Despite the conceit that transitional administration was invented in the 1990s, much can be learned concerning the development of an institutional capacity to administer territory from examining the manner in which the colonial empires were regulated and subsequently dismantled. An age less attuned to political sensitivities also provides a clearer-eyed assessment of the requirements of such administration, challenging the conventional wisdom that ‘ownership’ on the part of the local population is essential to the process.

Starts by pointing out that if the Berlin and Brussels Acts and the experience of the Congo Free State (as discussed in the last chapter) are understood as representing the internationalization of the idea of trusteeship, then the League of Nations mandates system might be understood as representing its institutionalization in international society. Examines the current of ideas from which the institutionalization of trusteeship arose out of the debates concerning the disposal of German colonies conquered during the First World War, and the subsequent compromise that resulted in the creation of the mandates system, which
stands as a response to the problem of ordering relations of Europeans and non-Europeans by reconciling the obligations of trusteeship and the search for national security in a single institutional arrangement. The victorious Allied powers divided Germany’s colonial possessions amongst themselves, in no small part for reasons of national security, but in assuming administrative responsibility for these territories they also accepted the oversight of ‘international machinery’ to ensure that the work of civilization was being done. The seven sections of the chapter are: War and the Old Diplomacy; Trusteeship or Annexation?; From the New World—the effect of the Russian revolution and the entry into the First World War of the US on the French and British annexation policy and Woodrow Wilson's ideas for peace; The Mandates System—the birth of the League of Nations; Impasse at Versailles—the Paris Peace Conference of 1919 and the Versailles Peace Treaty; Trusteeship or Deception—the obligations and defects of the League of Nations Covenant; and Novelty and Tradition—the compromise of the League of Nations system.

Colonialism and Trusteeship Redux? Imperial Connections, Historical Evolution, and Legitimation in the ‘Post-Colonial’ Era
Ralph Wilde

in International Territorial Administration: How Trusteeship and the Civilizing Mission Never Went Away

Are colonialism and trusteeship ‘back’, albeit in some modified form, with ITA? To what extent do contemporary ITA missions mirror their colonial precursors? What normative distinction subsists between a territorial administration project conducted by an international organization — as in Kosovo, and one conducted by a military coalition of states — as in Iraq? Does the existence of the ITA projects in the ‘post-colonial’ era require the ‘bygone’ story of colonial trusteeship to be revised? This chapter answers these questions by conceptualizing collectively a series of different practices — ITA, ‘protection’ (as in protectorates), colonialism, state-conducted administration under the League of Nations Mandate and UN Trusteeship systems, occupation conducted by foreign states — as ‘foreign territorial administration’ and ‘international trusteeship’. It considers the differences and similarities in conventional representations of each activity; and identifies the political and legal factors that mediated their differential treatment in international law and policy across the 20th century, notably the self-determination entitlement and ideas of legitimacy associated with the ‘international’.

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The international administration of troubled states—whether in Bosnia, Kosovo, or East Timor—has seen a return to the principle of trusteeship: i.e. situations in which some form of international supervision is required in a particular territory in order both to maintain order and to foster the norms and practices of fair self-government. This book rescues the normative discourse of trusteeship from the obscurity into which it has fallen since decolonization. It traces the development of trusteeship from its emergence out of debates concerning the misrule of the East India Company (Ch. 2), to its internationalization in imperial Africa (Ch. 3), to its institutionalization in the League of Nations mandates system (Ch. 4) and in the UN trusteeship system, and to the destruction of its legitimacy by the ideas of self-determination and human equality (Ch. 5). The book brings this rich historical experience to bear on the dilemmas posed by the resurrection of trusteeship after the end of the cold war (Ch. 6) and, in the context of contemporary world problems, explores the obligations that attach to preponderant power and the limits that should be observed in exercising that power for the sake of global good. In Ch. 7, the book concludes by arguing that trusteeship remains fundamentally at odds with the ideas of human dignity and equality.

Supranational Delegation and National Parliamentary Scrutiny since the 1970s

Peter L. Lindseth

in Power and Legitimacy: Reconciling Europe and the Nation-State

This chapter describes the final element of the convergence of European public law around the legitimating structures and normative principles of the postwar constitutional settlement: national parliamentary scrutiny of European policy making. The chapter begins by describing the pivotal change in European public law—the vast expansion of supranational regulatory power with the Single European Act (SEA) of 1986—as well as the failure of the European Court of Justice (ECJ) to police that expansion through the subsidiarity principle in the 1990s. This policing
function thus fell to the Member States themselves, and it is in that regard that national parliamentary scrutiny took on greater importance. European scrutiny mechanisms had existed in certain countries (notably Denmark and the United Kingdom) as early as the 1970s. Nevertheless, it was not until after the vast expansion of supranational regulatory power in 1986, continuing through the effort to reform the democratic foundations of integration into the 2000s, that national parliamentary scrutiny became a significant element of integration law and politics. In the 2000s, moreover, attention to the national parliamentary role translated into significant changes in supranational law. The so-called ‘subsidiarity early-warning mechanism’ of the now-defunct Constitutional Treaty, carried over to the Treaty of Lisbon, built directly on the national developments of the prior two decades. The chapter concludes that national parliamentary scrutiny reflects both the importance of mediated legitimacy in European governance as well as its ‘polycentric’ constitutional character.

Western Imperialism in the Middle East 1914-1958
D. K. Fieldhouse

The term ‘Fertile Crescent’ is commonly used to refer to the group of territories extending around the Rivers Tigris and Euphrates. In this book, it is assumed to consist of Syria, Lebanon, Jordan, Iraq, and Palestine. Much has been written on the history of these countries, which originated from the Ottoman Empire after 1918 and became Mandates under the League of Nations. This book provides a comparative overview of how Britain and France came to rule these five portions of the Ottoman empire during 1914-1958 and how they dealt with them. It examines contrasting imperial techniques for controlling these temporary dependencies, as well as the interaction between western imperialism in its final phase and the power of nascent Arab nationalism. Essentially, these European powers converted what had been relatively quiescent provinces of the Ottoman empire into some of the least stable and internationally explosive states in the world. This was certainly not the intention of the mandatory powers, and the reasons for this outcome are specific to each of the five territories. This book investigates why it happened.
Chapter 8 analyzes the culmination of the Eastern Question by analyzing American reactions to the Armenian Genocide of 1915-1917 and President Woodrow Wilson’s failed plans for an American mandate over Armenia. It examines the role played by the United States in establishing the larger mandate system in the Middle East. The primary actors involved in pushing for such a system included political and diplomatic elites, such as Woodrow Wilson and Henry Morgenthau, who worked closely with American missionaries, including Josiah Strong and James Barton. It also analyzes how American support for the Balfour Declaration built on previous arguments about the Jewish Question in Europe to establish a Jewish homeland in Palestine. It concludes with an analysis of the King-Crane Commission.

This chapter looks at climax of the 1960s apartheid debate. It focuses on the stakes of a case at the International Court of Justice (ICJ) that pitted the African Group against Pretoria. Beneath the case’s surface—which revolved ostensibly around the question of whether South Africa’s World War I-era Mandate over South West Africa was still legitimate—lay a deeper debate about the meaning of the postcolonial Nation. For both African and Afrikaner nationalists, the court case was a way to legitimize their claims about nationhood—and to force Washington to pick a side in the postcolonial apartheid debate. Although opposed to U.N. action through the General Assembly, U.S. policymakers recognized that America’s status as a “postimperia” superpower rested partly on the credibility and authority of the ICJ. In 1966 the Court rejected the African Group’s case against South Africa, dealing African nationalists with a major blow.
This chapter describes the emergence of a conspiracy-thinking culture in the postwar British imperial state. As intelligence agents from the Middle East slipped into administrative roles in the postwar Middle Eastern empire, they applied their intuitive mode and conception of Middle Eastern space to the official task of understanding the postwar series of periods of anticolonial unrest. The theories were notable for their vagueness and ineffability. The conspiracy mode was intensified by the competing claims to expertise of the old guard of amateur agents and an emerging group of professionals. The British state became captive to a paranoid mode of understanding political events in the Middle East. The chapter closes with a discussion of the ramifications of this mode, namely the excuse it provided for continued British presence in the region.

Rules of the Game
Susan Pedersen

This chapter describes how the mandates system was revived and took shape in the early 1920s. It shows how the League's first Secretary-General Sir Eric Drummond, League officials Philip Noel-Baker and William Rappard, and British activists (e.g. the Anti-Slavery Society Secretary J. H. Harris and the politician William Ormsby-Gore) established the League's authority over the mandates regime. It spells out the roles of the Assembly, Council, and Mandates Section of the Secretariat in the work of oversight, and introduces the members and procedures of the Permanent Mandates Commission. Although those experts often sought to promote the interests of their own states, public scrutiny and an evolving institutional spirit led the Commission to chart an independent course. Through early controversies over the national status of inhabitants of territories under mandate, the disposition of Nauru's
phosphates, and the border between Tanganyika and Rwanda, the Commission sought to limit the sovereignty of the imperial powers in the mandated territories and to articulate new international norms.

From Unfit Imperialists to Fellow Civilizers
Sean Andrew Wempe

in Revenants of the German Empire: Colonial Germans, Imperialism, and the League of Nations
Published in print: 2019 Published Online: June 2019
Publisher: Oxford University Press
Item type: chapter

During the tenure of the League’s mandates system, several former German colonial officials rose to prominence in the League of Nations as “imperial experts.” The involvement of German colonial officials in League agencies and events suggests that although no longer part of an imperial power and officially ostracized from the “work of civilization,” Germans remained adaptive contributors to international discourses on empire. In order to determine how individual Germans and lobbying interests were able to make use of the spirit of internationalism to minimize their association with “unfit imperialists” and re-establish themselves as “fellow civilizers,” this chapter focuses on the interwar careers and interactions of two colonial officials, Dr. Ludwig Kastl and Dr. Julius Ruppel—former bureaucrats who had served in the African colonies, each of whom became German members on the PMC.

Sacred Mandates
Timothy Brook, Michael van Walt van Praag, and Miek Boltjes (eds)

Published in print: 2018 Published Online: May 2019
Publisher: University of Chicago Press
DOI: 10.7208/chicago/9780226562933.001.0001
Item type: book

This book presents a new framework for understanding the history of interpolity relations in Inner and East Asia. It is intended to inspire a less politicized approach to the Asian past and to help address challenges in the region today. The premise is that relations between rulers and states in Asia from the thirteenth century to the twentieth are best analyzed in terms of the interactions of three “worlds”—the Chinggisid Mongol world, the Confucian Sinic world, and the Tibetan Buddhist world. Each constituted a distinct form of civilizational authority and a legal order. Together they mutually shaped the context in which Great States since the Mongol empire emerged and their rulers claimed universal
mandates. Tracing the complex relationships among Mongol khans, Tibetan Buddhist hierarchs, Chinese emperors, and Manchu rulers helps to make sense of the past and explain the narratives that feed conflicts today. Although the rules governing these relationships collapsed as states in Asia adapted to European conventions, older expectations continue to exert a meaningful hold on political imaginations in Asia. Recognizing this history is essential for moving beyond the status quo and the use of force.

Introduction

Susan Pedersen

in The Guardians: The League of Nations and the Crisis of Empire

Published in print: 2015 Published Online: June 2015
DOI: 10.1093/acprof:oso/9780199570485.003.0001
Item type: chapter

This introductory chapter sketches the key institutions of the League of Nations and of the mandates system, established by the League Covenant. It describes the Swiss internationalist William Rappard, who remained a pillar of the oversight regime through the whole of its existence, and outlines the main arguments of the book.

A Question of Respectability

Sean Andrew Wempe

in Revenants of the German Empire: Colonial Germans, Imperialism, and the League of Nations

Published in print: 2019 Published Online: June 2019
DOI: 10.1093/oso/9780190907211.003.0002
Item type: chapter

Chapter 1 explores the demands for colonial restitution by the former officials, with particular emphasis on Heinrich Schnee, the last governor of German East Africa, and Theodor Seitz, the last governor of German Southwest Africa. In order to maintain imperial/national conceptions of the “self,” these individuals argued against the idea of colonial guilt and reasserted German Europeanness in a world where empire was an essential component of this identity. They engaged with the new political vocabulary of empire and civilization made normative by the Allies and the League, using it in conventional ways to legitimate past actions and to reassert German Europeanness as well as manipulating it to claim moral superiority. Their arguments against colonial guilt can
therefore be broken into three categories: (1) pointing to past praise of Germany’s colonial record; (2) reconfiguring the relationships between the terms “violence,” “European,” and “civilization”; and (3) highlighting Allied hypocrisies and claiming to be the only true embodiment of the new ideals of empire. The intention of this threefold line of argument was to preserve imperially constituted identifiers of the German nation in a postcolonial situation. The end result was a tricky negotiation of Colonial Germans’ identity as a group. German colonial irredentists simultaneously claimed the status of victim alongside their former colonized subjects, and yet insisted they were separate from and more advanced than these groups. They demanded recognition of the word “German” as synonymous with the term “European,” and yet also claimed moral superiority over the rest of European civilization.

**Arab Self-Determination and the Rise of the Modern State**

Malik R. Dahlan

in *The Hijaz: The First Islamic State*

Published in print: 2018  
Published Online: January 2019  
ISBN: 9780190909727  
eISBN: 9780190943226  
Item type: chapter

This chapter covers Arab self-determination: as a wide Arab national self-determination movement that engages a worldview with the new international order imposed by WW1. It covers Arab Nationalism: The Great Arab Revolt of 1916; The British Alliance with the Arab Nationalist Movement; The Kingdom of Hijaz declaration of Arab independence; French and German outlook on Arab statehood; The era of the League of Nations; The Mandate System and Its Legal Challenges; Arab Representation in the Paris Peace Conference; San Remo conference and finally; the collapse of the Hijazi–British alliance.

**The Juridical Expression of the Sacred Trust of Civilization (1971)**

C. H. Alexandrowicz

in *The Law of Nations in Global History*

Published in print: 2017  
Published Online: May 2017  
ISBN: 9780198766070  
eISBN: 9780191820649  
Item type: chapter

This chapter examines the principle of the sacred trust of civilization in nineteenth-century international law. The establishment of the principle
of the sacred trust of civilization is strictly connected with the transfer by the African communities of their territory, their sovereignty, and their destiny to the European Powers, which, through the relevant transactions, assumed the role of guardians of these communities. The chapter looks at the International Court of Justice’s decision in the second phase of the South West Africa Cases (Ethiopia v. South Africa and Liberia v. South Africa) on 18 July 1966. It also considers participation by the United States in the Berlin Conference of 1884–1885. Such an examination enables a critical discussion of the restrictive view expressed by the International Court of Justice to the effect that the mandate system is the sole juridical expression of the principle.

Transitional Foreign Administrations
Cécile Fabre

Revenants of the German Empire
Sean Andrew Wempe

This book addresses the various ways in which Colonial Germans attempted to cope with the loss of the German colonies after the Treaty of Versailles in 1919. The German colonial advocates who are the focus of this monograph comprised not only those individuals who had been
allowed to remain in the mandates as new subjects of the Allies, but also former colonial officials, settlers, and missionaries who were forcibly repatriated by the mandatory powers after the First World War. These Kolonialdeutsche (Colonial Germans) had invested substantial time and money in German imperialism. This work places particular emphasis on how colonial officials, settlers, and colonial lobbies made use of the League of Nations framework, and investigates the involvement of former settlers and colonial officials in such diplomatic flashpoints as the Naturalization Controversy in South African-administered Southwest Africa, and German participation in the Permanent Mandates Commission (PMC) from 1927 to 1933. The period of analysis ends in 1933 with an investigation of the involvement of one of Germany’s former colonial governors in the League of Nations’ commission sent to assess the Manchurian Crisis between China and Japan. This study revises standard historical portrayals of the League of Nations’ form of international governance, German participation in the League, the role of interest groups in international organizations and diplomacy, and liberal imperialism. In analyzing colonial German investment and participation in interwar liberal internationalism, the project also challenges the idea of a direct continuity between Germany’s colonial period and the Nazi era.

Picking Battles
Rotem Giladi

in The Battle for International Law: South-North Perspectives on the Decolonization Era

Published in print: 2019 Published Online: December 2019
Publisher: Oxford University Press
DOI: 10.1093/oso/9780198849636.003.0010
Item type: chapter

Race is one of the more ubiquitous, yet least explored, shifts in twentieth-century international law. From law that was founded in key areas and concepts on racial distinctions, international law quickly came to denounce various manifestations of race theories and racial discrimination. The establishment of the UN reflected a racialized understanding of the international society assumptions of the League of Nations mandate system. The 1948 Universal Declaration addressed entitlement to human rights without distinction of race, yet the Genocide Convention extended protection to racial (identity of) minority groups. In South Africa, race policies provided both the impetus and multiple occasions for formulating claims about a new, de-racialized international law from 1946 onwards. At these struggles against apartheid, binary political confrontations could take form as competing visions of
international law, both old and new. This chapter charts the sites of contestation over apartheid and its effects on international law.