

## **Jan Smuts' Mandates Plan: A Precursory Idea of Peace-Building by International Organization<sup>1</sup>**

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### **Introduction**

During the last few decades, the UN has conducted numerous large scale state-building operations (peace-building operations), such as UNMIK (United Nations Interim Administration Mission in Kosovo) and UNTAET (United Nations Transitional Administration in East Timor). The eerie similarity of these operations to colonial administrations or past international administrations creates a feeling of *déjà vu*. Some scholars have consequently tried to analyze these operations in their historical contexts. Many agree that precedents are to be found in the operations of the League of Nations, such as in the free cities of Danzig and Saarland, or in the mandates system.<sup>2</sup> As H. D. Hall says, “[t]he press and the war literature [around WW I] were full of such ideas [international administration plans], as were unpublished private discussions.”<sup>3</sup> What is clear, however, is the difference between the international administration plans of that era and UN peace-building operations, and the lack of a clear blueprint for self determination in the plans themselves.

This article attempts to analyze the mandates plan which Jan Christian Smuts, a South African politician, devised in the early 20th century, and to illustrate that this scheme was an important precursor of current UN peace-building operations. He designed the plan to reconstruct order in the Austro-Hungarian, Ottoman and also parts of the Russian Empire, which were ruined in World War I, and to assure the respective nations

formerly part of those empires of their self-determination. This scheme has not attracted sufficient attention because previous studies have only focused on aspects that were subsequently institutionalized in the mandates system under the League of Nations.<sup>4</sup> The objective of this paper is to analyze Smuts' mandates plan in its historical context and shed light on the innovative aspects of the scheme.

### Smuts' Mandates Plan: Birth and Supervision

Smuts was one of the foremost politicians in South Africa because he contributed to the acquisition of self-government by South Africa on the imperial stage, joining the British Imperial War Cabinet, and being sent to conduct diplomatic and truce negotiations. One of his most brilliant achievements was planning and designing the League of Nations. During the wartime, many undertook the initiative to establish international organizations; however, Lloyd-George directed Smuts to draft a scheme for a League of Nations.

This report by Smuts received support in the Cabinet and was later published as the *League of Nations: a Practical Suggestion* (December, 1918). This report was comprised of three sections: part A "the Position and Powers of the League," part B "the Constitution of the League," and part C "the League and World-Peace." Smuts' mandates plan suggested in part A comprised the core of the projected League of Nations. In this report, Smuts explained the significance of establishing the League of Nations as follows:

The war has wrought a fundamental change and re-cast the political map of Europe...In the place of the great Empires we find the map of Europe now dotted with small nations, embryo states, derelict territories. Europe has been reduced to its original atoms...Europe is being liquidated, and the League of Nations must be heir to this great estate.<sup>5</sup>

As Smuts stated, one of the most urgent tasks at the time was rebuilding order in the former Empires (Austria-Hungary, Ottoman Turks and parts

of the Russian Empire). Without order in the former Empires, Smuts thought, "more dangers of wars" could be expected.<sup>6</sup>

According to previous studies, Smuts' mandates plan was included in only article 4 through 7 of the 21 articles of the League of Nations covenant<sup>7</sup>. Article 4 stipulated the vesting of the authority of administration in the League of Nations, while Article 5 stipulated the delegation of its authority to some other countries as "mandatary". Article 6 stated that the mandatary state shall be laid down by the League of Nations, and Article 7 specified open door policy and non-militarization.

However, Smuts considered part A, Article 2 through 9 as a systemic plan of Mandates. When he negotiated with the Hungarian government over the truce in April 1919, he had a discussion with other Central-Eastern European politicians. He wrote in his private memorandum, as follows:

On our return journey I met Masaryk. I went to see him in Prague. I also saw the leading Ministers in Vienna. There was that idea of Bela Kun's for an economic union between Hungary and Austria and the neighboring countries, with conferences meeting under a representative of the Great Powers. The Central European countries were going to be split up into a number of weak and hostile states, and an economic union, I could see, supervised by the League, would be their only safeguard against one another and the future activities of Germany. *It was a variation of my mandates idea.* Masaryk was in favour of it too, and said he would be willing to participate in a conference to that end. He said such a union might be the saving of Europe.<sup>8</sup>

The above passage implies that Smuts considered "mandates" not only as the delegation of authority to other countries but also the economic union of the newly independent countries under the League of Nations.

Why is an economic union "a variation of the idea of mandates"? The key to this question lies in Articles 2 through 9 (part A) of the *League of Nations: a Practical Suggestion*. He wrote in the beginning of part A that "the economic functions of the League would not be confined

to the prevention of wars or the punishment of an unauthorized belligerent, but would be extended to the dominion of ordinary peaceful intercourse between the members of the League.”<sup>9</sup> Articles 2 and 3 specified that would manage the disposition of the League of Nations disposing the peoples and territories belonging to Austria-Hungary, Ottoman Turks and parts of the Russian Empire according to the following principles -- no annexation and self-determination.<sup>10</sup> As stated above, Articles 4 to 7 specified the delegation of the right to administer some areas of other states. In addition, he suggested an arms limitation against newly independent countries in Article 8, intending also to extend this on a global basis, and furthermore, he entrusted the task of watching over the relations between the newly-independent states in order to maintain good order and general peace to the League of Nations in Article 9.<sup>11</sup> Particularly in the last article, he defined the significance of the League of Nations as “reversionary of the Empires.”<sup>12</sup> Although Smuts' mandate plan assumes intervention, the countries in which the international organization would intervene could decide what they needed and what kind of government they would like to form and the international organization must not force upon them what they did not desire.<sup>13</sup>

From these suggestions we can conceive Smuts' scheme for the League of Nations as creating nation-states in the former Empires according to newly-independent nations' will, while at the same time maintaining stable order and peace by intervening in the relations of the newly-independent countries. These activities would comprise a “continuum of intervention,” which is “from breeding to supervising,” and their conjunction would be crucial to maintaining order. Therefore, it is reasonable to presume that these ideas construct the foundation of a unitary model.<sup>14</sup> For the purpose of this argument then, we shall incorporate not only the economic union under the League of Nations, but also the arms limitation imposed on the new states and the monitoring of relations between them as Smuts' mandates plan.

Who did Smuts assume would carry out mandates? According to Smuts' plan, the League of Nations was composed of three institutions: “a General Conference... of all the constituent States,” “the Council of

the League of Nations” whose permanent members were the Great Powers, and the “Courts of Arbitrations and Conciliation”<sup>15</sup>. Smuts assigned the greatest power including the authority of carrying out mandates, to the Council of the League of Nations. Of course, as stated above, the countries in which the international organization would intervene could reflect their opinions in the administration.

### Historical Context of Smuts' Mandates Plan: From Empire to Global Governance

Following the previous section that examined Smuts' mandate scheme, this section will consider its historical context. In doing so, Smuts' plan will be compared to other contemporary mandates schemes.

There were similar mandates plans proposed by the British left (the Labour Party and a part of the Liberal Party) before Smuts' plan, however, their concern was with the African colonies rather than the former Empires because the British left suggested their mandates plans in order to change the imperial policies into international cooperative policies or humanitarian policies.<sup>16</sup> Also, the British left's plans would not assure African people of their self-determination.

Smuts did not want to apply his mandates plan to African colonies because he presumed that African people were not apt for self-determination and wished to reorganize the African continent into White Dominions.<sup>17</sup> However, it has to be considered that most European intellectuals could not escape from racialistic prejudice, for example, even J. A. Hobson, who was one of the foremost anti-imperialist, could not imagine that African people would stand on their own; therefore, Hobson's international trusteeship plan for Africa would be semi-permanent.<sup>18</sup>

It is also important to consider that his mandates plan was quite unique, for his plan would guarantee nations self-determination, though he did not want to apply his mandates plan to African colonies. The question to pose then is where does this uniqueness originate from? An answer to this question can be found in Smuts' idea about the British

Empire. In the early part of the 20th century nationalism in the White Dominions was a growing force within the British Empire. Some suggested an imperial federation because they feared the rise of Germany and the United States dominance in the world. However, the campaign of the leader of the imperial federation movement, J. Chamberlain failed and he lost the election in 1906. As a result, this movement declined. Eventually, the Colonial Conference of April and May 1907 adopted the term “Dominion” for the self-governing colonies and accepted their more autonomous status (but the Union of South Africa would be referred to as a Dominion in 1910.).

In this context Smuts redefined the British Empire in his speech on the evening of 15 May, at the Royal Gallery at the House of Lords.

This Commonwealth is peculiarly constituted. It is scattered over the whole world. It is not a compact territory... We are not a State. The British Empire is much more than a State. I think the very expression “Empire ” is misleading, because it makes people think that we are one community, to which the word “Empire” can appropriately to applied... But we are a system of nations... We are far greater than any Empire which has ever existed, and by using this ancient expression we really disguise the main fact that our whole position is different, and that we are not one State or nations or empire, but a whole world by ourselves, consisting of many nations, of many States, and all sorts of communities, under one flag. We are a system of States, and not a stationary system, but a dynamic evolving system, always going forward to new destinies... I prefer to call [the British Empire] “the British Commonwealth of Nations.”<sup>19</sup>

As stated above, Smuts interpreted the British Empire as “the British Commonwealth.” This was not a federation. His conceptualization of the commonwealth was more flexible and autonomous than a federation, almost like a small international society. Smuts thought that “the British Commonwealth” would integrate a variety of communities “on the basis of freedom and equality.”<sup>20</sup> Also, the solidarity of the Commonwealth would be secured by the monarchy and an Imperial Conference. In his

understanding, the British Empire advanced toward the establishment of the British Commonwealth when Prime Minister Campbell-Bannerman approved self-government for South Africa.<sup>21</sup>

Despite his idea, it is also true that Smuts could not have chosen total independence for South Africa. The idea of the “British Commonwealth” may be a mere justification of a situation he could not avoid. As John Darwin said, “[a]ll the Dominions were heavily dependent upon Britain as a market.”<sup>22</sup>

Having said this, however, it is also interesting and significant that the “British Commonwealth”, Smuts’ conception, was an ideal political entity to him; thus, he tried to apply it to other regions. In December 1917, he was sent on a mission for the truce negotiation with Austria-Hungary and boldly suggested that the creation of a commonwealth could be an option for Austria-Hungary as well. He pointed out that the British Empire succeeded in the “government of divers[e] races and peoples with a policy directed to the peaceful self-government of its peoples through the widest local autonomy”, and would enable Austria-Hungary to “become for Central Europe very much what the British Empire had become for the rest of the world.”<sup>23</sup> Although these negotiations failed, such experiences led Smuts to actively construct a scheme for a League of Nations.

He also thought of applying the idea of the commonwealth to the League of Nations. In April 16th, 1917, he made a following statement at the Imperial Conference:

People talk about a league of nations and international government, but the only successful experiment in international government that has ever been made is the British Empire, founded on principles of freedom and equality, it has continued to exist for a good time now, and our hope is that the basis may be so laid for the future that it may become an instrument for good, not only in the Empire but in the whole world.<sup>24</sup>

This emphasizes that he recognized the British Empire as a good precedent for the League of Nations.

## Smuts' Mandates Plan and Peace-Building Operation

This article pointed out that we should conceive Smuts' mandates plan for rearing nation-states in the former Empires, while at the same time, maintaining a stable and peaceful order by intervening in the relations of the newly independent countries through an international organization. Most studies have dismissed this aspect of his plan. Lastly, this paper will attempt to consider Smuts' mandates plan in comparison to UN peace-building operation. Smuts' mandates plan shares similarities with UN peace-building operation.

First, both have the purpose of self-determination. Ralph Wilde says that UN peace-building operation "is aimed at achieving it [the right to self determination] as an end-point."<sup>25</sup> Smuts also assumed that nations in Empires should have their own states and the League of Nations should help them if they could not manage states on their own.

Second, both assume that an international organization carrying out international administration has wide range of functions from administration to justice in the area of administration.

Finally, both are based on the power of the Security Council or the Council of the League of Nations. Michael Bothe and Thilo Marauhn call UN peace-building operation "Security Council Trusteeship Administrations."<sup>26</sup> Smuts also assigned the authority to carry out mandates to the Council of the League of Nations.

In conclusion, Smuts' mandates idea was a precursor of the idea of peace-building by an international organization, and it shares a few similarities with UN peace-building operation. Smuts' political thought has been underestimated by most studies; we perhaps need to reevaluate his political thought to take account of this.

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<sup>2</sup> Simon Chesterman, *You, The People: The United Nations, Transitional Administration, and State-Building* (Oxford: Oxford University Press, 2004). Peter

Lyon, "The Rise and Fall and Possible Revival of International Trusteeship," *The Journal of Commonwealth & Comparative Politics*, vol. 31, no. 1 (March 1993), pp. 96-110; Robert H. Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000); William Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power* (Oxford: Oxford University Press, 2003); Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005). Ralph Wilde, *International Territorial Administration: How Trusteeship and the Civilizing Mission Never Went Away* (Oxford: Oxford University Press, 2008).

<sup>3</sup> H. D. Hall, *Mandates, Dependencies and Trusteeship* (Washington: Carnegie Endowment for International Peace, 1948), p. 108.

<sup>4</sup> Quincy Wright, *Mandates under the League of Nations* (Chicago: University of Chicago Press, 1930); Wm. R. Louis, *Great Britain and Germany's Lost Colonies, 1914-1919* (Oxford: Clarendon Press, 1967); Michael D. Callahan, *Mandates and Empire: the League of Nations and Africa, 1914-1931* (Brighton: Sussex Academic Press, 1999).

<sup>5</sup> J. C. Smuts, *The League of Nations: a practical suggestion* (London: Hodder and Stoughton, 1918), pp. 10-11.

<sup>6</sup> Smuts' speech, 14 Nov., 1918, W.K. Hancock and Jean Van Der Poel (eds.), *Selections from the Smuts Papers*, IV (Cambridge: Cambridge Univ. Press, 1966-1973), p. 9.

<sup>7</sup> Wright, *Mandates under the League of Nations*, p. 23; Callahan, *Mandates and Empire*, p. 24.

<sup>8</sup> Quoted in Millin, *Smuts*, p. 194 (emphasis added); See also Report by General Smuts on his Mission to Austria-Hungary, Apr. 9, 1919, *British Documents on Foreign Affairs*, Part II, Series I, Vol. 10, Doc. 9.

<sup>9</sup> Smuts, *League of Nations*, pp. 7-8.

<sup>10</sup> *Ibid.*, pp. 12-23.

<sup>11</sup> *Ibid.*, pp. 23-27.

<sup>12</sup> *Ibid.*, pp. 11-12.

<sup>13</sup> Smuts, *League of Nations*, p. 19.

<sup>14</sup> A French international law scholar, Jean Ray expressed a similar view. He said that "Dans les Conceptions du Général Smuts, le Régime du Mandat n'était Qu'une Partie d'un Programme Général de Libéralisme Politique" (Jean Ray, *Commentaire du pacte de la société des nations selon la politique et la jurisprudence des organes de la société* (Paris: Sirey, 1930), p. 635).

<sup>15</sup> *Ibid.*, part B.

<sup>16</sup> For instance J. A. Hobson, E. D. Morel, L. Woolf, H. N. Brailsford and the Labour Party asserted their own mandates plan.

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<sup>17</sup> J. C. Smuts, “African Settlement,” “Native policy in Africa,” *Africa and Some World Problems; Including the Rhodes Memorial Lectures Delivered in Michaelmas Term* (Oxford: Clarendon Press, 1930), pp. 37-69, 73-103.

<sup>18</sup> See J. A. Hobson, *Imperialism: a study* (Michigan: University Michigan Press, 1965), Part 2 Ch. IV.

<sup>19</sup> J. C. Smuts, “The British Commonwealth of Nations,” *War-time Speeches: a Compilation of Public Utterances in Great Britain: in Connection with the Session of the Imperial War Cabinet and Imperial War Conference, 1917*, (London: Hodder and Stoughton, 1917), pp. 29-32.

<sup>20</sup> Smuts, “The Future Constitutional Relations in the Empire,” *War-time Speeches*, p. 17.

<sup>21</sup> Smuts, “The War and Empire Problems,” *War-time speeches*, p. 6.

<sup>22</sup> John Darwin, “A Third British Empire? The Dominion Idea in Imperial Politics,” *Oxford History of the British Empire*, IV (Oxford: Oxford University Press, 1999), p. 71.

<sup>23</sup> David Lloyd George, *War Memoirs of David Lloyd George* (London: Ivor Nicholson & Watson, 1933), pp. 2460-2480.

<sup>24</sup> Smuts, “The Future Constitutional Relations in the Empire,” *War-time Speeches*, p. 13.

<sup>25</sup> Wilde, *International Territorial Administration*, p. 422.

<sup>26</sup> Michael Bothe and Thilo Marauhn, “UN Administration of Kosovo and East Timor: Concept, Legality and Limitations of Security Council-Mandated Trusteeship Administration,” C. Tomuschat (ed.), *Kosovo and the International Community* (Hague: Kluwer Law International, 2002).