Ketzmerick avowedly endeavours to integrate into her post-colonially-informed securitisation perspective.

2.2 Trusteeship & (De)Colonisation

The idea of imperial tutelage, that is, viewing external rule as a form of 'trusteeship' in which (colonial) powers act as 'trustee' exercising political power for the 'benefit' of their subjects, has a long genealogy, written down in resolutions such as the Valladolid Dispute, the General Act of the Berlin Congo Conference, the League of Nations Covenant, and the United Nations Charter.[225] The following literature review will illustrate that historically, the self-authorisation of (colonial) trusteeship was consistently legitimised by varying forms of security speech. In short, trusteeship and security speech have historically always been two sides of the same coin.

2.2.1 Origins of Trusteeship

Bain and Chowdhuri emphasise that the first colonial encounters were central to the emergence of the trusteeship principle.[226] The earliest references date back to the 16th century Conquista and writings by the Spanish theologians Francisco de Vitoria and Bartolomé de las Casas on the moral obligation of the Christian world to assume the role of a "trustee of civilization."[227] De Vitoria claimed that Native Americans were childlike, unfit of running their own affairs, and over whom it would therefore be perfectly lawful and proper for European Christians to exercise authority, but only as long as "everything is done *for the benefit and good of the barbarians, and not merely for the profit of the Spaniards*."[228] This doctrine was also at the heart of the Valladolid Dispute between Bartolomé del Las Casas and Juan Ginés de Sepúlveda over the question of whether Native Americans possessed a soul, which in consequence would have prohibited their enslavement. If they had no soul, so the reasoning went, they would be equal to animals and therefore their enslavement would be perfectly lawful. If, however, they had a soul, the Catholic Church would be obliged to the indigenous people to save them from purgatory.

However, according to Chowdhuri, Edmund Burke, the British conservative theorist and politician, can be credited as being the first to widely popularize the concept and to coin the phrase "sacred trust" in his famous speech in the House of Commons, on 15 February 1788, during the impeachment of Warren Hastings, the first Governor-General of Bengal.[229] Accusing Hastings of misconduct during his time in Calcutta, particularly

225 Wilde, *International territorial administration*, p. 326.

226 Bain, *Between anarchy and society*, pp. 15–16; Ramendra Nath Chowdhuri, *International Mandates and Trusteeship Systems: A Comparative Study* (Dordrecht: Springer, 1955), p. 13.

227 Chowdhuri, *International Mandates and Trusteeship Systems*, p. 13. Bain, "Saving failed states," p. 189.

228 Emphasis in original, Francisco de Vitoria, "On the American Indians," in *Political writings*, ed. Anthony Pagden and Jeremy Lawrance, Cambridge texts in the history of political thought (Cambridge: Cambridge University Press, 1991), Vol. .

229 Chowdhuri, *International Mandates and Trusteeship Systems*, pp. 13–14.

relating to mismanagement and personal corruption, the impeachment prosecution became a wider debate on British rule in India and the role of the British East India Company.

It is worth highlighting that Burke was convinced that the affairs in British India had to be placed under parliamentary control since it is "the very essence of every trust to be rendered *accountable*, – and even totally to *cease*, when it substantially varies from the purposes for which alone it could have a lawful existence."[230] For Burke, describing the rights and privileges of *rule as a trust* implied for that "all political power which is set over men […] ought to be some way or other exercised ultimately for their benefit."[231] As such, Burke's idea of trusteeship was to replace the exploitative forms of colonialism, such as private ventures and corporations like the British East India Company, which were generally understood as a failure in terms of neglect, exploitation, profit, and general irresponsibility. Ralph Wilde holds that Burke hoped to humanize colonialism through the concept of trusteeship, whereas the tenets of Enlightenment provided imperial rule with the 'obligation' of colonial trusteeship for the 'benefit' of its subjects.[232]

While Burke coined the 'sacred trust' expression to argue for limitations on imperial rule, Bain argues that by the late 19th century this language was redeployed in the General Act of the Berlin Conference, with its obligation to 'watch over' and 'care for … improvement'.[233] Wilde emphasizes that this language, coupled with the principle of trusteeship, was incorporated into the Covenant of the League of Nations.[234] Article 22 of the League's Covenant articulates the 'sacred trust of civilization' forming the basis for the Mandate arrangements in terms of the 'well-being and development' of the people in mandated territories.[235] The provisions of the UN Charter concerning Non-Self-Governing Territories (NSGTs) and trusteeship territories are similarly concerned with ideas of both care and advancement.

Non-European voices were prevented from taking part in the conversation of trusteeship on account of their presumed ignorance and immaturity. According to Bain, they were no more than objects, because they could be no more than objects in a conversation that was concerned with the conditions of their 'true' happiness.[236]

"A *Sacred* Trust"? Petitioning and Accountability

As already stated, Edmund Burke held that "the essence of any trust [is] to be rendered *accountable*."[237] Petitions were not only characteristic but for a long time the only accountability mechanism under the trusteeship principle. Since the Middle Ages English law

230 Edmund Burke, *The Works of the Right Honourable Edmund Burke* 2 (Boston: Little, Brown, and Company, 1899), p. 439., emphasis in original

231 Edmund Burke, *Miscellaneous writings*, ed. Francis Canavan, Select works of Edmund Burke a new imprint of the Payne edition 4 (Indianapolis, Ind.: Liberty Fund, 1999), p. 101.

232 Wilde, *International territorial administration*, pp. 320–21.

233 Bain, "Saving failed states," p. 194.

234 Wilde, *International territorial administration*, p. 322.

235 League of Nations, Covenant at Art. 22 (1919), available from avalon.law.yale.edu/20th_century/leagcov.asp.

236 Bain, *Between anarchy and society*, p. 11.

237 Burke, *The Works of the Right Honourable Edmund Burke*, p. 439.

provided the right to petition the Crown,[238] and as one of the earliest studies on the Mandates and the Trusteeship System, Duncan Hall notes that this right "extended automatically to all British subjects in British dependencies and colonies."[239] Although not yet internationally legalized, petitioning was a widespread practice in almost all colonial empires.

While a successful lawsuit, through the weary detours of the judiciary, may well have guaranteed certain political actions, petitions aimed to intervene directly into the executive, albeit with the drawback that compliance to petitions is left to the discretion of the political decision-makers. In fact, unlike lawsuits, this 'ignorability' is indeed the decisive distinguishing criterion of petitions. Petitioners could not appeal to the government to judge their complaints on their own merit but had to fit them in to the conceptual schemes of the colonizers. For example, petitioners who opposed corporal punishment, had to argue that whipping went against *European* notions of morality, civilization, and law.[240] Trevor Getz and Heather Streets-Salter therefore argue that by submitting petitions, petitioners accommodated or even cooperated with the colonial system. Furthermore, whether a presentation of grievances constituted a petition or not, had of course less to do with the intention of the author, but its fate was decided ultimately by the receiving agency that classified and examined it as such. In fact, as Getz and Streets-Salter argue, "Petitions were seen as a useful means of control because in order to submit them, individuals and groups not only had to accept the power of the officials that received them but also to mimic the language and forms of colonial authority."[241] The very fact that petitioners addressed colonial governments, the Permanent Mandates Commission, or the Trusteeship Council, indicated that they "acknowledged the overwhelming power of the colonial system."[242] As such, petitions were a recognition of the *de facto* colonial rule.

After World War I, the League of Nations had not yet legally introduced the right to petition, yet it recognized the practice by introducing an examination procedure for written petitions. As John Groom framed it: "The genie of international accountability could not be put back into the bottle of untrammelled colonial possession."[243] Since the 1990s, a whole series of studies has dealt extensively with the petition scheme of the Mandates System. On a quantitative level, Antonia van Ginniken's doctoral thesis meticulously researched the petitions statistically.[244] Michael Callahan has dealt in particular

238 Paul Brand, "Petitions and Parliament in the Reign of Edward I," *Parliamentary History* 23, no. 1 (2004), https://doi.org/10.1111/j.1750-0206.2004.tb00718.x.

239 H. Duncan Hall, *Mandates, Dependencies and Trusteeship*, Studies in the administration of international law and organization 9 (Washington: Carnegie Endowment for International Peace, 1948), p. 198.

240 Peter Sebald, *Togo 1884–1914. Eine Geschichte der deutschen „Musterkolonie" auf der Grundlage amtlicher Quellen* (De Gruyter, 1987). https://doi.org/10.1515/9783112472583, pp. 539–80.

241 Heather Streets-Salter and Trevor R. Getz, *Empires and colonies in the modern world: A global perspective* (New York: Oxford University Press, 2016), p. 412.

242 Streets-Salter and Getz, *Empires and colonies in the modern world*, p. 412.

243 Groom, "The Trusteeship Council," pp. 145–46.

244 Antonia H. M. van Ginneken, "Volkenbondsvoogdij: Het toezicht van de Volkenbond op het bestuur in mandaatgebieden, 1919–1940" [The League of Nations: The supervision of mandatory authority by the League of Nations 1919–1940] (PhD Dissertation, University of Utrecht, 1992), pp. 211–18.

with petitions from the Duala or the *Bund der deutschen Togoländer* on a more qualitative level.[245] Aleksander Momirov shows how the League's petitions procedure practically functioned to remove unwanted petitions from circulation.[246] Jane Cowan has been particularly concerned with admissibility rules regarding the use of "violent language."[247] The most comprehensive study on the Mandates System's petition regime among the recent publications, however, is by Susan Pedersen, highlighting the absurdity that the League's petition procedure, which the European public believed provided possible channels for protests and complaints "contributed significantly to containing and delegitimizing pressure and protests from below."[248]

After World War II, the UN Charter established for the first time the *right to petition*, yet exclusively for residents of UN Trusteeship Territories – a right which hardly any other dependent people had dreamed of having recourse to. Yet, dissatisfied with the colonial powers' "stranglehold on the Trusteeship Council,"[249] in the 1950s, petitioners, especially from Togoland and Cameroon, increasingly addressed the General Assembly directly through oral hearings convened by its Fourth Committee. Although the requests of just a very few petitions were granted, petitions at least forced generally the Administering Authorities to clearly state their position in such cases. Meridith Terretta has written extensively about the petition campaign of the Duala and *Union des Peuples Camerounais* (UPC) from the trusteeship territory of Cameroon.[250] Terretta takes issue with Roland Burke's analysis of the petition system of the UN Third Committee on Human Rights for completely ignoring the impact of the petition system on the previously established Trusteeship System,[251] only to inadequately contextualize herself the qualitative content analysis of the Cameroonian petitions in terms of their impact. Like others, she confidently highlights the overwhelming number of 45,000 Cameroonian petitions in 1956 alone, while failing to emphasize that quantity was only as high because the counting method and statistical recording of the Trusteeship Council's Standing Commission on Petition changed in that same year. Had the procedure changed a few years earlier, the

245 Michael Dennis Callahan, *A sacred trust: The League of Nations and Africa, 1929–1946* (Brighton: Sussex Academic Press, 2004), pp. 48–52.

246 Momirov, "The Individual Right to Petition in Internationalized Territories"; Susan Pedersen, *The guardians: The League of Nations and the crisis of empire* (New York, NY: Oxford University Press, 2015), pp. 77–95.

247 Jane K. Cowan, "Who's Afraid of Violent Language?," *Anthropological Theory* 3, no. 3 (2003), https://doi.org/10.1177/14634996030033002.

248 Pedersen, *The guardians*, p. 93.

249 GAOR, "6th Session: 4th Committee" (1951), p. 180.

250 Meredith Terretta, ""We Had Been Fooled into Thinking That the UN Watches over the Entire World"," *Human Rights Quarterly* 34, no. 2 (2012), https://doi.org/10.1353/hrq.2012.0022 ; Meredith Terretta, *Nation of outlaws, state of violence: Nationalism, Grassfields tradition, and state building in Cameroon*, New African histories (Athens, Ohio: Ohio University Press, 2014); Meredith Terretta, *Petitioning for our rights, fighting for our nation: The history of the Democratic Union of Cameroonian Women, 1949–1960* (Bamenda, Cameroon: Langaa Research & Publishing, 2013), URL http://afrika.proxy.fid-lizenzen.de/fid/abc-ebooks/publikationen.ub.uni-frankfurt.de/frontdoor/index/index/docId/60341

251 Terretta, ""We Had Been Fooled into Thinking that the UN Watches over the Entire World"," p. 331.

200,000 Togolese petitions to the 1952 Visiting Mission would have would have overshadowed the petition campaign of any other trusteeship territory. Thus, while Terretta deals qualitatively with the mobilized discourses and demands in the petitions, she sidesteps how they were actually examined, that is, they were barely read. Ullrich Lohrmann's study of the trusteeship territory of Tanganyika, on the other hand, addresses this aspect of the petition system,[252] but relies mainly on Shirley B. Smith's excellent 1957 master's thesis on the trusteeship petition system (with some passages incredibly close to Smith's work) without citing her however.[253]

Yet, as numerous trusteeship territories were released into independence in the 1960, the debate on the Trusteeship System's petition scheme, including the right to petition, moved increasingly into the background. In the early 1960s, an increasing number of independent African and Asian UN member states sought to bypass the Trusteeship Council and its restrictive *rules of procedure*, to extend the right to petition to all colonial territories, giving rise to petitioning schemes in the UN's *Special Committee on Decolonization*[254] and the *Commission on Human Rights*.[255] However, as Roland Burke shows, these had no Charter status and their advocates were careful to establish procedures that could be directed against colonial powers, yet, which ran negligible risk of being used against themselves.[256]

In 1994, the Charter provision for petitioning practically ceased to exist when the UN Trusteeship Council suspended its operations. Cesare Scartozzi holds that today's oral hearings before the Fourth Committee of the General Assembly are merely an uncodified, customary, and inefficient practice, open only to the 17 remaining Non-Self-Governing Territories (NSGTs).[257] Contemporary UN peace- and state-building missions operate under Security Council resolutions, which do not provide petitioning or other comparable mechanisms that would reduce their long-criticized accountability deficit[258] – a state of affairs which Chopra likens to be "comparable with that of a pre-constitutional monarch in a sovereign kingdom."[259] In sum, the perpetuated colonial legacy has undermined the *right to petition* of peoples under international rule.

252 Ullrich Lohrmann, *Voices from Tanganyika: Great Britain, the United Nations and the decolonization of a Trust Territory, 1946–1961*, Europa-Übersee 16 (Berlin, London: Lit; Global, 2008), pp. 27–37.

253 Shirley B. Smith, "The formation and functioning of the Trusteeship Council procedure for examining petitions" (Master's Thesis, Boston University, 1957), accessed 03 February 2020, available from hdl.handle.net/2144/22520.

254 By General Assembly Resolution 1514 (XV), 1962, the Special Committee on Decolonization (or C-24) was to supervise the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

255 Marc Limon, *Reform of the UN Human Rights Petitions System: An assessment of the UN human rights communications procedures and proposals for a single integrated system* (2018).

256 Roland Burke, *Decolonization and the evolution of international human rights*, Pennsylvania studies in human rights (Philadelphia: University of Pennsylvania Press, 2010).

257 Cesare M. Scartozzi, "Decolonizing One Petition at the Time," *Politikon: IAPSS Journal of Political Science* 34 (2017), https://doi.org/10.22151/politikon.34.4.

258 Momirov, "The Individual Right to Petition in Internationalized Territories"

259 Chopra, "The UN's Kingdom of East Timor," p. 29.