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The League of Nations and  
Primitive Peoples

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Primitive Peoples

BY

SIR SYDNEY OLIVIER

K.C.M.G., C.B.

OXFORD UNIVERSITY PRESS

LONDON EDINBURGH GLASGOW NEW YORK

TORONTO MELBOURNE CAPE TOWN BOMBAY

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## THE LEAGUE OF NATIONS AND PRIMITIVE PEOPLES

THERE is no sphere of international Politics in which the application of the principles involved in the idea of the League of Nations more convincingly appears to be called for, or in which, if the builders of such a League are in earnest, it could be more simply, promptly, and beneficially effected, than in that of the relations of European to primitive peoples. For the defects in these relations are, in regard to matters on which the conscience of mankind is fully agreed, more glaring and less likely to be overtly disputed on behalf of any Power than are the causes of discord between the civilized nations; whilst at the same time the ground is in a much more favourable state for the establishment and action of a central authority, both because of the special character of the history of the existing relations and of the comparatively short period and imperfect degree of their development in the greater part of the area to be dealt with.

‘Foreign Politics’, said the late Lord Salisbury, ‘mean African Politics.’ When he said it, Africa was in fact the chief sphere of activity of those policies of the extension of sovereignty, control, and economic exploitation on the part of European Governments over territories in the possession of less civilized or

weaker peoples that were then keeping diplomatists busy. That dictum is as true to-day as ever, in the very significant sense that, whilst the Powers partitioned primitive Africa and the Pacific without coming to blows in the process, the crash of the world-war has come because, when they had safely disposed of all the 'primitive' peoples available, and, after a few tentative demonstrations in South America, had been chased away from that neighbourhood by the watchdogs of the Monroe Doctrine, they proceeded (in rivalry now with Russia and Austria also) to apply to half-civilized and more-than-half-civilized Africa—to Morocco and Tripoli, to weak or backward States in Europe—Bosnia, Herzegovina, Serbia, Albania, Turkey—to Asia Minor, Mesopotamia, Persia—very similar processes of encroachment, intervention, and control, on the same justificatory principles as they had appealed to in partitioning Africa, and as are now being applied, on the plea of much the same arguments, by the Central Empires to Poland, Rumania, and the dismembered racial groups that recently made up the Russian realm. Meanwhile, the United States had entered upon a similar policy among the surviving possessions of Spain in the Antilles and the Philippines, with further interventions in San Domingo and Haiti.

The world-war came, it may fairly be said, because the general politics of Europe had taken on the character and the colour of the politics of the 'scramble for Africa'—because all Foreign Politics had *become* 'African' Politics.



What, then, was the vice of the politics of the 'scramble'? In regard to principle, it was the ignoring or the denial, in dealing with primitive peoples, of the conceptions of international (or 'supernational') Right ('*Jus*') which Christendom had evolved and asserted as between civilized peoples. The history of that break-down is too long to be sketched here. It was unquestionably affected by the ancient and quite logical claim of the Papacy to be the guardian and exponent of such Right, a claim which had indeed come to be interpreted, so far as primitive peoples were concerned, as implying responsibility rather for their spiritual than for their temporal security, but the revolt from which on the part of Protestant nations conduced to setting them to look elsewhere than to any general authority for their principles in dealing with such peoples, or indeed to ignore any principle whatever except that of their own wills and interests. This revolt helped competitive individualism and the doctrine of the Right of the stronger, in the struggle for life, to dominate international, as it had come to dominate industrial and social relations.

In regard to practice, their vice was the rapacity, cruelty, and stupidity of subjects and officers of the partitioning Powers in their dealings with natives, the impunity such agents were allowed and the support given to them by their Governments, and the reluctance of any Power to intervene or remonstrate.

The tropical lands that primitive peoples occupy yield, or are capable of yielding under organized and

instructed development, valuable minerals, food-stuffs, and raw materials required by the whole world. There can be no reasonable question of locking up these sources of wealth because certain barbarous tribes, as the result of migrations of centuries, are found in this age sparsely inhabiting the countries which can produce them. Freedom of access to and exploitation of these natural resources is now generally recognized as a common right of mankind, and no true friend of primitive races would propose entirely to exclude, or to withdraw, European intercourse and influence from them, or even to hand back to them, at this period, that unregulated and unsupported responsibility for their own governance under which slave-raiding, brigandage, and internecine violence were rampant. Under proper control such intercourse and the development of the natural resources by civilized enterprise are of recognized advantage to the natives. The ghastly instances to the contrary, where native populations have been oppressed, enslaved, and destroyed by policies of ruthless exploitation, do not establish a case for the abstention from European penetration. They do establish the duty of regulating such penetration by the erection of a controlling authority actuated by the dictates of human conscience and guided by the experience which has been gained of the compromises and safeguards whereby the human rights of both Europeans and natives may be maintained.

But the partition of Africa and the Pacific was not entered into or regulated on any concerted basis of

rational or humane principle or purpose, or with any genuine consideration or guarantee of the rights or lives of the natives : it was, as between the partitioning Powers, a hurried scuffle of blackmailings, bluffings, and bargainings, incidentally provoked by the enterprises of De Brazza and Stanley, by gold discoveries and by other advertisements of potential sources of wealth, and precipitated by the sudden decision of Germany to create for herself a Colonial dominion by the same simple methods of seizure as had been the foundation of some of the earlier Empires. The apprehensions of England as to the threatened developments of this policy, the assertion of shadowy traditional claims to vast realms by Portugal, competing activities by France, and international jealousies as to the future of the great interior territories intensified the fever of annexationism ; and what resulted was, in fact, an emergency settlement very vicious in important respects and heavily fraught with factors of future trouble.

England had, for some time previous to this outbreak, been justly entitled to claim the best record for humanity and intelligent liberalism in dealing with African natives, and had, in fact, acquired a reputation as the champion of liberty and justice ; because, under the impulse of a religious revival that quickened her conscience, combined with the democratic inspiration that produced the political revolutions of the period, she took the lead in abolishing slavery and suppressing the slave-trade.

But if England's record was in this degree good,

Englishmen nevertheless had cause for chagrin at her failure to follow that humane impulse more boldly. Had England so willed, she could have done, not only far more than was done, but far more than any other nation could possibly do to save native races from the cruelties that have befallen them. At a period when she could, by an understanding with France, have taken almost any step she chose in tropical and southern Africa, she both refused herself to assume either sovereignty or protectorate over many African tribes that begged her to do so, and later abandoned to the ruthless Colonial inexperience of Germany Namaqualand and Damaraland, which Bismarck had twice almost invited her to claim, and the Cameroons, which had asked her protection and where British missionaries had established Christianity and education.

It was, however, perhaps healthier for the future of the world that England refused to live up to her reputation by becoming the paramount patron and protector of African peoples. She did refuse to do so, forswearing, in 1865, future annexations; and later, when she was forced out of inaction, she accepted in good faith the principle of concerted European participation. That, so far as it went, was a further-looking ideal. But it did not go far enough. It did not go so far as to secure proper treatment for natives, which the fearless extension, at the time when it might have been possible, of British sovereignty probably would have done, or even to stipulate for it.

The fact, however, that acquisitions in Africa were divided, on something like a basis of give and take,

between European Powers, although it did not create a permanent international guardianship for primitive peoples, yet rendered such a creation a much more obvious and attainable ideal.

And a most important approach was in fact made towards this ideal, for in regard to the exploitation of the Congo Basin an International Conference was assembled, at which the principle of international guardianship was powerfully advocated and to some extent established in practice. When Bismarck, at this (Berlin) Conference (1885)—in which he had refused to allow the Pope to be represented—proposed to declare that the sole purpose of its proceedings was to establish freedom of trade and navigation in the Congo Basin, the British Plenipotentiary deprecated this limitation, urging that commercial interests should not be regarded as the exclusive subject of the deliberations. The United States Minister warmly supported this attitude. And so the unpretentious realism of the Prussian confession of purpose was generously expanded by the pronouncement: "All the Powers exercising rights of sovereignty in the said territories undertake to watch over the preservation of the native races and the amelioration of the moral and material conditions of their existence, and to co-operate in the suppression of slavery, and above all of the slave-trade. They will protect and encourage all religious, scientific, or charitable institutions established for these objects or tending to educate the natives in the advantages of civilization."

Perhaps more importantly still, the Act also pro-

vided for the neutralizing of the Congo Territories in the event of war between any of the consenting Powers. But, on the other hand (and this too is important), whilst the European Powers were prepared and proposed in the draft Act *jointly* to guarantee this neutrality, thus laying a possible foundation for a similar consensual exclusion of militarism from the whole of Africa, the United States Senate refused to concur in this provision, and it was struck out. Consequences of this omission were (1) that when, simultaneously with her violation of the neutrality of Belgium, Germany mobilized her troops in East Africa (abutting on the Belgian Congo) the Allied European Powers (not unnaturally) declined to maintain the neutrality of the Congo State, and prepared for action against Germany on that side; and (2) that President Wilson, to whom, at a later date, Germany, having seen reason to think better of her policy of setting Africa on fire against the Allies, appealed for intervention on behalf of neutrality, had to point out that he possessed no *locus standi*.

Further, in relation to the idea of a *supernational* authority, which it was proposed in this case to provide for, and which President Wilson's advocacy of a League of Nations encourages the hope that the United States Government would now view differently, it is significant and noteworthy that the General Act of the Berlin Conference is headed, and its declarations and provisions purport to be made, 'IN THE NAME OF ALMIGHTY GOD', thus indicating at any rate a feeling that some *supernational* and moral authority was still

required for the nations represented to have any right to frame laws for each other and for the world. It is a short step from this recognition to the deduction that it is the right and the duty of a human international concert to enforce the observance of mercy and justice, the acknowledged laws of the conscience of professed Christendom, in the dealings of European Powers with natives whose lands they have entered on the plea of Divine authority. Nor will any advocate of the constitution of a League of Nations be disposed to demur to such a deduction. On the contrary, it is precisely for the enforcement of such principles that he will desire to see it formed.

In speaking of a League of Nations we have, of course, in view a World-League that shall include the German Powers, to prevent the recurrence of war and to guarantee the rights of now subordinate peoples. But even if, unfortunately, the war should end without such an inclusive organization being established, it is clear that some settlement would have to be made with regard to the future of Germany's former colonies, in which, at least, all the active belligerents among the allied Powers and as many as possible of the neutral Colonial Powers must be associated. Holland, the foster-mother and hostess of International law and pacification, the disinterested clear-headness of high democratic civilizations such as those of Switzerland and Scandinavia, will be indispensable partakers. What ought to have been done in the Partition of Africa, what was attempted and in some degree foreshadowed in the Berlin Congo Act,

must then be done, at any rate with regard to these lands. These territories of primitive peoples, to whatever sovereignty they may be committed, must be given security that they shall be governed conformably to principles laid down in the light of the experience in African affairs that the world has gained during the last thirty-five years—a conformity to be enforced by the joint guarantee of the Powers associated in the settlement.

If, on the other hand, we assume that the future of these communities may be deliberated with Germany as a party, the situation will afford a much more satisfactory and permanent basis for the framing of a World-charter of the liberties and rights of primitive peoples. An international authority, clothed with effectual powers, would, by a common consent, be addressing itself to the resettlement of arrangements established previously with the sanction or assent of the same associated Powers for the government of certain territories.

Inevitably the League of Nations, if it is constituted at all, will be constituted with the deliberate intention that it should apply certain principles of Supernational Law. As in regard to European and Asiatic subject communities, so in regard to the territories of primitive peoples, it must take account both of the manner in which authority has been hitherto exercised and of the principle of 'self-determination'.

Whatever agreement the League may be able to reach for the limitation of national armaments among the Powers, the prohibition and the guarantees



against military developments in these territories must be absolute. Whatever the League may be able to do for the liberties of subordinate civilized peoples elsewhere, the safeguards against the oppression of primitive peoples under European overlordship must be absolute, under penalty of forfeiture.

The character of these safeguards can here be only summarily suggested. They must include—

(1) Protection of Native land rights, and sufficient Native Reserves.

(2) Prohibition of forced labour, except for definite and approved local services.

(3) Restriction of contract labour.

(4) Complete separation of administration from exploitation.

(5) Maintenance of and respect for tribal authority, law, and customs, wherever possible.

(6) Exclusion of distilled liquor.

It is not advisable when such overlordship exists to assign control to committees of different Powers. Joint sovereignties have not worked satisfactorily. What it seems most desirable to aim at is the reposing of undistributed local authority in whatever government may be the trustee of sovereign power, with responsibility for observance of principles laid down, enforceable through appeal to the Court of the League. The transfer of such trusteeship, in the case of the Congo territories, from Leopold II to the Belgian National Government is an example of how such responsibility can be enforced. But if these safeguards

should be prescribed in regard, for example, to the Colonies which have been conquered from Germany, then, clearly, they must equally be made the law of the League for any territories whose sovereignty may be changed as for those that may be resettled under the same sovereignty. Nor will it be possible for Powers who concertedly attach such trusts to any sovereignties that they deal with jointly, to refuse to acknowledge similar obligations in respect of the territories which they already severally hold. The more successful Colonial Powers would have no reason to shrink from entering into such a self-disciplining compact; its enforcement on some of the less efficient now in control of primitive peoples would be distinctly desirable; and no Council acting on the lines which have been suggested, as an organ of a League of Nations, could, without glaring hypocrisy, refuse to call for such houses to be set in order.

The establishment of such a Council, acknowledging the Romano-Christian notion of supernational Right as paramount above the individualism, commercialism, and Might-politic that dominated the Partition of Africa, and has borne its appalling fruit in the barbarization of Europe, has been recognized for a generation, by all who have watched the facts, to be essential for the preservation of primitive peoples. It will now have the immense reinforcement of the spirit of America, the youngest and most boldly liberal of Colonial Powers, though she, too, may still have something to learn at home.

There have been several tentative and imperfect

anticipations of what is looked for in a League of Nations, in schemes to provide for and—in more or less shadowy and optional degrees—to guarantee the independence of weak civilized or help less primitive peoples. These have all had two common vices: they have aimed entirely or predominantly at the interests of the guarantors, and they have provided no commanding common sanction. An international Act guaranteed, in a very feeble and negative manner, the neutrality of Luxembourg. An earlier Act had guaranteed, with a more actively operative form of sanction, the neutrality of Belgium. An international Act asserted, in a manner which the British and other participant Governments treated as laying no charge upon them to assure its observance, the liberties of Bosnia and Herzegovina. An international Agreement guaranteed, without effectual sanction, the good administration of the New Hebrides under the joint sovereignty of France and England. An international Act guaranteed, with more practicable possibility of enforcement, the good government of the Congo State; and effectual action was, in fact, taken in this case by some of the guarantors to correct abuses. The Brussels Act of 1890 embodied further resolutions for the suppression of the slave-trade and the trade in firearms; other international Acts have aimed at regulating the trade in liquor. But the authority of all such extemporized and unconnected anticipations of the League of Nations has proved in great measure ineffectual, for lack of goodwill or good faith in one or other of the parties, or for lack

of ability *in the concert* to enforce the obligations entered into. Their enforcement has depended entirely upon the officiousness of particular Powers that happened to care something about the matter.

However cynical, however incredulous of its being worth while to have any consideration for 'niggers', the temper of any particular nation may be, such cynicism and callousness do not gain ground, but are relaxed and modified, by any international contact between able and public-spirited men. International Conferences, Councils, Leagues, effectually, if gradually, raise the *professed* standard of administrative principle to the highest common level of humane conscience and purpose. The Berlin Act, in view of its sequels in Congoland, might, no doubt, suggest the imputation of hypocrisy to some of the participants in it. But such standards, once set up, remain on record: it need not transpire, and indeed is soon forgotten, how far, in asserting them, tribute may have been paid by vice to virtue. The vicious may even grow virtuous by imitative observance. However incompletely the Congress that will deal, after the war, with these affairs may realize the hopes of those who are looking towards a League of Nations, it must inevitably, if for such reasons alone, be an event of far-reaching advantage and promise in the history of the fates of primitive peoples.



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