NEW ZEALAND - A MANDATORY POWER

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At a time when New Zealand's attempts to govern peacefully the mandated territory of Western Samoa are giving rise to comments and contentions in many parts of the world, and when her ability and indeed her right to administer the islands are being questioned, it seems not unnatural to enquire why New Zealand should have been given a mandate over Western Samoa. To answer this question it is necessary to go back to an early period in New Zealand history and trace the thread up to and through the maze of complexities which constitute the peace negotiations of 1918-1919. We see New Zealand emerge from the Peace Conference with a mandate, not exactly her heart's desire, but something very nearly akin. At this stage another thought arises; has the "sacred trust" been accepted gladly or has New Zealand chafed at the restrictions and obligations of the mandate?

In this thesis I have endeavoured to depict the part played by New Zealand in the establishment and working of the mandates system, by a consideration of the motives underlying her policy at the
Peace Conference, her expressed intentions in regard to Western Samoa, and her attitude towards the whole system as shown by official despatches, and official utterances made to the League, the New Zealand Parliament and elsewhere. An assessment of the merit or demerit of her performance as a mandatory power has been sought in the opinions expressed by the League organs whose task it is to supervise her work.

I feel that the years during which she is a mandatory power will constitute an important phase in New Zealand history, for while occupying this position she is being tested, not only in regard to her capabilities in the sphere of native administration, but, what is more vital, in her ability to respond to the new ideal of trusteeship which has somehow managed to survive in a world where exploitation is the rule, and which is making definite claims on behalf of Western Samoa to those who will hearken in New Zealand.
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INTRODUCTION.

NEW ZEALAND AND SAMOA PRIOR TO 1918.

(1) First Interests.

The origins of New Zealand's ambitions in the Pacific lie far back in her history in the years before 1850, before the country had even achieved the status of a self-governing colony. In the dreams of Grey and Selwyn we see the birth of an interest which has intensified with the development of the country and the growth of nationhood.

Sir George Grey, then Governor of New Zealand, and Bishop Selwyn were the first of a series of men who dreamed of making New Zealand the centre of a federation of Pacific Islands. Selwyn saw in New Zealand a convenient centre of a wide mission field and in 1847 he established in Auckland a Training College from which missionaries were to go forth to the islands of the South Pacific. In the political world Grey planned for a federation led by New Zealand, making a new Pacific British Empire. During the forties in vain he pressed his scheme upon an unwilling Colonial Office, warning the Home Government of the danger of foreign activities in the Pacific and urging that New Zealand was
eminently suited to play the part he had planned for her.

At this time changing circumstances in the
Pacific brought into prominence a group of islands known
as the Navigators. These islands which comprise what
is now called the Samoan Archipelago, lie between
Latitude 13° - 14° and Longitude 169° - 178° West and
occupy a central position in the Pacific. Western Samoa,
consisting of two main islands, Savaii and Upolu and
several smaller islets, has three fair harbours in Upolu;
Eastern, or American Samoa as it is now called, is com­
posed of smaller islands, one of which, Tutuila, has an
excellent harbour at Pago Pago.(1) (see note).

The islands which were discovered by Bougainville
in 1768 were found to be inhabited by a branch of the
Polynesian race. They were first visited by Christian
missionaries in the late eighteen twenties and generally
speaking were Christianized in a comparatively short
time.

Gold discoveries in Australia in the fifties
and in New Zealand in the sixties led to increased trade
and traffic in the Pacific, and the Samoan islands began
to assume a new importance. To the trader their
potentialities seemed vast; the soil was fertile, the
natives friendly, and on the whole willing to trade;

(1) Area of Savaii 660 sq. miles.
" " Upolu 340 sq. miles.
" " Tutuila 54 sq. miles.
while situated in the Pacific as they were, the islands would conveniently serve as a port of call and coaling station for steamers crossing from Australasia to North America.

(ii) Fear of Germany's Growing Influence.

After Grey's unsuccessful endeavours to arouse in the British Government interest in the Pacific Islands, little was thought of them in New Zealand for twenty years.

When Sir Julius Vogel took up the cry in 1871 many factors seemed to urge the wisdom of his aims in the Pacific.

The murder of Bishop Patteson in that year as a result of the labour traffic, made public the horrors of this trade, and showed the need for some form of control over the islands concerned. Secondly, what concerned Sir Julius Vogel greatly, was the fact that other European powers besides Great Britain were becoming actively interested in the Samoan Islands. In 1872 a treaty was made by an American Captain with the Chief of Tutuila by which Pago Pago was ceded to America for use as a coaling station. In 1857 the German firm of Godeffroy and Son had established a branch in Apia and had there established a powerful trading organisation. By 1875 German shipping was
easily preponderant at Apia (2) and in 1879 Germany exacted from Samoa a most-favoured-nation Treaty.

In 1871 a petition for the annexation of Samoa was made to the Queen by both houses of the New Zealand Parliament and from 1871 to 1876 Sir Julius Vogel was responsible for numerous memoranda which were sent by the New Zealand Government to the Colonial Office urging action in regard to Samoa and other Pacific Islands. These memoranda advised that not only should Great Britain annex Samoa, but that the whole of Polynesia should be appropriated.

Vogel sought permission to make trading treaties with the Samoan Chiefs, and lengthy despatches containing details of plans for the formation of companies for trading with and colonising the Pacific Islands were received by the Colonial Office. The numerous advantages to be derived from the annexation of Samoa were detailed in these despatches. It was suggested that Pago Pago would be useful as a coaling station and a port of call for the new Pacific Mail line of steamers. If the islands were annexed the Chiefs might be assisted to keep law and order more effectively, and with Samoa as headquarters, an effective war could be waged against the labour traffic in the Pacific.

(2) "Origins of International Rivalry in Samoa"
Sylvia Masterman p. 64 - 65.
Vogel stressed the fact that if a foreign power were to occupy Samoa the danger to New Zealand and Australia would be great. This danger did not appear to concern Her Majesty's Government which at no time considered seriously the adoption of any of Vogel's schemes.

New Zealand did not have sufficient resources to finance the proposed schemes; and although in 1877 the Government had offered to contribute towards the cost of annexation of Samoa, when it was later suggested by the British Government that New Zealand should contribute towards the cost of governing Fiji, a refusal was made on the ground that New Zealand was not permitted to take part in the policy of that Government.

When Vogel went to England in 1876 agitation from New Zealand ceased, but the intrigues amongst the European powers and the native factions in Samoa were anxiously watched.

In 1883 Sir George Grey had been in correspondence with Malietoa, a would-be Samoan King, who had appealed for advice. Grey, who was then a member of the Lower House in the New Zealand Parliament, was always a ready champion of native races, and still felt that New Zealand had been virtually ordained by nature
to be the future queen of the Pacific (3). He introduced into Parliament a Bill which would enable New Zealand to amalgamate by federation any of the island races of the Pacific who should wish for such a union (4). The Bill passed through both Houses of Parliament but the consent of the Home Government was not forthcoming.

That the desire for annexation of Samoa by Great Britain did not come only from New Zealand Government leaders is shown by the agitation which was led by certain private citizens at this time.

In 1884 the German annexations in New Guinea prompted the New Zealand Government to offer to bear the cost if the Islands Tonga and Samoa might be secured for New Zealand. Alarmed at the apparent apathy of the Home officials, New Zealand planned to send the Government steamer "to accurately ascertain Samoan feeling" (5) but again action was checked by the Colonial Office.

The Samoan Convention of 1884-5 did not lessen Germany's influence in Samoa, but "extinguished

(4) Ibid p.7.
German officials in Samoa were gradually gaining power by means of treaties and in November 1884 the Samoans were forced to sign away "the last shred of Samoan independence" (6).

In view of a Samoan petition which had suggested annexation to New Zealand the cabinet again proposed that the Government ship should visit Samoa.

The hoisting of the German flag at Mulinu'u and Apia in 1885 caused much anxiety in New Zealand and again it was proposed to send the Government steamer to Samoa with a minister to enquire into the recent events; but on the Governor's referring the matter to England the enquiry was again forbidden.

The ensuing years in Samoa were chaotic and were marked by actual warfare between Germany and one Samoan faction and growing hostility between the representatives of the three great powers, Germany, Great Britain, and the United States of America. A climax was reached when five of the six warships of the hostile powers were destroyed in the hurricane which swept Apia in March 1889.

The Berlin Conference which followed shortly after this disaster recognised Samoa as a neutral and

(6) Scholefield, op. Cit. p. 156.
independent state and set up in Apia a Municipal Government. A chief justice was to be chosen by the three powers concerned, and a King by the Samoans themselves.

Tripartite government proved not to be satisfactory and by the Convention of 1899 Great Britain renounced her rights in Samoa; in Upolu and Savaii in favour of Germany, and in Tutuila and certain of the smaller islands in favour of the United States of America. In return she received concessions in West Africa and the Solomon Islands.

In his despatch of November 1899 to New Zealand the Secretary of State for the colonies explained that "every effort was made by Her Majesty's Government, in view of the great interest felt in Samoa by the Australasian Colonies, to secure the possession of Upolu by sacrifices of valuable territory in other parts of the Empire" (7). He tried to console the colonies by adding that they could not fail to benefit by the increased trade which would naturally follow on the establishment of peace and order in the islands.

The indignation felt in New Zealand on receipt of this despatch was plainly expressed by R.J. Seddon, the Premier, in his Memorandum to the Colonial Office. He pointed out that when Sir William Jervois was

(7) Parliamentary Journal N.Z. 1901 - A2
Governor (1884) the New Zealand Government was stopped from taking possession of Samoa by the Imperial Government and that now Great Britain had abandoned the Islands to the foreign powers against the wishes of the natives. He continued - "The colonies feel keenly the placing in the Pacific - the central group of the Pacific - of fortified positions of foreign powers that may in future be used as bases of attack on them and their commerce - - -." This would entail anxiety and expense on Great Britain and the colonies, which would have to prepare for eventualities. Seddon suggested that the other Pacific Islands "admitted to be British" be put on a satisfactory footing and that New Zealand boundaries be extended to include the Cook and other islands. He concluded by saying that "Some definite action of a forward character is required in the Pacific at the earliest opportune moment, for the surrender of Samoa has disheartened the natives in the islands, disappointed the people of Australasia and lowered the prestige of Great Britain in this part of the globe." (8)

(iii) Samoa the "terra irredenta".

On March 1st 1900 the German flag was hoisted in Samoa and the German administration inaugurated. The next fourteen years were comparatively peaceful ones in Samoan history. When the Great War broke out in 1914, New Zealand Expeditionary forces, at the request of Great Britain seized and occupied Western Samoa which was controlled by a military administration until hostilities ceased; the ultimate fate of the islands remaining undecided until the peace negotiations of 1919. There was still in New Zealand a strong demand for annexation for reasons which are not obvious; New Zealand may have been inspired by altruistic motives, by fear and distrust of Germany, or simply by the desire for territorial gain.

During the war years the old ambition to make New Zealand the head of a Pacific Island Empire came to the fore again. Partly owing to the persistent urgings on the part of former leaders, New Zealanders came to regard the inclusion of Samoa in the British Empire as essential to their country's well being. Their attitude was the natural outcome of a traditional policy towards the Pacific Islands in general and Samoa in particular. It is true to say that they regarded themselves as "custodians of the British Imperial
tradition in the South Seas" and felt that it was New Zealand's duty to obtain Samoa in order to make the "position of the British Empire in the Pacific unassailable" (9).

There was a sentimental attachment to Samoa partly owing to the fact that the Samoans and the Maoris of New Zealand are branches of the same Polynesian race, and New Zealand had claimed special aptitude in dealing with her native people. Yet it could scarcely be claimed that New Zealand was moved by sympathy for the Samoans. She had no grounds for complaint against the German treatment of the natives. It has been noted of the German regime by a recent student of Samoan affairs that the "official domination was thorough but sympathetic" and that "the task of the authorities .... was achieved to a remarkable degree and with great wisdom." (10).

Nor had Germany, during her administration obtained a monopoly of Samoan trade. In 1913, forty per cent of Samoan exports were destined for New Zealand and Australia and from here came sixty per cent of her imports. (11). In 1901 New Zealand's

(10) F.M. Keesing "Modern Samoa" pp. 75, 93, 94.
exports to Samoa were valued at £25,047, while by 1914 they had increased in value to £59,938; but this formed a very small percentage of her export trade and could hardly be considered of importance (12).

From the point of view of economic gain New Zealand could scarcely have held high hopes of Samoa. The cost of administration has been greater than any profit which may have resulted from increased trade.

The main attraction of Samoa for the European powers lay in its strategic value and this seems to have been the case with the New Zealand Government which perhaps was influenced not so much by the commercial value of the Islands, as by the fear of their occupation by a hostile power. Referring to the act of the British Government in allowing Samoa to be divided between the United States of America and Germany, R.J. Seddon said in 1906 "They foolishly lost Samoa ....... Great credit is due to Sir Robert Stout and Sir Julius Vogel for the effort to save Samoa. The Imperial Statesmen did not grasp the full significance of the loss of this and other islands .... New Zealand was injured as Samoa lay close to it and lay on the track of the West. Through their muddling and through their mistakes irreparable

(12) Approximately 2% of New Zealand's total export trade. Figures from N.Z. Year Books, 1902 and 1915.
injury was done to New Zealand by the British states-
men of that day." (13).

In 1918 the fear still persisted that Samoa in
the hands of a foreign power might be used as a
"jumping off point" from which serious damage might be
done to New Zealand and her shipping. Samoa was de-
scribed as being a "standing menace" if in an enemy's
hands; a "perpetual danger". It was felt by members
of the New Zealand Government that the Pacific would be
a future "storm centre of war" and that such a "perfect
base for dock yards, for repairs for torpedo boats or
destroyers, for aeroplane manoeuvring and for general
offensive purposes" (14) should not remain in Germany's
possession.

Speaking at the Peace Conference in Paris in
1919 Mr. Massey, then Premier of New Zealand stated
that he preferred direct annexation to the proposed
Mandatory Government, his reasons being that annexa-
tion would enable New Zealand "to proceed very much
more quickly with the development of the territories"
and to educate the natives not only in secular
matters, but also in the principles of Christianity,
which he believed was necessary for the welfare of

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(13) Quoted in "Life of Seddon" by Drummond p.325.
(14) N.Z. Parliamentary Debates Volume 185, p.511.
all nations. (15) Actually the Islands had been Christianized for the greater part of a century.

In 1920 speaking in the Lower House Mr. Massey said "We do not want to annex Samoa because they are fertile islands with a thousand miles of territory - nothing of the sort. We want Samoa because we are anxious to do our duty to the British citizens who will live in these Southern Seas years after we have passed away." He explained further how easy it would be for an enemy in possession of Samoa to cut New Zealand off from England and the rest of the world, and how it would be in the interests of peace in the Pacific if Samoa were in New Zealand's hands (16).

Apart from its strategical importance Samoa was valued for sentimental rather than practical reasons. The feeling that New Zealand honour would be redeemed if Samoa were taken from Germany; the desire that New Zealand should acquire territory after the war when other British Dominions were doing so; and the fact that the Dominions had risen in status during the war and felt that the sacrifice of their men and money was worthy of some reward; these were all factors strengthening the desire for annexation.

In the New Zealand Parliament in 1883 during a

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(15) Quoted by Q. Wright in "Mandates under the League of Nations" p. 938.

debate regarding the annexation of certain of the Pacific islands a member of the Lower House had spoken of a sort of glamour that interfered with men's clear vision when they thought about annexing islands and extending the dominion of the flag. (17) This sort of glamour was still exercising its influence in 1918 causing Samoa to be in New Zealand eyes a "terra irredenta", a land which must be reclaimed and regained.

SKETCH MAP - SHOWING THE CENTRAL POSITION OF SAMOA IN THE PACIFIC.
I. THE ORIGIN OF THE MANDATES SYSTEM.

(1) The Problem.

The mandatory system which was established as a result of the Peace Conference held at Paris in 1918-1919 was essentially a compromise, cleverly devised by statesmen who were forced to take into consideration the many factors of a very complex situation. These statesmen who met to re-define boundaries and reconstruct and reorganise states which had been shattered by the World War, were almost overwhelmed by the numerous difficult problems which it was their avowed purpose to solve.

One of these problems which seemed to defy solution was caused by the disintegration of three great empires. The colonies or other territories which were detached from these empires as a result of the war, might have been disposed of in so many ways but none of which was satisfactory to all parties concerned. Wide areas in Germany, Austria-Hungary, and Turkey were devastated by the war and there were demands for governments which could provide relief and security. There seemed to be no prospect of these peoples providing for themselves the efficient administration that they so urgently needed.
Apart from the territories in Europe and Asia, were the colonial possessions of Germany, in Africa, and numerous islands in the Pacific. Inhabited as they were mainly by uncivilised peoples, these colonies could not be ignored.

Prior to the Peace Conference of 1918 it had been urged by several European writers that the solution to this problem lay in a system of international government. At the Conference held at Algeciras in 1906 (1) it was proposed that France and Spain jointly should accept a "mandate from all the powers" and be "under responsibility to all of them for the maintenance of equal rights and opportunities" in Morocco. Although this proposal did not come into effect it shows that the idea of a mandate was not wholly new.

Political thinkers were planning and striving towards the realisation of a League of Nations, and were speaking of the government of backward peoples in terms of "trusteeship" and "tutelage" rather than those of "annexation" and "exploitation". These ideas were brought more prominently before the public by the attitude adopted by most labour and socialist organisations in the allied countries. These movements upheld the idea of self-determination, stressed the need for

(1) Imperialism and World Politics, P.T. Moon, p.204.
protection of natives against exploitation and urged the advantages of an open door policy for international trade.

International supervision would be possible if the proposed League of Nations became a reality; a lack of such supervision had contributed to failure in past attempts. In 1885 the Congress of Berlin, which appointed Leopold of Belgium (in a private capacity) to govern the Congo territory in Africa, did not provide any effective machinery for supervision, with the result that the natives were cruelly exploited for the enrichment of Leopold, until he was forced to surrender his control in favour of the Belgian Government.

After the war of 1914-1918 hopeful feelings prevailed in the popular mind and much was anticipated from the decisions of the Peace Conference which sat in Paris in January 1919. One of the most outstanding figures at the Conference was President Wilson of America, who approached the problems of the settlement in an idealistic spirit. Before America entered the war the Allies had pledged themselves to carry out the proposals contained in Wilson's Fourteen Points which he considered to embody the essentials of a just settlement. Inspired by his hatred of the injustice and greed of imperialist policies he spoke of the chief object of the settlement as being "the reign of law
based upon the consent of the governed, and sustained by the organised opinion of mankind". (2) In point Five of his Fourteen Points, Mr. Wilson had asked that colonial claims be adjusted impartially, and that in "questions of sovereignty the interests of the people concerned should have equal weight with the equitable claims of the government whose title is to be determined." His Twelfth Point had demanded for the nationalities then under Turkish rule "an undoubted security of life and an absolutely unmolested opportunity of autonomous development." In sharp contrast to these ideas of self-determination, international control, and equal trade advantages, was the official imperialist policy of the great powers during the war. By means of secret treaties "the spoils" were divided among the Allies long before the Armistice was signed and victory was certain. (3) Concerning Africa, England and France had arranged in 1916 for the annexation of the German colonies there and had promised to Italy gains corresponding to their own. The British Union of South Africa hoped to annex German South West Africa, and Belgium, German East Africa, because they had taken part in the conquering of these territories. By mutual agreement

(2) "The Round Table" December 1918. The Origin of Mandates, p.88.

England and Japan had arranged to support one another's claims to the German Islands in the Far East, France, Russia, and Italy having given their consent. The possessions of Turkey and Persia were likewise shared between England, France, Russia, and Italy. Here were no consideration of the wishes of the native populations and no safeguards against exploitation.

The wishes of these powers were not to be regarded lightly because at the time of the Armistice, in most cases they had forces in occupation of the territories which they intended to annex. Australian and New Zealand forces were occupying German New Guinea, Nauru, and German Samoa. The various parts of the German colonies in South Africa were held by South African, British, Belgian and French troops. British forces were occupying Mesopotamia, Palestine and Syria, and the French had been invited to share this occupation. The fact that men had been sacrificed and money spent in gaining these territories made the governments of the occupying states all the more determined not to relinquish their prizes.

(3d.) Possible Solutions.

The delegates of the Allied Powers at the Conference, were faced with the almost impossible task of determining the destinies of these territories to
the betterment of the peoples concerned and in the interests of the world. Four possible solutions to the problem were those of self-determination, annexation, internationalisation, and restoration.

The policy of self-determination would have been more applicable to the Arab peoples, formerly under Turkish rule, than to the former German colonies in Africa and the Pacific. It was not a satisfactory solution even for the Arabs because at that time they were not considered capable of choosing rulers, much less of providing a strong executive government which was essential to the restoration of order. It was considered that to grant independence to the territories in Africa and the Pacific Islands would not be wise, but would be simply making the way clear for foreign exploitation which is not compatible with native autonomy. Indeed, if independence had been feasible in any of these cases it was not probable that the powers in occupation would have been inclined to permit it.

A policy of direct annexation was strongly urged by some of the powers. France wished to annex part of the Cameroons and Togoland, and the three British Dominions, the Union of South Africa, Australia and New Zealand having occupied them from the early stages of the war, were particularly eager to annex the German colonies of South West Africa, New Guinea, and Samoa.
Two facts barred the way to the fulfilment of this policy; President Wilson was strongly opposed to it and in his Fourteen Points of the Pre-Armistice Agreement to which the Allies had committed themselves he had stipulated that due weight should be given to the "interests of the populations concerned." The second hindrance to annexation was the fact that during the war the leading statesmen of the Allied Powers had proclaimed the principle of "self-determination" - it is true mainly for propaganda purposes. Certain pledges had also been made to some of the Arab chiefs. President Wilson's Fourteen Points, and statements and pledges of the allied leaders could not very well be ignored.

A further solution, advocated by many, was that of government by an international commission; but this method had been tried previously and had been found wanting. In 1889 at the Conference at Berlin, a triple commission of Germany, England and the United States of America, had been set up to supervise the government of the island of Samoa in the South Pacific. The independence of Samoa was recognised and the people were free to choose their own king. This experiment was not successful and in 1899 a new treaty was made. This method of administration was found to lack directness and decisiveness; it caused numerous delays and lowered the prestige of the government in the eyes of the natives. There was
no definite authority and no state felt itself solely or directly responsible for the well-being of the protectorate. The Allied States opposed this solution as they did the suggestion of independence for the reason that they would not give up or share their rights in the territories in which they were interested; rights which they had established by treaty and backed up by occupation.

This insistence of the Allies on retaining their "spoils" was also the chief barrier to restoration. Even if they had wished to do so they could not advocate the restoration of the territories to Germany and Turkey, when, during the war, they had made so much of German and Turkish misrule. In the case of Germany the reports of mis-government were often exaggerated and unfounded, but peoples subject to Turkish rule had received undeniably cruel treatment, and the Allied Powers were determined that the government of these lands should not again be entrusted to Turkey.

(iii) The Mandatory System - a Compromise.

The formation of a League of Nations and the delegation of the powers of supervision to the League made possible a compromise, which consisted in combining "national responsibility" with "international supervision", a combination which had hitherto been impossible because
no machinery for supervision had existed. The mandatory system would be acceptable to those who demanded annexation as also to the advocates of international control.

Prior to his arrival at the Peace Conference President Wilson had suggested that "the German colonies should be declared the common property of the League of Nations and administered by small nations. The resources of each colony should be available to all members of the League .......

The same idea was presented in a more definite form by General Smuts in his paper "The League of Nations - A Practical Suggestion" published in 1918, but he meant a system of mandates to be applied to the disintegrating empires of Russia, Austria-Hungary and Turkey, and not to the "barbarians" of Africa. In his second draft covenant of the League printed in January 1919 Wilson adopted the form and wording of General Smuts's proposal but altered the meaning by omitting Russia and applying it to Turkey, Austria-Hungary, and the German colonies. In both these original proposals the League was given the right to allocate the mandates and to substitute a new mandatory if need arose; reversion to the League was to take the place of national annexation. In fact "a genuine system of League control" (5) was proposed.

(4) "Foreign Affairs" January 1928. The Origin of the Mandates System - David Hunter-Miller.
(5) P.T. Moon "Imperialism and World Politics. p. 479."
(iii) Peace Negotiations.

At the Peace Conference in January, President Wilson had proposed dealing with the formation of a League of Nations first and had left the disposal of the detached territories to be dealt with later. The British Premier, Mr. Lloyd George, pressing the claims of the British Dominions and supported by France and Japan, urged the immediate settlement of the distribution of these territories. This would have meant direct annexation by Britain, France and Japan in accordance with the secret treaties and would have involved a negation of all the principles contained in the proposed mandatory system. This roused such a determined opposition in Mr. Wilson that Mr. Lloyd George, although vigorously supported by the representatives of Australia and New Zealand, was obliged to yield for the time being.

Mr. Wilson's exposition of the mandatory system was not favourably received by the British Dominions who were insistent in their demands for annexation. As a result of this clash a compromise was arrived at in the form of a resolution prepared by General Smuts. This created three classes of mandates - "A", "B" and "C" - the latter of which gave power to the mandatory to administer and legislate the area under mandate as an "integral portion" of its territory,
and which did not specify the maintaining of an open
door policy. This compromise was accepted by the
Dominion representatives and some days later intro-
duced into the Council by Lloyd George. Mr. Massey
of New Zealand pointed out that New Zealand preferred
direct annexation and was only accepting the mandate
principle on the basis of the class "C" mandates.

The resolution was provisionally accepted by
the Council and was almost identical with the final
text incorporated in article twenty-two of the League
Covenant. Wilson's victory was not so great as may
have appeared, so much of the original proposal being
sacrificed in the resolution finally accepted. In the
final text the ideals of trusteeship, the consider-
ation of the desires of the natives, and the proposed
open door for trade were pushed aside to make way for
the demands of imperialism. The power of the League
was weakened and its scope narrowed down. The right
of allocating the mandates which had originally been
given to the League, remained with the Allies; and
the right to substitute a new mandatory was not
mentioned.

Article twenty-two of the Covenant explained
that the division into three classes was made according

(6) Q. Wright "Mandates under the League of Nations"
p. 38.
to "the stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances." (7).

Classed as A mandates were "certain communities formerly belonging to the Turkish Empire," and these most nearly conformed to the standard originally set up by Wilson. Here it was recognised "that the wishes of the communities must be a principal consideration in the selection of the mandatory." They were to be guided by administrative advice and assistance until they were able to "stand alone"; but it was not stated who should decide when a community was capable of independence. The original proposal was not adhered to in that no provision was made in this class for the maintenance of an open door policy.

The B mandates were not to be prepared for independence but were to be treated as colonies with liberal provisions for "freedom of conscience and religion", the prohibition of the "slave trade", the arms traffic and the liquor traffic," and for the maintenance of an open door for trade, and the prevention of "fortifications" and "military training of the natives for other than police purposes and

defence of the territory." This class was to apply especially to those peoples of Central Africa, meaning the former German possessions in Central and East Africa.

Class C mandates, created to satisfy the demands of British Dominions, were the most "watered down" and least like the original proposal. These were to be administered by the mandatory "as integral portions of its territory" subject to the safeguards mentioned in the case of B mandates. South West Africa and certain South Pacific islands were classed as C mandates. This would allow Australia and New Zealand to control immigration in the islands which were to be allotted to them, and would enable South Africa to extend its tariff system to German South West Africa, and this arrangement was so nearly akin to annexation that it was accepted by the Dominions.

The approval of the peoples concerned was required only in the case of A mandates; A and C mandates were not obliged to maintain an open door for trade. The use of natives for military purposes was prohibited only in B and C mandates, and even then France insisted on her right to recruit natives in her B mandate for use elsewhere than in the territory.
Each mandatory was to render to the Council an Annual Report and a permanent commission was set up to receive and examine these reports and to advise the Council on all matters relating to the observance of the mandates. The extent of the League's powers of supervision was not definitely stated, and the degree of authority to be exercised by the mandatory was left to be defined by the League Council, only "if not previously agreed upon." The right of the peoples of the mandated territories to petition the League was not referred to.

Owing to the fact that Italy insisted on annexing Trentino and Trieste, the mandatory system was not applied to the territories formerly belonging to Austria-Hungary, and so the proposal which General Smuts had originally meant for the Eastern Empires of Russia, Austria-Hungary and Turkey was finally applied to those colonies and territories which formerly belonged to the German Empire and to Turkey.

According to Article 119 of the Versailles Treaty, Germany "renounced all her rights and titles over her overseas possessions" in favour of the Principle Allied and Associated Powers. Although this treaty did not come into effect until January 1920, the Allied Council in May 1919 allotted the
former German colonies as B and C mandates. The Allies were already in occupation and had set up provisional administration in the territories for which they expected to receive mandates, and distribution was made almost exactly in accord with existing treaty arrangements. German East Africa was allotted to Great Britain, German South West Africa to the Union of South Africa, German Samoa to New Zealand, Nauru to the British Empire, and the other German Pacific possessions south of the Equator to Australia. Japan was given a mandate for the German islands north of the Equator. France and Great Britain were to make a joint recommendation regarding Togoland and the Cameroons which were later divided between them.

By the Treaty of Lausanne in 1923 Turkey renounced her right to the territories situated beyond the frontiers laid down by that treaty, the mandatories for these territories having already been selected in 1920 at San Remo. Great Britain became the mandatory for Mesopotamia and Palestine, and France for Syria; in spite of the fact that the King-Crane report (resulting from a Commission which had been sent to Syria in 1919) showed that the natives really desired an independent united Syria, or failing that a mandate under the United States of America or Great Britain.
(v) The Establishment of the System.

The League of Nations was inaugurated in January 1920 but the application of the mandatory system was delayed. In August 1920 the Council decided that the terms of the mandates should be drafted by the powers concerned and submitted to the Council for approval, and by December the C mandates had been drafted and confirmed. Later the United States of America entered into negotiations with Japan concerning the island of Yap which President Wilson had reserved as an international cable centre, but which had been allotted to Japan.

The B mandates were approved in July 1922. France and Great Britain reached an agreement concerning the division of Togoland and Cameroons, France making reservations regarding her right of recruiting natives for purposes of general defence. By treaty with Great Britain and with the approval of the League Council, Belgium obtained a mandate over the territory of Ruanda and Urundi, formerly part of German East Africa.

The A mandates for Palestine and Syria were not approved until September 1923, delay being caused partly by the non-ratification of the Treaty of Sévres with Turkey, but this difficulty was overcome in 1923 when the Treaty of Lausanne was signed with Turkey,
Objections were raised to the terms of the Palestine mandate on account of the provision for a national home for Jews. This had been promised by Great Britain in 1917 by the Balfour Declaration and was carried into effect in spite of opposition from the majority of inhabitants of Palestine. Events in Iraq (the Arab name for Mesopotamia) led to the establishment of an independent kingdom there under Prince Feisal. Instead of drafting a mandate, Great Britain signed a Treaty of Alliance with Iraq and obtained the approval of the League Council in 1924. The delay in the drafting and confirmation was increased by the fact that the Senate of the United States of America refused to ratify the Treaty of Versailles, which refusal made it impossible for her to enter the League. Yet as one of the Allied Powers America insisted that she should be consulted before the mandates were confirmed. American interests in the oil resources of Mesopotamia and Palestine led to a series of notes between Great Britain and the United States, the latter maintaining that the principle of economic equality had not been upheld. The United States would not send a representative to the League Council to discuss the matter, but negotiated with each mandatory power separately, and by means of
treaties secured to her own satisfaction her rights in regard to all the mandates except those held by the British Dominions.

Three points should be noticed in regard to the establishment of the mandatory system. French disregard of the requirements concerning the recruiting of natives in B mandates; the appointment of France as mandatory over Syria in opposition to the expressed wishes of the Syrians; and the terms of the mandate over Palestine by which, contrary to the wishes of the majority of the inhabitants of Palestine, the British Government pledged itself to found a national home for Jews.

Although much of the original idea was "whittled away" by the compromise with imperialism, and more in the actual establishment of the system, yet President Wilson's victory remained, in that the principle of trusteeship was definitely established.
II. THE ESTABLISHMENT OF THE NEW ZEALAND MANDATE OVER WESTERN SAMOA.

(i) The Requirements of the Mandate.

In January 1920 the League of Nations was inaugurated, and in December of the same year the mandates were drafted and confirmed. The mandate for Samoa was "conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Dominion of New Zealand." (1)

At first sight the mandate appears to confer on the mandatory complete sovereignty over Samoa, granting as it does, full power to legislate and administer the mandated territory as an integral portion of the Dominion of New Zealand, the laws of which may be applied to the mandated territory subject to necessary local modifications. But there are certain very definite obligations which accompany this seeming delegation of sovereignty. In its administration of the territory the mandatory is required to "promote to the utmost the material and

(1) Text of mandate for German Samoa.
moral well-being and the social progress of the inhabitants"; and this is surely a task of gigantic proportions.

The text further states certain conditions which are considered essential to the execution of this task. It is required that the slave trade shall be prohibited and that forced labour shall not be permitted unless for essential public works, and then must receive adequate remuneration. The traffic in arms and ammunition is to be controlled in accordance with certain principles contained in the Convention of 1919; while article four of the text requires that military training of natives except for police and local defence purposes be prohibited, and also forbids the establishment of any fortifications or military or naval bases. Freedom of conscience is required, and freedom of entrance into the territory for missionaries and also for nationals of the state members of the League. The mandatory is forbidden to supply intoxicating spirits and beverages to the natives.

These provisions might be regarded simply as pious requests on the part of the League, if it were not for the fact that the mandatory is required to forward to the Council of the League an annual
report "containing full information with regard to the territory" and showing what steps have been taken to fulfil the obligations of the mandate.

Modifications in the terms of the mandate must be approved by the Council of the League and disputes which may arise between the mandatory and another member of the League, regarding the provisions of the mandate, are to be submitted to the Court of International Justice if negotiations prove unsatisfactory.

Article twenty-two of the League Covenant describes all peoples of the mandated territories as being unable to stand alone, but recognises that the purpose of A mandates is to provide advice and assistance for certain peoples "until such time as they are able to stand alone." Peoples of the B and C mandated territories are simply described as being at such a stage that the mandatory must be responsible for the administration of the territory, subject to certain conditions. The full statement of these conditions contains no reference to any degree of self government to be exercised by the native inhabitants. Accordingly the text of the Samoan mandate makes no provision for the time when the Samoans will have reached that stage of development at which they will be considered
capable of self-government.

B mandate texts provide that the mandatory shall ensure to all nationals of state members of the League of Nations, freedom of transit and navigation, and complete economic, commercial, and industrial equality, but the texts of the C mandates make no mention of these conditions.

The British Dominions acting together at the Peace Conference strongly opposed the application of the open door policy to the territories which they were hoping to administer. (2) Mr. Massey, although concurring in the "White New Zealand Policy," was not so outspoken as the representatives from Australia and South Africa in their insistence that they should have complete control over the customs and immigration of these territories.

New Zealand wished to have full control over Samoa for strategic rather than economic reasons, although the economic factor undoubtedly played a part. In 1919 it would have been very true of New


(3) This meant the prohibiting of Asiatic immigration.
Zealand and her attitude to Samoa to have said that "the purely economic factor plays a lesser part in such national ambitions than does the desire to participate in the work of raising the general development of civilisation, and more especially to perpetuate and to spread one's own particular type. National prestige is a more potent factor than economic advantage." (4)

The importance of the provisions of C mandates lies in allowing the mandatory to administer the mandate as an integral part of its own territory, and in the omission to provide for the open door; making possible protective measures in regard to customs and immigration. New Zealand, acting within the terms of the mandate, has been able to apply her own tariff system and immigration laws to Western Samoa, and thus to guard the racial purity of the Samoans. On the other hand, this has meant that another Pacific Island is closed to Asiatic immigration; a fact which has been protested against by Japan through her representative on the League Council. (5)

(ii) **The Acceptance of the Mandate.**

The New Zealand Government realised that the acceptance of the mandate involved the undertaking of a tremendous responsibility, but felt that a wide experience in the administration of the Maori race had in some measure been a preparation for the new task. The Imperial Government had requested New Zealand to seize Western Samoa in 1914, and it was thought that the mandate was also undertaken at the Imperial request, and that in exercising her authority New Zealand must maintain British governing traditions in the Pacific. She had obtained something very nearly akin to annexation of Western Samoa and was not perturbed by the restrictions concerning military and naval fortifications, but was thankful for having ousted Germany from the islands.

The promotion of native welfare was regarded as a "sacred trust", but this trust was accepted not so much from a genuine desire to help the native or from a sense of duty towards the newly established League of Nations, as from the knowledge that if New Zealand were not in control of Western Samoa, some other power would occupy it to the injury of New Zealand.

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Zealand and the Empire as a whole.

When the question of the mandate was debated in the New Zealand House of Representatives (7) a large majority of members was in favour of acceptance; but at the same time it was hoped that Samoa would be self-supporting; hopes being based on the fact that during the New Zealand military administration, the excess of revenue over expenditure amounted, on an average, to about £14,000 per annum.

Some one urged that here was an opportunity for New Zealand to perform a "great work" by encouraging her own trade and at the same time increasing Samoan productivity, while others advocated that the administration should not take commercial interests into consideration, but should simply work for native health and contentment. The rejoinder to this was that Samoa must be cultivated, Samoa must have labour, Samoa must be developed.

During this and other Samoan debates members were not lacking in the sincere expression of high ideals and noble purposes. "In accepting the mandate," urges one, "let our chief object be to educate, and by other agencies, help to raise these

people in the scale of civilisation", (8) and another, "It will be by such things as these - increasing the Samoan population, elevating them by educational means, and rousing them to effectively occupy and develop their lands, that will provide the measure of our success in the administration of Samoa." (9)

(iii) **The Establishment of the New Zealand Civil Administration.**

When in 1919 the New Zealand Government was informed that Western Samoa had been allotted to New Zealand as a mandate the Treaties of Peace Act was passed in parliament, approving and authorising the acceptance of the mandate for the government of Western Samoa by His Majesty on behalf of the Dominion of New Zealand, and conferring upon the Governor General power to make the necessary provisions for the government of the territory. On May 1st 1920 the Western Samoa Constitution and other supplementary Orders issued under this Act came into operation, and military government was replaced by civil administration. On account of the doubtful power of the

(8) Ibid.
(10) 10 Geo.V. No. 20.
New Zealand Government to provide for the government of Western Samoa by such an act, an Imperial Order in Council (11) was obtained in pursuance of the Foreign Jurisdiction Act of 1890.

Under the authority of these two acts temporary provision was made for the peace, good order, and good government of Western Samoa, by means of various Orders in Council issued by the Governor-General. Permanent provision for the government of the territory was not possible until the reception of the mandate text in New Zealand in April 1921, when the Samoa Act (12) was passed, taking the place of the various Orders in Council.

The Samoa Act of 1921, which has since been slightly amended, makes complete provision for the government of Western Samoa. The Administrator, who is appointed by the Governor-General, is responsible for the administration of the territory subject to the control of the Minister of the newly created Department of External Affairs. (13) Provision was also made for a Legislative Council composed of official and unofficial members, all of whom were to be Europeans and appointed by the Governor-General. An amendment

(12) 12 Geo.V. No. 16
(13) 10 Geo.V. No.21, and 11 Geo.V. No. 27.
of 1923 provided for the election of the unofficial members who were not to outnumber the official members.

A chief medical officer was appointed to administer all laws relating to public health and to supervise the provision of medical aid. Provision was also made for the establishment of schools for Samoans and Europeans.

A High Court was established consisting of a Chief Judge and others; and also fa-amasino or native judges who were to be chosen by the Administrator to exercise jurisdiction over Samoans only. The civil jurisdiction of the Supreme Court of New Zealand was extended to Samoa, while the criminal jurisdiction was to be extended only over offenders found in New Zealand. An appeal from any final judgment of the High Court was to lie to the Supreme Court of New Zealand.

All land was classified as being Crown land, European, or native, the last named being vested in the Crown and held by Samoans by native title, which must be in accordance with Samoan custom. Alienation of Samoan land in any way was deemed unlawful.

The importation and manufacture of intoxicating liquor in Western Samoa was prohibited, the New Zealand Government considering that only by enforcing total prohibition could the supply of liquor to natives be prevented, as required by the mandate.
A Finance Act of 1921 (14) empowered the New Zealand Minister of Finance to make loans to the Samoan treasury; the money to be used for the provision of public works.

As regards native affairs the Administrator works through the Secretary of Native Affairs, (15) assisted by the Fono of Faipules, or Council of Samoan Chiefs whose appointments to the Council are dependent on their qualifications in accordance with Samoan usage and custom. It was arranged that the Administrator should preside over the meetings of the Fono which was to advise him in all matters relating to native welfare. In 1923 this Council received statutory recognition.

When the Samoa Bill was introduced into the New Zealand parliament it was criticised first and foremost because it placed no prohibition on the system of indentured labour which was in operation in Western Samoa. It being impossible to obtain sufficient free labour in the islands to work large copra plantations, the Germans had indentured Chinese coolies and Melanesian labourers. By the Labour minority in the New Zealand Lower House this was deemed to be slavery

(14) 12 Geo.V. No. 72, Section 26.

(15) Provided for in the Samoa Amendment Act, 14 Geo.V. No. 24.
and not in accord with the provisions of the mandate. Other members held that by permitting this system of indentured labour the Government was considering commercial and trading interests rather than Samoan well-being. The authorities realised that contact with the type of labour which was likely to be amenable to indenture would not be beneficial to the Samoan race, but could see no other way of developing the natural resources of the islands. An attempt was made to lessen the evil by inserting in the Samoa Act a clause prohibiting marriage between a Chinaman in Samoa by contract for service, and a Samoan woman; such marriage to be declared null and void. In 1923 a new system of labour contracting was introduced by means of a Chinese Free Labour Ordinance, which provided better conditions and gave a restricted freedom to the labourer. The New Zealand Annual Report to the League has stated repeatedly that the presence of the Chinese under these conditions is not injurious to native moral welfare.

The Bill was criticised also for failing to give any material representation to the Samoans. It was even suggested that they should be represented in the Upper and Lower Houses of the New Zealand Parliament. Dissatisfaction was expressed at the Amendment of 1923, which gave statutory recognition to the Fono of Faipules,
on account of the wide powers it conferred on the Administrator who might appoint or dismiss faipules as he thought fit.

By 1921 there was already a considerable amount of outside criticism of the New Zealand administration. This was made much of in the Lower House, and already there was a marked tendency to treat the matter in a party spirit; a tendency which cannot but be regretted.
III. THE PERMANENT MANDATES COMMISSION.

SOURCES OF INFORMATION REGARDING THE NEW ZEALAND MANDATE

Mr. P.T. Moon has described the mandates system as being toothless but not bootless (1). That the system is not bootless and that 0 mandates are not merely veiled annexations is due largely to the work of the Commission, provided for in article twenty-two of the League Covenant, to receive and examine the reports of the mandatory powers and to advise the Council on all matters relating to the observance of the mandates. The Commission, which is the vital part of the whole system, was established by the Council in 1920. Its constitution provides for nine members, (2) the majority of whom are to be members of non-mandatory powers. They are chosen as experts, not as nationals, and must not hold any office of direct dependence on their governments. An expert chosen by the International Labour Office attends, in an advisory capacity, all meetings at which labour questions are discussed.

(1) P.T. Moon, op. cit. p.509.

(2) On his retirement from the directorship of the Mandates Section of the Secretariat in 1924, Professor W.E. Rappard was appointed a special member of the Commission, and in 1927 a German member was appointed, shortly after Germany's admittance to the League, bringing the numbers up to eleven.
The Commission meets twice a year, usually at Geneva, to examine the annual report relating to each mandated territory, in the presence of an authorised representative of the government concerned. After the examination of the reports, observations are forwarded to the Council accompanied by any comments which the mandatory powers may see fit to make. Recommendations of the Commission are generally (3) adopted by the League Council and forwarded to the mandatory governments concerned. The resolutions of the Council and also the reports of the Mandates Commission are considered annually by the League Assembly through its Sixth committee. Except for the opening meeting of each session, which is public, the Commission meets privately, but the minutes of each session are published, including the Commission's report to the Council.

Before considering the comments which the Mandates Commission has seen fit to make regarding New Zealand's fulfilment of her obligations under the mandate, it will be well to examine the sources from which the Commission derives its knowledge of the administration of Western Samoa.

(3) Although not necessarily, The Commission's function is to advise the Council.
(i) **Official Information - The Annual Report of the New Zealand Government.**

Information concerning the mandated territory is received from many and varied sources, but the only official account of the administration is the Government's annual report which is required to contain full information in regard to the territory. This is supplemented by statements of the accredited representative, replies of the New Zealand Government to observations of the Commission, copies of Samoan Ordinances and Regulations, minutes of debates of the Samoan Legislative Council, the Western Samoan Gazette, and any official publications which the Government may consider to be of use to the Commission.

The annual report of the New Zealand Government on the administration of Western Samoa is a twenty to fifty page folio supplemented by charts and maps and often photographs, and also by a separate health report. Special reports received by the Commission from the New Zealand Government have been the Report of the visit of the Honourable W. Nosworthy, Minister of External Affairs, to the Mandated Territory of Western Samoa, 1927, the Report of the Royal Commission concerning Western Samoa issued in 1928, and extracts from a report made on finances and staff in 1929.
The Commission found little to complain of in early New Zealand reports; on more than one occasion congratulating the Government on the care and precision with which they had been prepared, and during the fifth session declaring that the New Zealand report could serve as a model for other mandatory powers. Requests for additional information and for documents which will lead to a better comprehension of the work accomplished have been received and complied with. At the third session in 1923 it was stated that the New Zealand report enabled the formation of a more or less complete idea of the administration, but this was not considered possible in later years owing to insufficient information.

When the agitation of the Samoan movement, the Mau, in opposition to the Administration, was first reported in 1927, the Commission complained that there had been no reference in previous reports to signs of discontent which were now shown to have been in existence for some time, and regretted that it had not been more fully informed. The accredited representative replied that no reference was made in earlier reports to previous native unrest because this had not

in any way affected the ordinary course of administration. There could be no suggestion of any attempt to suppress knowledge of the unrest as it was discussed and commented upon in the press of New Zealand, Great Britain and the United States of America.

The Report of the Royal Commission which was set up by the New Zealand Government to investigate charges made against the administration was examined in 1928, with the result that the Mandates Commission endorsed the conclusions of the report in exonerating the Administration; but in 1929 the Commission experienced "a painful surprise" on discovering that a report of three administrative officials, who had been appointed to enquire into staff and financial matters, criticised the Administration severely. The Commission then felt that its conclusions of a year previous had been based on an incomplete knowledge of facts, but New Zealand's accredited representative maintained that the two reports were quite different in scope and that no contradiction was involved. (5)

Members of the Commission urged the necessity for frankness and hoped that in future the Annual Report would be of such a nature as to allow them to form a true opinion of the whole administration.

During the examination of the report for 1932, M. Rappard complained of a lack of rationalisation shown in the scattered tables relating to finance, and Lord Lugard asked if it would be possible in future to have the subjects set out in the order indicated by the recent questionnaire which had been drawn up by the Commission for the guidance of the mandatory powers. The next annual report was remodelled in compliance with these suggestions.

Again in 1931 and 1933 the Commission desired more detailed information concerning the political situation which it was still studying closely in spite of the optimistic assurances of the report and of the accredited representative to the effect that all was well. At the twenty-first session in 1931 the Commission had endeavoured to obtain supplementary information from the accredited representative, but considered that his replies were not enlightening and contained no new information.

During the examination of the Annual Report on Western Samoa it has been the custom for New Zealand to be represented by the New Zealand High Commissioner in London, who, from the nature of his position, cannot be directly concerned with the administration of Samoa, but who has been occasionally assisted by an official
from the New Zealand Department of External Affairs.

The Commission has frequently urged mandatory powers to send as their accredited representatives high colonial officials in whom would be combined a general experience with a special knowledge gained by personal experience of the conditions described in the reports; great advantages being derived from discussion with such persons. Accordingly the attendance during the seventh and nineteenth sessions of members of the New Zealand Department of External Affairs, and of Sir George Richardson, a former administrator of Western Samoa, at the thirteenth and fourteenth sessions, was appreciated by the Commission. The accredited representatives have understood that the many searching questions which they have been expected to answer are not evidence of the Commission's desire to find fault, but simply of its desire to discover the truth.

In 1926 the Commission recommended to the Council a revised list of questions which it proposed that the mandatory powers should deal with in their annual reports. This list comprised some two hundred and seventy-five questions under subject headings, as compared with sixty-one of the original questionnaire, and was intended to provide the Commission with facts which would give a complete and comprehensive survey of the entire situation in a mandated territory; but no information was requested
which had not previously been readily given by the mandatory powers in previous reports or in statements of their representatives.

In the Council this proposal met with considerable opposition. The British representative described the revised questionnaire as being "infinitely more detailed, infinitely more inquisitorial than the one which had hitherto been in force," (6) and with this view the New Zealand representative, Sir Francis Bell, was completely in accord. Sir Francis added that New Zealand was becoming impatient with the minute investigation by the Commission of administrative details. (7) This attitude was adopted by other members of the New Zealand Parliament who, while expressing their utmost respect for the members of the Mandates Commission, considered that they were over zealous, and who agreed that all the Commission had to do was to receive the reports of the mandatory powers and advise the Council upon their contents. (8)

New Zealand did not reply separately to the request of the Council for the observations of the mandatory powers


(7) Ibid.

on this matter, but stated that she endorsed the view expressed in the note of the British Government which while fully appreciating the care, attention and devotion of the Mandates Commission, criticised the list of questions, considered that they exceeded what was necessary, and recommended that they be limited to the subject headings. (9)

The Vice Chairman of the Commission, M. Van Rees, who defended that body in the Council felt deeply moved by "the reproach which he had heard addressed to the Mandates Commission after five years of hard and conscientious work." (10) Eventually the Council did not adopt the questionnaire.

The New Zealand Government has replied by letter to the observations of the Commission after examination of the report; supplying any information which the accredited representative has been unable to give, but since 1929 these replies have been annexed to the annual report at the Commission's request. (11)

Minutes of debates of meetings of the Legislative Council of Western Samoa are frequently sent to the Commission by the New Zealand Government, as well as regular

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(9) Report of Imperial Conference 1926. Parl Paper A - 6 Appendix VI.
issues of the Western Samoa Gazette; also copies of all New Zealand Acts and Orders-in-Council relating to Samoa and Ordinances of the Administrator and his Council in Samoa. (12)

(12) Unofficial Information.

Information obtained from the sources just dealt with tends inevitably to be tinged with an official bias. The mandatory government reports "that its conduct has been good" (13) and this is borne out by the documents which it produces and by the statements of its accredited representatives. But this by no means completes the stock of information at the disposal of the Commission which may become acquainted with the unofficial point of view by means of reports of New Zealand Parliamentary Debates, petitions forwarded by the natives themselves or coming from other sources on their behalf, pamphlets, and articles in the newspaper press or in periodicals and journals.

The Samoan Administration has been the subject

(12) For the list of documents received each year by the Commission from New Zealand see the Commission's Minutes Annex.14

of lengthy and often heated debates in the New Zealand House of Representatives. The Labour Opposition has criticised the policy of the Government "up hill and down dale", consistently opposing the system of indentured Chinese labour, urging for a fuller measure of self-government for the Samoans, and Europeans, and strenuously fighting such measures as the Samoan Amendment Act of 1927 (14) which gave to the Governor-General in Council power to deport Europeans or banish Samoans from one island to another, without trial. The Government on the other hand has defended its policy and protests that much harm has been done and strife stirred up by speeches of Labour members who, so it is claimed, have encouraged the Mau and supported European agitators and have generally used the Samoan question for furthering party ends. At least the matter has been well aired in the House, and these debates which are noted by members of the Commission to some extent must provide opportunities for viewing the administration from directly opposite angles. The debates of the Upper House, members of which are not directly interested in party matters, are also noted by members of the Commission and sometimes commented upon.

Petitions from the inhabitants of a mandated territory are received by the Commission providing they have been forwarded through the mandatory power, which may accompany the petition with its observations. Petitions from other sources, which may be sent direct to the League, are forwarded to the mandatory power for observation and subsequently dealt with if considered of sufficient importance by the chairman of the Commission.

Concerning the Samoan mandate the Commission has received numerous communications (15) in the nature of petitions. Several of these have been rejected as not deserving the Commission's attention or because they have dealt with matters outside the scope of the mandate. Two petitions sent in 1930 from Auckland, New Zealand, were not regarded as receivable by the Commission as they asked the Council to review the political status of Western Samoa and to change the mandate from class C to A. Consideration of such a matter is regarded as being entirely beyond the scope of the Commission. (16) The majority of petitions have received careful consideration and the matter contained in them has prompted much questioning of accredited

(15) About fifteen.

(16) Permanent Mandates Commission, Minutes, twentieth session, p. 216.
representatives. Judgment has sometimes been reserved pending the arrival of fuller information, as in the case of two petitions received in 1927 containing charges against the Samoan Administration. Consideration of these petitions was postponed until the reception of the Report of the Royal Commission which had investigated the matters complained of.

In dealing with petitions the duty of the Commission as conceived by M. Merlin (17) is to ascertain whether the facts alleged are such that the Administration is adopting a course which is contrary to the principles and regulations of the mandate. Although many of the petitions made on behalf of the Samoan inhabitants have brought to the notice of the Commission information on many points and have therefore not been in vain, yet none has been regarded as having furnished conclusive evidence to show that New Zealand is not fulfilling the obligations of the mandate.

In 1928 the Commission (18) enquired into apparent attempts on the part of the Administration to prevent Samoans from petitioning the League, but was satisfied with the explanation of the accredited representative

(17) Ibid, twelfth session, p.124.
who denied that this was the intention of the Administration.

The Commission has frequently been requested to grant an audience to petitioners who desire it, in order that the inhabitants of a mandated territory may be represented before the Commission as is the administration. In 1926, while recommending the revised questionnaire, the Commission also proposed that under certain circumstances such an audience might be granted. (19) In the Council, in this matter as in the other, New Zealand followed the lead of Great Britain whose representative considered this a very extreme proposal. Sir Francis Bell, as Minister of External Affairs in New Zealand, had protested previously to the Dominion Office, London, against the danger of such a procedure, (20) and it was referred to later in the New Zealand Legislative Council as being intolerable. (21). The British note which dealt also with the proposed questionnaire stated that the British Government had the gravest of objections to the grant of any form of audience to petitioners. (22)

(21) Ibid.
(22) N.Z. Parliamentary Journal A - 6 Appendix VI. 1927.
During the thirteenth session in 1928 Mr. O.F. Nelson, acting as the authorised representative of the Samoan Mau endeavoured to obtain an audience with the Commission, but was not successful. (23)

Other literature which has been forwarded to the Commission for its information includes the "Samoan Guardian", a paper published in Western Samoa, in the vernacular and controlled by the opponents of the Administration. Numerous articles have appeared in the press in New Zealand, Australia, Great Britain, and the United States of America, and also many pamphlets, some in defence of the Administration, some severely critical.

There has remained for the Commission the difficult task of sifting the wheat from the chaff and of forming as clear an idea as possible of the policy pursued by the New Zealand Administration and its effect on the material, moral, and social welfare of the Samoan people.

(23) Permanent Mandates Commission Minutes, thirteenth session, p.17.
The New Zealand administration of Western Samoa has been conducted under a glaring ray of continuous publicity; the search lights of enquiry and criticism have played on every phase and aspect of the work, showing evidence of wisdom in some matters and mistaken judgment in others, and bringing into prominence many trivialities which in ordinary colonial administration would be passed over unnoticed. The value of such publicity is generally recognised, although at times it may justly be questioned; nevertheless those responsible for the administration must undoubtedly be influenced by it.

Of greater significance to the mandatory power however, are the comments and criticisms of the Permanent Mandates Commission from which at all times valuable help and guidance may be obtained. The judgments of the Commission should be of supreme importance in influencing the mandatory's conception of its task and in assisting in its actual policy.
(3.) **Material and Moral Well-being and Social Progress.**

In examining the New Zealand reports and in questioning the accredited representative the Commission has had to consider many and varied matters in its endeavour to ascertain whether the obligations of the mandate are being fulfilled.

As the Samoans form over ninety per cent of the total population of Western Samoa,\(^{(1)}\) native matters occupy a greater part of the Commission's attention; but this is by no means to the exclusion of the remainder of the population. In 1925 when New Zealand's representative stated that New Zealand was primarily concerned with the indigenous population, he was reminded that all the inhabitants had a right to share in the advantages of the mandatory administration;\(^{(2)}\) although the Commission is not unanimous in its interpretation of the word "inhabitants" in the mandate text.\(^{(3)}\).

Apart from the enumeration in this text, of

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\(^{(1)}\) Total population 1925,440,231; Samoans, 36,688.


\(^{(3)}\) Permanent Mandates Commission Minutes, third session, pp.204-7.
certain conditions which are definitely required of the mandatory as being essential, the moral and material well-being and social progress of the inhabitants is not strictly defined. A consideration of the general topics discussed by the Commission beyond the definite requirements of the mandate will convey some idea of the wideness of its interpretation of the term "well-being".

(a) Native Policy.

There has been a considerable amount of discussion ranging around the subject of the general policy of the mandatory towards the native inhabitants of the territory. The Commission has been greatly interested in the positions of responsibility which New Zealand has created for Samoans in the institution of native advisory councils (4) and native judges. In a report to the third session of the Commission in 1923 M. Yanaghita doubted the wisdom of granting this "excessive measure of political liberty" and expressed the opinion that a certain preparatory training was necessary to awaken in the native a sense of collective

(4) Fono of Faipules, or Meeting of Chiefs.
responsibility. (5) These native councils have, however, been regarded as an interesting experiment, and have been commended for consideration by other mandatories. (6)

There have been frequent requests for fuller information as to the scope and working of the native district committees and village councils which have been instituted as part of a policy to invest the natives with as great a measure of authority as possible in the control of their own local affairs. (7)

In 1927 investigation of the charges of autocracy held against the administration led to enquiries as to the method of electing the Fono of Faipules, and as to whether they were truly representative of national opinion. The existence of this body was not found responsible in any way for the native unrest. (8)

When the Commission first learnt of the opposition to the Administration on the part of Europeans and natives, culminating later in the passive resistance of the native movement, the Mau, searching enquiries were made as to its cause (9) and the report

(6) Ibid, seventh session, p.77, and tenth session, p.25.
(8) P.M.C. Minutes, thirteenth session, p.126.
(9) Ibid, twelfth session, pp.104 et seq.
of the Royal Commission which had been set up by the New Zealand Government to enquire into the charges made against the Administration was anxiously awaited. After a close questioning at the thirteenth session in 1928 of Sir George Richardson, the former administrator of Samoa, concerning the complaints of the white inhabitants and of the Samoans, and after a considerable interchange of views regarding the presentation of its conclusions, the Commission adopted a report in which it strongly condemned the action of certain Europeans in stirring up an impressionable people for the furthering of their own personal ambitions. It further stated that the absence of sufficient means to enforce the law was considered to have increased the problem, but declared that none of the charges against the Administration had been substantiated. The re-establishment of peace and prosperity by a firm and liberal policy was hoped for. It was feared that a lengthy report to the Council might be utilised by the opponents of the Administration for their own ends, and the "creation of a calm state of mind" which was the Commission's real object would not be realised. (10) The final text adopted which embodied the above conclusions was agreed

upon by all the members of the Commission except M. Palacios who considered that this report might be interpreted as encouraging further suppression, and in his opinion the basis for the exculpation of the mandatory power and of the high administrative officials should be sought in the complex nature of the colonial history of Samoa, rather than in the condemnation of certain individuals. (11)

At its next session in the same year the Commission noted the passive resistance of the Mau and its paralysing effects on some administrative departments, several members recommending the use of stronger measures. They were not urging recourse to violence, but stressing that the policy should be an effective one. (12)

When the next report was examined the Commission asked for a definite statement of the policy which New Zealand intended to carry out. The passive and in some cases active resistance of the natives to the Administration was again noticed, and examples of latent rebellion were pointed out. Count de Penha Garcia expressed the opinion that the native policy had been badly executed and the condition and state of mind of

(12) Ibid, fourteenth session, p.42.
the natives had not been taken into account. (13). When asked by the accredited representative if they would favour coercion as a solution members explained that it was not their duty to prescribe definite remedies. (14)

The riot which occurred at Apia in December 1928, resulting in the deaths of several Samoans, was described as regrettable by the Commission which was placed in a difficult position owing to the fact that while the report spoke of these grave disturbances the accredited representative was full of optimistic assurances as to the satisfactory state of affairs then existing in Samoa. The Commission as a whole decided that any judgment, if delivered, would only serve to revive feelings and hinder the restoration of peaceful conditions. (15)

The problem of the Mau demand for self-government has been debated on several occasions. Concerning the complaint of the Administration to the effect that the Mau members would not state their objects, M. Palacios pointed out that much literature had been published concerning the aims of the Mau, and that in many great movements the rank and file did not know what they stood for but the objects were known only to their leaders. If this were a national

(13) Ibid, sixteenth session, p.113.
(14) Ibid, sixteenth session, p.117.
(15) Ibid, nineteenth session, p.211.
movement he did not see clearly by what right it could be stopped at any price in a country under mandate; the good in it should be utilised. The mandatory power should at least theoretically be preparing the country for the emancipation which was its due. (16)

Concern was expressed at the suppression of the Faipules and native judges in 1928 (17) as a result of the disturbances, and later the importance of their reinstatement was urged. (18) M. Palacios noted also that European officials had been appointed to perform the duties of the District Councils, which seemed to him to mark the adoption of a new policy, fundamentally different from the old, and based exclusively on individual and personal contact between the officials and the natives. (19) In the following year the Commission learned with satisfaction that the Administration proposed to co-operate again with the Samoans and to give them a constantly increasing share in the management of affairs once they were in a position to assume this. (20)

In 1931 in spite of improvements referred to in

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(16) Minutes of the Permanent Mandates Commission, nineteenth session, p.55.
(18) Ibid, twenty-second session, p.76.
(20) Ibid, nineteenth session, p.211.
the report and assurances of the accredited representative that Samoa was "smooth as a mill pond," members of the Commission still saw evidence of the gravity of the situation and asked several disconcerting questions. How was it proposed to reinforce the crumbling power of the chiefs; in view of the unsatisfactory state of affairs had the New Zealand Government appointed an anthropologist to study the problem; and how were civil servants being trained to fit them for the task of native government? The accredited representative seemed to base his faith in the Administration on the fact that New Zealand had been successful in governing the Maori in her own land, but M. Rappard pointed out that this analogy between the Maori and the Samoan was not altogether a true one owing to different climatic, economic and racial conditions. (21)

Although the good intentions of the New Zealand Government in regard to native welfare have never been questioned, yet, in the treatment of the native, members of the Commission have noted a lack of any definite continuous policy and have seen evidence of a lack of understanding of native psychology. Concerning this point the remarks of M. Van Rees regarding the investigation

by the Royal Commission are very apt. He noted that this Commission had investigated the complaints from the point of view of legality and when this was established had considered them to be without foundation. The legality of certain measures could not be disputed, but the method of their application and their effect on the native mind should have been taken into account. (22)

M. Orts' remarks at the sixteenth session are also rather significant. He stated that while some administrations are defied others are respected, the latter being those which make themselves acceptable by their capabilities and the continuity of their policy, thus acquiring moral authority and prestige. (23)

(b) The Half-Caste Population.

Except for a passing reference by the Chairman of the Commission to the franchise for the election of the Legislative Council of Western Samoa and the need for the representation of half castes, (24) the problem concerning this section of the population was not dealt with until the nineteenth session, when M. Sakenobe

(22) Ibid, thirteenth session, p.114.
(23) Ibid, sixteenth session, p.117.
(24) Ibid, twelfth session, p.111. The franchise is based on a property qualification, there being no distinction between European and half-caste.
referred to their position in the territory. He believed them to be one of the main causes of the trouble in Western Samoa, and hoped that the mandatory power would study fundamentally the whole question of half-castes and determine a general policy towards them.

Sir Thomas Wilford, the accredited representative, considered that the pure Samoans should receive first consideration, but M. Orts pointed out that no distinction was made in the mandate which spoke of the "inhabitants of the territory." Sir Thomas Wilford explained that in Western Samoa the half-castes were regarded as Europeans by law and that New Zealand had no intention of adopting an unjust or unreasonable attitude towards them. M. Orts reiterated the necessity for a solution of the half-caste problem. (25)

This question was again raised in 1931 and 1932 by Lord Lugard (26) who noted that the half-castes in Western Samoa formed one twentieth of the total population. In his opinion their neglect by the Administration was one of the main causes of unrest; unless proper provision were made to satisfy their legitimate aspirations they might become a danger.

(25) Ibid, nineteenth session, p.59 et.seq.
(26) Ibid, twenty-first session, p.149 and twenty-second session, p.73.
Apparently the Commission has considered that the mere lack of prejudice against half-castes is not sufficient and does not obviate the necessity of a constructive policy.

(c) The European Inhabitants.

New Zealand's policy in Western Samoa has aimed chiefly at the benefit and advancement of the Samoan race without serious reference to the desires of the European population. The Mandates Commission itself has come to no definite agreement in regard to the interpretation of the term "inhabitants" in the mandate texts. Some members have maintained that the interests of the natives should be considered primarily, but others have held that there is no justification in article twenty-two of the League Covenant for the opinion that white inhabitants should receive only a secondary consideration, and that all types of inhabitant should be equally considered. (27) This question is fundamental in view of the conflict which occurs inevitably between the economic development as desired by Europeans and the native's interests in general, and in particular his disinclination to work.

(27) Ibid, third session, pp.204-7.
By introducing and enforcing prohibition for whites as well as natives in Western Samoa on the ground that this is essential to native welfare, New Zealand has run directly counter to the wishes of the majority of the European population, but has been commanded by the Commission for so doing, although the members were well aware of the dissatisfaction which the enforcement of prohibition has caused among the Europeans.

In 1927 the interference by the Administration in the copra trade in an experiment in the attempt to establish a system for the better marketing of native copra, also met with opposition on the part of the European traders. (28) This move also has been favourably commented on by Commission members who have enquired frequently as to the success of the system and the possibility of its continuance. This, too, was noticed as being a cause of European discontent. (29)

Europeans have been granted a certain measure of self-government in the form of representation on the Western Samoan Legislative Council which consists of official and non-official members, the latter, who are in a minority, being elected by the Europeans on a property


(29) Permanent Mandates Commission Minutes, thirteenth session, p.100 et.seq.
The question of a need for a wider franchise was raised during the twelfth session by M. Palacios who also enquired as to the intention of the Administration in regard to the proposed self-governing municipality at Apia. (31)

During the examination of the Report of the Royal Commission in 1928 Lord Lugard enquired if the unofficial members of the Legislative Council had opportunity to exercise any influence they wished to exert and asked why it had been urged that they should not interfere in native affairs. Sir George Richardson explained that measures concerning native matters were discussed in the Fono of Faipules before being passed in the Legislative Council, the unofficial members of which complained of the fact that the official members could pass any native regulation which he himself, after discussion with the Fono, had decided was necessary. (32)

On the whole the Commission has shown little sympathy towards the grievances of the European population and has condemned the action of those who had taken part in conjunction with the natives, in the opposition to

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(30) The Samoa Act (No.16) of 1921 provided for nominated unofficial members, but this was amended by the Samoa Amendment Act 1923 (No.24). (31) Permanent Mandates Commission Minutes, twelfth session, p.111. The Municipality provided for in 1923 did not eventuate owing to a disagreement between Europeans and the Administration. See Keesing "Modern Samoa" p.122 (32) Permanent Mandates Commission Minutes, thirteenth session, p.131.
Schools in Western Samoa are classified in three grades. All children attend the first grade village schools which are controlled entirely by the various missions which also conduct the second grade district schools for boys and girls, with government assistance. The third grade is composed of government and mission boarding schools, the former of which cater for boys only; the highest of this grade being a central government school near Apia. There is also a school for Europeans, organised by the Administration. The Mandates Commission has commented on the excellent educational facilities and has closely followed the work of the missions and the Administration in this sphere.

At the seventh session in 1925 M. d'Andrade noted that the mission schools taught reading and writing only, in contrast with the teaching of agriculture and other practical subjects at the government schools, and expressed the opinion that all

(33) Permanent Mandates Commission Minutes, thirteenth session, p.230.

education should be under government control to ensure that the natives received a practical education. (35)

But in the following year the Commission was informed that the mission schools were co-operating with the Government in the adoption of an education policy, approved during a Conference which had met in Wellington in January, 1926, to study educational problems in Pacific Islands under New Zealand administration. The Commission was interested in this new policy and noted that it was adapted to the native's daily work and needs. (36)

Consideration of a document, which had been issued by the Administration in the Samoan language supposedly for the use of teachers in Western Samoa, and which contained misleading information concerning the nature and function of the mandates system, caused M. Rappard to suggest that it would be advisable to have League literature at the headquarters of mandatory countries and administrations. Such a document as this which did not explain that a mandate was a trust and which appeared to have the intention of minimising the influence of the League and deterring those to whom it was addressed from using the right of petition,


(36) Ibid, tenth session, pp. 31 and 188.
tended to destroy an essential element in the working of the whole system, namely that of confidence. (37)

The same matter led Mlle. Dannevig to ask whether it would not be possible to give instruction in the working of the League and of the mandate systems in the higher schools. (38)

Interest has been shown in the work of training native teachers and also in the technical training which is given to students of the technical school at Apia, with a resulting increase of natives and half-castes in technical employ.

At the twenty-second session in 1932 Mlle. Dannevig questioned the wisdom of employing such a small proportion of European teachers. If the greater part of the work were left to native teachers this might result in the inculcation of incorrect ideas in the pupils' minds. (39)

The non-attendance at school of native children for a short period in 1927, owing to Mau influence, was noted, and Mlle. Dannevig wondered whether this movement had also affected the teachers

(37) Ibid, thirteenth session, p.123.
(38) Ibid, fourteenth session, p.155.
and whether there was any need for the Administration to take steps to counteract Mau propaganda in the schools. (40) This does not appear to have been considered necessary.

The general tone of the comments of individual members and of the commission as a whole regarding the educational work in the mandated territory has been a complimentary one.

(e) Health in the Mandated Territory.

The comments of the Commission on the health services provided by the New Zealand Administration in Samoa have been a practically uninterrupted series of congratulations. The special separate health report has been much appreciated each year, and the Commission has noticed with satisfaction the manifold provisions made by the mandatory in the interests of native health.

Special mention was made of the setting up of village committees for the training of native women in health matters; the increase in the number of dispensaries in 1927, and the measures taken in 1932 in conjunction with the Rockefeller Institute in conducting

(40) Ibid, fourteenth session, p.54,
a campaign against the yaws disease. Interest has been taken in the medical work carried out by the missions and in the part played in the health service by native and half-caste practitioners and nurses. The Commission has also been very pleased with the yearly increase in the native population.

Concern has been expressed at the high rate of infant mortality and enquiries have been made as to the measures adopted to deal with the situation; but apart from this matter the Commission has seen little to find fault with. In the sphere of public health, at least, the New Zealand Government has received the much sought after word of praise.

Medical treatment has been free in Western Samoa and practically within the reach of all; but a uniform tax of one pound a year was levied on the adult male population until 1927 when it was reduced and consolidated with the poll tax. The disinclination of the natives to pay the medical tax was referred to by Dr. Kastl as a possible cause of native discontent, no conclusion being arrived at on this score, however. Dr. Kastl suggested that the natives might have preferred to be treated according to their own customs and therefore might not have wished to pay
a tax for medical treatment. He enquired if the Faipulea or District Councils had been consulted regarding the introduction of this tax. The accredited representative replied that this had been done, and while admitting that several years ago many of the natives had objected to receiving medical attention, he maintained that now they had great confidence in the medical department. (41)

(f) Native Land Tenure.

For the better protection of native interests in Western Samoa, native land, which is communally owned, is vested in the Crown, subject to native title. (42) Alienation, except in favour of the Crown, is prohibited, and land may not be taken in execution for the payment of debts. Leases of native land may be granted by the Crown for a period not exceeding forty years, the proceeds being handled by the Administration and forwarded to the owner.

In 1923, in a memorandum on the land laws of Western Samoa, (43) M. Van Rees noted that the

(41) Ibid, thirteenth session, p.128.
(42) Samoa Act 1921, No. 16.
(43) Permanent Mandates Commission Minutes. Annex to the third session.
rights and customs of the native were respected in the clearest manner, although he doubted the wisdom of taking all independence from the native in regard to his land dealings.

At its seventh and tenth sessions in 1925 and 1926 the Commission noted the efforts of the Administration to transfer the Samoan communal ownership to a system of individual holdings, which would facilitate the development of the islands by encouraging the native to work on his land, and asked for more information concerning this project and for the numbers of natives who had taken land on the new terms. (44)

M. Rappard remarked at the twelfth session that the Europeans held one fourth of the cultivable land although they formed only one fortieth of the total population; but he was assured that there was ample land available for all native requirements. (45)

On considering the policy of individualisation of native land as a possible factor contributing to native discontent, M. Van Rees noted that this system was optional and concluded that no pressure had been brought to bear on the natives regarding its adoption; at the same time he regretted that the possible

(44) Ibid, tenth session, p.188.
(45) Ibid, twelfth session, p.122.
psychological effect of the measure had not been considered. (46)

(ii) The Work of Administration.

(a) The Administrative Staff.

The European members of the administrative staff of the mandated territory are drawn from the New Zealand Public Service to which they return after a term of three years in Samoa. This method of recruiting officials has received some criticism from members of the Mandates Commission, who have made enquiries as to the possibility of special training for the members of the staff. At the twenty-first session Sir Thomas Wilford replied to M. Rappard's question concerning the possibility of a separate civil service that budgetary considerations would not allow this, but that plans were in hand for the special training of executive officers. (47)

After considering extracts from a report on finances and staff (48) which was drawn up by three New Zealand Civil Servants after a special investigation in 1929 and which severely criticised the

(47) Ibid, twenty-first session, p.147.
Administration, the Mandates Commission pronounced that it was clear that the methods of recruiting officials had not been satisfactory from the beginning. (49)

In the opinion of Lord Lugard one of the main causes of the native troubles has been the Administrator's short term of office, three years being fatal to continuity and a thorough knowledge of the people, so necessary in Samoa. This criticism he has also applied to the whole staff, which he has described as being "inadequately trained". He has pointed out the difficulty of learning the language in so short a time and has noted that with only two hundred and forty Europeans in Western Samoa there could be no nucleus of people experienced in Samoan ways from which to draw. (50) The accredited representative has explained that more half-castes and natives are being trained for administrative work and that the European staff is gradually being reduced.

(b) Public Finance.

The Commission has carefully investigated the financial statement contained in each annual report of the New Zealand Government, but has had to make frequent

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(49) Permanent Mandates Commission Minutes, sixteenth session, p. 208.

(50) Ibid, twenty-second session, p. 73, and twenty-fourth session, p. 99.
requests in order to obtain sufficient details to make possible a complete comprehension of the financial situation.

To assist the Samoan Administration, New Zealand has advanced an annual subsidy (until 1931) of £20,000 or thereabouts, and has also provided loans to the extent of some £171,000. The annual subsidy has been an entirely free gift, (51) but in regard to the loans New Zealand has maintained that it has a right to be repaid; that in the case of the transfer of the mandate the new mandatory should be held responsible for all moneys advanced as loans and that New Zealand should receive reasonable compensation. (52) Members of the Commission have generally agreed that loans should be repayable, but have considered that the mandatory should specify at the time whether the advance is a grant or a loan. No definite principle, however, has been established in regard to this matter. (53)

The charge that the Administration was needlessly extravagant, made by the European opposition, was

(51) Ibid, seventh session, p.32.


(53) See Q. Wright, op.cit. p.454 et.seq.
judged by the Royal Commission to be groundless, and the Mandates Commission did not dispute this finding, but after considering extracts from the report of the three New Zealand civil servants on the finances of the Administration, the Commission delivered the opinion that the financial control exercised by the Administration and also by the New Zealand Government had been deficient. It was glad to note the measures taken to remedy the defects, but hoped that the proposed retrenchment and economy would not affect the promotion of the well-being of the inhabitants. (55) M. Rappard, who noted that the recommendations of these experts were obviously inspired by the sole aim of realising economies and balancing the budget, expressed the opinion that the first duty of a mandatory power was not to enable a territory to live without financial aid; the accredited representative had stated that the services to the Samoans would not be affected by the economies, but if Western Samoa could do without grants it was one of the few mandated territories in that position. (56)

(54) Permanent Mandates Commission Minutes, thirteenth session, pp. 102 and 103.
(56) Ibid, sixteenth session, p.126.
Native taxation in Western Samoa has not been considered by the Commission as being unduly heavy. The non-payment of taxes owing to the Mau disturbance was noted and later the abandonment of the attempt to collect them was the subject of a query by M. Rappard who was informed that a tax on copra had replaced the original tax and was much easier to collect. (57)

(c), Justice.

The High Court of Western Samoa is presided over by a chief judge who has among his assistants native judges. These latter exercise jurisdiction over Samoans only, and have no power to imprison. (58) The Commission has been interested in the institution of native judges and their powers of jurisdiction, and when they were suppressed owing to the native disturbances enquiries were made as to the possibility of their reinstatement, the importance of which was urged. (59)

The Samoan Amendment Act of 1927, (60) which

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(57) Ibid, twenty-first session, p.149.
(58) 12 Geo.V. No. 16, Section 67.
(59) Permanent Mandates Commission Minutes, sixteenth session, p.124; twenty-first session, p.150; twenty-second session, p.76.
(60) N.Z. Statutes, No. 7, 1927.
made provision for the deportation of Europeans and the internment of natives in the territory, without a recognised form of trial, was the subject of comment at the twelfth session of the Commission, M. Van Rees enquiring as to whether similar provisions existed in New Zealand. The accredited representative replied that New Zealanders were civilised and did not require such drastic regulations, but M. Van Rees pointed out that this measure affected Europeans as well as natives. (61)

The local banishment of natives and other measures employed to maintain authority were considered during the examination of the report of the Royal Commission. M. Van Rees noted that the Ordinance of 1927, which dealt with persons found guilty of exciting disaffection against native authority by word or act, was very severe and enquired whether persons who petitioned the League would fall under its scope, but was assured that this would not be so. (62)

The chairman of the Commission noted in 1928 that the chief judge of the territory was allowed to sit as a member of the Legislative Council and

(61) Permanent Mandates Commission Minutes, twelfth session, pp. 113 and 114.

questioned whether it was in conformity with the principles of good administration that the representative of the highest judicial power should participate in the introduction or discussion of legislation, but was apparently satisfied with the explanation that smallness of staff, and the necessity of having a lawyer on the Legislative Council had made it necessary for the chief judge to attend when the Crown Solicitor was absent. (63)

At the twenty second session in 1932 Lord Lugard enquired whether it was a fact that the natives were holding courts of their own in opposition to those of the Administration and were assessing very heavy punishments. The accredited representative had no knowledge of such courts. M. Rappard remarked that apparently the mandatory power had not protested against this. (64)

Except to make frequent requests for copies of ordinances and regulations regarding the mandated territory the Commission has not mentioned the judicial department of the Administration in its reports to the Council and apparently has found no

(63) Ibid, thirteenth session, p.131.
(64) Ibid, twenty-second session, pp. 73 and 74.
measures which it has considered contrary to the provisions of the mandate.

(iii) The Fulfilment of the Definite Requirements of Articles 3, 4 and 5 of the Mandate Text.

Article three of the Mandate for Western Samoa requires that the supply of intoxicating beverages to the natives be prohibited, and that the traffic in arms and ammunition be controlled in accordance with principles analogous to those laid down in the Convention of 1919 relating to the control of arms traffic. The slave trade is also prohibited and no forced labour is permitted except for essential public works and services, and then only for adequate remuneration. Article four prohibits the military training of natives otherwise than for purposes of internal police and local defence of the territory, and also forbids the establishment of military or naval bases or the erection of fortifications in the territory.

In order to ensure the effectiveness of the provision concerning intoxicating beverages the New Zealand Government has prohibited in Western Samoa the manufacture or importation of any liquor containing more than three per cent of alcohol, except for certain quantities to be imported by the Administration for
medicinal, commercial, or sacramental purposes. (65) While congratulating the mandatory power on the enforcement of entire prohibition in Western Samoa, members of the Commission have enquired as to the amount of illicit brewing which occurs in the islands, and the possible ill effects on the native population, (66) but have not suggested for one moment that prohibition should be withdrawn on this account.

By the Arms Ordinance of 1921 the importation or sale of arms, guns, or ammunition, except under permit or license, was prohibited in Western Samoa. Only a restricted number of a certain type of shot gun is supplied to the natives for pigeon shooting for food supplies. There are no fortresses in the territory, and no military organisation exists. (67) The illicit traffic in arms has not been of sufficient magnitude to arouse the Commission's concern.

The question of slavery has not arisen, owing to the fact that slavery does not exist in Samoa and is not legally recognisable. (68)

(65) Samoan Act, 1921, No. 16.
(66) Permanent Mandates Commission Minutes, twelfth session, p. 120.
The Commission has been satisfied to note that labour in Western Samoa receives the same protection as in New Zealand, but the representative of the International Labour Office remarked in 1926 that the New Zealand Government had not ratified any of the Conventions of the International Labour Conference although many of them seemed applicable, to which the accredited representative replied that New Zealand labour legislation was much in advance of these conventions. (70)

The apprehension of the Commission was aroused concerning the provisions of the Native Regulation Order of 1925 which compelled the natives to maintain and clear the roads under the supervision of the District Councils, each of which was responsible for the maintenance of all roads in its district; in the case of neglect fines were to be imposed. This seemed to be compulsory labour, not in the interests of the natives alone, and was to be performed without remuneration. (71) The New Zealand accredited representative, who explained that the natives were

(70) Permanent Mandates Commission Minutes, tenth session, p.30
(71) Ibid, p.29.
merely required to keep the district tracks in order, was indignant at the suggestion that this was forced labour, and when the matter was brought up again at the twelfth session suggested that members of the Commission were putting too strained a construction on article three. (72) The Commission reported that it would be glad to be assured that these measures did not in practice involve compulsory unpaid labour. (73) This assurance was given by the New Zealand Government which replied that the suggestion of forced labour was quite erroneous. (74)

The Commission has taken great interest in the abolition of the old method of indenturing Chinese labour into Western Samoa and in the substitution, under the terms of the Chinese Free Labour Ordinance of 1923, of a system of importing free Chinese labour, (75) and members have on several occasions remarked on the excellent results of the new system. The question of the danger to Samoan women of the presence in Samoa of numbers of free Chinese labourers, very few of whom are accompanied by their wives, was raised at the

(72) Ibid, twelfth session, p.118.
(73) Ibid, twelfth session, p.203.
The Accredited representative admitted that alliances were formed between Samoan women and the Chinese, but maintained that this was impossible to prevent and was not the fault of the Administration. At the same time he explained that it had endeavoured to diminish the number of Chinese labourers and that only the minimum number consistent with economic requirements were being retained.

The freedom of conscience, free exercise of all forms of worship, and freedom of missionaries to prosecute their calling, as provided for in article five, are well ensured in Western Samoa. The fulfilment of these provisions has given rise to little comment on the part of the Commission which has, however, noted the work carried out by the various missions, especially in regard to education and health.

(76) Permanent Mandates Commission Minutes,
  fourteenth session, pp. 53 and 54.
  nineteenth session, p. 61
  twenty-second session, p. 77.
(iv) **Other Problems of Government Arising from the Mandate.**

(a) **Ex-enemy Estates in Western Samoa.**

Problems have arisen, in the various mandated territories in regard to the properties which were owned privately by nationals or publicly by the government of the former sovereign power of the territory, and which have been transferred to the mandatory power by the Treaty of Versailles.

At its fourth session in 1924 the Commission passed a resolution to the effect that a mandatory power did not have any right over any part of the territory under mandate, other than that resulting from its having been entrusted with the mandate. (77)

This applied to public lands, but formerly privately owned estates of ex-enemy subjects were regarded as being in a different category. It was intended by the authors of the Treaty of Versailles that these private lands should be sold and the proceeds paid into the Reparation Accounts, but in many cases they were held by the mandatory power and this was so in

the case of New Zealand. She has described ex-enemy properties in Western Samoa as being of two classes – those which formerly belonged to the German Government and are now held by New Zealand as the mandatory power, and those formerly privately owned estates which are the absolute property of the New Zealand Government. The latter, which are entitled the New Zealand Reparation Estates, have been appropriated by the payment of the equivalent of their value into the Reparation Accounts and New Zealand has submitted her right to hold them even in the event of the transfer of the mandate. (78)

After discussing the matter at the third and seventh sessions the Commission decided that these sequestered private estates might be regarded as the private property of the mandatory power, but should enjoy no preference in the matter of recruited labour or of taxation, and should not be administered at the expense of the territory. (79) In reply to the Commission’s request for information on these points the New Zealand Government stated in 1926 that the Reparation Estates received no preferential treatment.

(79) Permanent Mandates Commission Minutes, seventh session, pp.159 and 211.
of any kind. (80) Members of the Commission who still expressed doubt as to the disposal of the proceeds from these estates were informed that New Zealand had formerly made a gift to Samoa of these proceeds but later had discontinued the practice. (81) The estates, however, were not a burden on the territory.

(b) Economic Equality.

Although a policy of economic equality for League members is not required in the case of C mandates the Commission has enquired as to departures from this principle. In Western Samoa there are no concessions in regard to land tenure or taxation, but there is a preferential tariff in favour of British goods which are subject to an import duty of fifteen percent as against that of twenty-two and a half percent on non British goods. (82) Immigration is controlled by the Samoa Immigration Consolidation Order 1924; New Zealand's policy of restriction against coloured peoples with special provisions against

(80) See supra note 78.

(81) Permanent Mandates Commission Minutes, fourteenth session, p.46, and twenty fourth session, p.103.

(82) N.Z. Report 1925, p.41.
Chinese is extended to Samoa where indentured Chinese labourers are admitted under special conditions. The Commission has made no comment on New Zealand's customs or immigration policy, apparently not considering them derogatory to native welfare.

(c) Status of the Inhabitants.

The question of the status of the inhabitants of mandated territories gave rise to a Council resolution in 1923, (83) which declared this status to be distinct from that of the nationals of the mandatory power and not identifiable therewith by any process having general application, and which also stated that it was desirable that native inhabitants should be designated with some form of descriptive title.

In 1927 M. Rappard observed that according to statements made by New Zealand the average Samoan did not seem to know that he was not a British subject and that apparently the mandatory power had done nothing to correct this misconception. (84)

(84) Permanent Mandates Commission Minutes, twelfth session, p.101.
An enquiry as to the action taken in regard to the Council resolution of 1923 brought forth the answer that New Zealand agreed with the principle that the status of the inhabitants of the mandated territory was distinct from and not identifiable with that of the inhabitants of the mandatory power, but had not considered it necessary to evolve a descriptive title specifying this status. For travel purposes it was the practice to describe the Samoan as a "British protected person - Native Samoan." Information was also given concerning the provisions made for the naturalisation of natives who desired it, but in 1933 doubts were expressed by the Commission as to the extent and meaning of these provisions, M. Rappard noting that it seemed as if it would be possible to gradually convert all Samoans into New Zealanders, and thus terminate the mandate. The accredited representative pointed out that this would depend on the will of the Samoans,(86) but the Commission apparently remained unsatisfied and in its report asked for further details concerning the conditions

(86) Permanent Mandates Commission Minutes, twenty-fourth session, p.98.
under which the various categories of inhabitants could acquire New Zealand nationality. (87)

The degree to which the recommendations of the Commission when adopted by the Council are binding on the mandatories is a debatable point. A recent writer has described the sanctions of the mandates system as being those of publicity, good faith, and intelligence. He asserts that "nations do not like to endure the contempt or disgust of the world," and that they are not wholly wanting in good faith. However, "the system hopes to rest on reason rather than conscience" owing to the intrinsic value of the Commission's advice. (88)

The New Zealand Government has taken good note of the Commission's reports and has shown appreciation of words of praise. In 1928, during the fourteenth session the accredited representative recalled that Western Samoa had previously been referred to as a model territory. (89) He was hoping for some reference by the Commission to this

(88) Q. Wright, op.cit. p.218.
(89) Permanent Mandates Commission Minutes, fourteenth session, p.56.
aspect of the administration in spite of the trouble and native unrest which was being experienced.

In the same year an expression of the Commission's hope that the territory would in future be effectively administered, and an emphasis on the need for the adoption of stronger measures (90) by the Administration, were misinterpreted by the New Zealand Government as being a guarded recommendation of the use of force and brought forth a request that the Commission should specify the manner in which and the degree to which force should be applied. M. Orts explained, in reply to this request, that the Commission had not at any time recommended the use of force and that it would be presumptuous on the part of the Commission to prescribe definite remedies for the territory; its task was to exercise supervision. The fact that the Government sought the Commission's advice as to actual measures to be taken in a difficult situation showed that the latter's ability and wisdom were held in high estimation.

V. NEW ZEALAND AS A MANDATORY POWER.

At the peace negotiations New Zealand had her own representative who signed the Treaty of Versailles on her behalf; she thus agreed to the League of Nations Covenant and became a member of the League as a separate nation, but she has doubted the wisdom of her position there and with a characteristically conservative attitude towards her position in the British Empire she has maintained that she has not acquired for either international or constitutional purposes any form of independent status. (1)

The mandate for Western Samoa was conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Dominion of New Zealand. New Zealand accepted this authority directly from the League but obtained an Imperial Order in Council to ensure the validity of her constitutional position. (2)

Direct communication with the League has been the rule in dealing with matters concerning

(1) For a classic statement of this view by Sir John Salmond, see N.Z.R. Journal, A-5. 1922.
(2) See supra, p. 42, note (11)
the mandate, but in regard to the Commission's important proposals of 1926 concerning the oral hearing of petitioners and the new questionnaire, New Zealand did not reply separately, but declared her agreement with the opinions expressed by the British Government. (3)

This conservative tendency is in marked contrast to the attitude of the governments of Australia and the Union of South Africa which have taken advantage of the increased prominence which has been given to their individuality as a result of the mandates system. (4)

(i) The Attitude of the New Zealand Government towards the Permanent Mandates Commission.

When thwarted in her desire to annex Western Samoa in 1919, New Zealand accepted a mandate over the islands as being the next best thing, and perhaps this fact is partly responsible for her attitude in regard to the scope of the Permanent Mandates Commission. She has favoured a restriction of its

(3) See supra p.55 note (9).

functions within definite narrow limits, and her representatives to the League Assembly have uttered warnings against what they consider to be attempts of the Commission to overreach its powers.

The first protest of this kind was made by Sir Francis Bell, the New Zealand representative at the third Assembly in 1923, when he raised objections to the procedure followed by the Commission in making its report to the Council. After examining the reports of the mandatory powers and questioning the various accredited representatives, the Commission had made known its observations at a public meeting. Sir Francis Bell maintained that these observations should be submitted to the Council for approval before being made public, and furthermore the reports contained passages of "adverse criticism" concerning which no opportunity for explanation was given to the mandatory power, which was thus placed in a very "undignified position." He considered that this procedure elevated the Commission to a position of authority which was not contemplated by the Covenant and which, he felt certain, would never be conceded by New Zealand.

New Zealand was obliged to report

to the Council and was anxious for suggestions and advice from either the Council or the Commission, but would not submit to dictation by the latter body in regard to the procedure she should adopt in the performance of her duties to the League, nor could she admit of the Commission's power to interpret for her the meaning of the Covenant. (6) He suggested that the Commission's observations should be made, not to the public, but to the Council, which should forward them to the mandatory powers concerned to obtain any explanations which they might desire to make. After due consideration of the Commission's report and the views of mandatory powers, the Council might make an official public statement, but even this might not always be advisable. Sir Francis expressed the desire to see the Commission working quietly and effectively, but he emphasised the need for the work to be quiet and did not appear to be greatly concerned with its effectiveness. He showed a lack of confidence in the Commission and seemed apprehensive of mistaken or ill-considered judgments when he suggested that the mandatory power whose legislation or

(6) Ibid, Sir Francis Bell's speech to the third Assembly.
administration is under consideration should have the right to appeal from adverse comment and to invite a decision from the Assembly.

At the third session of the mandates commission (7) the chairman observed in the statement of the New Zealand representative, a certain "apprehension and even displeasure" at the work of the Commission. He considered that it would be most regrettable if the observations of the Commission were not known to the public and in part to the Assembly of the League, but he suggested that the procedure might be modified in the future. Finally the Commission has adopted the procedure of communicating its observations to the accredited representative of the mandatory power concerned. He may attach his own remarks, which are forwarded to the Council with the observations of the Commission, if he so desires. The plenary public meetings of the Commission, attended by the accredited representatives, to consider matters connected with the mandates, have been made optional. (8)

The question of the competence of the Commission was again raised in the Council in 1926

(7) Permanent Mandates Commission Minutes, third session, Opening Speech of Chairman.

in connection with the proposed new questionnaire and the right of the Commission to hear petitioners. In opposing these measures, the New Zealand representatives expressed impatience at the painstaking work of the Commission (9) and seemed apprehensive of the abuse of any additional powers which it might be granted. This attitude can scarcely be described as just, in consideration of the fact that the Commission had always shown the greatest tact and understanding, and had evinced a genuine desire to co-operate with the mandatory powers rather than to criticise.

At the conclusion of the examination of the Annual Report on Western Samoa in 1932, Sir Thomas Wilford, the accredited representative of New Zealand, expressed the wish that it might be possible for a representative of the Commission to visit Samoa at some future date and conduct an investigation there; he said this, having reason to believe that his government would be sufficiently interested to participate in this investigation. (10) This may not have been a considered statement and seems hardly

(9) Supra, p.54.

(10) Permanent Mandates Commission Minutes, twenty-second session, p.79.
consistent with the New Zealand Government's general interpretation of the Commission's functions.

It would not be correct to suppose that New Zealand has not recognised the importance of the excellent work which is being performed by the Mandates Commission. The New Zealand delegate to the fifth Assembly submitted a motion recommending the securing of wide publicity for the annual reports of the mandatory powers on the administration of the various mandated territories, with the result that a resolution, with provisions to make this recommendation effective, was passed by the Assembly. (11)

In 1928 Sir James Parr, New Zealand's representative, expressed publicly the indebtedness of the League and the mandatory powers to the Mandates Commission for the remarkably efficient and satisfactory manner in which the Commission was discharging its almost "Herculean labours," (12) and this statement may have had the effect of effacing some of the Commission's earlier impressions of New Zealand's attitude.

In practice the New Zealand Government has frequently expressed a readiness to supply the

Commission with information, and a willingness to comply, if possible, with its requests. The Commission has expressed appreciation of the prompt despatch of information concerning Western Samoa, and also of the fact that New Zealand has not merely replied to the questions asked in the Commission's report to the Council, but has furnished, in its annual report or by means of separate supplies, answers to certain questions raised by various members of the Commission but not included in its report. (13)

In regard to the annual reports, while not definitely charging the New Zealand Government with a lack of good faith, the Commission has felt that some of the New Zealand reports have not given a frank and complete presentation of the situation in Western Samoa, (14) but New Zealand has replied that there has been no attempt at concealment and that each annual report has been forwarded by the Administrator and accepted by the Government which has had no reason to doubt its accuracy. (15)

The proceedings of the Joint Samoan Petition

(13) Permanent Mandates Commission Minutes, thirteenth session, pp.11,15.

(14) Supra, pp.50 and 51.

(15) Permanent Mandates Commission Minutes, sixteenth session, p.209.
Enquiry Committee of the New Zealand Parliament, which was set up to enquire into matters relating to a petition from the Samoans, presented to Parliament in 1927, have never been published. The Committee sat for several days and had heard the evidence of Mr. Nelson, when its work was interrupted by the appointment of the Royal Commission, to investigate matters in Western Samoa. The Leader of the Opposition in the Lower House, who sat on the Committee, has stated that the evidence placed before it contained revelations which should have led to prompt action making for material changes in the territory. (16) This evidence has neither been published nor forwarded to the Mandates Commission, whether from a desire on the part of the Government to suppress certain facts, or for other reasons, it is impossible to say.

The New Zealand Government informed the League by telegram of the riot which occurred in Apia in December 1929, stating that order had been quickly restored, and later sent further information as to the measures taken to cope with the situation and the intention of the Administration to stamp out the whole

(16) "Revolt of the Samoans" H.E. Holland M.P. 1928, pp.11,12.
subversive movement. The League Council expressed appreciation of this action on the part of the New Zealand Government. (17)

In 1929 the British League of Nations Union petitioned the Mandates Commission to advise the Council of a procedure whereby the League might be informed immediately by a mandatory state on the occasion of any "serious disturbance" in any mandated area. The Union considered that the policy followed by New Zealand during the disturbances in Western Samoa might form a precedent. (18) New Zealand's action was regarded as demonstrating the serious way in which she regarded her international responsibility as a trustee. When the Commission submitted this petition to the mandatory powers for their observations the New Zealand Government replied that it was "at all times happy to supply to the League all possible information in connection with the mandated territory of Western Samoa." (19)

The action of a mandatory power in informing the League immediately of a serious disturbance in

(18) Permanent Mandates Commission Minutes, nineteenth session, pp. 199, 200.
the mandated area may be inspired by a genuine desire to co-operate with the Mandates Commission and to supply it with full and impartial information. It may also result from a desire to supply the Commission with an official account of the occurrence before information from other sources, such as the newspaper press, has given rise to a false impression or one prejudicial to the interests of the mandatory. Opponents of the New Zealand Administration would declare that New Zealand's account to the League of the disturbance in Apia was not a comprehensive one and showed not her goodwill towards the Commission, but her desire to appear blameless in the eyes of the Commission and of the rest of the world.

Whether the mandatory power has been at fault or not, the fact remains that if the mandates system is to be truly effective the Commission must receive as true and complete an account as it is in the power of the mandatory to give. In a system of this kind the co-operation of the Commission with the mandatories is very essential, and the need for goodwill on the part of the mandatory governments can not be over emphasised. When in doubt on any point the Commission has to accept the assurance of the mandatory power,
and there are many matters which are difficult of
discernment by a Commission which is sitting so many
miles away from the actual happenings and which has
no direct contact with the mandated territories.
These factors simply increase the responsibility
devolving upon the mandatory power to give a true
and correct report.

The New Zealand Government has been reminded
of the value to the Commission of an accredited
representative who is thoroughly conversant with the
conditions in the mandated territory. The sending
of high officials from New Zealand is too expensive
for constant adoption, and the High Commissioner
in London has many other matters to attend to besides
Samoan affairs, and in consequence is not always in
a position to supply the Commission with wanted
information. In view of this fact the Government
would facilitate the Commission's work and cause
greater justice to be done to the mandatory
administration if it were to appoint an official who
would be obliged to keep himself thoroughly informed
on Samoan affairs, and who would be in a satisfactory
position to represent New Zealand before the Mandates
Commission.
(ii) The Conception of the Mandate.

There has been a tendency in New Zealand to minimise the difference which exists between a mandated territory and an actual possession. The fact that in the case of a C mandate this difference appears to be slight makes it easy to be slurred over. There is a general belief that Western Samoa belongs to New Zealand, and this has been expressed quite frankly on occasions by public speakers or by the newspaper press. A leading newspaper stated in 1927 that "New Zealand's administration of Western Samoa derives from the Allied Powers, not from the League of Nations. The fact that a mandatory has to make an annual report to the League does not affect the position." (20)

This has not been so in the case of official statements and speeches concerning the mandate which are carefully noted by the Mandates Commission. In 1926 the chairman of the Commission quoted passages from a speech, in Western Samoa, of the Governor-General of New Zealand, who had drawn a clear distinction between the administration of an ordinary dependency and a mandate. He referred to the latter as a trust and continued, "our duty is to administer it in the

interests of the people to whom the country belongs, and to fit them as far as may be for self-government. Western Samoa is not an integral part of the British Empire, but a child of which we have assumed the guardianship." He proclaimed this work of developing a country in the interests of others to be even greater in some respects than that of empire building, requiring "more self-sacrifice, more disinterested labour, and a greater sense of responsibility." The Commission agreed fully with these sentiments, the expression of which gave it great satisfaction. (21)

Unfortunately the good impression thus created was counteracted in 1927 by a speech of the Administrator of Western Samoa, on the occasion of the King's birthday, when he referred to Western Samoa as being part of the British Empire, and to the Samoans as His Majesty's subjects. (22)

The New Zealand Government has never asserted the right to sovereignty in Western Samoa and has not claimed that the Samoans are British subjects. The problem of sovereignty has been largely regarded as

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(22) Ibid, twelfth session, p. 103.
an academic one and New Zealand has been quite willing to concur in the Commission's view that sovereignty does not lie with the mandatory. (23) The Government has, however, tended to regard Western Samoa as being permanently under New Zealand control, and the transference of the mandate has scarcely been contemplated, and then only as a "very remote contingency." When the Samoans have become capable of self government it is taken for granted that Western Samoa will become part of New Zealand, or at least of the British Empire. (24)

This tendency among New Zealanders to disregard the mandatory status of Western Samoa, due partly to popular ignorance, is regrettable in that it "strikes at the very heart of the mandates system" (25) the success and effectiveness of which depends so greatly upon a well informed and appreciative public opinion.

(23) Ibid
VI. CONCLUSION.

Many writers have discoursed on the value and achievements of the mandates system and have shown that its establishment has meant the introduction of scientific methods into the realm of colonial government, and the removal of the worst features of imperialist exploitation of subject races. I do not wish to repeat what they have said, but to consider briefly what mandatory government has meant to Western Samoa.

If the mandates system were to be judged solely upon the degree of success or failure attending its application to these two small Pacific islands, a degree which is not easy to gauge at this stage of events, I think that the enlightened critic would hesitate before he condemned. If he were disinterested and unprejudiced and yet not able to discern, amid the tangle of complexities resulting from the effects of administrative measures and methods upon the local situation with its imperfections and evils, any evidence of good resulting from the mandatory system of government, then he might cast the system into the limbo and dismiss it from his thoughts as another of those
well-meaning, high-sounding schemes which have had their day and ceased to be. He may consider that under the mandatory regime strife has not been less in Western Samoa than formerly, that the Samoans have been forced to develop at a pace which they have felt to be most uncomfortable, that the European population has been treated harshly, and that the whole country after fourteen years is in a state of unhealthy discontent; but if he has concluded, therefore, that the mandates system has been tried and found wanting, he has erred in blaming the system for circumstances which are not of its making. Certain results are inherent in the local situation.

What then has the mandatory regime meant in Western Samoa? An attempt to gauge its value should be made, not by comparison with the German administration which preceded it, but by a consideration of the circumstances which would have prevailed failing the establishment of the mandate. In 1918 the only alternative to this, was annexation by New Zealand.

In her administration of the mandated territory New Zealand has shown by her financial sacrifices, excellent provisions for native health and education, encouragement to native industry, and
by the institution of native councils and committees a well-intentioned and sincere endeavour to increase native well-being. In her policy she has shown no evidence of having any axe to grind. Her intentions would probably have differed but little had she been administering Samoa as part of her own territory, and in regard to native welfare her standard would hardly have lagged behind that set by the mandate. The New Zealand Government has eagerly desired that Western Samoa should be considered "a shining jewel" among mandated territories, and no doubt would be just as anxious to maintain a model administration in the islands if they were her own.

Her policy might have differed in one respect. New Zealand had desired to annex Western Samoa chiefly because of its supposed strategical value, and if she had been free to do so, might have fortified the islands and used them as a naval base, which would have been possible, although not very practicable. Samoa had been regarded as the "storm centre" of the Pacific, but when the western islands became a mandated area they ceased to be of strategic importance because they might not be fortified or used for any military or naval purposes, and this is surely to the advantage
of the inhabitants.

Even though it be assumed that New Zealand's administration under any circumstances would have been disinterested and benevolent to the highest degree and that, therefore, the provisions of the mandate have made little actual difference to the standard of native welfare, it would not be correct to conclude that the mandates system has been of no value here. There still remain to be considered the influence of the Permanent Mandates Commission, the right of the inhabitants to petition the League, the increased publicity which has resulted from the working of the system, and last, but most vital, the status of the territory.

The results of the Commission's work cannot be measured by means of statistics and its value is very difficult to gauge. Every year since the inception of the mandate Samoan affairs have been the subject of earnest discussion by an international group, the members of which are not only learned, but also experienced in native administration, and who have at their disposal practically all possible information on their subject. The supervision of the Commission is unique in the sphere of administration
and is immeasurably superior to, indeed is scarcely analogous with, the work of Parliament, where the political rivalry between the dominant party which has to construct a policy, and the opposition which pulls that policy to pieces, does not lend to an impartial discussion of Samoan affairs.

The publicity resulting from a wide distribution of the annual reports and of the minutes of the Mandates Commission and its reports has been an incentive to greater efforts on the part of the mandatory power. It has enabled the grievances of those subject to the mandatory rule to be brought into greater prominence, although in Western Samoa the opponents of the Administration have shown themselves quite able to bring their claims before the public without any aid.

The right of the inhabitants to petition the League or of others to do so on their behalf, involving a recognition of the need of a right of appeal against an administration, is another benefit of mandatory status. It is true that no petition concerning Western Samoa has resulted in any definite recommendation from the Commission, and it has been claimed that these appeals "tend to echo and re-echo
through the mandates structure without getting what is considered a just response." (1) To claim, therefore, that the right to petition the League is worthless, as some have done, (2) is to jump to an uncertain, if not a false, conclusion.

Apart from all these considerations, the most important gift which mandatory status has bestowed is a recognition of the fact that sovereignty over Western Samoa does not lie with any power. That their country is not a part of New Zealand and that they are still nationals of Samoa, and not citizens of the British Empire, the Samoans owe to the inception of the mandates system, not that membership of the British Empire is an evil in itself. They may claim that independence is their right and was expressly recognised by Germany by the Treaty of 1899, but in spite of this it is considered that Germany possessed sovereignty over the islands, (3) and in 1919 the existence of this treaty would not have prevented the annexation of the islands by New Zealand.

The cry of the native in Western Samoa today

(1) F.M. Keesing, "Modern Samoa" p.103.
(2) N.A. Rowe, "Samoa under the Sailing Gods" p.282.
(3) Q. Wright, op.cit. p.501.
is "Samoa for the Samoans" but the grant of complete independence is so far from being considered at the present time in New Zealand or in Geneva that the Samoan might as well cry for the moon. Even so, the ultimate fate of the islands is not yet decided and in mandatory status lies the only hope of a future independence, a freedom at least for the Samoans to choose their own protector; and not until this hope has proved to be false may it be said that the New Zealand mandate over Western Samoa was merely a veiled annexation, a clever piece of deceit.

In the meantime Western Samoa is a mandated territory, and it remains for New Zealand political leaders and New Zealand people generally to uphold or neglect the right of self-determination which the Samoans today are demanding so vociferously. May time show that in Western Samoa at least President Wilson's brave battle for the rights of native peoples was not fought in vain!'