The Mandates System was created by the League of Nations in 1919 as a response to the changed circumstances of the post-World War I era. As a consequence of the war, former colonies were no longer under the sovereignty of their colonial rulers, yet they were not construed as fully independent either.¹ Instead, as is described by the League's Covenant, they were seen as peoples “not yet able to stand by themselves under the strenuous conditions of the modern world”; they were regarded as “minors”.² This gave rise to the question of how their political organization should be arranged. The solution became the introduction of the Mandates System, in which former colonies were divided into three stages on the basis of their region’s perceived development. It was further argued that “the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographic position, can best undertake this responsibility”.³ In the argumentation explaining the system’s necessity and purpose, central emerges the rhetoric of development and progress through education.

This is reflected in a book published by the League in 1945, which describes the System’s first three primary aims as “[t]he political and moral education, the improvement of the living conditions and, in general, the protection of the interests of the native population”.⁴ In addition, education is characterized as a part of the “moral responsibility towards mankind for the treatment of the natives”.⁵ Read from the perspective of today’s egalitarian spirit of global collaboration, these texts embody an embarrassing and patronizing tone. Yet, in the inter-war period and up until the founding of the UN, this tone and the

¹ Many thanks to Taina Tuori for discussions and references on this topic. See also Angheie, Antony: Imperialism, Sovereignty and the Making of International Law. Cambridge University Press, Cambridge, 2005.
³ Covenant of the League of Nations, ibid.
⁴ The Mandates System, supra note 2, 50.
⁵ Ibid., 11.
Mandates System formed the principal means through which relations were organized between former rulers and colonies. The notions embedded in the Mandates System can be seen to reflect the more general ‘civilizing mission’ of international law: the responsibility of the ‘civilized’ world toward the uncivilized, as has been analysed by Martti Koskenniemi6 – a responsibility that has often also been called the ‘white man’s burden’.

Officially, the founding of the UN overrode this tradition, introducing to international collaboration for the first time the notion of formal equality between independent nations. This notion was accompanied by a revolutionary new discourse founded on the equality of all peoples, articulated by the UDHR; as has been discussed by Risto Wallin, although various initiatives existed around the human rights discourse in the inter-war period, the discourse did not occupy a decisive role in the operations of the League of Nations.7 Despite these changes, the UN era entails significant continuity from the League era. This was explicitly stated by the International Court of Justice in its ruling on the South West Africa Case of 1962,8 and continuity was, among others, reflected in the personnel of the two organizations. The consequences of this continuity have been discussed through vast scholarship on post-colonial studies, in relation to international law particularly by Anthony Anghie.9 It has often been argued that revolutions, despite their appearance of causing dramatic, all-altering change, even in the most radical of cases induce only minor changes to existing societal structures. These findings pose an important question for the human rights phenomenon: how profoundly have its practices and ideologies changed from those of the League of Nations era embedded in a sharp division of peoples according to their geographic origin? Have they vanished entirely, or become reincarnated in new forms and practices?

8 The continuity of the UN of the ‘sacred trust of civilizations’ established by the League of Nations was repeated in the 1971 Namibia advisory opinion. Both cases are available at the International Court of Justice website, www.icj-cij.org/docket/index.php?+1=38&code=esa&case=468&k=c1 (10.11.2007).