both roles. *ibid.*, Twenty-second meeting 07/07/1924, 160.

9. Tollardo, *Fascist Italy and the League of Nations, 1922-1935*, 96.

10. The South Africans were anxious that their reports would contain as little as possible but noted that the PMC 'has a great thirst for information and requires more than we have given hitherto'. NASA, *BTS 2/1/96 LN 13/19*, Mandate for New Guinea - Reports from Australia, Letter - SWA Administrator to SA PM, 12/09/1924.

11. LNA, *Box R31 1/43577/9597*, New Zealand Mandate for Samoa, Note - Wilson to Gilchrist, 19/05/1925; In 1925 the mandates section had correspondence with Lugard as to what African newspapers, if any, would be of use to subscribe to for information on public opinion about mandates. LNA, *Box R74 1/41289/41289x*, Press information on conditions in mandated territories.



European father, and be registered as European, together with holding taxable property worth two hundred pounds as well as a salary of the same amount. When the first election was held in January 1924, a total of 509 votes were cast and those elected were O. F. Nelson, George Westbrook, and Arthur Williams.<sup>12</sup> Remaining members of the Legislative Council were appointed directly the NZ Administrator, General Richardson. At the PMC, Sir James Allen (who was NZ's High Commissioner to London, representing the Wellington government at the League) said indigenous members would be included in the Council when the New Zealand Government thought it wise to let them. There were local councils of chiefs for the villages, Allen added. Portuguese delegate Freire d'Andrade agreed with Allen that indigenous members should not be admitted to the Legislative Council before they had reached what he termed a higher state of civilisation.<sup>13</sup> This 'stage of civilisation' is a recurring theme in the PMC minutes. On the ground meanwhile, when seeking the power to pass native regulations, Richardson described the Samoans as 'a large Native population in a primitive stage of development'.<sup>14</sup> He sought this authority as he believed the existing modus operandi of sending every single draft regulation to the government in Wellington for approval as too cumbersome. In preparing a statement from the Governor-General of NZ - the king's representative in the Dominion - on the occasion of the opening of the Samoan Legislative Council, the theme of development was touched on again. The Governor-General's secretary was wary that 'when dealing with Native communities one has to be careful about references to stages of advance in the process of self-government'.<sup>15</sup> The Administration in reply had no objection to the advent of the Legislative Council as it only affected the European population. There would also be constraints on the powers of the Legislative Council. Speaking in 1927, the Administrator asked its members to 'bear in mind that the fact that this is not a Parliament but a Council established to consider legislation submitted to it by the Administrator, and on which he wants advice'.<sup>16</sup>

Highlighting a possible flaw in the structure of the local administration, Richardson was of the view that the Faipules, the officially approved indigenous consultative body, would object to any regulations passed by the Legislative Council. The Administrator had recently conducted a tour of the Samoan island of Upolu during which he met with about ninety percent of the indigenous population there. He reported a general improvement in the health of the population as well as an increased compliance of the Chiefs with the instructions of the New Zealand administration. Richardson had given legal standing to the Fono o Faipule in 1923 and had its proceedings published in Samoan, thereby correcting a criticism levelled at the body by Olaf Nelson as discussed in the last chapter. This would provide 'a standing point for developing it into a genuinely representative assembly'.<sup>17</sup> The PMC thought the report for Western Samoa was one of the best and most comprehensive it had received. They congratulated the New Zealand Government on the

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12. O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson*, 76-7.

13. Permanent Mandates Commission, *Minutes of the Fifth Session*, Geneva, 1924, Sixth meeting 25/10/1924, 48.

14. J. R. Martin, 'Representative Institutions in Western Samoa during the Mandate 1919 - 1946' (Masters of Arts, Victoria University of Wellington, 1959), 92.

15. ANZ, *IT1 1 EX 1/8*, Letter - Day to Gray, 25/02/1924.

16. LNA, *Box R31 1/43953/9597*, New Zealand Mandate for Samoa, Legislative Council Debates - Session of 1927, 15/03/1927.

17. Kerslake, 'Samoa and New Zealand's Special Relationship: More than a Neighbour?', 24.

administration of the mandate. Their report could serve as a model for other mandatory Powers.<sup>18</sup> For all this praise, all was not well in Samoa. Only a few years later, G. E. L. Westbrook, a Samoan Merchant and member of the legislative assembly, wrote to the League saying it would be better if they 'sent out an Inspector of Mandates, rather than depend entirely upon cleverly prepared statistical reports drawn up and compiled by heads of departments'.<sup>19</sup> Also, as will be discussed later, a petition would also be sent in a couple of years that would shatter the illusion that was held about Samoa.

Australian-administered New Guinea was, by contrast, the subject of repeated controversy in this period of 1923-26. The question of the use of flogging had already arisen in New Guinea in the early days of Australian occupation during the recent War, as discussed in chapter 2. Over a decade later both the League and British newspapers ranging from the 'red rag, communist [sic] paper' *Workers Weekly* to the 'most influential' *Manchester Guardian* were raising concerns about corporal punishment of indigenous people there, something which worried the Australians.<sup>20</sup> The Australians themselves commissioned two separate independent reports into alleged cruelties in these years. The first was the Canning Report of 1924 and the second was the even more publicised Ainsworth report of 1926, both of which were laid before the Australian Parliament and were discussed by the PMC, the 1926 report in particular.

As I. C. Campbell shows, Australia was slower to devote resources to anthropological studies in New Guinea than in the neighbouring Australian-administered Papua which was not a mandate territory, in spite of lobbying from some colonial officials for such studies.<sup>21</sup> Lugard noted this slowness, in 1926, when stating that the six years that the New Guinea mandate was in effect should have been plenty of time to train staff.<sup>22</sup> In the end District Officers in New Guinea received similar training to colleagues in Papua at the University of Sydney where a Chair of Anthropology now existed. During 1923—24, a government anthropologist was appointed to New Guinea and this official's report was included in that year's Annual Report to the League. It gave a brief description of the language and customs of each major tribe in the mandated territory. He stated that 'common among them are the destructive practices such as homicide, suicide, abortion and infanticide, and it is inevitable that they must perish unless some strong controlling influence enters and regulates their lives'.<sup>23</sup> The other positive initiative of this period was the establishment in 1925 of an Advisory Council that consisted of Australian officials such as the director of health, the director of agriculture, the commissioner of native affairs and a government secretary. This body was able to suggest new legislation to the administrator, and softened the almost complete concentration of power in the hands of the administrator.<sup>24</sup> There was no indigenous or elected representation on the Council. The PMC were told that New Guinea differed even from the other C mandates. Speaking

18. Permanent Mandates Commission, *Minutes of the Fifth Session*, Sixth meeting 25/10/1924, 48-9.

19. LNA, Box R32 1/59888x/9597, New Zealand Mandate over Samoa, Letter - G. E. L. Westbrook to Secretary of League of Nations. 02/05/1927.

20. NAA, A5, NG1924/3394, Criticism - English Press - New Guinea, Letter to JG McClaren, 05/05/1924.

21. I. C. Campbell, 'Anthropology and the professionalisation of colonial administration in Papua and New Guinea', *Journal of Pacific History* 33, no. 1 (1998): 70-2.

22. Permanent Mandates Commission, *Minutes of the Ninth Session*, Second Meeting, 08/06/1926.

23. LNA, Box R33 1/43292x/9599, Report on the Administration of New Guinea from 1st July 1923 to 30th June 1924, 12.

24. C. H. Currey, 'The Australian Mandate Over New Guinea', *News Bulletin (Institute of Pacific Relations)*, 1925, 11.

for Australia at the League, Sir Joseph Cook was of the view that 'the indigenous population were at the very bottom of the scale of human development.'<sup>25</sup> They were far behind the Samoans who are considered intellectuals in comparison. A certain level of indirect rule was in place in New Guinea though. A luluai or Kukurai, who are either a hereditary or appointed headman, were the indigenous administrators of indigenous law in the area under their control. According to the Native Administration Regulations 1924, their powers were restricted to arresting indigenous persons and bringing them to the nearest court (see figure 22).<sup>26</sup>

At around the same time, in 1924—25, rumours of abuses in New Guinea obliged the Australians to commission the first of the two reports into treatment of the local population mentioned above. In 1924, the Australian government appointed an independent Commissioner, Mr A. S. Canning, to investigate allegations of slavery and floggings.<sup>27</sup> He interviewed 55 Europeans, of which 25 were officials, seven were German planters and nine German missionaries, 92 indigenous witnesses, of which 32 were police officers or local chiefs, as well as informal questioning of other indigenous persons. It was also planned that Canning's report would be laid before the PMC. Before Canning completed his investigation the Government was shaping the narrative, claiming that wherever charges were able to be investigated they were proved to be untrue or gross exaggerations. The New Guinea Administration led newspapers to believe that the accusations were led by pro-German elements and had nothing to do with the interests of the indigenous population.<sup>28</sup> George Pearce, Australia's Minister of Home Affairs, believed the attacks were an attempt to discredit their administration of the mandate before the League. In the end, they need not have worried as Canning's reported that he found no evidence of forced labour or flogging in New Guinea.<sup>29</sup>

A second, more general report was put together by the former British chief native commissioner of Kenya, Colonel John Ainsworth, on how native affairs were handled in New Guinea.<sup>30</sup> Back at Geneva, the PMC chair Theodoldi expressed doubts, in a letter to Lord Lugard, the British delegate at this point, that the Ainsworth report would ever see

25. Permanent Mandates Commission, *Minutes of the Eleventh Session*, Geneva, 1927, Sixth Meeting, 23/06/1927.

26. The PMC record that no tribal organisations are in New Guinea like in Africa. By appointing Luluais and gradually increasing their authority they can be entrusted in an increasing extent with the actual administration of the territory. Permanent Mandates Commission, *Minutes of the Ninth Session*, Third Meeting, 09/06/1926; Sir Thomas Henley, *New Guinea and Australia's Pacific Islands Mandate* (Sydney: John Sands Ltd., 1927), 19-20.

27. The Canning investigation was prompted in part by allegations from a Rev. R. E. Freeth NAA, *A1*, 1923/23355, Charges by Rev. R.E. Freeth against Administration (Natives) New Guinea, Various press clippings in file from August 1923; A copy of Canning's report is on file in NAA, *A52*, 331/54 *AUS Part 1*, "Report of inquiry into allegations of flogging and forced labour of natives" A.S. CANNING.

28. NAA, *A5*, NG1924/3394, Newspaper Clipping - Alleged New Guinea Atrocities, *Morning Post*, 16/09/1924; The Australian Attorney-General's Department received a letter from a body called the New Guinea Cruelty Investigation Committee. They concluded that it looked like propaganda against Australian interests and that the public as a whole know the government is doing everything possible in the best interest of New Guinea NAA, *A5*, NG1924/2798, New Guinea Cruelty Investigations Committee, Memo - Mandated Territory, 14/08/1924.

29. NAA, *A52*, 331/54 *AUS Part 1*, 18; Sir Thomas Henley, an Australian Politician, after a tour of New Guinea thought caning should be brought back. He felt the indigenous labourer did not fear jail as they are well-fed, housed and did not have to do much work. He stated that 'the black man only respects and obeys the master he fears.' Henley, *New Guinea and Australia's Pacific Islands Mandate*, 67.

30. Permanent Mandates Commission, *Minutes of the Fifth Session*, Nineteenth Meeting, 03/11/1924, 130; A Letter from the Australian Industrial Christian Fellowship (10/06/1924) informed the PMC that they had requested a royal commission into treatment of natives in New Guinea. LNA, *Box R33 1/37392/9599*, Australian Mandate for New Guinea.

the light of day as it was bound to prove embarrassing to Australia.<sup>31</sup> When the report actually was sent to Geneva with an Australian government commentary on it, the PMC seemed almost embarrassed, according to J. A. Carrodus, an Australian delegate to the League.<sup>32</sup> Since Ainsworth was critical of how Australia was observing the main tenet of the mandate, the moral and material well-being of the indigenous population, the report made the PMC sit up and take notice. Ainsworth argued that 'such a phrase' on material and moral welfare had 'little meaning unless [the administrators] have some tangible idea of how the moral and material well-being is to be achieved.'<sup>33</sup> There was general ignorance of the requirements or desires of the indigenous population, and no government official could speak a native language, he found. Cook reported back to his government that there was a heated debate between Grimshaw and Lugard at the PMC regarding Ainsworth. Grimshaw would not give much credence to what Ainsworth said, and he should be 'returned to Kenya to "clear up the mess" he left there'.<sup>34</sup>



Figure 22: An outdoor court in New Guinea, 1922

In spite of the shock of the Ainsworth report in 1925, a new scandal broke in 1926 concerning Australian rule in New Guinea. In late 1926, an Australian punitive expedition

31. LNA, Box R33 1/43309x/9599, Correspondence respecting a report by Colonel Anisworth on native labour, etc, in New Guinea, Letter - Catastini to Lugard, 30/03/1925.

32. Carrodus stated that the PMC 'did not know what attitude it should adopt toward it.' NAA, A518, K828/2 ATTACHMENT A, New Guinea Report. 1924-1925. Report by J A Carrodus on examination of by Permanent Mandates Commission, Report on examination by Permanent Mandates Commission on of Report on New Guinea, 1924-1925, 2.

33. LNA, Box R33 1/43309x/9599, Ainsworth Report, 13.

34. NAA, A518, K828/2 ATTACHMENT A, Report on examination by Permanent Mandates Commission on of Report on New Guinea, 1924-1925, 2; Thompson, 'Making a Mandate: The Formation of Australia's New Guinea Policies 1919-1925', 81.

was undertaken in response to the killing of four Australian men in the Nakanai district of New Britain seventy miles from Rabaul. Australia was required to appear before the PMC to answer questions in relation to the event and according to Patricia O'Brien;

Australia's official position was shaped by a desire to comply with the League's expectations. This was achieved, it is argued, through a combination of obfuscation, misinformation and assertions of Australia's enlightened stance towards its colonial charges that often did not square with attitudes or practices on the ground.<sup>35</sup>

In SWA in this same three-year period the Rehoboth crisis was brewing, and we shall return to this in section 5.5. We have already seen how NZ civil servants in Samoa served a maximum of three years there. A review of the SWA civil service thought it the best if officers did not serve in their mandate of SWA for too long. The reason given was that the climate was trying and that after a few years they became discontented and could not give their best to the administration. The report also claimed that as 'a mandatory power they are under an obligation to treat the men it sent to SWA with reasonable consideration.'<sup>36</sup>

Administratively the South Africans split SWA into two separate areas, continuing a German policy. Two-thirds of the country was for the settler population which held the best farmland and the mining areas. There were called the 'police zone'. The rest of the country comprised of the indigenous reserves called native homelands. South Africa was extending the policy of land appropriation, deprivation, and segregation started by the Germans.<sup>37</sup> The homelands were created along ethnic lines. These policies would in later decades form part of South Africa's apartheid system.<sup>38</sup> SA simultaneously adopted a system of indirect rule in the northern Ovamboland which was far away from South Africa on the Angolan frontier and whose population they regarded as a source of labour in the mines further south.<sup>39</sup> The situation in relation to arming of the Ovambo was discussed before the PMC. Ovamboland was situated in the "Convention" basin of the Congo, as defined by the 1884 Berlin Conference, which meant the importation of arms was forbidden but it was conceded that there were some in Ovamboland who were well armed. The Administration took the position that the Ovambo were 'great hunters and were accustomed to their arms' and since the region was separated from the rest of the territory by a desert they did not see the danger. They recognized that this was in breach of the Convention of St. Germain (1919, which had amended the previous Berlin and Brussels Acts). Hofmeyr welcomed any view the Commission may have on the matter.<sup>40</sup> Some of the indigenous population were employed in the police force, but they did not

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35. O'Brien, 'Reactions to Australian colonial violence in New Guinea: The 1926 Nakanai massacre in a global context', 195.

36. NASA, *SDK 158 4/29/1 Part V*, South West Africa Administration, Transfer between Postal staffs of Union and Mandated Territory, 14/09/1925.

37. David S. M. Koroma, 'Namibia: The Case of a Betrayal of Sacred Trust', *Journal of African Studies* 12, no. 3 (1985): 142.

38. Kristin Kjaeret and Kristian Stokke, 'Rehoboth Baster, Namibian or Namibian Baster? An analysis of national discourses in Rehoboth, Namibia', *Nations and Nationalism* 9, no. 4 (2003): 579.

39. Hayes, 'Cocky Hahn and the Black Venus': the making of a Native Commissioner in South West Africa, 1915-46', 335; Hayes, 'The failure to realise "human capital": Ovambo migrant labour and the early South African State, 1915-1930'.

40. Permanent Mandates Commission, *Minutes of the Fourth Session*, Fifteenth meeting, 02/07/1924, 115-7.

have the power to arrest a white person. All officers and non-commissioned officers were white.<sup>41</sup>

Another factor that has to be considered in relation to the administration of SWA is the impact of the South African elections of 1924. It was won by the Afrikaner National Party (NP). Between its victory and the advent of the Second World war, the NP replaced British South African authority with Afrikaner and erased most signs of British influence in Namibia.<sup>42</sup> This course of action went against the public view of Hofmeyr. In his 1924 meeting with the PMC he assured them that in accepting the responsibility of the Mandate that it would never be allowed to be subject to the political considerations of the Union. Contradicting what Cooper's analysis of the future actions of the NP would be after 1924, Hofmeyr told the Commission that 'there will be no deviation from the present policy by any political party.'<sup>43</sup> He even followed up with a telegram to Rappard that Prime Minister Hertzog confirmed his assurances to the Commission.

## 5.2 Administrations, Alcohol, and Education: Uplift and welfare of local populations

As the work of the PMC developed over its early years its members grappled with the problem of the nature of the C mandates and the well-being and the social progress of the indigenous populations. As we have seen in the previous chapter this ranged from the areas of education, health and labour matters. One member, Pierre Orts of Belgium felt that the supervisory work of the PMC 'would have unfortunate results if it did not always take account of the practical aspects of the colonial problem as well as the moral aspect.' Rappard now serving directly on the PMC and no longer its administrative servant, disagreed as he thought 'it was the duty of the Commission to protect the native, and if the native races were dying out, it was clear that their moral and material welfare was being sacrificed.'<sup>44</sup> To examine these contrasting views this section will review how the southern Dominions put systems in place to provide for the 'uplift' of the indigenous population in accordance with the stated aims of the mandate system. As I shall show below in this section, part of this paternalistic agenda involved the control of alcohol as well as the provision of health services. Finally the discussion will turn toward education, an area on which the PMC placed great importance as a way of providing for the social uplift of mandate inhabitants.

It was recognised that when the South Africans took over effective control of SWA during the First World War, the system of control over the indigenous population broke down entirely. During the martial law period no policy was enforced that may irritate the natives. This could of course be related to the South African attempts during the war years to portray themselves as superior colonial masters compared to the Germans. Germans in SWA would not encourage the indigenous population to take kindly to the South African Administration and it was ridiculed in the German press.<sup>45</sup> SA's

41. Ibid., Sixteenth meeting, 03/07/1924, 120.

42. Allan D. Cooper, *The Occupation of Namibia: Afrikanerdom's Attack on The British Empire* (Lanham: University Press of America, 1991), 1.

43. LNA, Box R11 1/37014/1347, Mandate of the Union of South Africa for South West Africa, Statement by Mr. Hofmeyr to the PMC, 25/06/1924, P.5.

44. Permanent Mandates Commission, *Minutes of the Sixth Session*, Geneva, 1925, 5th Meeting 29/06/1925.

45. Permanent Mandates Commission, *Minutes of the Fourth Session*, Sixth meeting, 26/06/1924, 46-7.

Administrator in SWA Hofmeyr hoped there would be co-operation between those of different European extraction. This was essential as the territory was on a path to become part of a greater South Africa.<sup>46</sup> Part of this co-operation was moves by the South Africans to distance themselves from the Blue book of 1918 that was critical of the pre-war German administration of SWA. During his visit to Namibia in 1924, South African Prime Minister, James Hertzog, denigrated the Blue Book. Two years later, the SWA Legislative Assembly also officially castigated the Blue Book thereby seeming to exonerate pre-1914 Germany of colonial abuses.<sup>47</sup>

As noted in chapter 4 the Administration had set up a native Commission that recommended the location of the reserves. In an attempt to improve the viability of the reserves the Administration had spent money on the boring for water in the reserves. The at times had to buy land from one tribe to provide for another. In one case land was bought by the Administration from the Berseba tribe who were in debt, and this land was used to accommodate another tribe who were landless. In part the land was bought to prevent Europeans from acquiring it.<sup>48</sup> The indigenous population were more or less left to themselves but, what was done for their education and to lead them to a higher level of civilisation as was done in the other mandates? The official view of the South Africans appeared to be that 'the progress of the native is bound up with and is dependent upon that of the European.'<sup>49</sup> It was the view of Hofmeyr that SWA was a special case as it was the only C mandate with a large White population.<sup>50</sup> Larger reserves had a white Superintendent but some smaller reserves did not but, instead had an indigenous Headman appointed by the Administration. There was no indigenous member on the Administrator's Advisory Council; instead their interests were represented by the Secretary for Native Affairs. During the year one member of the Council had to be dismissed for 'flogging natives'.<sup>51</sup> 'Black consciousness' of the type associated with the American based activist Marcus Garvey was not unknown in SWA however. In Windhoek, there were branches of the Universal Negro Improvement Society of America, The African People's Organisation and the African National Bond. On the other hand it was reported by the South Africans to Geneva though that the first organisation was only kept alive by 'newspapers received from the Union and America which contain inflammatory articles.'<sup>52</sup>

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46. Permanent Mandates Commission, *Minutes of the Fourth Session*, Sixth meeting, 26/06/1924, 49.

47. Richard Dale, 'Reconfiguring white ethnic power in Colonial Africa: The German community in Namibia, 1923-50', *Nationalism and Ethnic Politics* 7, no. 2 (2001): 78; Sean Andrew Wempe, 'From Unfit Imperialists to Fellow Civilizers: German Colonial Officials as Imperial Experts in the League of Nations, 1919-1933', *German History* 34, no. 1 (2016): 21-48; In 1926, the Blue Book was withdrawn from the public domain and orders given for its destruction. 'The Blue Book was removed from circulation as an official act to consciously remove a critical account of the German colonial period of Namibian history.' Silvester and Gewalt, *Words cannot be found, German Colonial Rule in Namibia: An Annotated Reprint of the 1918 Blue Book*, xiii-xiv.

48. Permanent Mandates Commission, *Minutes of the Fourth Session*, Sixth meeting, 26/06/1924, 53-4.

49. LNA, *Box R12 1/51603/1347*, Annual Report South West Africa 1925, Report of the Government of the Union of South Africa on South-West Africa for the year 1925. 19.

50. Permanent Mandates Commission, *Minutes of the Fourth Session*, Seventh meeting, 27/06/1924, 61-2; Hofmeyr had confided to the PMC that the policy of the Reserves system led to confusion amongst the indigenous population which 'had become bewildered at the length of their new found liberty during the Marital Law regime' NASA, *BTS 2/1/87 LN 13/4 Vol 8*, Letter - Hofmeyr to Hertzog, 04/02/1925.

51. Permanent Mandates Commission, *Minutes of the Fourth Session*, Tenth meeting, 30/06/1924, 79.

52. LNA, *Box R12 1/51603/1347*, Report of the Government of the Union of South Africa on South-West Africa for the year 1925. 19; The SA representative before the PMC stated that the UNIS 'was always to be found at the back of all trouble.' Permanent Mandates Commission, *Minutes of the Ninth Session*, Sixth Meeting 10/06/1926.

Another example of this paternal view regarding 'uplift' of the indigenous population can be seen in the care Australia took to organise a visit of Nauruan Chiefs to Australia in 1926. The Administrator wished for the Chiefs to see factories and workshops in Australia, and he hoped that this would be of educational benefit. He was also at pains to assure the Government that the 'Chiefs have no "axe to grind" — no grievance to ventilate', and that the all costs of the trip would be covered by the Nauru Administration.<sup>53</sup> The Australians wanted the public perception to be that the visit was arranged 'in order that Nauruans may become acquainted with civilisation and life in Australia.'<sup>54</sup> With one eye on what other mandatory Powers in the Pacific, another reason given for the visit was that Japan and New Zealand had accorded similar trips from their mandated territories.

In Samoa, NZ Administrator Richardson was hoping that his model village plans would take root. He had copies of his plan (see figure 23) distributed throughout the island. Richardson hoped that these works would give the Samoans 'some interest in their lives which will ... cause them to produce more from their plantations than they now do.'<sup>55</sup> He also reported to the League that the proposed formation of District Councils could assist in this project. These councils would deal with local matters, such as sanitation, education, maintenance of roads, and 'remodelling of villages'.<sup>56</sup> It appears that there was some early support for the scheme. The village of Lepea was rebuilt along Richardson's lines. In the late 1920s the manner in which the roll-out of this project was handled would be criticised by the Mau, the growing Samoan nationalist movement, and Richardson would come to describe Lepea as 'the synagogue of the lying prophet' due to the Mau rallies that were held there.<sup>57</sup>

Across all the C mandates alcohol continued to be regulated in a paternalistic way in these years.<sup>58</sup> However practical and cultural problems arose. In SWA in 1925, for instance, there were 35 cases taken against Europeans for selling alcohol to indigenous persons and two against indigenous persons selling to other indigenous persons. There were also 462 cases against indigenous males for the possession of 'Kafir Beer'.<sup>59</sup> At the same time the laws relating to prohibition impacted on the missionary societies in SWA as well. While the missions promoted temperance amongst their congregations, wine would have been consumed as part of the communion ritual. To comply with the law the religious bodies used wine substitutes. On occasion this led to confusion and occasional

53. NAA, A518 D118/6, Nauru - Miscellaneous - Native Chiefs - Visit to Australia, Letter - Nauru to Australia, 09/02/1925.

54. Ibid., Possible Press Release, n. d.

55. ANZ, ACGA 8280 IT1/208 EX 15/7, Model Villages - Samoa, Extract from personal letter from Gernal Richardson to Sir Francis Bell, 21/11/1924.

56. LNA, Box R31 1/37578/9597, New Zealand Mandate for Samoa, Annual Report year ended March 1924, 4.

57. O'Brien, *Tautai: Samoa, World History, and the Life of Ta'isi O. F. Nelson*, 83; Anne Milbank, 'Lepea, That Model Village in Samoa', in *Papers presented to the 30th Annual Conference of the Society of Architectural Historians, Australia and New Zealand*, vol. 2 (Gold Coast: The Society of Architectural Historians, Australia / New Zealand, 2013), 827.

58. For example the International Bureau against Alcoholism stated in 1925 that 'by giving up strong drinks which hinder the progress of true civilisation, the whites would be setting a magnificent example to the blacks'. They concluded that the suppression of liquor trade would lead to a sober and more productive indigenous population. LNA, Box R35 1/51952/11192, Le trafic des spiritueux dans les territoires sous mandat, Proceedings of the International Conference against Alcoholism, September 1925, 4.

59. LNA, Box R12 1/51603/1347, Report of the Government of the Union of South Africa on South-West Africa for the year 1925. 67; The Union had committed to prohibiting the importation of brandy and spirits into SWA from 1924. NASA, BTS 2/1/87 LN 13/4 Vol 8, Observations upon the special points raised on by the PMC in its report on the work of its forth session.



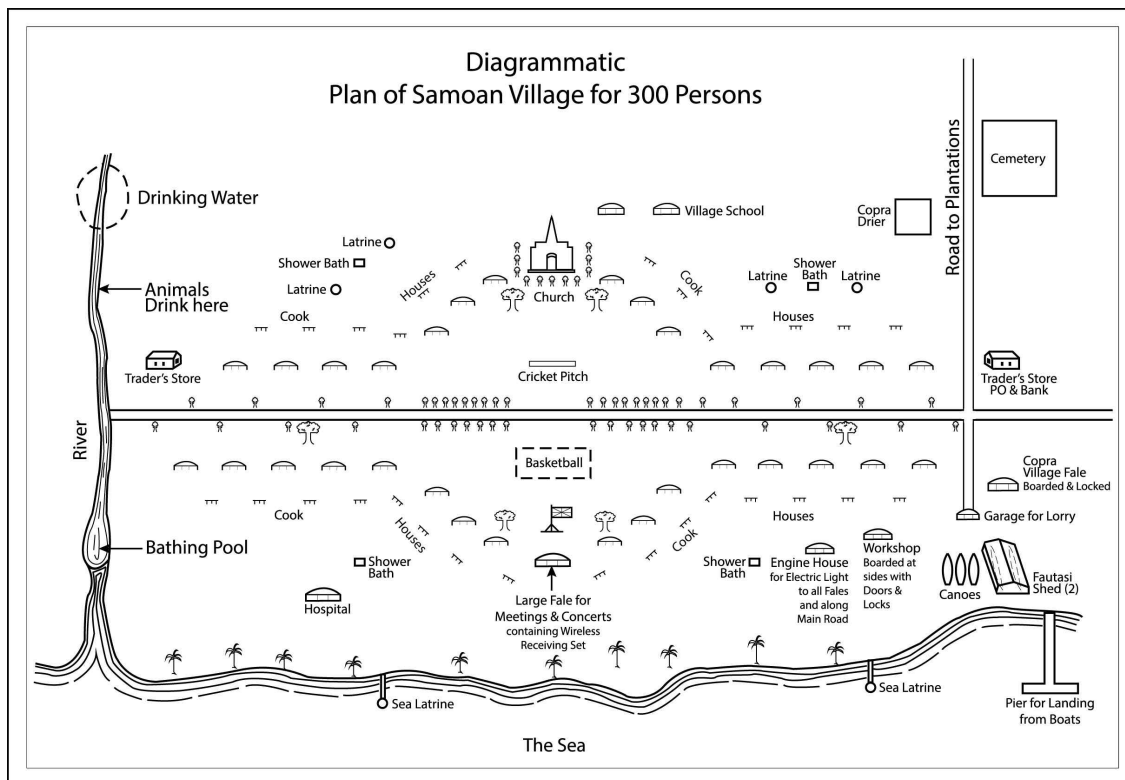


Figure 23: Model plan of Samoan Village for 300 Persons, ca. 1924

arrests of mission staff, for possession of alcohol. In one case an arrested minister was only freed upon receipt of a letter from the head of the Rhenish Mission which said that their 'evangelists only carry alcohol-free wine with them'.<sup>60</sup>

Although alcoholic liquor was prohibited for the indigenous population on Nauru, there was no such restriction on the European population. It appears that the Europeans engaged in taking a tippie if the import figures are anything to go by. In the two years 1923 and 1924, 71,582 bottles of beer and 1,057 bottles of Whisky were imported.<sup>61</sup> The PMC found some discrepancy in the 1924 Nauru report. As part of its observations it drew Australia's attention to the contradiction in the report between measures forbidding possession of alcoholic beverages for the indigenous population and fact that coconut toddy is part of the stable diet.<sup>62</sup>

On public health in general there was slow progress in this same period. During 1923—24, the Director of the Australian Institute of Tropical Medicine was seconded to the New Guinea administration for one year to make recommendations on the reorganisation to the health services. One problem to be reviewed was the existence of two medical administrations. The Expropriation Board had its own medical service, parallel to that of the administration. This led to responsibility being 'awkwardly divided,

60. Gewald, *We Thought we would be Free': Socio-Cultural Aspects of Herero History in Namibia, 1915-1940*, 89; Barry, 'Moral Norms and Values'; Mark Lawrence. Schrad, *The Political Power of Bad Ideas: Networks, Institutions, and the Global Prohibition Wave* (Oxford: Oxford University Press, 2010).

61. LNA, Box R32 1/36558/9598, Administration of the territory of Nauru, Report on the Administration of Nauru during the year 1923, P.9; LNA, Box R32 1/44617x/9598, British Mandate for Nauru, Report on the Administration of Nauru during the year 1924, P.9.

62. LNA, Box R32 1/40231x/9598, Administration of the territory of Nauru under British Mandate, Draft Observations on the Administration of Nauru.

and resources inefficiently deployed.<sup>63</sup> There was an abolition of three medical officer posts, to be replaced by the same number of patrol medical officer who were to spend half their time on patrol.<sup>64</sup> Qualifications would include training in the diagnosis and treatment of tropical diseases. In Nauru meanwhile the medical service was split between the Administration and the Phosphate Commission. Each had a medical officer, and whereas the Government officer tended to the needs of the Nauruan, the Phosphate Commission one confined their work to the BPC employees. The Government medical officer would visit each district on the island at least once a month. He examined each person and give simple instruction on hygiene and sanitation to the Nauruans.<sup>65</sup> Further duties included regular inspections of the hospitals maintained by the BPC.

The London School of Tropical Medicine sent an expert and an assistant to Samoa to set up laboratories on Samoa. It was hoped that the research carried out there would result in benefits that would be applicable across the Pacific. The health authorities in Samoa had sent the sufferers of leprosy in the mandate to the Fiji Islands.<sup>66</sup>

The German legacy affected health care in SWA where the Administration refused to recognise the medical qualifications of German doctors or dentists unless they re-qualified or became naturalised SA citizens. This reduced the number of medical personnel so that in 1924 there were only twenty-one GPs in the whole of SWA and only one of them resided in Ovamboland where half of the population lived.<sup>67</sup> The rest practised in towns that served the settler farms.

Education was a key concern of the League as we have seen already in chapter 4. School provision varied across the C mandates and was often bound up with Christian missions. The 'bush schools' of the Finnish mission had been a feature in SWA since the late nineteenth century. They were established to increase literacy in the indigenous population as literacy was required for baptism. Their modus operandi was once one student had learned to read they would teach others. By 1924 the system had expanded to 4,689 students in the northern part of the mandate. Mission schools began to teach secular subjects by the later 1920s. It was not because the missions wanted to, but because the Administration was able to pressure them into adopting its preferred curriculum regarding African education.<sup>68</sup> The Administration's Commissioner in the northern area of SWA, Major Hahn, was not in favour of such an egalitarian system of education and by the early 1930s any new school had to get permission to set-up.<sup>69</sup> In the Caprivi strip, a part of SWA that was administered by the Bechuanaland Protectorate, the Seventh Day Adventists ran a number of schools. These schools were built of temporary materials. This was possibly due to the fact that its students make be transient from year to year. In 1925,

63. Donald Denoon, *Public health in Papua New Guinea: Medical possibility and social constraint, 1884-1984* (Cambridge: Cambridge University Press, 1989), 45.

64. LNA, Box R33 1/43292x/9599, Report to the League of Nation on the Administration of the Territory of New Guinea from July 1st, 1923, to June 30th, 1924, 19.

65. LNA, Box R32 1/44617x/9598, Report on the Administration of Nauru during the year 1924, P.11.

66. Permanent Mandates Commission, *Minutes of the Fourth Session*, Ninth meeting, 28/06/1924, 76.

67. Keith Gottschalk, 'The political economy of health care: Colonial Namibia 1915-1961', *Social Science and Medicine* 26, no. 6 (1988): 580.

68. Kari Miettinen, *On the Way to Whiteness: Christianization, Conflict and Change in Colonial Ovamboland, 1910-1965* (Helsinki: Suomalaisen Kirjallisuuden Seura, 2005), 135; As an example of how PMC members got information about activities in the C mandates Lugard had a copy of a Pamphlet about the Finnish Mission in SWA in his private papers. MSS.Lugard 136/4, Papers of Frederick Dealtry Lugard, Bodleian Library, University of Oxford, Pamphlet - The Finnish Mission in Amboland 1870-1930, Helsinki 1930.

69. Ellis, *Education, Repression & Liberation: Namibia*, 18-19.

numerous communities had to move away from where schools were located due to flooding.<sup>70</sup> The mission could also be caught up in politic tensions on the ground. For example, during the Rehoboth crisis of 1924, the opposition party of the tribe refused any assistance from the Administration. Since the local mission school was funded by the Administration, the missionaries were instructed by the Rehoboth not to accept anything from the Administration. If they did all children would be removed from the school.<sup>71</sup>

The Samoan Administration estimated that a third of the Samoan population was in school. It was probable that some adults were also attending school. It was also possible that students may have appeared on the register of more than one school, thereby making it seem as more were in education than actually were. Twenty-four mission schools were in operation in the mandate. These were a link between the village schools, that were run by indigenous pastor for children between five and ten, and the three Government district schools which were overseen by a small Education Department (see figure 24). The mission schools were classed as Grade II, which meant that children who passed through them had the opportunity of sitting the Samoan proficiency examination, which was accompanied by a certificate. This relative respect for the local language in Samoa showed the double purpose of education in the mandates of 'social uplift' but also the protection of native culture. Perhaps the most unusual school on Samoa was a Mormon school (which incidentally did not teach Samoan). Since the German period, the Church of Jesus Christ of the Latter-day Saints had set up a missionary village at Sauniatu with a plantation and a school. The Mormon school was one of the smaller ones on the island, never consisting of more than 100 students. The regular school curriculum in the 1920s 'included arithmetic, English conversation, hygiene, geography, English phonics, reading, spelling and singing.'<sup>72</sup> It operated on the basis of a four-day week, with the pupils expected to perform some type of communal labour on behalf of the school or village on the fifth day.

In the regular government schools it was noted that one of them had both boys and girls as students and another had only boys. Swedish PMC member and sole female member, Anna Brugge-Wicksell enquired why this was at the PMC's Fifth Session in 1924. High Commissioner Allen put it down to a matter of organisation and stated that the system in place was the same as that in both New Zealand and England. It was requested that the next report on Samoa contain an explanation into why there was a difference between the schools.<sup>73</sup>

Bugge-Wicksell, who generally reviewed the educational aspect of mandated territories for the PMC, noted the trend for educational policy becoming of a more practical nature in British and French mandates in Africa. She imparted to her fellow members her opinion that these were sound guidelines for education in practically all the territories under B and C mandates rather as people there did not need a

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70. Bennett Kangumu Kangumu, *Contesting Caprivi: A History of Colonial Isolation and Regional Nationalism in Namibia* (Basel: Basler Afrika Bibliographien 2011, 2011), 76.

71. NASA, *BTS 1/18/8 Vol II*, South West Africa. The Rehoboth Tribe General File, Letter - Deputy Administrator to PM, 06/06/1924.

72. Baldrige, 'Sauniatu, Western Samoa: A Special purpose village, 1904-34', 185.

73. Permanent Mandates Commission, *Minutes of the Fifth Session*, Sixth meeting 25/10/1924, 51-2.

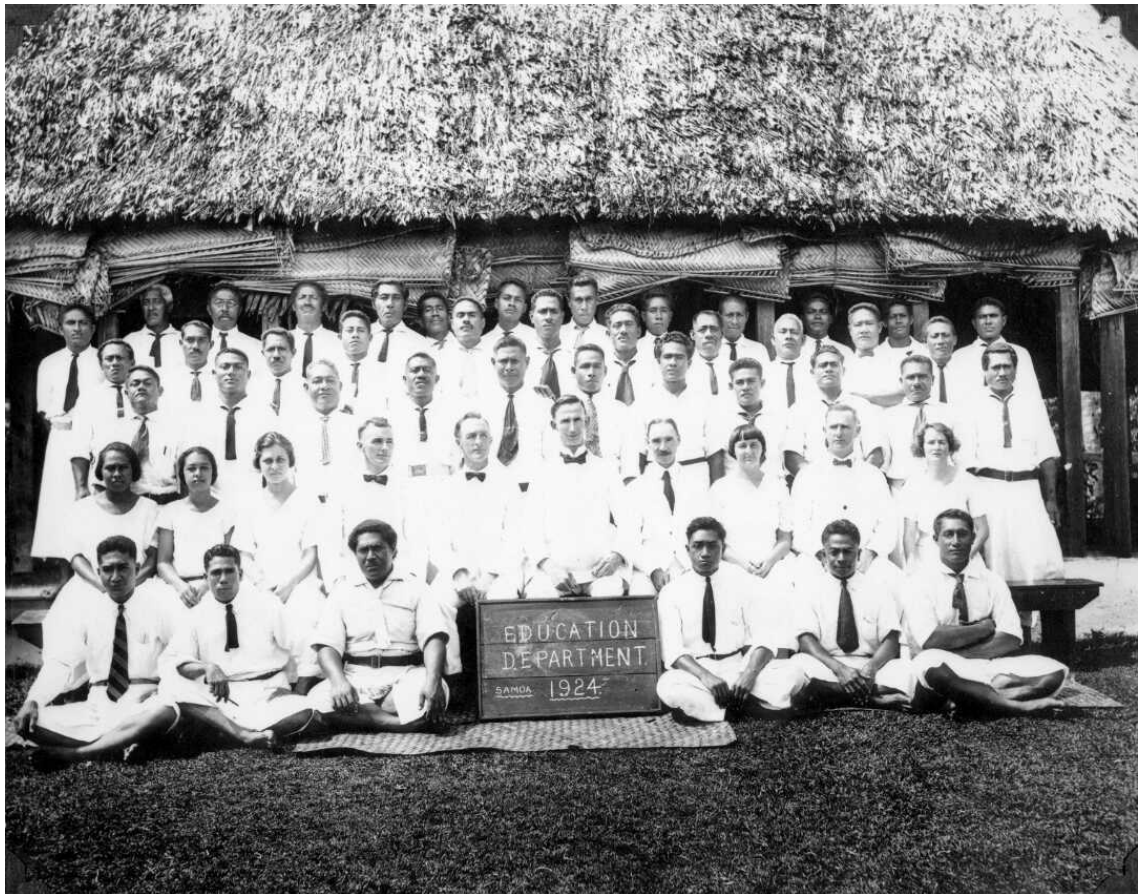


Figure 24: Education Department, Samoa, photographed in 1924

theoretically-based educational system.<sup>74</sup> In Nauru, the following were given as the objectives of indigenous education:

1. The uplift and betterment of the natives.
2. To teach all children to read, write, and speak the English language.
3. To teach all children to read, write, and speak the Nauruan language.
4. To endeavour to educate the natives to such a standard, that they will be fitted to take positions as clerks and tradesmen.

The third objective was probably behind the decision to send two Nauruan students to Melbourne to be educated as teachers. The Administration aim was that as education improved there would be nothing to stop most of the administration services positions being filled by Nauruans in time. Cook would play down this contention before the PMC and stated 'it would be some years before Nauruans would be sufficiently educated to take up any except very subordinate positions.'<sup>75</sup> In 1925 the Administration appointed school committees to four schools. These committees were made up of the local chiefs. Each Committee was required to meet at least once a month, and their duties included ensuring the school buildings were kept in good order, that playgrounds were available and maintained, and to ensure children attended school regularly. Another duty, which

<sup>74</sup> Barrington, 'The Permanent Mandates Commission and educational policy in trust territories', 90; Pedersen, 'Metaphors of the Schoolroom: Women working the mandates system of the League of Nations', 193.

<sup>75</sup> LNA, Box R32 1/44617x/9598, Report on the Administration of Nauru during the year 1924, P.14, Pp.46-7; For Cook's Comment, see Permanent Mandates Commission, *Minutes of the Ninth Session, Second Meeting*, 08/06/1926.

again displays an objective of the education system, was 'to foster a love for cultivating the land by forming gardens in the vicinity of the school where they can instruct the children in the growing of fruit trees'.<sup>76</sup> To assist with the expense associated with these duties, the Administration would contribute £1 for every £1 raised by the committee locally.

Education was funded in New Guinea by an education tax. Originally it was paid by the labourers themselves, but this was later changed to the employers paying an amount for each employee they had. This tax was paid into the Education Trust fund.<sup>77</sup> With regard to the complaint made by Alois Akum respecting the lack of teaching facilities for Chinese children in New Guinea, Australia granted special permission for the admission of five Chinese teachers.<sup>78</sup> The work of the PMC also seemed to have an impact on Australian thinking about education. Returning from Geneva in 1926 one official reported to the Government that 'it would appear desirable that a definite policy for the education of natives should be laid down at an early date.'<sup>79</sup> The same official was able to secure from the CO a copy of a report from a conference held in Tanganyika about Education policy as a study document for their own policy formulation. The above should be taken in contrast with the views formed, only the previous year, in 1925 by John Burton, secretary to the Sydney Methodist Mission. He had made a visit to the government school for indigenous children in Rabaul and was not impressed by what he perceived to be a major expense for little return. Writing in his diary, Burton noted though that for the Administration it had value 'as eyewash for the League of Nations. It sounds well that £12,000 a year is spent on native education.'<sup>80</sup>

### **5.3 Mines, migrants workers, and the question of international labour rights in the Mandates**

Economic issues continued to loom large in the discussions of the PMC. This is part of a trend that has been observed over the course of this thesis due to the importance that the southern Dominions placed on the economic exploitation of the mandates under their control. As the 1920s progressed, the focus on conditions for workers and the application of international conventions came more to the fore. As such this section will start with a review of the application of the 48 hour week in Nauru before turning to a detailed examination of working conditions in the mining industry in SWA. It will finish by showing how the South Africans adopted policies aimed at encouraging South African farmers to settle in SWA and by discussing simultaneous concerns about slavery in the C mandates as a whole in light of the then-new anti-slavery convention adopted by the League in 1926.

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76. NAA, A518, E850/1/2 part 4, Publications and Reports - Nauru. Gazettes - 1925, Administration Order No 42 of 1925, 17/10/1925.

77. Permanent Mandates Commission, *Minutes of the Eleventh Session, Seventh Meeting, 23/06/1927*.

78. LNA, Box R78 1/51624/48802, Executions by Australia, in regard to the Territory of New Guinea, of the recommendations made by the Permanent Mandates Commission at its 6th Session, June 1925. Observations of the Australian Government on the decisions of the Council concerning the report of the Permanent Mandates Commission on the work of its sixth session, 26/05/1926, 2.

79. NAA, A518, K828/2 ATTACHMENT A, Page 6 of report.

80. Thompson, 'Making a Mandate: The Formation of Australia's New Guinea Policies 1919-1925'; Burton's point can be supported by the PMC minutes. In 1926 Theodoli notes the 'very remarkable disproportion between' the £6,500 spend on native education and the £65,000 spent on white education. Permanent Mandates Commission, *Minutes of the Ninth Session, Sixth Meeting 10/06/1926*.

In 1919 the new International Labour Organisation (ILO) adopted the Hours of Work (Industry) Convention which limited the hours of work in industrial undertakings to forty-eight in a Week. The convention came into force on 13 June 1921. While not specifically mentioning mandates, article 16 of the convention obliged each ratifying member of the ILO to apply it to its colonies, protectorates and possessions which are not fully self-governing. By 1924, the Australians wanted to implement the 48 hour week in Nauru, in part because of the concern shown by the PMC to labour conditions there. The Australians calculated that half the Chinese labour already worked less than 48 hours already, while another group worked a 54 hour week, and finally a smaller group of more skilled workers worked 49 hours per week.<sup>81</sup> The Administrator in Nauru had hoped to implement the regulations in 1923, but they were held in abeyance due to objections from New Zealand. Griffith had proposed the 48 hour week as it was an obligation to the League of Nations. Alfred Harold Gaze, the BPC General Manager, felt it should be examined what exactly this obligation was, and if it applied to them. Gaze's own view was that their labourers were currently well treated and there were no commercial or humanitarian reasons for changing their working hours. While Gaze understood there may be a 'binding political obligation', he could see no advantage as if it was adopted the effect on the phosphate works 'would be to reduce output and increase costs.'<sup>82</sup> He suggested that the BPC should oppose the proposal. It was estimated that the extra cost for reducing the number of working hours would be £3,000 per annum. To put this increase in context, the total yearly labour cost for Nauru in the years ended 30 June 1924 and 1925 was £56,399 and £59,772 respectively.<sup>83</sup>

South West Africa's economy was dominated by mining and farming. Combined with a large settler population the territory required considerable infrastructure. The administration responded by building roads, railway, housing, and related services. This was facilitated by the reinvestment in infrastructure for the state's share of income from mining.<sup>84</sup> As previously stated the diamond mining industry in SWA was controlled by the Consolidated Diamond Mines of South West Africa (CDM). This company was owned by a South African corporation called Anglo American. Anglo American's monopoly over the industry in SWA should be viewed through the prism 'of the overall interests of a transnational company and not in the interests of the' mandated territory.<sup>85</sup>

The ILO representative had concerns about workers coming from Ovamboland to work in the mines in the south of the mandate as they lived in a warmer climate to that where the mines were located. It was thought by the Administration that the Ovambos would see it as a slight if they were not allowed to work in the mines. The administration

81. ANZ, IT1 253 EX 25/1/12, Letter - PM Australia to PM New Zealand, 03/05/1924.

82. TNA, DO 140/666, British Phosphate Commissioners: Reports: Report on visit to Nauru and Ocean Island, June-July 1924 by A. H. Gaze, 8-9.

83. TNA, DO 140/138, The British Phosphate Commissioners Melbourne: Annual Summaries of Island Operations; TNA, DO 140/139, The British Phosphate Commissioners Melbourne: Annual Summaries of Island Operations.

84. Reginald Herbold Green, Kimmo Kiljunen and Marja-Liisa Kiljunen, eds., *Namibia: The Last Colony* (Harlow: Longman, 1981), 64; The SWA administration felt the territory was undoubtedly experiencing disadvantages in consequence of the Mandate. It felt if the Union Government was prepared to 'invest a substantial sum of money in the Territory this would undoubtedly convince private investors that the Government is perfectly assured to the Mandatory position.' NASA, TES 7541 F88/61, South West Africa. Financing of Capital Expenditure, Financial Position - South West Africa, n. d. (probably 1924).

85. Green, Kiljunen and Kiljunen, *Namibia: The Last Colony*, 65-6.

regularly reported that the position of labour was very unsatisfactory due to the reasons that the indigenous population were free of taxation, and they had unlimited land and grazing. Rappard understood that the labour position could not be held as unsatisfactory 'just because the position of the natives was too satisfactory.' The South African representative before the PMC in 1927 believed work contributed toward the social advancement of the indigenous population. In the words of J. S. Smit, the Namibians would benefit because 'labour on behalf of a civilised population, whether white or coloured, would tend towards the civilisation of the native.'<sup>86</sup> A contrast to Smit's view was that of John Harris of the ASAPS who contended that the South Africans promoted a policy that 'the Black must work for the White, or starve'.<sup>87</sup> In 1929 taxation would be introduced. Patrica Hayes contends that up to 1929 no taxation and access to land 'helped to avert cruder instrumentalist approaches' in Ovamboland.<sup>88</sup>

About 5,000 to 7,000 came from Ovamboland yearly to work in the mines. The regulations that applied to the diamond mining industry, issued under the *Native Labour Proclamation (No. 3 of 1917)*, ensured that the Medical Officer of the territory could inspect any part of the mine. The mine owners had to provide on-site medical treatment and staff and to ensure that the sick labourers were removed to the hospital. While the employers had to provide clean and sanitary sleeping accommodation for its employees it was conceded by the Medical Officer that the regulations did not set out a minimum requirement for the housing or hospital accommodation.<sup>89</sup> As can be seen in table 4 mortality rates at the Lüderitz mine fields peaked in 1920, which the Administration partly put down to the poor housing and hospital conditions.

Table 4: Mortality rates in South West Africa Mine Fields 1920-1923

<b>Mortality rates in South-West Africa Mine Fields</b>					
	<b>Lüderitz -Diamond</b>			<b>Tsumeb - Copper</b>	
	<i>Total Deaths</i>	<i>Rate per 1000 p.a.</i>	<i>Total Deaths</i>	<i>Rate per 1000 p.a.</i>	
1920	195	36.52	17	16.49	
1921	128	26.70	76	47.44	
1922	58	23.03	80	39.20	
1923	176	22.45	54	30.31	

In response the Chamber of Mines set aside £8,000 to construct new accommodation and this work was still be undertaken as of 1924. The main causes of death reported was Pneumonia, Tuberculosis and influenza. There was another spike in the 1923 mortality rates due to an Enteric (Typhoid) Fever outbreak as no deaths to this fever had been recorded in the previous three years. A Dr. Orenstein appeared before the ILO as a representative of South Africa, to give information which he hoped would be passed on to the PMC, as he felt the PMC did not have all the true facts. He admitted that mortality rates had previously been high, in fact 'so high that the Administration and the mine-owners realised that something had to be done.'<sup>90</sup> The building of new barracks had

86. Permanent Mandates Commission, *Minutes of the Eleventh Session*, Eleventh Meeting, 27/06/1927.

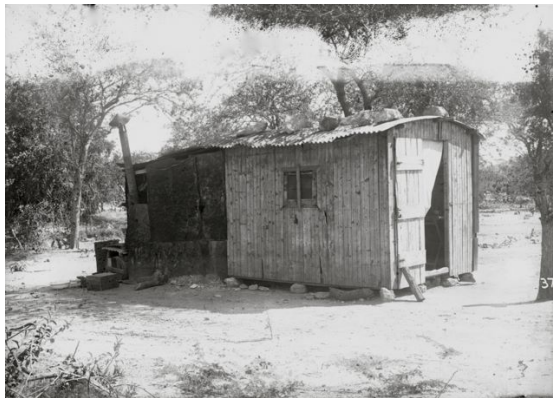
87. Harris, *Slavery or Scared Trust?*, 115.

88. Hayes, 'The failure to realise "human capital": Ovambo migrant labour and the early South African State, 1915-1930', 55.

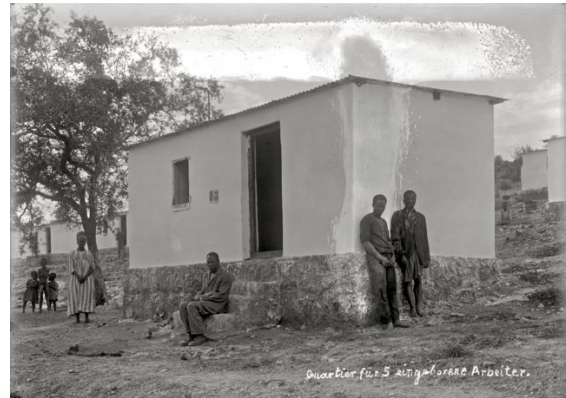
89. Permanent Mandates Commission, *Minutes of the Fourth Session*, Tenth meeting, 30/06/1924, 84.

90. LNA, *Box R12 1/47048/1347*, South African Mandate for South West Africa, Note on Mortality in the Diamond Fields of South-West Africa, communicated by the Representative of the International Labour

reduced the mortality rate, but the doctor noted a spike in deaths during 1925 due to the introduction of meningitis and enteric fever by labourers brought in from South Africa (see figure 25).



(a) Present senior single quarters. Ca. 1926



(b) Dwelling for 5 workers. Ca. 1925.

Figure 25: Different mining worker accommodation, Tsumeb, SWA

While all this information was welcomed by the PMC, the Chairperson made clear they had no intention of entering into administrative details as it only wished to concern itself with the general principles in relation to the obligations under the mandate.<sup>91</sup> D'Andrade returned to the theme of idleness, which I have discussed in chapter 4 in 1924, and implied that Africans could be civilised by work. He did not believe in forced labour, but he was critical of African men who, 'in order to enjoy a life of idleness, reduced their women to a veritable state of slavery.'<sup>92</sup> In the following year he produced a memorandum for the Commission on the interpretation of the part of article 22 (see appendix A) that dealt with the well-being and development of the inhabitants of mandated territories. He concluded that the well-being, social development, and economic development of the indigenous population were inseparable, and 'through the influence of the mandatory Power, the man must do his fair share of the work necessary to maintain and educate the family'. Lugard, in his note on the memorandum, disagreed on some points but did agree that it was 'deplorable that natives should despise work' and concurred with D'Andrade's prejudiced view that 'the education of the coloured man must take scores of years, or even centuries'.<sup>93</sup> What both of their comments display is the continuing paternalistic approach to the indigenous populations in the C mandates in 1925.

Since 1920, there had been an upsurge in farmers entering SWA. During 1924 the white population had increased from 15,000 to 19,000. Most of these had some from the Union and a number of women had come from Germany. Inquiries had been made about increasing immigration from Great Britain. This influx was heavily supported by the South African Government by generous subsidies and spending on infrastructure. £175,000 was spent on boring wells and £225,000 was advanced to settlers. These cash

Office, 2; Permanent Mandates Commission, *Minutes of the Seventh Session*, Geneva, 1925, Fourth meeting, 20/10/1925.

91. Permanent Mandates Commission, *Minutes of the Fourth Session*, Tenth meeting, 30/06/1924, 86.

92. Ibid., Fifteenth meeting, 02/07/1924, 116.

93. LNA, Box R75 1/46746/46530, bien-etre et developpement des peuples indigenes, D'Andrade Memorandum, 09/10/1925 & Lugard's Note, 19/10/1925.



advancements were generally for buying stock, implements and improvements to land.<sup>94</sup> When the first 76 farms were advertised for SWA, there were about 800 applicants, and by the end of 1925, 880 farms had been given to 1,106 settlers.<sup>95</sup> The European population had doubled in this period. This is a much more considerable increase when one considers that about 6,000 Germans were repatriated to Germany in 1920. Not all the farmers met with success. During 1924, forty-one allotments were cancelled due to the conditions of the lease not been fulfilled. The Windhoek Chamber of Commerce felt that the Administration had better quality farms to lease in 1920 than they had in 1924. They were optimistic though that there were 'still hundreds of good farms vacant though these have yet to be provided with water supplies.'<sup>96</sup> It is also of interest to note the nationality of settlers that were allocated farms. In 1924 of the 157 successful applicants, 122 were Dutch, 18 were English, and 17 were German.

Table 5: Land Settlement Proclamations in SWA 1920–1924

Year	No. of Holdings	No. of Settlers	Area in Hectares	£ Valuation
1920	196	203	1,595,873	144,364
1921	245	311	2,125,154	173,139
1922	169	216	1,163,600	125,451
1923	79	101	765,461	57,916
1924	123	157	1,047,322	78,949
	785	988	6,697,410	579,819

Grimshaw's report into slavery reported that the situation in SWA was not as serious as previously thought. In the Okavango area a system operated where a person pledged to work for someone who they may have owed a debt to and the period that they had to work was only as long as the debt was outstanding. It was compared to the system of villanage which was common in feudal Europe. The Roman Catholic Prefect Apostolic at Windhoek only noted a few cases of this pledging to work to pay off a debt.<sup>97</sup> It was also noted that in the case of Western Samoa due to the fact that indentured labour was not acceptable to the public in New Zealand that the administration in Samoa had replaced it with a system of free contract labour, which was put into effect by ordinance in 1923. This was the context in which the Chinese Free Labour Ordinance became law in December 1923. This abolished the indentured labour system on the island and replaced it with one of free labour. Under the new system an employee that was dissatisfied with their employment could give notice to terminate and was then free to seek other employment. This resulted in an increase in wages for the labourers and it also removed the penal clauses that had existed for labour offences.<sup>98</sup> It appears that the new ordinance had the desired effect as evidenced in the reduction of complaints in Table 6. It should be noted though that the above Ordinance did not apply to the 172 Melanesian labourers on the

94. LNA, Box R12 1/51603/1347, Report of the Government of the Union of South Africa on South-West Africa for the year 1925. 8.

95. Hyam, *The Failure of South African Expansion, 1908-1948*, 31-2.

96. LNA, Box R12 1/46933/1347, South African Mandate for South West Africa, Report of Chamber of Commerce Windhoek 1923-1924, 15.

97. Permanent Mandates Commission, *Minutes of the Fourth Session*, Annex 3. 171-2.

98. Permanent Mandates Commission, *Minutes of the Fifth Session*, Sixth meeting 25/10/1924, 49.

island who were covered under the Pacific Islands Labourers Ordinance, which still provided for penal sanctions in the event of breach of contract. During the year 44 Melanesian labourers had been accused of breach of contact but only one of them had been convicted. Allen informed the PMC that he was aware that the New Zealand Government were looking to repatriate the Melanesian. It was also noted that the Chinese labourers were not allowed to strike.<sup>99</sup>

The New Zealand Government, when ratifying the Slavery Convention of 1926, extended it to Samoa. Sir Francis Bell had informed them that the League Assembly's resolution on forced labour was not part of the Slavery Convention. Bell further advised that the conditions 'of work by Samoans are not "forced labour" but the ordinary requirement of all countries.'<sup>100</sup> The New Zealanders believed that the term forced labour in the Samoan context was a misnomer. They proposed that it might be best if the Mandates Commission 'be best be assured of the place these services have in the lives of the Natives ... and have been accepted and performed voluntarily since the earliest stage of their communal life'.<sup>101</sup>

Table 6: Employer and employee complaints in Samoa for year ended June 1924

Quarter Ending	From Employers	From Employees
September 1923	174	89
December 1923	73	28
March 1924	86	55
June 1924	29	29

Conventions and recommendations adopted by the International Labour Conferences had not been applied to Nauru. Certain parts were, during 1923 and 1924, under consideration by the Administration. The reasons given in the annual report for not applying them was that 'the development of the Island natives is in its infancy, and ... the conventions ... are generally intended to apply to more highly civilized communities.'<sup>102</sup> In 1927 the PMC noted that the Nauru report for the last four years had said international conventions were being considered but not applied. This left them with the only conclusion that they were not going to apply them, although Cook informed them the Administration had still not found any reason to apply them.<sup>103</sup> Equally, mandate administrators claimed the right to regulate migration out of the mandates to get better paid work, stating this was for the local population's own good. As H.C. Cardew, Commissioner of Native Affairs in New Guinea, wrote in 1925 of locals attracted to plantation work far from home: 'Under the Mandate, we are responsible for the care and well-being of our own natives, and we would lay ourselves open to criticism if we allowed

99. Ibid., Sixth meeting 25/10/1924, 50.

100. ANZ, AAEG 950/22/D 311/6/6, Countries - Western Samoa - Social Affairs - Slavery, Memorandum for the Secretary - Samoan Administration, 27/01/1927.

101. Ibid.

102. LNA, Box R32 1/36558/9598, Report on the Administration of Nauru during the year 1923, P.6; LNA, Box R32 1/44617x/9598, Report on the Administration of Nauru during the year 1924, P.11; Cook told the PMC that the application of ILO conventions would not improve position of the workers as well as pointing out very few league members had yet to ratify Eight-Hour Conventions. Permanent Mandates Commission, *Minutes of the Ninth Session*, Second Meeting, 08/06/1926.

103. Permanent Mandates Commission, *Minutes of the Eleventh Session*, Second Meeting, 20/06/1927.

any of our people to leave the Territory to work under conditions over which we have no control.<sup>104</sup> For all the details in the annual reports relating to labour, members of the PMC still struggled to draw conclusions from it. Grimshaw thought it impossible from reports before 1925 to form an opinion of the 'effects on the native population of the work ... [they had to carry out] as a consequence of their territory under the control of the white population.'<sup>105</sup>

#### **5.4 Managing German claims and the complicated question of title and sovereignty.**

E.H. Carr writes that sovereignty 'was never more than a convenient label; and when distinctions began to be made between political, legal and economic sovereignty or between internal and external sovereignty' it further lost its meaning.<sup>106</sup> He further saw the discussion of the question of the British Dominions, and where sovereignty in the mandated territories was vested, only added to the confusion. The League's view was that the mandatory did not possess sovereignty, 'but shied away from making a clear statement on the question.'<sup>107</sup> Part of the reason for this ambiguity was the difficulties defining the legal status of C mandates. As an example of this confusion, in 1924, the British War Office enquired if a map had been prepared by the League to mark the boundaries of mandates in the Pacific. League officials thought the letter to be 'slightly lunatic', and responded by referring the War Office to the first Article of each Mandate agreement as an indication of boundaries.<sup>108</sup> Although the Mandatory was able to exercise full administrative and legislative powers as if the territory was a portion of its own, under a C mandate this did not result in an annexation of the territory. It may be this contradiction between the principle of non-annexation in the mandates system and legal treatment of a C mandate as part of the Mandatory's territory that led to the League's refusal to rule definitely on the issue.<sup>109</sup> The League had received a letter from the Australian Government in April 1924 in which it did not admit to the power of the League of Nations to revoke a mandate without the consent of the mandatory.<sup>110</sup> This view was not contested at the PMC's next meeting, perhaps demonstrating a level of acceptance that the League would be unable to revoke a mandate without the consent of the mandatory. This section revisits themes that were discussed in chapter 4 but that continued to be live issues into the mid 1920s. These shall be re-examined in the following order, firstly, the issue of the national status of inhabitants of the C mandates, followed by the legalistic debate around former German properties and the rights of Germans to return to the mandate territories. The section will conclude by exploring anxieties around Germany's admittance to the League, using German missionaries in New Guinea as a case study.

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104. Judith A. Bennet, 'Across the Bougainville Strait', *Journal of Pacific History* 35, no. 1 (2000): 78.

105. Permanent Mandates Commission, *Minutes of the Sixth Session*, 5th Meeting 29/06/1925.

106. E H Carr, *The Twenty Years' Crisis* (London: Palgrave MacMillan, 2016), 212.

107. Haruo Tohmatsu, 'Japan's retention of the South Seas Mandate, 1922-1947', chap. 4 in *Imperialism on Trial*, ed. R.M. Douglas, Michael D. Callahan and Elizabeth Bishop (Lanham: Lexington Books, 2006), 66.

108. LNA, Box R73 1/36076/36076, Boundaries of the mandated islands in the Pacific Ocean. Letter War office to League, 19/05/1924, Internal League Minute, 22/05/1924.

109. Matz, 'Civilization and the Mandate System under the League of Nations as Origin of Trusteeship', 76.

110. Permanent Mandates Commission, *Minutes of the Fourth Session*, First meeting, 24/06/1924, 12; Hofmeyr wrote that it was practically settled that 'the mandate [was] irrevocable except with the consent of the Mandatory Power'. NASA, *BTS 2/1/87 LN 13/4 Vol 8*, Letter - Hofmeyr to Hertzog, 04/02/1925.

Hofmeyr explained the different views of two of the elements of the European population in SWA and their attitude to the South African mandate administration. Those who had settled in SWA from the Union regard the mandate as practically amounting to annexation with some oversight from the League but those of German extraction see SWA as been held in trust with it been returned to Germany when it joins the League.<sup>111</sup> Germans in SWA were to receive automatic British nationality, but they could repudiate it. German law meant that if any of them returned to Germany they would become German citizens.<sup>112</sup> There was some concern within the SWA Administration about the agreement reached in London in 1923, discussed in chapter 4, whose ultimate aim was that the South Africans could confer Union citizenship on the Germans resident in SWA. It was felt that pensions payments made to former German civil servants should be refunded by Germany, should said persons not avail of Union nationality. As the quid pro quo to the Germans accepting South African nationality the South African began to draft a constitution for South West Africa that was enacted in 1925. This would provide for a legislative assembly of twelve elected members and six members nominated by the administration.<sup>113</sup> While it had the power to make local ordinances, certain matters such as Natives Affairs, mines, justice, economic matters, and defence were outside of its remit. Smuts was wary that whatever constitution they adopted it should avoid the appearance of incorporation into the Union. He informed Hofmeyr that the bill should show that 'the mandate [would] have to be safeguarded, and the bill will have to say that its object is the better carrying out of the terms of the mandate.'<sup>114</sup> Politics were split along ethnic lines and in the first elections held in 1926 seven German members were elected as opposed to five South African. Proving that the administration's fears about immigration that are discussed below are probably unfounded, when elections were held in 1929, the results were reversed with seven Unionists and four German candidates elected.<sup>115</sup> The Assistant Administrator was much perturbed about open immigration. He felt that they were sure to 'be swamped with Germans and [he was] strongly of the opinion [the Administration] should control this.'<sup>116</sup>

Even after all the discussion on national status of inhabitants in mandates during the early 1920s some confusion remained. Rappard, by 1927 a PMC member, felt Australia and New Zealand appear uncertain as to the national status of the inhabitants of their mandates, from both their representatives and written replies. He reported though that 'there can, of course, be no doubt whatsoever as to the real position in respect to this

111. Permanent Mandates Commission, *Minutes of the Fourth Session*, Fifth meeting, 26/06/1924, 44.

112. *Ibid.*, Fifteenth meeting, 02/07/1924, 125.

113. There were no indigenous members in the assembly. An A. H. Varnier of London who 'had no motive in writing [to the mandates section] other than a wish that the Natives should have their point of view brought before the League' felt that the indigenous population did not seem to be to be suitably provided for in terms of representation in the 1925 constitution that created the legislative assembly. LNA, Box R12 1/45203/1347, South African Mandate for South West Africa, Letter – A. H. Varnier to LN, 16/07/1925.

114. Van der Poel, *Selections from the Smuts Papers: Volume V*, Document 103 - Letter, Smuts to Hofmeyr, 25/05/1923; Only 6092 whites in the whole country had the right of vote. Jan Klíma, 'The Evolution of the political representation of African communities in DSWA/SWA/Namibia', *Modern Africa, History and Society* 2, no. 1 (2014): 14.

115. Neil Macaulay, *Mandates: Reasons, Results, Remedies* (London: Methuen & Co., 1937), 95-6; Pisani, 'State and Society under South African Rule', 59.

116. NASA, *BTS 1/18/8 Vol II*, Letter - Smit to Lane, 07/07/1924; One Mr F. Sauer, who was deported in 1919 'as an undesirable' was not allowed to return to SWA. Other applications from those deported in 1919 in this file also result in a rejected application. NASA, *BTS 1/18/3 Vol2*, Constitution of South West Africa, Letter — PM office to SWA Administrator, 03/06/1924.

matter, for the Council adopted a clear resolution on the subject' in 1923.<sup>117</sup> Rappard's view is supported by discussions at the PMC. In New Guinea the oath to be taken by special constables made references to British Subjects. In the deliberations to ascertain if different wording should be used, Joseph Cook asked 'if the natives were not British subjects, whose British subjects were they?'<sup>118</sup> This question shocked a number of the PMC members since this point was resolved by the Council previously, upon a British proposal. Due to this confusion which apparently existed in certain cases, Rappard's proposal was that the PMC should consider whether to request the Mandatory Powers to inform them as to what legislation or other actions they have taken of foot of the Council 1923 resolution. The British Empire had tried to address the matter at the 1923 Imperial Conference. A committee looking at the issue found that under existing law there was no power to grant an Imperial Certificate of Naturalisation to a person who is not qualified by residence in His Majesty's Dominions. The Committee decided to recommend that the power of granting Certificates of Imperial Naturalisation be extended to cover persons resident in B and C Mandated Territories and also in Protectorates.<sup>119</sup>

In Western Samoa the issue of ownership of German property was examined. The Germans had erected an observatory in Apia which after the war was taken over by the New Zealand Government. The original construction was assisted by a University in Germany and the PMC wanted to know if the New Zealand Government considered it as public or private property as these were treated differently under the treaty of Versailles. The University paid the salary of the Director so it did not belong to the German Government. As the New Zealand Authorities had undertaken to pay the salaries and maintain the observatory they considered it their property.<sup>120</sup> Later in the session a letter to the PMC from the New Zealand Government confirmed that in their view the Apia Observatory was not German Government property before the start of the War.<sup>121</sup> Large private properties of Germans had been taken over by the New Zealanders. They had returned a profit for the first two years but now did not. Some plantations had been leased out. German properties had to be sold and the proceeds credited to the Reparation account. By 1924 Allen was saying that the value of said properties had yet to be determined. In a document submitted to the PMC from New Zealand it implied that this private property belonged to the New Zealand government and not to the mandatory Power. This was because they had to sell them and credit the reparation account. Orts could not understand how these lands could be considered Crown lands. It would be like the Swiss buying a warehouse in a Belgian or Dutch port and calling it a 'Domain of the State'.<sup>122</sup> If Crown lands made a profit it would be up to the New Zealand government to decide what should happen them. It was noted that they would probably be devoted to public works but it was possible that they could be transferred to New Zealand. The PMC

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117. LNA, Box R57 1/62721/16844, National status of inhabitants of territories under B and C mandates, Note by M. Rappard - National Status of the Inhabitants of Territories under B and C Mandates, n. d.

118. Permanent Mandates Commission, *Minutes of the Eleventh Session*, Sixth Meeting, 23/06/1927.

119. TNA, CAB 24/164/70, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): Imperial and Imperial Economic Conferences. Summary of Proceedings – Imperial Conference, November 1923, 21; Folio 268 TNA, CAB 24/165/40, War Cabinet and Cabinet: Memoranda (GT,CP and G War Series): Conclusions of the Imperial Conference. A UK bill was drafted to put this recommendation into effect, and a statement of the practice in the UK was prepared by the Home Office for the information of the Government of Australia.

120. Permanent Mandates Commission, *Minutes of the Fourth Session*, Ninth meeting, 28/06/1924, 72.

121. *Ibid.*, Fifteenth meeting, 02/07/1924, 126.

122. *Ibid.*, Ninth meeting, 28/06/1924, 73.

would later report that in Samoa the legal status of Crown lands was not clearly defined by the accredited representative. It was also not clear what the Revenue was used for from these land when they should be paid into the Reparation Commission. Indeed they considered that the report on Western Samoa not complete enough for a thorough examination.<sup>123</sup>

A substantial amount of correspondence and legal opinion flew back and forth about legal title to land and the linked issue of sovereignty filling bulging files in national archives of Australia, New Zealand, and South Africa, and at the League in Geneva. Having consulted files concerning all four territories I have seen certain recurring patterns. One of these is that Article 257 of the Versailles treaty arose again and again with its emphasis that the rulers who replaced the Germans in the colonies did not acquire the rights of owners but of trustees.<sup>124</sup> Out of all this detail, the most instructive example of the tension between trust and ownership is observed in the NZ report to the Fifth Session of the PMC in 1924 on the question of crown lands in Samoa.

During that year the New Zealand Government had agreed that the revenue received from ex-German plantations that were now Crown estates would be now transferred to the local Samoan Administration. A law was enacted that ruled that the sale of indigenous lands were to be treated as the same as crown lands. This was done for the indigenous population as it was necessary 'to protect them when they sold or leased their land.'<sup>125</sup> Money on the sale of indigenous lands was held in trust for the indigenous vendors, by the local Administration. These monies were only handed over to the sellers when the Administration considered it advisable to do so. Under section 268 of the constitution of Samoa, land was defined as follows:

1. All land in Samoa is Crown land, or European land, or native land.
2. 'Crown land' means land vested in the Crown free from native title and from any estate in fee-simple.
3. 'European land' means land held from the Crown for an estate in fee-simple.
4. 'Native land' means land vested in the crown but held by Samoans by native title, and not by grant from the Crown.
5. 'Native title' means title to land in accordance with the customs and usages of the Samoan race.

Section 278 of the Constitution also ensured that when it was adopted that any land that was held by Samoans was 'vested in the Crown as a trustee of the beneficial owners'.<sup>126</sup> It was further stipulated that such land would be held under the customs and usages of the Samoan race. All private German lands had become security for reparations under the Treaty of Versailles according to Allen. German Estates had become property of the New Zealand Government, but they passed any Revenue from same to the Administration of Samoa. Were the mandate to change hands the New Zealand Government would claim compensation. It was explained to Allen that under Article 297 of the Treaty that New Zealand were not compelled to sell the German estates but could

123. Ibid., Twenty-first meeting, 07/07/1924, 153.

124. The former German owners of the wireless station at Windhoek were to state that Article 257 was 'no more than confiscation by the victor of private property under the guise of agreement by consent' NASA, TES 7541 F88/64, South West Africa. Wireless station at Windhoek, Memo — SA PM office, 28/11/124.

125. Permanent Mandates Commission, *Minutes of the Fifth Session*, Sixth meeting 25/10/1924, 52.

126. Ibid., Sixth meeting 25/10/1924, 53.

hold it as long as they paid their value into the reparations account. Since this is what had transpired Van Rees understood that the estates would remain New Zealand property even after the transfer of the mandate, should that occur. Lugard made the point that the mandatory Power did not have the right to secure the vital assets of the territory as this would be seen as a veiled annexation.<sup>127</sup> If the mandatory power constructed such assets as railways or port then it would be their property and there would have to be a transfer agreement if a new mandatory power was to be ever appointed.<sup>128</sup> Allen informed the Commission that in Samoa the property owned by New Zealand was transferred under the provision of the Treaty of Versailles. Since then monies lent to Samoa had been done so not with the assets built as security but the Revenue of the mandate. Should a transfer of mandate happen the new mandatory would have to purchase the property owned by New Zealand but in regard to other vital assets would only have to take over the obligation of the loans. The New Zealand government had stated their position in a letter to the League on 30 May 1924, in so far that

in the very remote contingency of the transfer of the mandate the new mandatory should most certainly be held responsible for all moneys advanced by way of loans by the retiring mandatory and that the latter should be entitled to reasonable compensation from the funds of the mandated territory or from the mandatory.<sup>129</sup>

Lugard was satisfied with the position taken by New Zealand and that it disproved any charge of veiled annexation.

There were concerns about the loyalty of German residents after the entry of Germany to the League. Richardson, while of the view that the Germans on the island were apparently loyal, was sure that it could be taken for granted that the local German vote in elections would be for someone opposed to the Government's progressive policies. He was further convinced that they would agitate against the Government using means that are 'likely to gain the ear of Geneva.'<sup>130</sup> Throughout the early mandate period, Germans continued to wish to return to former German colonies that were now C mandates.<sup>131</sup> Sometimes they would enlist the services of British Empire subjects to make representations on their behalf. In 1925, a Professor B. Wendlandt, former member of the

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127. Lugard and Van Rees disagreed if the PMC should discuss ex-enemy property. Lugard believed that the PMC were concerned as they should ascertain if the Mandatory had sold them or retained them, and if they had gotten any preferential trading treatment. LNA, Box R34 1/36232/9643, Disposal of former German property in Mandated Areas, Note by Sir Frederick Lugard, 16/05/1924.

128. Permanent Mandates Commission, *Minutes of the Fifth Session*, Sixth meeting 25/10/1924, 53.

129. Permanent Mandates Commission, *Minutes of the Fifth Session*, Sixth meeting 25/10/1924, 53-4; The South Africans were also concerned about any investment or loans advanced to SWA. The Union PM wrote to his High Commissioner in London that they 'must be on [their] guard against allowing the [PMC or League] to interfere in the question of loans in South West Africa'. NASA, BTS 2/1/97 LN 13/23, Loans advanced & Investments of Private Capital in Mandated Territories, Letter – South Africa PM to SA High Commissioner London, 26/03/1925.

130. ANZ, IT1 1 EX 1/8, Memorandum for Minister of External Affairs, 03/12/1926; Richardson noted that some Germans in Samoa communicate with the former German Governor Dr Solf, 'but beyond the pleasure it would give them to see their flag again in Samoan' he had no evidence that Germans were working against them. TNA, KV 4/330, The Security Service: Policy (Pol F Series) Files: Intelligence in Western Samoa. Letter - Richardson to Colonel Kell (London), 08/03/1926.

131. For more of German Colonial Societies and their campaigns see Sean Andrew Wempe, 'Peripheral players? German Colonial Interests, The Press, and the Spirit of Locarno', *International History Review* 40, no. 1 (2018): 177-205.

Board of Examiners in Melbourne University, wrote to the Australian High Commissioner in London, to make an appeal for about 50 former German settlers to have their property in New Guinea restored to them. He hoped the High Commissioner could use his influence to do something for 'these unfortunates!'. Wendlandt based his request on the facts that the Australian Government, through the Expropriation Board, had directed Germans to their own Government for any indemnity on their losses under the Versailles treaty, but the Germany state had repudiated this indemnification in 1923, and there was nothing in the Dawes Plan of 1924 to compensate Germans for their expropriated property. Appealing to 'British fair dealing', he asked was 'there no possible way of securing for them the permission to return to the country in which they were peaceable and reputable settlers for decades and have their farms restored to them?'<sup>132</sup> Wendlandt was also informed from Germany, that any Germans returning to New Guinea would desire to become Australian Nationals. In fact, he harked back to a propaganda tour of Germany, in the summer of 1914, which the Australians had sent him on in an attempt to get German settlers to move to Australia. For their part the Australian Government, through the office of the Prime Minister, followed up on the matter with the Custodian of Expropriated Property. The Custodian's advice was 'that the appeal for release of property from expropriation cannot be granted.'<sup>133</sup> Another development that needed to be clarified was if the decision by the Australians to allow Germans to emigrate to Australia extended to New Guinea. The Attorney-Generals office decided that it did not.

Religious bodies could be troublesome for the mandate powers, because they could they sometimes had strong links to the German past. This was the case across all four southern Dominion C mandates. For example, in Samoa, while the Catholic mission was viewed as neutral, the Protestant missions were 'very useful in education and inculcating obedience to the Government.'<sup>134</sup> The Missions could be mouthpieces for mandate administrations, whether knowingly or not. When the Australian Board of Missions forwarded a favourable report, by the Bishop of Melanesia, on the New Guinea Administration to the Home and Territories Department, they found the need to forward it to the League for distribution to the Council and the PMC. It was easy to see why they would forward such documents, when the Bishop saw fit to write that there was 'no doubt of the determination on the part of Australia loyally to carry out the duties mandated to her.'<sup>135</sup> League officials saw this effort as an attempt to offset the criticism contained in the Ainsworth report.

What to do about the German missions and missionaries in New Guinea was by contrast a continuing dilemma for the Australians. Hughes had originally envisaged all German missionaries been removed by 1928, but on the requests from the Anglican

132. NAA, A1, 1926/2184, Wendlandt, Professor B - Expropriation former German settlers, New Guinea, Letter - Wendlandt to Australian High Commissioner, London, 09/09/1925; In another case the Home and Territories Department found that if a German resident of the Territory has had his property released and no definite charge of disloyalty or misbehaviour could be brought against him, it would appear to be reasonable to allow him to remain. NAA, A5, NG1924/3448, Expropriation. Settlement of Germans released from Expropriated - New Guinea, Letters - Administrator New Guinea and Home and Territories Department, October-December 1924.

133. NAA, A1, 1926/2184, Letter - Prime Ministers Office to Department of Home and Territories, 17/12/1925.

134. ANZ, G48 36 S10, Memo - Tate to Minister of External Affairs, 22/10/1921; For SWA, see Green, Kiljunen and Kiljunen, *Namibia: The Last Colony*, 133-4.

135. LNA, Box R34 1/50316/9599, The Australian Mandate over New Guinea, Extract from the Australian Board of Missions Notes. January 1926.



Australian Board of Missions, the Cabinet decided to let them stay in July 1925.<sup>136</sup> Since the mandates agreements ensured that missionaries of member states of the League could operate in mandates, Germany's admission in 1926 meant the 1928 deadline was moot. The context was that, in 1924, about 270 of the 312 Germans resident in the territory were missionaries. It was the opinion of the Administrator that it was the policy of the German missionaries 'just to wait in the certain expectation that before the seven years [1928] is up Germany will be admitted to the League ... and [then they], the majority of whom hate us, will be able to defy' the Australian Administration.<sup>137</sup> Such concerns may have led Australia to seek advice from other Dominions that held mandates. In December 1924, Stanley Bruce, the Australian Prime Minister wrote to his South African counterpart requesting 'to know whether [his] Government has ever resorted to measures of deportation in connexion [sic] with German Nationals in Mandated Territory of South-west Africa.'<sup>138</sup> One case that highlights the concerns about German Missionaries is that of the Reverend William Kraushaar. He was selected by the Evangelical Lutheran Synod of Iowa and Other States of the United States of America to inspect the Lutheran Missions in New Guinea. This body, together with the United Lutheran Church in Australia, acted as the control boards of the Lutheran Missions in New Guinea. When applying for his visa in the US for the visit, Kraushaar was informed that it was necessary to have an assurance that he was not of German birth.<sup>139</sup> He provided a copy of his birth certificate to show he was a natural born US citizen.

## **5.5 Repression of the Rehoboth in SWA, the impending Mau in Samoa & the frustrations of the petitions system**

In the period from after the first petitions came before the PMC, the need to alter the formula around their admittance became more pronounced. In 1925, the PMC committed to writing their evolving understanding of the conditions under which a petition would be received and considered. These included that a petition could not be from an anonymous source, call the terms of the mandate itself into question, cover ground already gone over by another petition. Theodoli, as PMC President, made the decision if a petition was to be received on the advice of the Director of the mandates, although Susan Pedersen is of the view that Theodoli 'ensured that most petitions—including a great number that did challenge the legitimacy of the mandate itself—were considered, for Theodoli resented Italy's exclusion from the club of mandatory powers and usually did what he could to embarrass Britain and France.'<sup>140</sup> The rules were quite restrictive though as petitions from residents of the mandates had to go to the mandatory power first and if the PMC received any they returned them.<sup>141</sup> Petitions from outside interested bodies

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136. Christine Winter, *Looking after One's Own: The rise of Nationalism and the Politics of the Neuendettelsaur Mission in Australia, New Guinea and Germany (1921-1933)* (Frankfurt am Main: Peter Lang, 2012), 36.

137. NAA, A1, 1925/3160, Missions - Austrian missions, New Guinea, Memorandum for Secretary - Home & Territories Dept from Administrator, 01/05/1924.

138. NASA, BTS 1/18/3 Vol2, Letter - Australian PM to South African PM, 08/12/1924.

139. NAA, A1, 1925/17744, Missions: Inspection of Lutheran missions - Visit of Reverends Braun and Taeuber and others - New Guinea, Memorandum for Secretary - Home & Territories Dept., 20/05/1925.

140. Tollardo, *Fascist Italy and the League of Nations, 1922-1935*, 179; Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations', 235.

141. Hibbeln, 'Supervising Imperialism: Petitions to the League of Nations Permanent Mandates Commission, 1920-1939', 22.

went to PMC who decided if they would be discussed. In 1927, E. L. Westbrook, a general merchant in Western Samoa, believed the system was flawed. In a letter to the League, he suggested 'it would be better if the League sent out an Inspector of mandates, rather than depend entirely upon cleverly prepared statistical reports'.<sup>142</sup> John Harris of the ASAPS also believed the petitioning system was flawed and weighted heavily against the petitioner. He wrote that the petition procedures 'should either be abolished as an irritating delusion or made a real "safety-valve" for legitimate grievances.'<sup>143</sup>

Those representing the southern Dominions at Geneva sometimes struggled to defend the mandate Administrations against petitions. James Parr, NZ High Commissioner in London, worried that 'for information on current administration [he had] to rely on the annual report to the League of Nations, but often these do not give the information necessary to enable me to reply to criticism levelled against New Zealand'.<sup>144</sup> His suggestion to alleviate the problem was that the High Commission be given reports every three months on administration matters that may not have to go in Annual Reports. This section will now proceed to show how the petitions rights incorporated in the mandates system had evolved since the early 1920s and the Bondelswarts affair. This shall be achieved by the investigation of a sample of petitions. These are the cases of the Rehoboth in SWA and, to show some of the more tedious petitions received by the PMC the Lange and Robertson petitions. Pointing ahead to issues outside the chronological scope of this thesis the Lowe petition relating to Samoa will bring to light the tensions brewing on that island.

Following on from the previous sessions, the Council hoped the South Africans would show in their future reports what they are doing to improve the moral and material well-being of the Bondelswarts. When the report for South West Africa was to be examined the PMC decided that further discussion about the Bondelswarts affair would not occur unless they were asked to investigate further by the Council or the Assembly.<sup>145</sup> The rationale for this is that the Commission had already given its opinion on this matter in its report to the Council after its previous session. It was also decided that in the upcoming session petitions that were to be considered by the Commission would be discussed at the same time as the annual report in relation to the respective mandate when it was before the PMC. As a way of defusing the aftermath of the Bondelswarts affair the Administration had Jabobus Christian appointed as Headman of the tribe in the reserve and receive a salary. As part of his duties Christian was expected to persuade men on the reserve to take up employment on the likes of the railways. It should be noted that during 1924 the local magistrate had no success in recruiting labour amongst the Bondelswarts.<sup>146</sup>

The beginnings of the disagreements with the Rehoboth 'Bastards' which would escalate in the following years was discussed before the Commission. The Rehoboths originally came to SWA from the Cape Province in 1871. They administered their own affairs and when the Germans came into the territory they signed a treaty of protection with them. After the South African occupation, the Rehoboths thought they could make a

142. LNA, Box R32 1/59888x/9597, Letter – E. L. Westbrook, 02/05/1927.

143. Harris, *Slavery or Scared Trust?*, 121.

144. ANZ, IT1 65 EX 1/64, Petition from Newton Rowe to League of Nations, Letter – Parr to NZ PM, 20/06/1927.

145. Permanent Mandates Commission, *Minutes of the Fourth Session*, Fifth meeting, 26/06/1924, 42.

146. *Ibid.*, Sixth meeting, 26/06/1924, 52-3.

treaty with the King of England to take over their own administration with no interference from the whites. After three years of negotiation there was an agreement and the boundaries of their country was marked and a Chief had been recognised. The Administration had bought eight farms the Rehoboths had sold to white farmers and restored these farms to them. There was division though within the Rehoboths community and two councils were elected of which only one was recognised by the Administration.<sup>147</sup> This division occurred as the Administration attempted to impose a new agreement with the Rehoboth. The council that was not recognised 'drew many of its members from the reserve's elite [but], it also elicited widespread support amongst "squatters" whose interests were threatened by the state's intention to remove them to other reserves.'<sup>148</sup> In a conference held between representatives of the Administration, the old Raad and the new Raad, some finer points of the nature of the mandate and the position of the Rehoboth came up for discussion. The Administrator, G. Hofmeyr, wondered if the Rehoboth considered themselves to be indigenous or to fall in the same position as Europeans. If they were to consider themselves as indigenous people rather than Europeans then all the reservations in the Peace Treaty relating to protections for indigenous population would apply to them. This would also impact on any approach they might make to the League of Nations as were they 'going to them as indigenous people, or on a similar footing as the Europeans?'<sup>149</sup> If they wished to be treated as indigenous people they would have to suffer certain limitations.

The Rehoboth who would petition the League recognised no such limitations upon themselves. They saw themselves as neither 'a Community nor a Union, but a people and a nation, which possesses its own territory and is self-governing.'<sup>150</sup> Rehoboth leaders wanted the League to recognise their long-standing rights, due to their view that they were not a subject people. Their petition also sought protection, as they feared that they would suffer the same 'treatment that was meted out to the Bondels tribe'. The League and the PMC, as with other petitions, would come down in favour of the mandatory Power. Lugard was appointed the Rapporteur to review their case. He came to the conclusion that they were not recognised as an independent nation by the Treaty of Versailles or the Mandate. To grant them complete independence would be incompatible with the Mandate, although Lugard conceded that a large measure of independence, granted in Syria and Iraq, was deemed to be compatible. He demurred that it was the right of the mandatory to decide when a people were qualified for autonomy. In this case

147. Permanent Mandates Commission, *Minutes of the Fourth Session*, Tenth meeting, 30/06/1924, 80-1; There was an agreement between Rehoboth and SWA administration, signed 17 August 1923, where the Administrator promised to purchase all European farms in Rehoboth territory and hand over to the tribe. £16,500 was needed to buy the farms and branding irons which was to come from the SWA Revenue Fund. NASA, *TES 7541 F88/58*, South West Africa. Estimates 1923-24. Rehoboth Community Purchase, Letter – SWA Administration to Minister of Finance, Pretoria, 07/12/1923.

148. Wallace, *A History of Namibia. From the Beginning to 1990*, 226.

149. NASA, *BTS 1/18/8 Vol II*, Notes on Conference between his Honour the Administrator and Old and New Raad, 17/11/1924; Hofmeyr was concerned enough by the issue that he did not wish to leave the territory and requested Smuts to 'ask Permanent Mandates Commission to excuse my absence at their meeting this year. Perhaps you can plead the unexpected turn in our political situation as an excuse.' NASA, *BTS 1/18/8 Vol I*, Telegram - Hofmeyr to Smuts, 02/05/1924.

150. LNA, *Box R11 1/37888x/1347*, Appeal to the League from the Community of Rehoboth in former German South West Africa, Translation of Petition - Rehoboth to LN, 13/11/1924; Returning to the recurring topic of flags and symbols in this thesis, on a tour of Namibia in 1995, Orizio, was told when his attention was drawn to a Rehoboth flag that it was 'recognised by the League of Nations no less.' Riccardo Orizio, *Lost White Tribes: Journeys Among the Forgotten*, trans. Avril Bardoni (London: Secker & Warburg, 2000), 180.

the Namibian Administration stated the Rehoboth were not yet qualified.<sup>151</sup> Lugard recommended that the petitioners should adopt the course proposed by the Administrator by holding fresh elections and then arranging new discussions with the Administration.

Like with the Bondelswarts before, the Administration eventually resorted to military action. In April 1925, a combination of South African forces and three Air Force planes quelled the unrest. A total of 632 people were arrested in the operation, of which 289 were Rehoboth and 218 were Herero. In the aftermath of the event, Margarethe von Eckenbrecher, described the condition of the Rehoboth as thus:

Now they are poor and in debt, and their complaint to the League of Nations went unheeded. They have repeatedly stated their desires to sell their farms in the border areas (preferably to Germans), but are forbidden to do so. A good many gold claims have been staked near Rehoboth, yet the large mining companies have failed there while a few small, individual enterprises still hold on. Investments from the Union of South Africa do not come, and the Basters do not have sufficient capital to mine the gold themselves. They despise the British (i.e., South African) police and cry, "Give us just one German police officer for the entire region. We'd much rather obey him than the many Boer (South African) policemen—policemen we don't want." But by then it was far too late.<sup>152</sup>

The South Africans, again like in the case of the Bondelswarts, commissioned a report on the matter, which they forwarded to the League, again without any comment as if they agreed with the findings. Van Rees clearly felt that the South Africans' silence on the matter 'appeared to indicate indifference.'<sup>153</sup>

The Commission had received another two petitions in relation to SWA. The first was from a Mr E. J. E. Lange about confiscation of his property in SWA. Mr. Lange had received a land grant from the German Government under their land settlement act, but he had not fulfilled the conditions of the grant so the Germans cancelled it.<sup>154</sup> The South West African Administrator informed the PMC that he had offered the farm back to Lange on the condition that he met the payments on it and waived his claim to legal expenses.<sup>155</sup> Mr Lange was destitute and had several civil imprisonment orders taken out against him

151. LNA, *Box R11 1/37888x/1347*, Petition from members of the Rehoboth Community, Report by Sir Frederick Lugard, 30/05/1925.

152. Eckenbrecher, *Africa, What it gave me, what it took from me*, 247.

153. Permanent Mandates Commission, *Minutes of the Twelfth Session*, Geneva, 1927, Eight Meeting, 28/10/1927.

154. While I was unable to ascertain the date Lange received his grant, Botha states that 'Land settlement during the German period proceeded slowly, partly due to ... the fact that effective settlement only began to proceed after the termination of the wars against the Nama and Herero peoples in 1908.' It was only in 1913 that the Germans established a Land Bank. Botha, 'The Politics of Land Settlement in Namibia, 1890–1960', 235.

155. Permanent Mandates Commission, *Minutes of the Fourth Session*, Seventeenth meeting, 03/07/1924, 127; Lange's petitions are also mentioned in, Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations', 238-9; Pedersen states that 'the explosion in petitions from [SWA] ... owed much to the monomaniacal activity of one Mr J. E. Lange, who bombarded the Commission with claims for lost cattle or appropriated land until even Theodoli wearied of him and ruled further communications "not receivable".' Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 88.

and the SWA administration had to provide for his family. The Commission decided to reject his petition both in 1924 and 1925 when he resubmitted an amended petition.<sup>156</sup>

They also received a petition from a John Robertson about the Wilmer Concession. His claim had already been discussed by the Concessions Commission which was an advisory body set up by the South African to collect information and make recommendations.<sup>157</sup> Some concessions had been cancelled by the South Africans when GSWA was under military occupation and an Indemnity Act was passed in 1919 so the Union Government was indemnified. Robertson probably thought he could not use the court system in South Africa so was petitioning the PMC; Hofmeyr was also unsure if he could appeal to the court system in SWA.<sup>158</sup> The PMC took the opinion that they could not consider petitions which might be brought before a civil court. Freire d'Andrade thought Robertson had no reason for complaint. His concession was given by a former native chief, rather than the Government, plus he failed to renew the required licences. The PMC felt Robertson petition did not fall within their remit. Freire d'Andrade felt that saying that the local courts were not used first was saying that all petitions were outside their remit unless local courts were exhausted first.<sup>159</sup>

The Commission decided to obtain the opinion of the Attorney-General of South Africa on the state of affairs with regard to Robertson's claim. The Commission saw three possible outcomes:

1. That if Robertson was prohibited by the Indemnity Act from taking legal action, the PMC would have to declare itself incompetent in the matter.
2. If Robertson had recourse to the local courts the PMC should reject his petition as they should not assist people to withdraw their cases from the mandates jurisdiction.
3. If the first two points are replied to in the negative then the PMC can investigate his petition.<sup>160</sup>

The Attorney-General of South West Africa completed the report to reply to the League. In it he found that any rights that Robertson possessed for legal action were not 'abrogated or infringed in any manner whatsoever' by any legislation.<sup>161</sup> He was to conclude that that the claims put forward by Robertson were without substance. In October 1925 Robertson was informed by the Mandates Section that his petition could not be adjudicated on by the League as it was not founded on any provision of the Covenant or of the Mandate.<sup>162</sup> Communication would continue between Robertson and the League up to 1927 as he attempted to get the PMC to reconsider his petition to no avail.<sup>163</sup>

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156. Lange protested against the 1924 decision and requested a Committee of experts to review his case. Permanent Mandates Commission, *Minutes of the Sixth Session*, Ninth Meeting, 01/07/1925, 82.

157. The Concessions Commission did not deal with the matter as it felt it fell outside its terms of reference. NASA, *BTS 2/1/160 LN27/4*, Robertson J:- Petition Re Wilmer Concessions SWA, Opinion of the Attorney-General of SWA on the Wilmer Concessions, 11/1924, 3.

158. Permanent Mandates Commission, *Minutes of the Fourth Session*, Seventeenth meeting, 03/07/1924, 128.

159. *Ibid.*, Seventeenth meeting, 03/07/1924, 129-30.

160. *Ibid.*, Nineteenth meeting, 04/07/1924, 139.

161. NASA, *BTS 2/1/160 LN27/4*, Opinion of the Attorney-General of SWA on the Wilmer Concessions, 11/1924, 14.

162. The PMC had decided it was not competent to deal with the petition in July 1925. Permanent Mandates Commission, *Minutes of the Sixth Session*, Ninth Meeting, 01/07/1925, 82.

163. These communications illustrate the frustrations experienced by the mandate section and petitioners. For example Secretariat member F. P. Walters writes on a note that the general principle is not to give 'reasons

The Commission received two petitions in relation to New Guinea from sources other than inhabitants of the mandate. Both were similar in nature. The first was from three Germans who had been repatriated to Germany and their property in New Guinea liquidated by the Australian authorities in 1923. Due to the situation in Germany they were unable to receive equitable compensation from the German Government. The second petition on behalf of the Association of Expropriated Germans in New Guinea presented a case similar to the previous petition. In both cases the Commission took no further action as they were deemed to fall outside the competence of the PMC.<sup>164</sup>

During this discussion, Rappard informed the members that the Council's decision regarding petitions was the sole charter that the PMC had regarding them. In the case of SWA, any inhabitant of the Union or SWA could bring a legal action against the Administration of the mandate. The Chairperson was wary that the right of petition should not be viewed as a substitute to the authority of the local courts of a mandate. Hofmeyr agreed with this point of view and feared the Commission may be inundated with petitions by persons unsatisfied with the Administration that could have recourse to the court system in SWA. The Administration of SWA expected to be guided by the Commission, and even criticised by it for the mistakes it might make.<sup>165</sup>

In 1927, the League received a petition from Newton Lowe regarding Western Samoa. Lowe had previously worked in Civil Service on the island and was now making claims of the administration's corruption and incompetence. He had joined in 1922 and had his appointment terminated in January 1925. In the official response to Lowe's petition to the League, the reasons given for his dismissal were disobedience to a superior officer, and 'he was temperamentally unsuited for an official position involving administration of Natives'.<sup>166</sup> This could easily be read as an attempt to undermine the legitimacy of his petition. The petition must have come as a shock to the Commission, as Western Samoa had been regarded as one of the model mandates.<sup>167</sup> A couple of years earlier, in 1925 the New Zealanders attempted to explain some of their difficulties in Samoa to the PMC. What they saw as a chief problem for the Administration was that it is not always possible to reconcile the views of two such diverse elements (European and Samoan) of population. New Zealand would have to put Samoans first and 'a mandatory power should be regarded with suspicion if it does not at times incur the hostility or awake the criticisms of the European trading and planting communities'.<sup>168</sup> Even in 1926 when some criticisms were beginning to make their way into newspapers in New Zealand, a brave face was shown in Geneva. The New Zealand representative was able to get the PMC to agree that these articles were frivolous. New Zealand portrayed themselves in a

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to persons who won't see reason!'. Robertson would write that the 'the Mandates Section of the League of Nations, is in incapable hands. Any Office Boy would be ashamed to be responsible for such conduct.' LNA, Box R68 1/25892/25892x, Correspondence with Mr J. Robertson relating to the question of the Wilmer Concessions in late German South West Africa, Walter comment on handwritten note, 05/02/1927, Robertson Letter to LN, 14/07/1927.

164. Permanent Mandates Commission, *Minutes of the Fourth Session*, Annex 8, C. P. M. 163, 180.

165. *Ibid.*, Seventeenth meeting, 03/07/1924, 130-32.

166. ANZ, IT1 65 EX 1/64, Letter – Coates to Drummand, 13/09/1927.

167. Pedersen, *The Guardians: the League of Nations and the Crisis of Empire*, 168-9; Freire D'Andrede noted that the New Zealand report was the best that the PMC had received. Permanent Mandates Commission, *Minutes of the Seventh Session*, 2nd Meeting, 19/10/1925; Theodoli noted that 'Samoa was under very capable administration'. Permanent Mandates Commission, *Minutes of the Tenth Session*, Geneva, 1926, Second Meeting, 04/11/1926.

168. Permanent Mandates Commission, *Minutes of the Seventh Session*, 2nd Meeting, 19/10/1925.

father and son role with the inhabitants of Samoa, where they had to instil the idea of self-government to make it possible that 'the native gradually to stand alone and unaided.' This was 'the secret of the mandate.'<sup>169</sup>

During its ninth session the PMC, sometimes found it difficult to determine if certain petitions were well-founded or not.<sup>170</sup> It wondered if in exceptional cases they could hear petitioners directly and pushed the matter up to the Council for its opinion. Before making its own decision, the views of Mandatory powers was requested by Council. Not surprisingly all the mandatory Powers opposed the hearing of petitioners by the PMC. A number of reasons were given for the objections. Chief amongst them was that they were worried that any procedural change that would transform PMC 'into court of law which would be inconsistent with very nature of mandatory system'.<sup>171</sup> They were also worried it would weaken the authority of the Mandatory, and 'it might lend itself to intrigues on the part of those who are more desirous of promoting disorder than of remedying defect.'<sup>172</sup>

## Chapter Conclusion

As the mandates oversight regime moved into years four to six of its operation we see that the same issues continue to raise their head. The core obligation for the holders of the C mandates to put policies in place to provide for the 'uplift' of the indigenous population. These continued to be the focus of attention of the PMC. This manifested itself across a number of critical areas, such as alcohol control, education and labour issues. For the paternalistic PMC the control of alcohol is seen as a measure of the progress of the indigenous population which they were responsible. Whereas in the mandates the control of alcohol was an easier topic to handle, the mandatory's efforts in the educational field met with mixed results. As we see in this chapter, the PMC regularly was critical of the educational systems in both SWA and New Guinea, and more complementary of Samoa and Nauru. An obvious avenue of criticism was the amount of money that was spent on indigenous education as opposed to European schools in the mandates. Yet for all this mild criticism we do not see any real meaningful change, especially in SWA, to the indigenous educational system. To a lesser degree, and unsurprisingly considering the view of the C mandates as the lowest on the scale of 'peoples not yet able to stand by themselves', the mandatory and the PMC concern themselves with systems of administration. As was discussed above and in previous chapters, these mandate administration also served other ends, such as a support mechanism to provide labour. Sometime we see the PMC does have an impact, on the mandatory, if we take the case of

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169. Permanent Mandates Commission, *Minutes of the Tenth Session*, Fourth Meeting, 05/11/1926.

170. Lugard stated that the matter of Petitions had arisen at every session and in several instances it has occupied 'the whole or greater part of a meeting.' He also felt that with the progress of education, more petitions would come from the C mandates. LNA, *Box R60 1/51258x/22099*, Procedures concerning petitions, Note by Sir Frederick Lugard on the procedure with regard to petitions, 15/05/1926.

171. LNA, *Box R61 1/57159/22099*, Procedures concerning Petitions, Question of the Hearing of Petitioners by the Permanent Mandates Commission in Certain Cases - Report by the Netherlands Representative, 22/02/1927; Rappard (1926) noted that 'the rules now in force would remain untouched.' LNA, *Box R60 1/52194/22099*, Procedures with regard to petitions concerning the mandated territories, Draft Recommendation to the Council regarding the Hearing of Petitioners; The Council adopted some new procedures to be applied in replying to petitioners in June 1926 LNA, *Box R60 1/51407/22099*, Procedure with regard to petitions concerning mandated territories, Extracts from the minutes of the fortieth session of the Council.

172. LNA, *Box R61 1/57159/22099*, Question of the Hearing of Petitioners by the Permanent Mandates Commission in Certain Cases - Report by the Netherlands Representative, 22/02/1927.

labour. This influence must be taken in conjunction with wider public opinion in the mandatory powers themselves. In Samoa, we see changes to the labour ordinance, that is welcomed in Geneva. This change in policy comes about because of both the influence of the PMC and of domestic public opinion. Therefore New Zealand officials cannot ignore either public or world opinion. On the ground this meant that indentured labourers had greater freedom about where they worked. In SWA, we observe the provision of better housing accommodation at mines. This again is driven by the dual influence of Geneva and local concerns. The PMC highlighted mortality rates to SA, and locally mines themselves come to the conclusion that a better survival rate of miners is good for business. Both of these examples demonstrate that the forum of and the rhetoric emanating from the PMC could have limited impact on policy decisions in the C mandates. As a counterpoint to this, the PMC had little effect when attempting to influence the mandatory powers to implement labour conventions. As we see, most notably in Nauru, but across all C mandates, there is a resistance to applying conventions such as the forty-eight hour week. The PMC was still capable of devoting a considerable amount of time on procedural items such as those around the sensitive issue of petitions. While we see little satisfaction for the petitioners, it serves as an avenue to air grievances in public. In Samoa in particular, we see how the PMC regarded it as best in class during the early to mid 1920s and are reluctant to place any credence in the Lowe petition. Highlighting one of the weaknesses of the mandates system, the PMC are unaware of the underlying tensions that are building up in Samoa that would find their expression in the Mau movement in the later half of the 1920s. This weakness is down to the fact that the mandatory powers have a large amount of control over the flow of information to Geneva. Overall this resulted in some real oversight in some areas, but Dominion maladroitness, and self-limitations imposed on the PMC by the treaties and by itself meant it was far from the court of arbitration some colonial subjects would have liked it to be.





When Billy Hughes, Australian Prime Minister, was told at Paris in 1919 that the C mandates would be equivalent to a 999 year lease, it must have seemed inconceivable to him the territories in this study would all achieve independence by 1990, a mere seventy-one years into the leases. Unsurprisingly, when we consider South Africa's attempts to annex it even after World War Two, it would be SWA, now called Namibia that would be last to gain independence. After the Second World War the mandates, except for SWA, were transferred into the new United Nations trusteeship system where the ultimate aim was self-government or independence. As the winds of decolonisation swept across the globe in the 1960s and 1970s, the Pacific mandates achieved independence from their former mandatory powers.<sup>1</sup> The impact of the mandatory period reverberates to the present day. For example, in 1983, the Privy Council granted New Zealand citizenship to Western Samoans born since 1924, a decision the NZ government legislated to undermine, and Nauru, in the 2000s, facilitated refugee camps for Australia. Even in the realm of sport Namibia and Samoa joined their mandatory powers of South Africa and New Zealand at the 2019 Rugby World Cup.<sup>2</sup>

A number of questions were posed in the introduction of this thesis. These were: how did the southern Dominions react to the international constraints placed upon them in their administration and how effectively were these constraints applied by the international community, how effectively did they implement the mandate agreements, and how did possession of these territories, either under occupation or as mandate, increase the profile of the southern Dominions as independent international actors? As I stated in the introduction the purpose of answering these questions was to show that the War and the period after it demonstrate the recalibration of empire as an organizing principle of world politics to fit in with an age of a new liberal imperium. By assessing a range of sources from both the vertical perspective of the British Empire as well as the more horizontal and transnational perspective of the southern Dominions, the League and other interested bodies, I could reveal a pattern of dealing with international issues throughout the period of this study.

In answering the first question about international constraints, we must look at the two distinct periods that this thesis reviews, that of the wartime occupation and that of the mandate years. During the wartime occupation, the southern Dominions, as part of the British Empire, were bound by the Hague Conventions of 1899 and 1907. By and large they acted within the constraints of the conventions when it came to the treatment of POWs and the establishment of occupation administrations. Although the southern Dominions wished to retain the German colonies at war's end at no point did they breach the conventions and make attempts to transfer sovereignty during the war. That said, the Dominions interpreted the conventions to their own advantage in the matters of the

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1. Samoa in 1962, Nauru in 1968, and New Guinea in 1975

2. Rugby League rather than Rugby Union is the national sport in Papua New Guinea.

treatment of some POWs in Samoa and German commercial interests across the territories. In doing this, however, they had to be conscious of two factors. Firstly when dealing with POWs the system that was established during the war resulted, until 1917, in the USA acting as a go-between for the Entente and Central Powers. How they would be perceived in the eyes of neutral nations played a certain part in decision-making as part of the wider propaganda battle to portray the Germans as the breachers of international law. Secondly they had to be aware that actions deemed in breach of the conventions against Germans could result in actions against British interests in Europe. Most notable in this regard was the case of the flogging of Germans in New Guinea which caused the Imperial Government much consternation, whereas the Australian Government refused to reprimand the persons involved due to the actions being popular on the home front in Australia.

This brings me to the mandate years. The southern Dominions were appointed as Mandatory Powers over their C mandates mainly due to their negotiations to retain the territories they occupied. For the purpose of the mandates system, however, they were appointed Mandatories as they were considered as 'advanced nations who by reason of their resources, their experience or their geographical position [could] best undertake this responsibility'.<sup>3</sup> Not only were the mandate agreements a legal constraint on how the Dominions were supposed to act in the territories, but the mandates system had the added layer of an oversight regime in the form of the PMC. Compared with the ad-hoc measures that were set up during the war to oversee international conventions, the mandates system of oversight became a much more codified regime. As to my second research question, the implementation of the mandates, the southern Dominions were more effective in some areas than in others. As the League evolved during the 1920s, the southern Dominions realised that their annual reports would receive due scrutiny at the PMC sessions and any hint of scandal in the mandates would be investigated as rigorously as possible. The League and the PMC found that the interest of public opinion in the mandates and other non-governmental bodies worked to their advantage in holding the mandatory powers to the account. The public opinion factor resulted in the southern Dominions wishing for their mandate administration to be cast in the best possible light at Geneva. That is not to say that the system was not without flaws such as the PMC not being able to visit mandate territories to investigate on the ground and the inbuilt paternalist views of the PMC members that sometimes drove their findings in a certain direction. In this thesis I have not dwelt upon clauses such as the military training of the indigenous population for military purposes and the non-fortification clause as they were universally applied in the territories under review. In the realm of suppression of the liquor trade amongst the indigenous population the mandatories enacted legislation in all territories and in Samoa there was total prohibition. By and large the clause dealing with the freedom of missionaries to operate in the mandates was adhered to, although we observed administrations putting certain pressures on missions such as to promote the administration amongst their flocks. We also have the case in New Guinea where the Australians attempted to replace German missionaries, but by 1926 this policy had become moot due to the admission of Germany to the League. Where the mandatory

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3. Appendix A

powers struggled to implement the mandate agreements was towards the uplift and social progress of the indigenous population. In no territory were the indigenous populations given real legislative power nor was the prospect of it considered to be on the near horizon. The southern Dominions generally turned towards the British staple of colonial administration in the form of indirect rule. Headmen or tribal leaders were given some powers in their local areas but at no point did they have real influence on the central administration of the territories. Education was also used as a benchmark of social progress and time and again the PMC came to the opinion that the southern Dominions could be doing more in this area in their mandates. One criticism that could be easily discerned from the annual reports was the lack of funding towards indigenous education as opposed to the education of a much smaller European population residing in the mandates. Internally amongst the PMC and the southern Dominions there also arose a debate as to what level of education the indigenous population could realistically aspire to and to what end. In this respect, the Dominions shared a similar outlook to the previously mentioned paternalistic PMC members. Taken as a whole, the answer must be that the territories studied were largely run for the benefit of the southern Dominions even if League oversight did make some positive difference to the populations in question. In that sense, League oversight was effective, in a limited way.

Finally in this thesis I have clearly shown that possession of these territories increased the profile of the southern Dominions as independent international actors. Moreover, by extending back to 1914 the process by which the British Empire began to turn into a Commonwealth of more equal Dominions, this thesis nuances the existing literature that tends to place this development firmly in the interwar period.<sup>4</sup> This is an important finding. As the war went on the British had to give more regard to Dominion views which led to the creation of the IWC in 1917. This in itself did not increase the Dominions' stature as international actors but it did give them a voice at the centre of British policy formulation as the war drew to a close. In my view, an example to this was the meeting of the Australian Prime Minister, William Hughes, and US President Woodrow Wilson in May 1918. Hughes as a member of the IWC was able to discuss policy with Wilson on his way to London, something that probably would not have occurred before the War. By way of their membership of the IWC the southern Dominions were able to pressure the British into seeking separate representation for them at the Paris Peace Conference. As a result of the Treaty of Versailles the Dominions were original members of the League of Nations and attended the annual assembly sessions. One of the clear examples that display the progression of the Dominions as separate international actors is the fact that the League began to communicate directly with the Dominions rather than through the Colonial Office in London. This conclusion complements the view that the internal dynamic of the British Empire was changing in the 1920s. The Imperial Conferences of 1923 and 1926 held discussions around the independence of the Dominions in foreign policy matters, which

4. For example see Darwin, 'A Third British Empire? The Dominion Idea in Imperial Politics'; Darwin, *The Empire Project: The Rise and Fall of the British World-System, 1830-1970*; Keith. Neilson, *Britain, the Soviet Union and the collapse of the Versailles order, 1919-1941* (Cambridge: Cambridge University Press, 2006); Ritchie Owendale, *'Appeasement' and the English Speaking World: Britain, the United States, the Dominions, and the Policy of 'Appeasement', 1937-1939* [in English] (Cardiff: University of Wales Press, 1975); Ritchie Owendale, *The English-speaking alliance: Britain, the United States, the Dominions and the Cold War 1945-1951*, London, 1985; Ritchie Owendale, *Anglo-American Relations in the Twentieth Century*, British History in Perspective (Houndmills: Macmillan Press, 1998).

was subsequently affirmed by the Balfour Declaration of 1926. The Statute of Westminster in 1931 codified the Balfour declaration in law and ensured the Imperial Parliament could not pass legislation that applied to the Dominions unless the Dominions requested and consented to such legislation. What this thesis shows is that the southern Dominions were given a large degree of legitimacy as international actors by holding their C mandates.

I shall now expand on these findings by a summary of events from each chapter that support them. As we saw at the start of this study in chapter 1, the southern Dominions enter the War having achieved self-government but as being subservient to the British government in international affairs, although the South Africans attempt to push the boundaries by holding a vote in parliament on their participation in the war effort in 1914. London insisted that any captured German colonies be at their disposal whenever a Peace conference is convened. At the early stage of the war British concerns were the primary consideration as seen in the secondary request to occupy Nauru, and the negotiation of a deal with Japan over their occupation of northern hemisphere German colonies in the Pacific, even if this left the Australian and New Zealand governments concerned over Japanese power in the region. This chapter likewise shows that both the belligerents and the civilian populations were aware of the Hague Conventions requirements in relation to the conduct of war and occupation. We observe this across all the territories from the debates around naval bombardment in the Pacific, the poisoning of wells in SWA, to the use of illegal weapons. What I have concluded though is that there existed no real international framework to ensure the rules were kept. How each side interpreted the rules served their own purposes. This we see when British Navy in the Pacific decided that high-powered radio stations must be regarded as being primarily intended for hostile purposes and therefore became legitimate targets under the Hague Conventions. Equally, in SWA the Germans felt it was within their rights to poison wells as they owned them. What these examples show is both an awareness of the Hague Conventions and also the willingness to use it as a defence or as a reason for a certain course of action. Without a formal international arbitration system to determine interpretation, it was normally decided by those that held power, which in the case of the occupation period would be the southern Dominions. We saw that during the mandate period, the PMC acted as a public space in which interpretation of international agreements could be discussed.

Chapter 2 discussed the actions taken at both the local level of the occupied territories, the national level of the southern Dominions, and the imperial level. One of the major areas studied in this chapter and chapter 1 is the treatment of German Prisoners of War (POW) between 1914-1918. During the War we see an ad-hoc system put in place whereby the United States, at least until their entry into the War, acted as a go between on behalf of the Germans. International bodies such as the Red Cross come more to the fore as independent overseers of the conditions of POWs. Showing where the Dominions were placed as international actors during this period, all correspondence was conducted between the German and British Foreign Offices, by way of the US, rather than directly between Germany and the Dominions. Samoa is an outlier in that we see the US Administrator in American Samoa communicating directly with his New Zealand counterpart in occupied German Samoa. Time and again we see Germans referring to international law, especially to the Hague Conventions when making complaints about their conditions. While an informal framework is put in place between the belligerent

nations we see, like during the takeover period, that by and large the interpretation of international law by those in occupation is largely uncontested. Where we observe most concern about the implementation of international obligations by the British Empire is when there is a perceived threat of German retaliation against British prisoners in Europe, as we see in the case study about flogging in New Guinea.

When it came to local administration, this chapter shows us that the southern Dominions attempted to balance the need to attempt to operate within the bounds of the Hague Conventions, with the desire ensure they retained possession of the territories afterwards. This opened up discussions about the limits to their powers and the fact they were not in sovereign possession of the German colonies, but only acting, for lack of a better word, as trustees until a final peace settlement. This debate featured in the decision-making process in relation to monetary and economic policies. A part of the campaign to retain the territories each Dominion wished to appear to be acting as a better guardian of the indigenous population, to ensure they supported them when it came to deciding future rule. One example is that, in SWA we see that regulations relating to movement of the indigenous population were relaxed. The case study in this chapter in relation to the 1918 influenza shows us how incompetent occupiers could also alienate a population even if in Samoa's case it took until the late 1920s to come to fruition in a local non-violent nationalist movement called the Mau.

While the southern Dominions acted as occupiers we also begin to see the first steps of their move towards an increased level of independent action within the British Empire. The first real impact of this can be traced to the establishment of the IWC in 1917, with all Dominions represented at it. Within this body the southern Dominions were able to influence the foreign policy of the Empire directly, unlike before. As we have seen from the deliberations of the IWC, southern Dominion politicians were central to the more expansionist policy documents to emanate from that body. With the entrance of the US into the war, the dynamic changed, in that the Empire now had to take into serious consideration the American administration's desire that there be no territorial aggrandisement due to the War. Ironically, it would be a paper by Smuts, who had wanted to annex SWA, that would advance the cause of mandates before the Paris Peace Conference, displaying the impact a Dominion statesman could have on international discourse.

Chapter 3 deals with what I have previously described as the messy transition from occupation to mandate. This starts with the Peace conference at Paris and the first achievement of the Dominions which was to ensure separate representation for themselves. This gave them the same status as the smaller nations at the conference together with the added benefit of forming part of the British Empire Delegation. The fact they were in occupation of German colonies ensured that they attended the deliberations as to their fate, thereby advancing their status as international actors, although they signed the Treaty as part of the British Empire. This increase in stature though ensured they could have a major impact on how the mandate system was moulded. The fact that C mandates are created at all is as a result of their incessant demands that any control or oversight regime be as close as possible as annexation.

While the Great Powers and the Southern Dominions dominated the negotiations around the mandates in Paris, there was also a ground swell of popular movements

arising from Wilson's high rhetoric. It is in this period that we see established bodies, like the ASAPS, and newer ones such as the LNU, together with the transnational alliance that is the pan-African conference, and individuals enter the arena. From the start they show an interest in the mandates system, and lobby not only to influence the terms of the mandates agreements, but the make-up of the oversight regime that would police this new system of internationalised imperialism. In fact, over the course of 1920 we notice that the southern Dominions, while pushing the metropole for the issuance of the mandate agreements, do not take part in their drafting which is left to the Great Powers. Indeed, they play very little part in the establishment of the apparatus of the League, although they are members in their own right. Where we do observe them taking a leading role is in the passage of legal formulations to replace their military occupations with civilian administration. Like with the declaration of War, loyalty to Empire as a whole informed the course of action taken by each Dominion. South Africa and Australia took a more independent minded course whereas New Zealand was more attuned to using the Imperial framework. In this interregnum period before the issuance of the mandates in December 1920 the Dominions set about creating facts on the ground some of which would later draw the attention of the PMC after the fact. Chief amongst these would be the way in which Britain, Australia and New Zealand would come to an agreement on the phosphate mining in Nauru, and the methods in which the mandatory powers would expropriate German property in the C mandates.

In chapter 4, the newly established mandates system gets to work. Whereas the framework of international obligations during the War period was informal and ad-hoc, the League and the PMC had lengthy deliberations as to the procedures that they would put in place. These ranged from what is to be expected in the mandate annual report, by way of drafting the questionnaire, to how they should communicate with the southern Dominions. The continuation of lobbying from outside bodies contributed to the successful campaign to ensure that one member of the PMC was a woman, and the correspondingly unsuccessful one to have a member of African ancestry. It appears that the racial hierarchy of empire also extended to its oversight. At least these early non-governmental bodies would find solace in the petitioning system that ensured that they could petition the League on behalf of inhabitants of the mandates. It would be the Bondelswarts affair in SWA in 1922 that would become the first real test of the function of the mandates system and of holding a mandatory power to account for a possible failing in their 'sacred trust'. While the PMC's report was critical of South Africa the system survived, in part because the mandatory powers felt secure enough in their position, and they saw the political necessity of accepting a certain level of criticism from Geneva, which was now a space where world public opinion could be aired. In a way, the affair would ensure the codification of the petitioning system in 1923. Often former colonial administrators themselves, individual members of the PMC, such as Lord Lugard, wished to be seen as allies of the mandatory powers in the great task of uplifting 'backward peoples'. It is for this reason that in most cases petitioners did not have their petitions upheld.

As a defacto acceptance of their increased international profile as mandatory holders, the PMC decide to bypass London and communicate directly with the southern Dominions on mandate matters. At each session of the PMC, the southern Dominions

sent their own accredited representative to discuss the annual reports of their respective mandates. It would be at these reviews of the annual reports that the southern Dominions were queried on their obligations under the mandate. As we can see from these discussions, those present placed the C mandates on the lowest rung of the 'civilisation' ladder. Yet, when we analyse the policies adopted it could be concluded that while the rhetoric discussed by the mandatory powers was about slowly uplifting the inhabitants, the reality on the ground left a lot to desired. The mandate administrations centralised power in the administrator and made no attempt to incorporate indigenous peoples at any level of the running of the mandates. The one exception was in Samoa, where an indigenous advisory council had a role in advising the Administrator on indigenous legislation. Education was also a critical measure of the southern Dominions' adherence to their commitments in the mandate agreements. It did not pass unnoticed at the PMC that all British Empire C mandates spent much more money on the education of the European inhabitants than that on the indigenous population. While by and large there were government-run schools for the European population, indigenous education was sub-contracted out to the religious missions. Hand in hand with education, work, as described in the PMC minutes time and again, could have a civilising effect. In fact all the C mandates put policies in place whose purpose was to encourage the indigenous population to work in European or mandatory power owned enterprises. Where they could not induce the local population to work or where there was a shortage, they imported labour, especially in the mandates of Nauru and Samoa. In their supervisory role the PMC tended not to criticize these policies and instead focussed on the issues of forced labour, working conditions, and interactions between imported workers and the indigenous population. When it came to the issue of sovereignty, this problem manifested itself in the early years in the naturalisation question of Germans remaining in the mandate territories. This problem mainly related to SWA as numerous Germans remained in that territory. The PMC resorted to a tactic it would use on contentious issues and requested the mandatory powers to submit their views on the matter. In the end a bilateral agreement in 1923 between South Africa and Germany, another sign of their stature as international actors, settled the issue rather than any deliberations at the League.

By the time we turn to the time-frame in chapter 5 (1924-26) we observe a well embedded international system of oversight of the mandates. Yet the same issues raise their heads again and again, as the PMC revisit procedures that they had formulated in 1921-23. In relation to the main obligations under the mandate, the PMC still would find that the implementation of any form of self-government would be viewed as something that was far in the future. The star pupil in New Zealand and their mandate of Samoa would begin to see the façade slip, as tensions surfaced and rumours of misrule began to make their way to Geneva, although the real crisis would be a few years away yet. New Guinea and SWA would keep the PMC busy with their own crises though. In New Guinea, the old troublesome issue of flogging would return and the Australians would commission two reports into conditions in the mandate. The commissioning of reports was a recurring theme of mandatory powers and in part slowed down, perhaps deliberately, the discussion of issues in Geneva and the PMC always deferred to the mandatory power and waited for reports to be sent to them. In SWA, the Rehoboth tribe



attempted to use the petitioning regime to their benefit when they felt the rights they had negotiated during the German period had been reneged upon by the South Africans, but they would find that PMC unsympathetic to them. South Africa, possibly still wary of the rebuke they received only a few years earlier over the Bondelswarts affair, ensured that when they suppressed the Rehoboth, they avoided the lethal use of air-power. There were some improvements in labour conditions, in part down to issues aired in Geneva but also because of public opinion within the southern Dominions themselves driving change. In SWA, improvements in workers' accommodation was driven by a desire to reduce worker mortality as much as the fact it was noted by the PMC.

Overall, my research has been guided by the idea that, despite perceived constraints on them by international obligations, whether during the occupation or mandate, the southern Dominions by and large were able to carry out policies that suited their national aims as long as they operated within the prevailing international framework. This study has found the above generally to be true as the conclusions noted above demonstrate. It is unfortunate though, due to my lack of any mastery of the German language, that the study did not include any German archival sources. I have had to glean what information I could about German attitudes from English letters in my archival sources or translations of German language documents forwarded to Geneva or the mandatory powers or from the secondary literature. Another main weakness of this study was the paucity of material available from the indigenous inhabitants of the C mandates. What is available could be considered to be confined to the indigenous elites, for example, petitions from Chiefs in Samoa or the Rehoboth in SWA. Nonetheless, drawing on abundant other sources, this thesis demonstrates the hybrid nature of imperialism in the C mandates. Although this study deals with territories that would become C mandates and the southern Dominions that would administer them, I have considered their place within the wider sphere of international obligations when they were under occupation or and when they became mandates after the War. This has allowed me to examine this group of territories as parts of a new type of liberal imperium and an emerging transnational sphere which was bound up with the League of Nations.

Susan Pedersen was right to use the subtitle 'the crisis of empire' when discussing the mandates system in general. In 1914 empire was the organisational principle of European politics and international relations. During the War, it was made clear that occupation did not change this position and any change in the status of the German colonies in the 'blue-water' empires in Africa and Asia, the principle of European rule remained intact even as German territories were occupied. Their status could not be determined until the War was over and that the victorious empires would decide, not the inhabitants. By the War's end or in its aftermath, the land based multi-ethnic dynastic Empires, of Germany, Austria-Hungary, Russia, and the Ottomans were gone.<sup>5</sup> The defeat and collapse of the Central Powers resulted in the expansion of mainly of the victorious British and French overseas empires at the expense of the German and Ottoman ones.

However, the political climate had changed since 1914. By 1919, the nation-state had become the normative political unit in Europe at least so that any expansion of British or French empires would now have to purport to be more democratic. Wilsonian rhetoric

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5. The Hohenzollern, Habsburg, and Romanov royal houses had all abdicated by the end of 1918, with the Ottoman Sultanate abolished in 1922.

and the fear of the Soviet model meant that imperial expansion had to be presented more than ever as something disinterested. In the development of the mandates system we see an attempt to resolve the awkward contradiction between the self-determination in a nation-state and imperial expansion in a new age of internationalism. The British Empire was deemed by the US to be a much better model of colonial uplift than the late German Empire. Whether deserved or not, this prestige influenced the mandate settlement and even the oversight regime itself, not least in the membership on the PMC of Lord Lugard, regarded as the foremost British imperial expert.

Therefore, we can see that multiple international systems — Empire, International conventions and the League — worked in parallel or succeeded one another. In relation to Empire this thesis adds to the existing literature by expanding on the development of the Dominions within the context of the British Empire by taking a South to North approach instead of the more usual North to South dynamic. Moreover, by looking at the questions of mandates from the points of view of governments in Pretoria, Canberra and Wellington and their common challenges in comparative perspective, this thesis has developed a novel south-to-south scholarship that balances the focus on imperial centres and on international bodies at Geneva. This thesis has also analyzed the nature of the Southern Dominion administrations in each of the C mandates. At the end of the day, the southern Dominions gained much from the mandates system. This was due to the particular nature of the C mandates which allowed them to exploit economically the natural resources and labour reserves of the territories entrusted to their care without the need to promote self-government. In part this is the result of the perception of the world powers at the time as well as those with the PMC, that the inhabitants of the C mandates were not yet ready for the 'strenuous conditions of the modern world.'<sup>6</sup> As a result the southern Dominions' relationship with their mandate territories was actually a colonial one, albeit with a level of liberal oversight, rather than one of acting as the trustee for a nation-state in waiting.

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6. Article 22 of the Covenant of the League of Nations, see Appendix A



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**Article 22 of the Covenant of the League of Nations**

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1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.
2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.
3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.
4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.
5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.
6. There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.
7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

8. The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.
9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

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**League of Nations C Mandate**

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**In the following text; X shall represent the Mandate territory & Y shall represent the Mandatory power**

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein X; and Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations) of the said treaty, a mandate should be conferred upon His Britannic Majesty to be exercised on his behalf by the Government of Y to administer X and have proposed that the mandate should be formulated in the following terms; and Whereas His Britannic Majesty, for and on behalf of the Government of Y, has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and Whereas, by the aforementioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations; Confirming the said mandate, defines its terms as follows:

**Article 1**

The territory over which a mandate is conferred upon His Britannic Majesty for and on behalf of the Government of Y (herein after called the Mandatory) is the former German Colony of X.

**Article 2**

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of Y, and may apply the laws of Y to the territory, subject to such local modifications as circumstances may require. The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

**Article 3**

The Mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration. The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic, signed on September 10, 1919, or in any convention amending the same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

#### **Article 4**

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

#### **Article 5**

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any state member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

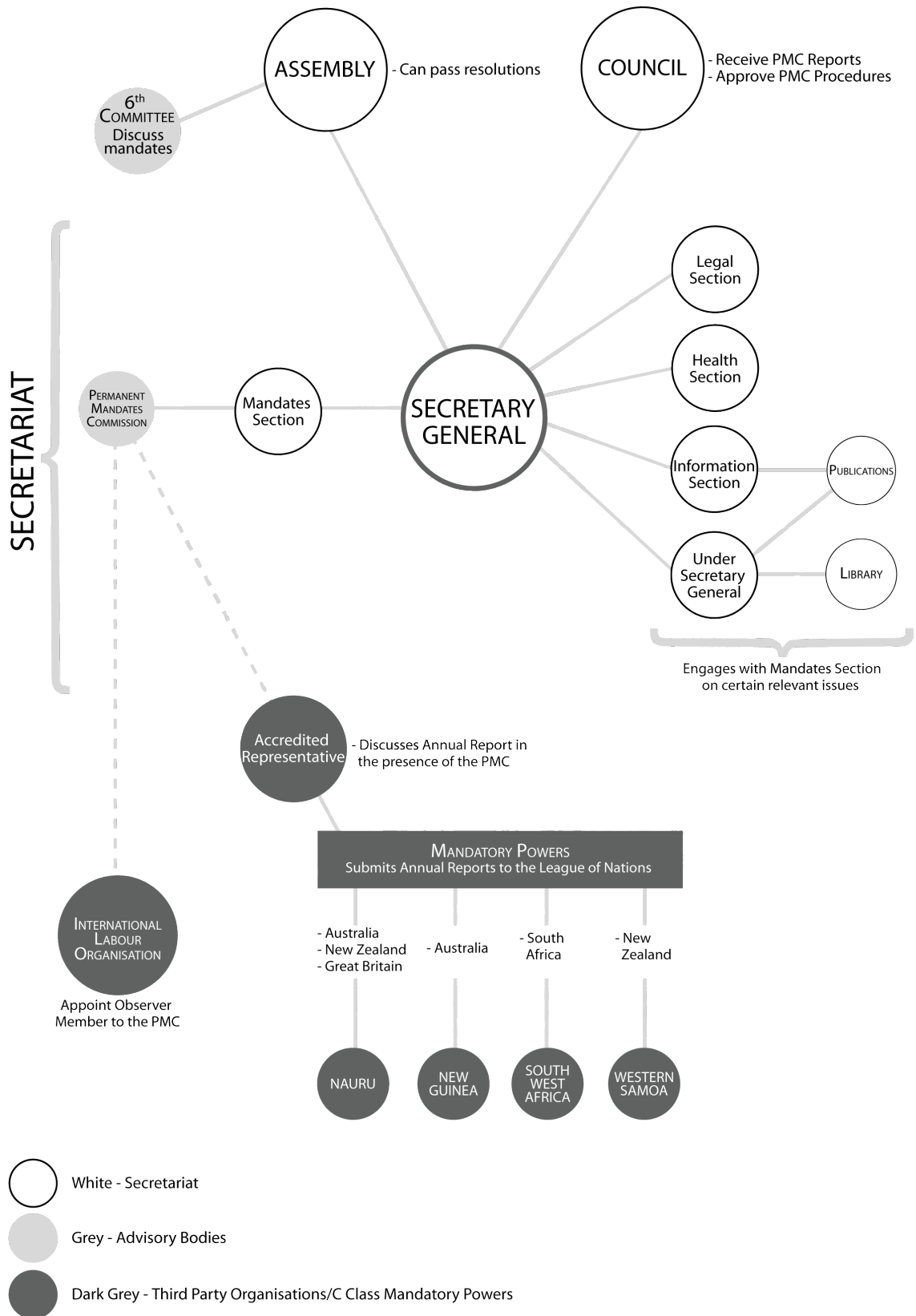
#### **Article 6**

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4 and 5.

#### **Article 7**

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate. The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations. The present declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers

Organisational Chart for the C mandates system



Prepared by Author & Marie Keely (After Martin Grandjean)





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