

✓ **I.** Permanent Mandates Commission. Minutes of the  
Seventh Session, October, 1925. (C.648. M.237. 1925.VI.) (C.P.M. 32)

**II.** Reports of Mandatory Powers to League's Council :-

- ✓ (1) Togo, under French mandate, 1924. (C.452(f) M.166(f) 1925.VI.)
- ✓ (2) Cameroun, under French mandate, 1924. (C.452(e), M.166(e), 1925.VI.)
- ✓ (3) South-West Africa, 1924. (C.452. M.166. 1925.VI.)
- ✓ (4) New Guinea, 1923-24. (C.452(g) M.166(g). 1925.VI.)
- ✓ (5) British Togoland, 1924. (C.452(b). M.166(b). 1925.VI.)
- ✓ (6) Tanganyika Territory, 1924. (C.452(d) M.166(d). 1925.VI.)

[Communicated to the Council  
and the Members of the  
League.]

C. 648. M. 237. 1925 VI.  
(C. P. M. 124.)

Geneva, November 10th, 1925.

I

LEAGUE OF NATIONS

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PERMANENT MANDATES COMMISSION

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MINUTES

of the

SEVENTH SESSION

HELD AT GENEVA FROM OCTOBER 19<sup>th</sup> TO OCTOBER 30<sup>th</sup>, 1925

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# LEAGUE OF NATIONS

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## PERMANENT MANDATES COMMISSION

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### MINUTES OF THE SEVENTH SESSION

*Held at Geneva from October 19th to 30th, 1925.*

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The following members of the Commission were present at the seventh session :

The Marquis THEODOLI (*Chairman*),  
M. VAN REES (*Vice-Chairman*),  
M. FREIRE D'ANDRADE,  
M. BEAU,  
Mme BUGGE-WICKSELL,  
Sir F. LUGARD,  
M. Leopoldo PALACIOS,  
M. William RAPPARD,  
M. C. YAMANAKA.

Also present : Mr. H. A. GRIMSHAW, representative of the International Labour Organisation.

*Secretary* : M. V. CATASTINI, Chief of the Mandates Section.

The following accredited representatives of various mandatory Powers attended certain meetings of the Commission :

The Hon. Sir James ALLEN, K.C.B., High Commissioner in London for the Government of New Zealand; assisted by  
Mr. J. D. GRAY, Secretary of the External Affairs Department of New Zealand.

Count CLAUZEL, Minister Plenipotentiary, Head of the French League of Nations Department.

M. M. HALEWYCK, Director-General in the Belgian Colonial Department.

The Hon. W. G. ORMSBY-GORE, M.P., Under-Secretary of State for the Colonies?

Major U. F. H. RUXTON, C.M.G., Lieutenant-Governor of the Southern Provinces of Nigeria.

M. Y. SUGIMURA, Counsellor of Embassy, Assistant Director of the Japanese League of Nations Office.

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FIRST MEETING (PUBLIC AND THEN PRIVATE).

*Held on Monday, October 19th, 1925, at 11 a.m.*

Present : All the members of the Commission with the exception of M. Orts.

438. Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

I have the honour to declare open the seventh session of the Permanent Mandates Commission.

Barely three months have elapsed since we closed our last session. Since then the work done at that session has been reviewed both by the Council and the Assembly of the League. I am happy to note that both these bodies have expressed their appreciation of our efforts in very flattering terms. This fact, and also the publicity given to the meetings of the Commission by the Press of various countries, constitute valuable encouragement for its members, much of whose time is now taken up by the work for the Commission both at Geneva and in their homes. It seems almost certain that the regular work before us each year will never allow us to go back to the practice of 1921-1923, when one session a year was sufficient, but that we shall be obliged always to hold an autumn session in addition to our summer session.

I regret to have to inform you that one of our colleagues, M. Orts, owing to important affairs, has found it impossible to take part in this session.

His presence is so important and so useful for the work of the Commission that I am sure you will instruct me to interpret your wishes by telegraphing to him a request to make every possible effort to attend at least some of the meetings of the session.

*Work of the Council regarding Mandates.*

At its meeting on September 15th, 1925, the Council had before it the report and minutes of the sixth session of the Commission, together with comments from the accredited representatives of France, South Africa and Great Britain. As proposed by the Rapporteur, the representative of Sweden, the Council decided to forward the separate observations of the Commission on the different annual reports to the Government of the mandatory Power concerned in each case and to request it to take the requisite action. It also approved the conclusions of the Commission as regards petitions and instructed the Secretary-General to bring these conclusions to the knowledge of the petitioners and of the mandatory Powers. It further endorsed the suggestions of the Commission as to the presentation of annual reports, the transmission of legislative texts and the communication of documents concerning mandates to officials in mandated territories.

As regards the frontier zone between Angola and South-West Africa, the Council, after a discussion in which the representatives of the British Empire, South Africa and Portugal took part, decided "to invite the Governments of Portugal and of the Union of South Africa to hasten the conclusion of an agreement to remove any differences concerning the territory situated between Angola and the mandated territory of South-West Africa" and "to request these Governments to keep the Council informed of the progress which may be made towards the conclusion of this agreement".

During the Assembly, letters were received by the Secretary-General from the delegations of South Africa and Portugal concerning the question. As my colleagues have all received copies of them, I shall not refer further to the matter.<sup>1</sup>

As regards the two very important problems of a general character with which we have dealt at various sessions, namely, the question of : (1) loans, advances and investments of public and private capital in mandated territories, and (2) extension of special international conventions to mandated territories, the Council, after some discussion, adopted two resolutions following very closely the proposals of the Mandates Commission.

*Discussion on Mandates at the Assembly.*

On the proposal of the Norwegian delegation, the reports of the mandatory Powers as well as the documents of the Commission were, in accordance with the precedent established in previous years, referred to the Sixth Committee. The Committee, after a very

<sup>1</sup> See Documents A. 61; A. 97; A. 129. 1925.

interesting speech by Dr. Nansen, remarks by Mr. Smit, High Commissioner for the Union of South Africa in London, and questions by the delegate of Haiti, approved the following draft resolution proposed by M. Veverka, delegate for Czechoslovakia :

“The Assembly,

“Having noted the reports of the Permanent Mandates Commission on its fifth and sixth sessions and the documents relevant thereto :

“(a) Desires to express its keen interest in and satisfaction with the work of the mandatory Powers, the Permanent Mandates Commission and the Council of the League in fulfilling the duties devolving on them under Article 22 of the Covenant in connection with the application of the mandates system;

“(b) Expresses in particular the hope that all the Members of the League of Nations will give effect without delay to the recommendation made by the Council in paragraph II (1) of its resolution of September 15th, 1925, concerning the extension of special international conventions to mandated territories.”

This resolution was adopted by the Assembly on September 21st, 1925, after observations from Dr. Nansen and our colleague Madame Bugge-Wicksell.

#### *Delay in Receipt of Annual Reports.*

In my remarks at the opening of the last session, I called attention to the fact that most of the annual reports for consideration at that session were received by the members of the Commission only a very short time before its opening. I pointed out that this situation handicapped the work of the Commission. I regret that this matter again requires attention, for the delay in the case of several of the reports which have been submitted for examination at this session is greater than ever.

The Commission, in the report on its last session, made a general recommendation on this subject, earnestly requesting closer co-operation on the part of the mandatory Powers. This was approved by the Council, and I trust that next year we will experience less difficulty. During the consideration of this point at the meeting of the Council on September 15th, it was pointed out that the present Rules of Procedure providing that the annual reports shall be sent in by May 20th of each year cannot be applied in many cases because of the fact that the period covered by certain reports does not coincide with the calendar year, and also because of the distance of the territories from which some of the reports are sent. It might perhaps be desirable to suggest, after consultation with the mandatory Powers, dates for the receipt of the reports which can be adhered to in each case.

#### *Publicity of Meetings.*

I presume that the members of the Commission will, as usual, prefer to discuss the reports of the mandatory Powers with the accredited representatives in private meetings. On the other hand, there are some general questions on the agenda which might perhaps be discussed in public.

#### *Programme of Work.*

In accordance with the method adopted at our last session and which, I think, gave good results, I propose to lay before you a detailed plan of work when the Chief of the Mandates Section has made his statement.

#### *Welcome to the Accredited Representatives of the Mandatory Powers.*

On behalf of the whole Commission, I have the honour to welcome the accredited representatives of the mandatory Powers who, on behalf of their Governments, will assist us in our examination of the various reports. I have no doubt that their co-operation will this time, as at previous sessions, be most valuable for the work of the Commission.

*The Commission decided to send a telegram drafted according to the proposal of the Chairman to M. Orts.*

#### 439. Statement by the Chief of the Mandates Section.

M. CATASTINI (Secretary of the Commission) made the following statement :

In accordance with the precedent established at previous sessions, the Chairman has called upon me to submit to the Commission a few remarks on some of the events which

have occurred in the field of mandates since the last session of the Commission. As the time which has elapsed since then is very short indeed, and as the discussions and resolutions of the Council and the Assembly have already been fully dealt with in the statement just made by the Chairman, those remarks will, this time, be very short.

The Mandates Section has, as usual, in accordance with the wish of the Commission, transmitted to members in monthly dossiers a selection of official documents and unofficial reports regarding the working of the mandates system. As always, we have endeavoured to make these dossiers as concise as seems consistent with their usefulness, but, as I have pointed out before, the Mandates Section will always be extremely grateful for such observations and criticisms of this work as may occur to the members of the Commission. A review of the Press comments called forth by the work of the Commission at its sixth session has just been distributed to you.

Among the important communications concerning mandates which have been received by the Secretariat in the last few months, I may mention the telegram from the Australian Government, communicated to the Council and Assembly by Sir Joseph Cook, which stated that the application of the Australian Navigation Law to New Guinea has been discontinued as from September 1st, 1925.<sup>1</sup> This decision received favourable comment in the Sixth Committee of the Assembly, and I am sure that the Mandates Commission has also learnt with interest of the action of the Australian Government.

The members of the Commission will have already received the new Constitution for South-West Africa as well as the explanatory memorandum by the Prime Minister of the Union of South Africa which the South African Government has just communicated to the League of Nations.<sup>2</sup>

Many other questions concerning one or more of the mandated territories have been dealt with since the last session by other organs of the League. No doubt the members of the Commission have followed with interest the work done by the Commission of Enquiry and by the Council on the Mosul boundary problem. The instructive report of the Temporary Slavery Committee as well as the discussions in the Council and the Assembly on the proposed Convention on Slavery in all its forms have certainly not escaped their attention.

I ask to be allowed to submit the following table giving a list of the reports the examination of which has been included in the agenda of the present session :

Annual report.	Administration period.	Number of copies.	Received by the Secretariat.
Iraq	April 1923-December 1924	100	June 13th, 1925.
Palestine	1924	100	July 8th, 1925.
Appendices to the report	1924	100	October 3rd, 1925.
Caprivi Zipfel (South-West Africa)	1924	1	July 22nd, 1925.
Samoa	April 1st, 1924- March 31st, 1925	1 100	July 20th, 1925. August 3rd, 1925.
British Cameroons	1924	91	August 24th, 1925.
Ruanda-Urundi	1924	2	October 10th, 1925.
		10	October 14th, 1925.
Syria and Lebanon	1924	100	October 15th, 1925.
Islands of the South Seas under Japanese mandate	1924	20	October 15th, 1925.

M. Catastini drew attention to the dates on which these various reports were received.

*The Commission then went into private session.*

#### 440. Adoption of the Agenda of the Session. (Annex 1).

The CHAIRMAN laid before the Commission a draft programme of work drawn up by the Secretariat on the basis of the provisional agenda and pointed out that the only dates which it would be necessary to settle were those on which the representatives of the mandatory Powers would be required to attend. The order in which the other questions were dealt with could be changed.

*The Commission approved the agenda and the programme of work.*

<sup>1</sup> See Document A. 64. 1925.

<sup>2</sup> See Document C. 597. 1925.



441. Reports on Iraq and Syria for 1924: Proposed Adjournment of the Discussion.

The CHAIRMAN said that he had received from the British Minister for Foreign Affairs the following telegram dated October 17th :

“Very urgent stop Discussion of mandate reports by Permanent Mandates Commission is understood to be imminent stop. As regards Iraq report in view of uncertainty of future of portion of territory dealt with therein His Majesty’s Government will be grateful if Commission will consider desirability of postponing consideration of report until League decision as to boundary has been given.

CHAMBERLAIN.”

The CHAIRMAN desired to know the views of the Commission on the requested postponement and, if it agreed to it, he wished also to know whether it desired to fix a date upon which it could discuss the report on Iraq or wait until the question of the frontier had been settled.

M. VAN REES thought that the discussion should be adjourned, but did not see how, at the moment, the Commission could fix a date on which to examine the Iraq report. The date on which the Mosul frontier would be fixed was not known, and, until it was known, the Commission could not examine the whole matter in a proper manner.

M. BEAU pointed out that the duty of the Permanent Mandates Commission was to fulfil its task, that was to say, to examine the report on Iraq just as it examined the reports on the other mandated territories, and that it was equally its duty to examine not superficially but in a properly detailed manner any serious questions which might arise in mandated territories. The Commission could not be contented with adjourning the question, but it ought, in his view, to fix a date, even though it were only a provisional one, for the examination of the report on Iraq. The British Government itself was obviously not in a position to know when the question of the Iraq frontier would be settled. It would be advisable for the Commission to fix a period of delay before examining the report. In any case, it seemed impossible for the Commission not to follow some such procedure in order to make it clear that it intended to fulfil its obligations, while granting, from motives of courtesy, the mandatory Power’s request for the postponement of the discussion of the report.

M. RAPPARD was of opinion that there were two courses open to the Commission. It could adjourn its discussion of the report on the mandate for Iraq on the grounds given in the telegram received from the British Government and adopt a resolution to the effect that it would consider the report at the session immediately following the date on which the final decision in regard to the Mosul frontier had been taken. The second alternative before it was to regard the question of the northern frontier of Iraq as being in no way concerned with the rest of the territory. Thus, if it adopted the second alternative, it could immediately discuss the report on the greater part of Iraq. He failed to understand how the Commission could logically postpone the consideration of the Iraq report to the next meeting if such meeting were to be held before the final settlement of the Mosul frontier question.

M. FREIRE D’ANDRADE was of opinion that the Commission should adopt the procedure requested by Mr. Chamberlain, but he agreed with M. Beau in thinking that it should fix a date, for the Commission should not give the impression that it was neglecting its duties. According to the Press, negotiations were in course between Great Britain and Turkey with regard to the Mosul frontier. Were the Commission not to fix a date — it could always grant a further period of delay if necessary — it might be asked, on the supposition that the Mosul frontier would not be fixed for several years, whether the Commission was going to wait until that time. He thought therefore that the Commission should defer to the wishes of the British Government.

M. BEAU was of opinion that perhaps a date earlier than that upon which the Commission held its regular session could be fixed. The Commission did not for a moment question the desire of the British Government to give an account of its mandate. Were that Government to desire not to complicate the question by a public debate before the League of Nations, the Commission would be fully ready to show confidence in it by granting a reasonable delay. He thought that M. Rappard would in this way be satisfied.

M. PALACIOS, while recognising the value of the arguments presented by M. Rappard, was of opinion that the Commission ought, on the one hand, to fulfil its duty, while without, on the other hand, refusing to agree to the well-founded desire of a Government. It ought, in fact, to maintain harmonious relations and to co-operate with the various mandatory Powers. It would be difficult to divide the discussion on questions concerning Iraq, for all these questions were mutually connected and the unity of the examination of them should not be broken. He was therefore of the same opinion as M. Beau that, while deferring to the desire of the British Government, the Commission should decide that the report would be examined as soon as it was possible to do so. It was for the Commission to fix immediately the date or to postpone its decision of the question.

M. VAN REES noted that his colleagues were all agreed to defer to the desire of the British Government. The observations made by M. Rappard were, in his view, most logical. With regard to what M. Beau had said, M. Van Rees doubted whether it would, in practice, be possible for the Commission to fix the date of the meeting during the course of which it would examine the report on Iraq, in view of the fact that at that moment the fixing of the frontier might not have definitely taken place, that the Council might not have promulgated its decision, and that internal or external disturbances or other unforeseen circumstances might have arisen during the interval which might make it necessary for the Commission to revise the decision which it desired to take immediately. He thought therefore that the Commission might find it advisable, in view of the necessity of proceeding to a serious examination of the question, to decide to adjourn such examination until the day on which it could be certain of conducting it in a detailed manner. The Commission had undoubtedly received a report on Iraq in June, but that report could not be considered as a definite one, in view of the new facts which had since occurred and which could not be ignored on the grounds that they had not occurred during 1924, the year with which the report dealt.

Consequently, he proposed that the Commission should defer to the British Government's request and should inform that Government that it would be ready to study the report on Iraq as soon as it found itself in possession of all the necessary information. Were that moment to be found to be very close to the regular session of the Commission in June, there would be no reason for holding a special session. On the other hand, if the Commission received the necessary information sooner — for example, in March or February — it could examine the possibility of holding an extraordinary session for the special discussion of the question of Iraq.

Sir F. LUGARD said that, in regard to Iraq, the British Government was speaking on behalf of an independent Government. Her position, therefore, in respect of this territory was quite different from that of any other mandatory Power. Presumably the British Government had asked for an adjournment of the discussion because it considered it advisable in the interests of the Government of Iraq. The Commission should remember that, since the British Government was speaking on behalf of an independent Government, any action on the part of the Commission which might prejudice the position of Iraq in its relations either with Great Britain or with Turkey would involve a grave responsibility. Iraq possessed an independent Government, and the Commission had never examined any report as yet upon it from Great Britain, which was its sponsor. In this respect, Iraq was unique and could not be compared with Syria or with any other mandated territory.

The CHAIRMAN thought that the observation of Sir F. Lugard was a grave one from a general point of view. He therefore read Article 1 of the Council's decision regarding Iraq in the following terms :

“So long as the Treaty of Alliance is in force, His Majesty's Government will assume, towards all Members of the League of Nations who accept the provisions of this arrangement and the benefits of the said Treaty, responsibility for the fulfilment by Iraq of the provisions of the said Treaty of Alliance.”

Personally, he saw no essential difference, as far as the League of Nations was concerned, between the reports on Iraq and the reports on the other mandated territories. The question was, he thought, so grave that, in his view, it was not the moment to begin a discussion on it. He agreed with the view of his British colleague that the immediate discussion of the Iraq report might give rise to difficulties either between Iraq and Turkey or between Great Britain and Iraq or between Great Britain and Turkey. At the moment, any argument put forward during such a discussion might be used by one or other side for its own purposes. On the other hand, he did not think that the other consideration concerning the international position of Iraq should weigh with the Commission. There was one point to be remembered : the Commission was entirely ready not only not to put difficulties in the way of the mandatory Power but to help it in the fulfilment of its task. In his view, the mandatory Power was in this case Great Britain.

M. FREIRE D'ANDRADE, in regard to the question of the date, thought, with M. Beau, that it was necessary to take account of public opinion. Members of the Commission had received a collection of Press commentaries from which it appeared that severe criticism was being directed against the Commission because of the private nature of its discussions and the small effect of its action. These criticisms were unjustifiable since the reports of the Commission were public documents. He thought that it would be best to entrust the Chairman with the duty of fixing a reasonable date when he had considered the moment had arrived.

With regard to the question raised by Sir F. Lugard, M. Freire d'Andrade agreed with the Chairman. Were Iraq to be an independent State, the duties of the Commission with regard to it would be at an end, and naturally it would not be for the British Government to speak in its name. It could be maintained that the report covered a period prior to the declaration of the independence of Iraq, but in that case the question of the frontier.

which had only quite recently become a burning one, would not constitute a reason for delaying the discussion of this report and the Commission would not have to await the solution of this question before discussing it.

M. BEAU thought it quite possible to conciliate the various points of view. He would himself have proposed that a definite period should be fixed in order to give satisfaction to public opinion, of which the demands, as M. Freire d'Andrade had pointed out, were steadily increasing and were, in fact, quite natural. Further, M. Van Rees had pointed out that it was impossible for the Commission to fix the date of the session at which it would discuss the question of Iraq, for the determination of the frontier did not depend on the British Government alone nor obviously on the Commission itself. Could not the solution be to fix a date not for the discussion of the report on Iraq but for the discussion of the A mandates ? It had often been said that these mandates were to a certain extent mutually connected since Iraq and Syria possessed a common frontier. The Commission should therefore fix as early a date as possible, in any case one prior to its next ordinary session, in order to discuss the reports on A mandates.

In regard to Syria, the report before the Commission was obviously incomplete since it dealt with events prior to those to which allusion had been made, and concerning which it was probably not yet possible to give those explanations which it was the right of the Commission to require. Consequently, both for the reports on Iraq and on Syria, the Commission should decide to hold its discussions during a special session. The Commission would not fix its date beyond determining that it should precede the normal June session.

M. RAPPARD maintained his previous point of view. The duty of the Commission was to advise the Council in general on the application of the whole system of mandates. In this particular instance, it was faced with a request from a mandatory Power to "consider the desirability" of postponing its discussion of the report on a particular mandated territory owing to the fact that the northern frontier of that territory was still *sub judice*. The Commission was therefore perfectly free to examine the reason given by the mandatory Power for asking for this postponement on its merits. If that reason held good at the moment, it would always do so, and there was, in his view, no ground for fixing a date for the discussion of the report other than the nearest session of the Commission to the date on which the frontier had been definitely settled. If, however, as the Chairman had pointed out, troubles had occurred in the mandated territory of Iraq, then the Commission should at once discuss the situation, whether or not it had a report before it and despite any request for adjournment, for the Commission had been founded for the purpose of watching over the interests of the population in all mandated territories.

In regard to Syria, the Commission had not been asked either by the Council or by the mandatory Power to postpone its consideration of the report on that country. In the view of M. Rappard, it was essential for the Commission not to ignore the situation in Syria. There were troubles in progress which were entailing loss of life. France, the mandatory Power, was in a very difficult position. She appeared to be doing her best to administer a very difficult country. In justice to herself, she must be allowed to give any explanations in regard to her administration of Syria which she might deem necessary.

He was unable to agree with the view which Sir F. Lugard had taken of the responsibilities of the British Government towards Iraq. The British Government might choose to consider that Iraq was an independent Power, but by the terms of her title Great Britain was responsible for that territory which was under mandate, and therefore, were it actually to be considered a completely independent Power, the mandate would have to be revised. The obligations of the British Government were clearly defined from an international point of view and subsisted intact. If, however, Sir F. Lugard had meant that the Commission, by discussing the report on Iraq, might influence in any way the fixing of the Mosul frontier and thus add to the difficulties of the situation, that might be a reason for postponing any such discussion. The Commission could not, however, make the fact that the mandatory Power regarded Iraq as an independent Power an excuse for refusing to examine the report. The Commission must be very careful. It could never refuse to consider the position in any mandated territory in which troubles had been reported to have broken out.

Public opinion had been, and was, very critical of the Commission. Its independence must at all costs be preserved and it must be, like Cæsar's wife, not only beyond reproach but even beyond suspicion. It should therefore avoid most scrupulously any appearance of being influenced in any way by political considerations of the convenience of a mandatory Power.

M. FREIRE D'ANDRADE agreed with M. Rappard on one point. The Mandates Commission was absolutely independent. At the moment when it had been desired to settle the part to be played by the Commission and the limits of its powers it had itself protested against such restrictions, for it had considered that the Commission should only be limited by the provisions of the Covenant, the instructions of the Council and the dictates of its own conscience.

He could not, however, agree with the observations based on the fact that the frontier of Mosul had not been fixed. If this were a reason for not discussing the report, how could the report on South-West Africa be discussed when a similar problem with regard to this territory had awaited settlement for three years? He was, he thought, in reality in agreement in regard to the question of principle, but he did not consider that this constituted a determining factor.

With regard to the situation in Iraq, he agreed, as he had already said, with the proposal to grant a period of delay. He thought that such a proposal was justified. He desired, however, to draw the attention of the Commission to Article 22 of the Covenant. Paragraph 4 of that article stated that those territories "have reached a stage of development when their existence as independent nations can be provisionally recognised subject to the rendering... of assistance by a Mandatory until such time as they are able to stand alone". The State of Iraq, therefore, was in a position of provisional independence. If a new kind of independence were granted to it, the only possible form, in his view, which it could take would be the right to conduct its own affairs by itself.

He was well aware that, in the treaty between Great Britain and Iraq, the former Power had undertaken certain responsibilities. Nevertheless, were Iraq to be independent, it was no longer a mandated territory, and the question whether Iraq was fulfilling its obligation under this treaty no longer concerned the Permanent Mandates Commission but the Council, which could, if it so desired, submit the question to the Permanent Mandates Commission. As he was not a lawyer, M. Freire d'Andrade had not clearly understood the position which it was desired to grant to Iraq, which, according to an official statement, was independent and enjoyed, therefore, not the provisional independence provided for in Article 22 but another kind of independence, which could only be that which was also provided for by the Covenant — that was to say, the independence of a country capable of standing alone. He would not, however, press his point.

As far as Syria was concerned, he was strongly of opinion that the question of this territory ought to be discussed later. The report before the Commission dealt with a period prior to that in which the troubles had occurred. If, therefore, the Commission desired to examine the report on Syria, it would be unable, by the provisions of Article 22 of the Covenant itself, to discuss the question of the disturbances, and public opinion might therefore be aroused by such abstention on the part of the Commission. The administration of Syria had given rise to strong criticism, even in the French Press. On the other hand, up to the moment of the outbreak, the Commission had not received any grave complaints from the Syrian population. A certain number of them had been expelled, but, according to the statements of M. de Caix, the administration of the territory was allowing those persons who had been expelled little by little to return. Despite, however, the existence of the right of petition to the League of Nations, that part of the population which was discontented had risen and was at war with the mandatory Power. The Commission should consider that revolution was not a good method of protest. Discontented persons had the right to have recourse to the League in the name of which the mandatory Power administered the territory. In the circumstances, the mandatory Power could do no more than begin by suppressing those who were in revolt. Complaints could only be made later. The present situation was obviously very regrettable, for the population in question must achieve its independence by peaceful means. It did not possess the right to revolt before it had exhausted all peaceful means of protest.

Personally, he was of opinion that the French Government was itself not in a position to give any explanations as long as the revolt had not been mastered.

Were the Commission to act at the moment in a less prudent manner, such action might entail unfortunate consequences in Syria and might be considered as an encouragement for one of the parties in the struggle. Were two or three months to be granted to the mandatory Power in which to do so, the situation would probably be found to be in hand at the end of that time, order would be re-established and those measures which might prove necessary would probably have been taken. What the Government of the mandatory Power was unable to do at the moment it might be able to do in two or three months, and public opinion would be satisfied.

Mistakes might have been made, and in that case the French Government would certainly be aware of this and would be anxious to correct them. It was only when the Commission knew what had happened that it would be able to judge of the defects in the administration and of the measures taken to remedy them.

In conclusion, he thought that the discussion on the Syrian mandate ought also to be postponed. It would be better to leave it to the Chairman, who was in touch with the Governments and with the Council, to fix the date on which these various reports could be discussed. Were the British Government to express the opinion at that time that the mandate for Iraq could not be discussed, the Commission could grant it a new period of from two to three months. On the other hand, in regard to Syria, it was to the Commission's interest to discuss the report in two or three months' time, for it could only, in the opinion of M. Freire d'Andrade, be inconvenient to discuss it immediately.

SECOND MEETING (PRIVATE)

*Held on Monday, October 19th, 1925, at 3.30 p.m.*

Present: All the members who had attended the preceding meeting.

442. Reports on Syria and Iraq for 1924: Proposed Adjournment of the Discussion (*continued*).

IRAQ.

Sir F. LUGARD said that, in view of the discussion which had taken place at the morning meeting, he would like to make his position quite clear. There was no question as to the acceptance by the mandatory Power of full responsibility for its obligations in the mandatory territory, so far as these were contained in the decision of the Council of September 27th, 1924. This meant that the mandatory Power was responsible for the fulfilment by the Government of Iraq of the provisions of its Treaty of Alliance with the British Government. This treaty provided for "complete observance" of the principles of Article 22 of the Covenant. The position in regard to Iraq was, however, somewhat different from the position which obtained in the case of other mandated territories, owing to the fact that "an independent Government" of Iraq had been recognised. M. Freire d'Andrade and M. Rappard had called in question the independence of the Government of Iraq, but the independence of this Government was explicitly recognised by the Council in its decision.

In view of the debate which had taken place regarding the request of the British Government, he would venture to submit a suggestion. Mr. Ormsby-Gore would be attending the Commission as the accredited representative of the British Government when the mandate for Palestine was discussed. The Commission might take this opportunity to ask Mr. Ormsby-Gore whether he was prepared to give the Commission any information concerning the request of the British Government. In the meantime, he would himself communicate with Mr. Ormsby-Gore, informing him of the desire of some of the members of the Commission that a date should be fixed tentatively on which the report on the mandated territory for Iraq might be reviewed.

Proposals had been put forward which would involve a third session of the Commission. It would probably be impossible for him to attend a third session. The position in regard to Syria and Palestine was not similar to that which obtained in regard to Iraq, and the reports on those territories ought, in his opinion, to be discussed in the ordinary course as inserted in the agenda.

M. VAN REES said he would also like to explain the point of view which he had put forward at the morning meeting. What were the reasons for which, in his opinion, it was advisable not to examine the report on Iraq during the present session? Was it only because the British Government had expressed a desire, not, as M. Rappard had observed, formally but in a way which in terms extremely courteous showed that the desire was a very definite one?

If the Commission were merely faced with a desire of this kind, it might bring forward as an opposing consideration the duty with which it was entrusted under paragraph 9 of Article 22 of the Covenant. The Commission, however, had to consider a factor which was much more conclusive, a situation which required the greatest prudence and which justified another course of action in the particular case.

Iraq was not a country governed by the mandatory Power nor was it a territory which enjoyed a certain autonomy. It was a veritable State, an independent kingdom, as his British colleague had observed, whose King had sovereign powers, although he had undertaken to follow on certain points the advice and the principles indicated to him by the British Government. This undertaking, moreover, would come to an end automatically upon the expiration of a short period of four years at latest. It might be asked whether really, in these circumstances, Iraq was still a territory under mandate and whether it would not be nearer the truth to say that the British Government had, in a way, freed itself from its mandate by constituting the Kingdom of Iraq and by concluding with the State thus newly constituted a treaty of alliance on a footing of equality.

Nevertheless, it could not be denied that there continued to be a mandate for Iraq, though it was different from the other mandates in Asia Minor. The Commission was therefore obliged to regard its task as extending to cover this territory. Nothing, however, obliged it to act immediately and without taking account of circumstances which might justify it in postponing the examination of the report on Iraq.

Were there any circumstances which justified a postponement at the present moment? The reply could only be in the affirmative. He was not thinking especially of the fact that the frontier had not yet been fixed, but rather of the serious consequences which might arise from the uncertain position caused by this fact, consequences which it did not seem necessary to underline. Was it possible for the Commission to act as though the question of Mosul did not exist? On the one hand, if the Mandates Commission took up the question, it ran the risk of uselessly increasing the difficulties which the attitude of Turkey had already raised for the British Government and for the Government of Iraq. On the other hand, if the Commission left the question on one side, it ran the risk of doing work which would be incomplete and not sufficiently serious.

In these circumstances, he would prefer to postpone the examination of the report until a date which it was impossible to fix at once, i.e., until the final settlement of the question of Mosul. Once this question was determined, he would willingly leave it for the Chairman to fix the date of the session at which the examination of the question might be undertaken.

M. FREIRE D'ANDRADE said he was too well acquainted with Article 22, which he read, to deny the independence of Iraq, provisional in the first instance and subsequently final. It was clear, according to the texts which had been considered, that Iraq had been regarded as capable of governing itself by its own proper methods. In these circumstances, however, how did it come about that it was the British Government which was asking for an adjournment of the present report ?

M. RAPPARD supported the proposal of Sir F. Lugard. The Commission should invite Mr. Ormsby-Gore to make a statement in regard to the request of the British Government. The Commission need not yet decide either to discuss or not to discuss the report on the mandated territory of Iraq, but would take this decision after an exchange of views with the accredited representative of the mandatory Power.

M. FREIRE D'ANDRADE thought, on the contrary, that, as the British Government had judged it advisable to conclude a treaty with Iraq, the question of the mandate no longer arose; since there was a treaty, it was for the Council to consider whether it must judge of the manner of its application or to consult the Mandates Commission if it so desired.

M. RAPPARD said that the Council had approved the treaty expressly on the ground that it contained a reservation which preserved intact the rights of the League of Nations. As the Mandates Commission was the technical adviser of the Council, its competence in the matter could not be questioned.

The CHAIRMAN said he was under the impression that there was agreement between the members of the Commission. The report on Iraq covered only a period of three months subsequent to the date on which the responsibilities of the mandatory Power began. Out of deference to the British Government, which asked that the examination of the report should be postponed, he would propose to suspend any further discussion or decision until the arrival of Mr. Ormsby-Gore, the accredited representative, who would be able to furnish some very useful explanations. It was the duty of the Mandates Commission to facilitate the task of the mandatory Power in a spirit of disinterested co-operation and not to create difficulties for the mandatory Power.

In spite of all the considerations which had been brought forward concerning the status of Iraq, or rather on account of these considerations, it seemed necessary that the exchange of views which had taken place should not be terminated without some pronouncement from the Chairman of the Commission.

Whatever might be the decision taken concerning the communication of the British Government, it must be understood that, from the international point of view, i.e., in its relations with the League of Nations, Great Britain was responsible for the application to the Kingdom of Iraq of the principles of Article 22 in the same way as all the other mandatory Powers were responsible for their mandated territories.

*The examination of the report on Iraq was postponed until the arrival of Mr. Ormsby-Gore.*

#### SYRIA.

The CHAIRMAN observed that the report on Syria had only just reached the Commission. It was true that the Mandates Commission had been obliged to note a similar delay with regard to a certain number of other reports, but in this case the special character of the political situation made it even more necessary than usual for the Commission to study the report very thoroughly. Faithful to its principle of co-operation and its obligation to assist the mandatory Powers, the Commission was bound to examine this question with particular care and weigh well the consequences of the various decisions at which it might arrive; in particular, the advantages of a postponement or the disadvantages of an immediate discussion.

If the Commission decided upon an immediate discussion of the report, it would run the risk before public opinion of taking up a position very liable to criticism. It would be entering upon the examination of questions concerning public education or the currency without dealing with the essential question of the present disorders, conflicts and general agitation in Syria, as the report presented to the Commission only dealt with the year 1924. Public opinion would not fail to protest against the excessive detachment of a body of experts which entered upon academic discussions on the texts of laws while a most serious situation was developing in the mandated country. If, however, the Commission entered upon the examination of the political situation without having obtained the necessary information in regard to it, it ran the risk of being ill-informed or of failing in impartiality.

The Commission was concerned above all with ensuring the welfare of the countries under mandate, and it could only perform this duty by bringing its attention to bear on facts which were in themselves very disturbing, almost too disturbing, with a full knowledge of all previous events and of all the causes and difficulties which had hindered or were hindering the good-will of those on whom very delicate and very serious responsibilities were laid.

In these circumstances, he thought there was a possibility of a satisfactory solution. Public opinion might be reassured by a statement to the effect that the Mandates Commission was asking the mandatory Power to furnish it within a very short period with a detailed report on the political events of 1925, and that it would at the same time examine all the petitions, numerous and often very circumstantial, from which it could extract information useful for the fulfilment of its object. In other words, he thought it was indispensable to announce that the Mandates Commission was asking France for all necessary explanations, and was asking the inhabitants not to present petitions with a view to aggravating the position but simply in order to facilitate the task of the Commission. The publication of an announcement stating that France accepted this procedure would certainly tend to reassure public opinion.

For the rest, he hoped that, at a very near date, the mandatory Power would have found it possible to remedy mistakes, if mistakes had been noted. He had just had a long conversation with a representative of the discontented populations, who had stated that, if the League of Nations were able to bring an olive-branch, it was desirable that this fact should be brought to the knowledge of the persons interested. Several persons belonging to various Christian persuasions had visited him in Rome in order to emphasise the gravity of the position. It would accordingly be extremely useful, in his opinion, to be able at once to make a communication to the Press in order to reassure public opinion.

In conclusion, he proposed that the Mandates Commission should give the impression that, finding it impossible at once to throw light on so delicate a question, it intended to undertake the examination of the problem with care and with the utmost conscientiousness. The Commission might at once get into touch with the representative of the mandatory Power and arrange with him as to the date on which the Commission might be able to receive a report on the political events of 1925.

M. RAPPARD agreed with the Chairman. The Commission must avoid appearing to deal superficially with its task or to seem in any way dependent or fearful of accepting its responsibilities. Everyone was aware that the present situation in Syria was extremely serious. It was not possible at that moment to say where the responsibility lay for this state of affairs, but the Commission obviously could not separate without showing that it was deeply concerned.

He would suggest that the Commission should decide not to consider the report on the mandated territory for the six months preceding 1925, in view of the gravity of recent events, before giving the accredited representative of France an opportunity of stating the views of his country on the situation and its causes, problems and remedies. The latter it owed to the mandatory Power not less than to the Council. The Commission could then discuss the next step to be taken and might decide to postpone a thorough consideration of the facts until it had received a written report on these events.

Sir F. LUGARD felt strongly that an opportunity should be given to the representative of France to explain existing conditions in Syria. The French Government would probably welcome an opportunity of answering criticisms which had been made in the Press.

He did not think too much attention should be paid to the possible comments of the Press and of the public on the course of action which the Commission, after due deliberation, decided to adopt. That course of action must be guided solely by a consideration of the welfare of the populations in the mandated territories. Members of the Commission must be guided by their consciences and not be too much preoccupied with what the Press or public might say of them.

He would point out that, in discussing the report on the mandated territory of Syria, the Commission need not necessarily confine its attention to the period or the facts covered by that report. The Commission had frequently gone outside the scope and the period covered by the reports under discussion.

M. FREIRE D'ANDRADE entirely agreed with the proposal. If the Mandates Commission studied the present report for the period of 1924, it could only pass an opinion on past events. It was indispensable that it should indicate the anxiety which it felt in regard to the very serious events which were taking place at that moment.

M. PALACIOS also approved this proposal, which showed an extreme prudence and enabled the Mandates Commission to suspend judgment until it was completely informed.

M. RAPPARD read a draft resolution based on the proposal of the Chairman and the views expressed during the discussion.

The intention of his proposal was to point out to the French representative that his report dealt with events prior to 1925, and that, in view of more recent events, the Commission did not think it appropriate to discuss this report alone, which was obviously out of date. The French representative would then be asked to give the views of the French Government on the causes and remedies for the present situation. The Commission would then state its intention of considering the present crisis and the whole situation in Syria on the basis of more complete information, which should be forwarded to the Council at an early date.

M. PALACIOS thought that though there was no contradiction between the note of M. Rappard and the comments which he had made, the two things were at least somewhat different. He would accept the draft resolution without any amendment, except

that he would in the last lines lay more emphasis on the urgent necessity of having an authorised report from the mandatory Power with a view to an early discussion of the matter. In his opinion, it was necessary for the moment entirely to suspend any examination of the report on Syria for 1924 until the Commission was in possession of authorised texts from the French Government dealing with the present situation. By taking up the discussion now, the Mandates Commission would run the risk of complicating the situation and even of furnishing the disputants with weapons.

M. FREIRE D'ANDRADE said he agreed with M. Palacios for the reasons which he had explained at the previous meeting.

M. RAPPARD said that the question of Syria was on the agenda and that the mandatory Power had not asked the Mandates Commission to forego its examination. It was therefore necessary to give to a representative of the mandatory Power an opportunity of appearing before the Commission. The Commission might inform this representative that, in view of the date on which the report was drawn up and the gravity of the present situation, it did not wish to examine the report, but that it would like to hear any statement which he might consider opportune, and might ask him to make an urgent enquiry in order that the facts might be before the Commission at its next session.

M. PALACIOS said he was, in principle and as a matter of duty, in favour of a postponement pure and simple, fixing a period extremely short within which the explanations of the French Government should be received and the examination of the question undertaken.

The CHAIRMAN read the draft resolution presented by M. Rappard.

After an exchange of views, *the resolution was adopted in the following form:*

"In view of the present crisis in Syria, the Permanent Mandates Commission decides to postpone for the time being the examination of the report on the administration of France as mandatory Power, since this report deals only with the six months prior to 1925. It desires, however, at once to afford to the accredited representative of the mandatory Power an opportunity of informing the Commission, if he considers it advisable, at one of its meetings, of the views of his Government on the present situation.

"In order, however, to form, in regard to this situation, an opinion based on a complete knowledge of the facts, the Commission must necessarily have a written report, supported by all the necessary documents, in regard to the political events of 1925 as a whole.

"The Commission would examine this report at the same time as the report for 1924, together with the petitions relating to Syria which had reached it, during an extraordinary session, to be held at a date sufficiently soon to enable the Commission to submit its recommendations to the Council during its session in March 1926.

"With this object in view, the Commission has the honour to recommend the Council to ask the mandatory Power to furnish it with this report before January 15th, 1926."

443. Examination of the Annual Report (1924) of the Government of the Union of South Africa on the Administration of Caprivi Zipfel (South-West Africa).

The CHAIRMAN read a letter from the Secretary of the High Commissioner for the Union of South Africa in London, asking the Commission to excuse his attendance, in view of the fact that the report, in his opinion, did not call for any special observations or explanations.

M. RAPPARD said that a preliminary question arose. Should the Commission discuss a report in the absence of the accredited representative of the mandatory Power? The Commission might decide to do this as an exceptional measure and because the report was clearly of very small importance. It was, however, for the Commission to determine whether a report on the administration of a mandated territory called for observations or not, and to decide whether or not the collaboration of an accredited representative was likely to be of service to the Commission.

M. FREIRE D'ANDRADE reminded the Commission that he had observed last year that this territory was under the administration of the High Commissioner for South Africa. He did not clearly understand what was the present position. He referred to the discussions which had taken place in the previous year on the legal status of this territory.<sup>1</sup>

Sir F. LUGARD replied that neither the High Commissioner for South Africa nor the Resident Administrator of Bechuanaland were under the authority of the Union Government, and that the Union Government could not therefore issue instructions to them.

The principle at issue was whether the mandatory Power had authority to delegate the government of a portion (large or small) of a mandated territory to another authority without the permission of the Council of the League. This was clearly an important principle.

<sup>1</sup> See Minutes of the Fourth Session (document A.15. 1924), page 57.



He thought it was important to note that the Governor-General administered the Caprivi zone as a delegate of the mandatory Power and not as High Commissioner for Bechuanaland.

M. RAPPARD said that the mandatory Power was in this case the Union of South Africa, which must clearly assume full responsibility. The Commission had reason to doubt whether the Administrator of Caprivi Zipfel was in fact responsible to the mandatory Power. The Commission must, however, presume that the administrative authority in Caprivi Zipfel was acting, so far as this territory was concerned, on behalf of the mandatory Power, and that the mandatory Power was ultimately responsible. It must, in fact, be assumed that the mandatory Power had not delegated its responsibility and that its choice of the High Commissioner or of the Resident of Bechuanaland to administer this territory had been made on the same footing, so far as the Commission was concerned, as its choice of Mr. Hofmeyr to administer the territory of South-West Africa. The Union Government retained the mandate and had chosen a certain person to administer the territory.

Alluding to the report, he noted that it contained very little information in regard to the inhabitants of the zone. The Commission could not very well consider the report without some knowledge of the facts. Who were the inhabitants of the country? What was their number? How was the territory administered? What degree of native co-operation was possible? What measures were being taken to improve health conditions, etc.? There was no information in regard to these important matters.

M. PALACIOS thought it would be necessary to make special mention of the questions of principle in the resolutions of the Commission.

The CHAIRMAN noted that the budget showed an increasing deficit. How was this deficit made good? The salaries of the administration of the district and of the police amounted to £737, the expenditure on the treatment of epizootic diseases to £393, whereas the total revenue did not exceed £151. He noted that, generally speaking, the Commission was unanimous in asking for information much more detailed and more precise based on statistics.

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### THIRD MEETING

*Held on Tuesday, October 20th, 1925, at 10.30 a.m.*

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Present: All the members who had attended the preceding meeting.

444. Examination of the Annual Report (1924-25) of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa.

Sir James Allen, High Commissioner of New Zealand, and Mr. Gray, Secretary, External Affairs and Cook Islands Departments, came to the table of the Commission.

The CHAIRMAN, in welcoming Sir James Allen, expressed the satisfaction of the Commission at the presence of Mr. Gray, whose high competence and great knowledge would be of much assistance to the Commission when discussing the report on Western Samoa.

#### GENERAL STATEMENT BY MR. GRAY

Mr. GRAY made the following statement:

My official position in the New Zealand Public Service is Permanent Head of the New Zealand Departments for External Affairs and the Cook Islands. It is in my former capacity that I have come to Geneva to assist the Permanent Mandates Commission in its examination of the report on the administration of Western Samoa.

I have been associated with the Administration of Western Samoa since the year 1918, when the territory was still in military occupation with Sir James Allen as Minister for Defence.

#### *General Policy.*

There is not much that I can add in elaboration of the several reports which have already been submitted to the League of Nations. The report for the past year, which is now under consideration, is particularly full and comprehensive. It indicates the policy which has been laid down for the guidance of our Administration in carrying out the duties imposed by the mandate as well as the progress achieved in the practical application of these principles.

It may, however, be briefly emphasised that the New Zealand Government has always construed the articles of the mandate as placing the interests of the indigenous population above any other consideration, and consequently all our legislation and administrative policies have been framed with a view to furthering to the greatest possible extent the moral, physical and material well-being of the Samoan people.

I feel I can claim that we entered upon our mandate duties with hope and confidence in our ability to carry them out, because, we were being asked to apply to the government of this new island group the identical principles which for many years past have been guiding and influencing the administrations of the other Pacific territories committed to New Zealand's care. We felt that we were merely enlarging our Pacific Native Trusteeship by including within it another great branch of our Polynesian peoples.

There was, and is, one important point of difference in the circumstances of these respective groups. The Cook Islands consist of almost purely native communities; there has been practically no penetration by European or alien settlers. But when New Zealand accepted the mandate for Samoa she took over a territory which had already been largely developed by European capital and which possessed a considerable European and alien population, many highly cultivated plantations and valuable trading establishments. It was necessary, in the interests not only of the economic life of the territory but of the Samoan people themselves, to maintain these European enterprises. It was vitally important that the great coconut plantations particularly should not be neglected, because, owing to the presence of the destructive rhinoceros beetle in the islands, the Administration dared not risk the creation of vast ideal breeding-grounds for this insect scourge by permitting the European coconut areas to fall into decay. Any such policy would have menaced the very life of the Samoan people. There was no other course open to the New Zealand Administration, therefore, but to maintain these cultivated European plantations and to continue the policy of importing alien labour to enable it to do so.

Herein lies the chief problem of the Administration. By the express injunctions of the mandate, it must regard the interests of the indigenous people as of paramount importance and the legislative and administrative course it pursues must always have that end in view. Obviously, there must at times be a clash with the interests of the European population, because it is not always possible to reconcile the interests of two such diverse elements at all points, and the mandate, as well as our own inclination, urges us to place the well-being of the Samoan people first. I have heard it said, and I think with great truth, that any Administration or other organisation which is charged with the primary duty of governing a territory in the interests of an indigenous people who "are not yet able to stand by themselves under the strenuous conditions of the civilised world" should be regarded with suspicion if it does not at times incur the hostility or awake the criticisms of the European trading and planting communities.

#### *Chinese Labour.*

The mandated territory of Western Samoa has not only a considerable European population actively engaged in trading and planting but also a large body of alien (Chinese) labourers, whose civilisation, mode of living and outlook on life are entirely different from those of the Samoans. The New Zealand Government frankly recognises the inherent dangers of the imported labour system and is anxious to end it at the earliest possible moment. A study of the vital statistics relating to the Samoan people encourages the hope that the day will come when the Samoans will be able to provide all the necessary plantation labour. In the meantime, every precaution is taken to safeguard the interests of the native people and we have the unanimous and considered opinion of the representatives of the missions in Samoa, than whom there is no more acceptable authority, that the presence of this imported coolie labour is not inimical to the moral or physical well-being of the Samoan race. The report under review will fully inform members of the Commission of the steps taken by the Administration to improve the working conditions of the Chinese labourers themselves and of the success which has attended these efforts. I think the members of the Permanent Mandates Commission will agree that the figures given in the table on page 23 of the report, under the heading "Chinese Department", afford the most convincing proof of the great contentment of the labourers with their pay and general conditions of employment. I have visited all the plantations owned by the Crown Estates Department and I can testify from first-hand knowledge of the excellent arrangements made for the housing of these labourers. The living quarters are well arranged and adequate and ample ground is always provided for the labourers to cultivate vegetables and other foodstuffs.

#### *Economic and Financial Situation : Ex-Enemy Property.*

The New Zealand Government, in accepting the mandate for Western Samoa, did so with the full knowledge that it might, and probably would, be called upon, at any rate in the

early stages of its administration, to supplement the finances of the Samoan Administration from its own resources in order to enable the Administration properly to discharge the duties entrusted to it. This has indeed proved to be the case and the liability has never been shirked. The Parliament of New Zealand has always granted the sums asked for by the Administrator to enable him to balance his ordinary budget. Unfortunately, during the initial stages of our mandate administration, the territory, in common with our own Dominion, was faced with a severe trade depression and our administrative activities in the interests of the Samoan people had to be limited accordingly. It was not possible for the New Zealand Government to proceed as fast as it would have wished, but I feel I am entitled to say that this financial stringency was not permitted to hamper the Samoan Administration in instituting essential medical and educational measures for the benefit of the Samoan people. The marked improvement in the economic and financial outlook during the last two years and at the moment entitles us to look forward to the future with the utmost confidence.

The improved economic outlook has a very great bearing on the financial resources of the Samoan Administration. I do not refer so much to the benefit which naturally accrues to the Samoan Treasury from increased trade and greater prosperity. I have in mind the policy of the New Zealand Government with respect to its Samoan Crown Estates. These are the landed properties of the former ex-enemy companies and nationals, which were retained in accordance with Article 297 of the Treaty of Versailles. The New Zealand Government has decided as a matter of considered policy that, subject to the discretion of the Minister of External Affairs, the Samoan Administration is to have first call on the profits derived from these properties to the extent required to supplement the Samoan Treasury in providing those services which are essential to a proper discharge of our mandate obligations. During the war and our period of military occupation, some of these estates earned handsome profits, but the reserves then accumulated, with the exception of £25,000 which was granted as a free gift to the Samoan Administration, have only been sufficient to tide the Crown Estates Department over the years of acute trade depression. This money could not be made available to the Samoan Treasury. Now, however, the estates are again earning profits and these will be at the disposal of the Samoan Administration as required for the purposes previously mentioned. During the present financial year, £12,000 will be so allotted, and the direct grant-in-aid from the New Zealand Consolidated Fund will be reduced by this amount.

As I have said, the mandate report deals fully and comprehensively with all phases of administrative activity, and it will be my duty and pleasure to supplement or elaborate, to the best of my ability, any point in regard to which the Permanent Mandates Commission desires a fuller explanation. The interim reports which I have received for the first six months of the present financial year are of a most satisfactory nature, the most gratifying feature being the steady progressive increase in the Samoan population. I am informed that the figures for the half-year nearly equal the total for the period now under review by the Commission.

M. FREIRE D'ANDRADE complimented the Government of New Zealand on the very remarkable report which was before the Commission. As was invariably the case with New Zealand, the report had been most carefully prepared both in regard to the essential questions with which it dealt and to the details. It was the best report which the Permanent Mandates Commission had received from any mandatory Power.

There was one question, however, of principle raised by Mr. Gray's statement with which M. Freire d'Andrade could not agree. Mr. Gray had said that the Administration had accepted as a guiding principle that its efforts should be directed particularly towards the well-being of the natives. This was not strictly in accordance with Article 22 of the Covenant, in which reference was made to "the well-being and development of such peoples", namely, of all those who inhabited the territories, whether indigenous or not. He believed that a very important point had to be settled in this connection. He would not deal with it now as it would be discussed at a special meeting, at which he would explain his views. It was impossible to admit as a principle that the mandate should be applied only in the interests of the natives; all the inhabitants of the territory should have the same right to share in the advantages accruing from the mandatory system. He had no intention of criticising the administration of Western Samoa, which appeared to be a striking example of how a mandatory Power should fulfil its duties, but since Mr. Gray had referred to the well-being of the natives rather than to the well-being of the whole population, M. Freire d'Andrade felt bound to direct the Commission's attention to this point.

M. VAN REES could not agree with the interpretation given by M. Freire d'Andrade to the point he had raised both before the Commission and in a memorandum which would be discussed at a later meeting. The word "peoples" in Article 22 of the Covenant undoubtedly referred only to the native inhabitants of the mandated territory. The term used in Article 22 of the Covenant, however, differed from that used in the text of the mandates. In the B and C mandates, which referred to increasing moral, material and social welfare, the word "inhabitants" was used, whereas everywhere else, when the provisions covered

only the natives, care had been taken to refer to them as natives. This distinction, apparently intentional, justified the inference that the duties of the mandatory Power were twofold : first, to safeguard native interests in accordance with the terms of the Covenant, and, secondly, not to neglect the interests of the other inhabitants.

M. FREIRE D'ANDRADE regretted to be unable to agree with the interpretation given by M. Van Rees. He had desired, however, merely to refer to the question, though he fully appreciated the manner in which the New Zealand Government was fulfilling its duties as a mandatory Power in Western Samoa.

Sir F. LUGARD observed that this question formed the subject of memoranda by M. Freire d'Andrade and himself, which would no doubt be printed with the proceedings of the session. They would be discussed during the present session of the Permanent Mandates Commission and a full report of the discussion would appear in its Minutes, which would be at the disposal of the High Commissioner and the Administration of Western Samoa.

Sir James ALLEN thanked Sir F. Lugard for his information. He hoped that it would be found that the Administration of Western Samoa was satisfying both the interests of the natives and of the rest of the inhabitants.

MR. GRAY pointed out that special emphasis had been laid on the well-being of the natives because they formed nearly 99 per cent of the population.

M. FREIRE D'ANDRADE remarked that, according to the report, the total population of Western Samoa numbered 34,000, of which 2,000 were non-natives. The computation of 99 per cent, therefore, did not appear quite accurate.

Mr. GRAY explained that a large majority of the 2,000 non-natives in question were half-caste Samoans who were registered as Europeans.

The CHAIRMAN, in summing up the discussion on the statement by Mr. Gray, thanked the High Commissioner, Mr. Gray and the Administration of Western Samoa for the report which the Commission had received. It was the best report before it, for it had been prepared in accordance with the form suggested by the League of Nations and had arrived in ample time for the members to study it. In the name of the Commission, he also thanked the Government of New Zealand and the Administration of Western Samoa for the health report, which gave the fullest details of that important branch of the duties of the Administration, and for the guide to Western Samoa, which would be of great use to anyone desiring to visit that country.

#### *Administrative Organisation : Legislative Council and Native Councils.*

Sir F. LUGARD enquired what were the relations of the Fono of Faipules and the Legislative Council. Did the Legislative Council initiate legislation and refer it to the Fono or was the opposite the case ?

Mr. GRAY replied that the Fono or Native Council, which had been in existence for centuries, had now been given legislative status and it dealt with matters of purely native interest. The legislation recommended by the Fono was not submitted to the Samoan Legislative Council but to the Executive Council of New Zealand, which confirmed it. Any legislation adopted by the Fono and approved by the Administrator would be at once passed by the Executive Council of New Zealand.

Sir F. LUGARD asked what were the powers of the district councils and village committees. Who approved the petty legislation adopted by them ?

Mr. GRAY replied that their authority and functions were set out in the legislation approved by the Fono and sent for final adoption to the Executive Council of New Zealand. They were modelled very much on the same lines as the Maori Councils, which had proved so successful in New Zealand.

In reply to further questions from Sir F. LUGARD and M. VAN REES, Mr. GRAY said that the marriage laws were dealt with by the Samoa Act and its amendments and were not within the jurisdiction of the district councils. These and the village committees had fairly wide powers of a purely local administrative order. There were a fair number of district councils, but the system had only just been introduced and in consequence the number would increase with time. The system was having marked success.

Sir F. LUGARD asked for the inclusion of further information in regard to the working and number of the district councils and village committees in the next report.

Mr. GRAY undertook to furnish such information and explained that the lack of it was due to the short period during which these district councils and village committees had been in existence. The Administrator of Samoa, during his recent *malaga* (tour of inspection) of the territory, had been able to note the success of the system.

Sir F. LUGARD asked two further questions : (1) What was the composition of the Legislative Council ? Did it consist of six unofficial members, three elected and three nominated, and six official members, making twelve in all ? (2) Had a permanent civil service been established in the Islands ?

Mr. GRAY replied : (1) That, as constituted by the Samoa Act, the Legislative Council consisted of six official members and not more than six unofficial members. At the moment, there were three unofficial members, all of whom had been elected. (2) A permanent civil service had always been in existence in Samoa, and by an amendment to the Appropriation Act, during the parliamentary session of 1924, all the benefits of the New Zealand Superannuation Fund were now extended to officials serving in the mandated territory. Every active year of service counted as one and a half years for the purposes of the pension fund.

#### *Communication of Laws, Ordinances, etc.*

Sir F. LUGARD considered this to be a very generous provision. He asked for bound copies of the Orders in Council, the Acts relative to Samoa, and the local Ordinances.

Mr. GRAY replied that these had already been bound and had left New Zealand at the same time as he had. The Commission would therefore shortly receive them.

Mr. GILCHRIST (Acting Secretary of the Commission) said that the Mandates Section had only received two bound volumes from the New Zealand Government, and consequently had been unable to distribute a copy to each member of the Commission.

#### *National Status of the Inhabitants.*

Mme BUGGE-WICKSELL said that the Permanent Mandates Commission had investigated some years previously the national status of the inhabitants of territories under C mandates. Had any general measures been taken in Western Samoa in regard to the national status, and, if so, had any considerable number of natives become naturalised individually according to the regulations approved of by the Council of the League of Nations ?

Mr. GRAY replied in the affirmative. When the British Naturalisation and Status of Aliens (in New Zealand) Act had been before the New Zealand Parliament, a provision had been inserted (Section 14) to deal with the case of inhabitants of the mandated territory. The Act had been extended to cover all the inhabitants of Western Samoa and the Cook Islands. New Zealand had therefore power to naturalise any inhabitants who so desired. A number of Europeans and natives had taken advantage of this Act. These were not, however, numerous, since the regulations had only just come into force. He thought, however, between six and twelve of the principal native chiefs had already filled in the necessary papers for naturalisation.

In reply to a further question from Mme BUGGE-WICKSELL in regard to the status of the natives, Mr. GRAY explained that the native Samoans were regarded as wards of the League of Nations under the terms of the mandate. No special Act had been passed granting them the status of a Samoans. Previously to the assumption of the mandate, the Naturalisation Law of New Zealand had applied only in the Dominion itself. It had now been extended to all the territories of New Zealand and to the mandated territory administered by it.

#### *Density of Population : Judicial Administration.*

M. RAPPARD desired to add his congratulations to those already expressed by other members of the Commission on the manner in which the New Zealand Government was fulfilling its mandate. It was especially gratifying that a representative of a country so far distant from Geneva should spend months in travel in order to attend the meetings of the Permanent Mandates Commission. The report was very full and very frank, and any questions asked about it should not be taken as criticisms. He desired therefore to put the following questions :

1. From the map it appeared that most of the settlements on the islands were along the coasts ; was the interior inhabited and, if so, was it under the effective control of the Administration ?

2. The report stated that there were 26 Faipules, each representing about 2,000 inhabitants. The total population, however, was given as 36,000. This statement did not, therefore, appear completely accurate.

3. Would it be possible for the Commission to have before it the *Tulafono mo Samoa i sisifo* (Native Regulations for Western Samoa) in English ?

4. On page 13 of the report, details were given of the cases dealt with by the High Court. The islands were situated very close together and possessed about the same population, but the delinquencies committed appeared to differ considerably in the two. In Savai'i, the principal misdemeanours concerned thieving and furious riding, while in Upolu the Court was mostly concerned with disputes concerning land tenure, dog taxes and so forth. How could this be explained ?

Mr. GRAY replied as follows :

1. Practically the whole of the settlements and villages were round the coast, especially in Savai'i, owing to the volcanic origin of the islands and the consequent roughness of the interior ; volcanic eruptions in Savai'i had only ceased in recent years. In Upolu, the interior was not so barren, but there was a range of mountains crossing it from east to west. In many parts of the interior, however, there was evidence of previous settlements, evidently during times when the population of the group was more numerous than it was at present. The reason why most of the settlements were on the coast or near it was because the Samoan people had a great love for the sea and kept near it for purposes of fishing and easy communication. Ways of communication were very arduous in the interior, but round the coast of Upolu, protected as it was for the most part by barrier reefs, sheltered waters were available for canoes. In Savai'i, on the other hand, there were only short patches of reefs, and consequently communication by sea was not nearly so frequent. Most of the cultivable land in the mandated territory was to be found round the coast, and there were only a few isolated taro and banana plantations in the interior. In Upolu, there were a few villages situated along the main track, running from Apia on the north coast across the island to the south coast. These native villages in the interior were just as well cared for and as effectively controlled as those on the coast.

2. The statement that each Faipule represented 2,000 inhabitants had probably been made because the Administrator had had in mind a population which was steadily increasing. Consequently that statement would become more and more accurate each year. It represented, in fact, a policy which would extend over the next ten or fifteen years.

3. The regulations asked for by M. Rappard were available in English and would be supplied.

4. In regard to the High Court, Mr. Gray explained that it had two jurisdictions. In its higher jurisdiction, it sat at Apia and was the single court for the whole mandated territory, thus including the island of Savai'i. Delinquents in Savai'i charged with serious crime were taken to Apia for trial. The High Court, in its extended jurisdiction, was presided over by a chief judge, and in its limited jurisdiction by Commissioners of the High Court. All serious cases, that was to say, civil cases in which the money value involved was over £20, or criminal cases in which the penalty involved sentence of imprisonment for over a year, had to be considered by the chief judge.

The CHAIRMAN, in regard to the size of the population in the islands, enquired what was the proportion of whites to natives. The figures appearing in the health report on page 26 did not give all the necessary information.

Mr. GRAY replied that the term "Europeans" was perhaps a deceptive one. Any person who had accepted the status of European was legally deemed to be European, but the actual number of pure Europeans was probably less than 800 ; the remainder were half-castes, possessing the registered status of Europeans. Full statistical information with regard to the population would probably appear in next year's report, as the ordinary quinquennial census was to be taken in New Zealand and all territories administered by it early in the new year.

#### *Labour.*

Mr. GRIMSHAW thanked the New Zealand Government for the additional information supplied on page 39 of the report in regard to the Melanesian labourers. There was one point in regard to the conventions or recommendations of the International Labour Conferences. The New Zealand Government had replied that those conventions or recommendations were not applicable in the mandated territory and that labour had the same protection that similar labour enjoyed in the Dominion of New Zealand. In actual fact, however, as could readily be seen from a perusal of the report, many of the principles prescribed by the conventions and recommendations of the International Labour Conferences were being put into effect, although they might not have been formally adopted. He thought it would be of use if the Administration would indicate in the next report which of these principles were in actual fact being applied.

Mr. GRAY undertook to furnish such information. The Administration of Western Samoa was always prepared to consider the application of any measures recommended

by the International Labour Conferences, provided that such measures were applied in New Zealand and could be applied to the territory. The labour regulations of Samoa were, broadly speaking, the same as those applied in New Zealand. The regulations in regard to labour in New Zealand were considerably in advance of the conventions and recommendations of the International Labour Conferences.

Mr. GRIMSHAW pointed out that in that case the statement in the report that the conventions or recommendations were not applicable was not perhaps strictly accurate.

Mr. GRAY agreed that it might have been expressed differently.

In reply to a further question from Mr. GRIMSHAW, Mr. GRAY stated that the same protection enjoyed by similar labour in the Dominion of New Zealand was accorded to labour in Western Samoa, except when special provisions were inserted in the labourer's contract, e.g., the conditions of Chinese labour were subject to special regulations. Other contracts, however, enjoyed the same advantages as similar contracts in New Zealand. Compensation, for example, for deaths by accident was granted to labourers in the mandated territory. In general, the Administration only applied those regulations of New Zealand which had a practical application in the Islands. He could assure the Commission that, if it could point out cases in regard to which labour conditions had been neglected, special steps would be taken to rectify the omission immediately.

Mr. GRIMSHAW said it would be of value if such a statement could appear in the report, since this was not invariably the case in other mandated areas.

Mr. GRAY undertook that the provisions applied to labour in the territory would be definitely stated in the future.

Mr. FREIRE D'ANDRADE referred to certain forms of work done only by natives. These included the upkeep of roads, the suppression of the rhinoceros beetle by the collection of larvæ and eggs, the campaign against flying foxes, etc. On the other hand, the report stated that, in general, native Samoans were not capable of performing very heavy forms of labour, and on page 6 it was stated that they must cultivate the land necessary for their needs and the needs of the chief. Was not such labour somewhat like forced labour? Were the natives paid for it? He asked this question in no way in order to criticise the Administration but merely for information.

Mr. GRAY replied that the labour in question could not in the least degree be regarded as forced labour. It consisted entirely of work done under the direction of the *matai*, who was the head of the family, for the common needs and good of the family. The natives outside the family were not obliged to work for the *matai*.

In regard to the suppression of the rhinoceros beetle, the weekly search for this insect, its larvæ and eggs was an obligation imposed on every adult in the territory, both native and non-native, possessing coconut-trees. Legislation in this respect was similar to that passed in New Zealand, which provided that every owner of land must keep it free from noxious weeds and rabbits, under heavy penalties.

M. FREIRE D'ANDRADE expressed himself perfectly satisfied with this explanation.

M. RAPPARD, referring to the Chinese Labour Department mentioned on page 9 of the report, noted that it was working satisfactorily, but that it was not mentioned in the chart showing the administrative structure. He desired to know whether it was independent of the rest of the Administration.

Mr. GRAY replied in the negative. The Department in actual fact consisted only of a single person, the Chinese Commissioner. He was a most competent official and his work was in every way satisfactory. He was directly subject to the Administration.

#### *Trade in and Manufacture of Alcohol.*

The CHAIRMAN, referring to page 40 of the medical report, stated that 1,036 gallons of whisky had apparently been consumed in the hospitals. This seemed to be a very large proportion per patient.

Mr. GRAY replied that the issue of liquor was under very strict control and that it was only issued on a medical prescription. The Administration did not interfere with the medical officers.

Sir James ALLEN was glad that the Chairman had called attention to the amount of whisky consumed.

*Liberty of Conscience.*

M. PALACIOS associated himself with the congratulations expressed by other members of the Commission on the excellence of the report. He wished, however, for a little more information to be given than that found on page 41 of the report in regard to liberty of conscience. It was stated that missionaries in Samoa pursued their work without restriction and that there was absolute freedom of conscience. Was that freedom applied to native believers or only to missions belonging to some definite sect? Were native beliefs unjustly interfered with under cover of the legislation concerning public order or morality? Was any discrimination made among the converted natives, reflecting the rivalries and disputes of the various missions?

Mr. GRAY replied that there was absolute liberty of conscience for everybody. All the natives were Christians. Restrictive laws concerning public order and morality would be found in the Samoa Act, and were related to the Criminal Code of the territory, which was approximately the same as that of New Zealand.

M. PALACIOS asked for further information in the next report concerning cases in which religious practices might be opposed to public order and security.

Mr. GRAY said he had never heard of such cases, but, if any arose, information would undoubtedly be given concerning them.

The CHAIRMAN noted that there were a number of Mormons in the mandated territory. Did adherents of this creed possess the same freedom of conscience as adherents of other creeds, or were there restrictive regulations in force similar to those adopted by certain States in America?

Mr. GRAY replied that the Mormons had been in the territory before New Zealand had a mandate. No restriction had been imposed upon them other than that imposed in New Zealand, namely, they were permitted to maintain the present numerical strength of their ministry but not to increase it. Thus, the number of Mormon elders had, in accordance with New Zealand policy, to remain constant.

In reply to Sir F. LUGARD, Mr. GRAY explained that the Mormons did not practise polygamy in Samoa, since such a practice was contrary to the law.

M. PALACIOS enquired the meaning of the expression "reservation of land for church purposes" on page 12 of the report.

Mr. GRAY replied that this land referred to areas granted to, or bought by, the missionary societies for religious purposes only. The regulations referred to on that page of the report had only become law subsequent to the end of the last financial year and would accordingly be given in the next report.

*Economic Equality.*

The CHAIRMAN drew attention to a Convention signed between Germany, the United States and Great Britain in 1900, which contained the following provision :

"Article III. It is understood and agreed that each of the three signatory Powers shall continue to enjoy, in respect to their commerce and commercial vessels, in all the islands of the Samoan group, privileges and conditions equal to those enjoyed by the sovereign Power, in all ports which may be open to the commerce of either of them".

Had any members of the Commission any remarks to make in regard to this provision and its connection with the League of Nations? He felt it his duty to refer to the matter, although the territory in question was under C mandate and therefore subject to a special regime. Were there any privileged tariffs, or was every country free to trade with the Samoan group of islands?

Mr. GRAY replied that there were no special privileges given to the first two countries, namely, Germany and the United States, named in that Convention.

The CHAIRMAN concluded therefore that the Convention existed but was no longer applied.

Sir James ALLEN doubted whether the Convention did exist, in view of the Treaty of Versailles, which had been signed subsequently to it.

The CHAIRMAN pointed out that the Treaty of Versailles had not been ratified by the United States of America and that therefore the Convention of 1900 remained in force for that State. It would appear, however, according to international law, that the Convention was in force for the other contracting parties also. It was an interesting fact that such an agreement apparently existed in the case of a mandated territory.



Sir James ALLEN asked that this question should be settled by His Britannic Majesty's Government and the United States. Germany was obviously no longer concerned in the question. There were British preferential Customs duties, since preference was given to Empire goods. This arrangement, however, had been made at the time of the signature of the Treaty of Versailles and consequently before the mandate had been accepted by New Zealand.

M. RAPPARD pointed out that the New Zealand Government had given full details of the preferential tariffs, to which Sir James Allen had referred, on page 42 of the report.

#### *Education.*

Mme BUGGE-WICKSELL desired to put a number of questions, not with a view to criticising the Administration but merely for purposes of information.

1. An Education Board had been set up to control the whole education system. That Board had several representatives of missionaries and of the Government upon it and it also included one Samoan member. Was it possible to increase, in the interests of the Samoans themselves, the number of their members on the Board ?

2. Were the more important regulations concerning education submitted to the Fono ?

3. All village schools appeared to be mission schools. There were four different missions in the territory; was the territory divided up so as to prevent duplication of work, or could there be schools of different missions in the same village ?

4. Did girls as well as boys attend the second-grade schools, and were these boarding-schools ?

5. With regard to the training of teachers, there were four missionary colleges. Before Samoan teachers went to the schools, it appeared that they passed through a third-grade school. Were special classes held for them at that school ?

6. Were there women teachers in the second-grade schools ?

7. Was hygiene taught ?

Mr. GRAY replied as follows :

1. The reference in the report to the composition of the Education Board might be somewhat misleading to one unacquainted with the territory. The Samoan representative was not a native Samoan but a half-caste, who was registered as a European. He represented the European population. The native interests were most fully safeguarded by the missionary representatives themselves. There was at the moment no native whom he could call to mind who might be capable usefully of serving on such a Board, for the natives had not yet reached a sufficient degree of civilisation. The native interests were most adequately safeguarded by the missionary representatives and by the Administrator and Secretary for Native Affairs, who had succeeded in obtaining the entire confidence of the natives.

2. The regulations concerning education were not submitted to the Fono. The existing personnel of the Board was amply sufficient to safeguard native educational interests. It would only be a question of time, no doubt, when a native representative or representatives would sit upon the Board. The Administration would assuredly make provision for them to sit when the time came.

3. The territory was not divided up among the missions. There were native schools presided over by the different missions in the various districts and natives sent their children to the school belonging to whatever creed they professed. The three principal missions were the London Missionary Society, the Methodist and the Roman Catholics. The Mormons were not nearly so numerous.

4. Children of both sexes attended the second-grade schools, which were not boarding-schools. The teaching to be obtained in them was of a higher quality than in the village schools. They were provided as required for each district, and, although not boarding-schools, they were easy of access.

5. Refresher courses were held for teachers in the Government schools at Malifa and Vaipouli and were giving excellent results. The teachers were taking the greatest interest in them and were coming to them in ever-increasing numbers.

6. The teaching in second-grade schools was carried out solely by missions. So far as he knew, there were no women teachers.

7. Hygiene was taught and was regarded as of great importance. A reference to it was to be found on page 32 of the health report.

Mme BUGGE-WICKSELL, in connection with the table on page 17 of the report, noted that there were in Malifa school a senior and a junior grade for which girls were admitted, but that there was no third-grade section shown in the table. The third-grade schools were open only for boys.

Mr. GRAY replied that the attendance for the third-grade section of the Malifa school had been included in the general figures for the senior Malifa school instead of being shown separately. He agreed that it would have been clearer to have shown the figures separately. The school at Avele was an agricultural school, the pupils of which passed on to the senior schools at Malifa and Vaipouli.

M. FREIRE D'ANDRADE wished to make certain observations involving a question of principle. On page 3 of the Administration's report, in the third paragraph of the chapter on education, it was stated :

“The excellent work of education carried out almost entirely by the missions for nearly a century merits the admiration of the Government and gratitude of the people.”

The same idea was expressed on page 41 of the report. He had made an enquiry into the work conducted by those missions in regard to education during the last century. On page 27 of the health report, it was said that the work of the missions in regard to education consisted in teaching natives to read and write and in giving religious instruction. Personally, he was convinced of the great value of religious education, being a Roman Catholic. But it seemed extraordinary that a Government which administered its educational services in a manner so remarkable had felt obliged to consider as worthy of admiration a system which, except for religious instruction, had no other result than teaching the natives to read and write. Moreover, the opinion of the Government appeared to be different, and rightly so. On page 3 of the report, at the beginning of the second paragraph of the chapter on education, it was stated :

“The policy which I have been instructed by the Government to carry out is not to educate the Samoans to become European in their outlook but to make them better Samoans, with a pride of race,” etc.

This, in the view of M. Freire d'Andrade, was an extremely just principle. It went without saying that he warmly admired the work accomplished by the missions in the moral development of the natives, but, in his opinion, the activity of these missions ought to be controlled and encouraged by the Administration of the territory. This was what the New Zealand Government was doing. The results appeared very satisfactory, as was shown on page 5 of the same report in regard to the agricultural development of the country. In this he found an idea, which he had long held, confirmed regarding the necessity for Government control of the education carried out by the missions, in order that they might also give the natives practical instruction in arts and crafts and, above all, in agriculture. It was therefore, in his opinion, the Government of New Zealand which should be considered as especially worthy of admiration, for it was not sufficient merely to teach the natives to read and write but to enable them to be useful and gain a livelihood.

M. RAPPARD asked whether the admiration was inspired on account of the work accomplished by the missions in fields other than that of education.

Mr. GRAY replied in the affirmative. They had done an immense amount towards raising the general standard of life in the last century. They had paved the way for civilisation in all the Pacific Islands. The reading and writing which they taught was in the vernacular and the literature was principally religious, usually the Bible.

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#### FOURTH MEETING (PRIVATE)

*Held on Tuesday, October 20th, 1925, at 3.30 p.m.*

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Present : All the members who had attended the preceding meeting.

445. Examination of the Annual Report (1924-25) of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa (*continued*).

*Education (continued).*

Sir F. LUGARD enquired whether any religious instruction was given in the Government schools.

Mr. GRAY replied in the negative. Religious instruction was not prohibited but did not form part of the curriculum. The missions were not authorised to give religious instruction in the Government schools. All the pupils were Christians.

Sir F. LUGARD enquired as to the inspection of village schools.

Mr. GRAY said that inspection was carried out by senior education officials, who visited the schools during the year. It was difficult to inspect all the schools directly, but the travelling teachers had the necessary qualifications to inspect and supervise the schools. They reported to the local education authorities and maintained a *liaison* between the education authorities and the missions.

Sir F. LUGARD enquired as to the boy scout movement, to which reference was made in the report.

Mr. GRAY said that this movement was an adaptation of the European Scout movement and that excellent work was being done.

Sir F. LUGARD enquired as to the conditions of apprentices in workshops.

Mr. GRAY replied that technical instruction was given in wireless telegraphy, plumbing, joining, etc.

Sir F. LUGARD asked if any instruction in the mechanism of power-driving machinery was given.

Mr. GRAY replied in the affirmative and explained that they had an extensive plant in connection with their Public Works and Crown Estates Departments. There were facilities for training in regard to motor-cars, motor-lorries, motor-launches, etc. The natives were very apt pupils.

M. BEAU asked whether the restrictions upon the higher education of the natives applied to the half-castes?

Mr. GRAY stated that the restrictions mentioned applied to all natives and to half-castes who were classified as natives. Certain of the half-castes were registered as Europeans and had been brought up as Europeans, but there were other half-castes who had reverted to the indigenous parent and who would be classified as natives. The restrictions mentioned by M. Beau were largely regulated by the positions in the Government service which were likely to be available for the more highly educated natives.

M. RAPPARD said his attention had been called to an article in the *Wellington Evening Post*, in which the Superintendent of Schools of the mandated territory, Mr. Rutherford, had made a very interesting statement on the admirable scout movement. There was a badge worn by the boy scouts, the five rays of which represented God, King, Country, Mind and Body. He ventured to suggest that possibly another ray might be added to represent the League of Nations.

Mr. GRAY said he would submit this suggestion for the consideration of the Minister for External Affairs.

The CHAIRMAN asked why, in the northern part of the Island of Savai', there appeared to be fewer primary schools than in the rest of the island.

Mr. GRAY replied that this was owing to absence of population, and pointed out that a great area in that portion of the island had been inundated by lava and that quite a large number of the population had been removed in order to provide them with new villages and cultivation areas.

Sir F. LUGARD asked whether the restrictions in regard to higher education had been resented by the natives.

Mr. GRAY replied in the negative.

#### *Public Health.*

The CHAIRMAN renewed the congratulations already expressed on the special report submitted on this question, which was very complete and interesting.

Mr. GRAY explained that the Public Health Department of Samoa had arranged for an exchange of publications with other health departments throughout the world. That was why its report had been printed as a separate document.

#### *Land Tenure.*

The CHAIRMAN drew attention to an apparent contradiction on pages 6 and 18. In the first paragraph on page 6 a statement appeared to the effect that "a very large portion of the Administrator's time is taken up with land questions", while on page 18 it was stated: "No sitting of the Samoan Land and Titles Commission has been found necessary during the year. . . ."

The Chairman further asked for information regarding the method followed in leasing Crown lands to private individuals; was the same type of lease granted to natives as to other individuals?

Mr. GRAY said, in reply to the Chairman's first question, that, by devoting his time personally to interviews with the natives, hearing their grievances and settling their disputes, the Administrator had probably rendered it unnecessary for those disputes to take a legal course through the Land and Titles Commission.

As regarded the second question, the leases to Europeans of Crown lands were quite distinct from those to natives. Mr. Gray explained that there was very little leasing to the natives themselves. Crown lands might be made available to a native community for village sites or plantation sites.

The CHAIRMAN noted in the report that the cultivation of rubber had been suspended in the Islands. Was there any particular reason for this, or was it intended to resume cultivation ?

Mr. GRAY explained that rubber could not be produced commercially if it fell below 3s. 6d. per pound.<sup>1</sup>

The CHAIRMAN understood that rubber had been cultivated when prices were lower than they were now. So far as he was aware, the prices of rubber at present were better than they had ever been, and he asked if the difficulty was owing to a lack of labour.

Mr. GRAY said that the difficulty was not the lack but the price of labour, which cost 3s. 6d. per day. There were several magnificent rubber plantations in Samoa which had been standing untapped for some years; the trees were, of course, appreciating in value. The last export of rubber had been in 1918, but since that time it had not paid the authorities to tap the trees.

The CHAIRMAN asked if the Chinese labour imported for other purposes could not be made use of for the rubber plantations.

Mr. GRAY said the only labour available was Chinese labour, which was too costly.

M. BEAU asked how the Germans had managed in this respect.

Mr. GRAY explained that the rubber plantations only came into bearing shortly before the war and that the main export of rubber from Samoa had taken place when rubber prices were very high indeed and when labour prices were, comparatively speaking, much lower than they were at the moment, so that it could be produced at a profit. The rubber plantations were all worked by Chinese labour under the Germans at about 1s. per day.

M. RAPPARD said he understood that, in other parts of the Far East, rubber was cultivated by means of Chinese labour. Was the most expensive Chinese labour used in Samoa, or were the natural conditions less favourable ?

Mr. GRAY said that the Chinese labourers in Samoa had much better conditions, both as regarded pay and ordinary working conditions, than anywhere else in the world. He did not think the labourers were correspondingly more efficient. In the reports of the Chinese Department of the Hong-Kong Government, frequent references to the very superior pay and conditions obtaining in Samoa as compared with the rest of the world were to be found, also references to the fact that there was never any difficulty in recruiting labour for that reason. The transport and recruiting costs were very heavy indeed. The question of the working of these rubber plantations had been a matter of the most serious consideration both by his own Department and the Administration of Samoa, but they saw no possibility of working the plantations. Where rubber and cocoa were intermingled, they had recently been eliminating the rubber.

M. BEAU asked whether the natives were allowed to go into the forests and tap the rubber trees the produce of which was lost.

Mr. GRAY replied that the rubber plantations were all owned and controlled by the Crown Estates Administration; no native labour was available for tapping the trees and, in any case, such labour would not be skilled labour. There never had been any suggestion put forward on behalf of the natives for the right to tap these trees.

M. RAPPARD asked if there was any policy of restriction.

Mr. GRAY replied in the negative; except that, of course, the authorities would not allow inefficient tapping to be carried out; it would have to be skilled tapping or the trees would be ruined.

In reply to a question by M. VAN REES regarding the statistics given in the report, Mr. GRAY explained that the statement on page 6: "As shown by the diagram on page 7, there are 581,370 acres of native lands, of which 350,000 acres are cultivated", should read "are capable of cultivation". This was a typographical error.

(<sup>1</sup>) See Annex 5.

M. VAN REES alluded to the tables given on page 10, noting that 143,630 acres had been alienated and that, according to the third section of the diagram, the total of cultivated land was less than 18,000 acres. The resulting situation was not apparently very favourable, seeing that only a very small part of the alienated territory had been cultivated.

Mr. GRAY explained that the present position as regarded cultivated land was almost precisely the same as when the territory was taken over. It was only in the last eighteen months following the after-war period that they had come out of a very acute trade depression, and there was no possibility during that interval of further development. As a matter of fact, certain areas had had to be abandoned owing to the impossibility of getting labour or adequate prices for their produce.

M. VAN REES enquired as to the 143,630 acres mentioned in the second section of the diagram. Did this include any of the Crown lands ?

Mr. GRAY replied that they were almost exclusively Crown lands. They were not, however, Crown lands in the sense of belonging to the Samoan Administration and to the Mandatory as such; they were Crown lands in the sense that they were the property of His Britannic Majesty in the right of his Government of New Zealand; they were, in fact, European lands in Samoa owned by the New Zealand Government.

M. VAN REES said he wished to form an idea of the area of the ex-enemy property purchased by the mandatory Power and asked whether information could be given to him on this subject.

Mr. GRAY said he could give the exact areas cultivated, capable of cultivation and not regarded as capable of cultivation.

In reply to a question by Sir F. LUGARD as to the position of these ex-enemy estates, Mr. GRAY said that in Samoa they had not been sold but leased; the Administration had accounted for the value of the estates through the Clearing Office, but the policy of the New Zealand Government had been not to dispose of them; they were held in trust in Samoa, being leased and rented as Crown estates. The revenues were handed over to the Samoan Administration at the discretion of the Minister for External Affairs.

Sir F. LUGARD asked whether these estates, belonging to the Crown, were liable to the same taxes, including import and export duties, as if they were owned by private persons, and whether the handing over of the profits was temporary and *ex gratia* or a statutory provision in perpetuity.

Mr. GRAY pointed out that details of the Crown estates had not been included in the report because they were private property owned in Samoa by the New Zealand Government; they were on the same basis as any other European property in Samoa.

In reply to a question by M. VAN REES, Mr. GRAY stated that there were four plantations at the moment still being operated by the Crown Estates Department. Arrangements were being made for leasing one of them — a mixed plantation, largely cocoa — but that the three large coconut areas were being retained as definite Crown estates under the control of the Crown Estates Board. The New Zealand Government had made it clear to the Administration that any areas on these Crown estates which were required from time to time for the needs of the Samoan people would, on the recommendation of the Administrator, be made available. The New Zealand Government was not dispossessing itself of the fee simple; it would simply hand over these tracts to the Administration for the use of the Samoan people. For instance, the Vaipouli School administered one of the coconut plantations of the Crown Estates Department in Savai'i, which provided food and requisites for the school.

In reply to a question by Sir F. LUGARD as to whether the Native Land and Titles Commission had been successful, Mr. GRAY replied in the affirmative. The Commission was concerned only with native land and titles disputes between natives.

M. FREIRE D'ANDRADE drew attention to certain passages on page 6 of the report. The first was as follows :

“I am convinced that the existing native land laws or customs will retard its development, and therefore, in their own interests, as well as in the interests of the territory, these laws should be changed.”

The second passage ran :

“These laws provide for the reservation of an area of land for each youth on reaching the age of sixteen years —  $8\frac{1}{4}$  acres for plantation as well as a village site, both of which he has the use of for a very low rental during the period of his life.”

Reference was also made on this page to the influence of the *Matais*, which was proportionate to the area of the land which they controlled. What was the regime which it was proposed to introduce ? It was obvious that land granted to these youths would improve in value during their lifetime, and he would be glad to know what became of the land after their death. Then, on page 13, reference was made to punishments for failure to pay poll-taxes and medical donations. What were these punishments ?

Mr. GRAY explained that the Administration had succeeded in inducing the natives to adopt a policy which had for its object the abolition of the communal system of ownership of land. The process was of necessity a slow one, but it was in progress in New Zealand and in the Cook Islands. In New Zealand and the Cook Islands, the authorities had dispossessed the chiefs of their *mana*, which carried with it the right to land and ownership during their lifetime and the subdivision of it amongst the individuals of the tribe or family, as the case might be. The problem was a difficult one as, naturally, the chiefs did not like to be dispossessed of their *mana*, and this could only be done gradually. The communal system of land in Samoa had many obvious disadvantages, the principal being that the energetic individual was at the mercy of his lazier fellows.

Quite recently, as the result of the visit of the Faipules to Tonga and to New Zealand, the Administrator had been able to get the Faipules unanimously to agree to recommend an alteration of the land system; under the new system, each adult, on reaching the age of eighteen years, was to be allowed a definite area of land for his sole use; he would be under the obligation of cultivating it and would enjoy the full fruits of his labour; in addition, when he married he was to be given a certain area in the village for his home site. A series of regulations had been drafted and approved both by the Administration and by the Minister of External Affairs. Provision was made for the transfer of the land to the proper people on the death of the head of the family.

M. FREIRE D'ANDRADE asked what happened, according to the Tonga system, to the land and houses built by these people when they died.

Mr. GRAY replied that he was not clear as to the position in Tonga, but, under the system which was to be put into operation in Samoa, the native owner of cultivated land would have the right to will it to whomsoever he pleased and, in the absence of a will, provision would be made for the constitution of a board to settle disputes equitably, allocating the land to the people concerned.

As to the punishment for failure to pay poll-taxes, Mr. Gray explained that he was not able to say exactly what punishments were inflicted; they would be found in the Legislation of Samoa.

#### *Social, Moral and Material Welfare.*

The CHAIRMAN called attention to the table of expenditure on page 35 of the report; certain items were included in the list of expenditure directly on the natives, which, he thought, called for a little explanation; for instance: "Entertainment of Samoans", "Native dog-collars", "Dog-tax bonus", "Flags and badges for native officials", etc. Was this expenditure in the direct interests of the natives?

Mr. GRAY replied in the affirmative. He explained that in all matters relating to native welfare, the Administration was given an absolutely free discretion within certain limits laid down by the Minister. The dog-tax bonus was a bonus given to native policemen and to the mayors of the villages, whose business it was to see that there were not numbers of stray dogs about, and where there was a dog belonging to a certain person to see that it was duly registered and the tax paid.

The CHAIRMAN said he hoped Mr. Gray would not think the Commission asked questions with a view to annoying or embarrassing the accredited representatives; the Commission made these enquiries merely to obtain complete information, especially concerning the welfare of the natives. He hoped next year the chapter would be more fully developed.

Mr. GRAY assured the Chairman that he did not in any way regard the questions as other than questions which should legitimately be put. The question of dogs constituted a difficulty in all the islands. If the Administration had its way, it would no doubt prefer to have all the dogs destroyed, but the natives had a great love for their dogs, and it was necessary to recognise that fact. In one of the Cook Islands, the natives had agreed voluntarily to the destruction of their dogs; that stage had not, however, been reached in Samoa.

M. VAN REES asked if the Pulenuus (chiefs of villages) were remunerated?

Mr. GRAY explained that the latter were really the mayors of the villages. They were remunerated.

M. FREIRE D'ANDRADE asked whether the natives in Samoa still tattooed themselves considerably, and whether the Administration encouraged them to do so.

Mr. GRAY replied that the Administration did not interfere in this matter. The missions were endeavouring to have the custom abolished; there was still practically a universal tattooing of the males from the hips to the knee; there was not any facial tattooing.

M. RAPPARD drew attention to a statement, on page 15 of the report, that there had been a slight excess of emigration over immigration, and asked why these people left the territory and whether there was a steady flow of emigration.

Mr. GRAY replied that, at the period in question, there might have been a larger departure of the natives on visits to their people in American Samoa. There was a considerable interchange of visits between the mandated territory and American Samoa, and this would come under the heading "Emigration"; there was no flow of the indigenous population out of the country.

With respect to the question regarding the remuneration of the Pulenuus, Mr. Gray said there were 91 Pulenuus, who were paid £17 per annum by the Administration. The following list was given in the Detailed Expenditure of the Territory:

	Each per annum
	£
2 Fautuas (high chiefs) . . . . .	132
19 Faipules (councillors) . . . . .	30
10 Pulefaatoagas (plantation inspectors) . . . . .	25
8 Komisis (native members of the Land and Titles Commission) . . . . .	20
15 Faamasinos (native judges) . . . . .	18
91 Pulenuus (mayors of villages) . . . . .	17
15 Failautusis (native clerks) . . . . .	10
2 Failautusis . . . . .	8
32 Leoleos (native policemen) . . . . .	7

*Public Finance.*

The CHAIRMAN remarked that the budget was rather summary in its form, and he hoped that next year it might be fuller and that copies would be sent to the various members of the Commission to enable them to study in detail the various items.

Out of a total budget of £135,523, he considered that £24,000 for the Health Department was a very satisfactory allocation. On the other hand, the expenditure on agriculture had fallen from £5,748 to £3,031. He would like an explanation of that item.

Mr. GRAY said that there had been internal departmental alterations which had enabled expenditure to be reduced. For instance, one district inspectorship had been abolished, allowances had been discontinued, and the Taulaele Farm, previously run by the Agricultural Department, had been leased.

The CHAIRMAN asked how the accounts of the Crown estates were kept. For instance, the amount shown on page 36 of the report did not appear to agree with the item of £22,000 shown on page 33.

Mr. GRAY replied that the Samoan Crown Estates Account was an entirely separate account from the Samoan Treasury account. There were usually large sums available from the Samoan Crown Estates, and occasionally it was convenient to make advances to the territory from that account. Therefore, it might easily be found at the end of a financial year, when the accounts were closed, that there was an outstanding debit to the Crown Estates Account. That, however, would be cleared up and rectified during the following year.

The CHAIRMAN observed that, while Mr. Gray's reply to his question explained the entry on page 34 of the report, it also showed the necessity of greater clearness and detail.

Mr. GRAY represented that the New Zealand Government was under no obligation to make any reference in the report on the mandated territory to the Crown Estates Department at all. These references were merely inserted for purposes of information.

He added that every year in Samoa a budget giving the estimates of revenue and expenditure was issued. If such information would be helpful to members of the Commission, he would arrange for copies to be sent to each member.

The CHAIRMAN asked that copies should be sent to all members.

Sir F. LUGARD pointed out that on page 36 there was a summary of revenue and expenditure for the last five years, and that in every case the expenditure was in excess of the revenue. He presumed that the deficiency was made up by the New Zealand Government each year in addition to the subsidy shown in the accounts.

Mr. GRAY replied that there had been an accumulating deficit, which had been wiped off last year or the year before. The New Zealand Government always received the request for the grant-in-aid some time before it was known what the actual expenditure would be, as provision had to be made in the New Zealand Government's estimates.

Sir F. LUGARD asked whether the subsidy from the New Zealand Government for the current year 1924-25 ought not to appear as two separate items, in view of the fact that a grant was allocated before the expenditure was known and that the deficit from the

previous year had also to be made good. In the statement of assets and liabilities, £56,790 was shown on the asset side, with a deficit account of £10,600 on the other side. He wished to know if the deficit would be met each year.

Mr. GRAY replied that the special reserves were earmarked to meet specific liabilities, such as the bank-note issue, etc. These reserves were held as investments in Government inscribed stock in New Zealand. He did not think the Samoan Administration had any deficit at present.

Sir F. LUGARD asked if it had a public debt.

Mr. GRAY replied in the affirmative, stating that the amount was £95,000.

M. RAPPARD wished to know if interest was charged for the grant-in-aid to cover the deficit.

Mr. GRAY stated that any grant made by the New Zealand Government to balance the ordinary budget account of the Samoan Administration was entirely a free gift, for which no interest whatever was charged. In addition to the subsidies mentioned as having been made from year to year, the New Zealand Government had, for the purpose of enabling the Samoan Administration to undertake public works, advanced money under Section 33 of the Samoan Act, liable to interest and sinking-fund charges. The original authority was for £100,000. This was not granted in one sum, but was issued from time to time as required, with the result that the sinking-fund charges had been increasing. For the coming year, in order to enable the Administration to meet some urgent public expenditure, particularly with regard to harbour improvements and water supplies, the New Zealand Government was advancing to the Administration £12,000 for a wharf loan, £20,000 for water supply and £10,000 for development purposes generally. In addition to the sums on the loan account, the New Zealand Government was making a grant of £20,000 towards the ordinary revenues of the territory, and this item would constitute a free gift.

M. RAPPARD pointed out that there was an error in the second column of the table shown on page 34. The item "Customs, Taxes and Marine" was shown as £7,219, whereas it was clear that it should be £17,219. The error was probably typographical. Further, he pointed out that the native taxes had nearly doubled in the course of a year. He presumed that the native taxes included the medical levy, although there were receipts from the hospital. He wished to know if it was the policy of the New Zealand Government to increase the revenue by means of native taxes or if the rise was an incidental one.

Mr. GRAY replied that the circumstances were exceptional due to the levy of the special Samoan medical tax. At the moment, all native medical attention was free; in the previous year, the native medical tax had been credited to the hospital revenue. There really had been no increase in taxation but a transfer of an item from one heading to another.

M. RAPPARD remarked that the item "Miscellaneous Expenditure" seemed rather large, and enquired if there were any substantial items included under that heading.

Mr. GRAY replied that approximately thirty items came under the heading of "Miscellaneous Expenditure", the largest of which were "Fares, Allowances and Expenses, £2,250" and "Rents, £1,500".

#### *Vital Statistics.*

M. RAPPARD noted that, in the period covered by the report, the number of deaths was half the number of births. This was a very remarkable and gratifying fact, which was worthy of notice.

Mr. GRAY said that the figures of the present year would show an even more rapid increase in the population.

The CHAIRMAN, in the name of the Commission, thanked Sir James Allen and Mr. Gray, and was happy to note the manner in which they had co-operated with the Commission, for no better method of examining a report could be found than to examine it with the help of the Administrators who had the honour and the difficulty of carrying on the work of civilisation in mandated territories. The thanks of the Commission were indirectly addressed to the New Zealand Government, which had made so happy a choice in appointing its Administrators of Samoa.

Sir James ALLEN thanked the Commission for the care with which it examined the reports and for its valuable co-operation with the mandatory Power in its task. The work of the Commission was not only of assistance to the Government concerned but could not fail to help other Governments in administering other mandates.

Mr. GRAY thanked the Commission for the courtesy with which it had received him, and expressed his pleasure at having been able to meet the members of the Commission. He would be greatly helped in his work by having made their personal acquaintance and having ascertained their views.



The CHAIRMAN hoped that the Administrators of Samoa as well as the Administrators of other mandated territories would carry back the impression that the object of the Permanent Mandates Commission was not to interfere with their work but — quite the contrary — to co-operate with them. Occasionally, perhaps, it entered into too great detail and, by reason of the great distance which separated it from the mandated territory in question, made it difficult always, in the first instance, to comprehend certain aspects of the questions it examined, but in the final resort its co-operation always resulted in the achievement of an undoubted advantage in the performance of the common task.

*Sir James Allen and Mr. Gray withdrew.*

#### 446. Mortality in the Diamond Mines of South-West Africa.

Mr. GRIMSHAW said the question of the rate of mortality in the diamond mines of South-West Africa had been raised during the last session and during the first session of the preceding year<sup>1</sup> and that a paper on the subject had already been distributed during the present session.<sup>2</sup>

On the previous Saturday, during the twenty-ninth session of the Governing Body of the International Labour Office, an important statement had been made by Dr. A. J. Orenstein, representative of the South African employers on the Governing Body, concerning the mortality in these mines, more particularly among the Ovambos. Dr. Orenstein had given an account of the dangers incurred by the natives in the mines and of the action taken by the Administration and the mortality figures for the first seven months of 1925. The mortality rate during 1924 had been about 120 per thousand per annum, but, owing to the action of the South African Government, it had been now reduced to about 30 per thousand per annum..

Dr. Orenstein had requested that the International Labour Office should communicate his statement to the Permanent Mandates Commission. Mr. Grimshaw proposed, therefore, to circulate Dr. Orenstein's observations and the new statistics, and he would suggest that they should be placed in the Minutes of the Commission as evidence of the value of its work and in order to give satisfaction to the South African Government, which had so successfully dealt with the matter.

*The Commission agreed* that the statement of Dr. Orenstein should be annexed to the Minutes (Annex 2). *It further decided* that a letter of acknowledgment should be addressed to Dr. Orenstein.

#### 447. Various Questions concerning the Work and Procedure of the Commission.

##### *Question of hearing Petitioners.*

The CHAIRMAN reminded the Commission that it had now worked for five years. It possessed Rules of Procedure and methods of work which were established. In particular, the procedure to be followed with regard to petitions had been fixed by the Council. In regard to A mandates, however, the tendency to make verbal representations was continually developing. It was useless to emphasise the disadvantages and dangers involved in this practice: *Verba volant, scripta manent*. He had conferred with the Secretary-General, pointing out to him that the representatives of various groups of the territories under mandate had formed a habit not only of communicating with Geneva in writing or verbally but of coming to see him personally at Rome. In this connection, he would communicate to the Commission the text of the last telegram which had just reached him. It was addressed to him from Jerusalem by the Secretary of the Executive Committee of the Palestine Arab Congress, which had appointed the Emir Chekib Arslan as the Pan-Arab representative to be heard by the Commission. He would also draw attention to a letter addressed to the Secretary-General by an Association of Quakers, who wished to be heard with regard to the position of the Armenian refugees.

The petitioners in these cases asked to be heard by the Commission and it was for the Commission to take a decision. The difficulty remained as to the cases in which the petitioners asked to see the Chairman personally. A considerable number of religious chiefs came continually to Rome, which was the centre of the Catholic world. They represented communities in Palestine, the Lebanon and Mesopotamia. As an Italian citizen, his responsibility was in no way committed by listening to their claims, but it was difficult for him to do so as Chairman of the Mandates Commission. Here there was a point of procedure to be fixed. The Commission might decide either that it was advisable that these petitioners should be heard for purposes of information, or it might decide that there was no objection to the Chairman hearing them himself or, again, it might decide that all petitions must be put into writing. He would ask his colleagues to express their views and to determine the procedure to be followed.

The increase in the number of petitions and personal applications gave him an opportunity of drawing the attention of the Commission to another point of a rather more general character. The Permanent Mandates Commission, created by the Treaty and perfected

<sup>1</sup> See Minutes of the Fourth Session (document A. 13. 1924, VI), pp. 82-86, and of the Sixth Session, (document C. 386, M. 132, 1925), pp. 69-70 and 178.

<sup>2</sup> See Document C. 622, M. 204, 1925.

by the Council, had received from M. Rappard a vigorous initiative, to which it owed to a large extent the importance of its development. However agreeable or disagreeable the fact might be, it was clear that a single annual session was now insufficient. Two sessions had already become usual, and perhaps it would be necessary to contemplate shortly a third session. The task of the members of the Commission could not, therefore, be regarded in quite the same way as at the beginning of its work. The Commission had to perform a task which had become all-absorbing. The meetings lasted for a fortnight, and it was no exaggeration to say that these meetings rendered necessary a month's preparatory work. The daily meetings lasted on the average for seven hours. In the course of the year, the members of the Commission continued to receive a flood of documents which must be examined. Finally, the very frequent journeys of a fairly long duration were sometimes somewhat inconvenient for persons who in their own countries filled remunerative posts.

Moreover, the members of the Commission must not only work but also justify the confidence placed in them and give the impression that their task was performed with the utmost conscientiousness. It was unnecessary for him to remind his colleagues, who were deeply impressed with the seriousness of their duties, to what degree their work was of grave consequence. It had been objected on several occasions that the mandates system was in reality a disguised form of annexation, but the conscientious and minute way in which the members of the Commission did their work was sufficient answer to this criticism and sufficed to show that all its members were conscious of the gravity of the task entrusted to them. It was a task which implied a real limitation of the authority of the mandatory Powers.

The Chairman invited his colleagues to reflect on the point to which he had drawn attention, as he reserved to himself the right to return to the subject before the end of the session.

M. FREIRE D'ANDRADE recognised that the task of the Mandates Commission was particularly delicate. If it went too far, it became liable to reproaches. If, on the other hand, it remained within prudent limits, it was immediately alleged that its activity was illusory and sterile. As regarded the first question put by the Chairman, however, he would point out that there existed Article 22 of the Covenant, and that the Commission had a system of rules which enabled it to receive communications from individuals, organisations and societies and to give them careful consideration. It was true that the difficulty arose above all in regard to A mandates, covering countries which contained numerous and varied races and religions. It was clear that it was necessary to fix a procedure in order to prevent ill-founded petitions from mischievously influencing the views of the members. Perhaps it would be well to invite the mandatory Power to reply to such communications within an extremely short period.

As to oral communications, it was clear that the Commission would be departing from its regular procedure if it examined them immediately, before having heard the Government against which allegations were brought; and he did not think one could very well bring before the Commission a representative of the country concerned to undergo cross examination in the presence of persons desiring to be heard in the event of the Commission deciding to hear them. The case of the Chairman, however, was quite special. He kept in continual touch with the representatives of the mandatory Powers and he needed to be very completely informed in order to direct the work of the Commission. M. Freire d'Andrade did not see any objection to the Chairman receiving any person who desired to make a communication to him, either verbal or otherwise, in order that he might make any use of it which he thought fit and even, if he thought desirable, communicate it to the representative of the mandatory Power. He saw no objection to such a procedure, as it was always possible to arrange for questions to be put to the representative of the mandatory Power, who might be able to say whether the complaints were or were not well founded.

The CHAIRMAN said that the first question which arose was whether the Commission should, or should not, consent to receive individuals or associations which asked to be heard during its sessions. This problem arose at once in regard to the Palestine Arab Congress, the Quakers' Association and the Zionist representative at Geneva. The procedure might be, for example, for the Commission to authorise the Chairman to hear these people, and in this case should he regard the communication as being made to himself alone or should he share this information with the Commission?

M. RAPPARD said that the Chairman had raised a great number of questions to which the members of the Commission were not expected to reply finally. A preliminary exchange of views, however, was possible. He suggested that the matter of petitions and that of the expenses of the Commission be kept quite separate in the discussion.

He imagined that the Chairman would never refrain from receiving any person who inspired a sufficient degree of confidence or refuse to listen to such a person. He supposed that, however, he would always make it quite clear that he was unable to make any official use of anything which was said to him unless it were formally submitted in writing. The Commission, moreover, would never be able to act upon any fact unless it was communicated to the mandatory Powers. All the members of the Commission were entitled to hear persons who applied to them for an interview, but these persons should never be left in any doubt as to the position and the correct procedure.

The question as to whether the Commission should itself receive individual applicants was subject to the same considerations. The arguments against any private conversation being officially used applied equally to persons who desired to speak to the Commission. In this case, however, the Commission could not hear any statement unless it were intended to be official. Applicants should therefore be informed that any statement for which they desired to assume responsibility should be put in writing.

M. VAN REES said that he had nothing to add to the excellent and complete statement which had just been made by M. Rappard, with which he entirely agreed.

M. FREIRE D'ANDRADE said that there was no real difference between the point of view of M. Rappard and his own. He had never considered that it was impossible for him as a member of the Mandates Commission to hear any person who desired to approach him, and hitherto he had always received any petitioners who desired to speak to him. He would observe, however, that the fact of hearing such representations might have an indisputable influence on the minds and opinions of the various members of the Commission. The fact of receiving at the present moment representatives from Syria and Palestine might have a very dangerous effect at a particularly critical period. He accordingly thought that the Chairman might invite the petitioners, if he thought necessary, to put their representations in writing and inform them that he would place these representations before the interested Governments, which would eventually reply to them. He did not think especially at the present moment that the Chairman should answer the numerous communications which had been sent to him by a mere statement that it was impossible to receive them.

M. RAPPARD said he did not see any difference between his proposal and the views of M. Freire d'Andrade. It was obvious that any interview granted to petitioners by members of the Mandates Commission might influence their ideas. They would not, however, have to take account of the facts which were thus brought to their knowledge as official facts duly authenticated.

M. FREIRE D'ANDRADE agreed.

The CHAIRMAN said he had now received an answer to his question so far as requests for a hearing were concerned. He would ask the Secretariat to reply to the effect that the Mandates Commission did not think it its duty to receive petitioners; but it was understood that the Chairman would always be happy to hear what they had to say. He would invite his colleagues to reflect on the other part of his statement with regard to the increasing burdens which the development of the Commission imposed on its members. On this subject, he had received three letters, from M. Freire d'Andrade, M. Orts and Sir F. Lugard, and he proposed that this question should be taken up later by the Commission.

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## FIFTH MEETING.

*Held on Wednesday, October 21st, 1925, at 10.30 a.m.*

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Present : All the members who had attended the preceding meeting.

### 448. Examination of the Annual Report (1924) of the British Government on the Administration of the Mandated Territory of the Cameroons.

Major F. H. Ruxton, Resident of the Cameroons Province, accredited representative of the British Government, come to the table of the Commission.

The CHAIRMAN, in welcoming Major Ruxton, informed the Commission that Major Ruxton had been for some considerable time employed on the administration of the mandated territory of the Cameroons.

#### *Title and Form of the Report.*

The CHAIRMAN said that it was once more his duty to point out that the report on the British Cameroons had not been addressed direct to the Council of the League of Nations but that it was an internal report from a department of the British Colonial Service to the Colonial Office. Even the covering letter in which the British Government forwarded the report to the League did not remedy this fault in procedure.

Major RUXTON thanked the Commission for its welcome. In reference to the work which he had done on the administration of that territory, he explained that he had not been in charge of the whole territory but only of the southern part of it. The report before them was the British Government's report on the mandated territory.

M. RAPPARD enquired whether the report was prepared for presentation to the British Government and Parliament and only forwarded incidentally to the League or whether it was a special report for the use of the League.

Major RUXTON replied that it was a special report prepared for the League.

The CHAIRMAN pointed out that the Council itself had in September last again asked the mandatory Powers as a formal practice to address their reports to it direct.

On behalf of the Commission, he desired to compliment the Administration of the British Cameroons on the fact that the report for 1924 was far more comprehensive and showed a great improvement upon the reports for the previous years.

Major RUXTON said that he would communicate to his Government the observations of the Chairman with regard to the manner in which the report had been submitted. He himself was not competent to deal with the question of the title-page of the report.

#### *Native Authorities.*

Sir F. LUGARD asked what were the mutual relations of the "clan councils", the "salaried chiefs" and the "native Court areas" (paragraph 65 of the report).

Major RUXTON replied that it was difficult to answer this question because the whole system was in an embryonic stage. The salaried chiefs should be more properly called elders, for in the forest area of the mandated territory there were no chiefs in the ordinary sense of the word. The Administration was endeavouring to form clan councils, which consisted of the village group elders in council. They were, therefore, for the most part, composed of the same persons as those referred to as salaried chiefs. The native authorities in the native Court areas were also practically the same persons as those in the two other categories. They were given powers under the Native Authorities Ordinance.

Sir F. LUGARD, with reference to page 7 of the report, asked what proportion of the population of the Dikwa district was Arab and what area they inhabited.

Major RUXTON replied that practically the whole of the Dikwa district was Arabic-speaking, except the pagans in the mountainous regions. The population consisted of Arabs or Kanuri. It was difficult to say exactly how many pure Arabs there were, but the Arab-speaking population amounted to 100,000 out of a total of 185,500.

In reply to a further question from Sir F. LUGARD, Major RUXTON explained that the Shuwa Arabs did not inhabit the Dikwa district, the inhabitants of which spoke a purer form of Arabic.

Sir F. LUGARD, with reference to paragraph 41 on page 10 of the report, noted that certain of the district headmen in Nassarao possessed Mohammedan names, though they were chiefs over pagans. Had the pagans been placed under Mohammedans and, if so, did not this tend to Moslemise them ?

Major RUXTON replied that the pagans had not been placed under Mohammedans, for they had been under them for many years previous to the assumption of the mandate by Great Britain. It was probably true that their influence tended to Moslemise the pagans.

Sir F. LUGARD, with reference to paragraph 241, noted that the native Court prisoners appeared to be placed in the Government prisons.

Major RUXTON replied that this was so in the Cameroons Province only but not in the north. The reason was that in the south there was no central native executive in existence, and therefore to build native prisons alongside the Government prisons would mean increased expenditure without corresponding advantage.

#### *Frontiers of the Territory.*

Sir F. LUGARD, with regard to the boundaries of the territory, reminded the Commission that it had already received information at previous sessions concerning the establishment of an Anglo-French Boundary Commission to delimit the frontier. Had that Commission finished its work ?

Major RUXTON replied that the negotiations between the Administrations of the French and British Cameroons had only been begun in June last and that he had no information as to their progress. The negotiations would concern the entire frontier from Lake Chad to the sea.

*Ex-Enemy Property.*

Sir F. LUGARD enquired whether all former German private estates had been sold.

Major RUXTON replied that all except two or three, which were now up for auction in Victoria, had been sold. These were quite unimportant. The estates had been practically all bought by Germans.

In reply to a further question from Sir F. LUGARD, Major RUXTON explained that the presence of these German purchasers had so far caused no friction.

M. RAPPARD said that, under the German regime, all the plantations were in German hands. Thus, if Germans had purchased back the ex-enemy property, the planters in the mandated territory were now essentially German.

Major RUXTON replied that this was so. They were almost all Germans, with only one exception as far as he was aware.

M. VAN REES enquired whether there were any plantations now in existence which were not ex-enemy property.

Major RUXTON replied there was only one property of this kind, which had belonged to a British firm before the war and was still in the same hands.

In reply to Sir F. LUGARD, Major RUXTON explained that the plantations were practically all on the lower slopes of the Cameroon Mountains, a few, however, being along the Meme and Mungo rivers.

*Policy of the Administration with regard to Native Institutions and Customs.*

In reply to a question from Sir F. LUGARD, Major RUXTON said that the British administration staff in the Dikwa area consisted of one District Officer and one Assistant District Officer. These had at their disposal at least one African clerk.

Sir F. LUGARD asked if it was not the case that the highest European authority in the Bornu Province exercised jurisdiction over Dikwa.

Major RUXTON replied that this was so. The jurisdiction of the two white officials in Dikwa was restricted to the mandated area. They were under the supervision of the Resident in Maiduguri.

M. FREIRE D'ANDRADE wished to raise a question of a general kind with regard to the British Cameroons to which he had already referred in the previous year.

He thought that the policy followed by the Administration, as explained in paragraphs 214 to 218 of the report, was perhaps excessive. This policy consisted in maintaining the present native organisations under the supervision of the Administration and endeavouring to perfect them until they could manage their own affairs. He did not think that good results would ever be achieved by this method. He noticed that, in paragraph 74, the Administrators possessed very wide powers and that they had even powers of life and death, though the sentences had to be confirmed by the Governor-General. The native Courts also had the power of life and death. Such powers seemed very extensive, all the more so as the information furnished in the report of the previous year with regard to the native chiefs showed that confidence could not always be placed in their administrative capacity. Further, the report did not state what financial or police resources were at the disposal of the native chiefs to enable them to exercise their powers. The native organisations, on which reliance seemed to such a great extent to be placed, appeared still very backward. A large number of natives were the slaves of fetishism and cases of cannibalism were noted. The Administration apparently relied to a large extent on the tribes themselves to put an end to this state of affairs. Cannibalism was, it appeared, being suppressed, but it had not entirely disappeared.

In his view, too great respect was shown to the native organisations. He reserved the right to return later to this question. The Administration hoped that, when it became possible to put an end to the present supervision exercised over the native organisations, these might be able to stand alone. Personally, he would be very happy to see that hope realised, but the examples and lessons of history did not so far justify the expectation.

Major RUXTON said that, with regard to the powers in the native Court, there was only one native Court in the country possessing Grade A powers. Details were given on page 19 of the report. The great majority of the native Courts were only of D Grade, with power, that was to say, limited to civil actions in which the debt, demand or damage did not exceed £10 in the Northern Cameroons and £5 in the Cameroon Province, and to criminal cases which could be adequately punished by three months' imprisonment, twelve lashes or a fine of £5. The only native Court with power of life and death consisted of trained and

relatively civilised Mohammedan judges. Everything that Court did, however, was under the supervision of the District Officer, who possessed full knowledge of all its activities. The Court could pass but could not carry out sentence of death without the confirmation of the Resident of the Bornu Province, the Lieutenant-Governor of the Northern Provinces and the Governor himself in Council, who had before them very full minutes of each case tried.

There was a native administrative police, under native heads, supervised by the District Officers.

In districts of the mandated territory very far away from the districts where native Courts were in existence, there were certain primitive areas in which cannibalism still continued on a very small scale. It was very difficult to discover it but it did exist, though perhaps by next year it might have been stamped out.

In regard to fetishism, this existed all over Africa and was not necessarily entirely bad. It corresponded in Africa to public opinion in Europe.

M. FREIRE D'ANDRADE noted that, according to the accredited representative, the native Courts worked under the supervision of the Administrator. There was no information to this effect in the report, however, and, further, he considered that the judicial power should be kept entirely independent. The Commission should also take note of the following passage in paragraph 62 : "Protected by the forest, these small communities maintained an independent and isolated existence". A little further, on in the same paragraph, it was stated that the natives were addicted to witchcraft. He did not think that the practices of witchcraft — among which was trial by poison — could be compared to public opinion in Europe. A little further on it appeared from the report that cannibalism still existed.

What financial resources were in the hands of the chiefs ? Had they the right to levy special taxes themselves on the inhabitants ?

Major RUXTON said that the difficulties raised by M. Freire d'Andrade were due to the poor syntax of paragraph 62 of the report. When it was said that these small communities "maintained an independent and isolated existence", that meant "had maintained them in former days". Similarly, the phrase "here they practised cannibalism" meant that they had done so before the Germans had suppressed it. The Administration had been suppressing cannibalism and, as far as possible, witchcraft since the beginning of their work on April 1st, 1916. It should be remembered, however, that witchcraft was not exterminated entirely even in England. When cases were discovered, they were immediately suppressed. Missionary influence would in the long run do away with witchcraft, but its suppression in criminal practices was the work of the Administration.

With regard to the financial powers of the native chiefs, these were limited to the collection of such taxes as had been approved by the Resident. The chiefs had a great deal to do with the drawing up of the native administration estimates in conjunction with the District Officer, but they had no power to collect revenues other than those approved by the Resident.

In reply to Sir F. LUGARD, Major RUXTON explained that the taxes were imposed by an ordinance and not by the Resident.

M. RAPPARD, referring to page 18 of the report, asked whether, in regard to the district of Victoria, the phrase :

"The main benefit brought to them by the system of native administration is that it enables half of the direct taxes paid by them, together with the fees and fines collected by the four native Courts, to be expended locally for the direct benefit of the contributors",

meant exactly what was expressed. Was not the main benefit of this system the fact that the natives were gradually being more and more associated with the responsibility of government ?

Major RUXTON said that the Division of Victoria was a very small one and had been so long under the influence of Europeans that it was very unlikely that any true native administration would ever be achieved. The backbone of the population consisted of the Bakweri, who had been gradually in the course of many years driven down to the coast from the interior. They were a very uninteresting people, and the phrase in the report therefore meant what it said and no more.

#### *Economic and Social Life of the Territory.*

M. RAPPARD considered the report to be a most interesting one. It was far more vivid than administrative reports generally were. It was gratifying to note in the first paragraph that no confusion would arise in future with regard to the relations of the mandated territory with Nigeria. Thus the wishes of the Permanent Mandates Commission had in this respect received complete satisfaction.

The report contained much information with regard to native life of a very instructive character. He would like, however, to have more information concerning the economic life of the inhabitants and as to how they supported themselves. What did they produce and how did they do it? The plantations in the territory only formed a very small part of that immense area. Could the accredited representative give the Permanent Mandates Commission any details as to the economic basis of the different tribes extending from the sea to Lake Chad?

Major RUXTON replied that it was impossible to give a general summary of the economic conditions obtaining in a long narrow wedge of country running from the sea to Lake Chad, because the ethnic and cultural differences between the various races were greater than any to be found even in Europe. At one end of the territory were living the most primitive people of Africa, inhabiting the hill-tops up to 8,000 feet. At the other end were living highly cultured and educated Arabs and Fullani. Between these two extremes there was an infinite variety of races. The economic life of the territory was, generally speaking, an internal one, that was to say, it was not dependent upon any great export trade. The natives cultivated their land and reared cattle for their own use and very little was exported by sea. There was a large amount of internal trade carried on, not by traders but between villages. In no case, however, was it within the mandated area, but it went from east to west either into Nigeria or into the French sphere of the Cameroons. There was no trade from north to south.

The crops grown varied from maize and millet in the north to the coco yam in the far south. Nowhere was there any economic development of an outstanding character.

The material condition of the natives compared very favourably with other parts of Africa. The great majority of women wore no clothes, not because they could not afford to buy them but because their husbands would not let them wear clothes.

In the Mohammedan areas of the territory the conditions were quite different and there woman more nearly assumed her rightful place. In the far south, where European influence was felt, the condition of women was materially good and morally bad.

M. RAPPARD was very much obliged for the information furnished by the accredited representative. Women of certain parts of the area obviously could not be dressed as long as no export trade was in existence and as long as there was no weaving in the country. Had the economic position of the territory progressed or had it been stationary during the last five years?

Major RUXTON replied that the husbands of the women could, and did, obtain clothes for themselves and were always dressed when in the presence of a white man. It was therefore possible for them to obtain clothes for their wives, but they did not desire to do so. There was a certain export trade, but such a trade was not essential to the economic life of the country. The natives indulged in it in order to obtain money to pay their taxes or dowries. The mandatory Power had only been in the country for a very short time and therefore an improvement in the material conditions could not be noted immediately. It would take longer to accomplish than the six years during which the mandatory Power had been at work. There was no doubt that villages to which labourers who had worked on the plantations had returned showed material improvement with regard to the native habitations. Neater, cleaner and better houses were being built in such villages.

Sir F. LUGARD said that, during the discussions of the Slavery Commission, M. Delafosse had maintained that there was no wife-purchase throughout the whole of Africa. He had seen it stated somewhere that, as the Cameroons was not a cattle country, the men accumulated wives instead of cattle, and sold them off when they desired to realise a part of their assets. Was this true? He was not sure whether this statement had been made in reference to the French or British Cameroons.

Major RUXTON replied that, in a country where banks had not yet won the confidence of the people and where cattle was not a convenient basis of capital, it was a natural thing for the capitalist to put his capital into women, and he accordingly did so. The more important a man, the larger the number of his wives.

Sir F. LUGARD asked whether he had come across cases of this practice in his own personal experience.

Major RUXTON replied in the affirmative.

M. BEAU asked whether the accredited representative could clearly define the role of the Administration in the economic development of the country. Was there a continuous effort being made to change, more or less gradually, the life of the inhabitants by developing agriculture and fostering economic improvement? The Commission had been informed of the development of certain forms of agriculture in the neighbouring territories under French mandate. Had similar measures been taken by the Administration of the British Cameroons in order to effect such improvement?

Major RUXTON said that the economic development of the territory was fostered in all ways open to a strong Administration seeking the welfare of the people. It was true to say that the means employed were indirect, consisting as they did of the maintenance of law and order, the building of roads and the fostering, by other indirect methods, of economic development and of trade, chiefly by regular and just forms of taxation, which compelled every adult man to obtain actual cash (shillings) in order to pay his taxes. The fact that the adult male had to find what was called "cash money" had a greater influence than any other measures.

M. VAN REES explained that M. Beau desired to know whether the Administration was acting in accordance with any particular plan or programme in the development of the territory.

Major RUXTON replied that there was no single plan governing the whole of the mandated territory, for that territory was administered as though it were part of the adjoining territory of Nigeria. The economic influence of Nigeria upon the mandated territory was very considerable.

Sir F. LUGARD enquired to what extent the agricultural department operated. Had improvements been introduced and model farms set up ?

Major RUXTON replied in the negative.

M. VAN REES understood that no definite plan had been adopted by the Administration. It appeared that the Administration desired to develop the native communities as much as possible and to continue to administer the country through these communities. This was the system of indirect administration, a method which it was not necessary to discuss again. The Administration, however, did not say on what lines the Government hoped to achieve a satisfactory development of the territory and of its inhabitants.

M. RAPPARD said that the question was not as academic a one as it appeared to be. The Commission had noted that the French Cameroons were showing a large surplus but that the opposite was the case in regard to the British Cameroons, which were proving to be somewhat of a burden on Nigeria. What was the cause of this difference ? Were the French Cameroons more fertile or was it due to the introduction into that territory of new agricultural methods by the French Administration ?

Major RUXTON said that the governing factor in the British Cameroons was geography. The shape of the British Cameroons meant that, in effect, they were actually an extension by a few miles of the frontier of Nigeria. This made all the difference to their economic development, for all communications and trade passed from east to west. It was therefore impossible to regard the British Cameroons as an economic entity. Any trade for which statistics could be produced was infinitesimal when compared with the internal trade, details of which it was impossible to record. Practically no trade entered or left the country from the port of Victoria, because there was no communication between north and south. To get from the south to the north of the country would take more than two months to accomplish on foot. The French Cameroons, on the other hand, formed an economic unit, possessing a very fine port and two railways. It was nicely rounded off except in the north, which might possibly prove less lucrative than the remainder of the district.

M. BEAU said he was perfectly aware of the unsatisfactory conditions of the British Cameroons with regard to trade. The question that he had asked was aimed especially at the agricultural development of the country. It seemed certain that this strip of territory, which already contained considerable plantations, would be suitable for extensive agricultural development. What he aimed at, consequently, was not so much the development of trade as of agricultural life, the foundation of native progress, which was the very object of the institution of the mandatory system. These various considerations, however, did not appear in the report. The difficulties which obstructed the development of trade were clearly shown ; on the other hand, it could not well be understood what reason there was for not teaching the natives better agricultural methods, to fight against the insects which ravaged the cultivated areas, etc. For the blacks, trade could only be an accessory. Without doubt, the colonial administrators of great experience had held that, in imposing taxes on the natives, they could be compelled to work. Some even affirmed that it was the sole method of obtaining this result. This was not sufficient. Was it not necessary at the same time to induce them to work by means of instruction, by the influence of example, by persuasion and encouragement ?

Major RUXTON said that he had already informed the Commission that the Agricultural Department of Nigeria had not yet sent experts to the Cameroons. All that had been done to foster the development of that country had been done by the administrative officers, who were, however, of necessity but amateurs in agricultural matters. They had done their utmost to foster the native cocoa plantations and to increase the tapping of palm-oil areas, and in this they had proved very successful. They had induced the pagans to collect palm-oil and take it down country. Further, something had been done in the north to teach the natives to cure and salt hides for export. It was true, however, that the central Administration at Lagos had not yet sent experts into the territory.



M. VAN REES quite agreed with M. Beau. Neither of them was entirely satisfied with the reply of the accredited representative. The Cameroons were administered, as far as economic considerations went, as part of Nigeria, but it should not be forgotten that the Cameroons was a mandated territory, which was of much greater interest to the Commission than Nigeria. He had not yet been able to obtain a complete picture in his mind of what the Administration desired to attain in the Cameroons. There seemed to be no definite programme, but, on the contrary, a somewhat hand-to-mouth method was being followed and the Administration appeared to have no final end in view. Taxes were indeed imposed, with the object presumably of making natives work, but the natives were left to themselves. This did not seem sufficient. The duty of the mandatory Power was to make well-directed efforts towards the moral and economic development of the territory. Would it not be possible to insert in its next report an account showing the guiding principles which the Administration proposed to follow, as had been done by the Commissioner of the Republic for French Togoland, who had made a clear and detailed statement on this subject during the last session of the Commission.

Major RUXTON ventured to express the view that the political aims of the mandatory Power were easier to define than the economic. Politically, it desired so to organise the country that, instead of a British representative being under the necessity of appearing before the Permanent Mandates Commission, one day a native of the British Cameroons would be able to take his place. He would, however, bring the remarks of M. Van Rees and other members of the Commission to the notice of his Government, and he trusted that a full and satisfactory answer would be given in the next report.

*General Policy of the Administration : Labour System.*

M. FREIRE D'ANDRADE agreed partially with M. Beau and M. Van Rees. He fully understood that the administration of the British Cameroons was based on the same system as that of Nigeria, which was a very developed colony and was administered according to principles with which he was well acquainted. The general principles followed by the Administration of the Cameroons did not, however, emerge at all clearly from the report, though he believed that such principles existed and that they were probably the same as those followed by the Nigerian Administration. It was desirable that the reports should in future be clearer in this respect.

For example, in reading Chapter 7, concerning labour, he had noted that there was no labour regime established in the British Cameroons. The natives were, however, allowed to leave the plantations on which they worked when they wished, even though they did so before the end of their contract, and this appeared to be a very lax system, which would do considerable harm to the future of the plantations. In the same chapter it was explained (paragraph 114) that the natives received very low wages because they did very little work, and the hope was expressed that, were the estates to be worked by private owners and the labour fully supervised, a higher rate of pay would come about. What, however, could be done by private persons to exploit their estates when they had to be worked under such conditions? A situation was created by such a system of management which would give rise to many difficulties in the future.

The Administration should take as an example the principles adopted in Nigeria, which was a very prosperous colony, and apply them. He entirely agreed with M. Beau and M. Van Rees in the desire which they had expressed that the next report should explain the principles which had been adopted by the Administration.

Major RUXTON pointed out that the system used in the mandated territory of the British Cameroons was, and must always be, the same as the system employed in Nigeria, because every official in the mandated territory was seconded from Nigeria and therefore only knew Nigerian methods. The system governing labour was certainly laxer than the German system, but then the ideas of the British administrators with regard to labour were very different from those of the Germans. All labour was purely voluntary. There was no breaking of contracts, because there were none to break. The freedom enjoyed by the labourer was absolute and the ordinance governing labour had never once been applied in practice.

M. FREIRE D'ANDRADE agreed that labour ought to be absolutely free. That was the case in Nigeria. In the British Cameroons, however, it was not a question of freedom but of licence. He reminded the Commission of what was said in paragraphs 112 and 114 of the report. Such a situation had no connection with freedom of work and menaced the future of the plantations. What could individual owners who wanted to work their estates do later when they found themselves without the resources enjoyed by the Administration in procuring labour? He did not in any way suggest that the Administration should return to the German system, but he thought he was right in saying that the labour system in Nigeria was not consistent with the system which appeared to be described in the report. The natives appeared to be engaged by the month, but they were, nevertheless, free to leave the plantations before the end of the month, and in that case they were not paid. Such a punishment appeared to him to be rather the result of the flight of the native than as resulting from a regular provision.

Supervision of the natives hardly existed, and they were left almost free to work or not to work. The native supervisors were paid in proportion to the number of men under their orders. As, however, it was the natives who chose the supervisors with whom they worked, it might be deduced, in view of the feebleness of their desire to work, that the supervisors who were less zealous would be more often chosen by the natives, and, therefore, the most highly paid.

If such methods were accepted as a system, there would be a difficult future in front of all the industries or agricultural enterprises which came to establish themselves in the Cameroons.

Major RUXTON said that, in general, the Administration believed in a free labour market and that absolute freedom was best in the long run. It had maintained the plantations with a staff of from six to eight white men, whereas the Germans had employed at least 100 white men. This had been achieved without any cost whatever to the Administration and without any labour troubles.

M. PALACIOS said he was also in favour of a free labour market, but of a liberty subject to regulation.

M. FREIRE D'ANDRADE noted that, according to page 58 of the report, a plantation upon which 12,000 men worked appeared to yield an annual revenue of only £284. He could not find in the report any other information dealing with the financial results of these undertakings. What profits could a private individual obtain to whom these plantations were allotted, when he would have to pay for supervision and the interest on his capital? If such a state of affairs were maintained, a country could never be developed. He had emphasised this view because he thought it to be of general interest. What would happen if individuals found themselves one day under the necessity of working the plantations for themselves?

Major RUXTON explained that the £284 shown in the table on page 58 of the report (item 7) was the rent of the Government property and, as the plantations had never been Government property, this revenue had nothing to do with them.

Sir F. LUGARD presumed that the revenue from the plantations appeared chiefly under the heading "Customs".

Major RUXTON replied in the affirmative.

Sir F. LUGARD observed that the value of the plantations under existing conditions of free labour might be gauged from the high prices paid for them at public auctions.

M. BEAU noted that, according to the accredited representative, the agricultural development of the country had been left to the initiative of the officials. It was obvious that these had been chosen because of their capacities and that they might in certain cases possess a knowledge of agriculture. Nevertheless, it might be regretted that the Administration of Nigeria had not sent to the British Cameroons the necessary experts whom they needed in order to carry out the programme which would have to be drawn up in six months' time, and which, in the view of M. Beau, would seem, because of the shortness of the period, to have to be completed in a hurry. Had it been impossible for Nigeria to furnish such experts or had the Administration of the mandated territory not asked for them to be sent?

Major RUXTON hoped that the Commission would not require him to give a direct answer if he undertook to bring the remarks of M. Beau to the notice of his Government and if he assured the Commission that everything would be done to foster agricultural development by posting experts to the mandated territory. A full statement with regard to this question would appear in the next report.

M. RAPPARD referred to paragraph 90 of the report, in which the duties of the administrative officers were summarised. If these duties really expressed the whole policy of the Government, it would undoubtedly have satisfied Adam Smith, in view of the fact that they seemed to be expected only to preserve law and order, but had no positive duties to perform in regard to the co-operation with those responsible for the economic development of the country. Was this really the case?

Major RUXTON explained that the summary in paragraph 90 was a very short one. In actual fact, the duties of the administrative officers were in no way circumscribed. They comprised every form of initiative and co-operation.

In reply to a further question from M. RAPPARD, Major RUXTON explained that every administrative officer was compelled, after two years' service, to pass a severe examination in a native language. If he failed in the examination, he received no increments or promotion.

The CHAIRMAN, before closing the general discussion on the report on the British Cameroons, informed the accredited representative that the Commission had desired to draw his attention to the general policy of the Administration, an account of which it would like to see included in the next report. The Commission had no intention of criticising the Administration. Its simple duty was to obtain information, and, since it was called upon to supervise the mandated territories, it endeavoured to obtain general information during its interviews with the representatives of the mandatory Powers.

SIXTH MEETING (PRIVATE)

Held on Wednesday, October 21st, 1925, at 3.30 p.m.

Present: All the members who had attended the preceding meeting.

449. Examination of the Annual Report (1924) of the British Government on the Administration of the Mandated Territory of the Cameroons (*continued*).

*Slavery.*

Mr. GRIMSHAW said he had circulated a note on slavery in the British Cameroons (Annex 3) to members of the Commission for their information, and Major Ruxton had been good enough to say that he considered it a fair statement of the position. The successive examination of three or four reports had now given the Commission an opportunity of obtaining a general view of the position as to slavery in the British Cameroons, but the statistics of slavery cases taken before the Courts in the whole of the area did not seem to be complete. He enquired whether it would be possible for them to be given in a complete form in future reports. Further, owing to the rather ambiguous wording of the reports, it was not always clear whether the legislation mentioned was applicable to the whole of the area or to the province of the Cameroons.

Major RUXTON thought that Mr. Grimshaw's memorandum presented a complete and succinct statement of slavery affairs in the territory of the Cameroons as given in the reports. The statistics were complete but they were not presented in good form, and he would see that this was remedied in the next report.

The legislation referred to was, and always had been from the beginning, applicable to the whole of the territory. There was only one sentence in the memorandum to which exception might possibly be taken, a sentence in which it seemed to be suggested that the action of the Government prior to February 28th, 1924, was not sufficient and that another ordinance was brought in to remedy a shortcoming. That was not the case. The Slavery Abolition Ordinance of Nigeria came into force on February 28th, 1924, together with the whole of the laws of Nigeria, but in practice, since 1916, no British officer had in any way recognised the social or any other form of status of slavery.

Mr. GRIMSHAW pointed out that, on page 47 of the report, reference was made to a "sheikh's council" in Dikwa and its competence in regard to slavery questions. He supposed that this was the same body referred to in previous reports as the "Emir's Court". In the Cameroons Province, so far as the Commission knew, the only Courts having jurisdiction with regard to the slave trade were the provincial Courts; but Mr. Tomlinson last year had said he was not sure whether the cases taken in the Emir's Court were cases of slave trade or of emancipation or redemption, which were dealt with by the native tribunals in general. Mr. Tomlinson, in reply to a question from Sir F. Lugard, had said that the Commission would be informed on that point, but no further information was given.

Major RUXTON said that neither the Dikwa native Court nor any native Courts had any jurisdiction in cases of slave-dealing or trafficking in slaves. The cases referred to were undoubtedly purely voluntary and *pro-forma* cases of redemption.

Mr. GRIMSHAW enquired as to the prevalence of domestic slavery in the area and whether the numbers of domestic slaves were increased by any forms of enslavement, as, for example, for debt.

Major RUXTON replied that domestic slavery existed in the Northern Cameroons. The majority of such domestic slaves were of the second or third generation and they were no longer being recruited in any way. A man was born a slave and a stigma was attached to him, which some people tried to remove. Sometimes the owners removed the stigma by emancipating the slave or the slave tried to remove it by going before the Court and getting a declaration from the native Court of his freedom. In the southern part of the Cameroons, the number of people who were known to other natives as slaves had been accurately counted and they numbered 1,917. Those were the only slaves in the southern province.

*Labour.*

M. VAN REES noted a passage, on page 25 (paragraph 106) of the report, which stated that forced labour for purposes other than essential public works was non-existent. In the following paragraph it was stated that there was nothing in the nature of a levy (*corvée*). This did not seem to be in agreement with the statements made in last year's report (page 42, paragraph 24), which stated, so far as the province of the Cameroons was concerned, that

labour employed by the native administrations was neither free nor paid. He would be glad of an explanation of the contradiction. Had any changes been made since 1923 ?

Major RUXTON said that the labour employed by the native administration did not fall under the head of essential public works. "Essential public works" were considered as works supervised and directly run by the Government, whilst native administration labour in practice was the keeping clean of a village and the keeping clean (not the making) of roads between villages. That, rightly or wrongly, was not considered to come under the heading of "essential public works and services" but "municipal works". In the latter case, neither the Government nor any white man intervened in any way whatsoever.

M. VAN REES noted Major Ruxton's explanation ; it showed that there were in the Cameroons labour levies or *corvées* which were not remunerated, for the purpose of works which the Government did not regard as essential public works.

Major RUXTON said that his Government had always considered *corvée* to mean Government-recruited forced labour.

M. RAPPARD enquired if the forced labour referred to in paragraph 106 for public works and services was paid or unpaid ?

Major RUXTON replied that it was paid labour.

M. RAPPARD noted in the report that all permanent labour was voluntary. He would like to know the meaning of the word "permanent" in that connection.

Major RUXTON replied that it was applicable to labour chiefly for making roads, which was recruited by the Public Works Department for a period of two to three months. Another form of labour consisted in the recruiting of carriers to take loads from place to place — a matter of three or four days. The labour for roads was voluntary, because the villagers would turn out at the invitation of the village council.

M. VAN REES wished to know if the labourers were punished if they resisted.

Major RUXTON stated that, if the village headman was strong enough, he would bring them before the native Court for disobedience to his authority.

M. VAN REES enquired whether payment for such work was made to the chiefs or to individual labourers ?

Major RUXTON replied that payment was made to individual labourers by the Public Works Officer employing them.

M. VAN REES observed that there accordingly appeared to be two categories of work — that executed for essential public works and services and that executed for municipal purposes. Was there nothing between those two categories ?

Major RUXTON replied in the negative. Carriers required by the Administration would, however, fall under the category of municipal labour as regarded their recruitment.

M. RAPPARD enquired whether payment was made for such labour ?

Major RUXTON replied that payment was made to individual labourers.

M. PALACIOS said it was necessary to be more and more insistent on the precise terms of the mandate as regarded compulsory labour in order to counter balance the effect of Article 6 of the draft Convention on Slavery approved by the last Assembly of the League.

Mr. GRIMSHAW wished to know how the labour was obtained for the larger public works for which compulsion might be necessary.

Major RUXTON replied that, so far, there had been no large public works, i.e., not more than 400 or 500 men had been employed at any one time by the Public Works authority, and they were recruited by passing the word round. The District Officer interested in the matter would tell the people in the villages concerned that labour was required and inform them of the rate of pay. The people would also be informed as regarded the housing arrangements and whether they could take their women, etc. But there was nothing that could be called recruiting.

Mr. GRIMSHAW presumed that it had not yet been found necessary to adopt regulations governing the period during which a man could be taken from his home, also governing medical inspection before and after, and the general conditions under which this kind of work was carried on.

Major RUXTON replied that, although an ordinance existed, it had never, so far as he was aware, once been applied. It had never been necessary to enforce regulations or ordinances in that connection.

Sir F. LUGARD remarked that, apart from the labour required for public works, for Government and by the village chiefs, there was labour for plantations under private ownership. Paragraph 117 of the report stated that the average number of labourers employed during the past year was about 10,000. Was there any system of recruiting them or did they go voluntarily to the plantations ?

Major RUXTON replied that there was no kind of recruiting other than the method referred to in the report, paragraphs 112 and 116.

Sir F. LUGARD enquired as to the number of men who took their wives to the private plantations that were now in German ownership.

Major RUXTON said he could not give an accurate figure, but he thought it would be about 20 per cent.

M. VAN REES asked if any pressure was put on labourers to go to the plantations, because last year a reference had been made on several occasions to moral pressure, exercised by the native administrations.

Major RUXTON said that never during the last five or six years had any intervention whatsoever been exercised in order to recruit labour for the plantations. The attractions were housing, plenty of free food and the encouragement of family and social life, etc.

Mr. GRIMSHAW pointed out that the plantations were no longer under the control of the Plantations Board but were in private hands, and he desired to know whether the Administration was taking steps to secure that the conditions mentioned by Major Ruxton as forming an attraction for labour would be preserved ?

Major RUXTON said that steps would be unnecessary because, as soon as the employers ceased to care for their employees, they would fail to obtain their services and consequently would not be able to carry on work on the estates.

M. RAPPARD thought it might be assumed that the wages and advantages offered to labourers must be sufficient to attract them, and that private planters could not normally count on the Administration to exercise moral pressure to secure labour for them.

M. VAN REES thought that the situation was exceptional, because in other colonies there were laws concerning labour contracts which secured for the employer the labour necessary for his undertakings.

Major RUXTON said that in the Cameroons there were laws regarding contracts, such as the Masters and Servants Ordinance. This particular ordinance had, however, never yet been applied, although the time might come when contracts and other governmental interference would be necessary.

M. VAN REES enquired whether a man engaged for one day, who left his employment after an hour or two, could be prosecuted under the Masters and Servants Ordinance ?

Major RUXTON replied in the affirmative, but the fact was not generally known to the employees.

Mr. GRIMSHAW asked whether such prosecution would be taken under the civil or criminal law ?

Major RUXTON replied that it would come under the civil law.

Mr. GRIMSHAW asked whether there was any penal sanction for a breach of contract of that kind.

Major RUXTON replied in the negative.

M. PALACIOS said that this appeared to him to be an excellent principle.

Mr. GRIMSHAW said he presumed that the Masters and Servants Ordinance governed the relations between employers and employees in the plantations as well as workers in general and that they did not come under any special law.

Major RUXTON replied that they came under the Nigerian ordinary law.

Mr. GRIMSHAW enquired whether provision was made by legislation for the maintenance of hospitals on the plantations and in general for a system of inspection.

Major RUXTON thought they did not.

Mr. GRIMSHAW suggested that matters such as these needed attention.

Major RUXTON agreed that it was a point which should be brought to the notice of his Government. Regulations governing hospitals and the welfare of the employees must

necessarily be enforced as soon as the Government concerned itself with the recruiting of labour.

Mr. GRIMSHAW felt he ought to protest against the idea that the Government should only take such precautions when it was called upon to intervene in the work of recruitment. The duty of the Government was to take care of the population in any circumstances.

Major RUXTON said that undoubtedly his Government was in agreement with Mr. Grimshaw, and that in practice the estates now in the hands of German owners were continually visited and inspected by administrative officers. Although his Government had no law to support them in their action, no objections had been raised by the German owners.

Mr. GRIMSHAW suggested that the questions which he had asked, and which Major Ruxton had answered, might be put in a general form. It might be asked what powers the Administration possessed to exercise authority over employers, particularly in the plantations, in order to secure satisfactory conditions of labour therein. Perhaps a future report might give this information.

#### *Arms Traffic.*

Sir F. LUGARD said that paragraph 122 of the report implied that no account was taken of the arms which left the country.

Major RUXTON replied that account was taken of all arms which left the country. Paragraph 122 stated :

“It is impossible to say how many arms of precision remain at any given time in the mandated territory, for the reason that not a few of such arms have already paid duty and been licensed in Nigeria before being brought into the Cameroons.”

The majority of arms were licensed in Lagos once and for all. Such arms came into the country and were taken out again and the licences were accounted for in Lagos.

#### *Trade in and Manufacture of Alcohol and Drugs.*

The CHAIRMAN observed that the imports of gin were greatly superior to the quantity noted for the previous year. Was this due to the fact that the number of Europeans, or the quantity consumed per head, had increased ? How was the importation of spirits in sample bottles regulated ?

Major RUXTON said he had no knowledge of the spirits in sample bottles. This subdivision was merely a part of the Customs departmental routine. As to the increase in the imports of gin, he would point out that only one-fifth of a gallon per head of the population was consumed in Kumba and Victoria divisions. The increase in the southern districts was probably due to the increased number of Europeans and educated natives. No spirits were at present imported from Nigeria.

Sir F. LUGARD enquired whether there was any smuggling from French territory owing to the lower duties which there prevailed.

Major RUXTON said that there was no evidence of any smuggling from French territory. The sale of spirits to natives was prohibited by French law, and only last month the French duties had been considerably increased.

Sir F. LUGARD enquired whether any steps were being taken towards equalising the duties in British and French territory.

Major RUXTON said that nothing definite had yet been decided.

Sir F. LUGARD noted a reference to a preventive service. Was this service distinct from the ordinary Customs service ?

Major RUXTON said that there was a small preventive service which patrolled the land frontier but which was attached to the ordinary Customs station.

M. FREIRE D'ANDRADE said that he had been present in Geneva last September at an International Conference on Alcohol. Mr. Blackburn, Secretary of the Native Races and Liquor Traffic United Committee, 21 Great Peter Street, Westminster, London, had called his attention to the increase in the consumption of spirits in colonies and mandated territories.

Mr. Blackburn had also stated that, in most cases, the alcoholic liquors in question were particularly dangerous, and he had quoted in support of this statement several letters from merchants offering cases of twelve bottles at ludicrous prices, varying between 1s. and 1s. 10d. Such alcohol was absolute poison, and traffic in spirits of this kind was expressly prohibited by the Covenant. It appeared that control was necessary not only in regard to the amount but also in regard to the quality of the spirits imported. He noted that the import of methylated spirits was free. This might give rise to abuse, as natives were in the habit of drinking methylated spirits. There had been twenty-five convictions for this offence in Western Samoa. He did not think that the import of gin for 1924 (1,025 gallons) was excessive, provided it was of sufficiently good quality.

Major RUXTON said that the quality of the gin was dealt with under the regulations of the Customs Ordinance and that the brands imported were published in the *Gazettes* under the authority of the Government. This was a matter for the Government analysts in the Netherlands and in Great Britain.

M. RAPPARD said it had been stated in the Advisory Committee on the Traffic in Opium that coca was grown in hedges in the Cameroons and Togoland. Was there any possible danger involved in this practice ?

Major RUXTON said that the coca shrub was used for bordering the compounds in the Cameroons. He did not think that any of the natives were even aware that the coca leaf could be used as a drug, but he would see that the plant was eradicated.

Sir F. LUGARD observed that it was not indigenous but had been introduced by the Germans and should be destroyed.

#### *Liberty of Conscience.*

The CHAIRMAN noted that there were no Christian missions in the northern district. Was this owing to the fact that there were no missionaries or that the Administration did not wish to have them ? He would also ask whether the Administrator did not consider that the subsidies granted to the missions, which were only £22 per mission per annum, were too small, in view of the fact that these bodies were performing educational duties.

Major RUXTON said that the question of the missions had not arisen in the Northern Cameroons, which were too remote and too distant. No missionary bodies had applied for permission to proceed to this region. Missions would not be encouraged to go to Dikwa, which was a purely Mohammedan centre. As to the subsidies accorded to missions, it was difficult for the Administration to find money for this purpose out of the public funds. All possible moral support was given to the missions. The subsidies given for educational purposes would be found on page 64 of the report. The mission schools had not yet reached the standard laid down in the Education Ordinance necessary to qualify them for a regular subsidy. Small subsidies were given by the native administrations in order to assist mission schools to reach the necessary standard for a Government grant.

Sir F. LUGARD said that, in the previous year, reference had been made to the appointment of boards of trustees for the property of the German missions. Had these boards been created ?

Major RUXTON said that action was being taken at the beginning of the year.

#### *Economic Equality.*

Sir F. LUGARD, referring to paragraph 145, enquired whether goods imported through Duala were allowed to pass free in transit.

Major RUXTON replied in the affirmative.

The CHAIRMAN, referring to paragraph 147, noted that the ex-enemy plantations had been sold for £224,670.

Major RUXTON said that this sum had been credited to the German Liquidation Fund.

The CHAIRMAN enquired whether the property had been sold to German purchasers who had returned to the country.

Major RUXTON replied in the affirmative.

#### *Education.*

Mme BUGGE-WICKSELL enquired as to the meaning of the expression "rural schools." Were they schools which were not situated in towns or had the word "rural" any bearing on the grade of the schools ?

Major RUXTON said that all the schools mentioned in the report were rural schools and the standard was that of primary education. The large school at Dikwa would, in accordance with the terms used in the report, be a rural school.

Mme BUGGE-WICKSELL said that it had been stated in previous reports that the chief difficulty of developing education was the lack of teachers. The intention had been expressed last year of instituting a secondary course in Victoria. Had anything definite yet been done in the direction of training native teachers ?

Major RUXTON said that definite steps had been taken and a secondary course had been started early in the present year in the Government school at Victoria.

Mme BUGGE-WICKSELL pointed out that it would be several years before teachers could be trained. Would it not be possible in the meanwhile to make use of the training college at Katsina, in Nigeria? Would it not be possible to send pupils to this training college from the Cameroons?

Major RUXTON said that the question had been thoroughly considered, but it was found that the communications by sea were not sufficiently good. Moreover, the boys arriving in Nigeria would find themselves in a country which was altogether strange and unfamiliar. The scheme had been dismissed as impracticable.

Mme BUGGE-WICKSELL pointed out that, in paragraph 166, reference was made to facilities for higher education at Katsina. The inference was that these facilities were available.

Major RUXTON said that a few of the pupils went to Katsina from Dikwa. Both Dikwa and Katsina were Mohammedan centres and the pupils from Dikwa were thoroughly at home at Katsina. The school at Katsina gave an education chiefly in the vernacular.

Mme BUGGE-WICKSELL noted that, in paragraph 175, domestic economy was taught. What exactly was meant by this expression?

Major RUXTON said that this was probably a reference to classes for girls in ordinary domestic housework.

Sir F. LUGARD noticed that the education of girls was rather backward. There were only 215 girls as compared with some 3,000 boys. Were there any plans to increase the number of girls who were taught?

Major RUXTON said that, except in Victoria and Buea, it was not easy to get girls into the schools and that there were as yet no women teachers. The Administration had not yet tried to obtain European women for this purpose, but he anticipated that within the next six months there would be considerable developments.

Sir F. LUGARD enquired as to the precise meaning of the figures contained in paragraphs 154 and 157.

Major RUXTON explained that the £540 mentioned in paragraph 157 as the portion of Dikwa was contributed by the Nigerian Government; £110 and £105 were contributed by the native treasuries. The £20 per head mentioned in paragraph 157 was obtained by dividing the subsidy of £540 by the number of pupils mentioned in paragraph 154.

Sir F. LUGARD enquired whether there were any European teachers in Dikwa.

Major RUXTON said that there were no European teachers, but that the inspector of schools at Maiduguri was within a day's drive of Dikwa.

Sir F. LUGARD enquired whether there were no means of closing the hedge schools mentioned in paragraph 174.

Major RUXTON said that there was an ordinance under consideration.

Sir F. LUGARD enquired as to the "Educational Manual" mentioned in paragraph 177.

Major RUXTON said that this was a copy of the Education Ordinance, together with the rules and regulations and schedules attached to the ordinance.

Sir F. LUGARD asked what arrangements were made for the inspection of schools.

Major RUXTON said that there was an inspector stationed in the south, but that in the northern districts the schools were inspected from Nigeria.

Sir F. LUGARD enquired whether any religious education was given in the Government schools, Moslem or Christian.

Major RUXTON replied that in Dikwa Moslem religious instruction was given. No definite religious instruction was given in the Cameroons Province in government and native administration schools.

M. RAPPARD enquired whether, as a result of the training in schools, boys were enabled to find occupations.

Major RUXTON replied that, so far as technical instruction had gone, pupils were enabled to find openings under the native administration.

#### *Public Health.*

Sir F. LUGARD asked what was the position in regard to infant mortality.



Major RUXTON said he had no information on this point.

Sir F. LUGARD asked whether there was any segregation of lepers.

Major RUXTON replied in the negative ; leprosy was not very prevalent.

M. RAPPARD enquired whether the vaccinators were travelling officers or whether the people came to be vaccinated.

Major RUXTON said that this work was done by travelling native vaccinators.

Mme BUGGE-WICKSELL enquired whether there were any midwives or nurses in the territory.

Major RUXTON replied in the negative.

Sir F. LUGARD observed that the suggestion that the prevalence of syphilis might be reduced by registering itinerant traders was considered not to be feasible because of the difficulty of defining a trader. He still, however, hoped that something might be done in this direction. He also asked whether syphilis could not be made a notifiable disease.

Major RUXTON did not think that any good results would be obtained from licensing and examining itinerant traders, but he would raise this question with his Government and deal with it in his next report. He did not think notification would have any practical effect, as it would be impossible to carry out an ordinance with this object in view.

Sir F. LUGARD noted, in paragraph 186, a reference to vaccination among the Shuwa Arabs.

Major RUXTON said that inoculation was not uncommon among African tribes. He had met with it in widely distributed areas. He presumed that the practice had been introduced from the East.

Sir F. LUGARD enquired whether tuberculosis was indigenous or whether it had been introduced.

Major RUXTON said this was a question on which he would have to consult the medical authorities.

M. FREIRE D'ANDRADE enquired as to the number of doctors in the Cameroons.

Major RUXTON said that last year there had been only three doctors resident in the country. Plantation owners were now arranging to bring out their own doctors and one had already arrived.

#### *Land Tenure.*

M. VAN REES noted the statement, in paragraph 209, to the effect that no lands were considered the property of the State. There were accordingly no Crown lands in the sense of the British conception or State domain. Did the statement apply to all the territory, including the Cameroons province ?

Major RUXTON pointed out that the statement referred only to Dikwa, but it was generally true throughout the Northern Cameroons. The Crown lands which had belonged to the late German Administration were now the lands of the local administration of the Cameroons. Reference would be found to these lands on page 61 of the report.

M. PALACIOS referring to the same paragraph noted that there were no lands in Dikwa which, strictly speaking, were communally owned.

Major RUXTON said that this statement again referred only to Dikwa, where for some time there had been an influx of Arabs and Eastern culture. This had resulted in a modification of the normal communal African system of land tenure under the influence of Eastern conceptions. In public opinion, most of the land on the Dikwa plains was regarded as virtually private property.

M. PALACIOS, referring to paragraph 210, noted that, according to native law and custom, each individual native might claim sufficient land for the support of himself and his family. What exactly was meant by family ? If the family were a large group of persons, would not this system amount in effect to communal ownership.

Major RUXTON said that the family was a true social group, distinguished from other families.

M. PALACIOS observed that it was the women who cultivated the land and did the rough work. This explained many things which at the morning meeting had caused some amusement. It was now clear why the possession of numerous wives constituted a kind of wealth.

Sir F. LUGARD enquired as to the land tax mentioned on page 75 of the report. Was not a land tax opposed to native law and custom? The tax was on the produce of the land, not on the land itself.

Major RUXTON said that this land tax was the tribute tax of Nigeria and was assessed on the produce of the land.

M. FREIRE D'ANDRADE enquired whether it was possible for a native to acquire a legal title to land in the same manner as a European.

Major RUXTON said that no land register had yet been opened in the territory. A native could buy a freehold or leasehold piece of ex-enemy property like any other purchaser, and his title would be good.

#### *Moral, Social and Material Welfare.*

M. FREIRE D'ANDRADE said he did not wish to raise a discussion of substance on this chapter, because it came within the general question of the interpretation of the first paragraph of Article 22 of the Covenant, which must be the subject of a further debate.

He was, however, unwilling to allow this occasion to pass without declaring in a general way that he was not in agreement with the doctrine laid down in several passages of the chapter. This, for example, was the case as regarded the last two paragraphs of page 48, and, above all, as regarded the assertion on the following page concerning native tribunals. The assertion was as follows :

“The superiority of the native Courts over the alien provincial Court in settling the innumerable cases which came before them is apparent to the most obtuse observer, and is due to their almost complete disregard of law, as we know it, and logic.”

He had personally had experience of native tribunals and of their advantages and disadvantages, and he felt it necessary to include himself among the group of the most obtuse observers, as he could not accept this assertion as it was formulated, since it was said that these tribunals disregarded law and logic. Could this be admitted?

He would repeat, however, that he had no intention of discussing Chapter XVI of the report. Nevertheless, he did not wish his silence to be interpreted as an entire consent. There were certain truths laid down in this chapter, but there were also assertions which he considered to be somewhat rash.

Sir F. LUGARD asked Major Ruxton if he could inform the Commission that definite action had been taken for the general welfare of the natives since the mandate had been conferred.

Major RUXTON said that, in the reports for 1922 and 1923, the process had been described whereby the system of indirect administration had been substituted for the system of direct administration. He believed this substitution was the greatest benefit that could possibly be conferred on the territory, and he put forward this statement as the personal opinion of one who was acquainted with conditions in the territory before and after the event.

M. PALACIOS felt obliged to note that no reference was made to any definite action on the part of the Administration for the promotion of general welfare, in spite of the fact that the degree of civilisation which obtained among these tribes was extremely primitive. He did not find even a clear direction in the policy pursued. He did not contend, for example, that the missions should be subsidised, especially if, as was stated on page 31 of the report, they did not fulfil the conditions laid down; but when the Administration did not grant subsidies to the missions, they were by this very fact morally bound to organise some kind of civil mission in order to replace the work of the missionaries. What, for example, was being done to combat cannibalism and in order to improve the deplorable situation of women and children as described to the Commission? It did not appear that this task had been definitely undertaken by the Administration.

Major RUXTON said that action was being taken in regard to these matters daily and hourly by every member of the Administration. The methods employed were necessarily moral and indirect, but the well-being of the natives was the first and last consideration.

M. RAPPARD enquired whether the Administration, as a matter of policy, were discouraging polygamy and, if so, by what means?

Major RUXTON said that the local administrator was endeavouring to discourage the practice.

The CHAIRMAN said that the Commission would like to receive from the Administration some indication of the established system, if any, of penetration and civilisation. It would be of the utmost interest to the Commission to be furnished with some sort of programme.

Major RUXTON said that the Administration would endeavour to comply with this desire.

#### *Public Finance.*

The CHAIRMAN congratulated Major Ruxton on the action taken by the Administration to meet the desire of the Commission that accounts should be rendered for the mandated territory separate from the accounts for Nigeria.

He noted, in paragraph 229, that there was a deficit of £179,809. How was this deficit met ?

Major RUXTON said that it was an uncovered deficit which would have to be met by the Nigerian Government.

Sir F. LUGARD noted that the average deficit was £25,000 per annum. For the present year, however, the deficit was £53,000. What was the reason for the considerable increase ?

Major RUXTON said that the average during the preceding five years was necessarily lower owing to the fact that the Administration had only just started work and that it had necessarily developed during the last twelve months.

The CHAIRMAN noted that the budgets of the native treasuries, with the exception of one of them, all showed a credit balance. Was this a favourable sign ? Would it not be better for such credits to be expended on native welfare ?

Major RUXTON explained that at the end of the financial year any credit balance remained in the native treasury. Such credits would be spent on public works within the area.

M. VAN REES noted that three of the native treasury accounts showed an item of interest on investments, and asked from what sources this interest was derived.

Major RUXTON said that this interest arose from previous credit balances which were placed on deposit and for which the bank paid interest to the treasury.

The CHAIRMAN noted, on page 52 of the report, that taxes were levied in the districts. Who was responsible for the levy and collection of these taxes ? Was it felt possible to trust the native authorities to carry out these duties impartially ?

Major RUXTON said that there was always a risk of favouritism where native officials were concerned. In the Cameroons, however, any native who felt himself aggrieved would certainly complain either to his native authority or to the District Officer.

The CHAIRMAN noted, on page 59, that some £13,000 was expended on public works. Was there a general programme of public works ? Had the Administration a definite policy for developing the country either towards Lake Chad or in some other direction ?

Major RUXTON pointed out that the expenditure on public works was set forth in detail on pages 65 and 66 of the report. A programme was drawn up every year and approved by the Governor. The general line of development in the establishment of communications was from east to west.

M. RAPPARD said it would be a great advantage to the Commission if a map were drawn so as to show roads and navigable rivers.

The CHAIRMAN, noting that the questionnaire had now been exhausted, thanked the accredited representative for his collaboration and asked him to convey to his Government the gratitude of the Commission for having authorised him to assist in its work. The Commission was particularly grateful for the clear financial statement which had been submitted in deference to its express desire. As regarded the form of the report, he would repeat that it should be addressed to the Council of the League.

Major RUXTON thanked the Commission for the kind consideration which had been accorded to him in the discussion of the report.

#### 450. Public Meeting of the Commission.

The Commission decided to discuss at a public meeting on October 24th, at 10.30 a.m., the following questions: the traffic in spirits, ex-enemy goods, forced labour, and the economic development of the mandated territories in its relation to the welfare of the population.

SEVENTH MEETING

*Held at Geneva on Thursday, October 22nd, 1925, at 10.30 a.m.*

Present : All the members who had attended the preceding meeting.

451. Examination of the Annual Report (1924) of the Belgian Government on the Administration of the Mandated Territory of Ruanda-Urundi.

M. Halewyck, the accredited representative of the Belgian Government, came to the table of the Commission.

The CHAIRMAN welcomed the accredited representative of the Belgian Government. He pointed out that the report, which, although well drawn up, covered the year ending December 31st, 1924, whereas it had only arrived in the month of October. Officially the Secretariat had only as yet received from the Ministry for Foreign Affairs two copies of this report, and there were members of the Commission who had only received copies at the moment of leaving home or on their arrival at Geneva.

M. RAPPARD supported the observations of the Chairman. Copies of the report had arrived so late that certain members of the Commission had been unable to examine it properly.

Sir F. LUGARD and M. VAN REES joined in M. Rappard's protest, and Sir F. LUGARD said it was impossible to carry out the duties of the Commission when reports arrived only a few days before the session.

M. HALEWYCK informed the Commission that the report on the Belgian mandated territory which ought to have been sent before the end of May had been delayed, a fact of which the Council had been notified, because very complete accounts had been asked for concerning the territory. This meant that it had been impossible to draw up the report in time for presentation to the Commission at its last session. Since that date, the Belgian Government had been faced with a situation over which it had no control—a strike, in fact, of Belgian printers.

The accredited representative added that he would ascertain why the hundred copies which ought to have been sent to the Secretariat had not yet reached it, and would inform the Committee of the cause of this delay.

*Belgian Law on the Government of Ruanda-Urundi. Possibility of a Discussion in Public.*

The CHAIRMAN reminded his colleagues that they had received, as part of the monthly distribution made by the Secretariat during the month of August 1925, an account of the discussion in the Belgian Chamber of Representatives of the bill for the Government of Ruanda-Urundi, and that the text of this bill had accompanied that report. The members of the Commission had also received, in the monthly distribution of September-October, an account of the discussion of this bill in the Senate, and the text as finally adopted. This law, having been recently adopted, it naturally was not mentioned in the report before the Commission, which dealt only with the year 1924. Nevertheless, in view of its importance, as well as of the criticisms to which it had given rise, especially in the German Press, the Chairman thought that the Commission should ask immediately for explanations with regard to this question from the accredited representative.

M. HALEWYCK said that he was ready to submit a statement to the Commission on this question.

The CHAIRMAN interrupted the discussion upon a point of order which had occurred to him and on which he desired to have the views of the Commission. He wondered whether it would not be advisable to discuss the Belgian law in public. He was not sure whether a public discussion would be opportune but merely put the question to his colleagues, reminding them that, in the event of an affirmative reply, it would be necessary to postpone the discussion in order that the public might be informed and enabled to attend.

M. RAPPARD, while stating that, in principle, he agreed that the discussions of the Commission should receive the greatest possible publicity, thought that, for the two following reasons, the Commission should not interrupt the present discussion, which was in private :

1. It would not be possible to warn journalists sufficiently soon to enable all to be present at the public discussion, and those who had not been warned might think that this omission had been deliberate.

2. What was principally of interest to public opinion and to the Press in this question was its political aspect, which was not, on the other hand, of special concern to the Mandates Commission. Consequently, were special emphasis to be given to this aspect of the question by holding a public discussion, it might be thought that the influence of public opinion was being sought by the Commission in a matter which did not directly concern it.

The CHAIRMAN reminded the Commission that, personally, he had always strongly favoured the publicity of its meetings. He was uncertain whether the present occasion was not suitable for showing public opinion how the Commission worked. Nevertheless, he recognised the force of the objections put forward by M. Rappard.

M. VAN REES, while agreeing with the major part of M. Rappard's argument, was uncertain whether the first objection which he had raised would not be dropped were the Commission to decide to discuss the question at the public meeting which it had decided to hold on the morning of Saturday, October 24th. A public discussion on the matter might be of advantage both to the mandatory Power and to the Permanent Mandates Commission. The Commission could consider that it would discuss the question of the new Belgian law not because objections had been raised against it by the German Government but because that law was of direct interest to the Commission, whose duty was to ascertain whether it did or did not infringe any principle of the mandate. Were the Commission to decide in the negative, such a declaration made in public would perhaps be of some advantage to the Belgian Government.

M. CATASTINI, while admitting that the Commission could discuss the Belgian law, which was public property, wondered whether this discussion would not involve, by the intimate connection of the subjects, a discussion of the German note, upon which the Commission had not been called upon by the Council to give its opinion. Perhaps it would be sufficient to take some care as regarded the communication to the Press.

M. VAN REES thought that the Belgian law was itself of interest to the Commission, which, in his view, ought to be able to discuss it without alluding to the memorandum of the German Government. Personally, he could perfectly easily express his opinion on this law and even submit certain observations, while entirely putting aside the objections raised by the Reich, which concerned the Council and not the Commission. Nevertheless, were the majority of the Commission to decide otherwise, he would not press his point.

M. CATASTINI thought that the discussion of the German note might be of great use to the Council, which would have to take a decision with regard to it. But he wondered whether a public discussion would not prejudice the discussion and the decision of the Council, which was a most delicate point, as it bore upon the relationship of the Council and the Commission.

M. PALACIOS thought it was possible to discuss the Belgian law without touching upon the German protest, but, in view of the fact that the Commission was ready to hear a statement from the accredited representative, who would discuss the memorandum of the German Government, it would necessarily be drawn into a discussion of the German memorandum, which would be officially placed before the Commission by the accredited representative.

The CHAIRMAN said that, though the Commission neither might nor could, for reasons easy to understand, reply to the German note, its duty was immediately to discuss the Belgian law, examining it solely from the following point of view: Was it compatible with Article 22 of the Covenant and with the text of the mandate? Further, he considered that the Commission was entirely free to decide whether or not it would place the matter on its agenda. Were the Commission to decide to discuss the Belgian law in a public meeting, he would, in his capacity of Chairman, make a preliminary statement explaining that it was not the Commission's duty to concern itself with the German note, but that it had the right to discuss the Belgian law.

M. RAPPARD said that, if the procedure of the Commission was to examine all the reports from the mandatory Powers in public, then there would be no reason for deciding not to examine the Belgian report in this manner. This procedure, however, was not followed by the Commission, and if, therefore, an exception were made and the Belgian report were discussed in public, the general impression would be that the Commission had intended in so doing to lay stress on a delicate matter which did not, in actual fact, call for a great amount of publicity.

Even if the Commission, however, were to decide to discuss the Belgian report in public, it would, at any rate, have to decide upon the terms of its recommendation to the Council in private for the following reason: Supposing that the Commission were to find in public that the Belgian Government had in any way contravened the terms of the mandate by the new law, then the Council, because the Commission's decision had been taken in public, would be more or less compelled either to accept the recommendation of the Commission or be forced to disavow it. Exactly the same position would arise were the Commission's decision to be in the opposite sense. In both cases, the Council would be faced with a very difficult alternative, and the only solution, supposing the Council disagreed with all or part of the Commission's recommendation, would be for it to ask the Commission to reconsider its views. This would put the Commission itself in a false position.

M. FREIRE D'ANDRADE took his stand upon a principle which he had already supported on more than one occasion. The Commission ought to discuss the Belgian Government's report on the year 1924 and forward to the Council the recommendations which that body had demanded. He did not understand, therefore, why it should be thought of use to discuss at the moment the Belgian law, which had been promulgated in August 1925, unless the Council had expressly requested the Commission to do so.

M. BEAU approved these observations.

Sir F. LUGARD thought that the discussion ought to be continued in private. The question was a very delicate one. In a public meeting a member of the Commission might use a phrase which he might afterwards wish he had expressed differently. On the other hand, it was always possible for the members of the Commission to correct the statements attributed to them when they appeared in the minutes of a private meeting.

The CHAIRMAN thought that, in any case, the discussion which had just taken place had been useful from a general point of view, and that it would have enabled the accredited representative to realise the prudence with which the Commission worked.

M. HALEWYCK desired to explain that it should be quite understood that he would not officially discuss the German note as such, but would simply use it as an *aide-mémoire* containing summaries of the arguments put forward in the Press. Indeed, the Belgian Government considered the German note as inadmissible.

M. PALACIOS added that the German note did not exist so far as the Commission was concerned. Were the accredited representative to refer to any particular allegation contained in that note, or to quote it, it would be impossible for the Commission not to quote it also. The Commission, however, must show that it was discussing these allegations not as forming the subject of the German note but because they had been mentioned by the accredited representative of the Belgian Government.

The CHAIRMAN considered that the Commission could take cognisance of the German note. The Commission could follow any line it thought good without awaiting the invitation of the Council. Obviously, it met to consider its observations on the report of the mandatory Powers, but were it to ascertain that any important event of concern to mandates had occurred, its duty was itself to draw the attention of the Council to that event. This would always be its duty whatever happened, even though the Council might not expressly have invited it to formulate an opinion. In the present instance, the Commission would be careful to reserve the political aspect of the question. The admissibility of the German note was not of concern to it. Its only duty was to consider whether the Belgian law was in conformity with Article 22 of the Covenant and with the terms of the mandate.

M. PALACIOS said that if the German note did exist in so far as the Commission was concerned there was no further difficulty.

M. CATASTINI wished to emphasise the fact that the German note and the Belgian reply had been communicated to the Permanent Mandates Commission merely for the purpose of information.

M. HALEWYCK made the following statement :

As the Chairman has pointed out, the year has been marked by an important event in the territories over which Belgium exercises a mandate. The Belgium law of August 21st, 1925, has established the principles of the government of these territories and, in conformity with the provisions of the Act which determine the details of the mandate, an Administrative Union has been created between those territories and the Belgian Congo.

This measure has given rise to some agitation in certain German circles, which has been expressed in articles in the Press, and finally, in a letter of September 25th, 1925, the German Government itself sent to the League of Nations a memorandum regarding the Belgian law.

The memorandum states correctly that, on March 28th, 1925, the German Government lodged a protest with the Belgian Government against the introduction into the Belgian Parliament of a bill setting forth the regulations for the government of Ruanda-Urundi.

The Belgian Government refused to accept this protest because Articles 118 and 119 of the Treaty of Versailles have deprived the German Reich of any right of review or discussion concerning the attribution and the organisation of its former colonies.

The Permanent Mandates Commission, which assists the Council of the League of Nations in the investigation of questions concerning the execution of mandates, is entitled, however, to receive certain explanations concerning the legitimacy of the character and scope of the law regarding the government of Ruanda-Urundi. It is from this point of view that I propose to examine the objections which have been made against this legislative act. Even before the Council of the League of Nations had received the German note, I had been instructed to enlighten the Permanent Mandates Commission as to the force of the criticisms contained in that portion of the Press which takes exception to the law of August 21st, 1925. Since receiving those instructions, I find those criticisms summarised in the memorandum of the German Reich of which the Secretariat of the League of Nations has distributed copies to you. I will therefore examine these various allegations in the form in which they are to be found in the document before you.

The German memorandum maintains that, in making use of the special powers conferred by Article 10 of the Act which defines the conditions of the mandate, Belgium has acted contrary to the stipulations of Article 22 of the Treaty of Versailles.

This is equivalent to maintaining that the Council of the League of Nations has violated that treaty by the manner in which it has laid down the conditions for the exercise of the mandate.

It is not my duty to defend the Council of the League of Nations against this accusation. I am not competent to do so and it would indeed be presumptuous of me to attempt it.

I should like, however, to point out to you that the German criticism has entirely lost sight of the penultimate paragraph of Article 22 of the Treaty, which is as follows :

“The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.”

This text is the foundation of all measures taken by the Council of the League for the organisation of the mandates. What are these measures of organisation ? Article 10 of the Act, which lays down the conditions under which the mandate is to be exercised, does so with precision. It is as follows :

“The Mandatory shall have full powers of administration and legislation in the area subject to the mandate ; this area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the preceding provisions.

“The Mandatory shall therefore be at liberty to apply his laws to the territory under the mandate subject to the modifications required by local conditions, and to constitute the territory into a Customs, fiscal or administrative union or federation with the adjacent possessions under his own sovereignty or control ; provided always that the measures adopted to that end do not infringe the provisions of this mandate.”

This means that, according to the decision of the Council of the League of Nations, mandated territories shall be administered according to the legislation of the mandatory Power *as an integral part of its territory*, and consequently that the mandatory Power can apply *its* legislation to the territory, with certain necessary changes, and *can unite* the mandated territory with its neighbouring territories *for administrative purposes*.

Belgium has strictly conformed to the provisions of the mandate in drawing up the articles of the law concerning the government of Ruanda-Urundi. She has united, for purposes of administration, the mandated territory with her neighbouring territories of the Belgian Congo, and she has applied her legislation to the mandated territory. She has taken care, at the same time, as is proved by the provisions of Articles 2, 4 and 6 of the law, to take all the necessary measures scrupulously to observe the conditions of the mandate.

Two years ago, Great Britain followed exactly the same procedure when she published the Orders in Council of June 26th and of October 11th, 1923, uniting for administrative purposes those parts of the Cameroons and of Togoland placed under her administration with the possessions and protectorates she enjoys in Nigeria and the Gold Coast. Although the English Orders in Council contained a formula of union different from that used by the Belgian Government, the situation they created is exactly the same as that created with regard to the relationship of Ruanda-Urundi and the Belgian Congo.

The German memorandum alleges that the administrative union puts an end to the autonomous character of the territories under Belgian mandate. This autonomy existed no more in Ruanda-Urundi than in the other territories under mandates B and C. The essential character of autonomy is the power to exercise an independent and sovereign authority, and, by the terms of Article 22 of the Treaty of Versailles, all the territories in question have been placed under the authority of the Power invested with the mandate. The law on the government of Ruanda-Urundi has merely delegated a part of the authority of the Belgian State to the Governor-General who represents that State in Africa. Both before and after, however, the promulgation of that law, the supreme authority still remains in the hands of the Belgian Government.

Further, it is not true, as the memorandum alleges, that, because of the union which has now been established, one of the parties has been incorporated in the other. Ruanda-Urundi will take its place on a footing of the most complete equality side by side with the four Congo provinces and will enjoy all the benefits of the large measure of decentralisation possessed by those provinces. Obviously, in the whole of these five territories the Governor-General is the final administrative authority. But is it possible to conceive of any administrative union except under the orders of a single head ? The memorandum obviously confuses administrative union with the purely political union of States which entails the separation of the administrations.

The same confusion is to be noted in that passage of the memorandum where it is alleged that the territory of Ruanda-Urundi has ceased “as a State, to be a *persona* in the sense of international law”.

Ruanda-Urundi has never possessed the character of a State, for the communities which inhabit it lack two essential elements for the constitution of the State — sovereignty and a permanent organisation based on the conceptions of civilised peoples.

Now that I have rectified this misstatement, the Permanent Mandates Commission will be in a position to note that Article 2 of the law concerning the government of Ruanda-Urundi expressly grants to the mandated territory, without any restriction, a distinct legal personality, and that, contrary to the statements in the memorandum, this same article clearly separates the public property and finances of that territory from those of the Belgian Congo.

I must most energetically protest against the other insinuations of the German memorandum.

First, as regards the nationality of the inhabitants of Ruanda-Urundi.

No provision of the law in question gives the German Government any authority for stating that this law transforms the natives into Belgian subjects contrary to the wishes of the Permanent Mandates Commission. The Belgian authorities are firmly determined to defer to the decision which has been taken in regard to these questions by the League of Nations on the proposal of the Permanent Mandates Commission.

Secondly, with regard to the diminution of the part assigned to the native chiefs in Ruanda-Urundi in the administration of that territory.

The official statement introducing the law voted by the Belgian Chamber clearly shows the desire of the Belgian Government to change in no respect that policy of indirect administration which experience has shown to have given, up to the moment, such happy results.

Finally, with regard to the threat of a veiled annexation.

Belgium accepted the duty of exercising her mandate in the name of the League of Nations and in conformity with the stipulations of the Treaty of Versailles, and she will allow no one to doubt the loyalty of a country which has never been accused of violating its international undertakings.

It remains for me to put before you the reasons which have led Belgium, in applying the provisions contained in her mandate, to bring about the administrative union of Ruanda-Urundi with the Belgian Congo.

Immediately after the promulgation of the law in which it accepted the mandate, the Belgian Government formed the opinion that it would be unable to confine itself to maintaining in the territories of Ruanda-Urundi the rudimentary organisation which had sufficed to fulfil the needs of the conduct of affairs during the period of the *de facto* occupation.

The Belgian Government thought it necessary to intensify its efforts to develop the work which had been begun and to assure the progress and the civilisation of the country entrusted to its management. This task required the help of a body of senior officials of a kind specially experienced in the management of colonial affairs. To establish, however, in Ruanda-Urundi an entire general staff of officials and experts would have meant the imposition of too heavy a burden on a country and on native communities whose resources are limited and whose territory comprises only one forty-fourth part of the total area of the Congo.

The Belgian Government considered that in the capital of the Belgian colony was to be found a senior administrative staff of very competent men whose work, which was meeting with the greatest success, extended right to the eastern provinces of the Congo territory. It therefore thought good, in the obvious interests of the population of Ruanda-Urundi, not to double the already large central services and the technical and medical services established at Boma but, thanks to the administrative union, to extend the working of these services to the mandated territory. In adopting this procedure, it is all the more convinced that it has responded to the practical interests of the case, since the Congo legislation, taken as a whole, is quite capable of being adapted to the interests to be protected in Ruanda-Urundi. This the Royal Commissioner has proved by the increasing number of those regulations which he is continually applying. Under the system of union, the laws and regulations are applied in common to the countries without the useless and unnecessary complication of making a copy or of republishing them.

I need scarcely add that this reform will in no way lessen the control which the Permanent Mandates Commission exercises, in the name of the League of Nations, over the management of the territories administered by Belgium. The Commission will continue to be informed of all the legislative and administrative Acts. It will have submitted to it tables, kept quite separate from those concerning the Belgian Congo, and containing information with regard to the finances of Ruanda-Urundi, the estimates for revenue and expenditure and the audited accounts. Each year, the Commission will receive, as it does at present, a complete report on the administration of the territory, and the accredited representative of Belgium will have the great honour of coming to examine that report with you and to give you any information you may desire.

The CHAIRMAN asked the Commission if it wished immediately to examine the text of the Belgian law article by article.

Sir F. LUCARD asked the accredited representative what distinction he drew between "political union" and "administrative union". He had said in his statement that the Germans had confused the two conceptions. Personally, he did not see much difference between the two expressions.

M. HALEWYCK replied that political union was of an international character and only existed between States grouped under the same Government from an outside point of



view, such States from an internal point of view remaining entirely independent and in the possession of separate administrations. Such had been the case, for example, in former days with Sweden and Norway and in a certain measure with Austria and Hungary. The administrative union, according to the meaning of the term, was for the purposes of administration, that was to say, the daily execution of the laws and the carrying on of the daily management of the country, which was impossible without the union of the administrative organisations under the direction of a single authority. There was no halfway house between administrative union and administrative separation.

M. RAPPAUD approved the procedure suggested by the Chairman. Nevertheless, he thought the Commission ought previously to express its warm satisfaction with regard to certain passages of the statement made by the accredited representative. That representative had stated that the Belgian Government had in no way desired to prejudice the national status of the inhabitants of the mandated territory; that it did not intend to diminish the authority of the native chiefs; and that the new law should not in any way be regarded as a first step towards annexation. Whatever were the final decisions of the Commission, it should immediately take note in its report of these statements. Personally, he had listened to them with great pleasure, and he would have been delighted to have heard statements of a similar directness from the representatives of all the mandated territories.

M. VAN REES entirely agreed with the remarks of M. Rappard. He wished, however, to raise a point directly connected with the statement of the accredited representative. The accredited representative had strongly protested against the allegation that the Belgian Government intended to make Belgian subjects of the native inhabitants of the mandated territory.

It was not concerning the intention of the authors of the new law, with regard to which he did not think there was any doubt, that he desired some explanation, but with regard to the formula in which this intention was expressed in Article 5 of the law, the terms of which appeared to lend themselves to an interpretation which did not correspond with the spirit in which they had been drafted. The text was as follows:

“The rights conferred on the natives by the laws of the Belgian Congo shall apply, subject to the distinctions specified in the said laws, to the natives of Ruanda-Urundi.”

Were the rights to which reference was made only the civil rights alluded to in paragraph 2 of Article 4 of the Colonial Charter, which the new law of August 21st, 1925, conferred on the nationals of Ruanda-Urundi, or was it necessary to include among the rights which the latter were recognised to possess the right to Belgian nationality in the sense that the nationals of Ruanda-Urundi were regarded as Belgian subjects in the same way as the people of the Congo?

M. HALEWYCK began by agreeing with the last point raised. At Brussels he had explained to the Mandates Sub-Committee that, as the Congo was linked to Belgium by bonds of complete dependence, its inhabitants must be considered as of Belgian nationality. Nationality was, in fact, the bond of dependence joining a person to a State. The inhabitants of the Congo possessed Belgian nationality, without, however, enjoying the status of Belgian citizens which was possessed by the inhabitants of Europe.

In reply to the first observations of M. Van Rees, he would point out that, had he entered into detail with regard to all the statements made in his declaration, he would have been able to show that Article 5 had been inserted in the law on Ruanda-Urundi precisely because the authors of that law had considered that the inhabitants of Ruanda-Urundi were not Belgian subjects. This article extended to the inhabitants of Ruanda-Urundi the distinction as to rights established by Article 4 of the law on the government of the Belgian Congo, known as the Colonial Charter, between Belgians and registered inhabitants of the Congo on the one hand and non-registered inhabitants on the other. Had the Belgian Government considered that the inhabitants of Ruanda-Urundi would become Belgian subjects by virtue of the new law, Article 5 of the law of August 21st, 1925, would have been useless and without an object, since the regulation would have been applied entirely *ipso facto*, without it being necessary to adopt any special law. It was, however, precisely because the Government had thought that Article 4 of the Colonial Charter was inapplicable, in view of the fact that the inhabitants of Ruanda-Urundi were not Belgian subjects, that it thought it necessary to settle their legal status by a special provision.

These explanations would show as clearly as possible the correctness of the Belgian Government's intention.

The provision referred to by M. Van Rees had been inserted solely with the object of assimilating, for the exercise of civil rights, the inhabitants of Ruanda-Urundi with those of the Belgian Congo, and the question of nationality was not touched by this provision. M. Halewyck desired to add that the explanations which he had just given were entirely confirmed by the terms of the introductory statement to the law of August 21st, 1925, which he read. If any doubt were ever to arise, in view of the fact that the preparatory work on a law could be used to interpret it, this statement would be sufficient to settle the question.

M. VAN REES thanked the accredited representative for his explanations, which had much interested him. He concluded that Article 5 ought to read as though it ended with the words "provided that they (the natives of Ruanda-Urundi) are not recognised to be Belgian subjects". With such a reservation, Article 5 would have been perfectly clear. The fact that it had been necessary to obtain long explanations of the meaning of this article showed that its drafting lacked clearness.

Article 4 of the Colonial Charter applicable to Ruanda-Urundi only mentioned civil rights, whereas the right to Belgian nationality was of a public character. He did not think that a reference to Article 4 of the Colonial Charter sufficed to refute the contention that Article 5 of the new law, according to its present terms, conferred the right to Belgian nationality on the nationals of Ruanda-Urundi, in view of the fact that this right was not expressly excluded by the new law.

Doubtless the accredited representative had made his interpretation perfectly clear by reading the introductory statement concerning the new law. The Commission, however, had not been able to take this statement into account, though it would have been of great use to the Commission, because it had not been communicated. He could not do otherwise than maintain his objection, which had nothing whatever to do with the intentions of the Belgian Government, but which was merely concerned with the formula used in the law.

In his view, the result of the discussion showed that it would be advisable to introduce a small amendment into Article 5 in order to remove all ambiguity and allay any misgivings which might have arisen.

M. HALEWYCK did not think that Article 5 of the law under discussion could possibly give rise to any confusion of interpretation. This article took for granted that the question of the status of the inhabitants in Ruanda-Urundi was settled, and without calling in question the manner in which it had been settled, the article established distinctions between the natives according to their degree of civilisation. He would repeat that the legal status of the populations of Ruanda-Urundi had been settled a long while before the drawing up of the law, of which Article 5 made a clear distinction between *natives of the Congo* and *inhabitants of Ruanda-Urundi*. This last expression had been adopted to describe inhabitants of the Belgian mandated territory in the same way as, in the territories under French mandate, the natives had been described by the word *administrés*, and, as far as he was aware, in the British mandated territories by the word "protected".

The CHAIRMAN asked what was the text from which it appeared that, in this special case, the inhabitants of the mandated territory enjoyed a special status.

M. HALEWYCK replied that this text was none other than the resolution adopted in 1923 by the Council of the League of Nations according to which the inhabitants of the territory under mandate had a status distinct from that of the nationals of the mandatory Power.

M. VAN REES was ready to agree that it was not part of the Commission's duties to insist that the Belgian law should be amended. Nevertheless, even after the supplementary explanations furnished, he maintained his point of view, to the effect that the great majority of the public would never interpret Article 5 in the manner intended by its authors. All that the Commission could do, therefore, was to draw attention to the fact that Article 5 was not clear. If it were possible to include the rights mentioned in Article 5 as being only civil rights, he would have no objection to make, as the question of the national status of the inhabitants of mandated territories would then clearly have been left outside this article.

Sir F. LUGARD said that he also had thought that Article 5 was somewhat ambiguous, but he was reassured by the terms of Article 6, which stated that:

"Any provisions of the laws of the Congo which may be contrary to the stipulations of the mandate or of the agreements approved by the laws of October 20th, 1924, shall not apply to Ruanda-Urundi."

Although it was not stated in the mandate itself, the Commission was aware that there was an additional decision, adopted by the Council and by the Assembly, according to the terms of which the inhabitants of mandated territories were not subjects of the mandatory Power. This decision had, he assumed, the same force as the mandate itself.

Since, however, Article 6 only excluded such of the provisions of the Congo laws as were contrary to the terms of the mandate, it would, in his judgment, have been more desirable, from the point of view of the Permanent Mandates Commission, if words had been added which would have included any changes or any decisions regarding the mandate made subsequent to its issue by the Council and Assembly.

M. RAPPARD was ready to agree with the point of view of the accredited representative for the following reason: When it was said that the rights of the natives in the Congo had been granted to the natives of Ruanda-Urundi, this did not mean that both classes of native possessed the same rights. Were, for example, it to be decided that the rights possessed by men should be granted to women, it did not follow that women would become men. Consequently, the inhabitants of Ruanda-Urundi would not by this fact become

Belgian subjects. They had the right of diplomatic protection. This protection, however, was not a part of civil rights, so that there was no need to explain that the question concerned civil rights. Personally, he thought, with Sir F. Lugard, that the whole question was covered by Article 6.

M. VAN REES regretted not to agree with Sir F. Lugard and M. Rappard. M. Rappard had alluded to the question of diplomatic protection. This, however, was not a right which the inhabitants in question obtained from Article 5. They obtained it from Article 127 of the Treaty of Versailles, which was not under discussion by the Commission. Further, it had been said that the question was covered by Article 6. What, however, were the stipulations of the mandate? They were those contained in the Act of the mandate in which no allusion was to be found to national status. Consequently, Article 6 could not cover the question which he had raised. On the contrary, in his view, it was obvious that, were the inhabitants of Ruanda-Urundi to be granted all the rights without exception granted to the inhabitants of the Congo by the laws of the Belgian Congo, those rights included nationality, for Belgian nationality was one of these rights.

M. PALACIOS, after having declared himself eminently satisfied with the explanations of the accredited representative, asked whether the new law affected the rights of the two native sovereigns in the mandated territory, or whether those two sovereigns preserved their legal personality and the importance which they at present had in the Administration as a whole.

Sir F. LUGARD thought that it might be possible to improve the drafting of Article 6 by adding "which may be contrary to the stipulations of the mandate . . . or to any decision which may be taken at any future date by the Council or by the Assembly with regard to the mandate".

M. HALEWYCK thought that advantage might clearly be taken of the first occasion on which the new law would be substantially amended in order to introduce a formal modification of the kind which had just been proposed. There could, however, be no question of beginning a special parliamentary procedure with the sole object of making a drafting amendment in the law, seeing that the scope of the law had been clearly defined. He would in this spirit place before his Government the suggestion which had been made.

Sir F. LUGARD said that the Commission would, he thought, be satisfied were the accredited representative to give it a general assurance that the suggestion which he had made was acceptable to the Belgian Government.

M. HALEWYCK said that the suggestion might be regarded as acceptable by his Government if the Commission did not ask for any action to be taken as a result of it other than in the way he had just indicated.

In reply to M. Palacios, he would point out that the law of August 21st, 1925, did not in any way prejudice the present position of the native sultans. The Congo law merely applied in respect of questions which came within the authority of the European Administration, such as education, health, labour contracts, etc., questions which the natives clearly could not settle themselves and with which the mandatory Power must deal. He would, moreover, observe that the legal provisions previously existing in Ruanda-Urundi would be maintained if the new Governor did not think that the Congo law was preferable. All the existing powers of the sultans as regarded justice, political authority, etc., would remain without any modification.

M. FREIRE D'ANDRADE said that he could not take part in the discussion of the articles as it was specially of a legal character. Generally speaking, he would be ready to agree with the observations of the accredited representative, as the statements made by him on behalf of his Government before the Mandates Commission were decisive. Nevertheless, the various arguments which had been submitted by the jurists on the Commission made him hesitate to give an opinion. He thought that the discussions of the Commission were conducted principally for the information of the Council, which would give the final decision.

M. VAN REES wished to raise a point which had not been dealt with in the statement of the accredited representative. He wished at the outset to repeat that he was absolutely convinced that the Belgian Government had no intention of attacking the principles and regulations governing the mandates. The first phrase of Article 1 of the Belgian law was as follows :

"The territory of Ruanda-Urundi shall be amalgamated for purposes of administration with the colony of the Belgian Congo, of which it shall form a Vice-Governor-General's province".

This phrase contained two provisions :

1. That the territory of Ruanda-Urundi was united for administrative purposes to the Belgian Congo. This provision, considered in connection with Article 10 in the mandate, would give rise to no objection. Personally, he would have preferred the adoption of a formula similar to that used for Togoland and the British Cameroons, but he would not press this point.

2. That Ruanda-Urundi formed a Vice-Government-General of the Congo. If the Commission referred to Article 16 of the administrative and territorial organisation of the Belgian Congo, it would note that a Vice-Government-General was a "province" of the Belgian Congo. Replace the expression "Vice-Government-General" by the word "province" and it would be seen that, according to the new law, Ruanda-Urundi formed a province of the Belgian Congo. Although it was not stated in the German Government's note, it was possible that this was the provision which was partly responsible for its allegations. Doubtless the intentions of the legislators might be quoted in answer to these allegations, but a text which stated that a mandated territory formed a province of a colony might give rise to the belief that that territory also belonged to the mother-country. In his view, Article 1 ought to have been drafted somewhat as follows :

"The territory of Ruanda-Urundi is amalgamated for administrative purposes with the colony of the Belgian Congo, as though it formed an integral part of that colony. It is administered by a Vice-Governor-General", etc.

Such a form of words would obviously have corresponded exactly with the intentions of the legislators. Nevertheless, it was not the duty of the Commission to make proposals concerning the wording of a law. If, however, the Belgian Government were ready to amend Article 5 or Article 6 of the law, perhaps the suggestions put forward in regard to Article 1 might at the same time be considered.

The CHAIRMAN asked the accredited representative to take note of these various observations.

M. HALEWYCK, replying to the formal criticisms made by M. Van Rees, observed that the whole argument of the Vice-Chairman was based on the first part of the sentence under discussion. M. Van Rees had argued as though the text of the first article of the Belgian law was as follows : "The territory of Ruanda-Urundi forms a Vice-Government-General of the colony of the Belgian Congo".

He would observe, in passing, that, if the Belgian Parliament had gone so far as to adopt this draft, it could not reasonably be criticised, as the terms of the mandate were extraordinarily wide. The mandate laid down that "this area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory. It was true that the English laws of 1923 had, so far as British Togoland and the British Cameroons were concerned, substituted for this last expression the formula : "as if they were an integral part". etc. This slight attenuation of the provision was not in any way imposed by the fundamental provisions of the authoritative conditions of the mandate.

M. VAN REES thought that, if the words "as if it were an integral part" were not understood in the phrase in question, Article 10 of the mandate would affirm that Ruanda-Urundi was an integral part of the territory of the mother-country, and in that case there would be no country under mandate.

M. RAPPARD added that the expression "shall be administered as an integral part of his territory" had not the same meaning as the expression "formed an integral part".

M. HALEWYCK repeated that this was only a question of phrasing and that the last expression used was not the one which figured at the head of the Belgian law. This law summarising the terms of the mandate began by affirming the principle of administrative union, and the subsidiary provisions which followed would have to be interpreted in accordance with this essential and governing rule, which was laid down without any possible ambiguity. It was accordingly not as a territory absorbed by the Belgian Congo that Ruanda-Urundi was constituted as a Vice-Government-General, but as a territory administratively united to the Belgian Congo placed on a footing of perfect equality by the side of the other vice-governorships and enjoying the same measure of decentralisation as they did.

M. RAPPARD thought that it would give general satisfaction were a formula somewhat as follows to be used : "For administrative purposes, Ruanda-Urundi forms a Vice-Government-General of the Belgian Congo". He wished to assure the accredited representative that the Commission had no intention of criticising the Belgian Government. It merely thought that the second part of the first sentence of Article 1 was somewhat too narrow, despite the explanations which had been furnished.

M. HALEWYCK replied that the first part of the sentence clearly indicated the scope of the article. The provision in question ought to be regarded solely in connection with the administrative union.

M. VAN REES fully understood the explanation of the accredited representative, but he had always been of opinion that it was to the advantage of those who promulgated laws for the legal provisions to be quite clear and capable of comprehension by everyone—above all, when the laws in question were of a political kind.

M. HALEWYCK replied that it was precisely for that reason that the law had been drafted in that manner. It was a law designed to give clear directions as to the policy to be pursued to those persons whose duty it was to apply it in Africa. The object of the last words of the sentence in question was to show them that all the provisions of the Colonial Charter, *i.e.* of the law on the government of the Belgian Congo concerning the Vice-Governments-General, applied *ipso facto* to the mandated territory.

M. RAPPARD thought that it would be easy to draw the following conclusion from the discussions : The Permanent Mandates Commission would have preferred Article 1 to have been drafted in another way, but it took note of the declarations of the accredited representative, which allayed any anxiety which the wording of the ordinance may have raised.

The CHAIRMAN thought that, in its report to the Council, the Commission might include a recommendation based on the suggestion of M. Van Rees.

M. FREIRE D'ANDRADE pointed out that laws were not always easy to interpret and that sometimes whole volumes were devoted to the interpretation of a single law. Perhaps the various formulæ which might be suggested would, in their turn, give rise to criticism. On the other hand, the accredited representative had behind him the full force of the authority of his Government. Could the Commission explain the form which it suggested should be given to the Belgian law ? He did not think that the Council ought ever to interfere in the internal administration of a country. It could submit its views and its suggestions, but it was the duty of the country itself to give effect to them.

The present discussion contained sufficient suggestions for the Council and the Belgian Government. In his view, the observations of M. Van Rees were clearly explained by the statements made by the accredited representative in the name of his Government. It was not the duty of the Commission to propose the text of a law itself. Such a tendency might establish a precedent.

The CHAIRMAN wished to dissipate all misunderstanding with regard to his preceding remark. He had never wished to say that the Commission ought to redraft the text of a law passed by the Belgian Parliament, but merely that the Commission understood the articles of the new law to have a certain significance. Further, in reply to the second remark of M. Freire d'Andrade, he thought that the task assigned to the Commission compelled it to discuss the internal administration of the territories under mandate and, consequently, to examine the laws and regulations of the Administration.

M. PALACIOS considered that the statements of the accredited representative were not mere commentaries on the Belgian law but an almost authoritative interpretation of it. This distinction was an important one, for in the present circumstances such statements might have the same force as law. Thus the law would be interpreted by the authority of the Belgian Government.

The CHAIRMAN thought that the entire Commission would agree with the observation of M. Palacios.

In reply to M. VAN REES, M. FREIRE D'ANDRADE explained that, in his view, the Commission was quite justified in criticising legal texts, but that its criticisms ought not to go to such a length as to include proposals for changes in the wording of those texts which it had thought open to criticism. He had always protested against any tendency to turn the League of Nations into a super-State. Such a tendency would be dangerous for the future of the League of Nations.

M. HALEWYCK thought that, when the representative of a mandatory Power had declared that the formula used in a legislative provision had been inserted with a particular intention and a particular meaning, the Commission could not refuse to accept such an authorised interpretation. There should be no misconception in certain circles concerning the views of the Permanent Mandates Commission when the representative of a mandatory Power had given it formal assurances as to the object, scope and meaning of the law.

The CHAIRMAN entirely agreed with this view. He thought, nevertheless, that the discussion which had taken place had been of great use for the purposes of interpretation.

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#### EIGHTH MEETING (PRIVATE).

*Held on Thursday, October 22nd, 1925, at 3.30 p.m.*

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Present : All the members who had attended the preceding meeting.

452. Examination of the Annual Report (1924) of the Belgian Government on the Administration of the Mandated Territory of Ruanda-Urundi.

##### *Frontier Tribunals.*

Sir F. LUGARD enquired concerning the "frontier tribunals" and "inter-territorial tribunals" to which reference was made at the foot of page 5 and on page 6 of the report. For what purpose had these tribunals been set up, and to what extent were they successful ? The former referred to the Congo frontier, the latter to that of Uganda. Were these Courts instituted to deal with persons who merely crossed the frontier or with fugitives from justice ?

M. HALEWYCK said it had been thought that the disputes which arose between the populations of the frontiers might easily be settled by means of tribunals composed of the

chiefs of the two regions concerned. Such jurisdictions had been set up on the common frontier between the Belgian Congo and Uganda, and the results had been excellent. The word "jurisdictions" was not exact, as these tribunals had no competence properly speaking and could not impose sanctions. They were, in effect, commissions of conciliation. When a dispute arose between natives of different countries on the frontier, with regard to ownership of cattle, for example, the chiefs appointed for the purpose met as a tribunal. The decision to which they came was communicated to the parties, who always accepted it, and there had never been any need to consider the question of establishing penalties. The results accordingly were excellent and for this reason it had been decided to set up similar tribunals on the common frontiers between Ruanda-Urundi and the Belgian Congo and Ruanda-Urundi and Uganda.

The fugitives to whom allusion had been made were not fugitives from justice, but natives who, by passing the frontier, evaded their obligations towards the Government, the chiefs, or the tribes. The frontier tribunals had been asked to intervene in order to bring back these refugees for the accomplishment of their duties and to return them to the community to which they belonged.

*Economic Situation : Customs Duties and Trade Relations.*

Sir F. LUGARD said he would venture to refer to certain allegations which had been made in the German Press in regard to the administration of the territory. The accredited representative of Belgium would probably be glad of an opportunity to deal with these allegations. One of them was to the effect that the freight charges incurred in respect of produce exported via the Congo were so heavy that the natives obtained virtually nothing for their produce and that the development of the territory was accordingly hindered. He would ask whether it was not possible to develop trade much more cheaply eastwards than by the Congo route.

M. HALEWYCK said that to his knowledge the tariff for the transport of goods by the Belgian line towards the Congo had never given rise to any complaint, which was evident proof that it was not in any way excessive. Far from complaining, the natives were so satisfied with the profits of the inter-territorial commerce in which they shared that it was necessary to moderate their enthusiasm. In spite of a possibility of famine, commerce with countries abroad was carried on, encouraged by speculation and hope of profit, and during a critical period, during which the export of goods might have endangered the food supplies of the territory, it had been necessary to prohibit the export of foodstuffs.

With regard to the development of commercial relations with countries other than the Congo, it should be noted that there was a very important trade between Ruanda-Urundi and Tanganyika territory, which absorbed a large quantity of foodstuffs.

The CHAIRMAN enquired as to certain accusations which had appeared in the Press to the effect that the Mandatory had introduced Customs duties which were twice those of the old German tariffs: these duties were said to fall especially on the natives and to enable the Belgian traders to make considerable profits.

M. HALEWYCK wondered how it could have occurred to the author of the article to establish a comparison between the German pre-war Customs tariffs and those which had been drawn up by Belgium after the war. In the interval, the whole economic situation had been revolutionised and comparison was impossible. He would also observe that certain Customs duties at present applied were specific duties and that in fixing them it had been necessary to take the depreciation of the franc into account, as the German tariffs had been calculated on the basis of a gold currency.

The Customs tariffs in force in Ruanda-Urundi were, as a result of the Customs union, the same as those which applied to the Belgian Congo. These tariffs had two years previously been readjusted in a spirit of great moderation. It was false to say that they affected only the natives, and it was impossible to discover how they could enable Belgian traders to exploit the natives.

Sir F. LUGARD said it was also alleged that the food supplies of the natives were endangered by excessive exports towards the Congo, that the population in Ruanda-Urundi was very dense and the area of productive land limited, and that a danger of famine was therefore likely to arise.

M. HALEWYCK said that there were exports of foodstuffs towards the Congo as towards other countries, but this was the result of the natural development of commerce, by means of which disposal was made of the products in excess of the needs of the territory. In 1924, as an exceptional measure, steps had been taken, as he had already explained, in order to check these exports, as there had been serious anxiety, owing to the danger of famine, with regard to the food supplies of the population. This, however, was a temporary situation, resulting from a prolonged drought. Exports had accordingly been prohibited during the critical period, but the prohibition had been partly raised as soon as the situation became normal again. At all ordinary times the foodstuffs of the territory were quite adequate, thanks to the new areas brought under cultivation and the new methods introduced by the Belgian Administration. It would be seen that the exports had increased in proportion as production had been intensified. These explanations would show that the Government was carefully watching the situation and that it would not hesitate to take measures to prohibit the export of foodstuffs if the food supplies of the populations of Ruanda-Urundi were endangered. This was not at present the case.

M. VAN REES drew attention to a passage in the article concerned, in which the mandatory Power was accused of having taken advantage of the short period of the occupation of Tabora in order to demolish a portion of the railway constructed from Tabora to Kagera and of having taken away all the railway material to the Congo as booty of war.

M. HALEWYCK said that since the Armistice nothing had been done which corresponded with the allegations made in the article. The article doubtless alluded to the removal of German material which, with the consent of the English who were in control of the line, had taken place during the war. At this time there could be no suspicion of the good faith of Belgium, since she did not then know that she would be called upon to administer the territory of Ruanda-Urundi. The material in question had been necessary in order to complete the railway line to the centres from which the Congo troops were despatched. The steps taken had been dictated solely by the needs of war.

*Administrative Organisation. Native Authorities.*

Sir F. LUGARD said it was further alleged that, though the Administration professed to rule the country through the native chiefs, this claim was without foundation, owing to the fact that, throughout the territory, the chiefs had little responsibility, owing to the presence of clerks trained in Belgian schools, of troops and of Belgian officials.

M. HALEWYCK felt it necessary at the outset to refute any criticism, based on the position which obtained under German rule, to the effect that the troops occupying the territory were terrorising the populations of Ruanda-Urundi. Such a criticism was really too ludicrous. He would point out that, in the whole of the territory of Ruanda-Urundi, there were only 650 men in the public forces. He would ask how a population of nearly five million inhabitants could be terrorised by so small a body.

As to the further allegations, he would point out that the native chiefs had preserved their old powers and that their political and judicial authority had been completely respected. Not only had native justice been maintained, it had been strengthened by the creation of native tribunals. Nothing had been modified in the political organisation of the country. It was true that, in order to facilitate the task of the native sultans and chiefs under their control, native secretaries had been appointed and placed at the disposal of the chiefs. These secretaries, however, were dependent on the chiefs and acted only in conformity with their orders. Under instructions, they might, for example, carry out, as regarded the census, a task which the chiefs would be unable to accomplish. It was also true that steps had been taken in order to prevent injustice and evasion. The chiefs were not above criticism. The Belgian Administration, when it had occupied the territory, observed that barbarous acts were committed. Villages fought among themselves and certain persons were put to death as the result of a denunciation by a fetish or a sorcerer. Justice, moreover, was rendered in favour of the party which offered the highest bribe. The Belgian Administration could not tolerate such practices, and, in spite of the customs, traditions and authority of the chiefs, it had been necessary to put an end to them. The Administration, by acting in this way, had merely carried out one of the formal provisions of the mandate, which imposed upon it the duty of civilising the populations and encouraging their social progress.

Sir F. LUGARD asked whether, in the opinion of the Administrator, there was any danger in the system of native clerks. His own experience had been that native clerks were frequently able to threaten the native chiefs, by professing a superior knowledge of the European law and the requirements of the Government.

M. HALEWYCK said that the Royal Commissioner had not so far drawn attention to any disadvantages resulting from the presence of native secretaries. The Administration in Brussels would specially consult the Royal Commissioner on this point, and the Belgian Government would be able to pass on the information received at the next session of the Commission.

M. FREIRE D'ANDRADE asked whether any difficulties were encountered in regard to the salaries given to the officials.

M. HALEWYCK said that the salaries were the same as those in the Congo and that in the mandated territory no difficulty had arisen.

M. FREIRE D'ANDRADE noted in the various chapters the following items : white staff, black staff. Could the blacks fill the same posts as the whites and did they receive the same salaries ?

M. HALEWYCK said that the requirements of the blacks were not the same as those of the whites, and account was taken of this in the salaries given. Moreover, the blacks were not yet competent to fulfil the duties performed by Europeans.

Sir F. LUGARD enquired as to the total strength of the administrative staff and as to the period of leave which officials enjoyed.

M. HALEWYCK said that the officials mentioned on the first page of the report, in which their number was indicated, were those who performed their duties on the spot, and that there was no reference to officials who came to replace them when they went on leave. Leave was granted every three years for a period of six months.

#### *Text of Laws.*

Sir F. LUGARD noted that the laws for the Congo and Belgian Congo legislation generally were now applicable to the territory. Would it be possible to have a copy of this legislation?

M. HALEWYCK said that the legislation of the Belgian Congo filled a considerable volume. The Congo Ordinances did not *ipso facto* apply to Ruanda-Urundi. It was necessary, if they were to come into force, that the Vice-Governor-General should so decide in regard to each particular ordinance by means of a special ordinance. There would be no objection to annexing ordinances as they came into force to the annual report, though certain of these ordinances, like the Civil Code, would fill a considerable number of pages.

Sir F. LUGARD asked for a bound volume of such laws as applied to the mandated territory, to which easy reference could be made — including regulations, etc.

#### *Communications.*

M. RAPPARD said that one of the most vital questions was, of course, that of communications. Was it the intention of the Administration to facilitate communications between the territory and the Indian Ocean? Might not the direction of the trade of the inhabitants towards the Congo and towards the west have a retarding effect upon the development of the territory?

M. HALEWYCK said that the Belgian Administration did not seek in any way to favour transport through the Congo, where provision had to be made for a very considerable traffic. Communications between the territories of Ruanda-Urundi and the Indian Ocean were in existence and were very satisfactory. When the mandates had been instituted, agreements had been reached between the Belgian and British Governments in order to establish a system facilitating the outlet towards Dar-es-Salaam and the Indian Ocean of goods coming either from the eastern provinces of the Congo or from Ruanda-Urundi. These arrangements were adequate to meet all existing needs, and the whole of the traffic from Ruanda-Urundi towards foreign countries was exported by the route Usumbura—Kigoma—Tabora—Dar-es-Salaam. Nothing was sent in transit through the Congo.

#### *Native Courts.*

M. RAPPARD noted the reference to native tribunals on page 7 of the report. Had these tribunals been recently instituted?

M. HALEWYCK said that formerly, in Ruanda, all justice had been concentrated in the hands of the sultan, who exercised jurisdiction over the whole of the territory, even in the most distant regions. As this centralisation was prejudicial to the prompt settlement of disputes, the Administration had, with the consent of the sultan, arranged that he should delegate his judicial power to the native tribunals set up in 1924 in various parts of Ruanda.

The position was different in Urundi, where the principal chiefs had their tribunals in virtue of ancient customs.

M. RAPPARD enquired as to the councils of war mentioned on page 12 of the report.

M. HALEWYCK said that these councils of war were only competent to deal with military cases.

M. RAPPARD noted that the report dealt more particularly with the white administration and was concerned chiefly with the organisation of the white population. He would enquire why more information was not given in regard to the native organisation?

M. HALEWYCK said that, as a result of a desire expressed during the June session of last year, the Royal Commissioner had been asked to send information as complete as possible with regard to native customs and organisation. This information had not yet arrived, but a letter reminding him of the matter had been addressed to the Royal Commissioner, who this year had been extremely busy, and it might be expected that the information in question would be communicated to the Commission during its next session.

#### *Immigration and Emigration.*

The CHAIRMAN asked whether there had been any movement of emigration or immigration since the question of the frontiers had been so happily settled between Belgium and Great Britain. If there was an emigration movement, had Belgium the means of controlling it?



M. HALEWYCK said he would take advantage of the allusion which had just been made to the modification of the frontier in order to state that the attachment of Kisaka to Ruanda had had the happiest results and had given rise to general satisfaction. He would again thank the Permanent Mandates Commission, the Council of the League of Nations and Great Britain, who had all participated in the just decision which had at last prevailed.

As to emigration, the impression up to last year was that it had been negligible and that the natives did not cross the frontier. Since the beginning of 1925, however, the Royal Commissioner had drawn attention to certain movements towards territories where the natives thought they might be able to obtain higher remuneration for their labour. A certain number of natives had crossed the eastern frontier in order to work in the neighbourhood of Lake Victoria. The movement on this side was fairly considerable. It was a movement with which the Belgian Administration would find it advisable to deal in the future, in order that the natives should only expatriate themselves profitably and with all necessary guarantees that they were being suitably recruited.

The fidelity of the natives to their customs and traditions was general, and these customs continued to be observed. Nevertheless, to some extent, the same thing was happening as occurred in Europe in the great cities. Certain individuals were attracted towards these centres, where they hoped to obtain more money. The Administration did not favour this movement, as the centres in question were inhabited for the most part by blacks under Arab influence, and the result would be an encouragement among those who went to these centres to introduce practices which it was the duty of the Administration to combat, as, for example, the idea of polygamy. The Administration was also hostile to the movement, because it was necessary to prevent the traditional tribes being broken up.

The CHAIRMAN said that, if only isolated individuals crossed the frontier, the phenomenon was not one which need give rise to any anxiety on the part of the Mandates Commission. If emigration, however, was taking place *en masse*, the Commission would have the impression that conditions of life in the country were not favourable.

The Commission would therefore be happy to see in the next report some indications enabling it to follow this emigration movement and to know whether it was temporary or final in character. An emigration movement final in character would be extremely deplorable.

#### *Labour.*

M. VAN REES noted, on page 6, column 2, of the report, under the heading "Native Policy", an allusion to Ordinance No. 52 of November 7th, 1924, authorising the Resident to compel the natives to work upon plantations. He quoted a passage from this ordinance. The ordinance appeared to give unlimited power to the two Residents. This power enabled them to compel the natives not only to undertake productive works but also to work on plantations for export purposes.

He would like to know whether in practice there were any reservations in regard to this matter in the administrative regulations or any precautions to prevent unsuccessful experiments. Were such orders subject, for example, to the previous advice of experts in tropical agriculture? It was obvious that such orders, if they did not lead to good results, would impair the confidence placed by the natives in the mandatory Power. He would accordingly like to know how the ordinance was enforced. Was it the Resident who decreed that it was necessary to develop plantations *en masse* in order to increase the amount of produce available for export?

M. HALEWYCK said he did not think M. Van Rees wished to criticise the principle of the measure. Forced labour was as hateful if required for private individuals as it was commendable when imposed on the natives to remedy their lack of foresight and induce them to produce the foodstuffs indispensable for their elementary needs.

As to the methods of application, the Resident had no special instructions on this subject. The Mandates Commission would be familiar with the text of the ordinance from its publication in the *Official Bulletin* of the mandated territory, and there were no complementary instructions given to the Resident. The Resident applied to the competent official for advice and then took such action as was necessary.

M. VAN REES asked whether there were officials who were really competent in the matter.

M. HALEWYCK said that there were specialists among the local officials and in the School of Agriculture.

M. PALACIOS asked for some explanations in regard to paragraph 3 of column 1, on page 7 of the report, concerning forced labour. The text was as follows:

"The labour levies due by the natives to their chiefs had been reduced to 42 days per year, and certain money taxes which had given rise to abuses had been abolished."

These levies were a form of forced labour. Were they not the kind of labour which was known as "fiscal labour"? What were the provisions which regulated this kind of labour?

M. HALEWYCK said that the European Administration had not created the obligation of these levies, which had existed from time immemorial. They were based on native customs, which permitted the chiefs to claim two days' work per week, an amount which was in theory enormous. These two days' work per week, however, were in fact only furnished in part, as the chief applied sometimes to one family and sometimes to another, and there grew up a system of rotation.

The Administration had found, however, that these levies might still be excessive, and, as indicated in the report for 1924, it had made important reductions in the number of the days.

The levies were made particularly with the object of looking after cattle. The obligations might also include certain works, such as the sowing of fields, the construction of a house, etc.

M. PALACIOS thought that, after the explanations furnished by M. Halewyck, a statement should be inserted in the chapter on labour informing the Commission in what these labour levies consisted.

Sir F. LUGARD protested against the assumption that, because these labour levies were imposed by the native chiefs, the European Administration had no responsibility in the matter. The European Administration was ruling through the native chiefs and obviously had power to define their authority. The European Administration might prohibit anything which it considered contrary to the laws of the country and not consistent with its civilising mission. This was true in regard to forced labour or to any other practice which might lead to abuse.

M. VAN REES said that, according to the explanation of M. Halewyck, the labour levies were a form of labour which consisted in looking after the cattle of the chiefs. This was clearly forced labour. He would like to know whether, outside this labour, which was done for the benefit of the chief, there were other labour levies, imposed in accordance with native customs, for doing the current work of the village, such as the construction of small bridges, the maintenance of paths through the bush, etc. In this connection he would refer to Article 33 of an ordinance dealing with village services which applied to the Belgian Congo. The services enumerated in this ordinance were levies of an obligatory character. They were not remunerated, a fact which was easily understood. He would like to know, however, whether in Ruanda-Urundi the same kind of work existed outside the levies which had been reduced to 42 days per year.

Mr. GRIMSHAW thought that a solution of the question would be found in the report for 1922. In this report, the Belgian Administration was described as endeavouring successfully to convert the labour levies on behalf of the chiefs into social services on behalf of the community, in accordance with the practice found elsewhere. He would like to have further information in regard to this matter. Were the 42 days mentioned in the report given in personal service to the chiefs or were they devoted to the village services?

M. HALEWYCK said that the ordinances of the Belgian Congo concerning the native chiefs to which M. Van Rees had just alluded had not hitherto applied to Ruanda-Urundi. In Ruanda-Urundi, the village works to which the Vice-Chairman had referred, such as clearing away the undergrowth, opening paths and constructing small bridges, etc., were executed by the natives under the orders of their chiefs acting by virtue of their traditional authority, which was without precise limits. This authority was absolute, moderated, however, by custom. When a chief decided that a certain piece of village work should be undertaken, he applied to the natives for the necessary labour, and the natives furnished the labour required in virtue of the law which required obedience to the chiefs.

M. VAN REES thought the following was a correct statement of the position :

Compulsory labour was imposed in Ruanda-Urundi. This labour was not for essential public works and services and was not remunerated. Compulsory labour was also imposed for village services and this labour did not come under the definition of forced or compulsory labour within the terms of the mandate. The mandate prohibited all forced or compulsory labour except labour for essential public works and services, and even in this case a just remuneration should be provided.

In practice, there were two kinds of compulsory labour. One form of labour was required on behalf of the native chief and the other was imposed by the Resident or, in other words, by the European Administration. As he had just pointed out, neither kind of labour complied with the formula in the mandate.

He had no intention of criticising the measures in force in Ruanda-Urundi, particularly as, in his opinion, as he had pointed out during the examination of the other reports, it was absolutely impracticable to interpret literally the formula in the mandate, either so far as Belgium or the other mandatory Powers were concerned. This was a question which would shortly be the subject of special examination. For the moment, he would merely note the facts.

M. FREIRE D'ANDRADE asked M. Van Rees whether the labour which he regarded as forced labour was not a labour established by native habits and customs. It was the duty

of the native chiefs to protect the natives, to render them justice, etc., but this duty conferred upon them at the same time certain prerogatives. They accordingly had the right to give certain orders in regard to the various works to be carried out on their behalf and on behalf of the community. The work described by M. Van Rees was accordingly an inevitable consequence of the system of administration which maintained the native organisations and the authority of the chiefs, and had not in the least degree the character of forced labour as contemplated in the mandates.

He did not personally approve of the terms of the mandate, but there was only one possible interpretation on this point. He would remind the Commission that, during recent discussions of the subject, the conclusion had been reached that services imposed by the chief could not be regarded as forced labour.

M. HALEWYCK said he had not yet replied to M. Van Rees, and the statement of M. Freire d'Andrade enabled him to limit his reply to a correction. M. Van Rees had said that in Ruanda-Urundi the European Administration imposed labour. The European Administration did not itself make any levy. When a road was to be constructed, for example, it came to an arrangement with the native chief, and it was the native chief who, with the help of his subjects, took the necessary steps to carry out the scheme. It was an example of indirect administration.

M. VAN REES said that he had been referring to the work imposed by the Resident for the plantations and not for the village services or public works.

M. HALEWYCK, replying to a previous question of Mr. Grimshaw, said that it was very difficult to transform the various native levies and other forms of labour for village services and the construction of roads, etc. If the rights of the chiefs, which formed part of the most ancient customs of the population, were suppressed, there would ensue a veritable revolution in the social and economic life of the natives only comparable to that which, under the French Revolution, had resulted from the suppression of the old system of corporate labour. It was therefore necessary to be extremely prudent and to progress gradually towards the new conditions referred to in the report of 1922.

Prudence was all the more necessary as the levies were very complicated and were far from having entirely the character of a tribute. Frequently, value was given in return for the services imposed; they might, for example, be given in return for a cow or a calf.

M. VAN REES agreed as to the advisability of a prudent policy. He had recognised on several occasions that it was impossible for any mandatory Government to do without such levies. This state of affairs was due to the terms of the mandate itself.

Sir F. LUGARD, referring to the statement of M. Van Rees, said he could not agree that the formula in the mandate was impracticable. It all depended on the amount of the remuneration given to the native chiefs. The chiefs obviously could not carry out orders enjoining the abolition of forced and unremunerated labour unless they received adequate salaries to pay for the labour which was required. The solution was to give the chiefs the means of paying for the labour which was necessary.

M. PALACIOS said that the Commission must ensure that the terms of the mandate regarding forced labour were strictly and rigorously applied.

MR. GRIMSHAW noted the statement of the accredited representative that the legislation of the Congo was not extended *en bloc* to Ruanda-Urundi. What was the position in regard to the Congo legislation regulating forced labour? He presumed that there was nothing in the Congo legislation which was contrary to the provisions of the mandate. There was, for example, no forced labour for private employers.

M. HALEWYCK replied that there was not the least provision in the Congo legislation which permitted forced labour for private enterprises.

MR. GRIMSHAW said that, in the 1922 report, it had been stated that individual natives who did not pay their taxes were allowed to meet their obligations by furnishing labour. Did this practice continue?

M. HALEWYCK said that the individuals who did not pay their taxes were still free to give labour in exchange.

MR. GRIMSHAW enquired whether the prohibition of the recruiting of labour for employment outside the territory, including the Congo, was still in force.

M. HALEWYCK replied that there were no such prohibitions, but that in 1924 there had been no recruiting of labour either for the Congo or any other country outside the territory.

MR. GRIMSHAW noted that over 64,000 men were employed in portage, and that the pay was 60 centimes per day. This did not appear to be an attractive salary. Were the services of the labourers entirely voluntary, and how were they recruited?

M. HALEWYCK said the salary of the porters corresponded with values in Ruanda, where life was extremely cheap. A skilled workman at Usumbura, the principal centre of industry

in the territory, where the amount of labour was nevertheless hardly adequate, received a salary which varied from 1 fr. 25 cts. to 7 francs per day. As an example of the cheapness of the cost of living, it would suffice to state that a head of cattle—for instance, a cow—could be purchased for 200 Belgian francs. It was considered that even this price was high, as a head of cattle two years previously could be purchased for 80 francs.

MR. GRIMSHAW again asked whether the labour was entirely voluntary.

M. HALEWYCK replied that it was difficult to decide where moral pressure began and where it ended. When porters were required, a request was addressed to the native chief. Who could say for certain whether the chief exercised any pressure? It had recently been stated in a report that the porters volunteered spontaneously.

M. BEAU observed that the proportion of the number of porters to the population was extremely low. There were only 60,000 porters to five million inhabitants.

MR. GRIMSHAW said there was nothing in the present report in regard to Ordinance No. 21 (formerly No. 100) on labour contracts. Had any contracts been made, and how were they controlled? Who were the employers with whom contracts had been made under this ordinance?

M. HALEWYCK said that the contracts had been made at Usumbura, the industrial centre, and that all the provisions of the ordinances, there as elsewhere, were regularly applied. There were a few industries in the plain of Tanganyika and in the valley of the Ruzizi, but in other districts the non-native enterprises were of a commercial character.

MR. GRIMSHAW noted, on pages 22 and 28 of the report, references to plantations. Was the labour on these plantations regulated by long-term contracts or was it locally obtained?

M. HALEWYCK said there was no recruited labour for any enterprise. These plantations were worked by natives, who of their own free will cultivated the land for themselves and who in their work received help from the Administration. They were given advice and seed for sowing. They worked, however, on their own account. They also trained themselves for certain kinds of cultivation by apprenticing themselves in the service of the State.

MR. GRIMSHAW enquired whether, apart from the experimental plantations for mulberry and cotton crops, there were any other extensive plantations in white ownership.

M. HALEWYCK said that there was the cotton plantation in the valley of the Ruzizi and the mulberry plantations in the plain of Tanganyika. These were private enterprises and the work was regulated by the Masters and Servants Ordinances.

MR. GRIMSHAW, referring to Ordinance No. 52, said that it indicated the possibility of forced labour and that it appeared to present some danger. Extensive powers were given to the Resident which, if abused, might result in forced labour of an unfortunate character. Under Article 2, heavy penalties might be imposed for disobedience. It appeared that the application of the ordinance might result in the infliction of unjustifiable burdens if the system were abused.

M. HALEWYCK recognised that the Resident, in applying this ordinance, must act with considerable prudence. If abuses arose, complaints would certainly be formulated. He would, however, draw the attention of his Government to the dangers involved by this ordinance if it were not applied with the utmost prudence.

M. RAPPARD noted a reference in Article 2 to natives guilty of a breach of contract. Was the culprit pronounced guilty by the Resident or by the tribunal?

M. HALEWYCK said that this was a judicial and not an administrative matter, as the steps taken were disciplinary. The penalties had been established during the German occupation and had been upon a higher scale than was now the case. He did not know whether the provisions were often applied. The next report would contain information on the subject.

#### *Liquor Traffic.*

The CHAIRMAN said he had two observations to make. He noted that, on page 11 of the report, among the Customs statistics, the duties collected on alcohol had increased five times from 1923 to 1924. It might accordingly be supposed that the consumption of alcohol had been greater in 1924 than in 1923.

M. HALEWYCK observed that there was another factor. The increase arose from the fact that the Customs duties had been considerably increased.

The CHAIRMAN said he had the impression that it was impossible to check the consumption of alcohol in Ruanda-Urundi since, on page 29, it was said that 4,881 litres had been imported, whereas this figure took no account of re-imports and re-exports through the Belgian Congo. According to the present method of showing statistics, there was no possible means for the Mandates Commission to check the consumption of alcohol in the territory,

as it might always be stated that it was impossible to know exactly what proportion of the alcohol was consumed in Ruanda and what proportion was exported to the Congo.

M. HALEWYCK said he would ask that the Administration should consider some means of enabling a check to be kept on the trade in alcohol between Ruanda-Urundi and the Belgian Congo.

M. RAPPARD emphasised the importance of this point. It was due to the establishment of the Customs Union of the Congo that it was impossible for the Mandates Commission to discover how much alcohol was being consumed in the mandated territories. It was obvious that the Commission should not be deprived of necessary information as a result of the Customs Union.

#### *Military Clauses.*

The CHAIRMAN noted, on page 10 of the report, that the expenses for the public forces amounted to about 600,000 francs. There was no information, however, as to the amount expended on the police or the manner in which they were paid. It would be interesting to have information on this subject in the next report.

M. HALEWYCK said that the composition of the public forces was explained on page 29 of the report. Details would be given with regard to the composition of the police forces in the next report. The next report would also contain the information which had been requested in regard to the distribution of expenditure.

#### *Economic Equality.*

The CHAIRMAN noted, on page 18 of the report, reference to 225 parcels of land in Ruanda-Urundi. What was the nationality of the persons who had obtained these concessions ?

M. HALEWYCK said that they were in the majority of cases Arabs and Indians.

M. PALACIOS desired to know for what reason there was a law establishing a supplementary tax on non-indigenous inhabitants who practised polygamy. Judging from what was said on page 8, column 2, of the report, the provision appeared to be part of a policy of discrimination and, therefore, created an economic inequality among the population.

M. HALEWYCK said that the non-indigenous natives were people who came from outside and brought with them their customs. The population of the country were interested in these foreigners and tended to adopt their customs. As these customs included polygamy, those foreigners who practised it were taxed higher than the other inhabitants in order to discourage their matrimonial habits, which were contrary to the principles of civilisation.

M. PALACIOS said he understood that the discrimination was between polygamist and monogamist persons and not between foreigners and natives.

M. HALEWYCK said that this was only partly true, for, although as a whole the indigenous populations of Ruanda-Urundi were monogamous, some of their great chiefs were, nevertheless, polygamous. It would be premature to take steps to deal with these cases, which had their basis in the traditional customs of the country.

#### *Education.*

Mme BUGGE-WICKSELL noted that there were 24 elementary schools—11 attached to the Government posts and 13 to native headquarters. She noted that, in the schools attached to the Government posts, reading, writing and arithmetic were taught, whereas arithmetic was not taught in the schools attached to native headquarters. Why this difference of programmes ?

M. HALEWYCK said that this difference arose from the fact that all the teachers at the disposal of the Administration had not attained the same degree of culture and so were not suitable to give instruction indiscriminately in all the schools. It had therefore been necessary to reserve for the administrative stations, in which a more complete education was useful, teachers who were more advanced, and to be content provisionally with other teachers in the native stations.

Mme BUGGE-WICKSELL alluded to what was said last year by the accredited representative about the possibility of obtaining teachers from Nyanza and Muramvya. What was the position now with regard to this proposal ?

M. HALEWYCK said that, as in the previous year, a large number of teachers had come from the schools of Muramvya, which had enabled the number of official schools in Urundi to be increased to 24 in 1924. In the previous year, the number had been only 11.

- Mme BUGGE-WICKSELL noted in the estimates that 87,000 francs was distributed to the missions in the form of subsidies. Were these subsidies granted in order to encourage
- the missions to train teachers ?

M. HALEWYCK said that it was necessary to distinguish between the present state of affairs and what was proposed in the scheme. The Government indicated, on page 30 of the report, that it was studying the possibility of developing education with the assistance of the missions. It would subsidise the missions in order that they might organise schools for the training, particularly, of teachers and medical assistants and these schools would be subject to State inspection. The Administration, however, was already encouraging education by the missions by means of subsidies, which were rather smaller and which had amounted in 1924 to 87,400 francs.

Sir F. LUGARD noted that, in the estimates, £2,700 was devoted to the education of five million inhabitants. Was this the total sum expended on education ?

M. HALEWYCK said he had not with him the total figure for all the sums expended in Ruanda-Urundi on education. According to the calculations which he had made, however, these sums would represent from 4 ½ to 5 per cent of the total expenditure of the territory in 1924. He had made similar calculations for the expenditure on health and had arrived at the conclusion that the two items together accounted for about 10 per cent of the total expenditure.

Sir F. LUGARD noted that the education was almost entirely literary. Was there any vocational instruction ?

M. HALEWYCK said that, although such instruction was not in the syllabus, elementary teaching in professional work was given in the primary schools. The pupils, for example, were instructed in making bags, carpets and beadwork. The education, therefore, was not exclusively literary. Moreover, the Government had instituted at Shangugu a special course devoted exclusively to professional teaching.

M. PALACIOS said he wished to commend and encourage the policy, described on page 18 of the report, with regard to scientific missions. This policy was a result of the Congress on Ethnology and Comparative Religion which had met at Vienna in 1924. The work was purely sociological. When one remembered that almost all modern sociology had arisen from studies of this character and that its results had more than a scientific value, being also of a political and practical utility, the Commission could only congratulate the Administration on its initiative. Personally, he would like to know what was achieved as a result of this work, which could not fail to be of interest.

#### NINTH MEETING.

*Held on Friday, October 23rd, 1925, at 10.30 a.m.*

Present : All the members who attended the preceding meeting, except M. Palacios.

453. Examination of the Annual Report (1924) of the Belgian Government on the Mandated Territory of Ruanda-Urundi (*continued*).

#### *Public Health.*

M. RAPPARD said (according to page 13, 2nd column) that there were on an average 250 prisoners detained in Urundi and that the number of deaths had risen to 66, which seemed to constitute a terrible rate of mortality.

M. HALEWYCK pointed out that the report stated, a little further back, that cases of dysentery had occurred in certain prisons and that they had been followed by several deaths. This probably explained the high figure to which allusion had been made. When, in spite of the precautions taken, dysentery broke out in a prison, the consequences were always serious. In the Congo, a very high rate of mortality had been noted in such cases. The evil broke out suddenly, and it was very difficult to check. The Administration, however, would endeavour to find a remedy.

M. RAPPARD noted that, on page 10 of the report, the sums set aside for the prisons of Ruanda and Urundi had not been nearly all expended in 1924. The mortality recorded, however, in the report seemed to show that a crisis had occurred, and in those circumstances the Commission would have expected to note that the sums in question had been rather exceeded than not fully expended.

M. HALEWYCK pointed out that dysentery was a swift and fatal disease, so that probably it had not been possible to increase the hospital expenditure.

M. RAPPARD noted with satisfaction that the expenditure on public health had progressively increased and that that increase was more than in proportion to the depreciation of the Belgian franc.

M. HALEWYCK pointed out that the budget for 1925 (Article 48) showed an entirely new item of expenditure, amounting to 300,000 francs, for the extension of the medical services. This item was on page 37 of the report.

Sir F. LUGARD asked what additional expenditure on the building and equipment of hospitals was contemplated. On page 19 of the report, it was stated that a pavilion for patients in the hospital for blacks had been constructed, and on page 10, item 38 of the budget of 1924 showed an appropriation of 95,000 francs for schools and hospitals, of which only 19,354 Belgian francs had been expended. This seemed to be a very insignificant sum for five million natives. On the other hand, the vote for administrative buildings (in which were presumably included the residences for Europeans) had been over-spent by more than 50 per cent. On page 37, in the estimate for 1925, there was an item "Hospitals", but no indication of the amount to be spent.

M. HALEWYCK thought that Sir F. Lugard was confusing the building and equipment expenses actually incurred with those which were merely contemplated. The reference on page 19 of the report was to buildings erected during the year 1924. On page 37, the reference was to work which the Administration proposed to undertake during 1925.

Sir F. LUGARD asked how many hospitals there were in the territory.

M. HALEWYCK replied that there were three hospitals, each with a polyclinic. There was also a special polyclinic at Rumonge. There were dispensaries at all the Government posts and in all the mission stations.

Sir F. LUGARD noted that there were four doctors in the territory, but that provision had been made for their number to be increased to eight. This figure was very low when it was remembered that the population numbered five millions.

M. HALEWYCK explained that the number of doctors would be six in 1925 and eight in 1926. This amounted to doubling the number of doctors within two years. As he had pointed out the previous year, the Commission should not have any illusions on the subject or believe that the multiplication of European doctors was the best means for remedying the health position in the territory. For a long time to come, whatever efforts might be made, the doctors would not be sufficient in number to give the natives the necessary assistance. Suppose it were possible to realise the Utopian plan of sending fifty doctors into the mandated territory, this would only mean one doctor for every 100,000 inhabitants. How could a doctor deal effectively with so many patients ?

The Belgian Government was of opinion that its efforts should be directed towards developing the native medical assistant staff, but for the training of assistants special preparation was necessary. Hitherto, four assistants had come from the School of Native Medical Assistants. Thirteen were at present following the courses. It was necessary to multiply the number of native assistants. All this, however, could not be done in a single day. It must not be forgotten that the Belgian occupation had lasted for only a few years and that in Europe it was only after two centuries that true medical science had taken the place of the old empirical methods.

M. RAPPARD asked how many veterinary surgeons were to be found in the district.

M. HALEWYCK replied that there were at present two veterinary surgeons on the spot. He added, in completion of his previous explanations, that the Belgian Government was making every effort to interest in the campaign against disease all the white population which was under its influence or control. Besides doctors, qualified nurses (white and black) and native assistants, all the officials were more or less trained to help the population and all the Government posts were provided with essential medical stores. Every mission also helped. The missions included seven missionaries with certificates from the School of Tropical Medicine and they received remedies and sanitary stores from the Government.

Sir F. LUGARD wished to know whether the small number of doctors was explained by the difficulties experienced in recruiting them or because of financial considerations. Reference had been made to the use of native assistants, but the efficiency of these would depend to a great extent on the number of doctors who could train and supervise them.

M. HALEWYCK explained that until lately the difficulty had been principally one of recruiting. Recently, however, the situation had improved, and fourteen doctors, all of them Italians, had put themselves down for the courses of the Institute of Tropical Medicine at Brussels, which were to be given as from the second fortnight of October.

There was, however, another aspect of the problem, namely, the financial aspect. Expenditure could not be indefinitely increased, and account must be taken of the available resources.

Replying to additional questions of Sir F. LUGARD, M. HALEWYCK added that the annual subsidies of Belgium to the mandated territory had averaged, up to 1924, 1,200,000 to 1,400,000 francs, or about a quarter of the total expenditure of the territory. There was a programme in existence the object of which was to increase the assistance rendered by Belgium by means of repayable advances. This programme, which had just been accepted, included a total subsidy of 20 millions, to be distributed over several financial periods.

He did not know how many doctors were in the territory during the German occupation. The number must have been very small, for the Germans had only begun seriously to colonise this part of the territory of German East Africa when the war broke out. It should, however, be noted that they had made a serious effort to combat sleeping-sickness, which was raging in the plain near the lake.

M. VAN REES wished to put two questions :

1. Who were the health officials (*agents sanitaires*) mentioned in the report on page 30 ?
2. The report, on the same page, stated that certain treatment (vaccination, etc.) was given by persons without any special qualifications. Could these persons be regarded as sufficiently competent?

M. HALEWYCK, replying to the first question, explained that the health officials in question were white certified male nurses, who had received a special training at Brussels. The territorial officials who administered vaccination took an appropriate health course before their departure for Africa. The course was given in Brussels by a specialist in tropical diseases attached to the Colonial Ministry. It lasted from three to four months, and consisted in teaching the persons taking it indispensable practical ideas as to health.

The CHAIRMAN said that the members of the Commission had agreed to recommend the mandatory Power to increase if possible its expenditure in order to make still more effective the health measures already adopted.

He reminded the Commission that, in the previous year, he had expressed the opinion that it would be sufficient to appeal for help to foreign doctors in order to increase the health staff of the mandated territories. The fact that fourteen doctors, all of Italian nationality, were taking the course at the School of Tropical Medicine at Brussels showed that he had been right to make this suggestion.

#### *Administrative Organisation.*

Sir F. LUGARD asked what distinction there was between the posts and the *chefferies*.

M. HALEWYCK replied that the *chefferies* were districts with traditional boundaries, inhabited by a native community under the authority of the same chief. The *chefferies* differed in area. The Government posts were under European administration; they had been for the most part established on sites which had been bought by the Germans from the natives in order to set up their administrative services.

#### *Moral, Material and Social Welfare : Expenditure incurred in the Direct Interest of the Natives.*

M. VAN REES noted, in the table of expenditure incurred in the interest of the natives, that a sum of 193,112 francs had been set aside for the road joining Uvira with Bukavu. After having consulted the existing maps, however, he had found that this road was on the territory of Belgian Congo.

M. HALEWYCK, while admitting that the Uvira-Bukavu road, as a whole, was established on Congo territory, was unable to say whether certain portions of it did not cross the frontier of Ruanda. In any case, this means of communication was of paramount interest to the territory under mandate and had for this territory a capital importance. Without it Ruanda could not export its products through Usumbura, where they were shipped. For this reason, the territory under mandate had been asked to co-operate in the cost of constructing the road. It frequently happened that a country contributed to expenditure made in its own interests, even in a neighbouring territory. As an example, the Belgian concession of Dar-es-Salaam might be cited, a concession which interested both the Belgian Congo and Ruanda-Urundi. The Governments of these two countries shared the costs of the administration of the concession, which was, nevertheless, located in British territory.

M. VAN REES pointed out that the use of that port was of special importance to the mandated territory.

M. HALEWYCK replied that the same was true of the Uvira-Bukavu road.

Sir F. LUGARD said that the sum of 218,000 francs, under the heading "Rebate of taxes to the native chiefs", could hardly be described as having been expended in the direct interests of the natives.

M. HALEWYCK agreed that this item was out of place. He thought that the Royal Commissioner should in future not include such sums in the chapter of the report concerning expenditure incurred in the direct interest of the natives.

M. RAPPARD supported the observation of Sir F. Lugard. He thought that the mandatory Power had desired to make every effort to show what it was doing in the direct interest of the natives, but it ran the risk of creating the opposite impression by indications of this kind.

He asked whether the sum of 125,000 francs shown as having been expended on ways of communication was the only expenditure on roads in the interior of the country, although the sum of 193,000 francs had been expended on a road outside the country.

M. HALEWYCK said that the means of communication to which reference was made were footpaths or roads which did not involve any considerable expenditure for their upkeep, whereas the Uvira-Bukavu road was a carriage road of importance for the commerce of Ruanda-Urundi, the construction of which had been necessarily costly.



He would observe, in reference to the first observation of M. Rappard, that it was very difficult to draw up an exact table of expenditure made in the direct interest of the natives. The greater part of the expenditure, for example, on the judicial and administrative services was in the interests of the natives to an extent that varied considerably, and the information requested by the Commission would require a method of allocation which would be extremely difficult to establish. In his opinion, the table should show a good deal more information than it did.

M. VAN REES considered that the explanations given by the accredited representative involved a question of principle. Ought not the public works undertaken on the territory of a colony to be paid for by that colony? He did not understand, even if the inhabitants of a mandated territory benefited from those public works, how a part of the expenditure on them could fall upon the budget of the territory. This question was of a general kind and concerned not only the territory of Ruanda-Urundi, although it was in connection with this territory that the Commission had had to note this fact for the first time.

M. HALEWYCK put forward as a hypothesis the case of a Government needing a means to export its products. The territory was not suitable for the construction of a road, and the territory of a neighbouring Government was much more adaptable. It could easily be imagined that negotiations on the subject would be opened. The Government of the country which could not export its products would ask the other Government to construct the road upon its territory. The second Government, which had a much less direct interest in this construction, would reply that it had more urgent public works in hand and that it could not assume any further charges. Would it not be reasonable for the first Government, which had an imperative need for a means of communication, to offer financial assistance to the other Government to assist it in carrying out the work which, without such assistance, it would not be prepared to undertake. This was exactly the solution which had been reached with regard to the road from Uvira to Bukavu.

M. VAN REES agreed that such a method of procedure was to be recommended. He had the impression, however, that the road in question, which ran from north to south, was not of great advantage to the mandated territory, and he wondered how the interests of the two territories could be adequately estimated so that one should not be overburdened in comparison with the other.

M. HALEWYCK replied that, without this road, the mandated territory would, on the contrary, have great difficulty in exporting its products. These products came down towards Lake Kivu, and afterwards, thanks to the new road, they might easily reach the port of Usumbura.

The CHAIRMAN wondered whether the mandatory Power should not ascertain whether it was possible for Ruanda-Urundi to develop its trade by roads other than this road running from north to south.

M. BEAU, in corroboration of the explanations of M. Halewyck, quoted the example of the Mekong, which served as a boundary between Siam and Indo-China. One of the two banks offered the best possible facilities for the establishment of roads intended to remedy deficiencies in the navigability of the river, whereas the other bank presented insurmountable obstacles. Between two riparian States there might be difficulties in reaching an agreement, whereas it was quite natural to profit from the administrative union, newly created, in order to enable Ruanda-Urundi to benefit from a road passing through Congo territory instead of trying to establish communications in a difficult region simply because it was within the territory under mandate and because the expenditure incurred by the territory for such a road might give rise to objections. The solution adopted in the particular instance was a just example of the advantages of the administrative union. Clearly, the mandatory Government had endeavoured to establish under the best conditions a route intended especially for the economic development of Ruanda-Urundi.

The CHAIRMAN thought that the whole Commission would agree with M. Beau. Nevertheless, in the case in point, Ruanda-Urundi had not been the only territory to benefit from the road in question. The Congo profited by it at least to the same extent. It was necessary, therefore, to know whether the Congo contributed to the expense entailed by the road and, if so, to what extent? It would be of interest for the Commission to know this. He hoped that the report next year would give information on the subject.

Sir F. LUGARD asked what was the number of deaths in the famine to which M. Halewyck had previously alluded.

M. HALEWYCK replied that there had been a threat of famine rather than famine. It had not caused any deaths, the Government having immediately brought help to that part of the population concerned.

Sir F. LUGARD noted that the Government had only voted 20,000 francs for famine relief and had actually expended only 7,239 francs (about £70).

- M. HALEWYCK explained that, as he had said at the preceding meeting, the cost of living was very low in Urundi, and that the sum expended had not been inconsiderable
- taking this into account. Also in the case in question the famine had not been general

but only a local one. In reality, as was stated on page 22 of the report, there had been a certain amount of distress; it had been merely a threat of famine, which had never developed, thanks to the rapid intervention of the Government.

M. FREIRE D'ANDRADE agreed with the remarks of the accredited representative. He thought that in a case of famine it was not the duty of an Administration to provide free food for the inhabitants. Its duty was only to make certain that the traders did not raise their prices too high. Were the natives to realise that, in case of famine, they would be fed free of charge by the Administration, it might easily happen that famines would occur every year. He had had personal experience of a case in a Portuguese colony. Against his advice, the Government had, when a famine had broken out, sent two shiploads of maize for the population, with the result that the famine, as he had predicted, had returned in all the following years. Save in exceptional circumstances, the general principle should be adopted that a Government ought not itself to feed the natives in time of famine. It was essential that, like the whites, they should be convinced that they must gain their livelihood by work. If the natives, as might happen, had not the means of buying the cereals which they needed, they might be given work, but it was a mistake, in his opinion, to feed them gratuitously. In the special case of Urundi, not only ought the Commission not to be surprised at the fact that the expenditure had been so small, but such expenditure ought even to have been nil had the Government contented itself with making sure that the traders did not raise their prices above the normal current price. In reference to an observation of M. Rappard, he would cite another case of his personal experience in Mozambique. A famine had occurred and he had imported some thousands of sacks of maize and warned the traders that, were they to raise their prices, he would sell the maize at cost price. The result was that the natives had been able to purchase the necessary provisions at a reasonable price. It was, of course, understood that, when a famine broke out, one of the first measures to be taken was to prohibit export.

M. VAN REES, with regard to the sum of 125,000 francs set aside for expenditure on ways of communication in the direct interests of the natives, noted that, on page 20, column 2, of the report, the total length of the carriage and cycle roads of the territory was 2,525 kilometres, of which 342 kilometres were open to vehicles and 2,183 kilometres to cyclists. The expenditure had not, therefore, been made solely on paths and by-roads but on roads of a certain importance, the upkeep of which, however, cost only about 50 francs per kilometre. He would like to know what were the average wages of the native labourers employed on these roads.

M. HALEWYCK replied that, in the *chefferies*, the chiefs, as he had said at the previous meeting, asked their men to construct and to maintain the communications which were of general concern to the community. The sum of 125,000 francs, to which reference was made, had been required for the establishment of portions of the roads built in 1924.

As to the salary of the workers, information would be requested for the next session of the Commission.

M. RAPPARD asked whether the Commission was right in thinking that certain forms of labour on public works was not paid.

M. HALEWYCK replied that this was true of work which the chiefs caused their men to perform for the benefit of the *chefferies*.

Mme BUGGE-WICKSELL said that, if the total amount of money expended on the welfare of the natives were examined, it would be found to be 1,386,575 francs. On page 11, however, of the report, the amount of revenue obtained from the taxes paid by the natives was stated to be 2,751,178 francs, that was to say, that, on the surface, it would appear that the Administration spent on the direct welfare of the natives only about half what it received.

M. HALEWYCK said that the importance of the sums raised from the natives and devoted to their welfare ought not to be judged by such a comparison. The whole of the administration of Ruanda-Urundi was in fact carried on in the interests of the natives. The political and judicial organisation of the territory ensured to them security, peace and justice, whereas previously they had been ruled by mercenary judges, decimated by internal wars, and subject to the tyranny of witch-doctors. It could be shown in detail that all the expenditure incurred in the territory, none of which was of a sumptuary character, had been of direct profit to the natives, though only certain items were mentioned in the schedule to which Mme Bugge-Wicksell had alluded. It might be affirmed, without any possibility of contradiction, that the taxes levied on the natives formed a total considerably less than the expenditure effected in their interest.

M. VAN REES explained that the observation of Mme Bugge-Wicksell was due to the fact that, in other territories, the Commission had had to note that expenditure incurred in the direct interests of the natives had exceeded the total amount of the taxes collected.

Mme BUGGE-WICKSELL understood that the 2,751,178 francs to which she had referred were the product of the direct taxes only. The total revenue of the country, however, amounted to over 6,000,000 francs. She was inclined to think, with other members of the Commission, that what was paid in taxes directly by the natives should be expended on the natives.

Sir F. LUGARD thought that the difficulty lay in the compilation of the list on page 11 of the report. The salaries of the Belgian administrative officials in the mandated territory had been omitted from that list. Had the figures for these salaries been included, and certain other items which appeared to him to be unnecessary omitted, it would probably be found that the expenditure of the Administration on the natives had been greater than actually appeared.

M. HALEWYCK admitted that the table in question should be rearranged, as it was not entirely satisfactory. The expenditure incurred in the direct interest of the natives ought to be more clearly indicated and presented in another form.

*Public Finance.*

The CHAIRMAN read a passage in the report concerning the change introduced in the method of collecting the native tribute. He hoped that the next reports would show that this change had not had any unsatisfactory results but that, on the contrary, it had proved advantageous.

Further, on page 31, the report gave a schedule of expenditure incurred in the direct interests of the natives. It might be asked whether the expenditure recorded for a "veterinary laboratory" should be considered as of direct interest to the natives. The same question arose with regard to "ways and communications". The Commission would also like details with regard to the expenditure on the item "medical assistance", as it was unable to ascertain whether that sum was relatively large or small. What finally were the "bonds" mentioned on page 11, second column, of which the receipts had fallen from 45,240 fr. 55 cts. in 1923 to 350 fr. 75 cts. in 1924?

Generally speaking, the budget items recorded in the report lacked clearness, a fact which the accredited representative had recognised. The Permanent Mandates Commission endeavoured to obtain information and it would be glad if it had not so often in future to ask the accredited representative for additional explanations.

M. HALEWYCK explained that the veterinary laboratory had been established with the object of looking after the cattle of the natives, and that the means of communication were established principally for the use of the natives. The expenditure on the laboratory and on the roads had therefore been made in the direct interest of the natives.

He would ask for more detailed accounts with regard to medical assistance.

With regard to the bonds, of which the figures were mentioned in the statement of the Customs receipts of Kigoma, the reason for the considerable difference between the sums levied in 1923 and those levied in 1924 was quite simple. Since 1923, bonds had been required from importers in order to guarantee the payment of duties and, if necessary, of fines. During the first year, the deposit of bonds had naturally been considerable, since all the traders had been obliged to comply with this new obligation. In 1924, as the importers were the same persons, they had not to deposit any further money by way of bond. The small sum collected for 1924 represented the bonds of a few new importers.

The CHAIRMAN noted that, while the budget surplus had amounted to 200,000 francs for 1924, on page 10, column 2, of the report, an expenditure of only 19,300 francs was recorded for hospital and school buildings. Further, what were the miscellaneous items of expenditure which amounted, according to the table, to 256,424 fr. 62 cts.? Personally, he thought that, generally speaking, a budget ought not to show a surplus if the principle that as much as possible should be expended in the interests of the natives were admitted.

M. HALEWYCK pointed out, in reply to the first observation, that the surplus of receipts over expenditure was only shown at the end of a financial period, and that it was impossible to take account, in establishing the budget for schools and hospitals for 1924, of a sum the existence of which could only be known at the end of the year.

Sight, moreover, must not be lost of the fact that the accounts of the mandated territory had shown a surplus for the first time in 1924. There had been a deficit at the end of the previous financial periods. The surplus must first be used to meet the deficits of the past.

In regard to the item "Miscellaneous expenditure", he had, before leaving Brussels, recommended that the expenditure under this head should be reduced to a strict minimum. For 1924, expenditure had been placed under this item which it was difficult to mention elsewhere. It must be remembered that this was the first time in which the report gave detailed accounts. It was not surprising that, in drawing them up, there had been a certain amount of uncertainty.

As an example of expenditure included under "Miscellaneous", he would refer to the sum of 20,000 francs paid in order to meet the famine, mentioned on page 31 of the report. On page 10, where the detailed accounts would be found, only a sum of 7,239 fr. 60 cts. was mentioned. Here only the price of the foodstuffs bought for distribution to the natives attacked by the famine had been reckoned. About 13,000 francs, however, had been devoted to the purchase of seeds and to the plantations, etc.; in short, to a series of measures intended to guard against lack of supplies. This expenditure had been placed under "Miscellaneous", as it had been impossible otherwise to specify the item. In the next report, the accounts would be established in a clearer manner.

The CHAIRMAN explained that the Commission wished to have separate accounts, drawn up as approximately and as exactly as possible, for the expenditure incurred in the

interests of the natives and for the general expenditure. It had no intention of criticising the Administration, but merely wished for certain explanations indispensable for its particular purposes.

Sir F. LUGARD asked for information in regard to the abolition of the native tax collectors (*abatara*). What had become of them? He welcomed the suppression of this class.

M. HALEWYCK replied that the collectors in question were natives who, levying the tribute at the dwelling of the taxpayer, abused their position and indulged in exactions. Henceforth, the inhabitants themselves brought their tribute to the chief or the sub-chief. As they always presented themselves in groups to pay their taxes, they exercised a collective supervision, and there was therefore a certain guarantee that the chief or sub-chief would not levy more than was due from them, or that, if there were any abuse, the natives thus injured might bring a complaint with the assistance of witnesses.

Sir F. LUGARD asked whether the Government taxes were kept separate, and whether the territory possessed a public debt.

M. HALEWYCK replied the the Government taxes were kept separate. They were paid to the native chief in the same manner as the tribute.

The territory had no other public debt than the advances made by the Belgian Government. The accredited representative thought that this debt, including the advance for 1925, amounted to about six millions.

M. FREIRE D'ANDRADE asked for information with regard to Article 10 (Sale of skins, agricultural products) and Article 14 (Miscellaneous and accidental products), shown on page 35 of the report.

M. HALEWYCK explained that these products came chiefly from the Government farms.

M. RAPPARD noted that the chiefs possessed three sources of revenue : (1) the services of *corvées* ; (2) the tribute levied direct on the natives ; and (3) a portion of the native tax repaid to them. Could any indication be given relating to the importance of (2) ?

M. HALEWYCK said that the amount of the tribute varied according to individuals and locality, and that the natives paid sometimes in cattle, sometimes in farm produce, sometimes in agricultural produce. Owing to the great diversity in the tribute, he was not able to say what was the proportion of the tribute as compared with the amount of the tax, or to estimate the importance of the total charge upon the taxpayer. The addition of the two taxes, however, was of no consequence, as the taxes due to the Government were of no account. The Government taxes did not, for the great majority of the natives, amount to more than 3 fr. 50 cts. in paper money, a sum which corresponded with the amount formerly levied by the Germans, the latter, however, collecting it on the gold basis.

M. RAPPARD thanked the accredited representative. He nevertheless hoped the Commission might receive more detailed explanation on this point in future.

The CHAIRMAN said that the Commission had finished its examination of the annual report on Ruanda-Urundi. The Commission had simply expressed a desire to have additional explanations, and he thanked the accredited representative for those which he had given. It was always ready to encourage any effort made for the well-being of the natives and for the development of the mandated territories.

M. HALEWYCK thanked the Chairman and the Commission for the courtesy which they had shown to him and for the great attention with which they had listened to his explanations.

M. Halewyck withdrew.

#### 454. Examination of the Annual Report (1924) of the Japanese Government on the Administration of the Islands under Japanese Mandate.

M. Sugimura, accredited representative of the Japanese Government, came to the table of the Commission.

#### *Delay in the Receipt of the Annual Report.*

The CHAIRMAN welcomed the accredited representative of the Japanese Government. He felt it necessary to begin with two observations :

1. Although the report dealt with the year 1924, it had only reached the Commission a very few days previously.
2. The trade statistics which were to be found on page 62 applied only to the year 1923. He hoped that the following reports would arrive earlier and would contain information as recent as possible.

M. SUGIMURA promised to take the necessary steps for this to be done. The long delays to which the Chairman had alluded were explained by the distance which separated Geneva from Tokio, and Tokio from the islands under Japanese mandate, and by the immense extent of the Japanese mandated zone.

*Administrative Organisation : Japanese and Native Authorities.*

The CHAIRMAN noted with satisfaction that the report was far more complete and contained far more interesting information than the preceding reports. He desired, first of all, explanations on two points :

1. What steps was the mandatory Power taking to encourage its officials to learn the local languages ?
2. The report, on page 17, contained an item "Colonisation section". Was this an error of drafting ? Probably, the mandatory Power had meant the office which dealt with native affairs.

M. SUGIMURA replied as follows :

1. He was unable to say exactly how many languages were used in the islands under Japanese mandate. Were the Commission to desire it, he would obtain information from his Government as to the measures taken to encourage or oblige officials to learn the local languages.
2. The expression referred to by the Chairman was that used in Korea and Formosa. It was applied, generally speaking, to the native industries taken in the widest sense of the term.

The CHAIRMAN considered that it would be quite possible to change the expression used. Did it mean the office whose duty it was to supervise the interests of the natives or merely to develop the mandated territories ?

M. SUGIMURA thought that the service in question had both duties.

M. RAPPARD thanked M. Sugimura and the Japanese Government for the report submitted to the Commission, which was much fuller than the previous one, and also for the film which had been shown to the Commission and which had given a very vivid impression of life in the mandated territory in question. For what reasons were no ordinances for 1924 mentioned in the report but only those for 1923 ? Was it because no ordinances had been promulgated in 1924 ?

M. SUGIMURA thanked M. Rappard for his kind words. He did not possess exact information on the question raised by him. He thought nevertheless that, although numerous ordinances had been published in 1923, on the other hand, in 1924 the Government and the Japanese Parliament had principally concentrated on the work of reconstruction. Its policy in all the branches of administration had been to make economies. He would ask his Government for additional information on the point.

M. RAPPARD desired to ask three questions in regard to the village chiefs :

1. What were their administrative relations with the Japanese Administration ?
2. Was there any form of chiefs' council similar to the Fonos of Faipules in Western Samoa ?
3. Did they possess any additional powers to those enumerated on page 23 of the report ?

M. SUGIMURA replied as follows :

1. The native chiefs depended either on the heads of the branch offices or on the police officials. He had no further information on the subject.
2. The islands under Japanese mandate being very widely scattered, there were obvious practical difficulties in the way of assembling the chiefs in council or in groups. Such meetings might be possible in the islands where several chiefs lived. He would obtain information on the point from his Government.
3. As far as the chiefs were concerned, the organisation was principally based on local custom. The Japanese regulations had laid down the legal position of chiefs. Nevertheless, it was obvious that such a position could not be so clearly defined as it could be were the country a European one. He would obtain information on this point also from his Government.

Sir F. LUGARD noted that the Japanese Government had frequently informed the Commission that its object was to associate the native chiefs in the administration. The powers conferred on the native chiefs, however, as shown in the report, were of so limited a character as to make it appear that the chiefs had in actual fact practically no power at all. Had they as much power at the moment as they had under the German regime ?

M. SUGIMURA explained that the natives of the territory were fairly primitive peoples. In his opinion, such powers as could be usefully granted to the native chiefs ought in practice to remain within certain limits. It was impossible, for instance, to appoint chiefs to preside over law courts or to direct the various branches of the Administration. Each case had to be taken on its merits, and the native chiefs had to be treated individually according to their capacities, their prestige with the population, etc.

Were these explanations not found to be satisfactory by the Commission, he would endeavour to obtain additional information.

With regard to the last point raised by Sir F. Lugard, the accredited representative thought that the powers at the moment exercised by the native chiefs were not very different from the powers they had enjoyed under the German regime.

M. VAN REES understood from this reply that the Japanese Administration was nevertheless making efforts towards causing the natives to take part in the general administration. The Administration was waiting until the education given in the schools had produced an effect on the population in order that they might be able to fulfil duties which were not at the moment open to them.

M. SUGIMURA replied that, in the first period, the powers granted to the natives must necessarily be limited. He quoted the case of Korea. Now the higher ranks in the army or the navy or high posts in the civil administration were open to the Koreans. With regard to the mandated territory, the Japanese Government was of opinion that the wisest policy was one of methodical evolution.

M. FREIRE D'ANDRADE, after he had congratulated the Japanese Government on its report, which was better than the preceding ones, asked whether the inhabitants of the mandated territory had the same rights as Japanese subjects. For example, when it was possible for them to obtain posts open to Japanese subjects, did they enjoy the same salary and the same advantages as those subjects? The accredited representative had quoted the case of the Koreans. Would it be possible for an inhabitant of the mandated territory to rise in the various steps of the scale and thus, for example, to become an officer in the army?

M. SUGIMURA replied in the affirmative to the first question. With regard to the second question, he pointed out that the mandates system did not allow the Japanese Government to recruit officers from among the inhabitants of the mandated territory.

In reply to an additional question from M. FREIRE D'ANDRADE, M. SUGIMURA said that the inhabitants of the mandated territory were not Japanese subjects. They were treated in the same way, but the question of the nationality of the inhabitants of the mandated territory had already been settled by the Council. It was a practical question rather than one of principle.

Sir F. LUGARD, with reference to page 101 of the report, asked the significance of the three ranks there mentioned—*chokunin*, *sonin* and *hannin*. Were these social, political or military? Could a man in a lower rank rise to a higher? What had they to do with the administrative offices?

M. SUGIMURA explained that these ranks were applied to official classes and were not of a social kind. In Japan, the official class was of considerable importance and the best students endeavoured to enter the Administration. The rank of *chokunin* was equivalent to that of general and admiral. The rank of *sonin* was equal to that in the army or the navy of officers from the rank of lieutenant to colonel. In order to become a lieutenant, the candidate had to undergo a severe examination. Promotions went by merit and a *sonin* could obtain the rank of *chokunin*. The rank of *hannin* was held by persons of inferior grade. It was obtained by an easy examination, but a *hannin* could not generally achieve the rank of a *sonin*. After about fifteen years' service, a *hannin* might, if he showed himself worthy of it, reach the lower ranks in the *sonin* class.

M. VAN REES asked whether the military and civil officers were assimilated from the point of view of rank.

M. SUGIMURA replied in the affirmative. A prefect in the civil administration possessed the rank of *chokunin*.

#### *Designation of Weights and Measures.*

Sir F. LUGARD, while noting the general excellence of the report, pointed out that different weights and measures were used in various parts. The Japanese measures, the English system and the metric system were all to be found in the report. There was a vague expression, "area", on page 54 of the report. Was this in acres or hectares or some Japanese measure? Would it be possible in the future for a single system of measures to be adopted?

M. SUGIMURA said that there was certainly an error on page 54 with regard to the diversity of the terms employed. Probably those who had drafted the report had done so with the best intentions. He would in any case submit these observations to his

Government so that the next report should be drafted in accordance with the suggestions which had been made.

Sir F. LUGARD thought that it might be possible to insert a table of equivalents at the beginning of the report so as to be able to make the necessary comparisons.

What was meant, on page 51 and elsewhere, by the expression "nilotic top-shells" ? On the same page, reference was made to an enquiry in the previous year on marine products. It would be of interest to learn the results of this enquiry and if possible to have a copy of it.

#### *Laws and Ordinances.*

Sir F. LUGARD noted that frequent references were made to ordinances. Would it be possible to have copies of them ?

M. SUGIMURA replied that the Japanese Administration would endeavour to satisfy the Commission on this point. The various texts were very numerous, however, and many of them were of little importance.

M. VAN REES explained that the Commission only desired to have the principal texts, and in any case those which were mentioned in the report.

In reply to additional questions from Sir F. LUGARD and M. VAN REES in regard to the penal code in force in the territory and the scale of penalties, M. SUGIMURA explained that the Japanese Penal Code was based on the French and German penal codes and this was the code which was applied in the mandated territory. He thought that English translations of the Civil, Criminal and Commercial Codes were in existence, but that these works were very large.

M. CATASTINI thought that the Japanese Government might perhaps send a copy to the library of the Secretariat. This copy could be seen by those members of the Commission who desired to consult it.

M. SUGIMURA explained that, at the request of the library of the Secretariat, the necessary measures had been taken for a collection of the Japanese laws and ordinances to be sent to the Secretariat. French and English translations, when they existed, would always be attached to such collections.

#### *Traffic in Women and Children.*

Mme BUGGE-WICKSELL, referring to the declaration of the Japanese Government with regard to the ratification of the Convention on the Traffic in Women and Children, noted that it had stated that its ratification did not apply to the mandated territories of Japan enjoying conditions similar to those of certain Japanese colonies. She hoped that this meant that no such thing as traffic in women and children existed in the mandated territory, but she would like to know what were the conditions in the mandated territory which had caused the Japanese Government to refrain from applying the Convention in question to it.

M. SUGIMURA recalled that he was himself a member of the Committee for the Protection of Women and Children. The isolated position of the islands, their small size and the nature of their population resulted in the fact that there was no traffic in women in the territory under Japanese mandate. The policy of Japan had never been to exclude her colonies or mandated territories from the application of international conventions. On the contrary, the representatives of Japan at international conferences always urged that these conventions should be applied as widely as possible, except in cases of necessity. They had encountered, however, opposition from the representatives of many other Powers, and Japan had consequently been obliged to follow the principle of reciprocity and also to abstain from extending them. Nevertheless, the Japanese Government would certainly continue to follow the same policy in the future.

#### *Public Finance.*

M. FREIRE D'ANDRADE noted that the Japanese Government granted very generous subsidies to the mandated territory, which, according to the report, amounted to about 7,500,000 gold francs; these subsidies largely exceeded the ordinary receipts from the territory. Were these subsidies gifts or loans ?

M. SUGIMURA replied that they were entirely gifts.

M. FREIRE D'ANDRADE reminded the Commission that the same information had been furnished by the Japanese representative in the previous year. He wished to emphasise this act of pure generosity on the part of the mandatory Power. The Japanese Government granted large subventions to the industries, cattle-raising, fisheries, plantations, etc. Such efforts merited congratulation. The Japanese Government did not impose on the natives compulsory labour of any kind, but stimulated their activities, for example, by giving them the means to visit Japan and granting subsidies to all those, of whatever race, who worked in the country. Had these important subsidies already given results, or did the Japanese Government hope to obtain results from them in the future ?

He raised this question because, so far as the ordinary revenue from the various interests in the country were concerned, it was to be noted that, far from increasing, it had a tendency to decrease. He added that he wished in no way to offer any criticism by his remarks. On the contrary, the conduct of the mandatory Power seemed to him very liberal and generous.

M. SUGIMURA explained that in such questions it would be better to wait many years before hoping to obtain advantageous results. With regard to revenue, the Administration of the mandatory Power might adopt a policy of toleration and, for example, abstain from imposing heavy taxes.

#### TENTH MEETING.

*Held on Friday, October 23rd, 1925, at 3.30 p.m.*

Present : All the members who had attended the preceding meeting and M. Palacios.

#### 455. Annual Report on Syria : Question of the Adjournment of the Discussion (*continuation*).

The CHAIRMAN read a telegram from the Minister for Foreign Affairs of the French Government, which was as follows :

“M. R. de Caix, whom I accredited to participate in the work of the Mandates Commission, finds, to his great regret, that it is impossible for him to come to Geneva.

“I have the honour to inform you that I have appointed as a substitute Count Clauzel, Minister Plenipotentiary, Head of the French Service of the League of Nations. — BRIAND”.

Count Clauzel, accredited representative of the French Republic, came to the table of the Commission.

The CHAIRMAN read the text of the decision adopted at the second meeting of the Commission, held on October 18th, for the adjournment of the examination of the report on Syria. The French Government, responding to this decision, had, with great promptitude, for which he would beg to express the thanks of the Commission, delegated a representative in order to meet the wishes of the Commission.

Count CLAUZEL said he had first a duty of courtesy to fulfil towards the Commission in conveying the regrets and excuses of M. de Caix, who had been appointed by the French Government to represent it at this meeting, and whom an unforeseen event had at the last moment prevented from coming to Geneva. He therefore had the honour to come before the Mandates Commission in order to communicate the declaration of the French Government on the situation in Syria and the Lebanon. He hoped this declaration would meet the wishes which the Commission had expressed in the resolution which the Chairman had just read.

The declaration was in the following terms :

The French Government fittingly appreciates the reasons underlying the resolution which the Mandates Commission has taken to adjourn, to a session to be held in February 1926, the discussion of the report on Syria and the Lebanon for the year 1924.

As this report naturally contains no reference to current events, since it does not cover the present period, the French Government can only express its satisfaction at the decision for an adjournment which will enable it to provide the Mandates Commission, at the next extraordinary session in February, with precise information on a situation which is improving.

The French Government willingly undertakes to submit a complementary report on these events in January 1926.

The report addressed to the League of Nations on the situation in Syria and etc. the Lebanon covers the whole of 1924, and thus differs from the previous report, which dealt with the period July 1923 to July 1924. It accordingly deals, so far as the first half of 1924 is concerned, with questions already covered by the previous report.

From the point of view of the political organisation of Syria and the Lebanon, the only important change to which it is necessary to draw attention is the dissolution of the Federation of the States of Syria created in 1922. The States of Damascus and Aleppo have been united in a single State, to which the name of the State of Syria has been given, and the State of the Alaouites has resumed its full autonomy. The reasons for this change have already been indicated in the previous report. They were the desire of the populations of the States of Damascus and Aleppo to substitute unity for federation, whereas the particularism of the Alaouites prompted them to ask for a loosening of the Federal bond.



The characteristics of the system instituted in Syria and the Lebanon, in order to secure to foreigners, by the introduction of French magistrates in certain jurisdictions, justice offering complete guarantees, had been indicated in the previous report. This organisation is at present working satisfactorily. At the request of the Government of the Lebanon, preparations had been made for the extension, as an experiment during 1925, of the system of mixed jurisdictions to all Lebanon tribunals, whoever the parties to the case may be.

During 1924, the economic and financial development of the States under French mandate had been more marked. The budget surpluses of the five States had risen to 62½ millions, a figure considerably higher than in previous years.

The High Commission, with a view to facilitating trade and transit, had negotiated and signed with the Government of Iraq an agreement under which : (1) goods destined for Iraq which cross Syria and the Lebanon and *vice versa*, and (2) goods destined for Persia which cross Syria and the Lebanon and *vice versa*, were submitted to transit duties which must not exceed 1 per cent *ad valorem*. This agreement had come into force on April 1st, 1925.

An agreement, concluded at Mersina on August 28th, 1924, between the High Commission and the Turkish Republic, had simplified the formalities required by the Syrian and Turkish Customs authorities for the transport of goods on the North Syrian-Cilician Railway from Alexandretta to Nisibin.

The Commission was familiar with the troubles which had arisen in the Jebel Druses. Steps necessary to restore order had been taken by the French Government and were in course of being carried out. A column organised by General Gamelin had relieved Soueida on September 24th. The authority of the mandatory Power was in process of being re-established in the Jebel. Several insurrectionary chiefs had submitted to the French authorities on October 11th. On October 19th, the religious chiefs of Kanawatt and the Amer family in the region north of the Jebel Druses had also asked for an amnesty. Hamad Bey and Sultan Bey Attrache, who had taken refuge in the mountains, had not yet been disarmed.

The more turbulent elements of the population, taking advantage of this rising of the Druses, helped sometimes by parties of Bedouins, nomads and bandits, had tried to cause disorders at Homs, Hama and Damascus. These disorders had been successively and rapidly repressed.

Thanks to the loyal attitude of the great majority of the Syrian population and the confidence of the native governments, there was reason to believe that the agitation which had arisen, and which was in process of appeasement, would not have any lasting results on the general situation of the mandated territory. The French Government would neglect no measure likely to bring about a complete restoration of public confidence, and he hoped that, at the next extraordinary session, the Permanent Mandates Commission would be able to note the results of its efforts.

As the Commission was aware, the terms of the mandate conferred on France for Syria and the Lebanon places it under an obligation to frame, before September 29th, 1926, an organic law for these countries. A commission had been appointed for this work. This commission, presided over by M. Paul-Boncour, included two members of Parliament, the legal adviser and various officials of the Ministry for Foreign Affairs, a professor of law and a legal official belonging to the Conseil d'Etat. This commission had begun to draw up an organic law for Syria and the Lebanon, in complete agreement with the native authorities and taking into account the rights, interests and desires of the Syrian and Lebanon populations.

M. Paul-Boncour and all the members of this commission were particularly anxious to secure, in complete agreement with the High Commission and with the utmost regard for the very considerable measure of autonomy contemplated by the Covenant of the League of Nations and by the mandate, a full and complete collaboration in this very delicate task of all the qualified representatives of the population, taking into account all the political, racial and religious factors. It might be reasonably hoped that the liberal spirit in which these consultations were being conducted would effectively contribute to strengthen confidence between the population and the mandatory Power and that it would be possible to record very appreciable results in the complementary report which the French Government would forward to the Secretary-General in January 1926, with a view to enabling the Permanent Mandates Commission to take note of the facts and to formulate its observations in time for the session of the Council of the League of Nations in March.

The CHAIRMAN thanked Count Clauzel and asked his colleagues whether they had any observations to make to the mandatory Power in order that the special report which had just been promised might take account of them.

M. RAPPARD said that the position of the Mandates Commission was clear. It was not examining the position in Syria so far as the substance of the matter was concerned. It could therefore only assure the accredited representative of the French Republic that it

was following this position with deep and watchful solicitude, and express its desire that there might be a pacification in accordance with wishes which were common to France and to the Commission.

Sir F. LUGARD said that the declaration of the French Government made no allusion to the position of the Armenian refugees, which appeared to be particularly deplorable along the frontiers. He would like to have this question treated in detail at the special session of February 1926.

The CHAIRMAN asked Count Clauzel to take note of the request of Sir F. Lugard and the wishes expressed by M. Rappard, which were those of the entire Commission.

He noted the explanations of the French Government and its declaration that it would furnish precise and detailed information at the next session. The Commission was above all anxious to know the causes which had given rise to this unfortunate state of affairs and the measures which the mandatory Power had been obliged to take in order to find a remedy. Generally speaking, the Commission would be happy to learn anything which the noble French nation had been able to do in order to appease the public mind.

Count CLAUZEL said he could assure the Commission that, so far as he was concerned, he would neglect no means of giving it full satisfaction. He noted the collective wishes expressed by M. Rappard and the special request presented by Sir F. Lugard.

Count Clauzel withdrew.

456. Examination of the Annual Report (1924) of the Japanese Government on the Administration of the Islands under Japanese Mandate (*continuation*).

M. Sugimura came to the table of the Commission.

*Labour.*

Mr. GRIMSHAW asked what was the method used for the upkeep and cleaning of the village streets and the neighbouring roads, work which in other areas under mandate was frequently done without pay by the natives ?

M. SUGIMURA thought that the custom followed was that which prevailed in Japan, according to which the inhabitants must clean the neighbourhood of their dwelling-houses. As to the repair of bridges and the re-making of roads, he thought that payment was given for this work, but as the roads had only been made three years ago the question had not yet arisen.

Mr. GRIMSHAW observed that it was stated in paragraph (c), 4, of page 71 of the report that there were no stipulations under which workers could be punished for breach of contract. The paragraph following, however, referred to punishments inflicted on employers for this offence.

M. SUGIMURA did not think that provision was made for such punishments. He would obtain information on this point.

Mr. GRIMSHAW observed that the number of Japanese workers employed by the "Nayo Koateu Kabushiki Kaisha" amounted to 2,180, whilst the Japanese population of Saipan amounted to 2,193. This seemed to indicate that the whole Japanese population was employed by this company.

M. SUGIMURA believed that this was the case.

Mr. GRIMSHAW noted, on page 72 of the report, a statement that the sale of sugar cane was free. On page 49, however, it was noted that the directors of the districts had the right to demand that the sugar-cane should be sold to the manufacturers of the district. There seemed to be a contradiction here. Moreover, the cultivators ran the risk of not receiving a remuneration proportionate to their costs and to the work done.

M. SUGIMURA said that there existed, on the contrary, regulations prohibiting purchasers from imposing inadequate prices. These protectionist regulations, which were fairly strict, were due to the fact that the cultivation of sugar-cane in these regions was only just beginning. Competition, however, would come more and more into play and a more liberal system would progressively be instituted.

Mr. GRIMSHAW noted, on page 73, that the majority of the workers employed by the South Seas Development Company came from the Loochoo Islands. What were the reasons for this emigration ?

M. SUGIMURA said that Loochoo was an island which was not very fertile, situated between Kiushin and Formosa. The inhabitants of Loochoo who were more Chinese than Japanese as regards race provided, excellent labour at little cost.

Mr. GRIMSHAW said he understood that these workers were Japanese subjects, whose status was regulated by the laws and ordinances governing Japanese emigration. He was thinking in particular of the Ordinance of February 1925.

Sir F. LUGARD asked whether the cultivators were punished when they did not cultivate sugar-cane.

M. SUGIMURA replied that those who cultivated sugar-cane were rewarded, but that cultivation was not compulsory.

In reply to a question of Mr. GRIMSHAW, he stated that those who were engaged by companies had a contract which obliged them, as farmers of the company, to cultivate the produce needed by the company.

Sir F. LUGARD noted in the report that the farmers possessed, "as obligatory right, the lease of lands rented to them". What was the meaning of this expression ?

M. SUGIMURA admitted that the paragraph was not clear, and said he would obtain an explanation from the Government at Tokio.

Sir F. LUGARD enquired whether there were any regulations governing child labour.

M. SUGIMURA did not think that there were any regulations, but he would enquire. There was no child labour in the factories, where only two natives were employed.

M. FREIRE D'ANDRADE noted that forced and compulsory labour did not exist in the islands. There existed, moreover, a system intended to encourage the natives to work, which appeared to him to be altogether remarkable. Instead of compelling the natives to work, they were allotted subsidies.

The natives were very well protected. Every possible precaution was taken, for example, to protect the cultivators of the sugar-cane. It would be seen, in the second paragraph of page 49 of the report, that the manufacturer was obliged to purchase sugar-cane raised within his district within a certain period appointed by the Director, and that, if the purchase of the material were not completed within the appointed time, the manufacturer might be ordered to pay compensation to the producer for the losses incurred owing to the delay. This was an excellent system, which showed a remarkable care for the interests and welfare of the native cultivators.

#### *Trade in and Manufacture of Alcohol and Drugs.*

Sir F. LUGARD referred to the table, at the top of page 76 of the report, giving the quantities of liquors manufactured in Saipan. There appeared to be a contradiction between this paragraph and the paragraph following, in which it was stated that all the liquors mentioned were imported from Japan.

M. SUGIMURA explained that the statement with regard to imported liquors referred to the table on page 75. These liquors came only from Japan and not from other countries.

Sir F. LUGARD enquired whether there were any distilleries in the islands in connection with the sugar factories and what control was exercised over them.

M. SUGIMURA said that the quantity of liquor consumed was very small. It was only used for festivals and ceremonies. There was no abuse and no real necessity for any regulations. He did not think there were any illicit stills.

M. RAPPARD enquired whether 90,015 litres, the total given in the table on page 76, was not a somewhat large quantity.

M. SUGIMURA said that the Japanese did not drink to excess. No Japanese was allowed to drink under the age of twenty. There was no drinking in the islands except by the Japanese.

M. RAPPARD observed that this only made the large quantity of liquor consumed the more remarkable.

M. SUGIMURA said the explanation would perhaps be found at the bottom of page 78, in which it was stated that the Japanese inhabitants of Saipan came from the southern extremity of the Japanese Empire, where both men and women had the habit of taking very strong drinks. He did not think that the consumption of alcohol by the Japanese in the islands was large in comparison with the amount consumed by Europeans living in India or at Singapore.

#### *Liberty of Conscience.*

The CHAIRMAN drew attention to the word "consequently" at the bottom of page 78 of the report. He would submit that freedom of conscience in the islands should not be regarded as a consequence of the Japanese Constitution but as a consequence of the provisions of the mandate.

M. SUGIMURA agreed.

M. VAN REES, referring to page 12, enquired whether German missionaries were excluded.

M. SUGIMURA said there was nothing to prevent the German missionaries who had been sent away during the war from returning to the islands. No distinction was made between German and other missionaries.

*Economic Equality.*

Sir F. LUGARD noted, on page 81, that no dues were imposed on imports from Japan, while dues on foreign imports had to be paid. Was this not a form of discrimination? The C mandates did not impose the principle of economic equality, but the Japanese Government had last year stated that they intended to give general application to the principle which had been recognised in its Treaty with the United States.

M. SUGIMURA said that the Treaty with the United States foresaw equality among the foreign nations trading with Japan. Under Japanese law, a distinction was drawn between Japanese nationals and foreign traders.

M. VAN REES enquired whether, according to Japanese law, foreigners might acquire land.

M. SUGIMURA said that foreigners in the islands would be on the same footing as Japanese. No one was allowed to purchase lands which belonged to the natives.

M. VAN REES noted a statement, on page 81 of the report, to the effect that the net profits obtained from the sale of phosphate were relatively small. If, however, the profits shown on page 32 were compared with the expenditure on the mines shown on page 33, it would appear that the profits were considerable.

M. SUGIMURA said that allowance must be made for the payment of interest on the capital sunk in the mines. Admittedly the revenue from the mines was the greatest resource of the island. The expenditure on the mines should also include salaries, office expenses, etc.

M. RAPPARD said that, under the Yap Treaty, the United States had secured certain rights, such as freedom from taxation, etc. Did the Members of the League of Nations enjoy the same privileges or was their position inferior to that of the United States?

M. SUGIMURA thought that the position of Members of the League would be governed by the most-favoured-nation clause, which was valid between Japan and some thirty or forty States by virtue of commercial treaties. Countries would be on a footing of equality with the United States not owing to the fact that they were Members of the League of Nations but owing to the fact that they had commercial agreements with the Japanese Government. He would point out that there were some States which did not apply their commercial agreements to their mandated territories or colonies. The Japanese Government in such cases would necessarily act according to the principle of reciprocity.

M. RAPPARD enquired whether the table given on page 62 of the report covered only imports from Japan. Also, why was it necessary to import copra into the islands?

M. SUGIMURA said the table to which M. Rappard referred gave the total imports into the islands. It was not necessary to import copra into the islands to meet any internal demand. The amount was very small and probably due to commercial transactions with a view to re-export.

M. RAPPARD said it would be interesting to have figures showing separately the imports from Japan and imports from other sources.

*Education.*

Mme BUGGE-WICKSELL said she would first like to thank the Japanese Government for the lucidity of this section of its report.

She noted that there were 17 public schools for natives staffed by 48 Japanese teachers and 18 native assistants. It was stated, on page 82, that the native teachers did not themselves give instruction. Was it the intention of the Government to develop the native schools by means of Japanese teachers only and was this not a somewhat slow and costly procedure?

M. SUGIMURA said that the Government had only begun work three years previously. It was obvious that, if native teachers could be obtained, progress would be less expensive and more rapid. An attempt would probably be made to train native teachers as the educational system progressed.

Mme BUGGE-WICKSELL noted that as yet there was no provision for the training of native teachers.

M. SUGIMURA thought that either it would be necessary to organise a training-school in the islands or to send the natives to Japan for training. He agreed that it was time that a beginning was made in this direction.

Sir F. LUGARD noted, in the schedules given in Chapter IV, that the first subject in which instruction was given was "essential points of morals". It would be interesting to see the text-books used for this purpose.

M. SUGIMURA said he would be able to show the Commission the text-books next session.

Sir F. LUGARD enquired whether the 17 Government schools mentioned on page 82 of the report were for natives or for Japanese.

M. SUGIMURA said that they were for natives.

Sir F. LUGARD noted in the regulations of the primary schools, given on page 152, that the schoolmasters were required to furnish a great number of reports. He was inclined to wonder whether this was necessary, as it must take up a considerable amount of time.

M. SUGIMURA said that these arrangements were in conformity with the normal Japanese system.

M. RAPPARD, referring to the education accounts given on pages 43 and 44, noted that the estimated expenditure on primary and public schools in 1923 was 205,898 yen. The actual expenditure on primary schools in 1923 was 15,520 yen and on public schools 112,265 yen. There was thus a considerable difference between the expenditure and the estimates. It was the more remarkable that the estimates for 1924 had been still further increased and amounted to 220,243 yen.

M. SUGIMURA noted the discrepancy.

#### *Public Health.*

Sir F. LUGARD said he would like to compliment the Administration on the number of doctors and hospitals in the islands. There were a hospital and seven doctors at each civil centre.

He noted that the statistics showed a large increase of venereal diseases.

M. SUGIMURA said that the figures did not represent an actual increase, but were due to the fact that more people came to be cured.

Sir F. LUGARD noted that the chief disease appeared to be frambæsia. It appeared that this disease had been very successfully treated in Samoa, and the attention of the Japanese authorities might perhaps with advantage be drawn to the report on Samoa in this connection.

M. SUGIMURA said he would refer the report on Samoa to his Government.

M. YAMANAKA said that the same curative methods were being used in the islands as in Samoa.

#### *Land Tenure.*

M. VAN REES noted that, according to a statement on page 85 of the report, the lands transferred to Japan under paragraph 2 of Article 257 of the Treaty of Versailles, together with other lands purchased or reclaimed afterwards by the Japanese Government, were regarded as State-owned lands. Moreover, in accordance with Article 1 of the Law for State-owned Properties, which was given on page 156, and which was applicable to the mandated territory under an ordinance of the South Seas Bureau (page 172), it appeared that by State domain must be understood land belonging in full property to the Japanese Empire. The property covered by paragraph 2 of Article 257 of the Treaty was accordingly regarded as the full property of the mandatory Power, an assumption which was contrary to the conception of all the other mandatory Powers and did not correspond with the interpretation of Articles 120 and 257 submitted by the Mandates Commission to the Council in its report on the work of its fourth session.

The interpretation submitted to the Council by the Commission had been forwarded by the Council to the mandatory Powers, but, if he were not mistaken, Japan had not replied to the request for its views. During the fifth session of the Commission, he had raised the question of principle, and the accredited representative of Japan had replied, according to page 45 of the Minutes of that session, that the Japanese Government claimed neither more nor less than the other mandatory Powers, and did not wish to express an isolated opinion.

It seemed to him that, in view of the report under examination, he might reasonably ask the accredited representative whether the views which were to be inferred from the report corresponded with the intentions of the Japanese Government and whether they might be regarded as an official reply to the question he had raised.

M. SUGIMURA said he had not yet studied the replies of the other countries. All he could say was that the Japanese Government drew a clear and defined distinction between two categories of property: property covered by paragraph 2 of Article 257 and property which came under Article 297. These various properties were administered, in accordance with paragraph 6 of Article 22 of the Covenant, as an integral part of the Japanese Empire.

Sir F. LUGARD noted a statement, on page 85 of the report, to the effect that the German Government had intended to supply native landowners with certificates recognising their right to a continued and inheritable ownership. Had the Japanese Government adopted this intention ?

M. SUGIMURA said that the question was being studied and prepared. He could not state yet what system would be applied.

Sir F. LUGARD enquired whether there was any private property belonging to Germans in the islands or whether it had all been sold.

M. SUGIMURA thought that all these properties had been sold. It had been open to Germans to purchase these properties, but no German nationals had done so.

Sir F. LUGARD enquired whether the natives were allowed to exercise any rights to produce on State lands or to fish in the State waters. He noted, on page 176, that the fishing industry was regulated and that licences were required.

M. SUGIMURA said that natives were on a footing of equality with Japanese. Government permission was necessary before fishing could be permitted, in order that disputes might be avoided between the fishermen.

Sir F. LUGARD pointed out that the Japanese were aliens in the islands, whereas the islanders had certain immemorial rights. It was not sufficient to say that they were on the same footing as the Japanese.

M. SUGIMURA pointed out that, under Article 5 of the regulations, the order was not applied to "the fishing industry recognised by local usage to be legitimate for the local inhabitants".

#### *Finance.*

The CHAIRMAN noted a statement, on page 87 of the report, to the effect that it was practically impossible to distinguish expenditure for the benefit of the natives from that incurred for other purposes. Surely, with a certain amount of good-will, this distinction could be made.

M. SUGIMURA said that the authorities would be glad to make the attempt, provided the Commission could give some indication of the particulars which it required and of the system which it wished to have adopted. The Japanese Administration would do anything that was possible without violating the provisions of the Japanese Constitution with regard to financial administration. The difficulty was not one of substance, but mainly technical. Whereas it was easy to describe certain items as expenditure for the benefit of the natives, such as hospitals and schools, there were many cases where it was virtually impossible to distinguish what proportion of a particular item could be so regarded.

He would draw attention to the statement on page 87 to the effect that subsidies advanced by the Japanese Government to the territory were not expected to be refunded. Here there was an absolute guarantee, which should satisfy the Commission, that the Japanese Administration was contributing as generously as possible to expenditure on native welfare. He understood the anxiety of the Commission, but would point out that, if any of the revenue of the islands were not employed to the best advantage, this fact would inevitably appear in the accounts as at present rendered.

The CHAIRMAN said that the Japanese Administration would see, by examining the reports on other mandated territories, how this question had been solved by other Administrations. It was for the Administration to show, by means of clear and separate accounts, the proportion of the revenue which was devoted to native welfare.

M. SUGIMURA again emphasised the difficulty of adopting a different system of presenting these accounts than that which was provided generally by the financial regulations which were a part of the Japanese Constitution.

M. RAPPAED thought that the problem was comparatively simple. Certain expenditure was obviously for the benefit of the natives, such as expenditure on schools, hospitals, etc. There were, however, other items, such as secret funds, which just as clearly did not represent expenditure for the benefit of the natives. All that was required was a subdivision of the items, such as could be effected from the examination of documents contained in the report.

M. SUGIMURA said that of course the Japanese Administration could do something of an approximate character, but he felt that any such classification must necessarily be open to criticism in detail. He would refer the question to the authorities at Tokio.

Sir F. LUGARD noted that, although the accounts always showed a deficit, there was mention, on page 32, of "a surplus transferred from the preceding year", namely, from 1923 to 1924. The accounts for 1923 showed a deficit of 700,000 yen, but a surplus of over a million yen was brought forward into 1924.

M. SUGIMURA said that this was merely a budget surplus. It was due to the fact that the Japanese subsidies were included. The surplus was merely a temporary surplus of cash in hand.

M. RAPPARD said that, owing to the Customs union between the mandated territory and Japan, the revenue derived from Customs duties by the territory was necessarily very small. He presumed that the 4,000 yen collected as Customs revenue was levied on goods coming from other countries than Japan. There was a point, however, to which he would like to draw attention. Foreign goods coming into Japan and paying duties upon their entry into Japan might subsequently be shipped to the islands, and would not in that case pay any duty on entering the islands. The duties levied on these goods in Japan should, however, be credited to the budget of the islands in accordance with just methods of accounting.

M. SUGIMURA admitted the justice of this view.

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### ELEVENTH MEETING (PUBLIC).

*Held on Saturday, October 24th, 1925, at 10.30 a.m.*

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Present : All the members of the Commission who had attended the preceding meeting.

#### 457. Liquor Traffic in B and C Mandated Territories.

The CHAIRMAN said that, in examining the reports of the mandatory Powers on mandated territories, the Commission had on several occasions had to deal with questions of special concern to certain of these territories, while other questions affected several of them and offered certain difficulties in applying the mandate. Generally speaking, it was the Commission's duty to examine whether the local legislation and regulations of mandated territories were in agreement with Article 22 of the Covenant and with the provisions of the particular mandate.

Although the members of the Commission had always worked in a spirit of perfect co-operation, a certain amount of discussion was essential in order to establish lines of procedure for certain questions. Certain members of the Commission had undertaken to study these matters thoroughly and submit reports to the Commission. He would call attention to the absence of one of these members, M. Orts, and would express the regret of the Commission at his absence, which deprived it of valued assistance.

He called on M. Van Rees, who had prepared a statement on the following question : "Was there conflict between Article 22 of the Covenant and the stipulations of the B and C mandates on the subject of the liquor traffic ?"

M. VAN REES reminded the Commission that at its last session he had been asked to submit observations on a certain lack of detailed definition and on certain doubtful points in connection with the clauses concerning mandates to be found in Article 22 of the Covenant and in the texts of B and C mandates. In response to this request, he had circulated to his colleagues memoranda dealing as concisely as possible with the provisions relating to the liquor traffic (Annex 4 *a*), compulsory labour (Annex 4 *b*) and the military clauses (Annex 4 *c*). At this session he would deal with the question of the liquor traffic, which had on several occasions been discussed by the Commission.

From the moment of its inception, the Mandates Commission had had submitted to it, for the most part by British philanthropic societies, a fairly large amount of evidence containing reproaches and even protests directed against the Council, which, in the opinion of these societies, had not had the courage or the strength to hold out against the demands of various mandatory Powers, and had therefore merely stipulated in the B and C mandates for the exercise of a strict control with regard to the liquor traffic, though Article 22 of the Covenant stipulated that all liquor traffic should be completely prohibited. The memorandum which he had prepared might be described as an indirect reply to these protests. He desired, first of all, to explain to the Commission the spirit in which he had drafted his memorandum and to make clear its object and use.

He would therefore read the explanatory note (Annex 4), of which the three memoranda in question were the continuation.

He added that this introductory note made it clear that he made no claim to give final interpretations. His only intention was simply to facilitate the practical work of the Commission, which could not, in his opinion, be carried out unless the sense and scope of each of the provisions of the mandates the execution of which it was the duty of the Commission to supervise were previously understood.

M. Van Rees then read his memorandum on the liquor traffic (Annex 4 *a*).

The CHAIRMAN thanked M. Van Rees for his very full and interesting statement.

M. FREIRE D'ANDRADE said that he was unable to agree entirely with the memorandum submitted by M. Van Rees, and reminded the Commission that, both at the Assembly and at the meetings of the Commission itself, he had several times upheld a very different

view. He had always been in favour of complete prohibition, and he thought that his view agreed with the stipulations of Article 22 of the Covenant. In his opinion, the Covenant constituted the Commission's principal text, and Article 22, not only in the letter but also in the spirit, prohibited the liquor traffic.

The passage in that article was as follows: "The prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic". What constituted "traffic"? It was a trade, but, in its ordinary acceptation, it was a trade in prohibited articles. The letter of the Covenant he had just quoted; but what was its spirit? On this point also he did not agree with M. Van Rees, who had tried to explain the articles of the Covenant by quoting the statements of certain legal experts. Obviously, the Covenant would have been of greater value if it had been drafted in entirely clear language, but Article 22 was not the only one that presented difficulties. He had been at Paris during the discussion of the Covenant as representative of his country and he had observed that all the stipulations of the Covenant had been very carefully considered and weighted by its authors in the course of discussions which had lasted for four months. If it were now stated that the Covenant did not mean what it said, unfortunate consequences might arise. The terms of the Covenant ought, therefore, to be faithfully followed as far as was possible.

These stipulations aimed at the well-being of the peoples in mandated territories. The Commission should notice that they had not been restricted to the well-being of the *natives* of these territories but to the well-being of the *peoples* dwelling in them. The text of the mandates contained the expression "inhabitants". The well-being of all, therefore, native and non-native, was to be safeguarded.

To sum up, the spirit and letter of the Covenant prohibited the liquor traffic, which was harmful to a notorious degree and was incompatible with the well-being of peoples, not only in Africa but everywhere else. Could such a prohibition be restricted exclusively to the natives? No, since the Covenant spoke of *peoples* and the text of the mandates of *inhabitants*. He had often pointed out that it would be difficult to prohibit natives from drinking liquor while whites were perfectly free to do so in their presence. The natives had a very simple view of life and justice and would not understand that the whites were giving them an example which they could not follow.

There was another consideration which might explain the divergence of drafting between the mandates and the Covenant. It was, he thought, inconceivable to maintain an absolute prohibition of arms. Just as it would be lawful to import into mandated territories the arms necessary for personal defence, it would also be impossible to extend the prohibition of the liquor traffic to cover alcohol for medicinal uses.

How should the total prohibition of the liquor traffic be accomplished? Personally, he did not think it would be possible by a stroke of the pen to prohibit the introduction of any kind of alcohol into Africa. The example of the United States showed that, since a State possessing such financial and police forces was unable completely to prevent the liquor traffic, it was impossible to contemplate the complete prohibition of that traffic in Africa, where there was an insufficient police force and open frontiers. A beginning should be made by putting an end immediately to the evils caused by distilled liquors, while the use of other liquors should be allowed to continue for some little time. Natives manufactured fermented liquors themselves. It would be very difficult to prevent them, but such liquors would not do great harm if their abuse were prevented. For centuries, despite every cause which might have been expected to keep them down, the native races had increased in number. They only decreased when they came in contact with the white man. If liquors the abuse of which could be prevented were authorised, and if the whites were prohibited from trading in them, no great difficulties would arise until such time as the local administration was able sufficiently to control the natives to prevent them from manufacturing these drinks locally.

In the previous month, a conference on alcoholism had been held in Geneva. The question of the liquor traffic in Europe and in the colonies had been investigated at that conference. A committee composed of persons with colonial experience had been instructed to investigate the question and to submit recommendations. It had proposed that the League of Nations should be asked to impose the prohibition of distilled liquors in mandated territories. The committee considered that it should rest content with this. When, however, the report had been submitted to the conference, it had yielded to humanitarian considerations and had asked for the total prohibition of alcohol in every form. Personally, as he had pointed out in his memorandum on the well-being of the peoples of mandated territories (Annex 5), he had agreed to the proposal which had been submitted by M. Junod, a Swiss missionary, with a large practical experience in colonial affairs, who had lived for many years in Africa, and who had submitted to the conference a strong but conservative resolution of which the terms were to be found at the end of M. Freire d'Andrade's memorandum on the well-being of the peoples of mandated territories. This draft resolution totally prohibited distilled liquors, both for the whites and for the blacks. Liquors manufactured in the colonies were to be subjected to strict control, and those imported for the use of whites were also to be subjected to the same control in order to prevent the importation of dangerous liquors under the description of "wines".

If distilled liquors were not to be prohibited absolutely, both for whites and blacks, it would be almost impossible to prevent the evils of alcoholism occurring in mandated territories. Traders would naturally resort to every possible trick in order to import the cheapest possible liquors, for it was those that the Kaffirs preferred. New Zealand had



decided to impose total prohibition on these lines. Nevertheless, it would be difficult to apply it in Africa if it were not applied everywhere else. In Angola, prohibition of alcohol had been imposed, but the regulations had had to be relaxed, for it had been smuggled in on every frontier.

To sum up, the Covenant imposed the total prohibition of the liquor traffic. Such a prohibition being impracticable for the moment, measures to bring it about should be taken so as to achieve, in accordance with the stipulations of the Covenant, the final suppression of the evils caused by alcohol.

Sir F. LUGARD replied to the very interesting statement of M. Freire d'Andrade. The duty of the Commission was restricted solely to the correct interpretation of the text of the mandates and of the text of Article 22 of the Covenant, both in the letter and in the spirit. Those instruments might not go so far as some persons desired, but the Commission could not go beyond the precise terms of the mandates. It was with the object of fulfilling this duty that M. Van Rees had prepared his memorandum.

Moreover, the contention of M. Freire d'Andrade that all intoxicating liquors should be excluded from mandated territories in Africa was, in his (Sir F. Lugard's) view, impractical, because the natives manufactured liquor for themselves and because in certain districts intoxicants were to a greater or less degree involved in the preparation of native food. In this respect, his experience did not tally with that of his Portuguese colleague. He had himself encountered instances of the demoralisation of whole villages owing to the consumption by the inhabitants of very potent and dangerous native liquors.

All that the Commission could do, therefore, was to watch as closely as possible the observance of the terms of the mandates and of the Treaty of St. Germain, which prohibited the import of trade spirits and the establishment of distilleries.

He was in full agreement with the final conclusion of M. Van Rees, although he could not quite agree with certain passages in his memorandum which had led up to that conclusion. M. Van Rees had quoted Article 22 of the Covenant as prohibiting abuses such as, *inter alia*, the liquor traffic, and had drawn the conclusion that the Covenant called for the total prohibition of the trade in liquor of every kind. It was obvious, he thought, that here there was some misunderstanding, for M. Van Rees went on to state that the texts of the mandates, which were drawn up shortly after that of the Covenant, and the text of the Convention of St. Germain, which was concluded at practically the same time and signed by the same signatories, did not bear that interpretation.

The reason was, he thought, a simple one. The terms used in the Covenant were such as were well understood in the specific meaning in which they were employed. To take an instance — the arms traffic was condemned as an abuse. Such a term was easy to understand, but it did not mean that no single person might introduce a rifle or a revolver into Africa. Similarly as regarded the liquor traffic, this was a term well understood in West Africa. It meant the importation of spirits for purposes of sale or barter to the natives, and it was this meaning which had been applied to the term by a former Secretary of State in the British Parliament. If this meaning were accepted, therefore, there would no longer be any conflict between the text of the Covenant, the mandates and the Treaty of St. Germain, and to accept it would destroy the hypothesis that the very able statesmen who had signed these documents within a few months of each other were all so careless as to have signed three papers which revealed a total lack of co-ordination. The Convention of St. Germain had prohibited the liquor traffic by prohibiting the import of all trade spirits.

The Commission would remember that it had asked the Council for a definition of the term "liquor traffic" and of other terms used, such as "spirituous liquors", "non-alcoholic beverages", "trade spirits", etc., but no reply had as yet been received to that request. Other recommendations on the subject had also been made to the Council, such as the desirability of equalising the duties on intoxicants imported by the different Powers in control in West Africa in order to prevent smuggling. The Commission had also discussed the question of intoxicants manufactured by the natives themselves.

M. VAN REES desired to reply briefly to the observations of M. Freire d'Andrade and of Sir F. Lugard.

He congratulated M. Freire d'Andrade on the very interesting statement of his views concerning the very dangerous effect which the liquor traffic might have on the peoples of Africa. He would, nevertheless, observe that, in drawing these inferences at a moment when it was merely a question of ascertaining the meaning of certain provisions which appeared to lend themselves to conflicting interpretations, his colleague had apparently addressed his remarks to the wrong quarter. These notable observations should rather have been addressed to the Council or to the Assembly of the League of Nations than to the Mandates Commission, which was an advisory body, whose duty it was to deal at present not with *what ought to be* but with *what actually existed*, that was to say, it was dealing with provisions which had been *drawn up* and not with provisions which *ought to have been drawn up*. In other words, this was a case of *jus constitutum* and not *jus constituendum*.

M. Freire d'Andrade had not, moreover, confined himself to the concrete arguments which had given rise to the interpretation defined at the end of the memorandum on the traffic in alcohol. M. d'Andrade contended that the Covenant, in Article 22, required absolute prohibition of all trade in alcohol both for the whites and for the blacks. If this thesis really corresponded with the intention of the authors of Article 22, the

Permanent Mandates Commission would have to regret the fact that for five years of its existence it had failed in its duty, since, if the theory of M. Freire d'Andrade were accepted, the Commission ought to have protested against any measure taken or any policy pursued by the mandatory Powers which did not completely prohibit this dangerous trade.

He thanked Sir F. Lugard for having entirely agreed with his own conclusion; at the same time, his British colleague appeared not to approve certain passages in the memorandum in question, especially the one in which it was stated that the letter of Article 22 totally prohibited liquor traffic of every kind. This phrase, however, had been quoted from a memorandum by Sir F. Lugard submitted to the Commission at its third session, as follows:

“There are those who maintain that the worldwide and accepted meaning of the term is ‘the sale of intoxicating beverages’ of all kinds. It follows that, in their view, the Covenant imposes total prohibition of the sale of all intoxicants to Europeans and natives alike in mandated territories.”<sup>1</sup>

This was not the point of view of Sir F. Lugard himself, who, on the contrary, explained in his note that he could not infer from the terms of Article 22 that an absolute prohibition was required. If, however, absolute prohibition was in fact not required, this was yet another argument reinforcing the conclusions of the memorandum under discussion. He thanked his colleague for having thus added a further argument in favour of his conclusions.

M. FREIRE D'ANDRADE remained convinced that the expression “liquor traffic” meant a prohibited trade and that this interpretation of the word “traffic” was that which was to be found in all dictionaries. That meant that there should be no trade in alcohol in mandated territories.

His British colleague, basing his conclusions on his very great colonial experience, had justly pointed out that native liquors were often very harmful, but that alcohol was sometimes used in native foods. This might be so, but the natives themselves knew very well how to distinguish between the drinks which served them for food and the alcohol which made them drunk, or, as they called it, “la bière forte”. It was for that reason that M. Freire d'Andrade himself had urged the necessity of controlling the manufacture of native liquors.

His British colleague had also referred to the Convention of St. Germain and to the text of the mandates. However, that Convention and those texts were merely the result of a compromise between humanitarian ideals and private interests. Humanitarian ideals had inspired the wording of the article of the Covenant in which alcohol was prohibited. Then private interests had made themselves felt, with the result that the Convention of St. Germain and the text of the mandates had been affected. What were the spirituous liquors which should be prohibited under the Treaty of St. Germain? It was maintained that they were trade spirits. But what were trade spirits? Nobody knew and perhaps nobody ever would. Who were the authorities who should decide what liquors were prohibited? They were the administrators themselves. The mandates had been drafted in such a manner as to authorise what it had been desired to prohibit by the Covenant, and the Treaty of St. Germain had been so drafted as to give preference to the interests of the traders. This was deplorable.

His colleague M. Van Rees had alluded to the fact that were his (M. Freire d'Andrade's) view to be accepted, the Mandates Commission would have to be considered as having failed in its duty. He did not agree. In any case, as he had always maintained the same point of view in regard to the absolute prohibition of liquor in mandated territories, it was certainly not to him that such a reproach should be addressed. He was happy to note that there were many persons who in reality shared his views, and he was convinced that the ideals of justice and humanity would eventually prevail.

The Mandates Commission, bound by the terms of the mandates themselves, had always been very severe in regard to the traffic in distilled drinks in the mandated territories, and the fact that it had not gone even further was because the terms of the mandate and the Treaty of St. Germain did not enable it to do so.

The CHAIRMAN explained that the discussion was designed simply to interpret the terms of the Covenant and the mandates. It must not be thought that the Permanent Mandates Commission appeared to be following a policy of hesitation or that it had adopted one principle for Africa and another for the Pacific. It always held undeviatingly the same line of policy when exercising its powers of supervision. This supervision was based on the terms of international agreements, the Covenant and the mandates, and was exercised through the written reports of mandatory Powers or through the verbal replies of the Administrators of the mandated territories or the accredited representatives of those mandatory Powers. In the particular question under discussion, it possessed reports and information coming from the Brussels Bureau, and Sir F. Lugard had submitted a note which defined the way in which this information should be presented in order that its value might be increased. Owing to the complexity of the problem, there was inevitably a certain divergence of view between such experienced men as Sir F. Lugard, M. Van Rees and M. Freire d'Andrade,

<sup>1</sup> See Minutes of the third session (Annexes), page 257.

who all enjoyed a worldwide reputation in colonial questions. The Permanent Mandates Commission, however, must not rise without having shown once more, as it had during the five years of its work, that there was a method of reaching an understanding and of carrying on useful co-operation with the mandatory Powers.

Perhaps his colleagues would agree to adjourn to the end of the session their decision as to what steps should be taken as a result of the discussion, so that they might first hear the statements of all the accredited representatives and reach more fruitful conclusions, which would constitute useful rules for the guidance of the mandatory Powers.

M. RAPPARD desired to counteract the false impression which might possibly have been created by the remark of M. Van Rees, to the effect that the Commission's duty was to discuss not what the position ought to be but what it actually was. It was obvious that he and M. Van Rees were in complete agreement as to the principle involved.

M. Freire d'Andrade maintained that the Covenant and the mandates did not agree in regard to liquor traffic and that therefore it was the duty of the Commission to endeavour to find a means of reconciling the divergence between them. He (M. Rappard) would go further and say that, even were the Covenant and the mandates in agreement, the Commission would still be bound to advise the Council to amend the text of the Covenant or of the mandates were it to find that the conditions laid down in them were proving fatal to the native populations.

There was no real divergence of view among the members of the Commission on the question of the liquor traffic. They were all moving in the same direction, but some desired to go faster than others. It was as if the Commission were travelling from Geneva to Lausanne, and some of the members made a halt at Rolle or Morges, while others went through direct.

He agreed with the Chairman that the Commission was unanimous in agreeing that the control of the liquor traffic should be very strict, and that it should adjourn its final decision on the matter until after it had had time to consider the views which had been expressed at the meeting.

M. FREIRE D'ANDRADE was entirely in agreement with the Chairman and M. Rappard. All the members of the Commission were on the same path. It was almost inconceivable that everyone should have entirely the same ideas, but they were all agreed as to the end to be pursued. The Commission, as the record of its discussions showed, had adopted a very strict attitude towards the mandatory Powers with regard to alcohol. This was all it could do and this it actually did.

#### 458. Ex-enemy Property in Mandated Territories.

Sir F. LUGARD, on the invitation of the CHAIRMAN, said that he had been asked to submit a memorandum on ex-enemy properties, *i.e.*, those private estates in former German or Turkish colonies which had been made over to the Allied and Associated Powers on the conclusion of peace on the understanding that their owners would be compensated by their respective Governments.

He then submitted his note (Annex 6).

The CHAIRMAN thanked Sir F. Lugard for having given such useful information on this interesting question. He thought that the Commission would agree with Sir F. Lugard's conclusions, apart from some reservations which certain members desired to make.

M. VAN REES said that he entirely agreed with the conclusions of Sir F. Lugard. Nevertheless, he desired to suggest a small addition to the beginning of paragraph 2, which might be completed as follows: "It was no doubt assumed that they would be sold at once or retained by the mandatory Power".

This wording was important because of conclusion (a) proposed by Sir F. Lugard, for this conclusion applied both to property which had not yet been sold and to property which had been retained by the mandatory Power. Conclusion (a) should therefore be completed as follows: "Whether any such estates remain unsold or are not retained by the mandatory Power as its own property", etc. Article 297 of the Treaty of Versailles authorised mandatory Powers to sell or retain the property in question. There was no reason, therefore, why only the sale of such property should be mentioned.

He wished to make a more general observation. His British colleague had drawn attention to certain consequences which might ensue from the sale or retention of these properties and which were of particular concern to the Permanent Mandates Commission. He himself, however, wished to enlarge this point, for the question, in the view of the Permanent Mandates Commission, was just as important with regard to property of all kinds which mandatory Powers might acquire in mandated territory. Whether the property was ex-enemy or other property, acquired by the mandatory Power by purchase or by other means, both kinds of property ought to be submitted to the same regulations with regard to labour, taxes, etc., as were imposed on the property of private individuals. His colleague was therefore right in drawing attention to the consequences which might occur, but these should be extended to cover any cases which might arise.

Sir F. LUGARD understood Article 297 to mean the right of the Allies to retain, that was to say, to take possession of and liquidate, the properties in question.

M. VAN REES pointed out that certain Powers had retained these properties and had paid their value into the Reparation Fund.

M. RAPPARD thought that the difference was very slight. He doubted whether it would be possible to amend paragraph (a) of Sir F. Lugard's text, because the estates in question either had or had not been sold. When a mandatory Power retained an estate in reality, it either held it pending sale or bought it from itself, the price being credited to the Reparation Account. No estate, therefore, could be said to remain unretained or unsold.

The CHAIRMAN thought that the question could be put as follows : Had a mandatory Power the right to retain ex-enemy property without having attempted to sell it ? If it had held an auction and no one had made an offer for the property, the mandatory Power could retain it. On the other hand, if it had not been put up to auction, how could the price of the property be fixed ? It was in connection with this last point that the proposal of M. Van Rees appeared to be sound. To sum up, the Commission agreed with Sir F. Lugard, and there remained but a small question of interpretation to be settled.

M. VAN REES reminded the Commission that New Zealand had retained all the ex-enemy estates and had paid their value into the Reparation Fund. That country had not retained the estates in question with a view to selling them later, but had kept them as its own property. The estates were private ones on mandated territory, belonging in full right of ownership to the mandatory Power.

M. RAPPARD thought that, in that case, the point which the Commission would have to ascertain was whether any preferential treatment was given to these estates from the fiscal point of view.

M. VAN REES pointed out that he had said in the note not "properties sold *nor* retained" but "properties sold *or* retained". Those were the two cases which might occur. In both cases differential treatment could not be allowed.

The CHAIRMAN suggested that Sir F. Lugard and M. Van Rees should agree on a single form of wording.

*The Commission adopted this proposal and approved the note submitted by Sir F. Lugard, subject to drafting amendments.*

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## TWELFTH MEETING (PRIVATE).

*Held on Monday, October 26th, 1925, at 10.30 a.m.*

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Present : All the members who had attended the preceding meeting.

### 458. Annual Report for Iraq (1924) : Question of the Postponement of the Discussion (*continued*).

Mr. Ormsby-Gore, Under-Secretary of State for the Colonies and accredited representative of the British Government, came to the table of the Commission.

The CHAIRMAN welcomed Mr. Ormsby-Gore, whose collaboration with the Commission would be much appreciated.

Mr. ORMSBY-GORE said that he had received a telegram from Sir F. Lugard informing him that the request of the British Government for postponement had been discussed by the Commission. He had personally been prevented by circumstances from consulting his colleagues in the Government but the matter had been under the examination of the Foreign and Colonial Offices. He then read the following memorandum :

"In a telegram dated October 17th addressed to the Secretary-General, His Majesty's Government have requested the Permanent Mandates Commission to consider the desirability of postponing consideration of the current report on the Administration of Iraq until a decision by the Council of the League of Nations on the question of the frontier between Iraq and Turkey has been reached. In making this request, His Majesty's Government were in no way actuated by any desire to shirk their unquestioned responsibilities towards the Council of the League and the Permanent Mandates Commission in respect of Iraq ; nor was the request dictated by any hesitation on their part to submit to the most full and

searching scrutiny that the Permanent Mandates Commission might think desirable the manner in which they have carried out in Iraq the task entrusted to them by the Council. In this matter, His Majesty's Government have nothing to conceal and, indeed, in normal circumstances, would have welcomed the publicity which examination by the Permanent Mandates Commission would have afforded. But the circumstances are not normal at present. As the Commission is doubtless aware, the question of the northern frontier of Iraq, which is in dispute between His Majesty's Government (acting on behalf of the Iraq Government) and the Turkish Government, has been referred to the Council of the League in accordance with the provisions of Article 3 (2) of the Treaty of Lausanne. As regards the rival frontier claims, it is sufficient to say that, whereas His Majesty's Government have asked for a frontier which is substantially identical with the existing provisional frontier laid down by the Council of the League in November last, the Turkish Government's claim, if successful, would involve the retrocession to Turkey of the whole vilayet of Mosul, the area of which approximates to one-quarter of that of the whole Kingdom of Iraq (excluding the Western desert). No final decision in the matter has yet been reached by the Council, but certain preliminary legal points have been referred for an advisory opinion to the Permanent Court of International Justice at The Hague, and are even now being considered by that Court. It will thus be seen that the question of the Turko-Iraq frontier is at present *sub judice* before the Council, and upon its decision depends the future of a large portion of the territory for the administration of which His Majesty's Government are responsible to the League. In other circumstances, His Majesty's Government would most willingly have submitted their conduct of that administration to examination by the Permanent Mandates Commission. They cannot but feel that, if the Permanent Mandates Commission were to consider the Iraq report at its present session, it would run a grave risk of seriously embarrassing the Council in its extremely difficult task. The frontier question is not only one of the deepest importance from the point of view of the peoples directly concerned, but has given rise to a considerable amount of very bitter controversy and has acquired an international importance quite disproportionate to the actual issues involved. If the matters and events recorded in the Iraq report, many of which are inextricably bound up with the frontier question, and the discussion of which would inevitably trench upon this question, were now to be examined by a body directly responsible to the Council of the League of Nations and the representative of one party only to the dispute were called upon to give evidence, not only might the evidence of that representative colourably be represented as a deliberate attempt to import prejudice into the dispute but the whole procedure might lead public opinion to impugn the impartiality of the tribunal to which the dispute has been submitted.

"For this reason, it is suggested that consideration of the Iraq report by the Permanent Mandates Commission at the present juncture would be in the best interests neither of the League of Nations nor of the peoples of Iraq.

"But there is another reason. Article 3 (2) of the Treaty of Lausanne stipulated that, pending a decision on the subject of the frontier, no military or other movement should take place which might modify in any way the present state of the territories of which the final fate will depend upon that decision. The delay in determining the frontier and the local tension born of that delay have led to a number of incidents in the neighbourhood of the frontier which, in the view of one party or the other, constitute infringements of the *status quo*, and which have given rise to a series of protests and counter-protests. These incidents have recently increased in number and have acquired a more serious complexion, and the Council regarded the situation arising therefrom as sufficiently critical to justify their despatching a special Commissioner to the neighbourhood of the frontier to investigate and report upon the position. The League of Nations Commissioner has just reached Iraq and assumed his duties.

"Many of these frontier incidents have in a greater or less degree influenced the policy followed and the administrative arrangements made by the Iraq Government acting on the advice of His Majesty's Government, and consequently they have been fully recorded and critically examined in the current report on Iraq. If the sections of that report dealing with these events were now to be publicly discussed by the Permanent Mandates Commission and again evidence called for from only one of the parties concerned, not only would such action be, in effect, partially to remove the matter from the jurisdiction of the League Commissioner, who has been specially appointed to investigate these incidents, but it might lead to representations that the Commission were hearing one side of the question only.

"It is understood that the Permanent Mandates Commission had contemplated considering at its present session the preparation of a draft questionnaire relating to Iraq, with the object of assisting His Majesty's Government in framing future reports on that territory upon lines acceptable to the Commission. Nothing

would have been more welcome to His Majesty's Government, who would have been most happy to co-operate to this end, but in the existing circumstances, and while the territorial limits of Iraq remain unsettled and the fate of the numerous inhabitants of the disputed area hangs in the balance, His Majesty's Government, to their regret, feel that any attempt to draw up such a questionnaire would be open to the same grave objections as those which would attend the consideration of the Iraq report and, moreover, would serve no useful and lasting purpose. Much of any questionnaire now framed would, of necessity, directly, if not exclusively, concern the Mosul vilayet. Questions relating to the treatment of racial and religious minorities, the recruitment and formation of local forces, the fiscal and judicial systems set up, the development of self-governing institutions and the establishment of representative government — the number could be extended almost indefinitely — could not, it is submitted, be so framed as to be wholly independent of the fate of the Mosul vilayet and as to be equally applicable and appropriate, irrespective of whether that province is ultimately separated from, or remains in, the Kingdom of Iraq. Consequently, much of the Commission's work in connection with the preparation of a questionnaire, if undertaken now, might prove to have been superfluous and useless when the Council's decision on the frontier question is announced. Such a questionnaire could, in any case, only be of a purely provisional character and subject to the possible necessity for radical revision once the frontier between Iraq and Turkey has been determined.

“For these reasons, His Majesty's Government trust that the Permanent Mandates Commission will be moved to defer consideration of the Iraq report and the preparation of a draft questionnaire until a decision by the Council of the League in the matter of the northern frontier of that territory has been reached.”

Mr. Ormsby-Gore added that it would be extremely difficult — in fact, practically impossible — for the British Government at the moment to instruct an adequate accredited representative to examine the Iraq report with the Commission. It seemed to the British Government essential that, during the discussion by the Permanent Mandates Commission of any Iraq report, an accredited representative who was actually and personally familiar with the administration should be present.

In the previous year, when the Palestine report was considered for the first time, the High Commissioner for that territory was present, and Mr. Ormsby-Gore thought that the Permanent Mandates Commission placed it on record that that was a great advantage. For Iraq, Mr. Ormsby-Gore was the only person who could act as accredited representative, and he was not sufficiently conversant with all the details to be quite satisfactory, from the point of view of the Commission, in that capacity.

There was a further question which would have to be considered before the Commission could adequately discuss the Iraq report, namely, whether, in addition to the accredited representative of the mandatory Power, there should be with him some representative of the Iraq Government. Clearly, only the accredited representative of the mandatory Power would answer the more important questions connected with the administration; but with regard to less political questions, such as education, it was for consideration whether a representative of the Iraq Government might not accompany the British Government's representative. Those questions were precisely of the kind which had devolved on the Arab Government of Iraq, who were very jealous of the rights and powers handed over to them for exercise. This was, he thought, a question which must be settled before the situation of Iraq was discussed, as, if the accredited representative of the mandatory Power alone were present and he were asked a number of questions which were regarded by the Iraq Assembly and by the Iraq Government as lying entirely within their responsibility and their province, there might be a certain feeling in Iraq that the League was minimising the powers and functions which the new State had already acquired.

Mr. Ormsby-Gore concluded by saying that the British Government took full responsibility for making the request to the Permanent Mandates Commission to defer the consideration of the Iraq report. In taking that responsibility, it begged leave to remind the Commission that the responsibility was upon it to come to a free decision, and that no mandatory Power wished to attempt in any way to interfere with the complete freedom and authority of the Permanent Mandates Commission.

The CHAIRMAN noted that the Commission was asked by the accredited representative of the British Government to adjourn the discussion of the Iraq report. He drew attention to the following point raised by the accredited representative: the representation of the Iraq Government before the Permanent Mandates Commission. In his view, the representative of His Britannic Majesty was the sole person responsible to the League in all that concerned Iraq, though he was free to be accompanied by such experts or advisers as the Government of the mandatory Power might think useful. He read Article 1 of the mandate for Iraq, which he considered should preserve its full force.

Mr. ORMSBY-GORE entirely agreed with the views of the Chairman.

M. FREIRE D'ANDRADE was of opinion that the discussion on Iraq should be postponed to a future date. With regard to the question raised by the Chairman, he was entirely in agreement, at least in so far as the reports of the past years were concerned. As for the reports to come, he had already had occasion to express his own doubts on the question. He was not sure that the Commission possessed the necessary competence to examine the Iraq reports unless the Council sent these reports to it for this purpose. According to the terms of the Covenant, Iraq enjoyed a certain degree of independence; its definite independence had now been recognised under certain conditions contained in a treaty registered with the League. It would be the duty of the Council, therefore, and not of the Mandates Commission, to examine the matter. M. Freire d'Andrade added that he had merely expressed his own view, but that he did not desire to begin a discussion on the matter.

M. RAPPARD thought the Commission should be grateful for the official memorandum submitted by Mr. Ormsby-Gore and for his frank explanations. Both together gave the reasons for which the British Government asked the Commission to adjourn the discussion of the Iraq report. The last words of Mr. Ormsby-Gore were, he thought, particularly important. The Permanent Mandates Commission must take the full responsibility for deferring its consideration of the report, whatever were the views of the mandatory Power.

There was a great deal to be said for the British Government's point of view. While the question of the frontier of Iraq was not settled, it was obviously difficult to discuss conditions in Iraq. On the other hand, the fact that it was at the moment impossible for a British official in that country to attend in order to represent the British Government was not an insuperable objection, for, if it were judged to be so, then the Mandates Commission would always be more or less at the mercy of any mandatory Power which wished to make this an excuse for asking for the adjournment of the consideration of any particular report.

The principal reason put forward by the British Government was that the question of the Iraq frontier was still *sub judice* before the Council. That he thought was a weighty reason, and he therefore suggested that, as the Council was, fortunately for the Commission, now in session at Paris, it could be asked whether or not it desired the Permanent Mandates Commission to defer its discussion on the Iraq report until after the question of the frontier had been settled. Were the Council to ask the Commission to postpone its discussion, such action on the part of the Council would be regarded as an act of courtesy towards the Turkish Government and would at the same time make it impossible for any accusation to be made against the Council to the effect that it was not impartial. If this procedure were not adopted, the Commission would have to decide whether or not the reasons given by Great Britain in asking for a postponement of the question were good ones. If they were, then the Commission must adopt those reasons for its own and give them as its own motives for postponing the discussion. It could not make the request of the British Government the reason for the postponement.

It might be objected that the Commission had adopted a different procedure in regard to Syria, but it should be remembered that in Syria a revolt was in progress at the moment, which was being suppressed, and that the report for Syria, being concerned with the previous year, contained naturally no information in regard to this unfortunate event. The Permanent Mandates Commission could hardly discuss Syria without taking account of such a revolt, but if it decided to discuss it at the moment it would have no evidence as to what actually was happening before it. It had therefore, in M. Rappard's view, very wisely decided to hold a special session to discuss the mandate for Syria when that information was available, and in taking such a decision it had thus not failed to record its deep interest in the situation. The case, however, in regard to Iraq was not analogous.

M. VAN REES thought that the statement made by the accredited representative was so clear, so complete and based on such important reasons that he himself would not hesitate to propose the adjournment of the discussion on the Iraq report. Further, he recalled that, when the question of adjournment had been examined a few days previously by the Commission, he had immediately proposed to accede to the wishes of the British Government, not because the British Government had expressed this desire but for other reasons, which were in fact similar to those which had just been put forward by the accredited representative. These reasons had been that the Commission, by discussing the question immediately, might increase the difficulties not only of the Government of Iraq but of the British Government. The accredited representative had added a detail which M. Van Rees thought was of great importance. It was that the dispute concerned a district of which the area was almost equal to a quarter of the total territory of Iraq. Account ought also to be taken of the fact that this question had raised, and would continue to raise, unending controversies in all countries. His impression was that to raise these various questions immediately would merely embitter the present situation. His colleague, M. Rappard, was of opinion that it was the duty of the Council to reply to the question put by the British Government, and that the Council should request the Permanent Mandates Commission

to adjourn its discussion of the Iraq report. He regretted to be unable to agree with this view. By the provisions of the ninth paragraph of Article 22 of the Covenant, it was the duty of the Commission not to ask for but to *give* advice to the Council, and although by the same paragraph of Article 22 the Commission was obliged to examine the annual reports of the mandatory Powers and to give the Council its opinion on any question concerning the execution of the mandates, the Commission was entirely free to fix the date on which to examine certain reports. Were difficulties to arise, it was for the Commission to consider whether it should take account of them, and if, for grave and urgent reasons, it decided not to examine the Iraq report immediately, it would not lay itself open to any accusation either from the Council or from anyone else.

Sir F. LUGARD thought that the statement made by the accredited representative afforded ample reasons for the postponement of the discussion of the Iraq report without further argument.

With regard to Mr. Ormsby-Gore's remark concerning the possible representation of the Iraq Government when the report was being discussed, the position of Iraq was peculiar. There was, in actual fact, no mandate for that territory and the task of the Permanent Mandates Commission was confined to making sure that the Treaty of October 10th, 1922 (which gave effect to Article 22), and the subsequent protocol and other arrangements were being fulfilled by both parties. The question, therefore, of the representation of Iraq could be referred to the Council on the grounds that the British Government did not, in actual fact, possess what could properly be described as a mandate for that territory. It would be, in his personal view, desirable for the Iraq Government to be represented, but the status which the representative would occupy was a matter for the Council to decide.

M. FREIRE D'ANDRADE entirely agreed with M. Van Rees. He also agreed with M. Van Rees and Sir F. Lugard with regard to the proposal of M. Rappard. Such a procedure might create the impression that the Permanent Mandates Commission was not entirely independent.

M. PALACIOS also thought that the question should be postponed. That had been his opinion at the moment when the question had been raised, at the time when the Commission had received the telegram from the British Government. The Permanent Mandates Commission was, in his opinion, free to decide to adjourn the question and to reserve the examination of the fundamental questions raised for the date on which it would discuss its recommendations to the Council.

Sir F. LUGARD fully agreed with M. Freire d'Andrade and M. Van Rees that reference to the Council was unnecessary. The Commission could not, however, forget, when discussing the treaty between Great Britain and Iraq, that there were two parties to that treaty and it ought therefore to hear both parties. Some of the responsibility for giving effect to the treaty fell upon the Iraq Government directly, without detracting from the responsibility of Great Britain to the League. The Commission would therefore have to decide what status should be granted to the representatives of Iraq.

M. RAPPARD thought that it should be made very clear that the actual and apparent independence of the Permanent Mandates Commission was safeguarded. Of whom, however, was that Commission independent? Of the mandatory Power — not of the Council, which it was its duty to advise. There was a danger that the Commission might not be independent of those mandatory Powers which, for one reason or another, desired the examination of their reports to be postponed. This might cause a criticism to be launched against the Commission to the effect that it postponed the examination of a particular report on a mandated territory, not for any intrinsic reason but because the mandatory Power in charge of that territory had asked it to do so.

The reasons of the British Government were very good ones, but the Commission could only base its decision on those reasons and not on the grounds that a mandatory Power had asked it to postpone the examination of a report. Thus the Commission should state definitely, if it decided to adjourn the matter, that it did so solely because the frontier between Iraq and Turkey was not yet settled, but on no other grounds.

The CHAIRMAN believed that all his colleagues agreed as to the postponement of the discussion. In his opinion, it merely remained to define the reasons for this postponement, so that they might adequately correspond with the various considerations which had been put forward. He did not think, however, that the Commission should base its decision on the mere fact that the frontier between Turkey and Iraq was not defined. Nor should it base its decision merely on the fact that a request for postponement had been made by the British Government. The decision should be based on other considerations, such as the fact that the question was at the moment under consideration by the Council, and that it was necessary not to increase existing difficulties, etc.

With regard to the question of the representative of Iraq, he thought, with M. Palacios, that the Commission should postpone considering it until the moment when it was discussing its recommendations to the Council.



M. RAPPARD said that, for different reasons, members of the Commission were in agreement. He, however, could only vote for the postponement of the question on the ground that, the frontier between Iraq and Turkey not being settled, it was impossible to discuss adequately the situation of Iraq. If the Commission decided to postpone such discussion for any other reason, it meant that its decision was based on the consideration that such a discussion would put Great Britain in an embarrassing position. To admit such a motive would be a very dangerous line to follow.

The CHAIRMAN thought that the Commission might base its decision to adjourn the matter not on the sole reason that difficulties had arisen in connection with the frontier but on all the reasons which had been put forward.

Mr. ORMSBY-GORE explained that Great Britain had asked that the Commission should only postpone the discussion until the Council's decision on the frontier question was promulgated. His Government had given two reasons: (1) the question of the northern frontier of Iraq was *sub iudice* before the Council; (2) a special League Commissioner had been sent out to the territory to make a report on the situation and that report had not yet come to hand. In his view, if the Commission adopted these reasons as its own, the danger referred to by M. Rappard would be avoided.

Sir F. LUGARD pointed out that there was a third very important reason, and that was that any declarations made by the British representative for Iraq might be regarded as *ex-parte* statements and resented by the other side.

The CHAIRMAN thought that the question of the representation of Iraq and the question whether or not a real mandate, properly speaking, existed for Iraq, etc. should be discussed by the Commission at a future date.

Mr. ORMSBY-GORE said that it was clear that, if the Permanent Mandates Commission put the point raised by Sir F. Lugard before the Council, it would do so on its own initiative. If the Commission itself did not raise the matter, then a Member of the Council would probably raise it.

The CHAIRMAN agreed and added that the Commission ought to raise the question.

M. RAPPARD thought that the only reason to be given by the Commission for postponing the question should be because the frontier had not yet been settled. This reason should not be weakened by the addition of others, since some of them might disappear by the next session of the Commission and thus leave it still in an embarrassing position, whereas if it said quite definitely that it would postpone the examination of the Iraq report until the frontiers of Iraq had been internationally defined and gave no other reasons, that would leave it free to wait until the question of the frontier had been definitely settled.

The CHAIRMAN thought that, in principle, the Commission had decided to postpone the question. It only remained for the text of the resolution to be adopted. Several of his colleagues and he himself thought that several reasons should be given for postponing the question. In addition to the arguments already put forward, he submitted that the report on Iraq only concerned an administrative period of three months from the date of the approval of the mandate by the Council.

M. RAPPARD said that the Commission could not make the lateness of the report an additional reason, for, if it did so, it would be logically compelled to ask the mandatory Power to furnish a report in time for the Commission to discuss it at its next session, whereas it was impossible to know whether the question of the frontier would be settled by the time that session was held. To add such a reason, therefore, would only be to add to the Commission's difficulties.

Sir F. LUGARD thought that the reasons given by Great Britain were so conclusive that the Commission could come to no other conclusion but to postpone the consideration of the Iraq report. In the first place, the question of the frontier was *sub iudice*, and, in the second place, if the British representative were examined and no representative of Turkey were present, the Commission might easily be accused of partiality. In the third place, the Commission did not know what would be the status of the representative of Iraq.

M. VAN REES thought that account should be taken of the fact that it was not merely a question of fixing the frontier on the spot but one concerning a quarter of the territory of Iraq.

M. PALACIOS added that, in the text to be adopted by the Commission, there should be no reference to the uncertainty of the present frontier, so that the Commission might concern itself as little as possible with the substance of the issue in dispute. It would be best to say that the frontier was the object of a claim or that there was a dispute with regard to it.

M. CATASTINI pointed out that, when the terms of the mandate were fixed, it was known that the frontier had to be fixed. The real question did not concern the frontier but the whole territory.

M. RAPPARD submitted the following text to the Commission :

“The Permanent Mandates Commission,

“In view of the dispute in regard to the frontiers of Iraq, a dispute which concerns about a quarter of the territory ;

“In view of the fact that the dispute on the matter is at the moment under review by the Council of the League of Nations ;

“In view of the effect caused by this state of affairs, an effect which is being felt throughout the territory and among all the inhabitants ;

“In view of the desire of the Commission not to appear to anticipate a decision which must be promulgated in entire independence and impartiality by the League of Nations, of which a representative is at the moment on the spot :

“Decides to adjourn the examination of the report concerning Iraq until the date on which these obstacles have been removed.”

*This resolution was adopted.*

### THIRTEENTH MEETING.

*Held on Monday, October 26th, 1925, at 3:30 p.m.*

Present : All the members who had attended the preceding meeting.

#### 459. Examination of the Annual Report (1924) of the British Government on the Administration of the Mandated Territory of Palestine and Transjordan.

Mr. Ormsby-Gore, accredited representative of the mandatory Power, took his place at the table of the Commission.

M. PALACIOS reminded the Commission that he had submitted his report on the petition of the Palestine Arab Congress and on the reply of the British Government. He proposed that the members of the Commission should not lose sight of the arguments put forward by the two parties when they examined the report of the mandatory Power on Palestine.

The Commission began the discussion of the report on Palestine and Transjordan, after deciding to consider, when it had finished with the report, any questions raised in the petitions which might not have been dealt with during the discussion.

#### *Presentation of the Reports.*

The CHAIRMAN regretted that he had to repeat a formal protest which he had made at all the previous sessions. Not one of the reports sent in by Great Britain was in accordance with the rules laid down by the Commission as regarded the form in which they should be presented. He presumed that official routine had proved too strong for the Government. He hoped that Mr. Ormsby-Gore's influence would eventually triumph and that the report on the year 1925 would be addressed to the Council of the League of Nations. The present report, he thought, was admirably drawn up.

#### *Transjordan : Frontier Questions and General Administration.*

M. VAN REES read an extract from the *Christian Science Monitor* of July 23rd, 1925, in which it was stated that an area of 15,000 square miles had been officially incorporated in Transjordan. According to the *Times* of July 29th, the former representative of Great Britain in Transjordan, Mr. Philby, had severely criticised the project of incorporating this part of the Hedjaz. He would like some information on the subject.

Mr. ORMSBY-GORE explained that the southern boundary of the mandated area of Transjordan was not, and never had been, exactly defined. It was approximately equivalent to that part of the former Turkish vilayet of Syria which was not included in the Hedjaz. The area formerly administered from Damascus extended approximately as far as Maan, and the area administered from Mecca extended north to about the same point. Akaba, a small village at the head of the Gulf of Sinai, might be said to be the meeting-point of Egypt, the Hedjaz and the vilayet of Syria. The southern part of Transjordan, near the Hedjaz, was inhabited by nomad tribes, which had no great respect for boundaries, and moved both seasonally and irregularly across the undefined frontier.

The reason for the assertion of Transjordan's right over the territory mentioned by M. Van Rees was to make it clear to Ibn Saud, the Sultan of Nejd, who was not on good terms with the Hedjaz Government, that he could not be allowed to occupy Maan or Akaba, because such occupation would affect the mandated territory of Transjordan.

He wished to make it clear that the British Government did not share Mr. Philby's views on the Transjordan territory.

The British Government had never suggested that any area south or east of Maan came within the mandated territory. As to the 15,000 square miles, he could say nothing ; the only authority for the figure was the *Christian Science Monitor*.

M. VAN REES thought that the question was not yet sufficiently elucidated. It seemed to him curious that the British Government, having always regarded this area as part of the mandated territory, should have suddenly realised that it was outside the frontiers of that territory.

Mr. ORMSBY-GORE observed that Mr. Philby had a strong animus against the British Government.

Sir F. LUGARD observed, in connection with M. Van Rees' question, that an extract from the *Palestine Weekly* of March 25th had been circulated to the Commission. It concerned an agreement between King Abdullah and King Ali on the subject of the annexation of Akaba. Was it not *ultra vires* for King Abdullah to negotiate regarding cessions of or additions to a mandated territory? That was surely the function of the mandatory Government, with the concurrence of the League.

Mr. ORMSBY-GORE thought it was.

Sir F. LUGARD thought that a high official, Sir Gilbert Clayton, had been sent to negotiate with the Hedjaz. Was not the League the sole authority on the subject of the frontiers of mandated territories?

Mr. ORMSBY-GORE explained that the objects of Sir Gilbert Clayton's mission were: (1) to fix the frontier between Transjordan and Nejd; and (2) to settle outstanding differences between Nejd and Iraq.

He did not think it correct to say that the League was the sole authority in this particular case. The instrument by which the Transjordan territory was transferred was the Treaty of Lausanne, and he was not aware that that Treaty contained any reference to the League in this connection.

As to the extract from the *Palestine Weekly*, he was not aware of any treaty between the two brothers.

Sir F. LUGARD quoted the opening of the mandate for Palestine and Transjordan: "Whereas the Principal Allied Powers have agreed . . . to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine . . . *within such boundaries as may be fixed by them*". He would be glad to know whether there was any prospect of the boundaries in question being fixed by the Allied Powers.

Mr. ORMSBY-GORE said that he would consult the Treaty of Lausanne on this point.

M. RAPPARD observed that the Commission might ask for more information to be given on the subject of frontiers in next year's report.

The CHAIRMAN asked in whose interest it was that the frontier should not be fixed.

Mr. ORMSBY-GORE said that it had hitherto been primarily in the interests of Transjordan that the frontiers should not be fixed until the result of the continuous fighting which had been going on in those parts for some years was known. In any case, no frontiers could be permanently fixed anywhere in the peninsula of Arabia until that fighting was at an end.

M. VAN REES asked whether the Frontier Commission had concluded its work.

Mr. ORMSBY-GORE replied that the Frontier Commission had concluded its work on the frontier between Palestine and Syria west of the Jordan. East of the Jordan, there was an understanding between the Governments of the two mandatory Powers, and this understanding had now become fairly definite owing to the presence of British troops, who had been sent there to prevent inhabitants of the British mandated territory from going to join in the fighting in Syria.

Sir F. LUGARD drew attention to the statement, on page 66 of the report, that the British Government was negotiating with a view to recognising an independent Government in Transjordan under the Emir Abdullah, but the agreement had not yet been definitely concluded. He wished to know what prospect there was of the agreement being concluded, and whether it would cover the Christian schools and the powers of the British Resident?

Mr. ORMSBY-GORE replied that, in the report on administration in 1925, there would be a good deal to add on the subject of the status of Transjordan and the powers of the Resident.

Sir F. LUGARD asked whether the negotiations referred to could be taken to mean that Transjordan was now fit for self-government and that Abdullah was recognised as a suitable ruler.

Mr. ORMSBY-GORE replied that the Government of a mainly nomadic people was necessarily somewhat primitive and patriarchal. Revenues had to be collected as and when circumstances would permit. Certain apprehensions had been felt lest the troubles in Jebel Druse might have repercussions in Transjordan; but nothing of the kind had occurred. The control of the mandatory Government had indeed improved since the outbreak of the Druse troubles. The chief British representative, Colonel Cox, was exercising effective influence. In actual fact, the country was governed by a triumvirate, consisting of King Abdullah, Colonel Cox and the Chief Minister, Rikabi Pasha.

Sir F. LUGARD observed that the Commission had been told last year that the agreement concerning the nomination of Abdullah would have to be ratified. Had this been done?

Mr. ORMSBY-GORE said that the statement in question meant that Abdullah would be required to undertake to govern constitutionally — in other words, to leave to his ministers those portions of the work of government which ought to be left to them. He had given this undertaking.

#### *Development of Local Government.*

Sir F. LUGARD had asked Sir Herbert Samuel what he thought of the value of the development of village councils, and Sir Herbert Samuel had replied that he (Sir F. Lugard) had indicated a useful line of advance, and that a Commission under Sir Ronald Storrs had been appointed to examine the question. Could Mr. Ormsby-Gore say what that Commission had done?

Mr. ORMSBY-GORE said that information was to be found in the comments of the British Government on the Arab petition (Annex 7 a). The Local Councils Ordinance, 1921, had established these councils, the majority of which were in Arab villages. It was difficult to introduce such institutions in communities of mixed races, such as Haifa and Jerusalem.

#### *Certain International Agreements.*

Sir F. LUGARD asked whether America had withdrawn her claim to capitulations.

Mr. ORMSBY-GORE had no information on this point.

M. RAPPARD asked whether the Commission could see the text of the American treaty in question. It had not been communicated to the members of the Commission nor, he was informed, had it been registered with the League.

Mr. ORMSBY-GORE said that he would see that copies of the treaty were sent.

M. RAPPARD drew attention to the phraseology used in the Palestine (Holy Places) Order in Council (Appendix II, page 17): "Whereas by treaty, capitulation, grant, usage, etc., His Majesty has power and jurisdiction within Palestine". Would it not be possible for the British Government to make some reference to the mandate of the League of Nations?

Again, on page 21 of the report, it was stated that "the agreements with Syria and Egypt continue to work satisfactorily, but will shortly be replaced by agreements between the two Mandatories". Which were the two Mandatories referred to?

Mr. ORMSBY-GORE said that this was certainly intended to apply only to the agreement with Syria and that France and Great Britain were meant.

Sir F. LUGARD asked whether the agreements in question could be sent to the Commission, as they were apparently in operation.

Mr. ORMSBY-GORE said that he would ascertain whether there were any new formal documents on the subject.

#### *Administrative Staff: Police.*

M. RAPPARD observed that the figures given in the report regarding the number of officials appeared to show a considerable number of "other" nationalities, even among the senior officials. He supposed that "other" meant not British or Palestinian. In that case, what were the nationalities of these officials?

Mr. ORMSBY-GORE replied that he imagined they were mainly Egyptian or Syrian.

M. RAPPARD drew attention to the statement, on page 30 of the report, that the civil service examination had been discontinued. He would like to know why this had been done.

Mr. ORMSBY-GORE said that it was due to there being no vacancies in the grades concerned.

M. RAPPARD noted, on page 34 of the report, a considerable number of enlistments and discharges in the police force. Could Mr. Ormsby-Gore explain this ?

Mr. ORMSBY-GORE observed that the term "discharged" did not mean that the officers in question had been dismissed from the service, it merely meant that they had completed their term and retired accordingly.

M. RAPPARD asked whether many of the enlistments mentioned were re-enlistments of discharged police.

Mr. ORMSBY-GORE thought not. It was a sound policy, in a country like Palestine, to endeavour to pass a certain number of people through the police force.

M. RAPPARD noted, on the same page of the report, that "it has not yet been possible to reopen the training-school" (for the police). Why was this ? Had the troubles in Syria entailed an increase in the armed forces ?

Mr. ORMSBY-GORE replied that there had been no total increase in strength, though certain units (air force, gendarmerie, etc.) had been transferred to the northern frontier from other districts.

As to the failure to reopen the training-school, this was probably due to attempts to cut down the strength of the police force, as a result of which almost the full strength would be on detachment and very few available for training.

M. RAPPARD asked whether events in the north had had any general effect in Palestine.

Mr. ORMSBY-GORE said that such an effect might have been expected, but there had been no overt acts. The absence of any such excitement was probably due to the fact that the Sultan El Atrash, the moving spirit of the Syrian troubles, was looked upon with suspicion by the people of Palestine.

M. RAPPARD drew attention to the statement, on page 36 of the report, referring to the shooting of two Jews by Arabs at Jaffa in March during a Jewish masquerade. Did the incident really occur at Jaffa or at Tel Aviv, as the other incident mentioned in the same sentence ?

Mr. ORMSBY-GORE thought that it probably occurred on the main road between the two towns. The statistics of crimes of violence in Palestine were decreasing, but were still high enough to constitute a cause for watchfulness on the part of the Government. In countries like Palestine, all acts of violence were dangerous to public security, because they so easily degenerated into extensive disorder.

M. RAPPARD said that he had been much impressed, on his visit to Palestine, by the civil service in that country, and he would like to congratulate the mandatory Power.

Mr. ORMSBY-GORE thought it was quite right to publish the names of officials and the racial statistics of the civil service, which showed that the mandatory Power was endeavouring to be fair to all races. In Palestine, as in other countries which had been under Turkish rule, there was always a scramble for Government appointments.

#### *Development of Self-governing Institutions.*

M. FREIRE D'ANDRADE said that the report showed that considerable progress had been made in Palestine; the country had been so successfully tranquillised that it had been possible without the slightest difficulty to withdraw some of the garrison troops. This was particularly notable at a time when the entire Moslem world was in a state of upheaval.

The number of armed attacks had decreased the courts of law had been reorganised, agriculture was developing, while education and public health were being improved; fresh resources were being constantly created and even the wealth of the Dead Sea was being turned to account. These were facts which were not to be despised, and he did not think that the complaints which had been made were justified.

It must, however, be borne in mind that Article 22 of the Covenant enjoined the Mandatory to advise and assist those peoples under mandate who were already provisionally recognised as independent, until such time as they were able to stand alone. Material progress might, of course, contribute to that object, but the Mandatory ought not to confine its efforts to that aspect of the question.

For that reason, he thought that the report before the Commission was very incomplete on the subject of general administration. It gave no idea of the manner in which the mandatory Power secured the co-operation of the people with a view to educating them by degrees and enabling them to stand alone. He quite saw that that was not easy just at present :

the predominant Arab element was strongly opposed to the Jewish element — so much so that it was not possible at that juncture to lay down a clear and definite policy. But willy-nilly, whether it was in the right or in the wrong, the Arab element must be persuaded to observe the provisions of the mandate concerning the Jews. That was essential, and the Arabs must be thoroughly convinced of the fact. They and the Jews had to live together in Palestine, and the business of the Government was to respect the rights of both, and more particularly to try to eliminate all causes of friction and collision so far as justice and equity would allow.

Again, he recognised that the mandatory Power was passing through a period of preparation, but that was no reason why the report should not give certain information as to general administration, which was the most important point to be considered in connection with the administration of Palestine. According to the Covenant and the mandate, Palestine was to be governed by its people under the guidance and with the advice of the mandatory Power. But this position obviously could not be reached until both sides, Jews and Arabs, realised that they were absolutely bound to observe the stipulations of the mandate and the Covenant before they could claim the rights granted to them by those instruments.

In general, he asked that, if possible, the next report should be more explicit on the subject of general administration, thus allowing of comparison with the previous reports and enabling the Mandates Commission to see what share in the administration of the country was given to the various races which formed the population and when it would be possible to increase that share.

Mr. ORMSBY-GORE said that the Commission had already had before it in 1923 some documents showing that the Government of Palestine had tried to increase the co-operation of the different sections of the population in administrative work. He frankly admitted, however, that this result was still far from being attained. He then read a statement made in Palestine by Mr. Amery to the same effect.

The leaders of the Arab political party were determined on non-co-operation as long as the Balfour Declaration continued to form part of the policy of the mandatory Power and as long as its principles were embodied in the mandate. It was fair to say, in general, that, for the time being, self-government was out of the question owing to racial antipathies.

M. FREIRE D'ANDEADE thanked Mr. Ormsby-Gore. The essential point, he observed, was to convince the Arabs that they would never gain independence until they fulfilled the stipulations of the mandate. If they became convinced of that fact, he hoped that they would not send so many complaints to the Mandates Commission and would make a greater effort to co-operate with the Jews.

*Jewish Immigration: Relations between Jews and Arabs.*

Sir F. LUGARD noted the statement, on page 4 of the report, that the population of Tel Aviv had increased from 2,500 in 1920 to 25,000 in 1924.

Mr. ORMSBY-GORE observed that it was more than that now.

Sir F. LUGARD thought that the British Government must surely view this increase with misgiving. The intention in establishing the Jewish National Home had been to settle the Jewish immigrants on the land. Was the Government making any efforts to give them concessions of land in accordance with Article 6 of the mandate? So far, it appeared that little or none had been granted. He had seen it stated in the *Times* that many of the immigrants came from Eastern Europe and were of a rough type. In that case they might, if unemployed, become a danger to the community.

Mr. ORMSBY-GORE could not admit that the recent immigrants were of a lower type than those in previous years.

Sir F. LUGARD said that he was not making any such assertion, but merely quoting from a telegram with the object of giving the representative an opportunity of contradicting it if untrue.

Mr. ORMSBY-GORE, continuing, said he thought that the recent immigrants were of a very good type. They were very anxious for land, but the Government had been prevented to a large extent from giving them land by reason of the other duty which it owed to the Arab population. In point of fact, the principal grant of Government land which had been made was in favour of Arabs. The object in that case was not to allay any possible fears on the part of the Arabs but to do justice, because the Arabs were already tenants of the lands and therefore had the first claim on them.

It was certainly true that the population of Tel Aviv was increasing very rapidly. He understood that, on an average, two new houses a day were being completed there. Those of the Jewish immigrants who could not get land would turn their hands to anything.

Many of them were not peasants at all, but artisans and small capitalists. He therefore thought that Tel Aviv would become an industrial town, though many of the immigrants would desert it for the land if and when they were able to do so. The outlook, on the whole, was reassuring. He laid stress on the strong movement among the Jews in favour of athletic training and on the excellent effects which this training seemed to produce upon the immigrants. He thought M. Rappard might be able to bear out his statement.

M. RAPPARD said he would have pleasure in doing so.

The CHAIRMAN said that the Jews who wished to own land were not peasants, for there were very few peasants who were Jews. Last year, the Mandates Commission had observed that admission into Palestine should only be granted to Jews in proportion to the economic ability of the country to assimilate them. There were only two possible positions: either there was not sufficient land or there was sufficient land but no agricultural labourers. It would be seen in the report that, of 108,000 Jews, there were only 23,000 who worked on the land, and that, out of a shipload of 5,000 immigrants, there were only 1,580 agricultural labourers. What became of the tailors, merchants and students? Either they received subsidies from outside sources and were merely leisured persons living on their investments or they worked at their trades. In the latter case, however, they ran the risk of not finding the means of subsistence.

He would, in conclusion, emphasise the necessity of according permission to enter the country only in so far as the country was able to assimilate the immigrants. Otherwise, the imprudent introduction of numerous competitors who were not consumers ran the risk of provoking a conflict more and more acute. It was the duty of the Mandates Commission to follow this question very closely as, according to the remarkable statement of M. Freire d'Andrade, policy was merely the result of social, economic and financial conflict.

M. PALACIOS thought that the idea that political problems should be connected with questions concerning the economic life of the country was of considerable value. Skilled trades and markets played a great part in that life. It was for this reason that he would desire to hear any remarks on the question which the representative of the British Government might feel inclined to make. In the previous year, the Commission had noted, on the one hand, that the influx of immigrants into Palestine had resulted in disturbances, and even occasionally in rebellions, and, on the other hand, an important number of these immigrants had left the country, having been unable to find conditions of life which were satisfactory. This seemed to him to show that there was a certain amount of overcrowding. In the present year, the Zionist report stated that the fact that the number of immigrants who had left the country had diminished should be regarded as a mark of progress. Immigrants arriving in the country remained in it. On the other hand, in the Arab memorandum, it appeared obvious that the mutual relations of the two populations and the relations of both with the Administration had in no way improved; indeed, it could be noted that the discontent of the Arabs had increased. Was this due, as the speaker had said, to trade conditions, or were other influences, complex and difficult to determine, contributing to this discontent?

One thing was obvious, and that was that not one of the hopes expressed by the High Commissioner at the session of the Commission in the previous year had been realised. The High Commissioner had demonstrated to the Commission in a most eloquent manner, and with great knowledge of the question, in what way peace would gradually be achieved, and how it was already being achieved, though the Arabs were so divided among themselves that they had not been able even to summon a new Congress. He had added that if, at any moment, the Arabs desired to approach the Administration, they could always obtain what the Administration had offered to them — that was to say, they would be allowed to take part in the advisory councils and in the Arab agency. He had expressed the greatest confidence in the extension and penetration of the local committees, and he had hoped that the policy of 1922 would prove successful in a very short time.

M. Palacios, however, gathered from the remarks of Mr. Ormsby-Gore that a step backward had been taken and that, for the moment, there was no longer any hope of an immediate and satisfactory improvement which would make it possible to establish that co-operation with the indigenous inhabitants which was so desirable. M. Palacios thought that it should not be forgotten that one of the principles of the Covenant was that the mandatory Power should encourage the establishment of self-governing institutions among the population of Palestine, and he would like to know what plan the mandatory Power was following, what it hoped to achieve and what were the practical means at its disposal.

Mr. ORMSBY-GORE did not wish M. Palacios to think him less optimistic than Sir Herbert Samuel had been in 1924. While the political Arab party was still intransigent, there was evidence that its numbers were not increasing, but were, if anything, on the down grade. He did not wish to speak harshly of the attitude of these Arabs, because at first some of the Jewish politicians had made somewhat mistaken utterances; but Jewish politics were becoming less acute, and the mutual knowledge of the two races and the social intercourse between them was increasing.

As to the economic point, he thought the Jewish influence was good for Palestine. Immigration was being kept within limits. He could not accept the Chairman's economic theory, but thought that the increase of population would give rise to an increase in employment. The Arabs had increased in numbers even more rapidly than the Jews. There was no unemployment among the former and very little among the latter. The Jews were introducing skilled processes, which were quickly learnt by the Arabs; they were also bringing in a good deal of capital. The Government was satisfied that the amount of immigration allowed was reasonable in view of the character of the country.

As to the point that there were no Jewish peasants, he could observe that, in biblical times, all the Jews were peasants. Since then, they had been deliberately kept off the land in most countries, and it would naturally take time for them to go back to it; but there were Jewish peasants in Palestine who had been brought up in the ghettos of Eastern Europe and were now most successful farmers. Such a process produced a type of agriculture requiring intellectual application, in which the Jews were proving highly successful.

In short, he thought that the immigration of the Jews had improved the immigrants both physically, mentally and morally, had enriched the country, and had also enriched the Arabs, who had learnt to improve their housing conditions and their methods of farming. Most of the Jewish immigrants were of the educated middle class, and went to Palestine because they were dissatisfied with the Jewish environment in other countries. The experience of five years had proved more satisfactory than the British Government had ever hoped.

M. RAPPARD wished to make a few general remarks on Jewish immigration. What he had seen coincided in the main with Mr. Ormsby-Gore's remarks. The immigrants did mostly come from Eastern Europe, but were not necessarily of a low type. The danger of urban congestion was, of course, a problem, but not, he thought, as dangerous as it had seemed to certain of his colleagues. As to the danger of Bolshevism, that was, to be sure, in essence an urban movement, but, fortunately, not one which inevitably sprang from urban life. In point of fact, it was bitterly opposed by all Zionists, because they realised that Bolshevism could not be compatible with Zionism.

The danger of unemployment was, he thought, exaggerated. There was no fear that the competition of Jewish labour would injure the Arabs; it was indeed rather the other way — the Arabs, with their low standard of living, underbidding the Jews.

The only real danger, he thought, in the development of towns, was that the territory might become economically dependent on the outside world; and this danger was not as serious as the Chairman had suggested. Countries like Belgium and Switzerland produced only a small proportion of the food they required, but managed to live perfectly well. If, as had been suggested, no Jews were peasants and no artisans were to be admitted, that would mean that no Jews could be admitted.

The urban population of Palestine was not proportionally increasing; there was a very general desire among Zionists in Palestine to leave the towns for the country, and thus, although most immigrants were not peasants when they came, they often became peasants afterwards. The Jews in the Valley of Esdraelon had supplanted nobody but mosquitoes, and had transformed an unproductive marsh into a fertile valley.

The economic capacity of absorption was, he thought, only measurable in terms of unemployment. The community thrived on capital from outside, and it was not a desirable policy to arrange to cope with the falling-off of that capital before it occurred. The Commission should not discuss what the Jewish National Home might be in theory, but what it actually was in practice. The whole scheme might seem fantastic, but it had so far been successful, because it rested on an exceptional devotion to a national ideal which produced what, under other circumstances, would be miracles.

M. VAN REFS pointed out that, according to Mr. Ormsby-Gore, the relations between the Jewish and the Arab workmen were fairly satisfactory. In this case, he hoped that these relations, affecting a continually more numerous part of the population, might tend to diminish little by little the feelings of hostility which at present appeared to animate only the more militant sections of the Arabs. Perhaps it would be possible to move towards conciliation, or at least towards a more favourable state of affairs, by these means.

Mr. ORMSBY-GORE did not wish to be misunderstood. The Arabs objected to the Jews because the latter were much more efficient and better equipped. They felt that the Jews were disturbing their old easy-going ways. Similarly, the Jew took a long time to adjust himself to Eastern habits of life. Notwithstanding the points of contact between the two races, it was difficult for them to get on together.

Many of the leading political Arabs had held Government posts under Turkish rule — largely by right of birth. That system had been changed, and the type of Arab in question — particularly if of the older generation — was difficult to fit into the new system. The British Government was anxious to show its sympathy with these difficulties. There was much less political talk in Palestine than formerly, and a cultural life was beginning to arise. Anti-Semitism might once have been a religious question, but was now racial, and was felt just as much by the Arabs in Palestine as by other races elsewhere.



M. VAN REES said that he was extremely satisfied with this explanation. Nevertheless, he desired to know whether the British Government contemplated a line of policy which might lead to a definite solution of this grave problem. Up to the moment, the Arabs had refused to co-operate with the Government as long as the Balfour Declaration remained in force, but this Declaration must continue to remain in force. There was here a cause of dissension of which it was impossible not to recognise the gravity and which called for the greatest prudence if a final and durable solution of the problem were desired.

Mr. ORMSBY-GORE was confident that, within ten years, self-governing institutions in which Jews and Arabs could co-operate would have grown up in Palestine. The racial and religious divisions were becoming less acute every year. When the Arabs realised that no British Government would abandon the Balfour Declaration, they would change their attitude; and the British Government would be ready to consider any proposals they might make. What was wanted was a sense of Palestinian nationality to supersede the different racial consciousnesses. Palestine must always be a country of mixed races, and it was likely that the direction of an outside Power would continue to be needed, in order to safeguard not merely the interests of the Jews and Arabs but the interests of the whole world in Palestine. Ready-made systems of democracy were not workable in a country of such diverse races and institutions. He asked the Commission not to be disappointed at the slowness of the progress made. His Government was always ready and anxious to grant representative institutions to the peoples under its rule, but it had found that, in some cases, its efforts in this direction had been premature and, consequently, it was now rather more cautious. He hoped the Commission would not press the British Government to move too fast in that direction.

M. PALACIOS thanked Mr. Ormsby-Gore and was happy to think that he had been able to give the accredited representative an opportunity to make the statements which the Commission had just heard. He thought that intensive propaganda for the achievement of peace and the intermingling of the races was a necessity.

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#### FOURTEENTH MEETING

*Held on Tuesday, October 27th, 1925, at 10.30 a.m.*

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Present: All the members who were present at the preceding meeting.

#### 460. Communications to the Press.

The CHAIRMAN informed his colleagues that, on reading several local newspapers dated October 27th, he had noted that the communication to the Press in regard to Iraq approved by the Commission had appeared in a mutilated form, and, further, that these newspapers gave certain details concerning the discussion which had taken place at a private meeting. He asked the views of his colleagues on the subject, and said that he intended to call for an enquiry into the facts. He would also ask the Secretary-General whether, in order to avoid the publication of false information, it would not be possible to issue to the Press communications headed "Communications of the League of Nations", on the understanding that this heading would be reproduced.

M. Catastini was instructed to ascertain whether the draft communication had been sent out by the Secretariat or whether there had been any indiscretion committed by an official of the Secretariat. Further, the question of principle contained in the suggestion of the Chairman would be submitted to the judgment of the Secretary-General.

#### 461. Examination of the Annual Report (1924) of the British Government on the Administration of the Mandated Territory of Palestine and Transjordan (*continued*).

*Communities Ordinance: Petition from the Council of the Ashkenasic Jewish Community at Jerusalem (Annex 8).*

Mr. ORMSBY-GORE explained that an ordinance had been drafted empowering the High Commissioner to make regulations for the organisation of religious communities in Palestine; but certain points were still under discussion with the High Commissioner, and for the moment the British Government had no draft. Regulations regarding the Jewish community were under consideration.

The mandatory Power had encountered some difficulty in connection with this question, but it seemed clear that some such measure was necessary, not only in the interests of the Jewish population in Palestine but also because of the existence, in the time of the Turkish sovereignty, of the "Millet" system. There were a large number of religious communities

in Palestine, and it was therefore desirable to adopt a regularised system to be applied to all the religious communities in question. The measures contemplated would not affect the political rights of the population, but would merely aim at organising the various religious communities in a manner which would leave them free to settle such questions as marriage, divorce, inheritance, etc., according to the tenets of their own particular faith.

As far as the Jews were concerned, the idea was that their community should also be organised sufficiently to be able to regulate the cultural development of that part of the population. It would be sufficiently representative of the Jewish population to enable it to constitute a *Vaad Leumi*, which would be a representative body dealing with many questions, including certain aspects of education.

The difficulties which had been met arose almost entirely because the Jewish population was not homogeneous in regard to its religious practices. There were many disputes between those Jews actively engaged with the Zionist organisation of the country and with the section of the extreme orthodox Jewish communities, of which the great majority were resident in Jerusalem. The Jewish community in that city was composed of Sephardic and of Ashkenasic Jews, and the Ashkenasic portion of the community was further divided into a smaller section composed of Khassidim, who were religious devotees corresponding in Jewry somewhat to the monastic communities in Christianity. This body of Jews did not work, but devoted themselves to Talmudic study and were very strict observers of the Mosaic law, refusing, for instance, to wear a short coat or to cut their hair in the front of their ears. The principal supporters of this very orthodox section were to be found in the Jews of Frankfort, in Germany, who had continuously taken a share in all controversies.

The extreme section were led by Rabbi Sonnenfeld, and he had quarrelled with the head of the other Ashkenasic section. Thus the difficulty concerned the internal dispute between two sections of Jews, and the Commission should realise that it was not a dispute between orthodox and unorthodox so much as between two sections comprising both orthodox and unorthodox members. By far the great majority of Jews were in favour of organising the Jewish community, but the small section of the Ashkenasics to which he had referred complained against it.

The real bone of contention was the ritual slaughter of animals. The orthodox Jews would only eat "kosher" meat, killed in accordance with the provisions of the Mosaic law.

As far as the mandatory Power was concerned, it appeared that the Ashkenasic community in Jerusalem was under the impression that it was trying to prevent them from superintending this ritual slaughter.

The accredited representative hoped that, before regulations regarding the Jewish community came into force, a settlement between the various contending rabbis of the sections of the Jewish population would be reached. The matter was, however, as he had already explained, further complicated by the fact that Jews outside Palestine, mostly in Frankfort, were participating in the dispute.

Sir F. LUGARD asked what did the Government consider to be the major object of the Communities Ordinance.

Mr. ORMSBY-GORE replied that the object was to grant to the communities self-government within the strict limits of their own personal law, that was to say, the communities could regulate such matters as divorce, marriage, disputes about wills, etc. What was in mind was in fact somewhat similar to the former Millet system in force under the Turkish regime. It was, however, impossible to have two completely separate Jewish communities in one country, for this would lead to chaos. There should be one community, though a sub-community could be set up within it if desired.

The Ashkenasic section, led by the Rabbi Sonnenfeld, desired apparently to establish two communities; but as they numbered about 1,600 and the remaining Jews 100,000 this was obviously quite impracticable and impossible. Negotiations, however, were going on between the rabbis and also between Jews in Frankfort who were supporting the dissentient minority, and it was to be hoped that an amicable agreement would be reached before any regulations were brought into effect.

He submitted, therefore, that a general organisation of communities was essential for Palestine, but that it could not take its final form until the dispute to which he had referred had been settled. Were the negotiations to fail, then the Administration might have to proceed with the organisation, and it would then be for the Permanent Mandates Commission to decide whether any injustice had been done to any section of the Jews in Palestine.

In reply to a further question from Sir F. LUGARD, Mr. ORMSBY-GORE explained that the measures in contemplation would give the Arab populations the right to form a community if they desired to do so. The Christian population was in the same position and neither the Arabs nor the Christians had made any protest against the proposed ordinance.

M. VAN REES concluded from the statement of the accredited representative that the mandatory Power hesitated to recognise the right of a certain small religious community to constitute itself in entire freedom. How, then, did the mandatory Power interpret Article 2 of the mandate, which was as follows ?

"The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the Preamble, and the development of self-governing institutions, *and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.*"

The Ashkenasic section in question did not want to concern itself with politics in the least degree, but only desired to be constituted a separate community for religious questions on the same lines as it would be constituted in any other country. Did the mandatory Power desire to prevent this? He understood that negotiations between the various sects of Jews were in progress and might be successful, but this, in his view, did not affect the point upon which he desired information. That point was: Could any group set up an entirely free community to deal with the religious questions within the terms of Article 2 of the mandate? It appeared that the only desire expressed by the community whose petition was before the Commission was that it should not be subordinated to the Zionist Jews in matters of religion.

Mr. ORMSBY-GORE replied that this might be the contention of the Ashkenasic section in question but that they had not made that clear to the Administration. As a community they had put forward an entirely alternative scheme for a single community, based on lines drawn up by themselves and differing entirely from the views of the Zionists who formed the great majority of the Jewish population.

The mandatory Power had no intention of depriving the Ashkenasic community of complete religious freedom and of complete liberty of conscience.

M. VAN REES concluded that this meant that the Ashkenasic community in question would not be subordinated to the Zionists in religious matters.

Mr. ORMSBY-GORE replied in the affirmative.

M. FREIRE D'ANDRADE suggested that the Commission should postpone further discussion of the matter. Representatives of the Zionist section had approached him and informed him that negotiations were being carried on between various Jewish sects. This appeared to be a special case of religious controversy among the Jewish population, and, that being so, it would appear difficult for the Mandates Commission to deal with it except to secure liberty of conscience for all religions or sects. It was, in fact, to a large extent an internal question. When the various sects had reached an agreement, the Commission could take up the question, if it proved necessary to do so.

The CHAIRMAN pointed out that the negotiations in question were quite unofficial.

Mr. ORMSBY-GORE explained that Lord Plumer, the new High Commissioner, had been instructed to consider the question of the organisation of the Jewish community or communities and to submit proposals to the British Government. He was to endeavour, if possible, to induce the Jewish inhabitants of Palestine to arrive at some kind of agreement as to the regulations to be made. The Government was also awaiting the conclusions of the negotiations between the Jews in Palestine and the Jews in Frankfort.

M. RAPPARD thought the matter a difficult one, for it concerned a dispute between rival orthodoxies. The Commission, however, had to take account of it because the petitioners claimed that the ordinance in question would violate their rights under the mandate. Therefore, whatever were the private negotiations between the Jewish sects which might be going on at the moment, the Commission could not disregard the petition. The question of the ritual slaughter of animals had caused a referendum in Switzerland some forty years previously, with the result that the Swiss Constitution had been amended. This showed that the question was of importance in countries other than Palestine.

He desired to know: (1) whether the sub-section of ultra-orthodox Jews would be deprived of any rights which they had enjoyed under the Turks; (2) in what manner the Turks had dealt with the question.

Mr. ORMSBY-GORE was unable to say whether the difficulty ever arose during the Turkish administration of Palestine. The difficulty had arisen in 1924, for the reason that there were by now in Palestine a considerable number of Jews who were regarded as unorthodox by the petitioning community, who had received the support of the chief Sephardic rabbi.

It was not the intention of the mandatory Power by the ordinance to deprive the Ashkenasics of any separate rights which they already possessed. They could, if they so desired, form a community within a community in the sense that they would be perfectly free, by the terms of the Communities Ordinance, to regulate certain matters by themselves. This, however, would probably entail slightly increased expenditure on their part. It must be remembered that the major community, though its main object was to deal with religious matters, had other duties under the Communities Ordinance, such as representation on the school board and other general cultural and commercial matters. Thus, the small petitioning body in question could scarcely be allowed to form an entirely

separate community from the rest of the Ashkenasic community. The mandatory Power was quite ready to let them form a community within a community, which should preserve all their religious rights, but it was not prepared to set up two co-equal religious bodies, one entirely separate from the other.

The crux of the difficulty concerned the Shechita and K'vurah questions. As at present contemplated, every local Jewish community would have a monopoly of the actual slaughtering for that community. The matter, however, was one on which Lord Plumer's views had been asked and he might recommend that these matters should not be dealt with at all in the regulations framed by the Government.

The CHAIRMAN, alluding to the petition of the Council of the Jewish Ashkenasic Community, said that, in his view, this community seemed to be clearly of a religious kind. In these circumstances, he was inclined, as far as the religious aspect of the question was concerned, to agree with the views expressed by the rabbi of the Ashkenasic community. The mandatory Power was obviously in a good position to ascertain what line of conduct it ought to follow. Nevertheless, the Commission should remember that under the Turkish regime no difficulty of the kind mentioned in the petition had arisen. He thought personally that the mandatory Power might have shown more prudence in dealing with such delicate questions.

It had been suggested that the Commission should await the end of the negotiations which were now in progress, but it seemed that such negotiations concerned questions of an economic kind, which had nothing to do with the religious aspect of the dispute, while the four specific complaints contained in the petition, which the Chairman read, were based exclusively on religious grounds.

With regard to the first complaint (slaughtering of "kosher" meat), if the present slaughter-house was under the control of another community, the Ashkenasic community would seem to have the right to possess a slaughter-house of its own. Were the slaughter-house a municipal one, they ought to be allowed to use it according to their own ritual. Nevertheless, the Commission could not express an opinion on this point without knowing all the details, and its principal desire would be to decide the question of principle, which was: Why should not the Ashkenasic community enjoy the same rights and liberties as were enjoyed by the Zionists?

In reply to M. Van Rees, the Chairman pointed out that, in all parts of the former Ottoman Empire, the populations had in reality been divided not according to nationality but according to religion.

The other complaints were also inspired by purely religious motives. The Ashkenasic community recalled that the Turks had allowed them to live as a separate community and complained that, under the new regime, it was desired to suppress that community. They asked not that other Jews should conform to their own regulations but merely that they should be allowed to live as they had always lived and that they should not be compelled to be subordinate to Jews of other sects.

The Administration of the mandatory Power had prepared an ordinance and proposed to await the effect of it and then to set right any possible difficulties which might arise. The Ashkenasic community, who knew the contents of this draft ordinance, had forthwith pointed out the difficulties which would arise.

The Chairman, on this matter, would point out that the mandatory Power had not felt itself called upon to attach its observations to the complaints which the Commission had received. Reference might, nevertheless, be made to the following passage of the letter of the British Government dated October 2nd, 1925 (Annex 8 a):

"If, after the enactment of this ordinance, of which certain details are at present under consideration, the Jewish community in Palestine apply for recognition by the Government of Palestine, it will be necessary to draw up regulations providing for the organisation of that community, and the representations made by the Ashkenasic Jewish community will be borne in mind when these regulations are being drafted."

To sum up, the Chairman thought that the Commission might perhaps draw the attention of the mandatory Power to Articles 2 and 15 of the mandate concerning liberty of conscience in the territory. He regretted that the Rapporteur on the question, M. Orts, was absent. He had endeavoured to submit to his colleagues his personal views on the matter.

From the point of view of procedure, he added that the Commission might discuss at some future meeting the conclusions to be reached, and that the accredited representative would not be present. The Commission, however, reserved the right to ask that representative, if necessary, for additional explanations.

Mr. ORMSBY-GORE replied that the dispute was in actual fact between two sections of Jews led by different rabbis. The Turks had not recognised the Ashkenasic section as a separate community.

The small Ashkenasic community claimed to be the whole Jewish community of Palestine, on the ground that they had been in Palestine before the Zionist Jews had entered the country.

As he had already explained, what was in contemplation was to give that community the right to form a sub-community within a greater community. They would not be deprived of any rights. The petition before the Commission had reference to a document that was not under the consideration of the British Government and did not correctly interpret their intentions.

The Administration would be more than willing to receive any suggestions from the Commission, but it should remember that, so far, it had only heard the views of the small minority on the question and that the great majority of Zionist Jews had not yet had an opportunity of placing their views before the Commission.

The mandatory Power claimed that it had not in any way infringed any provision of the mandate. Under whatever regulations might be introduced, freedom of conscience would be absolutely guaranteed.

He submitted that the petition was not entirely concerned with the points to which the Chairman had referred. The petitioners had put forward an alternative statute to serve as a basis for the proposed legislation, but it would be very difficult to apply the scheme proposed by the Ashkenasic minority to the whole Jewish community. What in fact that minority desired was not to form a separate community but that there should be but one Jewish community in Palestine constituted according to their strict views.

The CHAIRMAN doubted whether, even after the explanations of the accredited representative, the Commission would have the impression that the Ashkenasic community enjoyed the full freedom of conscience to which it had the right by the terms of the mandate.

M. VAN REES recognised that it would not have been possible for the British Government to remedy all the complaints alluded to in the petition. Nevertheless, he had just been informed that the British Government was ready to recognise the right of the Ashkenasic community to form a sub-community. This, however, did not satisfy him. What he desired to know quite clearly was whether the orthodox Jews possessed full freedom in religious questions in that sub-community. The Commission should remember that the contention put forward by the Ashkenasic Jews in the matter was not confined to Palestine only but was a contention put forward by millions of orthodox Jews in all parts of the world. A member of that community had personally informed M. Van Rees that in other countries orthodox Jews were free to exist as a religious community, but that in Palestine the orthodox Jews had not, up to the moment at any rate, felt that they had in actual fact enjoyed the same measure of liberty.

Mr. ORMSBY-GORE pointed out that no draft ordinance had been promulgated in its final form.

M. RAPPARD quite understood that it was necessary for a community to be established, with powers enabling it to deal with civil matters bearing on religious questions, and that, in the establishment of that community, the views of the majority should prevail over those of the minority. A provision might perhaps, however, be inserted in the ordinance that, if a minority of a certain section of Jews felt it to be against its conscience to submit to the control of the majority in such matters as ritual slaughter of animals, it should be free to slaughter its own animals in its own way and at its own cost.

Mr. ORMSBY-GORE thanked M. Rappard for his suggestion, which he would convey to the British Government. This was the kind of compromise which might result in settling the difficulty.

Sir F. LUGARD considered that the position of the small Ashkenasic minority was fully safeguarded by the provision in the proposed ordinance laying down that "the Shohatim of each community shall continue slaughtering in accordance with the particular custom of their respective community principles, under the supervision of inspectors appointed by that community".

M. FREIRE D'ANDRADE took note of the fact that the Chairman had put before the Commission a certain number of concrete questions. Personally, he could not claim to possess any profound knowledge of the question, which was a very complicated matter, as were indeed all religious questions. He had understood, however, the accredited representative of the mandatory Power to say that no obstacle would be placed in the way of the practice of their religion by the Ashkenasic Jews. The present case was quite an exceptional one. From the complaints of the Ashkenasic Jews, it appeared that they did not ask to be allowed to form a separate corporation or a separate sect, but that all Jews, of which they constituted a small minority, should be established in a Jewish community recognised by the State and following certain principles which these Ashkenasic Jews thought to be the best ones.

M. Freire d'Andrade could not, without full knowledge of the question, reply adequately to the remarks of the Chairman.

Mr. ORMSBY-GORE thought that the provisions to be made would enable the Ashkenasic community in question to pursue their religious practices unmolested. The position was that in Jerusalem, the residence of the particular community which was complaining, the Rabbis Sonnenfeld and Kuk, who were both Ashkenasics, were not in agreement.

Mme BUGGE-WICKSELI asked what was the present situation in regard to the question. The difficulties which might arise when the ordinance came into force had been explained to the Commission, but on the four definite points which the petitioners had enumerated in their petition they complained that they were even now being deprived of full religious liberty.

Mr. ORMSBY-GORE replied that he would endeavour to obtain as soon as possible a reply from the Government of Palestine in regard to the four points raised in the petition, in order to be able to inform the Commission what steps that Government had taken.

*The Commission decided to postpone the taking of any decision in regard to the petition from the Council of Ashkenasic Jews till a later meeting.*

#### *Autonomous Administration.*

SIR F. LUGARD referred to the following passage in the mandatory Power's answer to the questionnaire: "A Commission was appointed in 1924 to consider the question of the development of local government and its report is now under examination".

1. Could a copy of that report be forwarded to the Commission?
2. With reference to the statement that the local councils could levy rates on the property in the village and impose a poll-tax on the inhabitants, would not this eventually interfere with the working of any form of central government which would ultimately be set up when the territory became self-governing? Was there not a risk that these local councils would constitute an *imperium in imperio* if given the right to impose taxes as well as rates.

Mr. ORMSBY-GORE replied: 1. That the question of furnishing a copy of the report to the Permanent Mandates Commission would be considered.

2. That in regard to the poll-tax and levy rates, it was a purely English conception that a local revenue should be derived from taxes on property only. He did not think that the attributions of the local councils would ever give rise to the danger referred to by Sir F. Lugard.

M. PALACIOS raised the question of the local administration, because the Arabs in their petition complained of the usurpation of their municipal rights. The replies of the British Government dealt with two aspects of the question:

1. The Administration of the mandatory Power was trying to give immediate satisfaction to the desires of the population. The communities already established belonged to various races, of which the most numerous were Arabs. The mandatory Power wished to go further and was awaiting the solution, which now seemed to be near at hand, of the political questions.

2. On the other hand, the mandatory Power, in formulating its reply to the Arab complaints that certain concessions had not been submitted for approval to the municipal councils, asked how it would be possible to do so since the local administrations had vanished with the disappearance of the Turkish law in the territory. The Arabs replied that, under the Turkish regime, they enjoyed a more or less representative form of government which they did not possess under the British Government. Far from having made progress in this matter or even from maintaining the *status quo*, a move in the wrong direction had been made. In view of the fact that the mandate aimed at securing for the population the greatest possible measure of autonomous government, and that Article 3 of the mandate was entirely clear on the point, he thought that it would be of use for the Commission to receive any explanations which the mandatory Power might give on this point. What would be the effect on the position of the approval of the status of citizen in July last?

Mr. ORMSBY-GORE replied that in Turkish times the only persons who had possessed votes or the right to sit on a local municipal council had been Mohammedan Ottoman subjects. All municipalities, therefore, had been composed exclusively of Mohammedans, even in such cities as Jerusalem, where the majority of the inhabitants had been and still were Jews. Therefore, under the Turkish regime, neither the Jews nor the Christians had enjoyed any form of self-government. On assuming the mandate, the British Government had considered that this state of affairs could not be allowed to continue. But before an effective elective machinery could be established in the towns it was necessary to establish a status of citizenship. This had been effected by means of the Palestinian nationality law, which made it possible for everyone to be placed on a common footing. Such a law must precede the establishment of local councils composed of the authorities elected by the population. Despite the fact that no proper register had been in existence, wherever the Administration had found communities of one race living all together and already sufficiently advanced to enjoy the advantages of local municipal councils, these had been set up and the members composing them had been elected by the community. In other places where the same conditions did not prevail, the members of the local municipal council had

been nominated by the Government. Such, for instance, was the case in Jaffa. The councils were composed of representatives of the three main elements of the community, Arab, Christian and Jewish. The Administration was careful to see that each element in the population was properly represented. Despite, for instance, the large majority of Jews resident in Jerusalem, the Mayor of that city was a Mohammedan.

The Administration, however, did not propose to move too fast in the matter, owing to the three different races involved. It would have to pause before introducing the elective municipal system on a large scale, for, with the present state of development of part of the population, elections would merely prove a constant source of disturbance. When, however, the report to which Sir F. Lugard had referred had been fully considered by the Administration, it would go into the question of liberalising the present municipal councils.

M. PALACIOS took note of the fact that the Commission had been faced with the same situation in the previous year, when the High Commissioner, Sir Herbert Samuel, had stated that he would examine the matter. Would it not be possible to make more rapid progress? The impression of the Commission was that the Administration had shown great interest in the first part of the mandate concerning the establishment of a Jewish National Home. On the other hand, the Administration seemed to have moved less swiftly with regard to the application of the other principles contained in the mandate. Perhaps it was less the fault of the Administration than a question of practical success. Would it not be possible to try to conciliate more thoroughly the desires of both parties, and, while endeavouring to persuade the Arabs not to oppose the establishment of the Jewish National Home, could not the Jews be urged to take into consideration the earlier rights possessed by the population? In the preceding year, his colleague, Sir F. Lugard, had expressed the view that the Arab population was not perhaps sufficiently advanced to enjoy a representative system of a European type. Perhaps other means more suited to the development of this population could be found. In any case, the Commission would obviously wish the Administration of the mandatory Power to make a real effort in order that a great part of the mandate should not remain of no immediate effect.

Mr. ORMSBY-GORE could not accept the contention that the Administration had done nothing to promote the establishment of local elective councils. There were twenty-three locally elected Arab councils, four Jewish and one German.

In framing the elective system, regard would have to be paid to the character of the various elements of the population. The mandatory Power had already made considerable advance in the matter by promulgating the Palestinian Citizenship Ordinance in the previous July and in constituting the Commission to consider the question of the development of local government. The report of that Commission would be referred to in the next report of the mandatory Power.

With regard to what the Administration had done to promote a Jewish National Home, the Commission should remember that it was, after all, the Balfour Declaration which was the reason why the British Government was now administering Palestine.

M. PALACIOS thanked the accredited representative for his replies, which showed that a certain progress had been achieved. Perhaps the Permanent Mandates Commission might think that that progress ought to have been more rapid. Nevertheless, a beginning had been made and the Commission should take note of that fact. He agreed that it was necessary to keep intact the Balfour Declaration, which was the basis of the mandate. This declaration must be respected and applied in full. In this connection, he believed, when, last year, Sir Herbert Samuel had declared before the Commission that it was desired to create a Jewish, and not *the* Jewish, Home, Sir Herbert Samuel had remained within the limits of the mandate rather than exceeded its terms. It must not be forgotten that the mandate laid down: "Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their National Home in that country...". It was in this sense that Article 2 must be interpreted.

The CHAIRMAN noted that, according to the accredited representative, there was a German community in Palestine. Were the members of that community Palestinians of German origin or German subjects?

Mr. ORMSBY-GORE replied that the members of the community in question were of German origin. The community consisted of two German villages, Wilhelma and Sarona, of which the inhabitants were Templars, a religious order. He was unable to state whether they had lost their nationality, but they had lived in Palestine for many years and regarded it as their home.

The CHAIRMAN enquired whether any Arabs formed part of that community.

Mr. ORMSBY-GORE replied that there were no Arabs in the community in question. With regard to the policy of the mandatory Power, it invariably granted local self-government to all communities which showed themselves capable of conducting it. The German community in question administered itself only. The community of Wilhelma occupied about 6,000 acres.

M. RAPPARD believed that the German colonists in question had first arrived there in 1840. They administered their community and did not concern themselves in the slightest degree with politics.

With regard to the fears expressed by M. Palacios that the mandatory Power was paying more attention to that part of the mandate concerning the Jewish National Home than it was to the provisions for the granting of local self-government to the Arab population, M. Rappard desired to emphasise the fact that the Jews developed more quickly than the Arabs, quite independently of the action of the Administration. The Jewish National Home was developing because the Zionist organisations all over the world were assisting it and because the Zionist settlers were fired by a truly idealistic zeal. In actual fact, the Administration, far from paying exclusive attention to the Jewish National Home, was adopting a very prudent and, he thought, a very wise attitude. Despite the terms of the mandate, it had severely regulated and not promoted immigration and had so far refused to grant immigrant Jews free land. He had no doubt as to the wisdom of a cautious policy. From a sociological point of view, the Jews progressed far more rapidly than the Arabs, who had remained in practically the same state of civilisation for the last two thousand years. The progress of the Jews was not due, therefore, to the Administration but to their own initiative. In point of fact, it would seem that the Administration was rather more concerned with the Arab population, which developed far more slowly than their more active neighbours, and were less able to look after themselves.

M. PALACIOS thanked M. Rappard for his explanations. He agreed with him to a considerable extent. He noted that the Administration did not favour either party at the expense of the other. What he had desired to emphasise was that the establishment of a Jewish National Home was progressing; this was contemplated in the mandate and progress should be made. It was likewise necessary, however, that the political and administrative institutions of Palestine should also progress by means of self-government and local autonomy.

While the Administration of the territory and the Zionist Organisation were not by any means completely united, nevertheless, by the provisions of the first part of the mandate, there was a more or less close connection between them, and this connection must be maintained.

He desired only to emphasise one important fact: The Central Government was a Government of officials, and this fact had been clearly brought out in the previous year by the British High Commissioner. The same was true of the present year, for a representative government had not yet been established. Local government in the smaller towns, not very numerous, was carried on by elective councils, to which reference had previously been made. On the other hand, in the large towns, no elections had yet been held, and there were only councils in certain of them, nominated by the Administration. As a consequence, far from increasing the independence of the population, this system added to the influence of the officials and of the central Administration.

Mr. ORMSBY-GORE agreed, but asked the Commission not to forget the difficulty of applying the principles of democracy to a country with so mixed a population as that of Palestine. The Zionist Organisation was not connected with the Government. It was an organisation of a worldwide kind, drawing most of its finances from the United States of America and most of its members from Poland.

M. PALACIOS explained that he did not desire to make any criticism. On the contrary, he merely noted once again that Zionism had the law entirely in its favour; it was, in fact, in a privileged position because of the terms of the mandate. The Administration was but doing its duty in making use of the aid which the Zionists could give it. An energetic policy of conciliation, penetration and progress as regarded the other part of the mandate was none the less necessary.

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#### FIFTEENTH MEETING.

*Held on Tuesday, October 27th, 1925, at 3.30 p.m.*

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Present: All the members who were present at the preceding meeting.

462. Examination of the Annual Report (1924) of the British Government of the Administration of the Mandated Territory of Palestine and Transjordan (*continued*).

*Communications from the Zionist Organisation (Annex 9): Procedure for Memorials; Government Land and Education Policy.*

M. RAPPARD, in the absence of M. Orts, who had dealt with another Jewish petition, said that a memorandum, with a covering letter, had been submitted by the Zionist Organisation through the British Government. It had been received only at the beginning of the session. Both the memorandum and the covering letter were more in the nature of memorials than of petitions.

It was pointed out in the covering letter that the established procedure for submitting petitions was defective. Last year, the Zionists had reported direct to the Commission, but this method had not been considered correct. Although the seat of their organisation was in



London, they had been advised to send their communication through the mandatory Power, though this was contrary to the established procedure.

He thought it would be well for the mandatory Power to transmit such documents with its own observations, showing as fully and as clearly as possible in how far it agreed and on what points it disagreed with the allegations therein contained. It might be suggested to the Council that the Rules of Procedure on the subject be interpreted to apply to memorials as well as to petitions.

Turning to the substance of the memorandum, M. Rappard said that he did not propose to go through the facts in detail. There were two outstanding grievances, connected respectively with schools and lands.

On the subject of schools, it was stated, on page 5 of the covering letter, that the mandatory Power had maintained State schools out of ordinary taxation for the almost exclusive benefit of only one section of the population. The Zionists had their own private schools, and felt that part of the taxes might be used as grants-in-aid of these schools.

As to the land question, Article 6 of the mandate stated that "the Administration of Palestine, while ensuring that the rights and position of every section of the population are not prejudiced . . . shall encourage . . . close settlement by Jews on the land, including State lands and waste lands not required for public purposes". This article was at present inoperative. The obligation of the mandatory Power towards the Jews was, of course, limited by its obligations to the other races. Moreover, much of the waste land had not yet been delimited and measured.

In conclusion, he thought that, besides the minor point of procedure above alluded to, the Commission might express the hope that circumstances would soon allow the mandatory Power to give some positive effect to Article 6 of the mandate.

The remaining points in the memorandum would arise in the course of the discussion on the questionnaire, and he therefore thought that the brief oral report which he had made would suffice.

He then read the British Government's reply to the Zionist letter (Annex 9 a), which dealt with the points which he had already mentioned.

The CHAIRMAN thought the Commission was agreed that the reply of the mandatory Power dealt very fully with the points raised and that no further discussion was necessary.

M. RAPPARD wished to make some remarks on the land question — referring, of course, only to waste lands and to available public lands. He would be glad to know whether the mandatory Power was in a position to say that at a given date it would be able to dispose of such lands and whether it would be able to assign some of them to the Zionists. He also asked whether any waste lands which had already been delimited and disposed of during the past five years had been allotted to non-Jews.

Mr. ORMSBY-GORE, in reply, drew attention to Section V of the replies to the questionnaire. Until the legal proceedings in progress were concluded, the Government of Palestine would not know the exact position. It was already engaged in surveying the lands in question with a view to answering the questions which M. Rappard had asked. Unfortunately, many of the Turkish surveys had been destroyed in the course of the war and this rendered the work rather more difficult.

The land granted to the Arabs under the Baisan Land Agreement was not waste land. It had been given to the Arabs who were already established upon it, but it was possible that some of it might remain unoccupied, in which case it could be given to the Jews.

Sir F. LUGARD asked whether the delay in granting land to the Jews was not largely due to the absence of any complete survey. He had been informed that the Zionists had offered £100,000 as a contribution to the expenses of the survey. Was this correct?

Mr. ORMSBY-GORE replied that the delay was indeed largely due to the survey question; as far as he was aware, Sir F. Lugard's information as to the Zionist offer was not correct. In any case, the Government could not accept such an offer, as it regarded the making of the survey as a duty incumbent upon itself.

M. RAPPARD had been informed that some of the Arabs in the Baisan area were offering to the Jews the lands which had been granted to them. He asked whether this was the case.

Mr. ORMSBY-GORE said that he was aware of this rumour, which was probably true to some extent, but not entirely, as he knew that most of the Arabs were cultivating their lands.

The CHAIRMAN asked what method the Administration would follow when a Zionist organisation wished to obtain State lands. The Government was, of course, bound to observe Article 6 of the mandate, which required it to ensure that the rights of other communities were not prejudiced. Did the mandatory Power consider it to be its duty to encourage the return of the Jews to the land by not putting the land up to auction?

Mr. ORMSBY-GORE admitted that in the matter of land grants the balance had so far been in favour of the Arabs. The Palestine Government had been anxious to follow out the second part of the Declaration concerning the safeguarding of the rights of the existing population. The Government had not yet allotted any State lands to the Zionists. As to the system of tenure, it was not yet settled whether the freehold or the leasehold system was to be employed.

Sir F. LUGARD asked whether Sir Ernest Dowson's scheme (page 9 of the Appendices to the Annual Report) would be laid before the Commission.

Mr. ORMSBY-GORE said that it would.

M. RAPPARD asked whether the same method had been used with the Arabs as with the Jews.

Mr. ORMSBY-GORE thought that that was so.

The CHAIRMAN asked whether any land had been placed at the disposal of the Arabs since the mandate was granted. What exactly was meant by "giving land to the Arabs" ?

Mr. ORMSBY-GORE said that the waste lands were in the nature of what was called "domaine privé de l'Etat" and had been held by successive tenants. There had been no permanent tenure. Some reference would be made to this question in the next annual report.

M. VAN REES asked whether the Government felt bound to offer land to the Zionists when it had delimited the land and satisfied itself that there were no other claims, or whether it waited for the Jews to make application before considering whether the land applied for was available.

Mr. ORMSBY-GORE replied that the Government felt that it must first clearly establish its own title to the lands, after which it would decide whether to approach the Jews with offers of land or to await applications from them. The latter was the customary method in the British colonies, though an exception had recently been made in connection with the Dead Sea concession, which affected not only land but the salts produced by the Dead Sea. These were State property, and it was felt that their allocation would be desirable. It was considered such an important concession that the Government had disregarded certain offers which had been made and had advertised all over the world for tenders, to be received up to October 31st, 1925. Subject to the financial soundness of intending concessionaires being established, there was thus complete racial and economic equality in the competition for the concession.

M. VAN REES noted that, according to the statement of the accredited representative, it was for the Zionists to take the first step. They therefore took a different view of the meaning of Article 6 of the mandate from that taken by the Government.

Mr. ORMSBY-GORE said that that was the view taken by the Government.

The CHAIRMAN observed that the discussion had once more shown that the Government's reply was entirely satisfactory.

M. RAPPARD took it that the applications for land had not come up to the Government's expectations. He quite realised the difficulty of applying Article 6 of the mandate; but if it were not soon applied, it would be desirable to consider whether, and under what conditions, its application was possible.

Reverting to the subject of schools, he asked whether, in the event of the Jews applying for the establishment of schools in which instruction was given in Hebrew, the Government would establish such schools.

Mr. ORMSBY-GORE replied that, if strong representations were made, the Government would consider the question. At present, however, both Jews and Christians preferred to pay for their own schools. He also felt that the first and most important point was to educate, in the interests of the community, the very large population of illiterate Moslems.

He emphasised the fact that the complaints made in the Arab petition to the effect that the Jews were being unduly favoured had been clearly disproved. Indeed, the Arabs displayed, he thought, an unfair lack of appreciation of the efforts made by the mandatory Power on their behalf.

#### *Jewish Agency.*

M. RAPPARD asked whether the co-operation between the Jewish Agency and the Administration was making satisfactory progress.

Mr. ORMSBY-GORE answered that the progress made was satisfactory to both sides.

Sir F. LUGARD asked whether the Jewish Labour Association mentioned on page 6 of the Appendices formed part of the Zionist Organisation or was a separate body.

Mr. ORMSBY-GORE replied that it was separate. Most of the members of the Labour Association were, in point of fact, members of the Zionist Organisation, because they were recent immigrants. In the Labour Association, no distinction was drawn between members and non-members of the Zionist Organisation.

M. PALACIOS praised the development given to the co-operative movement of the Jews.

*Immigration and Emigration. Nationality.*

Sir F. LUGARD understood that the passport system had recently been altered. Formerly, the selection of immigrants had been made by the Zionist Organisation and poor Jewish immigrants had not been required to pay *visa* fees ; now, however, he was informed that the local Consul selected the applicants and a *visa* fee of £20 was required by the Polish Government.

Mr. ORMSBY-GORE had no information as to the Polish *visa* fee. Regarding British *visas*, he explained that many had been issued in Danzig, but it had been felt that there should be some check on the quality of the immigrants, and accordingly the British *visa* was now issued in Palestine. The change of system had given rise to certain difficulties and some degree of hardship, notably in August last, but the new arrangement was now working well.

The CHAIRMAN asked what was the position on the question of Palestinian nationality. An interesting controversy was now in progress in the Italian Press ; the Jews in Palestine were called upon to make their decision on the ground that they could not remain Italian subjects and at the same time acquire Palestinian nationality. Would the British Government come to an agreement with the other Governments and take account of the conditions governing the nationality question in other countries? He would point out that the Delbrück law allowed Germans to acquire another nationality while retaining their German nationality, and he wondered whether a similar system was contemplated.

Mr. ORMSBY-GORE stated that these considerations had been taken into account. Dual nationality was not possible : no person could acquire Palestinian nationality if he were already under obligations to another country. The matter could not be thoroughly discussed until the text of the Order in Council was available.

M. RAPPARD drew attention to the paragraph, on page 58 of the report, stating that the admission of 5,815 men and women was authorised under half-yearly labour schedules, but that not all had entered during the year. He desired further explanations.

On page 59, it was stated that the regular sailing of Soviet ships with passengers from Odessa to Jaffa commenced during the year. Were these passengers Russian emigrants or pilgrims ?

Mr. ORMSBY-GORE replied to the second question that the figures on page 61 of the report showed that all but nine of the Russian immigrants were Jews. The passenger traffic in question was almost wholly Zionist ; the pilgrim traffic from Russia was increasing, but was still extremely small in comparison with the pre-war traffic.

As to the labour schedules, a more detailed account of the quota system would be given in the next report. There was a special department in Palestine to receive labour returns and correlate them with immigration.

The CHAIRMAN observed that this should be done by the Jewish Agency.

Mr. ORMSBY-GORE said that this was a question of economy ; a considerable increase of staff would be entailed. The statistics in question could be compiled so far as concerned the Jews, because the Jewish Agency could assist ; but for the other races it was not at present practicable.

M. PALACIOS urged the importance of the point raised by the Chairman ; it was very advisable that the Commission should repeat its recommendation of the previous year calling for detailed statistics as to the number of immigrants and their races, occupations and places of origin. The Commission would also like to know the occupations of the immigrants coming into Palestine during the year.

*Judicial System.*

Sir F. LUGARD drew attention to the statement, on page 50 of the report, that the Government had refused to recognise claims to uncultivated areas. He believed that, under the Turkish law, land left uncultivated for three years lapsed to the Government. Was this law still operative ?

Mr. ORMSBY-GORE replied that such lands were claimed as State lands under Ottoman law, whereby land which remained unoccupied for three years lapsed to the Government,

after which ownership had to be proved in the courts. That was the law in force, but it was very elastically interpreted.

Sir F. LUGARD asked how far Ottoman law was actually in operation.

Mr. ORMSBY-GORE said that it was the fundamental law of the country, and remained so until altered by a new ordinance. The criminal code was to be changed in this way. It was a good code, largely based on the Code Napoléon, but required a certain amount of adaptation. Changes were not made in the Ottoman law unless they were thought essential.

M. PALAÇIOS observed that the Arabs objected to the new law, notably in connection with penalties and the law of evidence. He noted with satisfaction the reply of the mandatory Power. He hoped that the reform of the penal laws and of the procedure would be inspired by all the liberal principles at present in force, and that, in particular, it would not leave to the tribunals the task of defining the facts constituting a crime if the crime had not been previously defined by the law, and of fixing the penalty to be inflicted on the criminal if the penalty had not been precisely established in advance. If the law, in the manner of modern legislation, was designed to cover dangerous circumstances or measures necessary for security which were left more or less to the judgment of the tribunals, it would be necessary to take such steps as were essential from the ethnical point of view to inspire confidence and to avoid inquisitorial abuses like those which had, rightly or wrongly, been the subject of protest by the Arabs. In regard to the law of evidence, it was necessary to take account of the conclusions in regard to the psychology of judicial procedure, which questioned more and more forcibly the absolute value of evidence as proof and which made it advisable to surround such evidence with guarantees.

Mr. ORMSBY-GORE said that he would take note of these points for the future. Such changes as had been made in the law were in a liberal direction, except that the penalties for certain sexual offences had been made more severe, as under Ottoman law such offences were dealt with more leniently than was acceptable to modern ideas. At the same time, there were not many bad cases of the kind.

He thought that the present judicial system did not adequately define the different classes of offence.

M. FREIRE D'ANDRADE drew attention to the statement, on page 18 of the report, that the police might refuse to proceed with a case if it were satisfied that no public interest would be served by so doing. It seemed to him that the police had a singularly wide power of discrimination.

Mr. ORMSBY-GORE explained that the paragraph in question referred to Crown prosecutions. Under the old system, the authorities could not withdraw a prosecution even if they were satisfied that it would serve no good purpose. He did not think that this was a sound complaint on the part of the Arabs.

M. FREIRE D'ANDRADE observed, on page 20 of the report, that a foreigner charged with a capital offence might be tried by a Court composed either of three judges or of a single judge. The latter procedure seemed extremely severe.

Mr. ORMSBY-GORE replied that, where a Court consisted of a single judge, he must be a judge of the Supreme Court. There were not many judges in Palestine, so that the case did not often arise.

Sir F. LUGARD asked what was the meaning of the expression "tribal areas" in the first paragraph on page 22.

Mr. ORMSBY-GORE thought that the reference was to what was known as the tribal area in the south-east, which was administered from Beersheba. The population was very small and consisted entirely of nomadic tribes, who could not be governed in the same way as settled populations. He was not aware of any other such areas.

#### *Economic Equality.*

M. RAPPARD quoted from page 68 of the report :

"Until May 1924, the import duty into Syria was 11 per cent, but was then raised to 15 per cent on goods exported from States Members of the League of Nations and to 30 per cent on others. Syria has agreed accordingly to refund to Transjordan a basic rate of 15 per cent on all foreign goods re-exported, and the difference between that and 30 per cent when the Transjordan Government can prove the country of origin."

He quite understood how this had come about, but wished to know whether the system worked well in practice or whether difficulties arose.

Mr. ORMSBY-GORE had heard of no difficulties. There was little caravan traffic through Transjordan ; it was almost entirely railway traffic from Haifa — what was known as the Hedjaz Railway-Palestine traffic. Figures were to be found on page 56 of the report.

Sir F. LUGARD asked whether arrangements had been made, as in Syria, for freedom of transit.

Mr. ORMSBY-Gore replied in the affirmative. There were two regular routes to Iraq.

#### *Military Clauses.*

M. RAPPARD observed that it was a credit to the Administration that a country of such varied races and religions could be kept in order with such strikingly small armed forces.

Sir F. LUGARD said that a paper had been circulated to members containing the statement that a certain J. Baroca, of Jaffa, had imported large quantities of arms from Germany through Jaffa into Syria.

Mr. ORMSBY-GORE had no information on this point.

#### *Antiquities.*

Sir F. LUGARD drew attention to two letters he had received from Senator Lanciani containing proposals on this subject. Senator Lanciani argued that it was unsatisfactory that there should be three separate organisations for the care of antiquities in Palestine, in Syria, and in Iraq, and suggested that they should be fused into a single international organisation, to be established at Baalbek. Sir F. Lugard himself must not be taken as necessarily supporting this argument; but, in view of Senator Lanciani's recognised authority on archæological questions, he thought it desirable to acquaint the Commission with his proposals.

Mr. ORMSBY-GORE thought that the suggestion of an international body was impracticable. The Administration of each of the territories must be responsible for the care of the archæological remains in that territory and for the making of a selection among the numerous societies of various nationalities which applied for excavation rights.

The CHAIRMAN replied that it was the business of the Mandates Commission not only to take note of the archæological value of the excavations but also to see that their material results did not leave the mandated territory.

M. FREIRE D'ANDRADE drew attention, in this connection, to a passage, on page 63 of the report, which seemed to show that the Government could authorise the import and export of certain antiquities. It would be interesting to know what instructions were given in the matter, as not only the export but the import of antiquities was authorised and this might give rise to abuses.

Mr. ORMSBY-GORE explained that the main object of the instructions referred to was to suppress the traffic in forged antiquities. His own experience in Jerusalem was that the vast majority of the antiquities on sale were imported from Europe.

#### *Transjordan. Slavery.*

The CHAIRMAN observed that on the shores of the Mediterranean there was always a latent danger of the development of plague or other infectious diseases as the outcome of pilgrimages. What steps had been taken in Transjordan in this connection? He also wished to know what steps had been taken for the regulation of the arms traffic. He quite realised the existing difficulties caused by the disturbances in neighbouring countries, but hoped that the next report would contain a statement on the regulations in question.

Mr. ORMSBY-GORE said that page 38 of the report contained a paragraph dealing with quarantine arrangements for returning pilgrims.

Mr. GRIMSHAW drew attention to the note on slavery in Transjordan on page 27 of the Appendices to the report, from which it appeared that, in addition to those who were born slaves, there appeared to be recruitment of slaves from other sources. What were these sources, and did the Administration contemplate any action in regard to the matter?

Mr. ORMSBY-GORE replied that legislation would be of little value owing to local conditions. Most of these semi-slaves owed their position either to capture or to birth, many of them being the descendants of African pilgrims to Mecca who had been captured by the Arabs. It was not easy to change the social habits of the latter, as any attempt to do so was always met by the reply that they were based on the precepts of the Koran. He could, however, state that the British Government always set its face against customs of this kind.

In reply to M. RAPPARD, Mr. ORMSBY-GORE stated that slavery was definitely not recognised by the Government.

Sir F. LUGARD asked whether it would not be possible to enact a law formally abolishing the legal status of slavery.

Mr. ORMSBY-GORE said that he would discuss the matter with the Palestine Government.

*Labour.*

Mr. GRIMSHAW observed that the report contained little information on labour. He had no questions to ask on the report — indeed, he could probably add to the information it gave ; but he desired to put one or two general questions.

Mr. ORMSBY-GORE agreed that the report was inadequate on the subject of labour ; he would endeavour to induce the Palestine Government to furnish further information. He would be very glad if Mr. Grimshaw would put any specific questions, to which he would endeavour to obtain specific answers in due course.

Mr. GRIMSHAW understood that the trade unions in Palestine were perturbed by the long delays in the enactment of labour legislation, which scarcely existed at present. Was it true that a good deal of such legislation had been approved by the Palestine Government but was now held up in the Colonial Office ?

Mr. ORMSBY-GORE said he would enquire.

Mr. GRIMSHAW pointed out that the report contained two references to a Government commission appointed in 1924. Was this the commission presided over by Dr. Arthur Ruppin, which was apparently dealing purely with Jewish labour, or had a second commission been appointed ?

Mr. ORMSBY-GORE said he would enquire.

Mr. GRIMSHAW drew attention to the replies to Questions 3, 4 and 5, on page 14 of the Appendices, in connection with the lack of legislation for the protection of labour in Palestine. As illustrating the rapid extension of industries in Palestine, he had been told that the textile trade of one European country appeared to be in course of transference to Palestine. He wished particularly to point out the danger that existed in connection with the employment of children in factories. These children would probably be Arab and not Jewish, because the Jewish children in general went to school, whereas most of the Arab children did not. He had been informed, for example, that a match factory, the establishment of which at Haifa he had discussed last year with Sir Herbert Samuel, was not to be established at Haifa after all but in an Arab district, the object being to profit by the cheap labour of Arab children. He would emphasise the urgency of the question of labour legislation.

Mr. ORMSBY-GORE agreed that, where industries developed, legislation was essential to prevent such abuses as might otherwise arise. He would take the matter up with the Palestine Government.

Mr. GRIMSHAW referred to certain events which had occurred during the previous summer and had given rise to disquiet in trade-union circles in England and other countries. It was alleged that trade-union leaders and strike pickets had been arrested. Could Mr. Ormsby-Gore give any information as to the present position in this matter ?

Mr. ORMSBY-GORE referred to a report by Lord Plumer dated September 11th, 1925. Information was also given in the British Government's reply to the Arab petition (Annex 7 a). The complaints made in the petition were exaggerated. Lord Plumer stated in his report that on one occasion trade-union leaders had been tried for incitement to violence, under Section 3(a) of the Prevention of Crimes Ordinance. They had been required to give security for their good behaviour.

The other incident was a disturbance which arose between two Jewish unions, one of which was more orthodox in its religion than the other. Stones were thrown and the police were obstructed in their duty. Those found guilty of violence or obstruction were sentenced by the magistrate to five days' imprisonment.

He desired to point out that the Government was not hostile to the organisation of labour but that, at the same time, labour movements in Palestine, being intermixed with religious and racial questions, were liable to be dangerous and required careful handling.

Mr. GRIMSHAW asked whether it was true that the prisoners were taken through the streets of Haifa in chains.

Mr. ORMSBY-GORE said that they were chained together in accordance with Rule 240 of the Prison Regulations of 1925.

Sir F. LUGARD drew attention to the statement, on page 53 of the report, that village roads had been constructed by village labour organised by district officers. Was this labour all paid ?

Mr. ORMSBY-GORE replied that there was no compulsory labour, either unpaid or paid, in Palestine.

M. PALACIOS felt that he must press the labour question; he thought that there were very few subjects which lent themselves better than labour to conciliatory and civilising efforts. He realised that Sir Herbert Samuel's announcement at the last session of the compilation of a labour code was rather an ambitious one, but the Commission would be glad to know that some steps had been taken for the protection of labour and that a beginning had been made on social insurance. He emphasised this point because there was nothing of the kind among the Arabs, and if common funds were established the result would be the growth of common interests and a feeling of solidarity, from which much might be expected. Such a community of interests and the progress of industry were bound to lead to the formation of communal groups and a collaboration of the various populations in industry.

Mr. ORMSBY-GORE agreed with the views of M. Palacios, particularly as to the desirability of amalgamating all the railwaymen's trade unions.

#### *Education.*

Mme BUGGE-WICKSELL said that the report was very full and well set out, so that it hardly gave room for any questions on details. What she wanted, and was sure that the accredited representative wanted too, was a further extension of the governmental schools. She had also read the report of the Zionist Organisation, which had been circulated to the members of the Commission, and she had been struck by the difficulties experienced by the Jewish schools as a result of continuous immigration and the almost heroic efforts, particularly of the teaching staff of these schools, to keep them going. She therefore also wanted an increase in the financial support granted by the Government to the Jewish schools. The mandatory Power had explained in previous reports and in its answer to the Zionist petition (Annex 9 a) that the present financial situation of the country did not permit, for the time being, any of these improvements, and so far there was nothing to do but to have patience and wait for better times. But she was sure that the mandatory Power would share her hope that the financial situation of Palestine might soon improve so as to make it possible to extend both Arab and Jewish schools.

Mr. ORMSBY-GORE said that the Government was spending £103,000 per annum on education. This was a high percentage of the budget for a country like Palestine. It represented the maximum limit at the present time, but he hoped that that limit might be raised as the revenue of the country expanded. He agreed that the organisation of the Arab and Jewish schools was to be admired.

Mme BUGGE-WICKSELL drew attention to the statistics on page 32 of the report. The attendance of Moslem children between the ages of 5 and 14 years had decreased from 17 to 14 per cent. Was this due to the increase in the Moslem populations?

Mr. ORMSBY-GORE replied in the affirmative.

Mme BUGGE-WICKSELL observed that Sir Herbert Samuel had stated in 1924 that the establishment of an agricultural institute for the Arabs was contemplated. The same statement appeared in the present report, from which it would seem that nothing had been done. It seemed that the funds allotted for that purpose were already in the hands of the Government; therefore there must be other reasons for not giving effect to the plan.

Mr. ORMSBY-GORE said that that was so. The reason for the non-establishment of the institute was probably the Government's inability to obtain instructors. Further information would be given in the next report.

Sir F. LUGARD pointed out that in the previous report it had been stated that the Administration could not prevent the opening of schools, and that some schools objected to any Government interference or control.

Mr. ORMSBY-GORE said that that was so, the schools in question being principally the Talmudic schools.

Sir F. LUGARD asked whether all grants to schools were based on the literary attainments of the pupils.

Mr. ORMSBY-GORE said that the grants were based on the inspectors' reports.

M. RAPPARD drew attention to a statement, on page 27 of the report, concerning the removal of schools which had had attendances or unsuitable accommodation to more deserving villages. It was stated that financial stringency had made it impossible to continue the scheme in the last two years. Why was financial stringency invoked now, when money had been forthcoming at a more difficult period just after the war?

On page 31, it was stated that there were forty-five Moslem non-government schools. How were these maintained?

Mr. ORMSBY-GORE replied that the non-government Moslem schools were maintained by private funds. As to the question of financial stringency, the mandatory Power had naturally been prepared at first to spend a good deal on education in Palestine, but that policy could not be continued indefinitely.

Mme BUGGE-WICKSELL observed that additional levies had been made in Transjordan for education. The money had doubtless been collected, but what schools had been founded ?

Mr. ORMSBY-GORE would enquire.

#### *Public Health.*

Mr. ORMSBY-GORE had some interesting statistics on this subject. In 1924, the birth rate in Palestine was 51.34 per 1,000 and the death rate 25.94. It would be interesting to compare these reports with those for England and Wales, which were 19.7 and 11.6 respectively.

M. RAPPARD wished to pay a tribute to the Hadassah Organisation, which, by affording relief indiscriminately to both Arabs and Jews, was contributing to the improvement of the relations between them. He also called attention to the high mortality from measles.

Mr. ORMSBY-GORE observed that fever specialists in England also found that scarlet fever and measles had changed their relative positions in the last thirty years. Whereas scarlet fever was formerly much the more deadly of the two diseases, that place was now held by measles.

M. RAPPARD drew attention to the following statement on page 32 of the report : "Little can be done to prevent the spread of this disease or to provide medical and nursing aid". Was this due to the nature of the disease or to administrative difficulties ?

Mr. ORMSBY-GORE said that it was impossible to take cases of measles to hospital. The patient's home was the proper place for treatment, but there was not an adequate staff available for visiting. He had also been told that it was essential to keep cases of measles out of the sunlight ; this was difficult in Arab villages in Palestine.

M. FREIRE D'ANDRADE drew attention to the statement that typhoid, typhus and dysentery only affected the Jews. Was this because they were not subject to the same sanitary regulations as the Arabs ?

The CHAIRMAN thought that perhaps the real reason was that the Arabs had been accustomed for centuries to drink bad water and had therefore become immune.

Mr. ORMSBY-GORE agreed that it was due to their different habits of life.

M. FREIRE D'ANDRADE observed that the expenditure of the Public Health Department had fallen from £114,000 to £91,000. That was a large reduction, and it was surprising that economies should be made in that particular field.

Mr. ORMSBY-GORE replied that economies had had to be made in many departments. He agreed that it was desirable to avoid economies in the health services as far as possible, but it was essential that the budget should be made to balance.

#### *Public Finance.*

Sir F. LUGARD suggested that it would be interesting if all the reports of the mandatory Power were to contain tables showing the advances, free gifts, etc., made by the Government to the mandated territories. Tables of this kind had been promised for other territories under British mandate.

He drew attention to the reference, on page 67 of the report, to the unexpended portion of the Ottoman Public Debt deposit, and asked what was the position in this matter.

Mr. ORMSBY-GORE replied that no definite decision had yet been reached.

M. RAPPARD drew attention to a discrepancy between the figures given, on page 8 and page 52 of the report, regarding the expenditure of the Department of Public Works. Was this discrepancy due to the fact that the Air Ministry services were included in the one case and not in the other ?

Mr. ORMSBY-GORE said that the report contained a statement to that effect.

M. RAPPARD understood, therefore, that the figures on page 8 did not show the whole expenditure of the department.



Mr. ORMSBY-GORE agreed, and pointed out that the Air Ministry expenditure was not Palestine Government expenditure.

M. RAPPARD asked what was the meaning of the statement, on page 10 of the report, that lands and buildings were subject to immovable property tax varying according to the nature of the property.

Mr. ORMSBY-GORE said that this was a survival of the Turkish system.

M. RAPPARD asked whether the Palestine Salt Company referred to on page 10 was a State monopoly.

Mr. ORMSBY-GORE said that it was a monopoly leased to a private company.

The CHAIRMAN wished that the report had contained more definite information as to the amount of the loans made to farmers by the Anglo-Egyptian Bank and the rate of interest charged.

He also desired information as to how the public debt was organised, and would wish for definite particulars, under separate headings, regarding the tobacco and salt monopolies, etc.

Lastly, he hoped that the next budget would be submitted in a synoptic and detailed form, clearly showing the various heads of expenditure and revenue, and enabling it to be seen at a glance on whom, for example, fell the cost of the gendarmerie and police force. It was all to the advantage of the mandatory Power to show what part of the expenditure was borne by the local budget and what part was met by the British taxpayer.

Mr. ORMSBY-GORE explained that the British section of the gendarmerie was paid for out of British funds and the Palestine section out of Palestine funds. He would refer the Chairman to page 12 of the Appendices.

The CHAIRMAN pointed out that the receipts from Government properties showed a considerable decrease, due to poor crops. Were these poor crops caused by climatic conditions or by unsatisfactory labour?

Mr. ORMSBY-GORE replied that the poor crops referred to were due to purely climatic causes.

*Petition from the Palestine-Arab Congress.*

M. PALACIOS pointed out that he had explained in his report why it was difficult to go into all the details of this petition, upon which the mandatory Power had made definite observations. There were certain questions (flags, names of nationalities, languages, respect for religious beliefs, Arab cemeteries, etc.) which had not been touched upon during the discussion on the report, but, if Mr. Ormsby-Gore had nothing to add to his Government's comments, he (M. Palacios) would simply propose that the petition and the British reply be published.

Mr. ORMSBY-GORE said that he had nothing to add to the British Government's reply. He promised to forward the documents on the Rutenberg concession as soon as possible and in any case before the next session.

M. RAPPARD again called attention to the absence of full Government comments on the petitions and memorials forwarded. He thought that the Government might usefully give its views on all the points raised. If these points were already dealt with in the annual report, references might be given.

Mr. ORMSBY-GORE agreed that it was desirable that the points raised should be answered.

The CHAIRMAN thought that the British Government should be asked to give this information, as otherwise its silence might suggest that it took no interest in the question.

Mr. ORMSBY-GORE thanked the Commission for the most satisfactory manner in which the discussion of the report had been conducted.

The CHAIRMAN thanked Mr. Ormsby-Gore for his co-operation and asked him to convey to the British Government the thanks of the Mandates Commission for the honour — and he might say the pleasure — which the Commission felt at having delegated to it a representative possessing such admirable qualifications. Mr. Ormsby-Gore had the Commission's good wishes for his forthcoming journey to West Africa, which would doubtless be of the utmost value to the different countries in question, to the mandatory Power and to the Mandates Commission.

SIXTEENTH MEETING.

*Held on Wednesday, October 28th, 1925, at 10.30 a.m.*

Present : All the members who had attended the preceding meeting, except M. Beau.

463. Absence of M. Beau.

The CHAIRMAN said that M. Beau was ill and had informed him that he had had to go to Paris. He felt sure that his colleagues would authorise him to express the regret of the whole Commission to M. Beau and their hope that he would shortly be restored to health.

464. Discussion of the Memoranda prepared by Members of the Commission.

M. VAN REES reminded the Commission that certain members, including himself, had been instructed to prepare memoranda on various questions. He thought that it was of great interest to the Commission to discuss these memoranda adequately. It had determined to do so at its last session when it had decided to appoint the Rapporteurs in order that, at the following session, the Commission should be able to examine the memoranda and the conclusions of the Rapporteurs together.

The CHAIRMAN noted the passage in the Minutes of the sixth session concerning the decision alluded to by M. Van Rees<sup>1</sup>. Before separating, the Commission would decide its agenda for the next session and would, at the same time, settle the questions raised by M. Van Rees.

M. VAN REES quite realised that it was impossible to prolong the length of each session to too great a degree. Nevertheless, the Commission should find time adequately to discuss those questions, some of which were of great importance. It was indispensable for the Commission to decide its point of view with regard to certain points of interpretation, so as to have a solid basis for its discussion of the reports of the mandatory Powers.

The CHAIRMAN said the Commission was free to discuss the memoranda in question at the beginning of each session before examining the reports of the mandatory Powers.

M. RAPPARD agreed. No member of the Commission would desire to undervalue the efforts made by M. Van Rees. M. Rappard had frequently pointed out that the sessions of the Commission were too short. The minimum duty which it had to perform was the examination of fourteen reports from mandatory Powers. There were, however, certain general questions which it must carefully examine if it were properly to interpret the provisions of the Covenant. The duties of the Commission were accordingly very heavy, and if it attempted to do its work too quickly it could not do it as carefully as its importance demanded.

M. FREIRE D'ANDRADE thought that there was a way of getting over the difficulty. Sometimes it happened that, when an opinion was asked from a member of the Commission, that opinion was communicated to the other members, who made a short report upon it. Such a procedure took less time than a discussion during the session. He quoted as an example the report of Sir F. Lugard and his own report on the well-being of the native inhabitants and the economic development of mandated territories.

After an exchange of views between himself and his colleague, he had found that they were both in agreement on most points, except for certain questions of detail. Perhaps the Commission could in future follow the procedure to which he had just referred.

He desired to pay a tribute to the zeal and devotion shown by M. Van Rees, and considered that the Commission should not allow the memoranda prepared by the various members to be forgotten. An exchange of written notes on these memoranda, however, would shorten the discussions.

M. RAPPARD pointed out the danger of exchanging notes between the members during a meeting. Such a procedure resulted in members receiving so many documents that it was impossible to read them all.

M. VAN REES pointed out that the length of the sessions of the Commission were not fixed in advance, and the Commission sometimes found it necessary to prolong a session in order to discuss certain important questions.

The CHAIRMAN said that almost all members of the Commission had engagements which compelled them to know in advance the probable length of the session. He reminded the Commission of M. Orts, who had found himself unable, by reason of his other engagements, to take part in the work of the present session.

(1) See Minutes of the Sixth Session, page 139.

Sir F. LUGARD was of opinion that the real difficulty arose from the fact that the speeches made by members were often too long. Personally, he would be happy to see the Chairman use his powers as Chairman to curtail the length of speeches.

The CHAIRMAN, to sum up, said that the exchange of views which had just taken place showed how careful the members of the Commission were in the conscientious performance of their duties. He was ready to assume any responsibility which his position involved, but he asked his colleagues to share that responsibility.

465. Questions concerning the Legal Status of Iraq.

M. FREIRE D'ANDRADE reminded the Commission that he had submitted a note on certain questions concerning Iraq. The note ended as follows: Ought the Legal Section of the Secretariat to be consulted as to whether Iraq was or was not a mandated territory?

M. RAPPABD said that Iraq could be compared to a two-faced Janus — one face, looking towards Geneva, wearing the expression of a mandate, and the other face, looking towards Bagdad, wearing the expression of a treaty. The Legal Section would be placed in a very embarrassing position if the proposal of M. Freire d'Andrade were adopted. It was quite clear that Iraq was administered under Article 22 of the Covenant, but the inhabitants of that country did not appear to welcome the use of the word "mandate".

Sir F. LUGARD thought that the decision taken by the Council on September 27th, 1924, could not be clearer.

M. FREIRE D'ANDRADE pointed out that Article 3 of the Iraq mandate stated that *a report would be sent*, but it did not say *who* should submit it. Nevertheless, he did not desire to insist on his point for the moment.

M. VAN REES considered that this report ought to be submitted by the British Government, who was responsible to the League for the territory in question.

M. CATASTINI was of opinion that light might be thrown upon the matter by the discussion on which the Council had engaged during its last session with regard to Mosul. Reference had also been made to the maintenance of the *mandate* for a long period in the report of the Special Commission (C. 400 M. 147, page 88). This perhaps might provide a legal element which the Commission could take as a basis for expressing its opinion.

Sir F. LUGARD thought that the discussion to which M. Catastini had referred concerned the prolongation for twenty-five years of the present Treaty, which had been concluded for four years, but not of the prolongation of the mandate.

The CHAIRMAN reminded the Commission of the terms used by the Committee of Enquiry on Mosul, which expressly referred to the maintenance for twenty-five years of the *mandate* of the League. He noted, however, that his colleague, M. Freire d'Andrade, did not insist on the question which he had just raised.

466. Petition of the Executive Committee of the Palestine Arab Congress: Report of M. Palacios (*Annex 7b*). Question of a visit to Mandated Territories.

The CHAIRMAN reminded the Commission that M. Palacios proposed in his report that the Commission should consider the possibility of a visit to Palestine in order to investigate the questions raised in the Arab petition. There was a question of principle involved in this proposal upon which he asked the Commission to take a decision.

M. PALACIOS explained that, in the fourth conclusion of his report, he had made a suggestion regarding a visit to Palestine because that suggestion was in reality the substance of the petition of the Arab Committee. As he had explained in his report, two memoranda from the Arabs had been received. The first had been addressed to the Council and the second to the Commission. The first memorandum had been inadmissible because it had called in question the principle of the mandate. Such a question concerned the Council and not the Commission, which had been expressly established in order to supervise the execution of the mandates. The Commission could do no more than forward to the Council the first petition.

The second petition, on the other hand, was of particular concern to the Commission. In this second petition, it appeared that the Arab Committee considered that the Permanent Mandates Commission had not obtained sufficient information from the explanations of the British High Commissioner in Palestine, who had appeared alone before the Commission without being confronted at that moment with persons who were in a position to refute his arguments. The Arabs suggested, therefore, that the Permanent Mandates Commission should visit the country in question in order to examine on the spot the various complaints made in the presence of the interested parties.

The Arabs had added to their second petition an enormous quantity of complaints of all kinds, but the subjects upon which they complained were of such scope that they embraced in fact the whole policy of the mandatory Power in Palestine. It would be materially impossible for the Commission to ascertain whether these various complaints were or were not well founded.

The Rapporteur thought that a visit to Palestine would make it possible for the Commission to obtain a general idea of the whole situation. He drew particular attention to paragraph 2 of his report, immediately preceding the conclusions, in which he had explained in the most prudent manner possible the necessity for trying to consult the various interests involved. He read his four conclusions, and emphasised the manner in which he had submitted the fourth, which concerned the visit of the Commission to Palestine. He would give no definite reply, either "Yes" or "No", to the Arabs, but merely say that there was a possibility.

The CHAIRMAN laid emphasis on the fact that the discussion of the Commission should bear not upon the particular question of a visit to Palestine but on the general question of principle.

M. VAN REES did not know whether, at the time the Permanent Mandates Commission had been constituted, the question to which the Chairman had just alluded — that was to say, whether the Commission should possess the right to make enquiries on the spot — had been discussed. Nevertheless, as had often been stated in the Press, the fact that the Commission did not possess the right to make enquiries on the spot was a weak point of the mandates system, or, rather, of the control which the Commission should exercise in the application of the mandates. Generally speaking, and from the *theoretical* point of view, he considered that to bestow on the Commission the right to carry out such enquiries would mean a step forward not only for the Commission itself but also for the whole mandates system.

Nevertheless, as in all questions of some importance, there was a good deal to be said both for and against, and it was to be feared that the arguments in the present instance were mainly unfavourable. If the right of enquiry were limited to petitions bearing on a part or on the whole of the administration of the mandatory Power, a hypothesis which represented the maximum of what might reasonably be accorded to the Commission, the practical result would be that the enquiry could not stop short at any special point and that it would necessarily cover the whole of the policy in force in the mandated territory. Was it conceivable that the mandatory Power concerned would submit to such an enquiry, which, however it might be made, would not fail, above all in a disturbed country, seriously to affect the prestige of the local Government.

Moreover, it was necessary not to entertain too many illusions in regard to the practical results of such enquiries, which in the majority of cases, if they were not strictly limited to some concrete dispute, would require not only a great deal of time and considerable work but would only very rarely produce any satisfactory result for the parties or one of the parties concerned. His personal experience justified him in entertaining a certain amount of scepticism in the matter.

Consequently, though in principle he would be prepared to recognise that to give the right of enquiry to the Permanent Mandates Commission would mean a step forward, it would, on the other hand, give rise to many inconveniences. M. Van Rees would accordingly prefer to reserve his opinion. For the moment, he was unable to say personally whether he would be in favour of the proposal of M. Palacios. It should also be remembered that the Permanent Mandates Commission was a purely advisory body.

The CHAIRMAN pointed out that, though the Commission might be an advisory body, its duties did not end with the giving of advice. Its principal duty was, according to the terms of the Covenant, that "of receiving and examining the annual reports of the Mandatories".

M. VAN REES maintained his view that the Commission was of a purely advisory nature, and desired in any case to reserve his final opinion on the question raised by M. Palacios until he had heard the opinions of his colleagues.

Sir F. LUGARD considered that the proposal that the Commission should either visit Palestine itself or send a sub-committee to conduct an enquiry was quite impracticable. No mandatory Power could accept such a procedure. Its prestige would inevitably suffer, for the Commission or sub-committee would be in the position of a court of enquiry in which the mandatory Power was the defendant. If there were any specific point, such as a disputed frontier, or punitive action, an enquiry might conceivably be desirable, but in that case it would be for the Council to nominate the commission of enquiry, which might or might not consist of members of the Permanent Mandates Commission, and the duty of the Permanent Mandates Commission would be limited to informing the Council that in its opinion an enquiry on the spot was necessary. Further, material difficulties would make it almost impossible for an adequate number of the members of the Commission to visit Palestine or any other mandated territory.

The CHAIRMAN called upon the Commission to decide the general question — Whether it had the right to ask the Council to send a commission into any mandated territory about which the Commission desired more information than was available through the ordinary sources? Personally, the Chairman thought the Commission had such a right, and the action of the Council in sending a commission to Iraq was analogous and constituted a precedent.

The second question the Commission would have to settle was whether it could ask the Council that the members of a commission to be sent to the spot should be composed, in whole or in part, of the members of the Mandates Commission. In principle, he saw all the advantages of a visit to the spot and no objection to such a proposal. The matter, however, would have to be discussed from the practical point of view.

Sir F. LUGARD thought that the proposal to visit Palestine, in order to make a general enquiry, was outside the competence of the Commission.

M. FREIRE D'ANDRADE thought that the Permanent Mandates Commission was not a mere advisory body but that the least of its duties was to give advice. The Council could consult it, but its duty was to examine the reports of the mandatory Powers. The Commission also had the right to give advice to the Council. Personally, he thought that the Commission had the right to suggest that a committee of enquiry should be sent. In view of the fact that the Council, in the dispute between Greece and Bulgaria, had just decided to send commissioners to those countries though they were not mandated countries, *a fortiori* the Council had the right to send a commission to a country administered by a mandatory Power. Further, the Commission should remember that such Powers were the mandates of the League.

M. RAPPARD took the view that the Permanent Mandates Commission was an advisory body in the sense that the only action it could take was to give advice to the Council, which the Council could, of course, if it liked, disregard. The Commission had no executive power, but it was constituted as an adviser of the Council in virtue of the terms of the Covenant.

He thought that the wisest course would be for the Commission to declare, when any difficult matter was submitted to it which seemed insoluble, that it was impossible for it to discuss such a matter with the information before it and that more should be made available before it could do so.

Sir F. LUGARD agreed with M. Rappard. With regard to the commission of enquiry, it was one thing for the Permanent Mandates Commission to suggest that it should send a committee of enquiry to a mandated territory and quite another thing that the Council should be asked to send such a commission.

The CHAIRMAN pointed out that it had not been proposed that the committee should necessarily be composed of the Permanent Mandates Commission itself. M. Rappard had put the question clearly. The Permanent Mandates Commission had concluded that it lacked the necessary evidence and had considered that it would therefore be necessary to send a committee to the spot. He reminded the Commission that, when the question of nationality had arisen, the Council had considered that no persons better qualified than M. Orts, M. Freire d'Andrade, M. Rappard and the Chairman of the Permanent Mandates Commission could have been found to form the Commission. The Permanent Mandates Commission, however, had never suggested that some of its members should form the Commission of Enquiry.

Sir F. LUGARD regretted that he did not share the Chairman's view. There had been no decision on the part of the Permanent Mandates Commission that it lacked the necessary evidence and that it was necessary to send a committee of enquiry. He disagreed with both these conclusions.

M. VAN REES agreed with the views of M. Rappard.

The CHAIRMAN proposed that the Commission should take as a basis of discussion the following considerations :

- “The Permanent Mandates Commission,
- “Considering that the accusations contained in the first Arab memorandum are not within its competence ;
- “Considering that the accusations contained in the second Arab memorandum primarily concern the general administration of the mandatory Power ;
- “Considering that neither the examination of the report nor of the commentaries of the mandatory Power on the Arab memoranda nor the information furnished by the accredited representatives have furnished sufficient evidence upon which to take a decision ;
- “Decides . . . .”

The CHAIRMAN then suggested that the Commission might formulate its decision, taking the four conclusions of M. Palacios as a basis.

M. PALACIOS pointed out, to return to the question of Palestine, that he had carefully avoided in his report the use of the word "enquiry" and that he had made use of the word "visit", which was used in the Arab memorandum, and which had a less legal and more general meaning than the word "enquiry". Further, his report clearly explained the object of this visit. He had been careful to pay the greatest attention to the feelings of the mandatory Power, in view of the fact that he shared his colleagues' views that a true co-operation between the Commission and the mandatory Powers was essential.

The members of the commission would visit the mandated territory not as enemies of the administrators but as mediators and allies.

Sir F. LUGARD did not agree with the final conclusion of M. Palacios. There was a large amount of evidence before the Commission on many points, and if, on certain others, it concluded that it had not sufficient evidence, then it should say so frankly and ask for further information on those points only. The Commission could not make a general statement to the effect that the evidence before it on the whole question was insufficient, for it had before it the complaints of the Arab Executive and the reply of the mandatory Power, and had had every opportunity to question the accredited representative.

M. PALACIOS agreed with this view and said that he thought that the third paragraph of the text submitted by the Chairman should be amended.

The CHAIRMAN thought that, before deciding the form of the Commission's considerations, it should reach agreement on principle. The Rapporteur had concluded that the Commission, since it had not received sufficient information, should propose the despatch of a special commission to the spot.

Sir F. LUGARD did not agree with this conclusion, but thought that, if the Commission desired additional information on any specific complaint, it should ask for it.

M. PALACIOS explained that he proposed to modify the third paragraph of the Chairman's text because, in his view, the Commission should not secure information merely on certain special cases mentioned in the Arab petition but on the whole policy of the mandatory Power. Explanations given to the Commission would not permit it to obtain a comprehensive view of such a policy. It was, at any rate, only by visiting the spot, as the Arab Committee suggested, that it could hope to do so. A reply on that point to one effect or another must be given. In the view of M. Palacios, it was impossible for the Commission not to reply that the request of the Arab Committee would be taken into consideration, though the Commission should be careful to take the greatest care as to the words used, as he had suggested in the fourth conclusion of his report. The Commission would, of course, have to make the necessary arrangements through the mandatory Power, for its duty was above all to work for peace.

M. VAN REES thought that, were the Permanent Mandates Commission to take this opportunity of suggesting to the Council that an enquiry on the spot should be carried out by duly appointed persons, such a suggestion might perhaps be based on the following considerations :

In the previous year, the Commission, at numerous meetings, had heard long explanations from the British High Commissioner, Sir Herbert Samuel. At the present session, it had also received very full information from Mr. Ormsby-Gore. Nevertheless, it had been unable to form a complete and accurate idea of the present situation. The difficulties in which it found itself probably arose from the fact that Palestine was in a very difficult position. The mandate of that country contained two great principles which appeared somewhat contradictory, so that the Commission was unable to obtain any very clear idea either of the present situation or of the future of the mandated territory and of the manner in which the mandatory Power was fulfilling its obligations. It was for this reason that, at the preceding meeting, it had asked Mr. Ormsby-Gore whether the mandatory Power had drawn up any programme of policy for the future, in order to conciliate the hopes of the two parties in the country. The accredited representative had replied in the negative and had stated that this would take time. The Commission was thus faced with a problem which would have to solve itself, a position which was hardly satisfactory. Perhaps his colleague, M. Rappard, who had gone to Palestine, had a clearer idea of the situation. Personally, it was hardly possible for him to have an exact idea. In any case, such considerations seemed to him to justify a suggestion to the Council that an opportunity should be given to collect impressions and information which were still desired by the Commission. He would prefer considerations of this kind to those which had been formulated and which appeared to contain an unjustifiable criticism of the conduct of Mr. Ormsby-Gore. Mr. Ormsby-Gore had done his utmost to reply to all the questions which he had been asked. If the Commission had not been satisfied, it was not the fault of the accredited representative; it was the result of the mandate itself, which raised a problem hitherto unsolved and perhaps insoluble.

M. PALACIOS suggested that, were his colleagues to approve his report, that report could simply be forwarded to the Council. He had endeavoured to weigh all the terms of his report, as he recognised that the question might arouse legitimate feeling, and he, of course, did not wish to wound or even to offend anyone. He would ask his colleagues to read his report in this spirit and he would, if necessary, meet them in every possible way. The arguments stated in his report might serve as the preamble to the conclusions of the Commission.

M. RAPPARD said that he was fully convinced of the usefulness of any visit paid to Palestine, for his own visit had entirely changed his point of view as a result of what he had seen in that country. Therefore, it would be most fortunate for the Commission if any of its members could go there. He did not think that the Commission as a whole, however, could suggest that it should visit the country, for such a proposal would inevitably give rise in Palestine to an explosion of feeling on the part of all those who were dissatisfied with the administration of the mandatory Power. He would therefore submit the following text:

“Considering that neither *the second memorandum*, nor the examination of the report, nor the commentaries of the mandatory Power on the *second Arab memorandum*, nor the information furnished by the accredited representative had provided the Commission with sufficient information to take a decision on the following points, etc.;

“Notes that the evidence before it is not sufficient to give a general and final opinion on the whole of the second memorandum.”

The CHAIRMAN thought that the resolution should be based on the observations, made by members of the Commission during its fifth session, with regard to the two principles incorporated in the mandate for Palestine.

M. RAPPARD could not agree with the Chairman. The resolution to be adopted by the Commission should be based on the evidence before it. If it referred to what it had suggested in the previous year, it might confuse the Council. What the Commission was anxious to obtain were the actual facts of the situation.

He added that the Commission ought not to appear to question the mandate, based partly on the Balfour Declaration.

The CHAIRMAN reminded the Commission that it was in this sense that the observations made by the Commission in the previous year should be interpreted.

M. PALACIOS was ready to take account to the greatest possible extent of the suggestions of M. Rappard, who had great experience in the question of mandates and who had shown such capabilities when at the head of the Mandates Section.

He desired, nevertheless, that the Commission should take a decision on his last suggestion. If his report were to be read with care, it would be noted that, although he had paid great attention to the susceptibilities of the mandatory Power, the situation of both parties had been taken into consideration in an impartial manner. In these circumstances, were the report to be approved by the Commission, why should it not purely and simply forward it to the Council? In the report, the Arabs were informed that, were they to continue to oppose the principle of the mandate, it would be impossible for the Commission to take their request into consideration only as regarded those points of the mandate which were favourable to them, in view of the fact that the Commission was the guardian of the mandates system as a whole. In that way, it seemed that the Commission might be of obvious assistance to the mandatory Power, for it would show the Arabs a way in which they might accept the principle of the mandate.

M. RAPPARD agreed that the report should be annexed to the Minutes. The Commission, however, could not merely state that it required information on such special points as the municipal elections in Palestine or the drainage of Jerusalem, because, if it did so, the mandatory Power might pertinently ask why the Commission had not requested the accredited representative to furnish the Commission with this information. The procedure the Commission should follow, therefore, should be to state in its conclusions that, on a certain number of points which it would enumerate, the information supplied was insufficient and that it would therefore require additional information.

Sir F. LUGARD understood M. Palacios to propose that the Commission should accept his memorandum. The main advice contained in that memorandum was that the Commission should ask for a visit of enquiry to be paid to Palestine, and not only to Palestine but to any other mandated territory where circumstances showed it to be desirable. What M. Palacios desired to establish was the general principle that the Commission should be

accorded the right to make enquiries itself on the spot, or send a commission to do so, in any mandated territories where it thought such an enquiry necessary.

In the view of Sir F. Lugard, the visit of the whole Commission to any mandated territory was wholly impracticable, and what sub-committee of the Commission could take the responsibility of condemning the whole policy of a mandatory Power and of suggesting a new policy ?

If, however, any member of the Commission received an invitation from the mandatory Power to go, for instance, to Palestine, that would be a different matter. He would not then proceed to that country in the capacity of a commission of enquiry. Any commission of enquiry by the Permanent Mandates Commission on general policy was, he thought, out of the question.

The precedent mentioned by the Chairman was not an accurate one, for the Commission sent by the Council to Iraq had to deal with a frontier dispute and incidents arising out of that dispute between a Member of the League and a non-member.

The Commission should remember that the Palestine Administration had said that it had initiated a policy of conciliation which was yielding good results, but that such a policy must be allowed time to mature. He thought the Commission would be quite justified in resting content with such an assurance, but if there were any particular points upon which it considered it possessed insufficient evidence then it should name them. The desire of the complainants for a visit by the Commission appeared to be in order to convince the Permanent Mandates Commission that the mandate was unworkable.

Generally speaking, it was impossible for the Commission to adopt the policy of challenging the whole administration of any mandatory Power by visiting the territory in order to listen to all who criticised it. Such a course would be a signal for local trouble.

M. VAN REES thought that it would be very difficult to enumerate the points upon which additional information was indispensable.

The CHAIRMAN drew the attention of M. Rappard and Sir F. Lugard to the fact that the difficulties arose not in connection with the mandatory Power, nor with the High Commissioner, nor with the Jews, nor with the Arabs, but in connection with the problem itself. The Commission should not forget that, when the mandate had been granted to the mandatory Power, an endeavour had been made to solve one of the most difficult of problems, and the Commission should remember this when drafting its conclusions. With regard to the suggestions made by his two colleagues, he also considered that there was a great difference between suggesting the despatch of a committee and accepting an invitation from the mandatory Power. The impartiality of the members of the Commission could not be questioned, and their judgment would not be influenced by anything that they saw in Palestine merely because they had been invited to go there by the mandatory Power.

He suggested that M. Rappard and M. Palacios should reach agreement on a form of words. Personally, he thought that too vague a form of words would give rise to difficulties. If such a form of words were used, the Commission might not obtain a reply.

M. RAPPARD strongly desired the Commission to avoid any form of vagueness and to be most precise in its decision. He would like to see a definite number of points enumerated.

M. PALACIOS emphasised the fact that the whole of his report should be considered and not its various component parts. He believed it would be realised, if his report were carefully read, that it met virtually all the observations which had been made. Moreover, he was quite ready to change the form of words he had used in order to take account of any susceptibilities. The report, however, ought to be accepted as a whole or rejected as a whole. If it were rejected, he asked that it should be annexed to the final edition of the Minutes.

The Commission must remember its responsibilities towards the persons presenting petitions. Those persons had asked it to visit the country. The least the Commission could do was to reply that it would take their request into consideration. If it replied in the negative, that might mean that the petitioners would have to abandon all hope that the Commission was ready to take any step at all to enable it to obtain a general view of the policy pursued in the mandated territory. The words "*visit when it may be opportune and possible*" amounted to a reply which was virtually hypothetical and it thus met all momentary difficulties.

Sir F. LUGARD said that there was an alternative solution. If the Arab Executive complained that only one side of the case had been submitted to the Commission, it was quite possible for the Commission to hear a representative of the Arabs. This would be, in his view, a far better procedure than for the Commission itself to go to Palestine. He saw nothing to prevent a representative of the Arabs from giving evidence before the Commission if it so desired.

The CHAIRMAN reminded the Commission that in a similar case during the week previous the Commission had taken a negative decision.



M. VAN REES wished to sum up the various methods of action which had been proposed. His colleague, M. Rappard, had desired that the Commission should confine itself to an enumeration of those points on which it required additional information. What would the action of the Council be if the Commission remained content with such a procedure? The Council would merely submit these points to the British Government and would ask it to furnish the additional information. Such a solution would not satisfy the other members of the Commission. He thought that, even when possessed of that information, it would be difficult for them to obtain a clear idea of the present situation as well as of the near future of Palestine. It might perhaps be possible to conciliate the various points of view by submitting those particular questions on which the Commission desired explanations and by adding that the Commission had found itself involved in great difficulties owing to the dual nature of the principles of the mandate when it tried to form an idea as to what was happening in the territory and of its future. Such a solution might perhaps give the Council the impression that it would be appropriate to suggest to the mandatory Power that it should permit a visit to the territory.

M. FREIRE D'ANDRADE realised that the question of Palestine was easier to discuss than to solve. Personally, he thought the report of M. Palacios an excellent one. What the Commission ought to do was to try to bring the two parties, Arabs and Jews, together. The report in question was designed precisely to convince the Arabs of the necessity of accepting the principle of the mandate. The solution of the problem would then automatically result. Further, in view of the request made by the Arabs, the Commission could not reply in the negative, only the Council could do so.

Account should be taken of the fact that the mandatory Power could not grant to the Arabs, because they were the most numerous element of the population, too great an influence in the administration of the territory, for they would use that influence to pursue a policy against the interests of the Jews, that was to say, a policy against one of the principles of the mandate. The report contained, therefore, in this respect a very useful suggestion for the benefit of the mandatory Power. Apart from this, a visit to the mandated territory would perhaps result in persuading the Jews to reach an understanding with the Arab population, were it desired to avoid continuous difficulties in the future.

The CHAIRMAN asked the Commission whether it agreed that M. Rappard and M. Palacios should find a form of words which should take account of the observations of M. Van Rees.

Personally, he thought that, if the possibility of visits to the spot, not necessarily to Palestine but as a general principle, either by the Commission itself or by other Commissioners, were admitted, great progress would be made, and the Commission itself would not only derive benefit from it but also the mandatory Power and the populations.

M. PALACIOS was ready to come to an agreement with M. Rappard in the manner suggested by the Chairman. He added that he would carefully take into account the observations of Sir F. Lugard.

As the result of a question by M. CATASTINI, *it was understood, with regard to the reply to the petitioners, that the ordinary procedure was to be followed, that was to say, that the decision of the Council would be communicated to them.*

**467. Special Communication to the Chairman of the Council regarding the Adjournment of the Syrian Question.**

M. FREIRE D'ANDRADE drew the attention of the Commission to the letter from the Emir Chekib Arslan, dated October 26th, 1925, in which the Emir protested against the decision of the Commission to adjourn to February its discussion of the Syrian question. Ought not a reply to be sent to this letter?

The CHAIRMAN explained that he had received, and continued to receive, a large number of telegrams of protest on the Syrian question. Personally, he did not think that replies should be sent. He asked his colleagues whether they had any objections to make against such a procedure and reminded them of the existing regulations. On the proposal of the Commission, the Council had decided that any petitions coming from the inhabitants of a mandated territory should pass through the hands of the mandatory Power.

When protests came from sources other than the inhabitants of a mandated territory, it was the duty of the Chairman to choose what was important and to eliminate those petitions which appeared to him unacceptable. The remainder should be communicated to the mandatory Power. He considered that he had been right in following the same procedure with regard to the communications to which he had just alluded.

On the other hand, he had thought it necessary to have the signatures on the documents which appeared to him admissible witnessed, so as to obtain all the necessary guarantees. He thought that in this he had proceeded with prudence. The Commission should not, however, give the petitioners the impression that it systematically disregarded their protests. In the month of February, the Commission could discuss the question of Syria with the full evidence before it.

M. RAPPARD said that no other procedure was open to the Commission. Its general practice must be to include in the term petition every document, telegram, memorandum, etc., received from the petitioners. All these should be sent to the mandatory Power were they of a serious nature.

Sir F. LUGARD understood that the Syrians had protested against the decision of the Permanent Mandates Commission to postpone the discussion of the Syrian mandate for three months. The Syrians had thus challenged the decision of the Commission and it might perhaps, therefore, be wise to forward this protest to the Council, which was in session in Paris.

M. CATASTINI concluded from what had been said that all important communications containing either information or protests would be sent by the Chairman to the mandatory Power in order that that Power could make a report in view of the discussion to take place in February. There was no question of the mandatory Power replying to each document separately. It could make reference to them in the general report which it would have to present.

With regard to the suggestion of Sir F. Lugard, the Commission could content itself with communicating to the Council the protest of Emir Chekib Arslan, together with the decision taken by the Commission to adjourn the discussion on Syria until February.

Sir F. LUGARD pointed out that he had not made any formal proposal to refer the Syrian protest to the Council. It might be possible to get in touch with the Secretary-General and inform him of what had occurred.

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#### SEVENTEENTH MEETING.

*Held on Wednesday, October 28th, 1925, at 3.30 p.m.*

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Present: All the members who had attended the preceding meeting.

#### 468. Despatch of a Telegram to M. Beau.

The CHAIRMAN was sure that his colleagues would agree that a telegram should be sent to M. Beau saying how much the Mandates Commission regretted being deprived of his co-operation and expressing the hope that he would soon recover.

*This proposal was unanimously adopted*

#### 469. Special Communication to the Chairman of the Council regarding the Adjournment of the Syrian Question (*continued*). Arrangements for the Extraordinary Session.

Sir F. LUGARD thought that, in view of the serious nature of the situation in Syria and the telegrams which were continually reaching the Commission, including a strong protest against the course of action which the Permanent Mandates Commission had decided to adopt, some communication on the subject should be made to the Council. Silence on the part of the Commission might be misunderstood. He suggested that a telegram should be sent to inform the Secretary-General that the Commission had decided for the reasons stated to postpone the discussion on Syria to a special session. He suggested that this communication might be made to the Secretary-General, who was sitting in Paris with the Council, and not in a formal and official manner to the President of the Council.

M. RAPPARD agreed that a communication should be sent. He thought that it should be addressed officially to the Council. The mandatory Power should also be informed of the contents of the telegram.

M. FREIRE D'ANDRADE thought that there was no need to depart from the regular procedure. The Chairman might communicate with the Secretary-General, but the only new question which had arisen was that of the protest against the Commission's decision. No steps could be taken until this protest had been transmitted to the French Government; otherwise an unfortunate precedent might be set up.

M. CATASTINI observed that there were two distinct communications. The first should be forwarded to the Secretary-General. As the representative of the Secretary-General accredited to the Commission, he would, as he was in the habit of doing, undertake to inform the Secretary-General of the decisions of the Commission.

The second communication should be in the regular way addressed to the President of the Council, to whom, in accordance with Article 1 of the Rules of Procedure, which he read, it fell to approve the decision of the Commission with regard to an extraordinary session. The President of the Council would thus be informed of the decision of the Commission, as well as of the protest which had been raised.

M. PALACIOS thought that the letter of Emir Chek.b Arslan fell into two parts. The first was a protest against the resolution of the Commission for adjournment. The second was an appeal to the Council to take, in the question of Syria, the same urgent steps as in the Greco-Bulgarian dispute. As to the first part, he thought that the Commission should not go back upon its resolutions or modify its ordinary procedure. It was necessary, however, to make a statement in order to contradict the interpretation which some were endeavouring to give to the decision of the Commission. In the first place, the request made was not within the competence of the Commission. Secondly, the Commission, far from remaining indifferent to the persistent protests, had taken the initiative in making representations to the mandatory Power, in order that the latter might furnish it with the documents necessary for a thorough discussion, if not at once at least as soon as possible, and with a view to an extraordinary session. The Commission had asked France to furnish the replies required by the regulations. It had adjourned the discussion after having fulfilled its duty, and in order that it might fulfil its duty more effectively. As to the second part of the letter of the Emir, only the Council had the power to take a decision, and, in his opinion, the Commission would certainly follow the instructions of the Council.

The CHAIRMAN reminded members that, at the opening of the session, after a long discussion on events in Syria and after hearing a statement from the accredited representative of the French Government, the Mandates Commission had considered the desirability or otherwise of holding an immediate discussion, and had decided to postpone it. What new reasons had arisen in favour of immediate action? If the Commission returned to the question, it would be annulling its previous decision and anticipating the future, and such a step might be interpreted as an expression of alarm.

He therefore proposed a different procedure. The draft observations on Syria and the Lebanon should be discussed forthwith and immediately forwarded to the Council as an extract from the final report, together with the documents which had just been received, and it should be pointed out that those documents could not affect the decision which had been reached, but were forwarded for information.

*This proposal was adopted.*

The CHAIRMAN said that the Commission should give him power to convene an extraordinary session as soon as he had received the report on Syria and forwarded it to all the members and had consulted the Secretary-General as to the date of the session. In this connection, he mentioned that M. Freire d'Andrade and M. Palacios had asked that the session should not be held at Geneva.

M. FREIRE D'ANDRADE said that he had asked that the special session should take place in Rome. In view of his age and state of health, he could hardly see his way to come to Geneva in February.

Sir F. LUGARD said that he had heard doubts expressed as to the advisability of discussing Syrian affairs in Rome, since Rome was the centre of the Catholic world. At the same time, he did not wish to lay special stress on this point and had no personal opinion in the matter.

M. FREIRE D'ANDRADE remarked that, if this suggestion had any basis, he himself, as a Catholic, would be disqualified.

M. RAPPARD observed that, for personal reasons, he would prefer the meeting to be held in Rome rather than in Geneva; but a general principle was at stake and he doubted the wisdom of holding the meeting in Rome both for a reason analogous to that mentioned by Sir F. Lugard and also for another reason. Rome was the capital of a great Power contiguous to the mandatory Power concerned and at the same time it was the capital of Catholicism. He pointed out that the Administrator of Syria was attacked by the friends of the Vatican and supported by the anti-clericals. It was essential, he thought, that the Commission's meeting should be free from any suspicion of being affected by political influences.

The CHAIRMAN observed that, if anyone could object to the selection of Rome, it would be the mandatory Power. In any case, it was not the business of the Mandates Commission to object, for it was not to be supposed for a moment that the judgment and the attitude of the members would be affected if they met at Rome. It might also be useful to point out that the vast majority of the population of Syria was Moslem or Orthodox, the Catholics forming a minority. The proposal to hold the session in Rome had not been made by him but by his colleagues. The Secretary-General and M. Clauzel had agreed to it.

M. PALACIOS supported M. Freire d'Andrade's proposal, unless there were any fundamental objections which he had not yet discovered.

M. RAPPARD observed that it was essential to consider public opinion, which often tried to find in the selection of certain meeting-places circumstances which might produce a certain atmosphere. However independent he might be, he would prefer to be out of reach of the slightest suspicion of that kind.

The CHAIRMAN reminded the Commission that the Council sometimes met in London or Paris, but had never been suspected of being influenced by the environment of any capital. If it were only a matter of climate and convenience, he had no objection; but if the question of environment were raised, he was bound to abstain, because he could not admit that a Commission composed of intelligent and conscientious men could be influenced by the Government of the city in which it met.

M. FREIRE D'ANDRADE pointed out that the Chairman and M. Catastini would find in Rome facilities which they would not have in other cities for making arrangements for the work of the session. He reminded the Commission that, in connection with the question of slavery, Portugal had been charged with all kinds of crimes, notably by the International Bureau for the Defence of the Natives. Yet Portugal had never raised the least objection to the meetings being held at Geneva, close to this institution. On the contrary, it had always seized the opportunity to send a representative who could make his country's position clear both at meetings and outside, and could rebut the charges against it. He himself could not see how there could be any question of fearing the influence of any environment.

M. RAPPARD pointed out that this question of public opinion had often been discussed before. He wished to make it quite clear that there was a distinction between suggesting that the Commission might be influenced and saying that it might be suspected of being influenced. The latter was of course what he meant. He deprecated the Chairman's indignation at this suggestion; if it were possible to suspect Rome of exercising an influence, that was all to the honour of Rome. The whole point of establishing the League at Geneva and the Permanent Court at The Hague was that small countries like Switzerland and Holland could not be suspected of exercising any influence. The smaller the place the less suspicion there could be.

The CHAIRMAN remarked that last year, when the Palestine report had been under consideration, London had been mentioned. The Zionist question had first arisen in the mind of Lord Balfour and yet nobody had ever imagined the slightest objection to the discussion of Palestine questions in London. As an ex-minister of Italy, and as a Roman, he felt bound to protest with the utmost vehemence against the apprehensions which had been expressed. Such accusations might just possibly be comprehensible if the questions to be discussed affected only the Lebanese or the Maronites, but in point of fact they related to very different questions.

He desired to point out that he had gone into the question very thoroughly with the Secretary-General, who had said that a session at which several reports on different questions were to be discussed could not be held elsewhere than at Geneva because it would be very difficult to transport the necessary documents and services, but that it would be possible to meet outside Geneva in February because that session was to deal solely with questions concerning Syria and the Lebanon.

M. RAPPARD said that he did not wish to press his point. He personally was perfectly willing to go to Rome if the majority so decided but he had felt obliged to state frankly his objections of principle.

Sir F. LUGARD said that he merely wished to point out that the normal place for meetings was Geneva, and that good reasons should be given before making any change. The only reason which had yet been given was that Rome was preferable from a climatic point of view. That was a good reason so far as it went.

The CHAIRMAN took it that the Commission authorised him to convene the Commission at Rome in February 1926.

The Commission then proceeded to discuss its report on Syria and the Lebanon.

After discussion, *this report was adopted* (for the text see Annex 14).

*The Commission decided to send forthwith this report, together with the following covering letter, to the President of the Council:*<sup>1</sup>

[*Translation.*]

GENEVA, October 28th, 1925.

"Sir,

"The Permanent Mandates Commission, considering the present position in Syria and the numerous protests and petitions relating to it which have reached the Commission and which continue to reach it daily, instructs me to forward to you without delay an extract from the official report on its present session containing its conclusions in regard to Syria.

"I venture to draw your attention to the decision of the Commission to examine a special report on the position in Syria, with all the petitions, at the same time as the report for 1924, in the course of an extraordinary session to be

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(1) For the reply of the President of the Council, see Annex 10.

held at Rome at a date which will enable it to submit its recommendations to the Council during its session in March 1926. The accredited representative of France has, on behalf of his Government, undertaken to present this report in due course.

"I also annex for your information a copy of all the protests and petitions mentioned above, among which is a letter dated October 26th, 1925 (C.P.M. 317, page 22), containing a protest from the Emir Chekib Arslan against this decision of the Commission.

"I have the honour, on behalf of the Commission, and in conformity with Article 1 of its Rules of Procedure, to ask you to approve the convening of this extraordinary session.

"I have the honour, etc.,

(Signed) THEODOLI,

*Chairman of the Permanent Mandates Commission.*

#### 470. Various Questions concerning Petitions.

The Commission then discussed a note by the Chairman on the procedure to be followed in connection with various sorts of petitions, and amended it paragraph by paragraph.

After some discussion, *it was decided* that it was unnecessary to provide for the appointment of a committee of three members of the Commission to advise the Chairman in case of doubt as to the admissibility of a petition. It was considered that it would be simpler to leave the matter in his hands.

The CHAIRMAN observed that a difficulty might arise from the fact that a petition, though well founded, might contain certain excessively violent or objectionable passages. If the Commission wished the Chairman to be exceedingly strict, he would reject such a petition on the ground of the improper expressions it contained, but it was possible that at the same time he might feel that the petition concerned serious incidents, and that it might be desirable to communicate it to the mandatory Power.

M. RAPPARD thought that too strict an attitude would deprive the Commission of the observations of the mandatory Power. It would be a pity to reject the whole of a petition for the sake of one objectionable word. It might be better in such a case to delete the objectionable word and forward the petition, thus amended, to the mandatory Power.

Sir F. LUGARD agreed that such a petition should not be totally rejected. He suggested that the Chairman might send it back to the petitioner, advising him to amend the objectionable passage and send the petition in again.

*It was decided* that no specific rule concerning the "admissibility" of petitions which might employ violent or indecent language was necessary. The Chairman would act in any case as he might deem most advisable.

*The Commission agreed upon the following text :*

"In the case of petitions which are not accepted, the petitioners should be informed of the reasons".

In connection with the paragraph of the note concerning Replies to Petitioners, M. RAPPARD was not satisfied that replies should be transmitted through the mandatory Power. It seemed sufficient, as the Chairman proposed, to send a copy of the reply to the mandatory Power.

*The note was approved in the following form :*

*"Policy concerning the Admissibility of Petitions.*

"In carrying out his duty under paragraph 3 of the Rules of Procedure with regard to petitions concerning the inhabitants of mandated territories, rules which were approved by the Council on January 31st, 1923, the Chairman will be expected to accept, as worthy of the attention of the Commission, all petitions which concern the execution or interpretation of the provisions of the Covenant or the mandates. Such petitions or parts thereof will not, however, be accepted :

"(a) If they contain complaints which are incompatible with the provisions of the Covenant or of the mandates ;

"(b) If they emanate from an anonymous source ;

"(c) If they cover the same ground as a petition which has recently been communicated to the mandatory Power and do not contain any new information of importance.

"In the case of petitions which are not accepted, the petitioners should be informed of the reasons.

"The problem which I have just discussed has not arisen to the same extent in the case of petitions from the inhabitants of mandated territories communicated to the League of Nations through the mandatory Powers, but I feel sure that I am expressing the views of the Commission in stating that it will in case of necessity apply to such petitions the same policy as regards admissibility as it decides to apply in the case of petitions received from a source other than that of the inhabitants of the mandated territories.

*"Replies to Petitioners."*

"In pursuance of the resolution adopted by the Council on September 15th, 1925, concerning petitions, in which it was prescribed that the decisions arrived at should be communicated 'to the petitioners and to the mandatory Powers', the Secretary-General, following the practice already adopted, communicated direct with the petitioners, sending a copy of his communication to the mandatory Power concerned in each case. The Secretary-General informs me, however, that the question has been raised informally as to whether such replies should not be transmitted to the petitioners through the mandatory Powers, following the procedure required in the case of petitions submitted to the League. The Secretary-General points out that no clear ruling has ever been given on this matter, and he would be grateful if a recommendation on the subject might be made by the Commission to the Council.

"The practice of sending replies directly to the petitioner has been followed in the past mainly in order to remove any impression of the exercise of undue influence by the mandatory Power on the decision of the Commission. Nevertheless, this general practice has not been invariably applied, for the Commission will remember that, in the case of the recent petition from the Rehoboth Community in South-West Africa, it expressed the view, which the Council endorsed, that the reply should be sent through the mandatory Power. The Commission can, I am sure, be counted upon to exercise all necessary good judgment in handling the individual cases which may arise and in recommending the transmission of replies to petitioners through the mandatory Powers in any case where this may be clearly desirable for special reasons.

"Personally, I am not convinced that it is necessary to change the general practice which has been followed in the past, but the Commission of course has the power to make other recommendations if it so desires."

The CHAIRMAN explained that the question had also been raised informally as to whether copies of all petitions received by him as Chairman, even those which he might decide to be unworthy of the attention of the Commission, might be communicated to the mandatory Power concerned.

M. RAPPARD pointed out that it seemed hardly fair to the petitioner to pass on in this manner to the Administration complained of a complaint which the Chairman of the Commission, to whom it was properly submitted, had considered "inadmissible". The present practice seemed satisfactory.

*The Commission agreed with this view.*

As regarded the admissibility of certain petitions, mostly with regard to Syria, on which the CHAIRMAN asked the opinion of the Commission, *it was decided* that, as certain rules had now been approved, the decision could best be left to the Chairman.

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EIGHTEENTH MEETING.

*Held on Thursday, October 29th, 1925, at 10.30 a.m.*

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Present: All the members who had attended the previous meeting.

471. **Observations of the Commission on the Administration of Caprivi Zipfel (part of the Mandated Territory of South-West Africa) : A General Question of Procedure concerning Accredited Representatives.**

After an exchange of views, in which the different members of the Commission took part, *the observations were adopted, with certain amendments* (Annex 14).

With regard to the first paragraph, concerning the absence of an accredited representative of the mandatory Power during the examination of the report of that Power on Caprivi Zipfel, the Commission discussed the question whether the presence of an accredited representative was optional or compulsory during the discussion of a report from a mandatory Power.

M. PALACIOS drew special attention to the legal questions raised by the discussion of this mandate by the Commission. All the reports, according to the Rules of Procedure, must be discussed in the presence of the accredited representative of the mandatory Power. There was also the question of the responsibility of the mandatory authorities over the territory.

M. CATASTINI reminded the Commission of the terms of Article 8 of its Rules of Procedure, which were as follows :

“The examination and the discussion shall take place in each case in the presence of the accredited representative of the mandatory Power which issued the report.”

The CHAIRMAN thought that the Commission's duty was merely to inform the mandatory Power of the approximate date on which it would examine its report. Were that Power not to send a representative, the Commission could proceed to the examination of the report without him.

M. CATASTINI added that it was in the interests of the mandatory Power for its representative to take part in the discussion, but that the Commission was under no obligation to invite the mandatory Power to send a representative.

M. VAN REES was doubtful whether such an interpretation was quite accurate. According to the terms of its constitution and of its Rules of Procedure, the Commission's duty was to discuss the report in the presence of an accredited representative.

The CHAIRMAN pointed out that a mandatory Power could not be compelled to send a representative.

M. VAN REES, alluding to the special case of Caprivi Zipfel, said that in the future the report on that part of the mandated territory would be included in the general report on South-West Africa.

In regard to the third paragraph, Sir F. LUGARD said that the essential question for the Commission to ascertain was whether the Administrator of Caprivi Zipfel received his instructions from the Government of South Africa direct or from the Administration of the mandated territory. In the former case, the mandate would be divided into two parts ; in the latter, it would be merely a delegation by the Administrator. This was a vital principle and it was essential for the Commission to have information on the point.

**472. Observations of the Commission on the Administration of Ruanda-Urundi (under Belgian Mandate).**

After discussion, in which all the members of the Commission took part, *the observations were adopted, with certain amendments* (Annex 14).

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**NINETEENTH MEETING.**

*Held on Thursday, October 29th, 1925, at 3.30 p.m.*

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Present : All the members who had attended the preceding meeting.

**473. Observations of the Commission on Iraq.**

After a discussion, in which the different members of the Commission took part, *the observations were adopted, with certain amendments* (Annex 14).

**474. Observations of the Commission on the Administration of Western Samoa (under Mandate of New Zealand).**

After a discussion, in which the different members of the Commission took part, *the observations were adopted, with certain amendments* (Annex 14).

M. RAPPARD suggested that the particulars given at the head of each section of the Commission's report as to the number of copies of the mandatory Power's report which had been received and the dates should, in future, be collected in a single table, to be placed at the beginning or end of the Commission's general report. This might tend to make the report more readable.

*This proposal was adopted.*

**475. Observations of the Commission on the Administration of the Cameroons (under British Mandate).**

After a discussion, in which the different members of the Commission took part, *the observations were adopted, with certain amendments* (Annex 14).

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476. **Observations of the Commission on the Administration of the Islands under Japanese Mandate.**

After a discussion, in which the different members of the Commission took part, *the observations were adopted, with certain amendments* (Annex 14).

M. PALACIOS drew attention to the following paragraph :

“The Commission noted the declaration of the Japanese Government, when ratifying the Convention on Traffic in Women and Children, that this ratification did not apply to the mandated territories of Japan.”

In this connection, he pointed out that, as a result of the decision of the last Assembly, all the Powers ought to apply special international conventions to the territories under their mandates. General international conventions were automatically applicable, by the terms of the mandate itself, to territories under B mandate ; but there was perhaps a deficiency with regard to the application of general international conventions to C mandated territories. He asked the Commission to take note of this point and bear it in mind for future examination, for it was important in this case to make good the deficiency.

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TWENTIETH MEETING.

*Held on Friday, October 30th, 1925, at 10.30 a.m.*

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Present : All the members who had attended the preceding meeting, except M. Freire d'Andrade.

477. **Petition of the Executive Committee of the Palestine-Arab Congress : Observations of the Commission : Question of the Publication of Petitions.**

M. RAPPARD submitted the following resolution :

“The Permanent Mandates Commission has noted the two petitions from the Executive Committee of the Palestine-Arab Congress and the comments appended by the mandatory Power.

“In view of the fact that, in the first petition, the very principle of the Palestine Mandate was contested, the Commission has decided not to take it into consideration.

“As regards the second petition, the Commission has discussed the matter at length, first in the presence of the accredited representative of the mandatory Power and then *in camera* after he had left. In spite of the very numerous allegations made and the information contained in this petition and in the report and comments of the mandatory Power, and in spite of the supplementary information given by the accredited representative, the Commission has not been able to reach a unanimous and final decision concerning the many questions raised. Indeed, the Commission doubts whether it can make any adequate recommendation on so complex and delicate a subject on the sole basis of written documents, even by examining these documents in conjunction with the accredited representative of the mandatory Power against which the petitioners feel they have cause for complaint.

“In view of this difficulty and of the information received that further petitions will shortly be submitted to it by the same persons, the Commission has decided to postpone its final decision.”

Sir F. LUGARD thought that to adopt the resolution of M. Rappard would be a confession of weakness which showed that the Committee was unable to make up its mind. Personally, he considered that there was ample material before it to enable it to come to a decision in regard to the Arab petitions.

The CHAIRMAN asked the various members of the Commission to decide the following question of principle : Ought the Commission to postpone its decision on the question or was it possible to reply immediately to the petition ? Were the Commission to adopt the second solution, he thought personally that the proposal of M. Rappard was very cleverly drafted.

M. VAN REES reminded the Commission of the arguments put forward at earlier meetings by M. Palacios. The Commission was in reality required to give its views not upon the definite complaints put forward by the Arabs but on the whole administration of the mandatory Power. To form an idea of that administration, the Commission ought to be in



a position to regard it as a whole. It might perhaps, as he had already pointed out, be possible for some one who had personally acquired sufficient knowledge of the country to form such an idea, but M. Van Rees was unable to do so. He therefore agreed with the proposal of M. Rappard.

M<sup>me</sup> BUGGE-WICKSELL could also agree with the proposal of M. Rappard.

M. PALACIOS said that he would not oppose the decision which the Commission would take. Nevertheless, he thought his report took more into account the petition in question and showed more consideration for the interests and difficulties concerned. His report, moreover, was not in contradiction with the proposal of M. Rappard, and it might be annexed, in any case, to the report of the Commission to the Council.

M. RAPPARD said that the necessary explanations would be found in the Minutes of the session.

M. PALACIOS agreed.

M. RAPPARD pointed out that he had endeavoured to make it as easy as possible for all members of the Commission to agree to his resolution. He had stated in the text that the Commission had been unable to reach a unanimous decision in regard to the Arab petitions. This, he thought, should suffice.

Sir F. LUGARD thought personally that the Commission had sufficient information before it to take a decision. Nevertheless, were a majority of the Commission to think otherwise, he would not oppose the resolution.

The CHAIRMAN thanked Sir F. Lugard for his statement.

M. PALACIOS reminded the Commission that his report ended with four conclusions. The Commission might perhaps approve the first three, adding, with regard to the fourth, that it had taken no decision upon it and that it had confined itself to referring to the Council the discussion which it had held upon it.

M. CATASTINI pointed out, with regard to the proposal that the Arab petitions should be annexed to the Minutes, that a question of principle arose. There were two other petitions, one coming from the Ashkenasic Jews, the other from the Zionist Jews. If it were decided to publish one petition, the others should also be published.

M. RAPPARD thought that, in view of the minimum of satisfaction which it was possible to give to petitioners, it would be prudent to publish one petition if the other were also published.

M. VAN REES thought that the following principle could be adopted : All petitions of a general nature coming from a whole section of the population or from a community and concerned with the general administration should be published, but not individual petitions — for example, the Robertson petition, examined during the sixth session. The Commission could expect that petitions of the second kind would become more and more numerous and to publish them would increase to an exaggerated extent the size of the annexes to the Minutes of the Commission.

Sir F. LUGARD observed that, if the Arab petition were published, it would be necessary also to publish the reply of the British Government in order that the petitioners might not complain that no notice had been taken of it and might have an opportunity of knowing the views of the Mandatory.

M. CATASTINI explained that, when he had referred to a question of principle, he had meant merely the petitions which had been examined during the present session. In future sessions, were the difficulties to which M. Van Rees had referred to arise, the Commission would be free to decide what it ought to publish.

M. PALACIOS agreed with M. Rappard in thinking that were one petition to be published others must be published. Anyone reading the Minutes of the Commission might consider it strange that petitions to which allusion was made in them had not been published. He was not, however, raising the question of general procedure. In the present case he thought that the two petitions of the Jews should be published, with the replies of the Governments and the reports and conclusions of the Commission. He would examine special cases in the future when they arose.

Sir F. LUGARD considered that to publish all petitions would considerably increase the size of the Minutes, would establish a precedent, and might encourage petitioners to re-argue their case on the grounds that the Commission had not examined all the points raised. This would be a valid criticism in the case of the Arab petition since the Rapporteur had not examined the various complaints and the reply of the Mandatory to them.

The CHAIRMAN pointed out that, with regard to Syria, the Commission had, properly speaking, received only certain petitions and, in a broader sense, letters or telegrams of protest.

M<sup>me</sup> BUGGE-WICKSELL agreed with Sir F. Lugard. If the petitions were published and the resolution on the Arab petition proposed by M. Rappard adopted, then it would be easy to see by reading the Minutes that the Commission had not really discussed the concrete points of the Arab petition, or at any rate that it had not thought good to record its views.

The CHAIRMAN stated that M. Palacios' report clearly explained why the Commission had not thought it could form an opinion on the concrete points of the Arab petition.

M. PALACIOS reminded the Commission that, after having dealt with certain special points of the petition, he had asked Mr. Ormsby-Gore whether he had anything to add to the reply of the mandatory Power which treated point by point the Arab memorandum. The accredited representative had replied in the negative, and the Commission should therefore rest content with the British memorandum, which would be annexed to the Minutes. It must not be forgotten that the Arabs appeared to raise, in addition to a concrete case, the question of general policy, giving examples of a general tendency, and that it was on these grounds that they suggested a visit. The particular cases could not be dealt with appropriately in the short time and with the documents at the disposal of the Commission.

The CHAIRMAN said that, as a general rule, he was in favour of publishing as much of the work of the Commission as possible. The more evidence placed before the public the better the result. Difficulties might arise in certain cases, but since the claims of the Zionists had received publicity, he could not see what difficulty there was in publishing the reply of the mandatory Power.

With regard to the petitioners, the Commission should remember that in reality they did not obtain much satisfaction. In any dispute, it ought to be the rule that both parties should be given the same facilities for representing their views. When the dispute concerned grave questions which interested communities or involved religious matters, the least the Commission could do would be to publish the protests, in order to show how conscientiously the Commission was performing its task.

M. RAPPARD saw no objection to the publication *in extenso* of the Zionist memorandum of 1925, as well as the Ashkenazic petition.

Sir F. LUGARD had no reason of principle against publicity. If the Commission decided to publish the petitions, however, it must publish them all and not a selection, since they all dealt more or less with the same subject.

M. PALACIOS said that the first three conclusions of his report were accordingly approved implicitly and that the Commission had sufficiently examined the proposal of the Executive Committee of the Arab Congress regarding a visit to Palestine, which was the subject of his fourth proposal. His agreement with the proposal of M. Rappard followed from the terms of his report.

In reply to a further remark of M. PALACIOS, the CHAIRMAN said that the petitions, were they to be published, ought to be published *in extenso*, since the Commission could take no responsibility for the expressions used in them.

M. CATASTINI took note of this statement and drew the Commission's attention to the fact that the first Arab petition had been considered by the Commission to be outside its competence.

#### 478. Observations of the Commission on the Petition from the Ashkenazic Community.

After an exchange of views, in which the different members took part, *the draft observations were adopted, with certain amendments* (Annex 14).

#### 479. Observations of the Commission on the Communications of the Zionist Organisations.

After an exchange of views, in which the different members of the Commission took part, *the draft observations were adopted, with certain amendments* (Annex 14).

TWENTY-FIRST MEETING.

*Held on Friday, October 30th, 1925, at 3.30 p.m.*

Present : All the members who had attended the preceding meeting.

480. **Petitions concerning French Togoland and Palestine : Report by the Chairman under Article 3 of the Rules of Procedure.**

1. *French Togoland.*

The CHAIRMAN made the following communication concerning two letters which he had received from the Association of German Togoland (‘‘Bund der Deutsch. Togolaender’’), dated Accra (Gold Coast), June 27th and September 26th, 1925 :

‘‘The petitioners in the two letters protest against the attribution of Togoland under mandate to France and ask that the country, the present administration of which they criticise in general terms, should be given back to Germany.

‘‘As the conclusions of the petition are incompatible with the mandate and the complaints of the petitioners are made in extremely general terms, it does not seem to me that they deserve the attention of the Commission or should be submitted to the mandatory Power.’’

2. *Palestine.*

The CHAIRMAN made the following communication concerning a general protest against the ‘‘Zionist policy of Balfour’’ which he had received from the ‘‘National Party’’ (Al-Hizd-Al-Watani), dated Mosul, August 3rd, 1925 :

‘‘As this petition is also obviously incompatible with the provisions of the mandate, I have decided that it does not deserve the attention of the Commission and that it is not necessary to submit it to the mandatory Power’’.

*The Commission approved these communications.*

481. **Procedure to be Followed with regard to Notes submitted by Members of the Commission.**

The consideration of M. Van Rees’ note on the Liquor Traffic, Forced Labour and Levies in Kind, and on Military Clauses was postponed to the June session.

MR. GRIMSHAW and M. FREIRE D’ANDRADE were appointed Rapporteurs on the second and third notes respectively.

The notes of Sir F. Lugard and M. Freire d’Andrade on the Economic Development of the Mandated Territories considered in relation to the well-being of the Native Peoples were forwarded to M. Orts, Rapporteur (Annexes 11 and 12).

M. VAN REES suggested that the Rapporteur should in each case examine the notes and accept them or not as the case might be ; he would then send the notes with his own observations to another member, who would send it on to another, and so on until the note came back to its author, who could then withdraw or amend it if he wished. The Commission would thus be ready to begin the discussion without delay.

The CHAIRMAN preferred the following method ; one of the members of the Commission would draft a note and send it to the Secretariat, which would circulate it to all the members ; the members would make any observations they thought fit, and the Secretariat would send only the note and the observations back to the Rapporteur, who would then have before him the views of all his colleagues and could use them as a basis for his report.

He thought this procedure would be much more satisfactory than that suggested by M. Van Rees, which would result in too many documents.

SIR F. LUGARD observed that some of the notes on the list dated from the previous year, while others were new. If the latter were to be discussed next year, Rapporteurs should be appointed.

M. CATASTINI pointed out that, last session, the Commission had decided to appoint at each session a Rapporteur to bring forward the notes next year. He insisted on the importance and utility of the appointment of a Rapporteur and he would like to know at what moment, according to the proposal of Sir F. Lugard, the Rapporteur would be appointed.

Sir F. LUGARD suggested that when notes were sent to the Secretariat they might at the same time be circulated to the members of the Commission. If this were done and no observations were received from members, no Rapporteur would really be needed. If, on the other hand, any observations were received, a Rapporteur would be required, but he wished it to be clear that the Rapporteur need not necessarily be identical with the author of the note, though it might often be desirable that he should be.

After an exchange of views, *the following procedure was adopted*: The author of a note would send it to the Secretariat, which would distribute it to all the members of the Commission, and at the following session a Rapporteur would be appointed. If the members of the Commission sent in observations, the Secretariat would forward them to the Rapporteur. The observations must reach the Rapporteur at least two months before the meeting of the session. In the event of the Chairman receiving a note from a member of the Commission concerning a question which had not been dealt with, he might appoint a Rapporteur if the note reached the Secretariat three months at least before the meeting of the Commission. After the appointment of the Rapporteur, the same procedure would be adopted with regard to the note as in the other cases.

**482. Petitions concerning Palestine and South-West Africa received through the Mandatory Powers**

The CHAIRMAN made the following communications:

*1. Palestine.*

"The British Government, in a letter dated July 4th, 1925, forwarded to the Secretariat a general protest from the Secretary of the National Party in Tul Karem against the Zionist policy carried out in Palestine. The British Government did not offer any observations on this protest as they understood that the Permanent Mandates Commission had expressed the view that it could take no cognisance of requests to alter the terms of the mandate.

"As this petition, which is in very general terms, is obviously incompatible with the provisions of the mandate, I presume that the Commission will not consider that it is in a position to examine it."

*2. South-West Africa.*

"The Government of South Africa has communicated, under date of August 11th, 1925, and September 1st, 1925, further papers from Mr. Lange.

"The Commission will remember that it decided at its last session that, as Mr. Lange's previous petitions dealt either with appeals against decisions regularly rendered by a Court of the mandatory Power or with matters which might have been submitted to such a Court, they could not be considered. I have examined the additional papers and can see no reason why the Commission should deal with the matter further."

*The Commission agreed with the opinion expressed by the Chairman.*

**483. Observations of the Commission on the Administration of Palestine (under the Mandate of Great Britain).**

The Commission examined the draft observations on Palestine, *which it adopted, with certain amendments.*

**484. Documents received from the Brussels Liquor Bureau: Report by Sir F. Lugard (Annex 13).**

Sir F. LUGARD explained that there would be no difficulty in carrying out the proposals made in his note. The Brussels Bureau had been set up for the purpose of collecting statistics regarding the liquor traffic in Africa and could simply be asked to supply the desired information.

M. CATASTINI reminded the Commission that, as long ago as January 11th, 1922, the Council had taken a decision authorising the Secretary-General to ask the Brussels Bureau to supply information of this kind.

Sir F. LUGARD pointed out that the information previously forwarded by the Bureau on this subject was useless, as it included non-alcoholic beverages, while in some cases no figures were given regarding the quantities imported or the duties charged. It also was very incomplete with regard to the countries reported on.

M. CATASTINI took it that the proposal was to obtain the information from the Brussels Bureau in the form expressly mentioned by Sir F. Lugard.

**485. Report on the Work of the Seventh Session of the Commission.**

The Commission discussed its draft general report to the Council, including a paragraph concerning the transmission of petitions by mandatory Powers, *and adopted it, with certain amendments* (Annex 14).

**486. Arrangements for Examination of the Different Reports of the Mandatory Powers.**

Sir F. LUGARD suggested that an effort should be made to obtain all the reports for the African territories in time for the June session and those for the Asiatic and Pacific territories in time for the October session. His reason was that, if any member of the Commission were unfortunately compelled to be absent from one of the two sessions, he would then endeavour to attend that session which dealt with those territories of which he had the most extensive knowledge. He also pointed out that the African reports were all more or less of the same character, and that the same might be said of the Asiatic and Pacific reports respectively.

M<sup>me</sup> BUGGE-WICKSELL agreed with Sir F. LUGARD. She also thought that it was desirable that the mandatory Power should know at which session its reports were to be discussed.

M. RAPPARD observed that, in view of the administrative periods adopted in some of the territories, it would be impossible to examine the reports upon them until more than a year after they had been drafted, and that at such a late date they would have lost much of their value. The A mandates in particular were of great interest to the Assembly and should therefore be discussed in time for the Assembly to have before it the Commission's observations upon them.

M. CATASTINI pointed out that the argument with regard to the distance did not hold good for A and B mandates. These could therefore be discussed at the June session and all the C mandates could be held over till October.

*This proposal was adopted.*

**487. Syria : Special Session in February 1926.**

After a discussion, *it was agreed* that the Commission should be convened two days before the arrival of the representative of the mandatory Power, and that, during the preliminary discussion, members should each undertake to make a special study of one aspect of the question. The Secretariat was requested to compile forthwith a dossier as complete as possible containing the official documents, petitions and Press cuttings, notably from the Arab Press.

**488. Preparation of a Table giving Certain Statistical Information for Each Mandated Territory.**

Sir F. LUGARD said that, if the suggestion should meet with the approval of the Chairman and of the Commission, it would, he thought, be of much value if the Secretariat could draw up a report in the form of a table showing in respect of every mandated territory :

- (a) The area (in square miles and square kilometres) ;
- (b) The population (native and non-native) ;
- (c) The revenue for the past five years ;
- (d) The amount spent each year by the Mandatory :  
(1) as a free gift ; (2) as loans ;
- (e) The amount of revenue spent on education of natives each year ;
- (f) The amount of revenue spent on public health each year ;
- (g) The amount of revenue spent on agriculture each year ;
- (h) The amount of revenue spent on public works each year ;
- (i) The public debt of the territory on December 31st, 1924 ;
- (j) Its total trade in 1924.

If these figures were not available, a form could be drawn up and circulated to mandatory Powers, who might be asked to complete it.

M. CATASTINI replied that the Mandates Section would be glad to carry out Sir F. Lugard's suggestion in so far as the necessary information was available in the annual reports. It could be circulated to the Commission before its next regular session.

*The proposal of Sir F. Lugard was adopted.*

Sir F. LUGARD said that he would suggest a tabular form to the Secretariat.

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*The proposal of Sir F. Lugard was adopted.*

Sir F. LUGARD said that he would suggest a tabular form to the Secretariat.

489. Close of the Session.

The CHAIRMAN thanked his colleagues for their co-operation. He felt that the Mandates Commission had done some very useful work, and had not found too much difficulty in carrying out a particularly delicate task and in satisfying the League of Nations and the mandatory Powers. He pointed out that these excellent results were primarily due to the able assistance of the Secretariat, and desired in particular to thank the Translation and Precis-writing Sections and the Registry. He had had much experience with national and international conferences, and felt bound to point out that in the League of Nations the work was done rapidly and accurately, despite the inevitable confusion caused by the use of two languages and by the complexity of the questions to be discussed.

If he had not always been quite equal to the important duties laid upon him, he hoped that his colleagues would overlook his deficiencies, and he thanked them, both personally and on behalf of the Secretary-General, who had said that the Mandates Commission was one of those which showed the greatest devotion to its work and the strictest conscientiousness in performing the duties entrusted to it by the Covenant.

In conclusion, as a "civis Romanus", he hoped to welcome all his colleagues in Rome in February 1926.

Sir F. LUGARD desired to thank the Chairman for his courtesy and his able conduct of the discussions, and to congratulate him on the manner in which he had acquitted himself of the overwhelming burden of work which the Syrian questions had imposed upon him.



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Annex 1.

AGENDA OF THE SEVENTH SESSION OF THE PERMANENT  
MANDATES COMMISSION

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- I. Opening of the Session by the Chairman.
  - II. Statement by the Head of the Mandates Section on the Development of the Work since the preceding Session.
  - III. Examination of the Annual Reports of the Mandatory Powers :
    - Report by the British Government on the administration under mandate of *Palestine and Transjordan* for the year 1924.
    - Report on the situation in *Syria and Lebanon* for the year 1924.
    - Report by the British Government on the administration of *Iraq* for the period April 1923-December 1924.
    - Report by the British Government on the administration under mandate of the *British Cameroons* for the year 1924.
    - Report by the Belgian Government on the administration of *Ruanda-Urundi* during the year 1924.
    - Fifth report of the Government of New Zealand on the administration of the mandated territory of *Western Samoa*, April 1st, 1924-March 3st, 1925.
    - Annual report on the administration of the *South Seas Islands* under Japanese mandate for the year 1924.
    - Report on the administration of *Caprivi Zipfel* (South-West Africa).
  - IV. Petitions :
    - Palestine* : (a) The Ashkenasic Jewish Community at Jerusalem. Rapporteur : M. Orts.
    - (b) Executive Committee of the Palestine Arab Congress. Rapporteur : M. Palacios.
    - Syria* : (c) Emir Chekib Arslan. Rapporteur : The Marquis Theodoli.
  - V. Revision of the Questionnaire regarding B and C Mandates. Rapporteur : M. Orts.
  - VI. Drafting of a Questionnaire for Iraq. Rapporteur : M. Orts.
  - VII. Ex-Enemy Property in Mandated Territories. Rapporteur : Sir F. Lugard.
  - VIII. The Economic Development of the Mandated Territories considered in Relation to the Well-being of the Native Peoples. Rapporteurs : Sir F. Lugard and M. Freire d'Andrade.
  - IX. Labour Levies (*prestations*) and the Clauses of the Mandates referring to Compulsory Labour. Note by M. Van Rees.
  - X. Liquor Traffic :
    - (a) Information furnished by the Central International Office for the Control of the Liquor Traffic in Africa. Rapporteur : Sir F. Lugard.
    - (b) Provisions in the Covenant and in the B and C Mandates concerning the liquor traffic. Note by M. Van Rees.
  - XI. Military Organisation in B and C Mandated Territories. Note by M. Van Rees.
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Annex 2.

NOTE ON MORTALITY IN THE DIAMOND FIELDS OF SOUTH-WEST AFRICA

*Communicated by Mr. H. A. Grimshaw, Representative of the International Labour Organisation.*

The Permanent Mandates Commission will recall that the question of the high rate of mortality in the diamond mines of South-West Africa was discussed during its sixth session and that the following observation was adopted on the question :

“During its fourth session, the attention of the Commission was drawn to the health of the labourers in the diamond mines at Luderitz. The Commission appreciates the efforts made with a view to reducing the number of deaths and the cases of illness of workers in this industry. The latest statistics show, however, that the mortality rate is still extremely high, particularly among the workers who are natives of Ovamboland. The accredited representative has assured the Commission that this question continues to occupy the serious attention of the mandatory Power.”

During the twenty-ninth session of the Governing Body of the International Labour Office, Dr. Orenstein, representative of the South African employers, in reference to a passage in the Director's report concerning the sixth session of the Permanent Mandates Commission, made certain observations and asked that the information he was able to give should be communicated to the Commission.

Dr. Orenstein spoke as follows :

“Mr. Chairman, I just want to say a word about the report with regard to mandates on page 13. It is mentioned there that the Commission at its sixth session referred particularly to the French Cameroons and to the diamond fields of South-West Africa and that it passed unusually strongly worded observations on the high mortality in these two mandated territories. I know nothing about the Cameroons, but I do know a good deal about South-West Africa. I want to say to this Governing Body, in the hope that the information I convey to you will be passed on to the Mandates Commission in due course, that apparently the Mandates Commission was not in possession of all the true facts in connection with the South-West territory and the mortality of natives in the diamond fields.

“It is quite true that until about a year or so ago the mortality of natives in the diamond fields of South-West Africa was very high ; it was so high that the Administration and the mine-owners realised that something had to be done. A little over a year ago, therefore, the Administration, in concurrence with the mine-owners, because they could not come to an agreement as to the best measures to be taken, asked me to go to the South-West territory and advise them as to what should be done. I went out there, and I must say that in a very long experience of these matters I have never met an administration or a private enterprise who was so willing to co-operate and to do the right thing. At that time I think the mortality was about 120 per 1,000 per annum. It must be understood that these diamond fields are not mines at all. The diamonds are collected on the seashore, on the sands of the shore, in the desert among the sand dunes. The people who work among these fields are exposed to tremendous wind velocities and great changes of temperature, the velocity being sometimes so great that it actually scarifies the skin of one's face, so that you cannot, for instance, go about without glasses to protect your eyes. In these circumstances, when people work and get heated — especially natives — they are likely to take off their clothes, and suddenly a big wind comes and they get chilled and various diseases occur, especially diseases due to inflammation of the lungs.

“Also the question of building suitable barracks becomes a very serious one, because the dune formation grows very rapidly and one cannot build enclosed squares, for instance. The sand fills up the whole of the barracks in a few weeks and you cannot enter them.

“There are a great many technical things in the way and a great deal of expenditure was necessary ; but this expenditure was immediately undertaken by the Government. The Government quickly promulgated circular orders and the mine-owners merely co-operated in carrying out these operations, with the result that within four months the mortality dropped enormously. I am going to hand in a tabular statement showing the mortality for the first eight

months of the year 1925, including August. During the period January to April the mortality was very low indeed, and there was an increase from May to August of this year, as is usual in the cold season in these sub-tropical desert regions. This mortality, however, was not so much among the natives in the South-West territory with whom the Mandates Commission is particularly concerned but among the natives in South Africa, and was due to the accidental introduction of an epidemic of meningitis and enteric fever. But even this accidental epidemic still leaves the total mortality for the eight months on a basis of an annual mortality of 28 per 1,000 per annum — a drop to one-fifth of what it was before.

“I submit, Mr. Chairman, that that is no small thing to have accomplished in less than a year. I have no illusion as to the possibility of reducing the mortality among the natives in the diamond fields. Even with the agricultural natives in the interior of the country, there are certain risks in this climate which will always have to be faced. I think it will be very discouraging to the Government and to the Administration of the South-West Protectorate, as well as to the mine-owners, to have a criticism of this sort on their efforts when they are actually doing their utmost to bring about a proper condition of affairs, and for this reason, and for the approval of our High Commissioner and Administration, I submit to you these figures.

“May I add just one word ? I forgot to say that we have no feeling of resentment against the Office. Indeed, speaking personally, as one very much interested in native hygiene, I welcome exceedingly the fact that this was brought to the attention of the Mandates Commission and I have absolutely no feeling in the matter. I congratulate the Office in looking after the matter, because it is good sometimes to ‘put the screw on’.”

The Director of the International Labour Office thanked Dr. Orenstein for the information he had given and congratulated the South African Administration on the action it had taken and its successful results. He promised to communicate the observations to the Permanent Mandates Commission.

The statistics submitted by Dr. Orenstein to the Governing Body are the following :

*Diamond Fields of South-West Africa Mandated Territory.*

1925	Number employed		Deaths	
	Ovambos <sup>1</sup>	Total	Ovambos	Others
January . . . . .	1,206	3,714	3	4
February . . . . .	1,230	4,918	2	7
March . . . . .	1,245	5,260	4	6
April . . . . .	1,241	5,346	1	8
May . . . . .	1,168	5,265	5	17 <sup>2</sup>
June . . . . .	1,163	5,286	7	23
July . . . . .	1,294	5,675	6	24
August . . . . .	1,524	6,151	5	25
	Per annum per 1,000 =		+33	+28

<sup>1</sup> “Ovambos” are natives of South-West mandated territory. The remainder of the employees are largely recruited from other parts of South Africa.

<sup>2</sup> May is the beginning of the cold season. The mortality usually rises during that season. The large increase here is, however, due to introduction of meningitis and enteric fever by labourers from the Union of South Africa. I understand it is now controlled.

Annex 3.

SLAVERY IN THE BRITISH CAMEROONS

*Summary of the Information given in the Reports of 1922, 1923 and 1924, and that obtained by the Commission from the Accredited Representatives.*

*Submitted by the Representative of the International Labour Organisation.*

I. SLAVE-TRADING AND SLAVE-DEALING.

1. *The position.*

On the occupation of the area now under mandate by the British forces, an active slave trade appears to have been in existence, and the relaxation of German control seems to have resulted in a worsening of the position. Slave-dealing, it is stated, with its attendant evils of kidnapping and raiding, had become rampant<sup>1</sup> in some districts, more particularly in the northern portion of the area. The main object of the trade appears to have been the capture of children with a view to their sale to Fulani or Arabs.<sup>2</sup> The Fulani, in particular, seem to have been addicted to the practice. Most of their chiefs had been themselves slave raiders,<sup>3</sup> and the general attitude of the people, at least in the Dikwa Emirate, towards enslavement is illustrated by the statement that the trade in pagan children was scarcely regarded as a crime.<sup>4</sup>

In the southern part of the area (Cameroons Province) the trade was less general, being confined for the most part to the Mamfe Division,<sup>5</sup> though recently cases have been reported also from the Bamenda Division.

2. *Legislative action.*

The first and, so far as the reports examined indicate, the only legislative measure taken in regard to the slave trade, appears to be the extension to "those parts of the Cameroons which are for the time being administered as territory in the occupation of the British Forces" of the Criminal Code Ordinance (1916) of Nigeria (amended by the Criminal Code (Amendment) Ordinance, 1917). This was done by Proclamation No. 23 of September 20th, 1919.<sup>6</sup>

Under this Code kidnapping is punished by imprisonment for ten years, deprivation of liberty by two years, and slave-dealing and pledging by seven years. Presumably, the prosecutions for these offences to which the reports refer have been taken under the Code. The statistics which are collected below do not appear to give a complete record of cases; there are a number of indications in the reports which seem to refer to cases not enumerated<sup>7</sup>:

- 1920 : 25 cases in the Dikwa Emirate.<sup>8</sup>
- 1921 : 6 cases in the Cameroons Province, resulting in six convictions involving eight persons.
- 1922 : 3 cases in the Cameroons Province; no convictions. Seven men sentenced in the area south of the Benue River and East of Yola.
- 1923 : 6 cases in the Cameroons Province, resulting in six convictions involving 18 persons.
- 1924 : 10 cases in the Cameroons Province, resulting in 13 convictions involving 22 persons; three convictions for kidnapping in the Yola area.<sup>9</sup>

<sup>1</sup> Report for 1922, paragraph 67.

<sup>2</sup> Report for 1922, page 7, paragraph 3, p. 29, paragraph 96; Report for 1923, paragraph 46; Report for 1924, paragraph 100.

<sup>3</sup> Report for 1922, paragraphs 8 and 68; Report for 1923, paragraph 62.

<sup>4</sup> Report for 1922, p. 18, paragraph 41.

<sup>5</sup> Report for 1922, p. 33; Report for 1923, p. 40, paragraph 15.

<sup>6</sup> For text of proclamation, see 1922 report, p. 61. It is nowhere clear that the territories here mentioned comprise the whole of what is now the area under mandate.

<sup>7</sup> *E.g.*, 1922 report, p. 7, paragraph 3.

<sup>8</sup> Report for 1924, paragraph 101.

<sup>9</sup> One point in regard to the jurisdiction of the courts in regard to slave-dealing remains to be cleared up. It appeared from the 1923 report that whilst in the southern districts the British courts (provincial courts) *alone* had jurisdiction in regard to slave-dealing, in Dikwa the Emir's court heard such cases. The accredited representative, Mr. Tomlinson, when questioned by Sir F. Lugard on the point, indicated that it was not clear whether the cases dealt with by the Emir's court were those of slave-dealing or of emancipation and promised to make enquiry. So far as I am aware, no further information on the point has been received.

### 3. *Other action.*

The Administration has taken certain practical measures to put an end to the trade. For example, the first report (1922) states that in the south-western corner of the area a patrol of "askar" or foot police had been established on a route known to be frequented by the traders.<sup>1</sup> Several arrests followed, and the report for 1923 was able to state that the work of the patrol appeared to have put an end entirely to trading in that particular area,<sup>2</sup> as no cases had been noted for some time. The report for 1924 mentions four prosecutions in the Emirate, but does not specify whether the cases arose in this particular area or elsewhere.<sup>3</sup>

The eastern part of the area borders on French territory, and here additional difficulty was experienced because of the ease with which the frontier was crossed by offenders. Early in its career the Administration established two district headquarters on a well-known trading route in this area, again with resultant arrests; in some cases the district headmen are stated to have intercepted traders.<sup>4</sup> It will be remembered that the Mandates Commission called attention to the desirability of French and British co-operation in this case.<sup>5</sup> That such action was necessary is evident from the statement in the report for 1923 that most trading cases occurred in this south-eastern area, that most of the offenders were Arabs from east of the Shari (i.e., in French territory) and that arrests were rarely effected.<sup>6</sup> By the time the report for 1924 came to be written, however, the Administration was able to state that co-operation with the French authorities in the neighbouring area had been continuous and effective; a number of ex-slaves had been repatriated with the assistance of French officials; in other cases, information sent to the French authorities had resulted in the arrest and trial of offenders and the release of their victims.<sup>7</sup>

Generally speaking, the reports give encouraging evidence of a change of attitude on the part of the population and particularly of the chiefs in regard to the trade. The co-operation of the latter appears to have been asked for from the first, as, for example, in the Dikwa Emirate, where the village chiefs were instructed to produce strangers before the district headmen in order that enquiry might be made into their *bona fides*.<sup>8</sup> The procedure seems to have been successful; the 1924 report describes the district and village headmen as becoming increasingly vigilant and refers to the capture of a gang of Fulani traders and the release of eight children.<sup>9</sup>

In other areas similar tactics were followed. Though in the area north of the Benue River many of the district chiefs, according to the 1922 report,<sup>10</sup> had been "long engaged in such practices as slave-raiding", their co-operation is mentioned in 1923 as having assisted in reducing the trade to small proportions; at that period it was believed that the chiefs did "not think it worth while to dabble in this form of crime".<sup>11</sup>

It is evident, therefore, that progress has been made in the suppression of the crime, but the 1924 report contains evidence that it is not yet eradicated. In the Adamawa district, "owing to difficult nature of country and previous neglect, it will be years before such practices as slavery . . . are entirely eradicated",<sup>12</sup> and, whilst the trade is said to be practically non-existent in the Gashaka area, cases still arise in Dikwa, Yola and the Cameroons Province<sup>13</sup>.

## II. DOMESTIC AND OTHER SLAVERY.

### 1. *The position.*

The reports do not give any very precise information as to the extent or nature of the slavery which exists, except with regard to the Cameroons Province, where, according to the 1922 report, "there may be some 2,000 all told, who, in native public opinion, are looked down upon as of an inferior social and servile status".<sup>14</sup> The number is given in the 1923 report as 1917, and those are stated to be generally established in small hamlets and to

<sup>1</sup> Report for 1922, p. 18, paragraph 41.

<sup>2</sup> Report for 1923, paragraph 44.

<sup>3</sup> Report for 1924, paragraph 101.

<sup>4</sup> Report for 1922, p. 18, paragraph 42.

<sup>5</sup> Minutes III, p. 156.

<sup>6</sup> Report for 1923, paragraph 44.

<sup>7</sup> Report for 1924, paragraph 100.

<sup>8</sup> Report for 1922, p. 18, paragraph 41.

<sup>9</sup> Report for 1924, paragraph 100.

<sup>10</sup> Report for 1922, paragraph 65.

<sup>11</sup> Report for 1923, paragraph 73.

<sup>12</sup> Report for 1924, paragraph 38.

<sup>13</sup> Report for 1924, paragraph 101.

<sup>14</sup> Report for 1922, p. 35, paragraph 15.

show no desire to move.<sup>1</sup> The same report refers to the discovery of two slave communities in the Mamfe division of the province.<sup>2</sup>

With regard to the rest of the area under mandate, it appears that slavery in one form or another exists, but it is not possible to arrive at any clear idea with regard to it from the information available.

## 2. Legislative action.

Until 1924 the legislation on the subject of slavery (as distinct from slave-trading) appears to have been the German Law of February 21st, 1902, under which the children of slaves became freedmen and those of freedmen became free, and the enslaving of further persons was legally impossible.<sup>3</sup> On February 28th, 1924, the Slavery Abolition Ordinance of Nigeria was extended to the area under mandate. From that date, therefore, the legal status was entirely abolished and all persons *heretofore or hereafter* born in or brought within the area are free.<sup>4</sup>

## 3. Other action.

As usual, non-recognition by the Administration of the legal status does not imply equal non-recognition in native public opinion. It has been necessary, therefore, in some cases to allow the native courts "to provide persons of servile birth with the means of ridding themselves of the stigma attaching to their origin".<sup>5</sup> This is apparently the matter referred to in the 1922 report, where it is stated that "household slaves can obtain their freedom under the usual conditions of Mohammedan law", a statement which led to a certain misunderstanding. It is now clear that the procedure is entirely voluntary and taken merely "in order to satisfy native public opinion".<sup>6</sup> Any payments made on emancipation<sup>7</sup> are permitted for the same reason as being necessary from the native point of view, and in no case can a certificate of freedom be refused to any applicant for it.

The following figures regarding emancipation are available, but, as in the case of slave-dealing, it is not clear that they are complete.

## 4. Emancipations in the Dikwa Emirate.

	1922 <sup>8</sup>	1923 <sup>9</sup>	1924
By self-redemption . . . . .	4	2	—
Ransomed by relatives . . . . .	1	—	—
By order of native courts . . . . .	37	30	—
Totals . . . . .	42	32	—

For the Mamfe division of the Cameroons Province, the following figures are available:<sup>10</sup>

	1922	1923
Manumitted by order of native courts . . . . .	4	20
Emancipated by order of provincial court . . . . .	—	2
Total liberated since the inauguration of the province . . . . .	—	298

The only other statistical information available is that 16 persons were freed in the area under mandate (excluding the Dikwa Emirate) during the period covered by the report of 1923.<sup>11</sup>

These figures are so incomplete that it is difficult to draw any conclusions from them. It seems possible and desirable that complete figures regarding the action of both the native and the provincial courts should be supplied in future reports.

October 14th, 1925.

(Signed) H. A. GRIMSHAW.

<sup>1</sup> Report for 1923, p. 41, paragraph 18 (corrected in 1924 report, paragraph 104).  
<sup>2</sup> Report for 1923, p. 40, paragraph 15.  
<sup>3</sup> Report for 1922, p. 33, paragraph 10. It is not clear that this law applied to all parts of the area; the reference here is to the Cameroons Province only.  
<sup>4</sup> Report for 1923, p. 5, paragraph 3.  
<sup>5</sup> Report for 1924, paragraph 102.  
<sup>6</sup> *Loc. cit.*  
<sup>7</sup> Said to be very small, e.g., more than £3 in the Dikwa Emirate.  
<sup>8</sup> Report for 1922, paragraph 43.  
<sup>9</sup> Report for 1923, paragraph 45.  
<sup>10</sup> Report for 1923, p. 41, paragraph 18.  
<sup>11</sup> Report for 1923, p. 5, paragraph 3.

Annex 4.

ANALYSIS OF THE DISPOSITIONS RELATING TO THE APPLICATION  
OF THE MANDATES SYSTEM

Note by M. Van Rees.

[Translation.]

As I had the honour to explain during the sixth session of the Mandates Commission,<sup>1</sup> the provisions concerning mandates which appear in the Treaties of Peace and the clauses of the various mandates form, when taken together, what may be called an international constitution, the observance of which in its entirety has been voluntarily undertaken by the mandatory Powers.

The Powers administering the territories which have been entrusted to them in the name of the League of Nations are obliged to show that they have fully complied with their obligations, and for that purpose they are bound under the Covenant to render to the Council an annual report to be examined and discussed by the Permanent Mandates Commission in the presence of the accredited representative of the Mandatory.

It is therefore desirable that not only the mandatory Powers but the Commission as well should have a clear and definite conception of the meaning and bearing of all the provisions of the Covenant and the mandates which prescribe the duties of the mandatory administration.

These provisions are sometimes not as clear and definite as they might be. So vague are they, indeed, that occasionally they seem to lend themselves to very different interpretations, while a number of them, if taken literally, lead to illogical conclusions.

The Commission has frequently suffered from this; it has therefore attached great importance to the finding of a satisfactory solution for various questions which have arisen as a result of the vagueness of certain expressions either in the Covenant or in the texts of the mandates.

There are, however, certain other questions of the same nature which have only been very superficially dealt with, and it is equally desirable that we should make them the subject of lengthy study in order to clear the ground as far as possible and so enable the Commission to carry out its difficult task on a firm basis.

By way of illustration, I will give a few instances, all of them connected with the system of B and C mandates.

These examples — and the list is far from complete — are not primarily concerned with problems which, though of real theoretical importance, are not of great practical interest so far as the work of the Commission is concerned, *e.g.*, to take only one case, the question as to who, after the entry into force of Article 119 of the Treaty of Versailles, is in possession of sovereignty over the former German colonies which constitute the areas under B and C mandates.

I have, on the contrary, only dealt with questions all of which have already been raised but not settled during the annual discussions of the Commission, and the practical interest of which is undoubted.

I therefore lay the following list before the Commission :

1. Are the clauses of the mandates in harmony with the distinctive conception of the B and C mandates which appears in Article 22 of the Covenant ?
2. Is it allowable to give the territory a political organisation which would make it practically independent of the mandatory State ?
3. Do the clauses of the Covenant and of the mandates oblige the mandatory Powers to devote themselves to the development of the territory and of its population exclusively in the interest of the natives ?
4. Is there any contradiction between the clauses concerning the liquor traffic which appear in the Covenant and those which appear in the mandates ?
5. Is the tax known as the labour levy (*prestation en nature*) allowable in a mandated territory ?
6. What is the import of the special military clauses which have been inserted in the mandates for French Togoland and the French Cameroons ?
7. Is it contrary to the principle of economic equality to authorise the recruiting of natives in order to supply additional labour in a colony belonging to the mandatory Power while forbidding such recruiting in a case in which another country would benefit thereby ?
8. What are the obligations which result from the principle that the mandatory Powers, having been made trustees by the League of Nations, shall derive no profit from this trusteeship ?

<sup>1</sup> See p. 138 of the Minutes of that Session.



9. Is it allowable for the mandatory Power to establish in a mandated territory a system of taxation designed to yield a large annual budgetary surplus ?
10. Do the full legislative powers conferred on the Mandatory allow it to appropriate by legal measures assets in the territory under mandate ?
11. Is the Mandatory authorised to establish on its own account in a territory under mandate *public* undertakings of its own ?
12. Is it open to the Mandatory to take security of any kind in a mandated territory in respect of a guaranteed loan or of an advance ?

The study of such questions by the Mandates Commission, with the object of gradually and methodically establishing for its own use what, in my opinion, would constitute its jurisprudence, seems to me to be not only of great value but really indispensable for its work in general and particularly for its discussions with the accredited representatives of the mandatory Powers.

We must not lose sight of the fact that some of the provisions whose application the Commission has to supervise are not, as I have already said, couched in a clear and concise form, and that there is no official commentary to inform us as to their origin. Under these circumstances, it is for the Commission to study them and to interpret them for its own use whenever it meets with an obscure clause, so as to obtain a set of guiding principles which may enable it to appraise the administration of the mandatory Powers.

It is possible that these interpretations, when finally adopted, may not be accepted by the Powers in question or by the Council ; that is certainly possible, but do not forget that, even in cases in which the Commission might find itself obliged to revise or reject certain of its pronouncements, the work will not have been useless since, as the proverb says, "Truth springs from conflicting opinions".

The conviction of the need for such work led me to press the Commission at the twentieth meeting of the last session to arrange that memoranda dealing as completely as possible with questions such as I have referred to should be submitted to it from time to time.

I have acted on this recommendation myself, and I beg to submit the three attached memoranda (Annexes 4(a), 4(b) and 4(c)), in which I have done my best — though very briefly — to deal with the questions which appear in the above list under Nos. 4, 5 and 6.

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C. P. M. 291. (Annex 1 (1)).

Annex 4a.

IS THERE ANY CONTRADICTION BETWEEN THE PROVISIONS OF ARTICLE 22 OF THE COVENANT AND THE PROVISIONS OF THE B AND C MANDATES IN SO FAR AS THEY RELATE TO THE LIQUOR TRAFFIC ?

*Memorandum by M. Van Rees.*

[*Translation.*]

1. Article 22 of the Covenant lays down in paragraphs 5 and 6, which refer to B and C mandates, that the mandatory State shall be responsible for the administration of the territory under conditions which will guarantee "the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic".

The liquor traffic being thus described as an "abuse" of the same nature as the slave trade, it follows that the Covenant, if *literally* interpreted, requires that in territories under B and C mandates the traffic in spirituous liquors of every kind should be absolutely prohibited both in the case of natives and of Europeans.<sup>1</sup>

On the other hand, the texts of the B mandates only contain the following reference to this question :

"The Mandatory . . . shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors."<sup>2</sup>

Therefore, there is no prohibition, either total or limited, since the B mandates only require a "strict control" over the traffic in spirituous liquors.

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<sup>1</sup> This interpretation has been supported by various philanthropic societies, mainly British societies : Cf. the memoranda of the Native Races and the Liquor Traffic United Committee of August 1921, September 1922 and October 1924, and the letter of the International Committee of the World Prohibition Federation addressed to the Secretary-General of the League of Nations on July 29th, 1922.

<sup>2</sup> See Article 5, paragraph 5, of the Mandates for Ruanda-Urundi and Tanganyika, and Article 4, paragraph 5, of the other B Mandates.

On the other hand, the prohibition reappears in the C mandates in the following form :

“The supply of intoxicating spirits and beverages to the natives shall be forbidden.”<sup>1</sup>

Therefore, in this case, provision is made not for a strict control as in B mandates, and not for a total prohibition of this traffic as prescribed by the letter of the Covenant, but for a prohibition which only applies to the natives in the territory.

2. These very divergent provisions are absolutely inconsistent.

Is the contradiction, however, such as to exclude the possibility of bringing them into agreement ?

If we only take account of the terms of the Covenant and of the mandates, there can be no doubt as to what our reply will be.

Nevertheless, if we remember the origin of Article 22 and its obvious intention, it would seem that an altogether different interpretation might be justified.

This article was not prepared after a scrupulous examination of its text by a competent committee ; it is only a “recommendation” containing guiding principles, and was drawn up at the end of that meeting of the Supreme Council on January 30th, 1919, at which the decision was taken in principle to establish the regime of mandates. Although prepared for the use of the “Drafting Committee”, this recommendation, for reasons which I do not think I need refer to here,<sup>2</sup> was inserted in the Covenant without passing through the hands of that Committee. The Covenant was adopted on February 13th, 1919, and this recommendation formed Article 19 of the Covenant — an article which later, after being slightly modified, appeared as Article 22 in the final text of the Covenant which was voted on April 25th, 1919, still without having been previously examined by any drafting committee.

It is to this procedure that Albert Millot largely attributes the “vagueness, the deficiencies and the imperfections” of the provisions of Article 22 — a criticism which will be seen to be well justified if we carefully examine the wording of this article.<sup>3</sup>

The clause dealing with the liquor traffic is a striking proof of this.

As I remarked at the beginning of this memorandum, the fifth paragraph of Article 22 provides for the prohibition of abuses “such as the slave trade, the arms traffic and the liquor traffic”.

It therefore assimilates the slave trade to the traffic in arms and the liquor traffic and, without any reservation, qualifies as an “abuse” not only the liquor traffic but also the arms traffic, although it is quite certain that nobody ever intended to designate the arms traffic in itself as an abuse.<sup>4</sup>

This simple fact makes it necessary for us to consider the terms of Article 22 with the utmost care and to think of the spirit of the article whenever the interpretation of one of its phrases, if based only on the letter, would lead us to some decision which would be definitely illogical and therefore unacceptable.

Since such is the case here, and since it is just as illogical to qualify the liquor traffic without reservation as an “abuse” as to qualify the arms traffic by that term, it seems to me quite admissible to interpret the intention of the clause in question in the sense that the authors of the article desired to say that the slave trade, being unquestionably an abuse, should be prohibited, and likewise any abuses which *might result* from the traffic in arms and the traffic in liquor.

If this view were taken, any contradiction between the provisions of Article 22 concerning the liquor traffic and the corresponding clauses of the mandates would be removed, and this is a convincing argument in favour of such an interpretation.

Moreover, this is not the only argument in support of this interpretation.

In fact, the Treaty of Versailles itself, in Article 126, which forms part of the section dealing with the former German colonies, provides for the revision of obligations ; some of these are concerned with the trade in spirits and appear in the General Acts of Berlin and Brussels, neither of which say that this traffic shall be altogether prohibited. This revision was effected by the St. Germain Convention of September 10th, 1919, which does not forbid the liquor traffic in general in the mandated territories in Africa to which it applies any more than the previous Acts, but merely prohibits the traffic in “trade spirits” and certain distilled beverages, though it insists on a strict control of the traffic in other spirituous

<sup>1</sup> See Article 3, paragraph 3, of the C Mandates.

<sup>2</sup> See, among others, Albert MILLOT, “Les Mandats internationaux”, Paris, 1924, p. 26 and 27.

<sup>3</sup> Professor ROUARD DE CARD merely says on this subject that Article 22 is “very long and very diffuse”. (See “Les Mandats français sur le Togoland et le Cameroun”, Paris, 1924, p. 7). Others, however, have been much more severe ; for instance, the juriconsult Henri ROLIN, in his essay on “Le système des mandats coloniaux”, says : “Certainly no one will pretend that this text (Article 22) is a model of legal phraseology. The vagueness of certain phrases, the clumsy circumlocutions, the absence of that simplicity and directness which enables us to see in the expressions what is really meant, cause us obvious embarrassment as soon as we read it . . . It is clear that these over-refined and badly turned paragraphs were not originally written in French”, etc. See the “Revue de Droit international et de Législation comparée”, Brussels, 1920, p. 332.

<sup>4</sup> It should be noted that the word “traffic” is treated in this memorandum as synonymous with “trade” ; the word “traffic” in Article 22 of the Covenant has indeed been rendered by the term “trade” in all the B mandates.

liquors. If not only the letter but also the spirit of Article 22 had really required total prohibition, the signatories of the Covenant, who subscribed to the St. Germain Convention almost at the same time, would never have seen their way to approve the terms of that Convention so far as mandated territories are concerned.<sup>1</sup> The fact that they did not hesitate to sign the Convention without introducing any reservation into it in respect of mandated territories seems to me to show that they must have interpreted the Covenant, and particularly the prohibition in question, in the way I have indicated above.

3. The above considerations seem to me to lead to the following conclusions :

(a) In spite of its wording, the fifth paragraph of Article 22 of the Covenant does not provide for the total prohibition of the liquor traffic.

(b) So far as B mandates are concerned, the authority is the St. Germain Convention, which was concluded at a much earlier date than that of the confirmation of those mandates.

(c) Therefore the terms of the texts of these mandates, although they only provide for strict control over the liquor traffic, should be understood to mean that such control implies prohibition of the importation, distribution, sale and possession of trade spirits of<sup>2</sup> all kinds and of the other beverages referred to in Articles 2 and 3 of the said Convention and of the manufacture of the distilled beverages referred to in Article 5.

(d) Conclusions (b) and (c) apply also to South-West Africa, which is under a C mandate, without prejudice, of course, to the application in that territory of the provision, contained in the mandate itself, which prohibits the supply to the natives of the territory of intoxicating spirits and beverages of all kinds.

(e) As regards the other territories under C mandate, the position is governed by this prohibition, which is quite unambiguous.

4. According to the conclusion submitted in the preceding paragraph, therefore, there would be :

In territories of the B mandate type, including South West Africa, *total prohibition* of traffic in, and manufacture of, *certain* alcoholic beverages specified in the Convention of St. Germain, both for whites and for blacks, and, in addition, *a strict control* to which both whites and blacks would be subject ; and

As regards territories of the C mandate type, not excluding South-West Africa, *total prohibition* of the supply to the natives of intoxicating spirits and beverages.

C.P.M. 291. (Annex 2.)

Annex 4b.

WHAT IS THE FORCED OR COMPULSORY LABOUR WHICH IS ALLOWED  
IN TERRITORIES UNDER B AND C MANDATES AND UNDER WHAT  
CONDITIONS IS IT ALLOWED THERE ?

*Memorandum by M. Van Rees.*

[*Translation.*]

1. Article 22 of the Covenant does not mention this subject. We must therefore see what is laid down in the texts of B and C mandates in respect of forced or compulsory labour.

The B texts all contain the same clause, which runs as follows :

“The Mandatory shall . . . prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration.”<sup>3</sup>

A similar clause appears in all the C mandates, worded as follows :

“The Mandatory shall see that . . . no forced labour is permitted except for essential public works and services, and then only for adequate remuneration.”<sup>4</sup>

<sup>1</sup> It seems to me clear that the Convention applies to all mandated territories in Africa, including South-West Africa, as has been shown by Sir F. Lugard in his note on the liquor traffic annexed to the Minutes of the third session of the Mandates Commission (see p. 259, para. VI). Indeed, under the terms of the B mandates, the mandatory Power is required to extend to the mandated territory the benefits of the general international conventions applicable to its own adjacent territories.

<sup>2</sup> I pass over the question of what should be understood by the expression “trade spirits”, which is outside the scope of this memorandum, and is, moreover, still the subject of an investigation by the Council.

<sup>3</sup> For Ruanda-Urundi and Tanganyika, see Article 5, paragraph 3, and for the other territories under B mandates, Article 4, paragraph 3.

<sup>4</sup> See Article 3, paragraph 1, of C Mandates.

2. It follows from these clauses, if taken literally, that the Mandatory is bound to forbid all *unpaid* forced or compulsory labour, and only to have resort to adequately remunerated labour of this kind for the carrying out of essential public works and services.

Granted that all labour not performed voluntarily comes under the heading of forced or compulsory labour, it follows that in territories under B and C mandates all compulsory *non-remunerated* labour, whatever be its form or object, and whatever be the authority imposing such compulsion, must be prohibited by the Mandatory, and that, furthermore, as forced or compulsory labour is only allowed for essential public works and services, the regular imposition or the occasional requisitioning of labour for the carrying-out of other work is prohibited, even should it be adequately remunerated.

3. This only shows how impracticable are the clauses in question.

For in all the mandated territories, as indeed in all colonies, the native populations, or certain groups among them, provide permanently and not merely occasionally a considerable amount of manual labour for current requirements in the towns and for small local works (upkeep or repair of paths, roads, light bridges, etc.), and also for the carrying-out of other local work, some of which is of a private nature inasmuch as the native chief derives a greater or lesser personal benefit therefrom.

This work, which is generally known as "*corvee*", is certainly compulsory labour, requisitioned and directed by the native authorities in virtue of village or tribal use and custom, and failure to perform this work generally involves the application of penalties.

As it is never remunerated, this work should be forbidden; it is not forbidden in any country for the very good reason that no native administration could do without it; it nevertheless remains contrary to the terms of the mandate.

Apart from the *corvees* properly so called, where the work done is for the exclusive benefit of the natives, a considerable amount of other labour is also exacted in almost all colonies as well as in most mandated territories, either by native chiefs on requisition by the local administration or through their intermediary under legal regulations. This labour, which is not remunerated in most cases, is for the purpose of carrying out work which, though in the common interest, does not quite enter into the category of "essential public works and services".

This labour, generally known as "*prestation*", is, whether imposed by some measure of a fiscal character or otherwise, and whether it be declared redeemable or not, none the less labour not performed voluntarily and, in so far as it is not adequately remunerated, it should be regarded as contrary to the obligations assumed by the Mandatory.<sup>1</sup>

Here, again, it would be impossible to comply with the terms of the mandates, which are not based on practical experience and therefore involve consequences of unforeseen extent.

A third form of non-voluntary labour not provided for in the mandates also deserves to be mentioned.

In certain territories the local administration is empowered by law to impose on the natives the obligation to carry out annually, for the benefit either of themselves or of the members of their respective communities, productive work, the cultivation of foodstuffs or the planting of products for export — an obligation the non-fulfilment or negligence in the fulfilment of which is punishable by hard labour and heavy fines<sup>2</sup>.

In so far as such measures are merely directed to compelling the native to work on his own land for his own benefit alone, they appear to be admissible, on condition that they are essentially measures of an educative order or can be justified on the ground of economic necessity at times when the food supply is in danger of proving insufficient.

Nevertheless, as they involve labour which is neither voluntary nor remunerated, their application is not in accordance with the formal terms of the mandates.

4. As has been explained above, there exist in various mandated territories, either by virtue of immemorial custom or as a result of administrative or economic necessities, certain forms of forced or compulsory labour which, since they are not in accordance with the stipulations of the mandates, must be regarded as illegitimate.

<sup>1</sup> This point was discussed during the sixth session of the Permanent Mandates Commission (see Minutes, pp. 16-20).

Although the discussion did not result in a unanimous decision, the Commission nevertheless recognised as a fact that "it cannot be contested that such a labour levy is in fact forced unpaid labour" (see Report to the Council on the Work of the Sixth Session, top of p. 4). In his commentary on the observations of the Commission, the accredited representative of France endeavoured, however, to demonstrate that the labour levies in question imposed in the territories of French Togoland and the French Cameroons by fiscal decrees were not open to criticism (Doc. A. 21. 1925, VI).

Against that I shall only quote the following remark of Sir F. Lugard, the logic of which can, in my opinion, scarcely be disputed: "I submit that, if forced unpaid labour may be imposed as a fiscal measure, the principle laid down in the mandate is abandoned" (see his Note on Forced Labour annexed to the Minutes of the Second Session of the Temporary Slavery Commission, p. 103).

<sup>2</sup> See, for example, Decree-Law No 52 of November 7th, 1924, promulgated in Ruanda-Urundi, under Belgian mandate.

These forms of labour may be excusable, as appears from what has already been said ; they are none the less prohibited by reason of the fact that they cannot be reconciled with the obligations which the mandates impose on the mandatory States.

Does the wording of these mandates with regard to forced labour accurately express the intentions of their authors ?

It may reasonably be assumed that they had in mind the well-known *abuses* of colonial policy in the matter of forced labour still existing in certain tropical countries — abuses arising, on the one hand, from the direct or indirect imposition of forced or compulsory labour for the benefit of individuals or private undertakings, and, on the other, from the almost unlimited requisitioning of free labour by the local authorities for purposes of all kinds of work and services, considered, whether rightly or not, to be of profit to the local government.

It is to be presumed that, when they considered these two forms of constraint, the authors of the mandates, assuming that they did not lose sight of the practical exigences of the administration of colonial territories, desired to exclude the first of them and to mitigate the second by requiring the payment of an adequate wage to labourers employed in work of public interest of a certain importance involving the intervention of government authority for the direction of the work and necessitating the removal of the labourers to a place more or less distant from their homes for a more or less considerable period.

If this were really the intention of those who drafted the mandates, it seems to me that the clause would have been clearer if it had been worded as follows :

“The mandatory Power shall prohibit all forced or compulsory labour except for public purposes and shall see that work exacted for essential public works and services shall be adequately remunerated.”

A provision of this kind would not have excluded the services due from the village populations — services which are rendered without payment by virtue of ancient institutions and customs and which generally benefit in one form or another the village chiefs, though they benefit them essentially in their capacity as such.

As, moreover, such a provision would not have prohibited recourse to forced labour for public works and services other than those described as essential, it would not have encountered, as the actual provisions of the mandate do, difficulties in practice.

5. Is it admissible — and this is the last point to consider — to reconcile this formula by way of interpretation with the conditions existing in various territories ?

I do not think that in this way an acceptable solution would be found.

For, whatever intention we may presume the authors to have had in the light of the formula they adopted, it seems to me beyond question that it lays down in the most explicit manner that in territories under a B or C mandate forced or compulsory labour *in all its forms* is to be prohibited by the Mandatory except for essential public works and services. Any attempt to modify by interpretation the meaning of such a clear stipulation would be ineffective.

There only remains, therefore, the method of revision, provided for in the mandates themselves (see the penultimate article of the B mandates and the first paragraph of the last article of the C mandates). Such revision is the more desirable by reason of the fact that it would allow of the inclusion, subject to certain reservations, of measures such as those mentioned at the end of 3 above.

Assuming that the present state of affairs, which is incompatible with the terms of the mandate, cannot be tolerated indefinitely, it seems to me that it is for the Permanent Mandates Commission to submit the problem which has been raised to the Council and to suggest that the Council should invite the mandatory Powers to communicate their views as to the best solution of the problem.

C. P. M. 291. (Annex 3.)

#### Annex 4c.

### WHAT IS THE MILITARY ORGANISATION ALLOWED IN TERRITORIES UNDER B AND C MANDATES ?

*Memorandum by M. Van Rees.*

[*Translation.*]

1. So far as concerns territories under B and C mandates, Article 22 of the Covenant lays down in paragraphs 5 and 6 that the mandatory State is responsible for the administration there under conditions which will guarantee the “prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of the territory”.

The texts of the B Mandates all contain the following article on this subject :

“The Mandatory shall not establish any military or naval bases, nor erect any fortifications, nor organise any native military forces in the territory except for local police purposes and for the defence of the territory”<sup>1</sup>.

The mandates for French Togoland and the French Cameroons are the only ones of type B which contain an additional clause, which runs as follows :

“It is understood, however, that the troops thus raised may, in the event of general war, be utilised to repel an attack or for defence of the territory outside that subject to the mandate”.

In C Mandates, the clause in question is worded as follows (see Article 4) :

“The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory”.

2. What is the essential principle in the foregoing provisions ?

“The principle is the same” — says Stoyanovsky <sup>2</sup> — “as that involved in the distinctive character of the international statutes of the mandated territory : the same obligations are imposed on the mandatory. It cannot make use of a territory which is legally distinct from its own as a base for its military or naval operations; in the same way, it cannot make use of the inhabitants of such territory who are not its nationals by incorporating them in its armed forces.

“Such” — he rightly declares in his remarkably detailed and exhaustive essay — “is the principle. It involves the complete neutralisation of mandated territories in the event of war, whether the mandatory is a belligerent or not.”<sup>3</sup>

In the light of this principle, it is easy to understand that the establishment in territories under B and C mandates of military or naval bases is prohibited and that the organisation of native forces is authorised, provided such forces are used exclusively in their respective territories, and, consequently, that no transfer outside the territory is authorised either in the case of forces constituting the local police or in the case of those which would be employed, if necessary, for the defence of the territory against external aggression.<sup>4</sup>

3. The intention of the authors of the mandate texts appears therefore sufficiently clear. But do these texts express their intention in such a manner as to allow of only one interpretation ?

This point seems to me to be open to doubt.

Whereas the authorisation to organise native forces for the purpose of internal police involves pretty clearly the assumption that such organisation must be limited strictly to what is required for the maintenance of public order in the territory, the authorisation to raise native troops for the defence of the territory leaves the field open to a much vaguer conception.

What sort of defence is suggested ? Against what possible enemy is this defence to be organised ? Against some enemy who, although there is no state of war strictly so called, manifests the intention of invading the territory or of attempting some other act of aggression — *i.e.* in practice, against more or less organised native bands ? Or does it mean defence against one or more other Powers with which the mandatory State finds itself at war ?

It is certain that if the first hypothesis was the one entertained by the authors of the Covenant and of the mandates, the authorisation given to use the native troops raised in the territory would only be of comparatively narrow scope, since it would merely imply leave to organise a native military force commensurate with the limited object in view, or, in other words, to maintain forces which might reasonably be regarded as adequate to repel any invasion or aggression by native bands.

If, on the other hand, the latter hypothesis represents the views of the authors of the clause in question, there would be no necessity for any such clause, since the authority given to raise troops to provide for the defence of the territory against any enemy whatever,

<sup>1</sup> See Article 3 ; for Ruanda-Urundi and Tanganyika, see Article 4.

<sup>2</sup> J. STOYANOVSKY : “La théorie générale des mandats internationaux”, Paris, 1925, p. 173.

<sup>3</sup> *Ibid.*, p. 174.

<sup>4</sup> Except as regards French Togoland and the French Cameroons, which are dealt with in paragraph 4 below.

European or other, would necessarily imply absolute freedom of action in respect of military recruiting and organisation both in time of peace and in time of war.

To give an interpretation of a restriction — for the Covenant and the mandates certainly contain a restriction — which would remove every restrictive element from it and therefore completely transform it to such an extent that it would become superfluous and incomprehensible is a method of interpretation which is illogical and therefore cannot be accepted.

The inevitable conclusion of an interpretation based on the second hypothesis seems to me in itself to make its rejection necessary, so that we are obliged to limit ourselves to the first one, the perfectly admissible consequence of which may be summarised as follows :

In territories under B and C mandates, any organisation of native military forces which is not in accordance with strictly local requirements for the maintenance of order and for the defence of the territory taken in the limited sense explained above would be contrary to the spirit of the Covenant and of the mandates.

4. We have now to examine whether this theory should be somewhat modified in respect of French Togoland and the French Cameroons as a result of the special clauses which appear in Article 3 of the mandates for these territories.

While forbidding the organisation of native military forces except for local police purposes and the defence of the territory, these clauses authorise the Mandatory to use "the troops thus raised" in case of "general war, to repel an attack, or for defence of the territory outside that subject to the mandate".

The terms of this special grant of authority still seem somewhat vague. It would only apply in cases of "general" war.

But what is "general" war ?

Is it war in which France and one other Power are involved or is it necessary that several States should take part in the war — in other words, that it should not be a localised war ?

Furthermore, what is meant by the phrase "the troops *thus* raised" ?

Since it would be difficult to assert that the insertion of the word "thus" was altogether meaningless and since it would be equally difficult not to recognise that this word constitutes the link with what goes before it, it follows that in case of general war the only troops which may be used outside the territory are those which previously ensured the policing and local defence of the territory.

As for the third question which arises with regard to the authorisation with which we are dealing — that is to say, what should be understood by the use of the troops "outside" the territory — there can be no doubt as to the meaning of this expression. On this point there is no reservation in regard to the authorisation and there is no territorial limitation. It follows, therefore, that the Mandatory would if necessary be free to use these troops in Africa outside Togoland and the Cameroons, in Europe or elsewhere.

These considerations have led me to form the following conclusions with regard to these two territories :

*In time of peace*, France is obliged to comply with the same obligations as the other mandatory Powers administering territories under B and C mandates, which means that, in spite of the concession contained in the second paragraph of Article 3 of the Mandates for French Togoland and the French Cameroons, any general native military organisation, such as, for instance, conscription or unlimited voluntary enlistment, would be contrary both to the letter and to the spirit of the mandates.

In the case of a war whose character was such that it might be recognised as "general" — this is a question of fact — the mandatory Power would only be authorised to use in any part of the world those native troops which in time of peace were used for local police purposes and local defence.

5. I am quite aware that these conclusions are not calculated to fulfil the expectations of the mandatory Power concerned, which, on the contrary, when it insisted in August 1919 on the insertion in the draft mandates for French Togoland and the French Cameroons of the second paragraph of Article 3, clearly intended, in the event of a general war, to free itself from all restrictions, so as to be able, if necessary, to bring into the struggle the whole of these territories and their populations.

But we may be allowed to ask how such a conception could be reconciled with the terms of this paragraph, which certainly does not imply it, and how it could be brought into line with Article 22 of the Covenant which, whatever objection may be raised to its wording from a legal point of view, none the less clearly states that, under the mandate regime, a territory under B or C mandate must be treated differently, from a military point of view, from a colony of the mandatory Power.

It is clear that the more limited interpretation of the clause in question set forth above equally constitutes a derogation from the principles of Article 22 — a derogation, moreover, which was recognised by the Council of the League of Nations when it drafted the terms of the mandates for French Togoland and the French Cameroons<sup>1</sup>. But it would seem beyond question that to adopt a wider interpretation would be equivalent not merely to a derogation but to the suppression in respect of these territories of the fundamental principle itself upon which the military prescriptions are based.

<sup>1</sup> STOYANOVSKY, *op. cit.* p. 178.

Annex 5.

RUBBER INDUSTRY OF SAMOA

*Letter to the Chairman of the Permanent Mandates Commission from Mr. J. D. Gray, Secretary of the Department of External Affairs of New Zealand.*

London, October 26th, 1925.

I have the honour to refer to the questions you asked and to the answers I gave with respect to the *rubber industry* of Samoa when the mandate report on the territory was under consideration by the Permanent Mandates Commission at its fourth meeting on October 20th, 1925 (see Minutes, page 27).

It is somewhat in the nature of a coincidence that on returning to London Sir James Allen found awaiting his perusal a despatch on the subject from the Secretary, Samoan Administration, which reached his office on the 21st inst.

I quote for your information the following extracts from this despatch which is dated Apia, Western Samoa, September 8th, 1925 :

“An experienced rubber planter has, during the past month, been carrying out an experiment for the Crown Estates Board of Control on a 40-acre block of the Aleisa Rubber Plantation with a view to ascertaining the actual cost of producing rubber here at present. The results so far go to prove that rubber can be produced on the estate at an all-in cost of well under 1/- per lb. During the first fortnight of actual tapping, the cost of producing the cured article has worked out at just 1/-, but then Aleisa has been so neglected during the past seven or eight years and was allowed to become so overgrown with secondary jungle that, although this growth was roughly cleared, each tapper could only cover sufficient ground each day to tap little more than half the rubber trees he might be expected to tap when the plantation is clean. Further, the tappers are all amateurs, with no previous experience of rubber work, and for that reason it was urged upon them that in the beginning it was more important that they tap the trees carefully and well rather than aim at large quantities of latex.

“There was an impression locally that it would cost anything from 2/6 to 3/- to produce rubber here, but this impression was apparently based on what the rubber trees produced when they were last tapped about 1918 and without taking into consideration the increased yield to be expected by reason of the greater age of the trees.”

(Signed) J. D. GRAY.

Annex 6.

C. P. M. 284.

EX-ENEMY PROPERTY IN MANDATED TERRITORIES

*Note by Sir F. Lugard.*

Estates which were formerly the private property of German nationals in her colonies now held under mandate were, under the Treaty of Versailles (Article 297 and Annex), liable to be liquidated by the Allied and Associated Powers and to be charged with payment of certain classes of claim against Germany, and any final balance in favour of Germany was to be reckoned as a credit to her in respect of her reparation obligations. The right thus conferred upon the Allied and Associated Powers has in general been exercised. Germany undertook to compensate her nationals in respect of such liquidations.

2. These estates therefore did not belong either to the mandatory Power or to the mandated territory. It was no doubt assumed that they would be sold at once and the proceeds dealt with in accordance with the provisions of the Treaty. The Mandates Commission has nothing to do with their sale or the disposal of the proceeds. If, however (as in some cases), the properties still remain unsold, the Mandates Commission is concerned with the conditions of maintenance. Had they been sold to private individuals or companies, the purchasers would have been liable to such taxation (whether in the form of income-



tax on the owners and their employees, or of profits tax, or of duties on imports and exports), as are imposed on owners of other plantations for the benefit of the local revenue. The local Administration is entitled to impose these taxes and duties, even if the estates are being maintained by the Mandatory on behalf of the reparations account, and if the estates are not able to bear the charges they should be debited to a suspense account pending liquidation.

3. Similarly, the Mandates Commission is entitled to ask whether the estates enjoy any preferential treatment in respect of the recruiting of native labour, and whether, in any way directly or indirectly, the mandated Government accords to them exceptional treatment or is involved in their upkeep. In New Guinea, for instance, Mr. Ainsworth states (Report, p. 13) that the estates which are very numerous and cover 294,730 acres (Report on New Guinea, 1921-22, p. 124) are managed by an Expropriation Board as "a regular Government concern employing over 300 whites . . .", which has "become a dominating factor in the affairs of the territory . . ." This Board was in a position to make a grant to revenue of £10,000, though the plantations are being run at a loss. The conditions in regard to those estates in several other mandated territories are not known with similar precision, but the case quoted suffices to show that the Mandates Commission cannot ignore the situation in regard to these estates in the discharge of its duties in reference to the execution of the mandate.

4. I submit, therefore, that it is desirable that steps should be taken to ascertain from each Mandatory with precision (either through the Council of the League or by direct interrogation of their representatives) :

(a) Whether any such estates remain unsold and, if so, whether there is any preferential treatment in regard to them of the kind referred to above ;

(b) Whether the mandatory Power sees any objection to disposing of them by auction or (in default of bidders at reasonable prices) of giving the mandated territory the opportunity of acquiring them ;

(c) Whether, in the case of estates of this class which have already been liquidated, the accounts prior to liquidation have been kept quite separate from the accounts of the revenue and expenditure of the territory as shown in the annual budget, and whether all sums due from these estates (in common with other landed property) by way of taxation have been duly credited to the local revenue.

(d) Whether there are, or were, in the territory any properties or businesses belonging to ex-enemy nationals other than landed estates, and, if so, what was their nature and how have they been dealt with.

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#### Annex 7.

TWO MEMORANDA SUBMITTED TO THE COUNCIL AND PERMANENT MANDATES COMMISSION RESPECTIVELY THROUGH THE HIGH COMMISSIONER FOR PALESTINE, BY THE EXECUTIVE COMMITTEE OF THE PALESTINE ARAB CONGRESS

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*The Executive Committee, Palestine Arab Congress,  
to the President of the Council of the League of Nations.*

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Jerusalem, April 12th, 1925.

The Executive Committee of the Palestine Arab Congress, representing 91 per cent of the whole population of Palestine, has the honour to submit the following for consideration by the Council of the League of Nations :

I.

Palestine is considered by the League of Nations as a mandated territory governed by Article 22 of the Covenant of the League of Nations, which reads in part as follows :

"Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can provisionally be recognised subject to the rendering of administrative advice and

assistance by a mandatory until such a time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory."

Palestine was a part of the Turkish Empire that has reached a higher stage of development than any of the other parts of that Empire which are governed by this article of the Covenant and which now, to a considerable extent, enjoy the benefits of this provision, as Iraq and Transjordan. But Palestine, as stated before the Permanent Mandates Commission by the High Commissioner for Palestine in October 1924 (Minutes of the Fifth session of the Permanent Mandates Commission, p. 36), is administered as one of the colonies of the Mandatory.

Was this condition contemplated by the Council of the League of Nations, and how does it reconcile the two conflicting principles of "independence subject to administrative advice and assistance" and a colonial system of government ?

## II.

The tutelage of "those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the States which formerly governed them" (Article 22 of the Covenant) was made a "sacred trust of civilisation" for which the League of Nations was held responsible. Does this sacred trust coincide with the Balfour Declaration of November 1917, which was made the basis of the Palestine mandate and which totally ignores all political rights of the Arab inhabitants, who form the overwhelming majority of the population, safeguarding solely their "civil and religious rights", which are safeguarded in all countries of the civilised world, even for minorities ? Was this condition of treating a "liberated nation" as a minority in its own country, where the followers of a certain creed, dispersed all over the world, where they in most cases enjoy the full rights of the citizens of the countries they live in, are treated as full citizens, for the reason that 2,000 years back they held sway over that country for a period of 250 years ; was this premeditated by the League of Nations to whose tender care the national interests of Palestinians was laid as a "sacred trust of civilisation" ?

## III.

In October 1915, Sir Henry MacMahon, High Commissioner for Egypt, wrote in reply to the Sherif of Mecca :

"I am empowered, in the name of the Government of Great Britain, to give the following assurances : Great Britain is prepared to recognise and support the independence of the Arabs within the territories included in the limits and boundaries proposed by the Sherif."

These boundaries referred to were embodied in the letter addressed to Sir Henry MacMahon, signed by the Sherif, in July 1915, which reads in part as follows :

"That England should acknowledge the independence of the Arab countries bounded on the north by Adana and Mersina up to the 37th degree of latitude, on the east by the frontiers of Persia up to the Persian Gulf, on the south by the Indian Ocean, with the exception of Aden, and on the west by the Red Sea and the Mediterranean up to Mersina."

These boundaries manifestly enclose Palestine.

Two years later, Mr. Balfour, the Foreign Secretary of State for Great Britain, addressed a letter, private in form, to Lord Rothschild, dated November 2nd, 1917, which reads as follows :

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country."

The former letter, which we may call, for the sake of convenience, the MacMahon Declaration, which was formal, clear, feasible, compatible with the spirit of the Covenant of the League of Nations, reasonable and just, was neglected by the League of Nations and by the undertaking Power to give effect to the more recent Balfour Declaration, which was informal in form, equivocal, infeasible, directly conflicting with the spirit of the Covenant of the League of Nations in general and Article 22 thereof in particular, and unreasonable and unjust.

The League of Nations should have asked Great Britain to abolish the Balfour Declaration, which conflicts with the principles of its Covenant in accordance with Article 20 of that Covenant, which reads in part as follows :

“In case any Member of the League shall, before becoming a member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.”

An explanation why the League of Nations has unduly neglected a clear undertaking that coincides with its Covenant and unduly adopted another which conflicts with its Covenant when both were made for one and the same country by the one and the same Power would be most helpful.

#### IV.

Article 3 of the Palestine Mandate reads as follows :

“The Mandatory shall encourage the widest measure of self-government for localities consistent with the prevailing conditions.”

And the second part of Article 2 thereof lays stress on “the development of self-governing institutions”. These important provisions are directly contradicted by the first part of Article 2 of the same Mandate, which reads as follows :

“The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of a Jewish National Home.”

For the element that forms the majority of the population will naturally be predominant in such self-governing institutions if they were formed in compliance with the spirit of the mandatory system ; and in case such institutions are encouraged, the predominant element are determined, as the High Commissioner for Palestine officially stated before the Mandates Commission in October 1924, to oppose all efforts exerted to secure the establishment of a Jewish National Home. This consideration, it was stated, prevented the Government from establishing in Palestine a Legislative Council of elected members, and this in turn caused the majority of the population to reject the other alternatives offered to them by the Government for the establishment of Councils which are incompatible with Article 3 of the Mandate. Now, with this condition in view, should the Government neglect Article 3 and the second part of Article 2 of the Mandate, which lay stress on the encouragement and development of self-governing institutions, in favour of the first part of Article 2, which requires the establishment of a Jewish National Home, and, consequently, should the principle that is completely irreconcilable with the Covenant of the League wash out the very principle for which the mandatory system was introduced — *viz.* liberation and tutelage of weaker nations ?

Palestine, before the war, enjoyed wide measures of self-government. Elected Administrative Councils administered every district and sub-district under the presidency of the appointed Governor, who, in most cases, was an Arab. First-class *mutasarriflies*, as Jerusalem, and vilayets had also their elected “Common Councils”, which dealt in the local matters of the vilayet as a whole ; and every territory sent its representatives to Parliament at Constantinople. The municipalities of towns and *mukhtars* of villages were also elected by the inhabitants. The application of the first part of Article 2 of the Mandate wiped out all this system, which, in accordance with the second part of Article 2 and Article 3 of the Mandate, should have been encouraged and developed.

How does the Council of the League of Nations propose to reconcile these conflicting principles embodied in Articles 2 and 3 of the Palestine Mandate ?

#### V.

Article 2 of the Mandate imposes upon the Mandatory to place “the country under such . . . economic conditions as will secure the establishment of a Jewish National Home”. But this provision clashes with the last part of the same article, which imposes upon the Mandatory to safeguard “the civil . . . rights” of non-Jews in Palestine. For, to place the country in a condition with a view to attain a certain object — in this case a National Home for the Jews — necessarily involves negligence of measures adopted to attain another object — in this case, Arab economic well-being, which, if attained, involves the impossibility of establishing a Jewish National Home. In a condition of economic prosperity, for instance, Arabs, most of whom are exclusively farmers, will not sell their lands to Jews and will immensely increase in numbers, thus uprooting the two fundamental pillars on which

the Jewish National Home, as now being interpreted by the Jews and the Mandatory, is to be established — *viz.* intense Jewish immigration and settlement on the land.

This ambiguity caused a great uncertainty, and the present Administration, in its zeal to apply the first part of the said article, brought the country to a financial *impasse*. The statistics of exports and imports in Palestine during the last four years could best show the terrible financial precipice on the verge of which the country now stands. During these years, exports were less than one-fourth of imports.

How does the Council of the League explain this ambiguity ?

## VI.

Article 6 of the Mandate reads in part as follows :

“The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions.”

Palestine is entirely an agricultural country, and the Jews all over the world are commonly merchants and usurers. “Jewish immigration under suitable conditions” will not be realised unless the economic situation of the country is changed from being agricultural to commercial or unless the Jews become an agricultural people. But Palestine is still and must remain an agricultural country, and the Jews have proved their inability to work on the soil without outside financial help.

Jews began their movement of returning to the soil about 50 years ago, when they began to establish their new Palestine colonies. The Jewish colonists have been always subsidised, and most, if not all, of the work was done by the Arab workman. Until the present day, with the exception of very few of them, all Jewish colonies are still unable to stand alone in spite of all their prosperous appearance. In contrast to these colonies, there have been established few religious agricultural German colonies which were not subsidised and which have given very reasonable returns to their proprietors. Obviously these were an agricultural people.

The Permanent Mandates Commission has condemned, in its last sittings, the present Jewish immigration to Palestine as being not compatible to “suitable conditions”. The great majority of these immigrants settled in towns to share the scanty livelihood of the original inhabitants ; thus the principal item in this provision is being disregarded and thus “the rights and position of other sections of the population are . . . prejudiced”.

In what way does the Council of the League propose to conjoin the two diverging conditions compassed in this article of the Mandate — *viz.* the inability of the Jews to work on the land of the entirely agricultural country of Palestine and the intense immigration of Jews under “suitable conditions” and without prejudicing the position and rights of the other sections of the population ?

## VII.

Article 4 of the Mandate reads :

“An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of a Jewish National Home.”

And the economic, social and other matters that affect such establishment involve all activities of every description. To bind the Administration of Palestine to act in conformity with advice rendered by a body that represents a community dispersed all over the world of which a small minority lives in Palestine is a unique action in the history of Imperialism.

If, for the sake of argument, we assume that the inhabitants of Palestine accept any sort of constitution that the mandatory Power flings to them and some sort of Legislative Council is established, what would be its relation to this Jewish agency, and could the one Administration be subject to the lines of economic, social, etc. actions laid down by the Council as well as those laid down by the Jewish agency when obviously in most cases the two lines are diametrically divergent ?

The Jewish agency follows the “Jewish National Home” policy, while the self-governing institutions that are to be encouraged in accordance with the second part of Article 2 and

Article 3 of the Mandate and which must be predominantly Arab, will follow the Arab national policy; how could the Government cope with this impossible situation? Would the representatives of the inhabitants in a Legislative Council submit to advice given by a completely foreign body that has no direct relation even with the mandatory Power?

VIII.

Explanation by the League of Nations to the foregoing enquiries would be helpful in clearing so many of the clouds of uneasiness and uncertainty that hang over the Land of Peace. The Zionist experiment in Palestine has, during the last six years, brought the country to the verge of ruin. Troubles hang over the head of Palestine as the sword of Damocles. The situation may only be saved by the establishment of a National Constitutional Government in which the two communities — Arab and Jewish — will be represented in proportion to their numbers.

(Signed) JAMAAL HUSSEINI,  
General Secretary,  
Executive Committee, Palestine Arab Congress.

B.

*The Executive Committee, Palestine Arab Congress, to the Chairman of the Permanent Mandates Commission.*

Jerusalem, April 8th, 1925.

In pursuance of the resolution passed by the Permanent Mandates Commission at Geneva in 1924, referring to categories of complaints to be submitted to it by complainants in mandated territories, this Executive Committee of the Palestine Arab Congress, representing 91 per cent of the population, has the honour to submit the following specific cases of complaints for consideration by your Commission. A political memorandum has, meanwhile, been submitted to the Council of the League of Nations.

This Committee, taking advantage of your kind patience, would venture to point out that the procedure of enquiry adopted last October by your Commission in examining the Palestine question was neither fair to the Palestine Arabs nor sufficiently enlightening to the Commission itself. That procedure gave only one party of the controversy, represented by Sir Herbert Samuel, High Commissioner for Palestine, a Jew and a well-known "ardent Zionist", the invaluable advantage of appearing before your Commission to defend his policy, refute and depreciate the complaints brought by the second absent party. This Committee desires to point out that the Minutes of your meetings in question subjected the Arabs to the two conflicting emotions of relief on the one side and indignation on the other. They admired the impartial spirit of the Commission and the thoroughness of its enquiry but felt indignant at the attitude which the High Commissioner, in the absence of his opponents, adopted to refute their statements by contradictions inconsistent with fact. For instance, the Commission's attention is invited to the Kabbara Concession complaint (pages 58 and 81 of the Minutes of the Fifth Session of the Commission and page 167 below).

In view of this unfairness, which led to an undue comment on this Committee's representation, we venture to suggest that the Permanent Mandates Commission would honour Palestine by a visit, for the purpose of studying the complaints on the spot in the presence of the parties concerned.

(Signed) JAMAAL HUSSEINI,  
General Secretary,  
Executive Committee, Palestine Arab Congress.

THE RUTENBERG JORDAN CONCESSION.

*Summary of the Terms of the Concession.*

On September 1st, 1921, an agreement was concluded between the Crown Agency, London, on behalf of the High Commissioner for Palestine, and M. Pinhas Rutenberg (a Russian Jew who worked in the Government of Kerensky as Chief of Police for St. Petersburg), that if the latter, within two years, formed a limited liability company, having an authorised capital of not less than £1,000,000, to be registered in Palestine, and had within that period obtained in cash from the share capital £200,000 at least, the said High Commissioner would grant him a monopoly for 70 years, to harness the waters of the River Jordan and all its affluents that are now or will fall later within his control, for the purpose of generating electric power to be used for all economic purposes in Palestine and Transjordan, and for the purpose of irrigation in these two countries. Further

the concessionaire is granted the exclusive right to produce, for sale, electric power by any means other than water.

The High Commissioner, on the application of the concessionaire, is to expropriate in favour of the latter, against payment of fair compensation, any immovable property that is needed for the undertaking. He is not to grant during the continuance of this concession any other of the same nature, and all similar previously granted concessions are to be annulled against payment of fair compensation.

The concessionaire should within twelve months commence, and in five years complete, the work provided for in the concession, unless he is hindered from so doing by *force majeure*. The concession is to be regarded as a public utility undertaking and is to receive due protection. The concessionaire is granted the privilege to defer payment of Customs duties due on all material imported for the undertaking.

The concession is to be cancelled by the High Commissioner when the concessionaire fails to Concur with any of the terms of the concession.

#### *Illegal Proceeding in Granting this Concession.*

It appears from the foregoing résumé that the project is one that must have the greatest influence on the agricultural, industrial and commercial life of the inhabitants of Palestine and Transjordan. The concessionaire, who is not, as stated in the concession, a Palestine engineer, is extravagantly lavished with immense control over the life of the people as a whole. The supreme importance and vital nature of the powers attached to the concession greatly enhance the obligation of the Government to consult the inhabitants affected prior to the granting of the concession. But it was granted in secret, and this Committee got copies of the draft much later from private sources in London.

The agreement of the concession provides for the following: "The memorandum and articles of association of, or the other regulations and constitution of, the said company to which the concession is to be transferred) shall be subject to the approval of the High Commissioner in agreement with the Jewish agency referred to in the Mandate for Palestine". This fundamental provision, which governs the whole undertaking, completely ignores the existence of the Arabs, who form the overwhelming majority in Palestine, as well as the inhabitants and quasi-independent Government of Transjordan. These inhabitants are still completely ignorant of the terms of constitution of this company. Even the Balfour Declaration provides for the safeguarding of the civil rights of non-Jews, which this vital provision totally ignores. Thus one of the most important terms of the Mandate is openly violated.

Such a scheme should have been published and tenders invited. The secrecy with which the grant was shrouded betrays the *arrière-pensée* therein involved. Moreover, the Mandate was not then approved. The rejection of a prior application for this scheme by an Arab capitalist of Bethlehem is noteworthy.

Owing, probably, to severe criticism from many quarters, if not to failure on the part of the concessionaire, this concession has been lately said to be still under consideration in the Colonial Office, London. The monopoly, however, is respected as in force and several smaller schemes are thus being suppressed. The cash shares of £200,000 were never realised and the concession should have been duly revoked.

#### THE HAIFA PROJECT.

M. Pinhas Rutenberg, supported by the Government, is again crossing boldly the threshold of lawlessness. Without consulting the municipal or any other council, M. Rutenberg built a power-station and has put up poles and lines, etc. in the streets of Haifa for producing electric light in the town of Haifa by Diesel machines. This action, protected by the Government, entails a double breach of law. First, M. Rutenberg possesses no concession to establish a separate electric power-house at Haifa and can only do so by authorisation of the Municipality; the more so as his Jordan General Concession, which covers the whole area of Palestine, is legally and *de facto* in-existent. Secondly, because, in accordance with the relative Turkish law which has not been withdrawn, local undertakings of this nature are to be authorised by the local councils. In 1920 a Haifa Arab capitalist submitted a scheme for electric light and energy to be produced in Haifa. The Municipality acquiesced, and the Governor, who was pleased with the particulars, prepared the public notes for inviting tenders. But the Central Government would not authorise the publication and the project was quashed.

#### THE RUTENBERG AUJA CONCESSION AT JAFFA.

On September 12th, 1921, the Crown Agency, London, granted, on behalf of the High Commissioner for Palestine, to M. Pinhas Rutenberg a monopoly, for 32 years from that date, to harness the waters of the Auja River, Jaffa District, for the purpose of generating electric power to be used in that district for all economic purposes and to use the said waters

for irrigation of the adjacent lands. The fundamental terms of this concession are similar in purpose to those of the Jordan general scheme above described except in points of detail.

*Illegal Proceeding in Granting this Concession.*

In accordance with Turkish law, which is still in force in Palestine, the granting of this local concession does not fall within the jurisdiction of the Central Government but is allotted to the Local Common Councils. The concession given to M. Mavromati for the production of electric light for Jerusalem, which has lately been legalised by the International Court of The Hague, was granted, for example, by the Local Common Council of Jerusalem, and the Central Government had only to endorse the concession granted by the local competent body. The granting of the Jaffa concession, therefore, by the Crown agents on behalf of the Central Government is illegal and should be considered as null and void.

This undertaking was never put up for public tender. The Municipality of Jaffa applied for it by letters addressed to the Governor of Jaffa on November 1st and 5th, 1920. In reply, that Governor sent a letter dated November 8th, 1920, in which he informed the Mayor that his own view was to put the undertaking for public tender and that he submitted the application to the Civil Secretary. On November 11th, 1920, the Civil Secretary addressed a letter to the Governor of Jaffa, in which he stated :

“In reply to your letter No. 449 dated the 8th inst. referring to the construction of an electric power-house at Jaffa as stated in the quoted letter, I am to inform you that the *Government cannot consider this application before the ratification of the mandate.*”

Neither the Municipality of Jaffa nor any other local council legally competent to deal with such matters were even given a say in the formation and constitution of the company to which the concession is to be transferred. The High Commissioner and the Jewish agency are the only authorities made competent for its approval. This concession, however, was granted before the ratification of the mandate.

*Derogation from the Terms of this Concession.*

The cash shares of £50,000 which the concessionnaire was to produce within two years from the signing of the agreement were not fully realised, and the Auja (or Jerish) electric power-house was not erected. The High Commissioner extended the period of its completion more than once without stating the *force majeure* or any other weighty reason for this prolongation. Upon enquiry, the Government stated in a letter addressed to this Committee on February 6th, 1925, signed by the Governor of Jerusalem, that, “in the first instance, the concessionnaire was unable to acquire the lands necessary for the Auja scheme except at exorbitant prices”, and fails to state a better reason. The Government, it must be noted, could expropriate in favour of the concessionnaire any immovable property needed for the undertaking against fair compensation. If fair compensation, which is naturally lower than the ordinary price, is regarded by the Government as an exorbitant price, then the whole scheme, which must have taken into consideration land prices in that area, must have been built on an unsound financial basis, unless the Government, as hinted in its above-quoted statement, expects and duly strives to pull down land prices, which policy has been denied by the High Commissioner.

Now two Diesel machines are working to produce electric power for Jaffa, but all the terms connected with the Auja scheme and the irrigation of the adjacent lands are neglected with impunity.

THE SALT CONCESSION.

The sale and production of salt in Palestine had been since a long time a Government monopoly. Shopkeepers bought salt from the Government and sold it in retail. In 1923 the present Administration secretly granted to the Jewish Economic Board of Sir Alfred Mond an exclusive concession to produce salt in Palestine to be sold to the Government at P.T. 265 per ton for a considerable number of years. Although this concession has not been signed, yet the concessionnaire is forwarding his stuff in accordance with the terms of the draft concession.

As this undertaking was not put up for public tender, the people were quite ignorant of its terms. But it happened, some time ago, that a consignment of salt which has been found to be unwholesome and unsaleable was sent back by the Government to the concessionnaire, and in accordance with the terms of the concession the Government put up for

public tender the purchase of 500 tons of salt. An Arab merchant of Jaffa delivered the required quantity of salt at P.T. 210. The stuff was of the best, and the Arab merchant expressed his will to immensely decrease the price in case the Government wished to stipulate with him a contract, extending for a longer period and for larger quantities. But owing to the existence of the Jewish draft concession his offer was refused.

Thus the Government loses more than P.T. 55 per ton of salt purchased from the concessionaire, and the poor inhabitant of Palestine has to buy salt at a higher price so that a Jewish company should exploit the country and create work for Jewish immigrants at the expense of the Arab native of the soil. This partly discloses why livelihood is very dear in Palestine, contrary to the neighbouring countries of Syria or Egypt.

#### THE KABBARA CONCESSION.

In dealing with the Kabbara Concession, it is best to give the full text of a letter sent to this Committee by the recognised agent of the inhabitants of the district concerned, since it contains the bare facts relating to this important case :

“Haifa, January 25th, 1925.

“The Executive Committee of the Palestine Arab Congress, Jerusalem.

“Your general report of October 6th, 1924, to the Mandates Commission of the League of Nations stated that the Kabbara Concession ‘was secretly granted to the Jewish Land Company’ . . . ‘for a period of 200 years’ . . . ‘against a nominal yearly rent’ and ‘that the 170 families’ thereby affected ‘were treated as a negligible lot’. In my capacity of recognised agent for these families, I hereby endorse the veracity of that statement.

“The lands in question — about 3,000 hectares — fall between the Haifa-Egypt Railway line, facing the first four stations thereof, and the three ports of Athlit, Tantoura and Ceasarea, and comprise the last ten miles of the course of the Zarqua River. Their invaluableity as such is evident.

“Zor ez Zarqua and Barrat Ceasarea are the appropriate names of the two main Arab holdings thereof, approximately 600 hectares each, assigned *ab antiquo*, as per official records of 55 years ago, respectively to the 80 and 75 families living therefrom ; the rest of the 170 families being concerned in other parts, not so held or assigned, of the concessionary area. As established by the relative official reports of February 14th, 1922, and January 27th, 1923, the livelihood of the 155 families, settled on their respective holdings for over 100 years, is exclusively derived from the mat and basket industry, in Zor ez Zarqua, and from their possession in cattle, found to be 1,800 buffaloes and oxen and some 1,200 other animals, the nature of the holdings favouring such industry and trade, and cultivation with them, only in Barrat Ceasarea, being limited to certain suitable plots in addition to others occasionally leased to them in the neighbourhood. The remaining 15 families live almost exclusively on cultivation.

“By virtue of Articles 92, 97, 98, 101 and 102 of the Land Law of 1274 heg. in vogue, the said Barrat Ceasarea, like any other holding similarly held and assigned, cannot be awarded to any one by the Government, and rights therein and thereto are exclusively reserved to the concerned assignees. Such holdings do not fall within the category of State lands.

“The quiet grant under notice, which evolved in the Government in 1920, was first disclosed through the concessionaire (the Jewish Colonisation Association) proceeding in the first week of January 1922 to prevent the 170 families of Barrat Ceasarea from cultivation therein on the correct pretext that Barrat Ceasarea was included in their concession of November 8th, 1921, which was published only on January 27th, 1923, as an appendix to a report of such later date submitted by the third official commission that enquired into the duly lodged opposition.

“The said document (8.XI. 1921) of itself proves beyond doubt and contestation that the Palestine Government therein and thereby treated the whole of the 170 families as if they did not exist at all and not only as a ‘negligible lot’. It did not mention them. They were told nothing about it. It stood against them as final judgment in process of execution from which they could appeal to none else than the authority responsible for both its issue and enforcement.

“In its officially published response of some weeks ago to your above-quoted statement, the Palestine Government made certain announcements which, being misleading, must be put right. Barrat Ceasarea was *not* included in the concession alleged to have been applied for under the Turkish regime. Its 75 families have *not* accepted any arrangement.



The said concession document *did not* exclude 2,500 dunums from the lease. The rent *is not* 'by no means a nominal one'. It is, for the first 33 of the 200 years, a fixed annuity of £E. 130 for a total area of 2,300 hectares of so-called marshes and sand-dunes (in reality comprising the said 1,200 hectares of the forests of Tamarisk and Serris 'Pistacia Lentiscus' of Zor ez Zarqua and Barrat Ceasarea). The concessionary rent for such portion of the period is only P.T. 5 per dunum per annum in comparison with the rates ranging from P.T. 15 to P.T. 80, at which the concessionnaires have been proved to sub-lease such lands and similar ones at Athlit likewise included in the concessionary area.

"As regards the alleged desire of 'drainage and reclamation of malarial area', that cannot be true of Barrat Ceasarea, which is described in the concession itself to be 'sand dunes and rocky and hilly tracts and cultivable and cultivated lands adjacent thereto' (without any reference to the pistacia plantation). And to any further pretext of 'afforestation of sand dunes' the facts of the case explain that the 75 families of Barrat Ceasarea do not live from the dunes of sand in the vicinity but on and from the pistacia-growing area, which has been designated by the forest officer (Dr. Weismann's own brother) to be a forest.

"The only arrangement believed to have been improvised by the concessionnaires, which has been accepted without being referred to me by the Government, applied solely and exclusively to the 80 families of Zor ez Zarqua and *not* to the whole of the 170 families, as officially announced. Its suitability for that lot, however, is very doubtful. But the fault therein is theirs, if, illiterate and ignorant as they are, any blame may lay to them. I can, however, criticise the Government, which allowed that arrangement to be the conclusion of its negotiations with me in respect of that lot, for having obstructed instead of proceeding with the implements of its own arrangements thereto pertaining, which was proposed and accepted through me and which promised to be suitable.

"The only reasonable arrangement actually made by the Government was in regard to *only* one family of Zerghanieh in distinction from that covering another family of Athlit and 13 families of Kabbara, proposed and accepted but not yet realised.

"As for the 75 families of Barrat Ceasarea, they are still suffering and waiting, now for already over three years, for the exclusion of their holdings from the concessionary area.

"Should the Palestine Government resort, for any excuse, to such Articles as 2, 4 and 11 of the terms of the Mandate, which, for no reasons admitted by us, provide for closer settlement of State lands in favour of alien Jews, such an excuse, apart from all political considerations, would not apply at all, for the plain reason that Barrat Ceasarea, held by, and assigned to, its 75 Arab families of over four hundred members, is not State land but land coming under the tenure of the above-cited articles of the Land Law.

(Signed) Wadie BOUSTANY,

Member, Palestine Arab Délégation."

#### USURPATION OF MUNICIPAL RIGHTS OF ELECTION.

Palestine has, since the introduction of the municipal system a long time ago, enjoyed the right of municipal representation. The mayor, as well as the members of the Municipal Board, were elected every fourth year according to an established system, based on European principles of municipal elections. In the beginning of the world-war, the Turkish Government, owing to war exigencies, passed a temporary law whereby the mayor, as well as the Municipal Council, were appointed by the Governor of the district for a period of two years.

After the British occupation of the country, the Military Administration adopted this same measure. At the inauguration of the Civil Government in 1920, Palestinians expected that municipal elections would be shortly forthcoming. But until the present date there is no real sign of municipal elections in view. On the contrary, all Government actions denote that the usurpation of this civil right is to be continued.

This usurpation entails two legal breaches :

1. Under the temporary law of municipal appointments, the Government should renew the appointment of the whole council with or without its existing members and mayor every second year. Failing to give effect to this renewal at the proper time, the Government places the municipality concerned in the awkward position of having all its actions, after the lapse of two years from the date of its appointment, looked upon as null and void from a legal point of view. In most, if not in all, cases, the Government overlooked this very important item. Lately, in trying to correct this legal error, which has actually placed the Municipality of Jerusalem, appointed five years ago, in a ridiculous position before the law, the Government passed a new municipal ordinance whereby the

Governor, upon approval by the High Commissioner, could appoint a mayor or any member of the Municipal Council and legalise their actions. This ordinance, contrary to reason, was made retroactive, and thus the breach of law was covered with a breach of commonsense and juristic principles.

2. The mandate, in form and spirit, holds the Administration responsible for encouraging and developing the existing representative institutions and organisations and for establishing further representative systems with a view to giving the inhabitants more political freedom. Leaving aside the efforts of the Government to establish the sham Legislative and Advisory Councils which the inhabitants have so forcibly and successfully resisted, the Government has shown intense reluctance to pay any respect to this important provision, even when it does not touch the political cord, as in the case of municipalities. The municipal representative institutions are thus being converted into Government departments in which the people have no say, and in consequence the mandate is contradicted in one of its most sacred trusts. The fact that exclusively Jewish municipalities, as that of Tel Aviv, Jaffa, as well as the Local Councils of Jewish colonies, are elected bodies, is worthy of note and comparison.

#### JERUSALEM JEWISH DRAINAGE SYSTEM NUISANCE AND MAMILLA MOSLEM CEMETERY

Although this case is a local one, yet, owing to its importance in respect to public health, to the religious indignation it has aroused and to the illegal proceeding followed by the Government of Palestine in favour of the all-powerful Zionist Executive, it is worthy of consideration.

In 1921, the Zionist Executive, aided by the Administration, began the construction of a huge sewage system for the drainage of the densest Jewish quarter of Meah Shearim and neighbourhood.

Covered drains were built leading from this Jewish quarter to the Caves of Sadek Shimon lying near the best and healthiest Moslem quarters and the finest in the city, where the drainage was left to flow uncovered above the ground from there to the very sanctified area of the Tomb of St. Mary, polluting the atmosphere of all quarters around that large area until it is soaked up by the ground. The Moslem quarters of Sheikh Jarrah, Wadil Joz, Babil Zahira and the very sacred vicinity of St. Mary's Tomb were contaminated with stifling odours. Flies and mosquitoes have become a serious calamity to those places. Several families, notwithstanding the housing shortage, left the quarter; and the Civic Advisor, Mr. Ashbee, who has done much for the preservation and amelioration of this ancient city, resigned because of this disgraceful affair.

This state of affairs led the Government to bring over from Egypt a medical body to report on that important question. This body recommended the removal of the drainage to a much more distant place at once and that it should be always under well-constructed cover. But the Administration, over-ridden by the Zionist Executive, neglected that technical report, leaving the great nuisance to be a continual menace to the public health of the city.

#### *Mamilla Cemetery.*

In contradistinction to this procedure, it is worth while to mention the case of the oldest and most sacred Mamilla Cemetery. This cemetery, which contains the remains of so many Moslem saints and benefactors as well as those of the ancestors of the very ancient Moslem families of Jerusalem, has now been nearly encircled within the new buildings of the growing city. The Islamic method of burying the dead imposes that the tomb should be no less than two yards deep, one of which is a vault built of stone and mortar and the upper is filled over with earth. Above this a mausoleum is constructed. This method makes it impossible for the buried bodies to affect the atmosphere in any way. Yet the Government, under the pretext of public health, is urging the Moslem authorities concerned to close this cemetery. Though medical advisers of these authorities have examined the place and reported that the cemetery in question does not affect public health, the Supreme Moslem Council has expressed to the Government its readiness to take any reasonable action within the cemetery in favour of public health. But still the Government insists on having it closed. This, it should be noted, is the only Moslem cemetery in the *neighbourhood of Jewish Quarters*.

#### POLICE INQUISITORIAL TREATMENT.

The insurmountable difficulties of the application of the policy pursued in Palestine in accordance with the conflicting and irreconcilable principles embodied in the Balfour Declaration have resulted in the practice by public security men of continual wicked and

brutal beating and torture which throw light on the gross injustice that ravages the Land of Peace. It is the desire of this Committee to quote here several incidents that would give a clear idea of this practice, but owing to limits of space it will content itself by quoting from a letter addressed to the Chief Secretary by the Supreme Moslem Council, the only elected body having official recognition, and in giving a *résumé* of a well-known case which is of recent occurrence and which may be taken as example of many others.

*Protest against Harsh Methods used by the Police.*

On December 11th, 1924, the Supreme Moslem Council sent a letter to the Palestine Administration, from which we quote the following :

“It is the earnest desire of the Supreme Moslem Council to draw Your Excellency’s attention, in a particular manner, to an important fact which the Government should urgently consider. The treatment of the inhabitants in the hands of public security men is in many cases inconsistent with law and has aroused an indignation which no doubt the Government would desire to allay should the fact be made clear to it. The public security men scarcely enter a village for the purpose of executing their duties without resorting, for no legal reason, to the horrid practice of beating.

“This Council has been receiving, particularly recently, complaints from Moslem inhabitants imploring it to insist upon the Government seeing to it that public security men should only resort to legal treatment. Several deputations from villages were also received in this office for submitting such complaints.”

*The Trial in Tulkarem.*

Salim Bey Abdurrahman, son of the Mayor of Tulkarem and the recognised leader of that district, was accused in June 1924 of having taken part in certain robberies and of the formation of brigand parties which were responsible for several crimes that were perpetrated in that district. The Arabs were indignant on hearing of this accusation, for the private history of the accused and his liberal education tended to show that the accusation was a false one and that it was launched against him by the Government, which sought in this way to be relieved of his intense national activities, “conducted on constitutional methods”, and by this act of terrorism to give a lesson to other leaders who are similarly engaged in the national movement.

This leader was arrested early in July and was at once treated as a convicted criminal. The Government refused to give him bail and his pre-trial imprisonment extended for five months, when he was tried and acquitted. The investigations were conducted by a police officer who is a prominent enemy of Salim Bey and the Palestine Arab Cause. He was assisted by a private man who has been convicted no less than 20 times — thrice by this same Government — and who was as well a known enemy of the accused and his father. Most of the representative bodies requested the Government to put the investigations in other neutral hands, but without avail. The two prejudiced investigators swept the district far and wide in search of men who were ready to give false evidence against the accused. Threats and promises of reward were alternatively used for this purpose until a crowd of witnesses was procured. No attention was paid to Arab public opinion, which continually drew the attention of the Government to these illegalities.

The prison cell in which this leader was locked up before his trial could never have been meant for human beings. He was cut off from all outside communication and was threatened with death by the investigating officer and his assistants and bullied in various ways. Five months later, when this case was brought before justice, imprisoned witnesses and other prisoners related before the court the harrowing details of police actions in prison, to the great dismay and indignation of all hearers. They recounted, one after the other, how they were ordered to give evidence against Salim Bey and of how, on their refusing to do so, they were subjected to severe beating and bullying in different ways. Not satisfied with this, the police contrived a barbarous treatment that has never been heard of before.

They took the witnesses, one after the other, into the prison latrine and there forced their heads into its hole until they were nearly suffocated, when they pulled them up again and ordered them to give the evidence they wanted. Refusing to do so, they forced their heads again into the latrine hole and so on.

Salim Bey and some of those similarly accused, after passing five months in this horrid situation, were acquitted by the court, which was composed of one British and two native judges. The sittings occupied about one month. In its judgment, the court showed its indignation at the illegal behaviour of the police and condemned it as being disgraceful. Yet the Government has taken no action against those responsible.

The termination of the case in this way brought the police authorities to shame. So they made another effort to disgrace Salim Bey. During his stay in prison other prisoners

made a row that was instantly suppressed. The police authorities accused him of having instigated these prisoners to revolt. But again he was acquitted by the just court.

### *Prison Conditions.*

It is unwise to pass over this subject without mentioning some facts relating to Palestine prisons. Leaving aside the unhealthy conditions of these prisons, which were not erected for this purpose, we cannot but stand bewildered before the inhuman treatment meted out within the walls of these wretched abodes to the suffering human beings.

In a country such as Palestine, in which the cost of foodstuffs is as high as in Geneva or probably any other part in Europe, the prison food contractor, who naturally profits by his contract, supplies the prisoners with food at the rate of 13 milliemes (little over 3d.) per prisoner per day. From this figure one can imagine what sort of food is provided for the prisoners, especially those undergoing a sentence of labour.

It is the practice in prisons that most Arab prisoners are subjected to penal servitude, even though their sentence is one of simple imprisonment. The imprisoned debtor is treated in the same way as a criminal. Only last autumn, for example, Jamal Bey, the nephew of Kamil Pasha, ex-Turkish Grand Vizier, was taken handcuffed from Haifa to Acre prison to pass the usual 91 days' detention for failure to pay £E216. His only defence was inability to pay. He never opposed being escorted. His arm and leg being paralysed, the application of fetters rendered the practice unspeakably abominable.

Notorious criminals are kept usually in very heavy fetters. One such has been in chains for six months awaiting trial. Sometimes several prisoners are kept in one chain within one cell.

After repeated remonstrances on the part of medical authorities, a hospital for tuberculous prisoners was arranged. But the sanitary conditions and the preventive measures are still very poor. In the Acre prison, for instance, gallows, but not proper latrines, were provided. The abominable insanitary use of a tin or bucket inside the cell itself is still in use. Insufficiency of bed covering and matting has even driven prisoners to revolt more than once.

### LEGISLATION.

The Palestine Administration, which professes to be applying Turkish laws, have made several alterations which are contradictory to the Sharia (Moslem Religious Laws) and jurisprudence. To verify this statement, the following examples are given:

1. In trying to adapt the penal code to the bitter situation created by the Government policy, several alterations in favour of the prosecution were effected.

(a) The penalty, in its broad sense, is governed, in the Turkish law, by a scale of minimum and maximum limits. The Administration has abolished the minimum limit, and thus judges, taking into consideration the maximum limit only, pronounce their judgments in conformity with it. Punishment, therefore, became much severer than it has ever been.

(b) The Attorney-General has been empowered to appeal for increase of punishment or for conviction of a person acquitted in a district court. This is quite repugnant to Sharia and jurisprudence, both of which consider acquittal as beyond the reach of any power to shake. To aggravate this infringement of Sharia and juristic principles, the Attorney-General is given the period of two months within which he may appeal against an acquittal to secure conviction, when the right of appeal for a convicted person is limited to ten days only. Whereas in all civilised countries a person accused of the worst crimes, immediately upon acquittal, regains his civil and political rights, an acquitted person in Palestine has to remain two months under the mercy of the Attorney-General, not knowing if and when his rehabilitation is to be regained.

(c) By the "Trial Upon Information" Ordinance, the Court of Appeal may convict, even to capital punishment, a person acquitted in a district court, in chambers, during his absence and without giving him a chance to be heard or to ask for trial in open court.

2. The new law of evidence considers evidence given by one person of either sex as sufficient for proof of facts. This is directly in opposition to the clear wording of the relative text in the Koran, which does not give full credit to evidence given by less than two men and four women for proof of a fact. The Koranic doctrine does not also rely upon evidence given by a person in favour of his immediate relative, whereas the new law gives

this evidence full consideration. The plaintiff is considered, too, as a competent witness in contradiction to the principles of the Sharia and jurisprudence. We are progressive and in favour of the world movement for the elevation of womanhood. But this novelty is complained of as an instance of the tendency of the Government to disregard Mohammedan law.

#### JEWISH IMMIGRATION.

Jewish immigration has, since the last session of the Permanent Mandates Commission in October last, increased to a large extent, while the economic conditions of the country grow to be even more precarious.

The conditions of Jewish workers became worse as the accommodations created for a stated number of persons had to be lowered to a great extent in order to be shared by newcomers. This resulted in several strikes in Jewish workers' centres of Jaffa and Haifa that continued throughout last winter.

In order to decrease unemployment, the Zionist Executive stimulate building activity, which induces new immigrants to settle in towns to encumber the critical financial situation and tie up capital that is brought in by the few rich immigrants which would otherwise be flowing to lubricate the clogged financial system. In accordance with Zionist statistics, new immigrants settling in towns were no less than about 72 per cent of the total number of immigrants.

The three cities of Jerusalem, Haifa and Jaffa are growing beyond all reasonable proportion, and thousands of immigrants are being continually dumped in. Most of them are unproductive and can do no more than open new shops and compete in dead markets. Suppliers have already outgrown consumers to the formers' great losses.

Six Jewish colonies, for instance, were newly built around Jerusalem, besides the immense aggrandisements of the old Jewish quarters. But neither the commercial, industrial nor agricultural activities or capacities have been enlarged to absorb the new occupants of these quarters.

In Tel Aviv, the Jewish suburb of Jaffa, the inhabitants are between twenty and twenty-five thousand souls. The Public Health Department statistics show that it contains no less than 85 practising medical doctors. This unnatural outgrowth of physicians in that small and very healthy place is not a sign of progress; it shows that the proportion of other professional men among Jewish immigrants have outgrown all reasonable proportion and it may give an idea of the severe competition that is apt to grow as a natural consequence.

On the whole, the comments on the Government immigration policy made by the Permanent Mandates Commission and approved by the Council of the League of Nations had not the slightest effect; immigration has increased to a very large extent and the type of immigrants has not changed.

#### ZIONIST FLAG, ANTHEM AND "ERETZ IZRAEL".

1. In the year 1919 a keen controversy relating to hoisting of national flags necessitated the promulgation of an ordinance on the subject. The Zionist Government contrived a delicate means whereby only the Arab colours, which are the same in all Northern Arabia, may not be flown. That ordinance prohibits the inhabitants of Palestine to fly any State flag besides that of the Mandatory Power. In the beginning, both Arab and Zionist abstained from hoisting any flags, but later the Zionists began to fly their blue-and-white colours on notable occasions. This Executive Committee protested at once, and in reply it was notified by the Government that the ordinance concerned does not disallow hoisting of Zionist flags because they are not State flags, while it does prohibit the flying of Arab colours because they are the State colours of even more than one Arab State.

2. The Zionists as well as the Arabs have their national anthems. The Zionist anthem is not a State one, and so it does not claim the formalities due to State anthems. On the contrary, the Arab anthem is a State one and does command due formalities. But the Jewish High Commissioner, carried away by his Zionistic zeal, sent out a confidential circular to all higher officials whereby he asked them to stand up as a matter of courtesy when the Zionist anthem "The Hatikva" is being sung. But when the Arab anthem is sung, officials do not stand as a "matter of courtesy".

3. The recognised formal names of Palestine are "Palestine", "Phalastin" and "Palestina" in English, Arabic and Hebrew respectively. The Arab national name, however, is "Surial-Janoubiah", which means Southern Syria, and the Moslem-Christian name is "The Holy Land". The Zionists have, too, their national name for Palestine, which is "Eretz Izrael", which means the Land of Israel. Obviously, the Arab name is of a geographical significance, while the Zionist name has a political meaning which is quite

provoking to the Arabs. The Zionist High Commissioner gave formal recognition to the Zionist name by printing on stamps and other official papers the initials of "Eretz Izrael" in Hebrew under the Hebrew name of Palestine. Other societies affiliated to the Government, following the example, began to print the whole name "Eretz Izrael" on their official reports. This is in direct contradiction to the clear wording of Article 22 of the Mandate for Palestine.

These actions show clearly how hollow are the statements of the High Commissioner relating to his alleged efforts at reconciliation. It shows, too, how the Zionists are being encouraged by the Government to establish their national claims in contrast to the Arabs, whose national sentiments are not in any way respected.

(Signed) Jamaal HUSSEINI,

General Secretary,

Executive Committee, Palestine Arab Congress.

C.P.M. 277.

Annex 7a.

COMMENTS BY THE BRITISH GOVERNMENT ON THE MEMORANDA OF THE  
EXECUTIVE COMMITTEE OF THE PALESTINE ARAB CONGRESS, DATED  
APRIL 8TH AND 12TH, 1925

Foreign Office, September 18th, 1925.

1. Pages 160 and 164.

The petitioners claim to represent 91 per cent of the whole population of Palestine. It must not be assumed to imply that 91 per cent, or any other appreciable percentage, of the population have in fact taken part in the selection of this Committee. The Committee consists of 24 members, who were elected on June 16th, 1923, by a body of 120 persons styled the "Palestine Arab Congress". The members of this body were themselves selected at meetings of local committees of the Moslem Christian Association in the more important towns and villages of Palestine.

There are several other Arab political groups in Palestine, and only a small number of the leading men of the country are directly associated with the Committee from which these petitions emanate. At the same time, the general ideas underlying the policy of this Committee have no doubt commended themselves to a large part of the Arab population.

2. Page 161.

His Majesty's Government have to point out that the statement that Sir Herbert Samuel informed the Permanent Mandates Commission that Palestine is administered as one of H. M. Colonies is inaccurate. The statement to which the petition refers will be found on page 56 (not page 36) of the Minutes of the Fifth Session of the Permanent Mandates Commission and is as follows :

"Sir Herbert Samuel then passed to the work of the Palestine Government in relation to the Arab population. The underlying idea pursued by the Government was that it should deal with the Arabs in regard to their possession of their land, their religion, their development generally, exactly as if no Balfour Declaration had been made at all. The policy of the Palestine Government was therefore precisely the same as would be the policy of the British Government towards the local inhabitants in India, Ceylon or in any British colony. As he had already stated publicly, the object of the Government was to stimulate and aid both an Arab and a Jewish revival. He had urged upon the Jews — and the Jewish element of the population entirely agreed — that if, under the terms of the mandate, the Arab population did not succeed in rising to a higher level of civilisation, discredit would fall on the Zionist movement itself. A degraded and backward Arab population would be a reproach to the whole Zionist policy."

It will be seen that Sir Herbert Samuel was not discussing the constitutional position of Palestine but merely explaining that the Balfour Declaration did not affect the policy of His Majesty's Government in promoting the welfare of the local population of Palestine. This policy was identical with that adopted by His Majesty's Government in all comparable

parts of the British Empire where, of course, the considerations raised by the Declaration did not arise.

3. *Page 161.*

The Jewish occupation of Palestine did not cover a period of 250 but of about 1,250 years.

4. The petition quotes a letter of Sir Henry MacMahon, written to the Sherif of Mecca in 1915, but omits the introductory sentence which governs the whole letter. That sentence is as follows :

“The districts of Mersina and Alexandretta, and portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo, cannot be said to be purely Arab, and should be excluded from the proposed limits and boundaries. With above modifications, and without prejudice to our existing treaties with Arab chiefs, we accept these limits and boundaries ; and in regard to these portions of the territories therein in which Great Britain is free to act without detriment to the interests of her Ally, France, I am empowered, in the name of the Government of Great Britain, to give the following assurance and make the following reply to your letter :

“Subject to the above modifications, Great Britain is prepared to recognise . . .”

This reservation has always been regarded by His Majesty's Government as covering the Vilayet of Beirut and the independent Sanjak of Jerusalem. The whole of Palestine west of the Jordan was thus excluded from Sir Henry MacMahon's pledge.

5. *Page 162.*

The description given of the system of local government under the Turkish regime is not accurate. The councils of the districts contained elective elements, but the majority were officials ; they had very limited powers of administration. The governors (*Mutassarijs*) of the districts were in most cases not Arabs but Turks.

Mukhtars were theoretically elected, but in practice chosen by the Governor or Sub-District Governor (*Kaimakam*).

Four members were elected from Palestine to the Turkish Parliament but, like the other delegates for Arab countries, exercised little effective influence.

6. *Page 163.*

As regards the allegation that “the country now stands on the verge of a terrible financial precipice”, His Majesty's Government would point out that, on the contrary, all the available evidence points to a considerable increase in prosperity. The large surplus of imports over exports, which alone is cited in support of the allegation in the petition, is explained by the introduction into Palestine of considerable sums of foreign capital for the development and general benefit of the country.

7. *Page 163.*

Under the terms of the Mandate, the Administration of Palestine is not, as alleged, “bound to act in conformity with the advice” of the Jewish agency but is free to accept such advice or not as the merits of the case require. Nor does the Jewish agency, as is suggested, exercise any general political authority that could come into conflict or competition with the authority of a legislative council.

8. *Pages 164-166.*

The principal contentions by the petitioners in respect of the Jordan and Auja Concessions may be summarised as follows :

(a) These concessions were granted without formal consultation with the Arab inhabitants of Palestine and contrary to their interests ;

(b) Undue secrecy has been observed in regard to them ;

(c) Under Ottoman Law the sole right to grant such concessions and to allow their execution in municipal areas was vested in “local common councils” and municipalities ;

(d) The monopoly created by the concessions prevented local capitalists from undertaking similar enterprises ;

(c) The terms under which promises to grant these concessions were given have not been fulfilled.

The replies to (a) are :

(i) There was no representative body which could have been consulted in a matter of this kind ;

(ii) Enterprise of this character involving the expenditure of large capital and developing electrical energy for lighting and commercial use can scarcely fail to benefit all classes of inhabitants of the country ;

(iii) In view of the extremely difficult technical considerations which affect matters of this nature, it is practically impossible for any person who has not had a wide experience of such matters to form an opinion of any value upon them.

As regards (b), it may be observed that, in June 1921, a statement was made by the High Commissioner, and published in the Press, in the following terms :

“With a view to avoiding delay in the economic development of the country for the benefit of all its inhabitants, the Government of Palestine is now prepared to consider the grant of certain concessions for enterprises of public utility. An application for a concession to supply the Jaffa municipal area and the adjoining districts with electric light and power, by using the water-power of the River Auja, is receiving the attention of the Administration. The grant of any concession will be subject, till further notice, to the following provisions :

“(a) No concession will be granted to a person or company to control any of the natural resources of the country or to establish any public works, services and utilities except under arrangements by which the profits which are to be distributed by the person or company shall not exceed a reasonable rate of interest on the capital invested, and any further profits made in the working of the concession shall be utilised for the benefit of the people of Palestine in a manner approved by the Administration.

“(b) No concession will at present be granted for working mineral or oil fields, nor will any licence be granted for prospecting for minerals or oil.

“(c) In accordance with the provisions of the Treaty of Sèvres, no concession will be granted which conflicts with any concession granted before October 29th, 1914, by the Turkish nationals or companies controlled by them.”

In addition, a public notice was issued by the High Commissioner in July 1921, with the authority of the Secretary of State, announcing that the Administration was prepared to consider the grant of concessions for enterprises of public utility. No other applications than those of M. Rutenberg for concessions were received from other parties, and, having regard to all the circumstances of the case, apparently no other person or organisation was in a position to apply for such concessions or to carry them out satisfactorily.

As regards (c), the suggestion that there has been an improper usurpation by the Central Government of powers legally vested in local authorities cannot be maintained. The system of local government existing in Palestine under the Ottoman regime has not been continued or re-established, and it cannot be suggested that at this moment there are any local authorities which are successors in title to the bodies described in the petition as “local common councils”. There was no local authority in existence which could possibly have granted a concession to cover the provision of electric light and energy as they are covered by the terms of the Auja Concession. The control of concessions relating to public works has been retained up to the present entirely by the Central Government, and there was no kind of departure from the usual practice in dealing with the concession granted to M. Rutenberg in respect of the Auja.

As regards the contention that M. Rutenberg possesses no concession to establish a separate electric power-house at Haifa, it should be observed that the principal concession embraces the right to set up an electrical power-house in any place in Palestine outside the area covered by the Jaffa Concession.

(d) The two references on page 165 presumably relate :

(1) To an application by Messrs Dabdud and Handel in January 1920 for a concession for agricultural undertakings, telephones, tramways, electricity and any other concessions which the Government might find suitable to grant.



There is no reference to the Jordan Valley, and no specifications or plans accompanied the application, which simply asked for an assurance that the names of the applicants would be registered for future consideration. A reply was sent by the Military Administration to the effect that it had no power to grant concessions, but the proposal was recorded without recognition of privilege. This was, in fact, the situation at that time.

(2) A proposal presented in December 1919 by a local notable for a 40-years concession for electrical lighting of Haifa.

For the reason already given — namely, that the Military Government was not in a position to grant concessions — this application was also merely recorded. It was not seriously studied either by the Government or the Municipality.

(e) The statement on page 165 that cash shares of £200,000 were never realised is untrue. His Majesty's Government received evidence that a company to carry out the provisions of the Rutenberg Hydro-Electricity Concession had been formed and cash of that amount had in fact been subscribed.

A similar statement on page 166 relating to cash shares of £50,000 for the Auja enterprise is also untrue. As regards the Auja electric station, the concessionaire was unable to acquire the lands necessary for this scheme except at exorbitant prices. It is true that the Government could expropriate, in favour of the concessionaire, any immovable property needed for the undertaking against fair compensation, but expropriation must always be an exceptional measure, and, in the circumstances, the Government authorised the Jaffa Electric Company Limited, which took over the concession, to erect a fuel-generating station at Jaffa in accordance with Article 2 of the Concession and with the approval of His Majesty's Government. This station is now working and supplying Jaffa, Tel-Aviv and other places with electric power for lighting and industry.

It will be a question for consideration by the Government, when the concessionaire fulfils all the conditions of the concession in respect of the supply of electric energy to certain public bodies and private individuals and has complied with the other conditions of the concession, whether any useful purpose would be served by requiring him to proceed with the Auja hydro-electric scheme and on what conditions he may be released from that obligation if such a course is considered desirable.

#### 9. *Page 166. Salt Concession.*

After the British occupation of Palestine, it was found that, although abundant natural resources of salt existed in Palestine, nearly the whole of the salt required was imported. It appeared to the Palestine Government that it would benefit the community if the natural resources of salt were to be exploited, and a concession was granted to this end. An agreement was entered into under which the price at which the concessionaire should deliver salt to the Palestine Government should not exceed the wholesale price in Egypt by more than 65 piastres per ton, which represented the cost of transport from Egypt to Palestine.

This agreement will terminate in 1926.

The salt to which the petitioners refer was a small quantity purchased from an Arab merchant at Jaffa, which proved to be of very poor quality.

#### 10. *Page 167. Kabbara Concession.*

The facts relating to this concession are, briefly, as follows :

In April 1914 the Jewish Colonisation Association (which was the agency of Baron Edmond de Rothschild for settling Jews on the land in Palestine) entered into an agreement with the Wali of the Vilayet of Syria for the sale of the marshes of Athlit and Kabbara to the Association by the Ottoman Government, in whose ownership the lands were registered. The purchase price was to be £T 1 per dunom, and it was a condition of sale that the marshes were to be drained within a fixed period.

The concession had not been completed before the outbreak of the war ; and when the Civil Government was established, the Association entered into negotiations to acquire the lands and also the neighbouring lands known as Barat Caesarea, which comprised sand dunes and rocky land. The Government of Palestine was not willing to enter into a contract of sale of the lands, as it is contrary to its general policy to alienate State domain. In view, however, of the undoubted necessity to drain the malarial swamps of Kabbara, which impeded the development of the adjoining villages, and to plant the sand dunes which were a mena ce to cultivable lands, it was decided to grant a long lease of the area. The Association was the only body interested in the reclamation that possessed the large funds necessary to carry through the work. An agreement was made on November 8th, 1921, by which the area was leased to the Association for a period of 100 years, subject to a right of renewal for two further periods of 50 years. The Association was bound by the lease

to undertake the complete drainage of the swamps and the fixing and planting of the sand dunes.

The total area involved is about 50,000 dunoms (12,000 acres) south of Haifa, of which the greater part comprised marshes, rocky ground and sand dunes. The so-called ports of Athlit, Caesarea and Tantura are unprotected reefs or ruins of old breakwaters. Tantura alone is at the present time used by small coasting vessels during the brief melon-export season.

The Arab population of the whole area consisted of some 170 families, comprising 840 souls. They grazed their buffaloes and herds, numbering about 3,000 head of cattle, on the land, and some of them engaged in a small basket-weaving industry that produced a yearly income of about £E400. A few plots of land amounting to about 1,000 dunoms had been cultivated by them. The claims of Arabs who were in occupation of the land to ownership of any areas that they had cultivated, and to any grazing rights or other rights of common, were investigated by a committee appointed by the District Governor in the first place, and subsequently by a commission appointed by the Government.

As the result of these investigations, steps were taken to exclude from the area leased to the Association all lands to which a right of ownership by the Arab settlers was recognised.

The rights of the Arabs to graze their animals and cut timber in the swamps of the Zor el Zerka were recognised, but as the areas in which they were exercised were mosquito-breeding marshes, they could not be excluded from the lease without nullifying the whole scheme of reclamation, and steps were taken to compensate them. The Government would have been entitled to expropriate for the purpose of public utility, but expropriation was unnecessary, as the Arabs agreed to receive compensation in the form of a free hold grant of about 3,500 dunoms of cultivable land in the neighbourhood. They are now employed by the Association in the work of reclamation of the marshes and have further received monetary payments to cover the cost of their removal.

As to the Arabs at Barat Caesarea, who have been accustomed to graze their animals on patches of rough grass among the sand dunes, a scheme of settlement is in preparation by the Association, in consultation with the Government Department of Agriculture, with a view to preserving grazing facilities while not impeding the work of afforestation which is essential to check the movement of sand dunes which threatens the main railway-line to Haifa and cultivated lands.

In the meantime, there has been no interference with the usual mode of life or occupation of the Arabs and no ejection has been suggested. The work of reclaiming the dunes is an onerous burden on the Association from which it would willingly be relieved; but the Government has required the maintenance of this part of the concession in the general public interest.

11. *Page 169.*

“The fact that exclusively Jewish municipalities, as that of Tel-Aviv, Jaffa, as well as the local councils of Jewish colonies, are elected bodies, is worthy of note and comparison”.

The petitioners must be aware that the Local Councils Ordinance, 1921, under which these elected bodies have been constituted, is of general application and that the great majority of the councils are in fact in Arab villages. The number of local elected councils at the present time is as follows :

Arab villages . . . . .	23
Jewish Township, Tel-Aviv . . . . .	1
Jewish villages . . . . .	3
German village . . . . .	1

The question of putting municipalities in the larger towns on an elective basis presents large political problems and is still under consideration. It would in any case have been difficult, if not impossible, to frame a satisfactory electoral register until the Palestine Citizenship Order-in-Council was passed in July 1925.

12. *Page 169. Jerusalem Drainage.*

The North-West Jerusalem Drainage Scheme was commenced under the Occupied Enemy Territory Administration and was completed in 1920. The Zionist Executive presented the sum of £E.10,000 to the municipality as a free gift to enable it to proceed with the scheme. When the system was first completed, it was found that some of the disposal arrangements were unsatisfactory and a temporary nuisance was caused. The necessary steps were taken at once and the nuisance removed. The Moslem quarters to which reference is made — namely, Wad-el-Joz and Sheikh Jarrah — have been growing

rapidly and are regarded as amongst the most attractive residential quarters in Jerusalem both for Palestinian and British residents.

At the end of 1921, Mr. E. H. Lloyd, O.B.E., Chief Engineer of the Cairo Main Drainage, was invited to visit Jerusalem to advise the Palestine Government on the general question of drainage. Mr. Lloyd submitted a report, but it has not yet been possible to give effect to his recommendations, as they involve an expenditure quite beyond the present resources of the town, and, in addition, the absence of an adequate water supply precludes the execution of any comprehensive drainage scheme.

13. *Page 169. Birket Mamilla Cemetery.*

The Birket Mamilla Cemetery occupies a large area, not far from the centre of the town, and is rapidly becoming enclosed by buildings. It is therefore undesirable, on grounds of public health, to permit further burials to be made there, and it is on that account alone that it is proposed to close the cemetery. It is not proposed in any way to interfere with the existing graves. This prohibition will not cause any serious hardship, as practically all Moslem burials are now made on the east side of the city.

14. *Pages 169-171.*

General charges of ill-treatment by the police are a common feature of political agitation; a number of such charges have been preferred of which one or two only could stand the light of the impartial enquiry which has been made in every case reported.

Salim Abdurrahman was tried for participation with a gang of highway robbers. The judges disagreed on the question of his guilt and he was acquitted. During the period of his detention a riot occurred among the prisoners which was with difficulty suppressed. A number of allegations of ill-treatment by the police in connection with the suppression of this riot and other incidents were made at his trial, apparently in order to excite public sympathy with the accused; the judges did not consider them even worthy of mention in their judgments.

The suggestion that prison conditions in Palestine are unsatisfactory or insanitary is entirely unfounded.

Prisoners for debt are not treated as convicted criminals, and a special commission recently considered amendments to the Ottoman Law and practice in respect of such prisoners. Most of the recommendations of this commission have now been put into effect.

15. *Page 171. Legislation.*

(a) The suggestion that the abolition of minimum penalties prescribed in the Ottoman Penal Code is designed to strengthen the repressive powers of the Government is the exact inversion of the truth. The minimum penalties prescribed in the Ottoman Law were found to be in many cases unreasonably severe. The effect of the abolition, which is in conformity with modern principles of penal legislation, is that the Court can award a more moderate penalty in accordance with the circumstances of the case.

(b) The power of the Attorney-General to appeal from an acquittal.

The Ottoman Code of Criminal Procedure prescribed that the prosecution could appeal from any judgment in a case of misdemeanour. It is true that where there had been an acquittal by the Court in a case of "crime" — that is, an offence punishable with death or penal servitude — any appeal brought by the prosecution could not affect the rights of the person acquitted.

It could only be brought for the purpose of elucidating the law. It is difficult, however, to understand how any principle of the Sharia Law is involved, seeing that the right of appeal against an acquittal or inadequate punishment existed for less grave offences. The period given to the Attorney-General to bring the appeal — namely, two months — is that laid down in the Ottoman Code of Criminal Procedure and is no innovation.

(c) While it is formally true that the Court of Appeal can reverse an acquittal in a capital case, it is expressly provided by Section 67 of the Trial-Upon-Information Ordinance, 1924, that the appeal shall be heard in open court if the Court, or the Attorney-General, or the convicted person so requires, or if the sentence imposed is one of death. In practice, of course, the Court of Appeal would never be asked to reverse an acquittal in a case of "crime", save in special circumstances where there was reason to think that there had been a grave miscarriage of justice.

(d) The Law of Evidence (Amendment) Ordinance, which was issued in 1924, was introduced on account of the unsatisfactory nature of the rules of evidence contained in the

Ottoman Civil Code — the Mejlle — which are not in conformity with modern systems of law. There is no article of the law which says that the evidence of a single witness is sufficient. In fact, the only article which deals with the point is to the contrary effect and provides that :

“No judgment shall be given in any case on the evidence of a single witness, unless such evidence in a civil case is uncontradicted, or in a criminal case is admitted by the accused person, or whether in a civil or criminal case is corroborated by some other material evidence which in the opinion of the Court is sufficient to establish the truth of it.”

The law again does not say that full consideration is to be given to the evidence of a person who is the immediate relative of a party. It simply provides that “all persons are competent to give evidence in all cases, and no person shall be considered incompetent by reason of his being a party to a civil action . . . or by reason of his being a relative of the plaintiff or complainant or of the defendant or accused . . .” It is for the Court to decide in each case what weight should be given to the evidence of a relative, and all that the Ordinance does is to do away with the exclusion of this testimony.

With regard to the allegation that the change is contrary to Moslem Law, it may be noted that a similar provision is contained in the Egyptian Code of Civil Procedure which was drawn up in 1880, before the date of the British occupation of the country. Article 198 of that Code provides that the evidence of a witness shall not be liable to objection on account of relationship.

16. *Page 172.*

The average number of Jews unemployed between October 1924 and March 1925 was 400 ; during the two corresponding previous periods it was 1,600 and 1,000 respectively.

There were only four strikes of any magnitude by Jewish labour—a lock-out in the building trade at Tel-Aviv and at Haifa, and strikes at a cement factory, a flour mill and an oil and soap works at Haifa. These strikes, which affected in all about 825 workmen, lasted one month. The object in each case was to secure higher wages, and the strikes ended with the concession of the workers' demands. The conditions of Jewish workers have thus improved during the past year.

As regards the allegation that building activity is artificially stimulated, His Majesty's Government are satisfied that this activity is the natural result of the increased demand for houses.

With regard to the number of Jewish doctors at Tel-Aviv, it should be noted that the population of Tel-Aviv is now nearly 30,000 and that of Jaffa nearly 25,000. The Tel-Aviv doctors serve both places, and among them are a number of specialists who serve the country as a whole.

17. *Page 172.*

The statement that the Government of Palestine has prohibited the inhabitants of Palestine from flying any State flag besides that of the Mandatory Power is untrue. The notice issued prohibited only the exhibition of the flag or emblem of any State for the purpose of a partisan demonstration.

As the petitioners must be aware, the flags of foreign Powers are flown every Sunday in Jerusalem. No objection is raised to persons belonging to Arab political organisations wearing such colours as they desire, in the same way as members of the Zionist organisations wear the Jewish colours.

The Jewish hymn “Hatikvah” has no official recognition, but it has been customary to sing it at Jewish gatherings of a ceremonial character and for those attending, not excluding officers of the Administration, to stand up meantime.

There is no Arab song of a similar kind which enjoys the same prestige among the people, since the national anthem of the Hejaz could only be played or recognised on occasions at which that State was directly concerned, as in the case of the national anthem of European or other countries.

18. *Pages 172-173.*

“Eretz Israel” was the name in Hebrew for the country for more than 2,000 years (see Dr. W.R. Smith's “Dictionary of the Bible”, Volume II, page 662). It is still the name ordinarily used in Hebrew throughout the world. The Palestine Government considered, however, that if this name were alone used officially as the Hebrew rendering of “Palestine” in the case of certain documents, such as passports and certificates of nationality, international and administrative difficulties might be created. As a compromise, therefore, it was decided that the official name in Hebrew should be “Palestina”, followed by the initials “aleph”, “yod”, of the ordinary Hebrew name. This decision was approved

by His Majesty's Government. It is not the case that "Suria-al-Janoubiah" has customarily been used in Arabic as the name for Palestine (page 172).

Colonial Office, September 1925.

Annex 7b.

C.P.M. 309 (1).

PETITION FROM THE EXECUTIVE COMMITTEE OF THE PALESTINE ARAB  
CONGRESS

*Report by M. Palacios.*

[*Translation*]

The Permanent Mandates Commission received through the proper channels two memoranda, signed "Jamaal Husseini", in the name of the Executive Committee of the Palestine Arab Congress, and, subsequently, the comments constituting the reply of His Britannic Majesty's Government. Since I have been requested by the Chairman of the Commission to lay these documents before the Commission during our present session, I give a brief summary in the following note of my opinion as to what action should be taken with regard to the above-mentioned documents.

We may say each of the two Arab memoranda is of an altogether distinct character, although both are intimately connected as regards their ideas and object. They are printed and bound in a single pamphlet, with consecutive numbering of the pages, the date of the pamphlet being April 12th, 1925. The first printed document is addressed to the President of the Council of the League of Nations, the second (dated April 8th) to the Chairman of the Permanent Mandates Commission. The first attacks and repudiates in principle the actual basis of the Palestine Mandate; the second claims, in particular, to prove that the Mandatory Power is not complying with the provisions of the mandate and is thereby injuring the interests of the non-Jewish population. In reply to these various allegations, the British Government makes certain observations on this subject which were submitted together, the pages being numbered consecutively.

It is my opinion that the first of the two Arab documents should be forwarded to the Council and that we should merely call the attention of the Council to this document. Its contents do not concern us. The Mandates Commission should take action with regard to everything relating to mandates and to their proper application and execution, but within the limits of the mandate itself — *i.e.* with a view to ensuring its continuance, its due observance and its execution. It is not for us to discuss whether the arguments submitted are just or unjust, nor do the fundamental principles of the mandates system concern us; these matters form part of the whole policy of the League of Nations, and it is outside our competence to discuss their details.

In the second document, the Arab Executive Committee refers to the discussions of the Mandates Commission in October and November 1924, which, in its opinion, were "neither fair to the Palestine Arabs nor sufficiently enlightening to the Commission itself", and the Committee criticises the allegations made by the High Commissioner before the Commission, since the procedure allowed of his appearing alone before the Commission and bringing forward arguments against opponents who were not able to refute his statements. In order to avoid the disadvantages arising from such a position of inequality, the representatives of the above-mentioned Committee, who, if not speaking (as they claim) in the name of 91 per cent of the population of Palestine, undoubtedly do voice the sentiments of an immense majority on the admission of the British themselves, propose that the Mandates Commission should visit the country itself in order to examine the complaints on the spot in the presence of the parties concerned.

In the document in question, this letter is followed by fresh allegations with regard to most of the questions dealt with in the autumn session of 1924; other questions are also raised to prove the discontent which Jewish policy has aroused among this large section of the population.

It is undoubtedly the duty of the Permanent Mandates Commission to discuss this second document and to take a decision with regard to it. These matters form part of the subjects which it is our duty to discuss and with which we are competent to deal. Now the matters referred to, although they are examples chosen out of the general order of events, are of such importance that they cover the whole policy of the Mandatory Power. In fact, they refer to the Jordan, Haifa and Jaffa concessions, to the salt concession, to the Kabbara concession. Special stress is laid on each in Jamaal Husseini's letters, as on the questions of the rights of municipal election, the question of the drainage of Jerusalem in so far as it affects the cemeteries, on religious belief, on the measures that have been taken by the police and on the condition of the prisons, on penal legislation and the procedure with regard to prosecutions, on Jewish immigration and, lastly, on the delicate questions of language, the name of the country and its flag. Moreover, in respect of each one of these extremely complicated questions, we have nothing more to go upon than assertions made by both parties; to give a complete expression of opinion, not to speak of a detailed and substantiated decision on each of them based on complete information, we should require a considerably greater amount of evidence. It is therefore my opinion that for the present the members

of the Commission should confine themselves to bearing in mind both the allegations of the Committee of the Arab Congress and the reply of the British representative when the question the accredited representative of the Mandatory Power. We will thus be able to obtain a clear idea of the general political situation. We should also take into consideration the Arab Committee's proposal of a visit to the spot, for such a visit would not only enable the Commission to hear personally the Arabs and the other elements of the population but would also give the Committee some idea of the atmosphere and the numerous imponderable factors which are of the first importance in solving the problem.

Such a visit of the whole Commission or some of its members or delegates could naturally only take place when circumstances should so warrant, and that would be a matter for the Commission itself and the Council of the League to decide. It should also be carried out with the strictest impartiality.

I also think that we should, forthwith and with a view to making good the involuntary absence of the adverse party which submits its complaint to us, publish the allegations made and the arguments advanced by the Committee of the Arab Congress at the same time as we publish the Minutes of the Commission's discussions and the comments of the British Government.

The problem is, in my opinion, as I have already stated, for us to exercise the greatest possible amount of tact in harmonising the two principles on which the mandate is based — namely, that of the Jewish home and that of the well-being and self-government of the various populations in Palestine. We should seek to attain both objects simultaneously, with equal energy and the same apostolic enthusiasm. Each should be complementary to the other, each should moderate the other and each should serve as a corrective to the other. In fact, each policy should lend support to the other. The Arabs — above all, their most responsible leaders — should not lose sight of the fact that, so long as they reject and combat one of the fundamental bases of the Palestine mandate, the Permanent Mandates Commission, faithful to its mission, will be led to conclude, by the very force of circumstances, that the Arab protests against the non-observance of the other principle — which they hold to be favourable to their claims — will lose much of their weight. Moreover, those Jews who, by reason of the first principle, venture to regard themselves as enjoying a privileged position must not forget that, in modern times, privileges generally entail a greater number of *duties* than of *rights*. Above all, the Mandatory Power will require all its prudence, all its experience, all its wisdom and political commonsense, of which it has given such striking proof in the past, if it is to succeed in this new and unusual undertaking, not merely with peace and honour but with added renown.

This being so, I propose to the Commission :

1. That the first Arab memorandum and the comments on this subject from His Britannic Majesty's Government should be referred to the Council of the League of Nations.
2. That the allegations of the second memorandum, and the commentaries which form the reply of the British Government, should be discussed at the same time as the report of the Mandatory Power, with the accredited representative of that Mandatory Power.
3. That both the Arab allegations and the British notes should be published as annexes to the Minutes of the present session of the Commission.
4. That the Commission should consider the suggestion of a visit to Palestine, such a visit to take place when, in agreement with the Council, it considers it opportune and possible.

Apart from this last conclusion, which is an entirely new suggestion, I have here the honour to propose to the Commission that it should merely adhere to the procedure which was adopted and followed last year.

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C. P. M. 213.

Annex 8.

PETITION FROM THE COUNCIL OF THE ASHKENASIC JEWISH  
COMMUNITY AT JERUSALEM

*Forwarded by the British Government on November 22nd, 1924.*

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*To the League of Nations, Geneva.*

Jerusalem, October 1st, 1924.

The Press announced that in these days there will be submitted to the League of Nations a report from the Government of Palestine concerning the development of this country during recent years.

We therefore beg to draw the attention of the League to the peculiar condition of Orthodox Jewry in this country and to the difficulty it meets in organising its communal life, and to submit its just demands in the hope of obtaining thereto the support of the League.

Orthodox Jewry in Jerusalem, which continues the existence of Original Jerusalem Jewry since the days of its last settlement on the principles of Torah and religion, organised itself, upon the occupation of Palestine by the British forces, into a separate community, and by reason of its peculiar religious views and its desire to secure the possibility of observing its principles in future, it declined to unite in the organisation of the community with another section of Jews which at that time organised a Jewish community together with irreligious Jews on secular and national principles alone.

This community remained separately organised and has been guarding its peculiar task and character for these six years, and its members, who number 1,600 heads of families, do not participate in the elections of the committees of the other community, nor do they take part in the establishment of their offices.

The Statute for the Organisation of Jewish Communities in Palestine, proposed by the secular and national Jews — the text of which, as published in the Press, we herewith annex — and submitted to the consideration of the Palestine Government for ratification, threatens the existence of the orthodox community, it deprives Jewish inhabitants of freedom of religion and conscience and endangers the possibility of observing religion in communal life in Palestine in future. The said Statute already contains clauses that are against Jewish morals and religion, such as giving women active and passive right of election, which is not practised in any existing Jewish community.

Moreover, even now, although the proposed Statute has not yet been ratified, we already feel oppression in the organisation of our communal life. Our rights as a community are little by little taken away from us, and we are deprived of the possibility to exist in the country and shape our life in accordance with our religious views and convictions along the lines of tradition and like the life of the original Jewish settlement in Palestine :

1. Whereas the supervision over the slaughtering of kosher meat is in the hands of the Rabbinate of the other community in whom our members have not full confidence, our community desired to arrange its own meat-slaughtering. This was disallowed us by the Government, with the result that many of our community members ceased to eat meat on that account, and others who do eat meat do so with pain of conscience.

2. A "Matza" tax was imposed on us in favour of the other community's funds, which, apart from the fact that such tax has never before been levied in Jerusalem, is collected from our members by force and deeply hurts our religious feelings.

3. We are forced to be subjected to the other community in all matters of certificates, etc., and we are denied official recognition.

4. Recently we were forbidden the practice of using our name, "Council (Waad Hair) of the Ashkenasic Jewish Community", for the reason that the Government cannot recognise more than one community in a town.

We hereby beg to submit copy of memorandum which we submitted regarding the matter to the Palestine Government and to the British Government in London, to which we not yet received a reply.<sup>1</sup> We request that same may be considered by the League.

In opposition to the said Statute proposed by the National Jews, dealt with in said memorandum, a Statute has been submitted by us, through the Centre of the World Agudath Israel Organisation, to the Palestine Government, for the organisation of Jewish communities in Palestine. This Statute, whilst securing the observance of the principles of Torah and religion in Jewish communal life in Palestine and with its expressed aspiration for communal unity, also contains full freedom for those declining to accept the Torah principles and gives them the possibility to organise separately into a special community.

This Statute deserves to be ratified, for it is free from any tendency of oppressing the conscience of anybody as well as from any desire to subject one part of the inhabitants to the wish of the other. It likewise has the advantage that it lays down religion as the foundation of communal Jewish life in Palestine, which behoves and is in harmony with the task of the Jewish people as the people of the Torah, and with Palestine as the Holy Land, the cradle of religion and faith.

We hereby beg to enclose also a copy of this proposed Statute, requesting thereto due attention when dealing with the situation in Palestine, and we hope that same will receive the support of the League.<sup>1</sup>

If, however, by reason of objection from the part of the irreligious who will not agree to recognise the laws of the Torah as a foundation for their communal life, our suggestion will not succeed to receive ratification in full, in spite of its justice, it should at least be seen to that, in organising Jewish communities in Palestine, the principle of freedom of

<sup>1</sup> Note by the Secretariat. — The annexes to this petition have not been included.

religion and conscience shall be secured and full right be given therein to orthodox Jews in Palestine to organise for themselves separate communities with all the organs thereto appertaining, in due accordance with their views and wishes, in a manner entirely independent of other communities which are organised not in accordance with their religious scruples.

Hoping that our request will be viewed with favour by the enlightened nations, especially Great Britain, which uphold truth and justice.

(Signed) Rubin S. JUNGREIS,  
*Chief Secretary for the Community.*

C. P. M. 285.

Annex 8a.

COMMENTS OF THE BRITISH GOVERNMENT ON THE PETITION  
OF THE ASHKENASIC JEWISH COMMUNITY

*Letter to the Chief of the Mandates Section of the League of Nations.*

London, October 2nd, 1925.

With reference to your letter No. 1/39544/2413 of July 28th, and to previous semi-official correspondence ending with Mr. Cadogan's letter to Mr. Gilchrist of June 17th, relative to a petition from the Ashkenasic Jewish Community at Jerusalem, I am directed by Mr. Secretary Chamberlain to inform you that the situation has now been somewhat modified.

2. The enactment of an ordinance has recently been approved empowering the High Commissioner for Palestine, with the approval of one of His Majesty's Principal Secretaries of State, to make regulations providing for the organisation of religious communities in Palestine and for their recognition as such by the Government of Palestine.

3. If, after the enactment of this ordinance, of which certain details are at present under consideration, the Jewish community in Palestine apply for recognition by the Government of Palestine, it will be necessary to draw up regulations providing for the organisation of that community, and the representations made by the Ashkenasic Jewish community will be borne in mind when those regulations are being drafted.

(Signed) Lancelot OLIPHANT.

Annex 9.

LETTER AND MEMORANDUM FROM THE ZIONIST ORGANISATION

*Forwarded by the British Government on October 19th, 1925.*

His Excellency  
The High Commissioner for Palestine,  
Government House,  
Jerusalem.

London, September 1st, 1925.

On behalf of the Executive of the Zionist Organisation, which is recognised as the Jewish agency for Palestine under Article 4 of the Palestine Mandate, I have the honour to request that the accompanying memorandum on the development of the Jewish National Home in Palestine, 1924-1925, may be transmitted through the proper channels to the Secretary-General of the League of Nations for the information of the Permanent Mandates Commission.

2. The memorandum brings up to date the material contained in a more comprehensive memorandum on the same subject which was prepared for the information of the Permanent Mandates Commission at its fifth session in October 1924 and which was submitted to Your Excellency's predecessor under date November 23rd, 1924, with the request that it might be laid before the Council of the League of Nations.

3. The two memoranda are designed to be read together, but some doubt would appear to exist as to whether the memorandum of October 1924 has been formally brought



within the cognisance of the Permanent Mandates Commission. Accordingly, I have the honour to request that the 1924 memorandum, of which copies are enclosed, may also be transmitted to the Permanent Mandates Commission through the proper channels.<sup>1</sup>

4. It is noticed with regret that in the report submitted to the Council of the League of Nations in December 1924 the Permanent Mandates Commission made certain observations which did less than justice to the Jewish immigrants who had settled in Palestine during the period under review. These observations suggest that the Commission, anxious as it unquestionably was to state facts fairly, was not fully aware of the scale on which the Jews had actually contributed to the reconstruction of Palestine and to the quickening of its economic and social life. For this reason among others, the supplementary memorandum now submitted consists largely of additional information with regard to the constructive work carried out in Palestine under Zionist auspices since the mandate took effect, and particularly during the past twelve months.

5. With reference to Section 6 of the memorandum, which deals with education, the Executive feels obliged to draw attention to the fact that the Jewish schools in Palestine receive from the Government nothing beyond a trifling grant-in-aid, amounting in 1924-1925 to £E3,065, or about 3 per cent of the sum appropriated to education from public funds. The Jews at present constitute about 13 per cent of the population, and they have repeatedly urged that in the allocation of funds for educational purposes they should receive a share proportionate to their numbers. The Executive is in the fullest sympathy with the efforts of the Palestine Government to provide improved educational facilities for the non-Jewish population, but it is, in its submission, unjust that revenue derived from general taxation should be devoted almost exclusively to the establishment and maintenance of schools in which the language of instruction is Arabic, the Jews being left to provide Hebrew schools at their own expense. The Executive regrets that its representations on this point have not, up to the present, had any practical effect.

6. The Executive also desires to take this opportunity of referring to the terms of the latter part of Article 6 of the Palestine Mandate, which provides that the Administration, "while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage . . . close settlement by Jews on the land, including State lands and waste lands not required for public purposes." It feels bound to point out that although the mandate has now been in force for some considerable time, Article 6 still remains substantially inoperative.

7. The Executive begs leave to add that it fully appreciates and gladly acknowledges the unremitting efforts of His Britannic Majesty's Government and of the Government of Palestine to ensure the peaceful development of Palestine and to promote the welfare of all sections of its inhabitants. If it has felt obliged to mention certain grievances which it believes to be legitimate, it is in the confident expectation of early redress.

8. On behalf of the Executive, I have the honour to request that this letter may be transmitted to the Secretary-General of the League of Nations, for the information of the Permanent Mandates Commission, together with the accompanying memorandum and the memorandum of October 1924, of each of which I beg to enclose fifty copies in English, French, and Hebrew.

9. In approaching Your Excellency on this subject, the Zionist Organisation begs leave to observe that this is a case which does not appear to be fully covered by the existing rules of procedure. The resolution adopted by the Council of the League of Nations on December 10th, 1923, merely provides that the Council shall be furnished, at the opening of every session, with a list of communications received by the Secretary-General from international organisations not possessing an official status. Apart from this resolution, the only relevant rules of which the Zionist Organisation is aware are those laid down by the Council on January 29th, 1923, with reference to "petitions regarding inhabitants of mandated territories".

10. It will be observed that these rules refer in terms only to petitions. They would appear, therefore, not to be strictly applicable to the memorandum now submitted by the Zionist Organisation, which—like that submitted in October 1924—is primarily designed to assist the Permanent Mandates Commission by supplying it with information which might not otherwise be readily available. For a communication of this character no express provision appears to have been made.

11. Even if such a communication be deemed to be within the scope of the procedure laid down by the resolution of January 1923, it is still not quite clear through what channel it ought to be submitted. Communications emanating from inhabitants of a mandated territory are to be sent to the League Secretariat through "the Mandatory Government concerned"—in this case presumably the Government of Palestine. The accompanying memorandum does not, however, emanate from a section of the inhabitants of Palestine. It is submitted by the Zionist Organisation in its capacity as the Jewish agency, to which Article 4 of the Palestine Mandate accords a recognised status in matters affecting the

<sup>1</sup> Note by the Secretariat. — This memorandum is not reproduced.

establishment of the Jewish National Home. On the other hand, the case does not appear to be fully covered by the procedure laid down with regard to communications emanating from other sources than the inhabitants of the mandated territory in question. Such communications are apparently to be sent direct to the League Secretariat, which is to transmit them to the Chairman of the Permanent Mandates Commission. It is then for the Chairman to decide which of them are sufficiently important to be brought to the notice of the "Government of the Mandatory Power"—in this case presumably His Britannic Majesty's Government—with a view to their being eventually considered by the Commission. This procedure was followed in the case of the memorandum submitted in October 1924, which was sent direct to the League Secretariat with an intimation that a copy had also been sent to His Britannic Majesty's Government. This was believed to be as nearly as possible in accordance with the procedure laid down by the Council, but the Permanent Mandates Commission found itself unable to take official cognisance of the memorandum, which ought, it was held, to have been submitted through the medium of the Mandatory Power.

12. The Zionist Organisation is advised that in the present instance its best course is to submit its memorandum to the Government of Palestine for transmission to the League Secretariat, and thence to the Permanent Mandates Commission through the medium of His Britannic Majesty's Government in London. The Zionist Organisation has no desire to submit such communications to the Permanent Mandates Commission otherwise than through the medium of the Mandatory Power. On the contrary, it fully recognises that this is the appropriate procedure. On the other hand, the Zionist Organisation is not a local body speaking for a section of the inhabitants of the mandated territory. In recognising it as the Jewish agency for Palestine, the mandate clearly conceives of it as the representative of those Jews in all parts of the world who are engaged in a concerted effort to build up the Jewish National Home. For this reason, it is respectfully suggested that the more appropriate channel for the submission of memoranda similar to that which forms the enclosure to this letter is the Government of the mandatory Power, *i.e.*, His Britannic Majesty's Government in London. As has already been pointed out, a technical difficulty would also appear to arise from the fact that the relevant rules of procedure relate solely to petitions. On both these points the Zionist Organisation would be grateful if a ruling could be given by the competent authorities for its guidance in future.

(Signed) CH. WEIZMANN,  
*President of the Zionist Organisation.*

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## Appendix.

### THE ESTABLISHMENT IN PALESTINE OF THE JEWISH NATIONAL HOME

#### MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME, 1924-1925

*Submitted by the Zionist Organisation to the Secretary-General of the League of Nations for the Information of the Permanent Mandates Commission, October 1925.*

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#### I. IMMIGRATION <sup>1</sup>

1. As will be seen from the figures given below (§ 3 ff.), the most notable feature of the period under review is a marked increase in the volume of Jewish immigration, accompanied by a heavy fall in the number of recorded departures. In the eighteen months ending June 30th, 1925, the net immigration was about fifty per cent greater than in the whole of the three years 1921, 1922 and 1923.

2. The recent arrivals have included a large and growing proportion of immigrants classified as persons of independent means. A considerable number of the middle-class immigrants have come to Palestine with the definite intention of buying farms and settling on the land, though many of them have been compelled by circumstances to make at least temporary homes in the towns. This land-hunger is to be found in a marked degree even among those immigrants who come from a purely urban environment. In this respect the situation in Palestine reflects a phenomenon which is visible in many parts of Eastern and Central Europe, where there is a growing desire among the town-bred Jews to abandon a life in which they see no future and to make a fresh start on the land.

3. The official returns show that 12,856 Jewish immigrants settled in Palestine in 1924, as compared with 7,421 in 1923. In the first six months of 1925 — later figures

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<sup>1</sup> See paragraph V of the memorandum submitted by the Zionist Organisation to the Secretary-General of the League of Nations for the information of the Permanent Mandates Commission, October 1924.

are not yet available — there were in all 15,821 immigrants, of whom all but a negligible proportion were Jews.

4. The total number of emigrants from Palestine in 1924 is officially estimated at about 2,500. Classified figures are only available for the second half of the year, when there were 1,111 emigrants, of whom 507 were Jews, made up of 212 pre-war residents and 295 post-war settlers. It may therefore be estimated that the total number of Jews, including pre-war residents, who left Palestine in 1924 was about 1,000, as compared with 3,466 in 1923. In the first six months of 1925 the official returns record 632 Jewish emigrants, of whom 356 were pre-war residents.

5. The total number of Jewish immigrants who have settled in Palestine since the British occupation up to May 31st, 1925, is approximately 55,000, not including pre-war Jewish residents, estimated at about 5,000, who have now returned to their homes. In April 1925 the Jewish population of Palestine was officially estimated at 108,000, as compared with 83,794 at the census of October 1922 and about 55,000 at the time of the Armistice.

6. In paragraph V of the memorandum of October 1924, reference is made to the Palestine Offices maintained by the Zionist Organisation in the principal emigration centres in Europe, for the purpose (*inter alia*) of registering and examining prospective emigrants to Palestine and distributing the permits allotted to the Zionist Organisation by the Palestine Government. The Palestine Offices are instructed to exercise the utmost care in their selection, which is in all cases subject to the final approval of the British consular officer on the spot. The immigration officer formerly stationed at Trieste has now been transferred by the Palestine Government to Warsaw.

7. Under the quota system now in force, the number of persons of the working class who can obtain visas for Palestine is limited to a small proportion of the applicants. In the principal emigration centres the number of applicants registered at the Palestine Offices has throughout the past twelve months been three or four times as large as the number of available permits. The Palestine Offices, which are kept fully informed as to the economic situation in Palestine, have thus a wide field of choice from which to select the applicants best qualified to meet the varying requirements of the labour market.

8. Facilities are provided for the training of immigrants both in their countries of origin and after their arrival in Palestine. Through the medium of the *Hehaluz* ("Pioneer") Organisation, which enjoys Zionist support, some thousands of prospective settlers have received agricultural or industrial training. The *Hehaluz* Organisation, of which there are numerous branches in various parts of Europe, has at present about 4,000 members of both sexes under instruction, while 10,000 of its members have already settled in Palestine. It maintains its own training-farms in Poland, Lithuania, Roumania, Germany and other parts of Eastern and Central Europe. In addition, it has made arrangements under which Jewish landowners in various parts of Europe accept its members as pupils. The *Hehaluz* Organisation also maintains a number of workshops, providing preliminary training in the building, engineering, cabinet-making and other trades.

9. In Palestine itself the Zionist Organisation has made arrangements under which organised groups of immigrants are enabled to receive practical training in agriculture in one or other of the Jewish settlements. In 1924-1925 thirty such groups, with a total membership of 1,100, were under instruction. The Zionist Organisation also maintains three training-farms for women in various parts of Palestine. The Women's International Zionist Organisation has established an Agricultural School for Women at Jaffa, and in 1925 the same body opened a similar school at Nahalal in the Vale of Jezreel. This institution provides a three-years course in all branches of agriculture in which women engage. A three-years course of agricultural education for boys between the ages of fourteen and eighteen is provided by the Mikveh Israel School near Jaffa, which is maintained by the *Alliance Israélite Universelle*.

10. The character of the immigrants as a law-abiding section of the population is unquestionable. In 1924, according to official statistics, the total number of Jews convicted of heinous crime was only 22, which is equivalent to about one-quarter of the rate for the general population.

11. Apart from immigrants entering Palestine under the immediate auspices of the Zionist Organisation, for the purpose of filling existing or anticipated vacancies in the labour market, there has been in 1924-1925 a marked increase in the immigration of small craftsmen and artisans who possess a moderate amount of capital and propose to establish themselves in business on their own account. The immigration regulations in force make special provision for the entry of immigrants of this category, who have brought into Palestine considerable amounts of capital, amounting in 1924-1925 to an estimated total of not less than £500,000.

12. A third and important class of immigrant which is also entering Palestine in increasing numbers consists of business men of substantial means. Immigrants of this type

have been instrumental in launching a number of new and important industrial enterprises, of which further particulars are given in paragraph IV of this memorandum.

## II. — AGRICULTURAL COLONISATION<sup>1</sup>

13. During 1924 arrangements were made for the acquisition of a further 200,000 dunams<sup>2</sup> of land in Palestine for settlement by Jews. The area of Jewish holdings in Palestine has thus been increased to a total of 900,000 dunams, of which all but a small proportion is in rural areas. About 160,000 dunams are held by the Jewish National Fund, the land-purchasing agency of the Zionist Organisation, as the inalienable property of the Jewish people.

14. At the outbreak of the war in 1914, the Jewish Colonisation Association (now reconstituted as the Palestine Jewish Colonisation Association) had been promised by the Turkish authorities a lease of the Kabbara swamps, covering, with the adjacent sand dunes, an area of about 45,000 dunams in the neighbourhood of Caesarea. The Palestine Government has confirmed this pre-war concession and has now granted the Association a fifty-years lease of the Kabbara lands on terms providing for their reclamation and development. With a few small exceptions, this is the only case in which it has yet been found possible to give practical effect to that part of Article 6 of the Palestine Mandate which provides that "the Administration of Palestine . . . shall encourage, in co-operation with the Jewish agency referred to in Article 4, the close settlement of Jews on the land, including State lands and waste lands not required for public purposes". In this connection, the Government of Palestine has recently made tentative proposals for leasing to the Zionist Organisation certain limited areas of State or waste land. These proposals are now being examined with a view to ascertaining whether the areas referred to are suitable for Jewish colonisation.

15. Much of the land recently acquired was infected with malaria and was unfit for settlement in its existing condition. Drainage works have therefore continued to be carried out on a considerable scale by the Zionist Organisation and other Jewish agencies. In 1924-1925 swamps were drained by canalisation and by the plantation of eucalyptus trees in eighteen distinct localities. Further progress has been made with afforestation. The number of forest trees planted by Jewish agencies to the end of 1924 amounts to over 1,000,000, distributed over an area of 22,000 dunams.

16. The Jewish agricultural settlements included, at the end of 1924, 75,000 dunams of plantations, made up as follows :

	Dunams.	Acres : (about)
Oranges and lemons . . . . .	12,000	3,000
Almonds . . . . .	33,000	8,000
Vines . . . . .	20,000	5,000
Olives . . . . . (about)	10,000	2,500

17. The Jewish settlers, in common with their Arab neighbours, have recently devoted much attention to tobacco-planting. In 1924, the area of Jewish land under tobacco rose to 9,000 dunams, as compared with 700 dunams in 1923, and 300,000 kilogrammes of tobacco were sold at remunerative prices.

18. The Agricultural Institute maintained by the Zionist Organisation at Tel-Aviv has devoted special attention to the extermination of plant and animal parasites, the selection of seeds, and experiments in the acclimatisation of new crops, including in particular flax, sugar, and beet. As a result of these experiments, arrangements are now in contemplation for the establishment of a sugar factory in Palestine, which at present imports all its sugar from abroad.

19. During 1924 about 1,400 persons were settled on the land by the Zionist Organisation, making a total of about 2,800 since the close of the war. The total number of Jews living on the land is now estimated at about 23,000, or 21 per cent of the Jewish population, as compared with 15,000, or 18 per cent, at the census of October 1922. The total of 23,000 includes about 3,000 Jews employed as agricultural labourers in the Jewish settlements. The total number of such settlements at the end of 1924 was 80, including 35 established under the immediate auspices of the Zionist Organisation, of which eight were founded in 1924.

20. In the financial year 1924-1925, £144,000 were spent from Zionist funds on agricultural colonisation, including a grant of £8,000 to the Agricultural Institute at Tel-Aviv. To this must be added £172,000 expended during the same period by the Jewish National Fund on the purchase and amelioration of agricultural land, and a further £100,000 expended for similar purposes by the American Zion Commonwealth. In addition, individual settlers established on the land under Zionist auspices have invested money of their own to an estimated total for 1924-1925 of £150,000. New money invested during the year in the Zionist agricultural settlements thus amounts in the aggregate to more than £500,000.

<sup>1</sup> See paragraph VI of the Memorandum of October 1924.

<sup>2</sup> 1 dunam = about  $\frac{1}{4}$  acre.

### III. URBAN DEVELOPMENT <sup>1</sup>

21. The growth of the agricultural settlements has been accompanied by a considerable increase in the Jewish population of the towns. The most striking example is the Jewish township of Tel-Aviv (Jaffa), where the population has risen from about 16,500 at the end of 1923 to about 27,000 in December 1924. In 1924, 462 houses, with an estimated aggregate value of about £600,000, were built in Tel-Aviv, and permits were issued by the Municipality for the erection of 379 additional houses in the first quarter of 1925. In Jerusalem it is estimated that the Jewish population increased in 1924 from 36,000 to 38,000, and in Haifa from 7,000 to 8,000. In both towns progress is being made with the development of new Jewish suburbs, laid out as far as possible in accordance with modern principles of town-planning. The number of new houses added to these suburbs in 1924 was about 100 in the case of Haifa and about 50 in the case of Jerusalem. At Haifa a group of merchants has concluded a contract for the construction of a commercial centre at an estimated cost of £50,000.

22. There is a growing tendency on the part of Jews employed in the towns to seek homes in the country. To meet this demand, experiments are being made in the establishment of garden-cities. Three such garden-cities or satellite-towns already exist on a small scale in the neighbourhood of Tel-Aviv and have a total population of about 1,000. In these communities each family owns a few dunams of land, where it grows vegetables for its own requirements and in many cases keeps poultry and a few cattle. A little further out, four other settlements, of a more distinctly agricultural character, have come into existence in the neighbourhood of Tel-Aviv, which offers a growing market for agricultural produce. Similar developments are taking place in the neighbourhood of Haifa.

23. Mortgage credits to a total of £30,000 were granted during 1924 by the General Mortgage Bank of Palestine, which has been established under Zionist auspices. During the same period, the *Binyan* Building Association, which has been established by South African Zionists, granted mortgage credits in Haifa to a total of £20,000.

### IV. INDUSTRY <sup>2</sup>

24. The growth of the towns has been reflected in the sustained activity of the building and allied trades, in which there has been a continuous and increasing demand for labour.

25. The Palestine Electric Corporation, which operates what are usually known as the Rutenberg Concessions, is supplying electric light and power to Tel-Aviv, Jaffa, and the neighbourhood from the Tel-Aviv power-station. The industrial development of this area is illustrated by the steady growth of the demand for power. A second power-station has been built at Haifa, and a third is under construction at Tiberias. All these stations at present employ fuel-power, but preparations are now being made for the execution of the Rutenberg hydro-electric scheme in the Jordan Valley.

26. The *Nesher* Cement Factory at Haifa, in which £E250,000 of Jewish capital has been invested, is on the point of completion and is expected to begin work in the autumn of 1925. The factory will render Palestine, which at present imports cement to the value of £E120,000 per annum, independent of other sources of supply, and is also expected to provide a surplus for export to the neighbouring countries.

27. Numerous other Jewish industrial undertakings of varying importance were established in 1924 and may be classified as follows :

Industry	Establishments.	Capital Invested.	Number of Employees.
		£	
Textile factories. . . . .	21	154,000	186
Boot and shoe factories . . . . .	4	4,000	68
Furniture. . . . .	9	3,100	66
Ironworks . . . . .	7	4,500	50
Paper-making and bookbinding . . . . .	7	2,700	42
Leather factories . . . . .	4	32,000	35
Printing-works . . . . .	2	3,600	33
Chemical factories . . . . .	7	1,000	21
Cigarette-making . . . . .	2	3,500	15
Milling . . . . .	2	2,000	10
Total. . . . .	65	210,400	526

<sup>1</sup> See paragraph VII of the Memorandum of October 1924.  
<sup>2</sup> See paragraph VIII of the Memorandum of October 1924.

28. It is estimated that the Jewish capital invested in the industrial development of Palestine has risen from about £1,000,000 in November 1923 to about £2,000,000 in July 1925. About 5,000 persons are now employed in Palestine in various Jewish industrial undertakings, of which the more important may be classified as follows :

Industry.	Number of Employees.
Foodstuffs . . . . .	971
Building materials . . . . .	963
Paper-making and printing . . . . .	676
Textiles . . . . .	579
Wood-working and furniture . . . . .	512
Metal . . . . .	484
Leather . . . . .	330
Chemicals . . . . .	223

29. In the course of 1924 a group of twenty Jewish fishermen from Salonica was settled by the Zionist Organisation near Akka, this being the first systematic attempt to establish a Jewish fishing industry in Palestine.

#### V. PUBLIC HEALTH<sup>1</sup>

30. The Hadassah Medical Organisation, which is entirely maintained from Jewish funds, has continued and extended its activities. In 1924, its hospitals in Jerusalem, Jaffa, Haifa, Tiberias, and Safed had a total bed-strength varying from 300 to 325. The total number of patients admitted was 8,339, as compared with 7,719 in 1923. The Hadassah Medical Organisation also maintains thirty-nine clinics in villages and agricultural colonies, in addition to clinics in a number of urban centres, both Jewish and non-Jewish, including Jerusalem, Jaffa, Haifa, Safed, Tiberias, Hebron, Beisau, and Ramleh. In 1924 the Hadassah clinics received 94,011 new cases and registered a total of 520,769 attendances for treatment. In the same period, 78,430 analyses (bacteriological and chemical) were made in the five Hadassah laboratories.

31. In the course of the year, Hadassah was enabled to open a Röntgen Institute in Jerusalem. This was made possible by the generosity of the American Jewish Physicians' Committee, which is engaged on the equipment of the various institutes destined to be incorporated in the Medical Department of the Hebrew University. The Röntgen Institute is an important addition to the medical resources of Palestine in view of the prevalence of skin diseases, especially among the young.

32. The Hadassah Organisation maintains the largest nurses' training-school in Palestine. In 1924 there were fifty pupils under instruction, and the number of graduates is now fifty-four.

33. The Hadassah Organisation also renders important services in the sphere of social hygiene.

(a) *Inspection of Schools.* In 1924 the School Hygiene Department of the Organisation had more than 15,000 children under medical supervision. The work of the Department included 28,250 general physical examinations and a large number of treatments for skin disease, eye disease and other ailments.

(b) *Anti-Trachoma Campaign.* The anti-trachoma campaign, which the Hadassah has conducted with satisfactory results in the towns, has been extended to include the whole of the Jewish agricultural settlements, which now enjoy the services of a visiting oculist and trained nurses.

(c) *Maternity Work.* Systematic arrangements have been made for the provision of advice and assistance to expectant mothers.

(d) *Infant Welfare Work.* The Infant Welfare Centres in Jerusalem, Jaffa, and Haifa have been maintained, and new centres have been established at Tiberias and in a number of the agricultural settlements. In this connection, reference may be made to the following passage from the Annual Report of the Government Department of Health for 1923 :

“The Drop of Milk scheme in Jerusalem has been merged into the health welfare centres, which the Hadassah Medical Organisation is conducting on modern lines under the direction of a well-trained and experienced *personnel*. The Hadassah has opened several new centres in Jerusalem and extended the work to other towns during the course of the year, and has also established a six-months course of training for graduate hospital nurses who wish to qualify in health welfare work.”

<sup>1</sup> See paragraph XI of the Memorandum of October 1924.

In this branch of social service valuable assistance has been rendered by the Women's International Zionist Organisation.

(e) *Health Week*. On the initiative of the Hadassah Organisation, and with its financial support, Palestine had its first "Health Week" in November 1924. Special lessons on hygiene were given in the Jewish and Arab schools, and many thousands of suitable leaflets were distributed to the public in Arabic and Hebrew. In Jerusalem this propaganda was reinforced by a health exhibition, which attracted about 30,000 visitors.

34. The Hadassah staff has risen from 44 in 1918 to a total of 429, including 63 physicians, 7 bacteriologists and 115 nurses.

35. The entire cost of the Hadassah service is defrayed from Zionist and other Jewish funds, of which a large proportion come from the United States. In 1924, the expenditure of the Hadassah Organisation was £E84,555, and its total expenditure in the six years 1919-1924 amounts to £E595,754.

36. To the activities of the Hadassah Organisation must be added those of the *Kupath-Cholim*, the Sick Benefit Fund of the Jewish Labour Organisation. This institution has now 10,000 members, as compared with 1,200 in 1919. Its expenditure in 1924 was £E29,603, as compared with £E26,238 in 1923 and £E16,613 in 1922. About one-third of its income consists of a subvention from Zionist funds. The bulk of the remaining two-thirds is furnished by members' dues and contributions from employers and co-operative societies.

37. The *Kupath-Cholim* provides every type of medical service for its members and their families, amounting in all to about 18,000 persons in more than seventy places. For hospital treatment it largely relies upon the Hadassah Medical Organisation, with which it has made suitable arrangements for the purpose. In addition, it also maintains hospitals of its own at Ain Harod and Tiberias and opens temporary cottage hospitals as occasion arises in the Jewish agricultural settlements.

38. The *Kupath-Cholim* was the first institution in Palestine to provide sanatorium treatment for workmen. At Motza, near Jerusalem, it has recently opened a sanatorium with thirty beds, which are eventually to be increased to sixty. Plans are being made for the opening of a second sanatorium on Mount Carmel for the benefit of workmen employed in Haifa and the surrounding districts.

39. In the properties recently acquired by the Jewish National Fund and other Jewish bodies in and around the Vale of Jezreel, the sanitary work begun in 1922 has now been completed. As a result, 47,000 dunams (nearly 12,000 acres) of swampy soil, infested with malaria, have been reclaimed and made habitable. In the report of the Government Sanitary Engineer and Director of the Malaria Research Unit, this is described as "the most important undertaking of its kind in Palestine".

40. In the Nahalal district, which includes 12,000 of the 47,000 dunams reclaimed, the monthly average of malaria cases (new and recurrent) fell from 9.2 per cent of the population in 1922 to 0.9 per cent in 1923, and no new cases were recorded throughout 1924.

41. In the Ain Harod district the results obtained are illustrated by the following table :

Name of settlement.	Average monthly percentage of inhabitants suffering from malaria.	
	1922	1924
Ain Harod . . .	11.7	3.2
Kfar Yezekiel . .	5.8	0.8
Geva . . . . .	3.1	0.5
Tel-Josef . . . .	9.9	2.4
Beth-Alpha . . .	35.5	5.3

The figures, both for Nahalal and Ain Harod, are taken from the returns of the Malaria Research Unit, which operates under the auspices of the Government Department of Health.

42. In all questions of public health the Palestine Zionist Executive is advised by a Medical Council (*Va'ad Habriuth*) composed of leading Jewish physicians and representatives of the various Jewish medical institutions. This body has continued to carry on a popular campaign against malaria and tuberculosis by means of lectures and pamphlets. It is also taking measures to supplement the available medical statistics.

VI. EDUCATION<sup>1</sup>

43. (a) *Schools.* — As a result of the large increase in the volume of immigration in 1924, there has been a corresponding increase in the number of pupils at the Hebrew schools. At the opening of the school year 1924-1925 the figure was 13,246, as compared with 11,962 at the opening of the school year 1923-1924.

44. The following institutions are administered by the Education Department of the Palestine Zionist Executive and maintained, or substantially supported, by Zionist funds :

	Number.		Teachers.		* Pupils.	
	1924-5	1923-4	1924-5	1923-4	1924-5	1923-4
Kindergartens . . . . .	43	38	72	71	2,337	1,976
Elementary schools . . . . .	75	65	347	313	9,030	8,289
Secondary schools . . . . .	3	5	65	53	1,009	851
Teachers' training colleges . . . . .	3	3	33	35	277	289
Technical schools . . . . .	4	4	21	16	337	304
Manual training and miscellaneous schools . . . . .	4	5	12	9	256	253
<i>Total.</i> . . . .	132	120	550	497	13,246	11,962

45. In addition to these institutions, there are a number of Jewish schools maintained by bodies other than the Zionist Organisation, including in particular the Anglo-Jewish Association of London and the *Alliance Israélite* of Paris. Jewish commercial schools have been established upon a self-supporting basis in Jerusalem and Jaffa. There are also a number of orphan schools maintained by various Jewish societies and organisations, among them the "Children's Village" at Kfar Yaladim in the Vale of Jezreel, where 120 orphans are receiving practical training in agriculture at the expense of the Jewish community of South Africa.

46. Virtually the entire cost of Jewish education in Palestine continues to be defrayed from Jewish funds. In 1924 the Jewish schools as a whole received from the Government a grant-in-aid of £E.3,065. The share of the Hebrew schools administered by the Zionist Organisation was £E.2,327, or about 2½ per cent of their total cost. The main burden continues to fall upon Zionist funds, but there is now a substantial and growing revenue from local sources, including tuition fees. In the year ending September 30th, 1924, when the total cost of the Hebrew schools was £E.92,677, contributions from other than Zionist sources, exclusive of the Government grant-in-aid, amounted to £E.22,946, made up as follows :

	£E.
Tuition fees . . . . .	9,069
Palestine Jewish Colonisation Association . . . . .	8,346
Grants from various Jewish communities in Palestine . . . . .	4,621
Palestine Orphans Committee . . . . .	735
Mizrachi Organisation . . . . .	175
<i>Total</i> . . . . .	£E.22,946

The estimated revenue from these sources for 1924-1925 is £E.30,000, or about 28 per cent of the total cost of the Hebrew schools, as compared with £E.7,035, or about 10 per cent, in 1919-1920.

47. The Zionist Organisation makes a grant of £E.6,000 a year towards the educational work of the Jewish Labour Association, which provides its members, both in the urban and rural areas, with evening classes, lectures and travelling libraries. The Labour Association maintains for this purpose a Central Library of 40,000 volumes, which are distributed among ninety-eight branches, while its evening classes were attended in 1924 by over 2,000 pupils.

48. An educational exhibition organised by the Educational Department of the Palestine Zionist Executive was held in Jerusalem in April 1924 and attracted about 10,000 visitors.

49. (b) *The Haifa Technical Institute.* — The Haifa Technical Institute was opened in February 1925 by Sir Alfred Mond, the Chairman of the Board of Governors. Twenty-eight students are at present undergoing a three-years course of whole-time instruction in various branches of the building trade. The Institute also provides evening classes, at present attended by about 100 students, for builders, woodworkers, boilermakers and electricians.

<sup>1</sup> See paragraph XII of the Memorandum of October 1924.



50. The teaching staff of the Institute consists of four senior lecturers and fourteen part-time teachers and assistant instructors. In the first stages of its existence the Institute was under the temporary direction of Mr. Arthur Blok, M.I.C.E., A.M.I.E.E. Mr. Blok has now returned to his appointment in the British Civil Service, and Mr. M. Hecker, formerly Deputy-Principal and Head of the Building Department, has been appointed as his successor.

51. The cost of the Institute in 1924 was £E7,455, which has been provided in part by the Zionist Organisation and in part from other Jewish sources.

52. (c) *The Hebrew University of Jerusalem.* — In April 1925 the Hebrew University on Mount Scopus was inaugurated by the Earl of Balfour. The opening ceremony was attended by His Excellency the High Commissioner for Palestine, by Field-Marshal Lord Allenby, and by representatives of a large number of Governments, universities and learned bodies, as well as of the principal Jewish communities and organisations throughout the world.

53. The University at present consists of three institutes, devoted in the main to advanced research in various branches of science and learning.

54. The Institute of Medical Research, originally known as the Microbiological Institute, is at present specialising in the study of microbiology and tropical medicine. While its main efforts are concentrated on research, the Institute also provides advanced teaching for members of the medical profession in Palestine, and it is arranging, in addition, for the delivery of popular lectures on tropical hygiene. The equipment and organisation of the Institute are under the direction of Dr. S. Adler, formerly of the Sir Alfred Jones Research Institute, Sierra Leone. Arrangements are now being made for the appointment of a director.

55. The Institute of Chemistry, originally known as the Biochemical Institute, consists of two departments, devoted respectively to general chemistry and biochemistry. The staff at present consists of Professor Fodor, late of the University of Halle, who has been appointed Director of the Biochemical Department, together with two assistants in the Department of Biochemistry and two in the Department of General Chemistry. Ten research students are at present at work under the supervision of Professor Fodor.

56. The Institute of Jewish and Oriental Studies, to which it is hoped shortly to add a Department of Arabic and Arabic literature, opened its doors in December 1924. Courses of lectures have been delivered at the Institute by a number of distinguished scholars from abroad, while a number of scholars resident in Jerusalem have been associated with the work of the Institute in the Departments of Talmudical Studies, Oriental Studies, and Philology.

57. Preparations are now in progress for the opening of an Institute of Mathematics and Physics, the foundation-stone of which was laid on the occasion of the opening of the University.

58. The general administration of the University is in the hands of a Board of Governors consisting at present of Mr. Ch. Bialik, Professor Einstein, Mr. Asher Ginzberg, Dr. J. L. Magnes, Sir Alfred Mond, Mr. James de Rothschild, Mr. Nahum Sokolow, Mr. Felix Warburg, and Dr. Ch. Weizmann.

59. Closely associated with the University is the Jewish National Library in Jerusalem, which contained on July 1st, 1925, 95,700 volumes, as compared with 66,000 on July 1st, 1923. An important addition to the Library is the celebrated Oriental collection of the late Professor Ignaz Goldziher, which was installed in 1924 in a building rented for the purpose. The International Library Congress, which met in Paris in 1924, adopted a resolution bringing the Jerusalem Library to the notice of the constituent bodies and commending it to their support. In the spring of 1924, the Library began the publication of a bibliographical quarterly review under the name of *Kirjath Sefer*. This review contains a complete list of all publications issued in Palestine, both in Hebrew and other languages, and also a list of all books on Jewish subjects appearing throughout the world.

77, GREAT RUSSELL STREET,

LONDON, W.C. 1.

September 1925.

Annex 9a.

LETTER FROM THE BRITISH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS, TRANSMITTING THE LETTER (WITH ANNEXES) FROM THE ZIONIST ORGANISATION AND CONTAINING ITS OBSERVATIONS THEREON.

London, October 19th, 1925.

I am directed by Mr. Secretary Chamberlain to transmit to you herewith fourteen copies of a letter addressed by the Zionist Organisation to His Majesty's High Commissioner for Palestine, with the request that they may be communicated to the Permanent Mandates Commission of the League as soon as possible.

2. His Majesty's Government desire to offer the following observations on the points raised in that letter.

3. In the first place, as regards the question of the amount of funds provided by the Palestine Government for Jewish education, they feel bound to state that they are unable to accept the contention that the Palestine Government are under any obligation to ensure that in any head of expenditure of the Palestine estimates the amount of money devoted to the needs of service of a particular part of the people of Palestine should be proportionate to the size of that part.

4. The only proper criteria in determining expenditure are the amount of funds available and the need of the proposed service. Under the education head of estimates, the Palestine Government provides from the funds at its disposal for the cost, wholly or partially, of a number of schools which are completely under its control. It also pays grants-in-aid of a modest amount to a number of schools which are not under its control, but are prepared to submit to a certain amount of Government supervision and inspection. There is no discrimination between the various communities in providing these facilities; grants-in-aid, for instance, are paid under exactly the same conditions to Jewish and other non-governmental schools, and over sixty per cent of grants-in-aid to non-governmental schools are paid to Jewish schools. It is, however, the fact that the students at those schools which are supported entirely or almost entirely by the Government are, with a few exceptions, Arab. This is principally due to the fact that hitherto the Jewish community have shown little desire to enter the Government schools, since they prefer to make use of the schools under private control.

5. There is little prospect, in the present state of Palestine finances, of the Government being able in the near future to provide a larger amount for educational purposes. If any change, therefore, were to be made in the allocation of the sums provided between the Jewish community and the rest of the population, this could only be effected by closing existing schools in order to provide more funds for the Jewish schools.

6. As regards the question of implementing the provisions of Article 6 of the Mandate regarding close settlement by Jews on the land, His Majesty's Government desire to offer the following observations :

They regret that, as explained by Sir Herbert Samuel on page 32 of his report on the Administration of Palestine, 1920-1925, serious difficulties have been experienced in this matter. Most of the State lands in Palestine are already occupied by tenants under various conditions which, while not amounting to full ownership or even, in most cases, a right to perpetual tenancy, have nevertheless a certain moral and, in many cases, actual legal validity. In these circumstances, they could not be dispossessed for the purpose of making the land available for Jewish settlement without infringing that part of Article 6 of the Mandate which lays down that the rights and position of other sections of the population shall not be prejudiced.

7. Moreover, this is a matter in which the Palestine Government might reasonably expect that the Zionist Organisation would take the initiative. So far, few concrete suggestions have been put forward by the Organisation for carrying this provision into effect. One is mentioned in the passage in Sir Herbert Samuel's report referred to above. Again, quite recently, the Organisation approached the Palestine Government with the request that a large area in the southern part of Palestine, stated to be Government land, might be made available for this purpose, and the matter is now under consideration by the High Commissioner. His Majesty's Government therefore submit that they have done all that has been so far in their power to give effect to the terms of this article of the mandate.

8. As regards the question of the manner in which the Zionist Organisation should submit its communications to the League of Nations, it appears that under existing rules of procedure, two methods are open to it. The first is to adopt the method employed on the present occasion of forwarding them through the High Commissioner, in which case they will necessarily receive the attention of the Council of the League of Nations; the second method is to submit them direct to the Secretariat of the League of Nations, in which case the rules of procedure in regard to petitions received by the Secretariat from a source other than the inhabitants of mandated territories appear to be applicable, and it will, under the decision of the Council taken on January 29th, 1923, be for the Chairman of the Permanent Mandates Commission to decide whether or not the communication should be regarded as meriting attention. If this decision is in the affirmative, it would be communicated to His Majesty's Government for their comments. With regard to the suggestion now made by the Zionist Organisation — namely, that the more appropriate channel for the submission of memoranda is the Government of the Mandatory Power, *i.e.*, His Britannic Majesty's Government in London — I am to point out that the question whether such memoranda should be addressed in the first place to His Majesty's Government (in which case they will clearly have to be referred to Palestine for comments before being submitted to the League of Nations) or should, as in the present case, be addressed in the first place to the representative of the Mandatory in Palestine, appears to be one of convenience rather than of principle. His Majesty's Government would prefer to retain the procedure adopted in the present case, as being both easier and more expeditious.

(Signed) Lancelot OLIPHANT.

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Annex 10.

EXTRAORDINARY SESSION ON SYRIA.

*Reply of the President of the Council to the letter from the chairman  
of the permanent Mandates Commission.*<sup>1</sup>

[Translation.]

I have the honour to acknowledge receipt of your letter of October 28th, with which you sent me an extract from the final report of the Permanent Mandates Commission on its present session.

I desire to inform you that I approve the Commission's decision to hold an extraordinary session at a date early enough to enable it to submit its recommendations to the Council meeting in March next.

I thank you for the documents sent for information as annexes to the Commission's report.

(Signed) A. BRIAND.

C.P.M. 275.

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Annex 11.

ECONOMIC DEVELOPMENT OF MANDATED TERRITORIES IN ITS RELATION  
TO THE WELL-BEING OF THE NATIVES

*Memorandum by Sir F. Lugard.*

That the economic development of African territories is no less a duty than that of securing the welfare of the natives is not questioned. The problem is how these two duties should be reconciled without, on the one hand, subordinating policy to a purely utilitarian outlook or, on the other hand, adopting a standpoint too exclusively philanthropic.

The great diversity between the different tribes in Africa in physique, in habits of life, and in social evolution render statistics wholly unreliable, but there seems to be little doubt that since the partition of Tropical Africa between the European Powers the native populations in most territories have not increased and have probably decreased.

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<sup>1</sup> See page 132.

This is probably chiefly due: (a) to the security for life, which enables peoples hitherto isolated to travel or be visited freely by others, and hence disease is easily disseminated; and (b) to the introduction of new diseases (such as tuberculosis and syphilis) against which the African has not yet acquired any degree of immunity.

There is, however, a third possible cause which merits investigation — *viz.* whether “the sudden introduction of an industrial civilisation” and the consequent demand for native labour has not in some cases entailed too heavy a burden on a population not yet accustomed to the new conditions and to European methods.

Economic development may be divided into two categories:

(a) Works undertaken by Governments in order to render possible the administration of the country, the establishment of law and order, and the advent of commerce from which should be derived a revenue for administrative purposes. Such works are: arterial railways, with harbours and telegraphs, the public buildings and houses for staff. These initial works justified any sacrifice. Without the arterial railways, the cost of administration in the interior would have been prohibitive, and the slave-trade and inter-tribal wars could not have been suppressed. They increased the mobility of the forces necessary to stamp out these evils and supplied a means of transport other than head-carriage by slaves. They encouraged native production by providing a market for native produce in return for imported goods such as cloth and hardware and so added to the material well-being and prosperity of the people. Along the lines they traverse they have superseded head-carriage and so set free a vast number of men for productive work. Their construction, if carried out on right principles, is an educative agency of great importance, teaching tribes hitherto at war the value of co-operation and introducing the conception that labour for another does not necessarily involve the ownership of the labourer himself but may be a free or saleable commodity.

(b) Enterprises conducted by private capital and initiative, and the facilities afforded by Governments for their encouragement. The trader who purchases produce and imports commodities promotes the prosperity of the native population, and the larger syndicates introduce capital and their operations provide a revenue for administrative purposes. The plantation owner and the settler introduce new forms of culture of great value, such as coffee, cocoa, sisal and improved varieties of tobacco, cotton, sugar-cane, etc. Their enterprise teaches improved methods of agriculture, improved implements, and preparation of produce for the market.

All these forms of development demand native labour. Wage-labour under European conditions of fixed hours and consecutive work from day to day imposes a novel strain on primitive tribes, and though they quickly become used to it, many of those with poor physical stamina succumb, and the rate of mortality is high. The withdrawal of bodies of adult men from the village communities, generally unaccompanied by their women, tends to create an abnormal state of affairs and to break up the social life — the more so that the labourers, on their return, are apt to disregard the tribal authority and restraints which they had previously respected. In order to diminish these disastrous results, it is desirable: (a) that the recruiting of labourers should be strictly regulated, especially as to the number that may be withdrawn from a village or tribe without detriment to the native welfare<sup>1</sup>; that they should be medically examined before engagement; that the conditions of transport to the scene of labour should not impose a severe strain; that their food, housing, medical care and hours and conditions of service should be of the best; (b) that when once the absolutely essential works (referred to above) are completed, further progress in development should be strictly limited to the capacity of the people to bear the burden without involving either a decrease in population or the premature breakdown of tribal and social organisation.

The restriction should be regulated in a just proportion between the two classes of development — especially where the population is sparse. The Government should postpone the construction of branch railways, of roads, and of irrigation and other works which are not of essential importance, for it is of no use opening up fresh areas if the labour necessary to develop them does not exist. Private enterprise must for the same reason be content to progress slowly, and the Government, when granting new concessions, must have strict regard to the available labour supply. Both Government and private enterprise should use their utmost endeavours to economise labour by introducing very kind of labour-saving

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<sup>1</sup> No fixed proportion can be laid down. It may vary from 5 to 50 per cent according to the physique, the tribal customs, the degree of adaptation already attained, the period of services, etc.

device<sup>1</sup>, and the term of contracts should not be so long as to break down the health of the labourer or cause, by his prolonged absence, the breakdown of the tribal and social life. If possible, labourers should return to their homes at seed-time and harvest so as to keep in touch with their communities, and with their wives and families, and neither imperil the food supply nor throw undue work on the women.

An admirable report has recently been issued by the Belgian Government<sup>2</sup>, in which an estimate is made of the number of able-bodied adult males which can be withdrawn from a community for wage-labour, and other conditions are discussed for the mitigation of the burden on the native population. For the reasons already given, it may be doubted whether the statistics given in the Congo Commissioners' report are of much value, and it is impossible to generalise, but the conclusions drawn are most valuable. The best criterion as to whether the demand for labour is excessive or not is that all wage-labour should be absolutely free (except for vitally essential services) and that no compulsion should be used either under the guise of a fiscal tax or by indirect pressure. If adequately remunerated, and if the conditions are made sufficiently attractive, there is little fear that the labourers who voluntarily present themselves for work will, by so doing, contribute to the causes which result in a decrease in the population.<sup>3</sup>

It must, however, be admitted that these precautions for the welfare and increase of the native population are dictated by a utilitarian motive. The natives are regarded as the greatest "asset" of the country because of their potential value as labourers. The same argument applies to the good treatment and good feeding of a horse or a plough-ox or to the increase of stock. Even if the native be an independent producer, his value as an "asset" is reckoned by his productive output and his capacity to purchase imported goods. The mandatory principle postulates something more than this. While fully recognising that economic development is not only of essential importance but a duty, and that "considerations exclusively philanthropic" lie outside the sphere of administration, the moral welfare and the advancement of native populations — independently of their value as an "asset" of economic progress — is an obligation imposed by the mandate.

In the fulfilment of this duty an adequate proportion of the revenue must be devoted to expenditure not directly remunerative from the economic point of view — as, for instance, on medical services and administrative staff. Education must not have a purely utilitarian bias by providing clerks, and accountants, and storekeepers, or artisans and telegraph operators, but must aim at raising the social standards of village life and training the people to a sense of responsibility and of social service.

In a word, the Administration, while assisting private enterprise in every reasonable way, must not allow itself to be dominated by the utilitarian spirit, for its special function is to frame its policy for the future and not exclusively to immediate economic success. The time when the bulk of the population of Tropical Africa will be "able to stand alone in the strenuous conditions of the modern world" may not yet be visible on the horizon, but the mandates impose upon the Powers which have accepted them the obligation to conduct the people towards that goal.

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A knowledge of the causes which have led to a decrease in the population is of such great importance that local administrators should be invited to record their views and any statistics at their disposal on the following points, *inter alia* :

(a) Does the employment of natives on wage-labour detached from their community tend to increase mortality? If so, is this due to change of climate and unaccustomed food or to the spread of new diseases (tuberculosis, venereal, etc.) or to unaccustomed license (whether sexual or in the consumption of alcohol or otherwise), due to the absence of tribal restraints?

(b) If wage-labour is considered to be a contributory cause, is the demand made upon the present generation too great? In other words, does material development outrun the capacity of a primitive people to meet the strain, and how best can a solution be found?

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<sup>1</sup> Of these, the most effective is the new form of wheel-less vehicle which requires no road, and thereby not only saves the construction of roads and branch railways but can be substituted for head-carriage in all circumstances.

<sup>2</sup> Rapport de la Commission pour l'étude du problème de la main-d'œuvre au Congo Belge, Bruxelles, 1925.

<sup>3</sup> This view is, I admit, opposed to that of my colleague M. Freire d'Andrade, who has expressed the opinion that the African races tend to diminish and that their disappearance is predestined. It is opposed also to his view that the Administration has the right to compel every native to work under penalty of imprisonment as a vagrant. See Minutes of Sixth Session (Doc. C. 386. M. 132, 1925, VI), pp. 48 and 50.

(c) What other causes, apart from wage-labour, contribute to a decrease of population — such as infant mortality, lack of interest in life, freedom of inter-communication and consequent spread of disease, insufficient land, relegation to reserves, etc. ?

(d) What statistics are necessary for a scientific study of these questions and for an economic survey of the limits within which it is at present advisable to encourage alien enterprise — whether private or by the State (railways, etc.)?

C.P.M. 281.

Annex 12.

THE INTERPRETATION OF THAT PART OF ARTICLE 22 OF THE COVENANT WHICH RELATES TO THE WELL-BEING AND DEVELOPMENT OF THE PEOPLES OF MANDATED TERRITORIES

*Note by M. Freire d'Andrade.*

[*Translation.*]

The following is the text of Article 22 of the Covenant :

“To those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

“The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

“The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

“Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

“Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave-trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

“There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

“In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

“The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

“A permanent commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.”

It is generally known that the wording of the Covenant was the subject of prolonged discussion at the Paris Peace Conference, where the significance and the bearing of every word was duly weighed. Any endeavour to interpret it, therefore, must be based in the first place on the actual words of the text.

Only when their meaning is doubtful is it allowable to resort to other means in order to arrive at a full understanding of the intention of the Allies in regard to mandates.

The first paragraph of Article 22 states that the object must be to pursue the well-being and development of native peoples. Well-being and development go together, and the Covenant is right in not separating them. The well-being of the natives cannot be secured without, at the same time, ensuring their social development, which in its turn is inseparable from their moral and economic development.

What obligations, then, does the Covenant impose upon mandatory Powers ?

It does not require them merely to ensure the well-being of native peoples, which would be a somewhat vague request, nor does it merely require that their development should be assured. What it demands is that their well-being and their development shall be fostered side by side, in order that they may ultimately be able to stand by themselves under the strenuous conditions of the modern world.

The provisions of Article 22 of the Covenant cannot be carried out by seeking only the well-being of native peoples or only their social and economic development. The two are inseparable.

Now the question may be asked whether the mandatory Power is to concern itself in mandated territories with the well-being and development of the natives alone. Obviously this is not the case. The first paragraph refers explicitly to the *well-being and development of such peoples* — that is to say, of all the inhabitants of territories to be placed under mandate, irrespective of their race or their stage of development.

With special reference, however, to natives, the Covenant lays down that the Members of the League of Nations will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and undertake to secure just treatment of the native inhabitants of territories under their control (Article 23, paragraphs (a) and (b)).

It should here be noted that paragraph (a), which relates to inhabitants of the territories belonging to the signatories to the Covenant "in their own countries", is worded differently from paragraph (b), which relates only to peoples under their control. In the former case, conditions of labour for men, women, and children are to be *fair and humane*; in the latter case, the treatment of the natives is to be just. It is to be understood, therefore, that in other matters, as well as conditions of labour, the signatories of the Covenant are to afford just treatment to the natives under their control.

An examination of the first paragraph of Article 22 leads, therefore, to the following conclusion :

The mandatory Power is expected to consider the well-being and development not merely of the natives of mandated territories but of all the inhabitants, who are to be justly treated.

While the first paragraph of Article 22 indicates the object in view, the succeeding paragraphs point to the best method of attaining it — namely, to entrust the tutelage of such peoples (the Covenant seems to give a wider scope to this word "tutelage" than it has in law) to nations who will exercise this tutelage on behalf of the League of Nations.

These nations are to be advanced nations, and the circumstances to be considered in choosing the Mandatory are to be resources, experience, and geographical position.

These conditions governed the Council's choice and its decision as to the terms of the mandates conferred upon the various mandatory Powers — mandates which were drafted and published and therefore constitute actual contracts between the Council and the mandatory Powers.

Article 22 states that the development, the geographical position, the economic conditions and other similar circumstances in those colonies and territories which have ceased to be under the sovereignty of the States which formerly governed them are diverse, and that the character of the mandates entrusting those colonies and territories to mandatory Powers must therefore differ in different cases. What effect will this have on the fulfilment of the trust of ensuring the well-being and development of peoples under the mandate system ?

Article 22 distinguishes three cases, indicated in paragraphs 4, 5 and 6, to which the three classes of mandates — A, B, and C — correspond.

*A Mandates.* — These mandates apply to communities formerly belonging to the Turkish Empire, which might be provisionally recognised as independent in view of their stage of development. They are to be responsible for their own administration, with the assistance and advice of the mandatory Power.

Communities are naturally composed of peoples and individuals differing in race and origin, in interests and aspirations. The mandatory Power must therefore endeavour to maintain a just balance between these different interests and aspirations, leaving

the members of the community a wide liberty of action on general lines indicated by the mandatory Power. The Mandatory must not seek to impose its religious ideas or its political and social principles, but must respect those which prevail among the peoples under its mandate, and its sole preoccupation must be to maintain order among them.

Since these peoples have already reached a somewhat advanced stage of development, the work of the Mandatory will be primarily to train them in self-government, to arouse them to a consciousness of their duties, and to induce them to work under fair and humane conditions.

It was with these special conditions in view that the A Mandates were conferred and accepted.

The Mandate for Palestine (Article 3) lays down that the Mandatory shall, so far as circumstances permit, encourage local autonomy (Article 3 of the Mandate for Palestine and Article 1 of the Mandate for Syria and Lebanon). In the case of Syria and Lebanon (Article 1), the Mandatory is to frame and put into operation an organic law within a period of three years and to enact measures to facilitate the progressive development of the two countries as independent States.

Apart from these duties, the A Mandates rightly make no stipulation but that the mandatory Power shall ensure the execution within the territory of the provisions of the Covenant of the League of Nations.

In the A Mandates, therefore, the action of the Mandatory, so far as concerns the well-being and development of the peoples, is very limited in scope. The Mandatory is required :

1. To maintain security and public order within the territory and to ensure perfect equality of rights and duties among all members of the community;
2. To encourage local autonomy;
3. To guide the people in the path of social and economic development in order that they may be able as soon as possible to stand alone.

The word "tutelage" used in paragraph 2 of Article 22 is taken in a very wide sense, and the duties of the "guardian" are rather those generally assigned to a committee.

*B Mandates.* — These mandates are of a very different type; they are designed for peoples which are in an undeveloped, sometimes even in a savage, state. Their institutions are often rudimentary and their customs sometimes cruel and inhuman, even likely to lead to the extinction of the race. Here all the constructive work has to be done, and therefore the Mandatory must exercise a real tutelage with very wide powers; this is undoubtedly the intention of Article 22 in imposing very few conditions and leaving a very wide responsibility. The conditions imposed are freedom of conscience and religion, military clauses, equality of trade and commerce, and the prohibition of abuses such as the slave-trade, the arms traffic and the liquor traffic.

It may be asked whether this last prohibition is to be limited to the natives or to extend to all the inhabitants of the mandated territory. Nothing in Article 22 justifies the former interpretation. The article speaks always of "the peoples" who inhabit the territory, without any distinction of race. Moreover, the word "traffic", both in French and in English, has the general sense of commerce or exchange of goods between persons, communities or countries. It is also used in a narrower sense to mean commerce in articles which ought not to be objects of commerce. Prohibition of the liquor and arms traffic therefore means, in conformity with the actual words of paragraph 5 of Article 22, the prohibition of commerce in these articles both for the natives and for the other inhabitants and should extend to all the peoples inhabiting the territory.

B Mandates have been conferred on several nations. The conditions for the assignment of these mandates are, as I have already said, the resources of the mandatory Power, its geographical position, and its experience; consequently, in making a choice among the nations possessing the necessary resources and fulfilling the geographical conditions required, the Council had to be influenced by the experience of these nations in colonial administration.

Although the Powers to which mandates were entrusted had this experience, the Council was well aware, in choosing them, that, generally speaking, their systems of colonisation and administrative methods were very different.

By the fact of making its choice, the Council admitted, therefore, that the Mandatory was entitled to apply, in territories over which it had a mandate, the systems in use in its own colonies, always bearing in mind the provisions of the mandates.

The interpretation of the words "well-being and development" of the peoples inhabiting the mandated territories may therefore, generally speaking, vary for the different Mandatories, according to their various administrative systems. And from this point of view, as from all others, in examining the reports required by paragraph 9 of Article 22, account must be taken of the principles upon which the mandatory Power had conducted its colonial administration before accepting the mandate.

In those territories under B Mandate, where all the constructive work has to be done, the first essential in order to attain the desired object — the well-being and development of the peoples — is an exhaustive study and examination of the manners and customs of



those peoples. The habits of centuries cannot be changed in a few years, and effective control is not always easy. Further, there is always the danger that hasty or imprudent action on a philanthropic impulse may lead to results the reverse of those desired.

In some territories under B Mandate, voices may be heard — especially those of missionaries and philanthropists — urging, before all other things, the importance of the well-being of the natives ; they say that the peoples must be instructed and educated, that their wants must be supplied, their health cared for, their customs respected as far as possible — in a word, that everything must be done to make them contented and happy. On the other hand, there are men, often of a different race, who have brought to the territories their industry, their enterprise and their capital, and who desire, above all, the development of the country — men who look upon the native as merely a tool whose social conditions will improve gradually with the economic conditions of the territory. It is essential to keep a just mean between these two extreme points of view, avoiding hastiness and always acting with prudence, in the endeavour to bring about by education that gradual evolution which cannot be imposed by force alone without very grave dangers. In order to foster both the well-being and the development of the peoples, a thorough knowledge of the existing factors is required, for the problem is the more difficult inasmuch as the regions concerned are situated in what, scarcely a score of years ago, was still the Dark Continent. Investigations must be made into the causes which contribute to the extinction of native races and the means of protecting their health. They will have to be trained to work and to acquire regular habits and must be given the means of profiting by the wealth about them, of which a full knowledge is also required.

The economic development of the country requires native labour, which must be adapted to its purpose ; and this development in turn must be gradual and proportionate to the capacity of the labour. A balance must be maintained between the potentialities of native labour and the ever-increasing demands upon it ; otherwise nothing but harm can result.

The replacing of porters by railways, the introduction of agricultural and industrial machinery, an improved organisation of labour, and other factors, may turn the available labour to still greater profit ; but the native must not be called upon to work beyond the limits of his physical capacity. He must be encouraged, by a knowledge of the demands he supplies by his labour and by an insight into the advantages of civilisation, to do his share of the common work for in so doing he will contribute to "the well-being and development of the peoples". If he fails to do so and attempts to go on living under his present conditions, if he prefers his former habits of ease and idleness, then the Mandatory must intervene and give him to understand that work is a law of nature and that, in communities which hope to prosper, idleness is a punishable offence, since all must contribute as far as in them lies to the progress of the country in which they live.

But as our colleague M. Orts rightly pointed out, Governments must, above all, adapt their demands to the supply of labour or they will inevitably court disaster.

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The statement has been made, though not proved, that the native populations in countries under B Mandate tend to diminish. The point is an important one, and in order to know the truth statistics should be kept up to date as far as possible.

It is, however, generally agreed that since the arrival of the European races, which have prevented the wars and slave-raids which were formerly continual and have endeavoured to avoid epidemics and to improve health conditions among the natives, the latter have not increased in numbers, or at least not to the extent that might have been hoped. This is in some measure due to contact with white men. First, there is the question of alcoholism, which we are glad to see that all the mandatory Powers are endeavouring to stamp out, though only one has had the courage to do so effectively. Then there was the introduction of fire-arms. Venereal diseases, which may have been previously introduced by the Arabs, have considerably increased since the arrival of the Europeans, who have gone into all parts of the territories, and the spread of these diseases and the absence of treatment has naturally led to a fall in the birth-rate. Finally, for very backward peoples, contact with an advanced civilisation, the sudden demand for new efforts alien to their inveterate habits, has produced a situation which may have had ill-effects upon the natives. In this connection we need only mention the high death-rate among natives employed in European undertakings, which is all the more alarming as affecting men who are young and in the prime of their powers. Also, their removal from the villages has led to the practice of abortion, which has contributed to the fall in the birth-rate.

Besides these causes due to the influence of the newcomers, other causes may have hindered the growth of the native populations. Among these may be mentioned the epidemics, whose disastrous effects the native is not even to-day in a position to prevent. The climatic conditions of Tropical Africa, the frequent famines due to the irregularity of the climate in conjunction with native improvidence, the lack of any kind of comfort,

and the miserable conditions of the women's lives make the rate of infant mortality a terrible problem in the African territories. I may also mention certain special circumstances, such as the presence of tsetse fly, which it is difficult to combat even with the means at the command of modern science.

If we wish to secure the well-being of the peoples of mandated territories, the first essential is that the Mandatory should contend against all these varied and powerful causes that contribute to their extinction. But its efforts can only be effective if they are assisted by the natives, who must be made to understand their utility by wise and progressive education. If native labour is carried on in bad hygienic conditions it may be a cause of depopulation, but by working up to the limits of their capacity the peoples will be able to raise their social level and to realise fully the advantages they will gain by giving the assistance and support which is required of them.

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Should native organisations be left untouched as a help to the Administration? Certainly, but there is more than one way of doing this, and each way has its advantages and drawbacks.

If these organisations are allowed to exist as they are, administrative action being limited to supervision by an official whose duty is to prohibit usage and customs which may be considered inhuman, cruel or injurious to the community, the Administration may be not sufficiently effective to ensure the growth of these communities as rapidly as would be desirable. Again, the system may tend to establish a very clear-cut difference between the various races and to protect their individualities. The ideal is the slow, unforced assimilation of weak or inferior communities by strong or more highly developed communities. If an artificial and forced unity is not desirable, the separation of the different tribes is even less so. The aim should rather be to bring them together and to dissolve their antagonisms. While keeping the native organisation as far as may be, it is also possible by degrees for the action of the native chief to be superseded by that of the administration of the Mandatory, which governs the community with the help of advisory or executive councils which include the principal natives, chosen either by the Administration or by the natives themselves. This creates an effective *co-operation* which will further the work of the community and promote the development of the native races.

There remains to be considered the system of native reserves in which certain well-defined territories are allotted to the populations by the administrative authorities. In these territories they may live and maintain their customs, but they are under the supervision of the administrative official, though he leaves them a great deal of freedom. The rest of the territory is assigned principally to that part of the population which has come from abroad. This system, more than any of these previously described, establishes a very clear-cut distinction between the different races inhabiting the same territory.

All these systems may have advantages, and the Council has accepted them all by assigning mandates to Powers in recognition of their experience of colonial administration and consequently in recognition of their methods.

In every case, however, it must be remembered that the Mandatory, whatever action he may think fit to take in regard to the maintenance of native organisations, must not only watch over their well-being but also see that these organisations contribute their due share to the development of the country and do not remain enclosed and, so to say, isolated within their quarters, and must adapt them to help the community to *stand alone* "*under the strenuous conditions of the modern world*". So far from creating a number of small organisations living side by side in mutual rivalry and detestation, it is desirable to endeavour to secure the co-operation of all and the amalgamation of the various interests in order to make the peoples capable of self-government.

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The question of native labour is one of those which have given rise to most controversy and one which is calculated more easily than most to awaken public opinion, which has not yet forgotten the cruel abuses of slavery permitted by earlier civilisations.

The idea that man must live by work, and that a well-organised society should contain no idlers, is growing stronger day by day. The law of labour is a law of nature, which no one should be allowed to evade. And if this is true of organised and highly developed societies, the same principle must be admitted for peoples on the road to civilisation and for countries which are on the threshold of development.

In Africa we are confronted with populations which differ largely in their characteristics, their capacity for work, and their manners and customs, and these last must not be abruptly altered but developed by degrees. While peaceful and industrious tribes are to be found, there are others which, holding that to till the soil dishonours a man, harshly impose that task on their women.

On the other hand, Europeans cannot undertake heavy agricultural or industrial labour in the climate of Tropical Africa, and yet this work must be done if the social and economic development of the country, and hence the well-being and development of the native, are to be encouraged.

There are colonies where the plantation system seems best adapted for obtaining the products of the soil, whether for local consumption or for export; in others, there seems to be greater advantage in encouraging and controlling individual production on the part of the native. In the former instance, he must be induced to go and work on the large concessions managed by the planters; in the latter, the native, helped by his family, works his own land, under proper official guidance, and himself sells the produce of his labour. The latter system is to be preferred and should be adopted wherever possible; but, unfortunately, it is not always applicable on a large scale, especially in the case of products which must be exported in order to supply the country with the financial resources essential to its development.

The various administrative services, including those which are essential to the well-being of the natives, must have adequate funds at their disposal. The mandatory Power cannot be called upon to advance the sums required for effective administration, for these sums may be considerable. Moreover, if large advances are made, they may, with the interests due on them, become too heavy a burden, and such a burden might even be deliberately imposed with the intention of transforming the mandate into an annexation — a procedure which would be contrary to the Covenant. This system could not be accepted as a normal one, since a country can certainly not become self-governing till it can balance its budget.

Sooner or later, then, the mandated territory will have to pay its way; and it will only be able to do so by an efficient exploitation of its natural resources, whether these be mines, manufactures or agriculture. For all these native labour will be required. But can expenses be met if the populations are disinclined to work, not because they are incapable of it but because they are opposed to it by habit or education?

Yet everywhere roads will have to be made, railways constructed, hospitals and schools built, and everything done that is indispensable to the well-being and development of the peoples. And where these large demands arise, it almost always happens that native labour is scarce and its output not very great.

This very brief statement shows us the difficulties of the labour problem in territories under B Mandate — a problem which can only be solved by taking into consideration local conditions and the potentialities of the natives.

This requires a knowledge of the available labour in order to limit the demands upon it.

If a country is to be developed rapidly and this requires more labour than the country can supply in the normal course, there is a tendency to practise abuses upon the natives and to subject their habits and customs to abrupt changes, which cannot be made without some risk.

In estimating the amount of labour available, the demands made by the social and economic condition of the native organisations themselves must be taken into account, as must the amount of labour required for their agriculture or industries, however primitive they may be.

When the quantity available has been ascertained, how are the labourers to be recruited? It is on this point that opinions differ and that controversies arise.

The conditions laid down by the Council in the B Mandates may be said to interpret paragraph B of Article 23 of the Covenant up to a certain point, as far as it relates to labour. It admits of compulsory or forced labour for remuneration, but only for *essential public works and services*. This restriction may be interpreted on very wide lines; a railway, a road, a bridge are essential works, and the Mandatory may therefore make considerable use of the compulsory labour authorised by the Council of the League of Nations.

For other than essential public works, forced or compulsory labour is forbidden.

When using the terms *forced or compulsory labour* (Mandate for South-West Africa, Article 5), the Council appears to consider the two words as synonymous. Are they? I do not think so, and it is essential that this point should be made clear.

What is forced labour? By analogy with the forced labour imposed by courts of law, it is the labour imposed on an individual who is taken from his home to some definite place to do work set by his employer. A man working under that system can choose neither his employer, nor the kind of work, nor the period or hours during which he is required to work.

Compulsory labour, as I see it, is that which every living being is compelled to do or perish. There is only one exception to this natural law — namely, the man who, under the present social system, is able to live upon the work of others if, by his own previous work or by a gift or legacy, he has enough to live on.

At the sixth meeting of the first session of our Commission, I had an opportunity of expressing my view on the labour question (see pages 30 and 31 of the Minutes), and I insisted upon it throughout our proceedings. If forced labour is to be absolutely forbidden, except when imposed by courts of law, natives must not have the right to do no work, unless they have means which enable them to live and to contribute towards the development of the country otherwise than by their labour.

If vagrancy is punished in our civilised societies, it cannot be permitted in Africa either for the natives or other inhabitants.

In native societies, by far the heavier share of the essential work of the family is generally done by the woman; over and above her housework, she has to work in the fields, while the man undertakes the lighter work which leaves a large part of his time free for talking, singing and drinking. These customs must gradually be done away with, through the influence of the mandatory Power, which must see to it that the man does his fair share of the work necessary to maintain and educate the family.

As in the campaign against alcoholism, missions can exercise a strong influence and should be supported by the Administration, as long as they keep within the limits prescribed by the Covenant and the mandates.

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There are undeveloped and thickly populated territories where the labour problem does not arise. The influence of the mandatory Power hardly makes itself felt, the administrative services are elementary, and the native organisations are used to help the Government either systematically or because such a procedure simplifies administration and reduces expenditure.

But in a future which, let us hope, is not far distant, the advance of civilisation and progress towards the development of the country and of its inhabitants will tend to make the labour problem as acute in backward countries as in those more advanced territories, where the inhabitants are not all of the black races and where foreign capital abounds.

Thus if the question of labour already exists in some mandated territories, it will sooner or later arise in all the rest.

The labour clauses of the mandates permit, as I have already said, forced native labour for public services. It may be thought strange that the mandates should permit forced labour for essential public works, for the recruiting of labour for these works will have to be done by the authorities, who are at liberty to take strong action by virtue of their official position, and at the same time need not consider the economic aspect of the work as private employers would have to do. It appears that, when the mandates were drawn up, the absolute necessity of labour for public works was not overlooked, but nothing was said of obtaining labour for private enterprise. The mandates therefore appear to recognise the difficulty of obtaining voluntary labour, but, in recognising it, they have laid it down that they must only take essential services into consideration. Practically no mention is made of other work, and it is not possible to form any idea concerning compulsory labour for private employers except under C Mandates. Yet in no connection could the principles of a labour charter be more aptly introduced.

In the long history of our civilisation the labour question has passed through many phases and the last word has not yet been said on the subject. We have had slavery, serfdom, and many other methods of obtaining labour, and everything points to the conclusion that the obligation to work will soon be a universal law, even for those who to-day form the privileged classes and live without working. In the societies which we are trying to raise from their state of savagery, whose well-being and development are a sacred trust of civilisation, we have only said that forced labour for the State is permissible — no more. And yet permissible methods of obtaining voluntary labour would be welcome, in order to avoid abuses and unfounded criticisms.

For it is to be anticipated that, as soon as an African country begins to develop, abuses are bound to arise unless equitable and practical regulations are made for native labour. If the colonists see their crops or the manufacturers their industries in danger because the natives do not voluntarily hasten to their aid, it is quite natural that every possible means should be used to avoid disaster, which, moreover, affects the revenues of the territories also and hence their administration. This is a circumstance which must not be overlooked, and it is only natural that those who invest their capital and their work in African enterprises will not passively sacrifice the results they are entitled to expect because the natives refuse to work although they are offered fair conditions and wages.

On the other hand, if the authorities, confronted by a grave situation, take advantage of their powers to exercise pressure on the natives to make them work, they expose themselves to criticism and complaints, and they may be accused of inhumanity and abuse of power, which may even be likened to slavery.

To avoid these abuses or criticisms, it would have been desirable that the mandates should have dealt not only with the labour necessary for public works but also with that which is equally necessary for private enterprises, for without them public works can be of little practical advantage.

The report of the Slavery Commission rightly condemns compulsory labour for the benefit of private enterprises. At the same time, it recognises that occasions may arise when the authorities may be called upon to intervene, and therefore states in paragraph 110 :

“When, however, the authorities intervene in the recruiting of native labour for private enterprises, they do so in most cases only to assist by the introduction of an element of moral pressure in order to provide labour when circumstances require it.”

And again, in paragraphs 114 and 116 :

“114. The obligation placed on the native to work on his own land for his own sole benefit may be permissible so long as it is primarily an educative measure or can be justified as an economic necessity if there is danger of deficiency of food. In the opinion of the Commission, this is a matter in which each State would exercise its own discretion.”

“116. The Commission considers also that indirect or ‘moral’ pressure, if exercised by officials to secure labour for private employment, may, in view of the authority of such officials over the minds of natives, be in effect tantamount to compulsion and calls therefore for prudence on the part of the Administration.”

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The meaning of the words “development and well-being of such peoples” under B Mandates may therefore be summed up as follows :

I. These mandates apply to undeveloped peoples with their local habits and customs. If their native organisations are firmly established, it is permissible that they should be respected *in as far as they are good*, but not without discrimination nor without adopting the necessary measures to avoid the abuses to which they may lead, nor, again, without attempting to induce the natives to alter these organisations little by little in their points of difference, for they must be combined to form a homogeneous whole, since, as such alone, can they exercise any effective influence on the Administration.

There is no question of forming separate organisations of natives and whites ; a complete amalgamation of the two races would be the best means of furthering the development and well-being “of such peoples”.

II. The education, health services, public works, agriculture and manufactures possible in the country must be encouraged and stimulated within the limits of the physical and intellectual capacity of the inhabitants.

III. The natives should, by their labour, contribute towards production, which cannot alone furnish the revenues necessary for any administration. Only humane and just means must be employed to this end.

IV. - The necessary agricultural land must be reserved for the natives, and they must be secured in possession, at the same time being trained by instruction and example to derive the utmost possible profit from the land.

V. In the important problem of labour, attention must be paid to the statements made in the Report by the Temporary Slavery Commission, page 13, paragraphs 112 to 116.

VI. If the total prohibition of alcoholic liquors cannot be enforced, which would be the most desirable step, at any rate a system similar to that proposed by Pastor Junod at the last Anti-Alcohol Congress at Geneva might be adopted. A copy of his proposals is attached to this report (see Appendix).

VII. In order that the above results may be the more easily attained, the territories must be administered by governors of wide experience, intelligence and commonsense, with the help of advisory councils, elected or appointed by the Administration according to the state of advancement of the populations. These advisory bodies will subsequently become executive and finally legislative.

*C Mandates.* — We have definite instructions with regard to C Mandates. The Covenant tells us that to ensure the well-being of the peoples they would be best placed under the tutelage of neighbours who would govern them according to their own laws

as if they were an integral part of their territory. The Mandatory must not, however, neglect the safeguards which have been prescribed in the interests of the native organisation — that is to say, the prohibition of abuses such as the slave-trade, the arms traffic and the liquor traffic, and also the prescriptions concerning freedom of conscience and the military and commercial clauses.

The Covenant considered that the well-being and development of peoples under C Mandates would be safeguarded if they were administered under the laws of the Mandatory, or at any rate under the laws in force when the mandate was granted. If these laws are obeyed, nothing further should be required of the Mandatory, except, of course, the safeguards prescribed in the interests of the native population.

But under C Mandates, the mandatory Power not only has the right to administer these territories according to its laws but also to enact laws for them and to modify its own legislation before applying it. At the same time, the Mandatory must increase the material and moral welfare and the social advancement of the inhabitants of the mandated territory by every means in his power.

From this it would appear that if the Covenant sought to distinguish between B and C Mandates, the Council, in the wording of the text it has adopted, has put them exactly on a par.

I will not here discuss whether it had the right to do so, though I consider that the Council was justified, since it had the right to grant mandates and since the Mandatories were free to consider the terms in which these mandates were expressed and to accept or refuse them.

But for the case in point, we have only to verify the fact: by the terms of C Mandates, the Council has placed them exactly on a par with B Mandates, at least as regards the treatment of the natives.

All that we have said of B Mandates therefore applies in its entirety to C Mandates.

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### Appendix.

#### PROPOSALS SUBMITTED TO THE COLONIES COMMITTEE OF THE INTERNATIONAL ANTI-ALCOHOL CONFERENCE HELD AT GENEVA FROM SEPTEMBER 1st TO 3rd, 1925.

The Colonies Committee considers that the ideal would be the prohibition in the colonies of all foreign alcoholic liquor, seeing that the natives already possess enough liquors of their own manufacture.

If, however, it appears impossible to enforce so radical a measure at the present time, the Committee would suggest the following restrictions, affecting two categories of liquor (imported liquor and liquor manufactured in the colony):

##### *First Category — Imported Liquor.*

- (a) Prohibition of the import and sale of all distilled liquors ;
- (b) Prohibition of adulterated wines prepared for native consumption ;
- (c) Compulsory analysis of all fermented liquors intended for sale, and prohibition of all liquors containing more than 12 per cent of alcohol and all of an injurious nature.

##### *Second Category — Liquor manufactured in the Colony.*

- (a) Prohibition of the distillation by European or native processes of any liquor intended for consumption ;
- (b) Periodical inspection by the health service of the colony of the liquors manufactured by Europeans or natives, and prohibition of those which are injurious to public health either because they contain too large a percentage of alcohol or on account of the process by which they are manufactured or the physical and moral disorders they produce.

The Committee has decided to neglect for the time being the whole question of fermented liquors in order to concentrate its efforts on the prohibition of distilled liquors, and it has passed the following resolution :

“The Committee recommends that the Convention of Saint-Germain-en-Laye should continue to be observed in the strictest possible manner, especially Article 4, in the sense that “trade spirits” (*alcool de traite*) must include all *distilled* liquors. Regulations concerning intoxicating fermented drinks will be considered at a later date. The Committee recommends that the prohibition of distilled liquors be extended to all the inhabitants of the colonies without distinction of race or colour.”

When this resolution was submitted to the plenary meeting of the Congress, it was unhappily amended by substituting the word “intoxicating” for “distilled”. This change, of course, robs it of much of its practical value.

(Signed) Henri A. JUNOD.

Annex 12a.

INTERPRETATION OF THAT PART OF ARTICLE 22 OF THE COVENANT WHICH RELATES TO THE WELL-BEING AND DEVELOPMENT OF THE PEOPLES OF MANDATED TERRITORIES.

*Note by Sir F. Lugard on the Memorandum of M. Freire d'Andrade.*

With a great part of M. Freire d'Andrade's admirably clear memorandum I am in very hearty accord, and if on some points I take a different view from his, it is only natural that in a subject so complex there should be some divergence of views.

2. I entirely agree that natives should work, but I consider that this — when it is not brought about (as is usual in every country of the world) by economic causes, especially by the pressure of population — must be the result of education, using that term in its broadest sense, to include the satisfaction of wants which will better the condition of the people.

3. The passages quoted from the Slavery Commission's report (p. 204) do not appear to me to convey any recognition of the necessity for intervention by the authorities in procuring compulsory labour for private enterprise. Paragraph 110 merely recites the existing state of things (*e.g.* that is done "in most cases"), and paragraph 114 explicitly refers only to natives working "on their own land, for their own sole benefit". It therefore excludes wage-labour on alien plantations. Paragraph 116 specifically condemns indirect or moral pressure.

4. I agree with M. d'Andrade that it is deplorable that natives should despise work or leave it to their women, but I do not agree that the Government is justified on that account in imposing compulsory labour for private enterprise. This, as M. d'Andrade says, was "rightly condemned" by the Slavery Commission. The mandates, in my opinion, by laying down that compulsion may be used "for essential public works and services" if adequately remunerated, inferred quite clearly that it was *not* admissible otherwise (p. 203).

5. It is suggested (p. 200) that idleness is (or should be) a punishable offence — "a law which no one should be allowed to evade" — and I understand that on page 201 it is inferred that this is the case in organised or civilised States. I do not know if that is the law in Portugal, but there is certainly no such law in England. "Vagrancy (says M. d'Andrade) is punishable in our civilised societies" (p. 203), but vagrancy is quite a different thing from idleness and is, I think, usually only punishable if the vagrant is a mendicant or suspected of criminal intentions. It is most desirable that the state of things described on page 203 should be reformed by gradual process of civilisation and education.

6. A second point on which I do not share M. d'Andrade's view is that it desirable is to supersede by degrees the action of the native chiefs by the Administration of the Mandatory (p. 201). This appears to me contrary to the conception that the Mandatory should endeavour to render the people able to stand alone, which is emphasised on page 201. Nor do I personally consider that "the ideal is the slow enforced assimilation of weak or inferior communities by stronger and more highly developed ones" (p. 201). Why should communities living side by side "detest" each other? (p. 201). The rivalry may be entirely wholesome and lead to progress. Natural causes will no doubt lead in many cases to the absorption of less virile tribes by others, but I see no reason why it should be an object of policy to hasten the process.

7. There are one or two cases in which my interpretation of clauses cited does not coincide exactly with that given to them in the memorandum. On page 197, for instance, the reference to "*such* peoples" in the first paragraph of Article 22 of the Covenant refers explicitly to the "peoples" just mentioned — *e.g.* those "not able to stand alone" — and not to *all* inhabitants of the mandated territory; but I concur that the Mandatory is responsible for all the inhabitants. Similarly, at the foot of the same page, Article 23 is concerned only with labour and not with "other matters"; but I do not differ from the conclusion that the signatories of the Covenant must be just in all matters to the natives. Again, on page 198, I think that the word "inhabitants" in Article 22 means those persons who are permanently domiciled in the country and does not include persons who are there only temporarily. On page 205, the "Commercial Clauses" of the B Mandates — *e.g.* the clause relating to "equal opportunity" — does not apply to C Mandates. For this reason, the United States of America made separate treaties with the C Mandatories.

8. On the other hand, I cordially agree with the view that "a balance must be maintained between the potentialities of native labour and the ever-increasing demands upon it" (p. 200) and the need for study and statistics (p. 200) so clearly and admirably stated by M. Freire d'Andrade.

INTERPRETATION OF THAT PART OF ARTICLE 22 OF THE COVENANT WHICH  
RELATES TO THE WELL-BEING AND DEVELOPMENT OF THE PEOPLES OF  
MANDATED TERRITORIES.

*Reply by M. Freire d'Andrade on Sir F. Lugard's Note.*

[*Translation.*]

Owing to his long experience of colonial affairs, in which he distinguished himself as an administrator, and to his important publications on the subject, Sir F. Lugard is universally recognised as an authority. I am therefore most gratified to note that nearly all the ideas which I have upheld have earned his approval and that such differences as there are between our views are formal rather than fundamental.

1. With paragraphs 2, 3, 4 and 5 of Sir F. Lugard's note I am in entire agreement; the natives should be induced to work by means of education. Compulsory labour for the benefit of private interests should be absolutely forbidden.

At the same time, the question is a very difficult one. In the first place, it may perhaps seem curious that forced or compulsory labour should be permissible for essential public works. It may be asked how, when the Government — with all its powerful resources, its moral authority and its free use, up to a certain point, of public funds — cannot obtain free labour, it can suppose that private persons are in a position to do so. Is it reasonable, we may ask, to draw such a distinction?

Is it always possible to obtain free labour, and is education the only means of obtaining it? In that case the Government should begin by setting the example, from which I conclude that compulsory labour should not be allowed for public works any more than for private works. That is the point at which we must try to arrive.

2. Sooner or later foreign enterprise and foreign capital will come into the country. They will need labour. No matter what legislation there may be, if voluntary labour is not forthcoming, abuses of every kind will occur. That, I think, is inevitable, and we are all sufficiently experienced to recognise the fact.

3. Indeed, Sir F. Lugard himself, with all his authority, admits that natives should work, though he says that this should be brought about by education, using that term in its broadest sense.

I entirely agree. But the education of the coloured man must take scores of years, or even centuries. In the meantime, his moral development and civilisation can only progress hand-in-hand with the economic development of the country and will occasion expenditure which it is only fair that the native himself should defray, at least in part. The money for that purpose must be earned by labour.

4. All these facts were in my mind when I said that the native must not be allowed to live in idleness at the expense of his womenfolk or of his more deserving fellows who work. I would recall what Mr. Gray said in this Commission.

I also stated that idleness should be a punishable offence and that vagrancy is punishable in civilised countries. Sir F. Lugard says that this is not the case in England.

I would like to point out that my remarks should be interpreted in a very broad sense.

In civilised countries, those who do not work cannot gain their livelihood; at the same time, they must live. Consequently, they will either beg or steal. In either case they are punished.

I am not speaking of those who, by thrift or inheritance, are in possession of assured incomes; though even in their case there is a tendency to withdraw the privilege, either by depriving them of the income or by taxing it.

And consider the number of people in civilised countries who are anxious to work but cannot find employment!

How many men and women, too, are forced by the inexorable law of labour to accept employment which is very heavy, unhealthy, and often killing!

I consider, therefore, that the native should work — wherever he likes, for himself or for a master of his own choosing — but that he should not be permitted to idle.

On this point I think there is no fundamental difference of opinion between my note and that of Sir F. Lugard.

5. I cannot say the same of paragraph 6 of his note. Here there is a divergence of views. I do not think it is an effective system to try to bring about the development of native races by preserving their customs, provided these are not cruel or inhuman, and their organisations, under supervision and guidance, and thus creating two classes — one the supervised and the other the supervisors — who will send out punitive expeditions if their orders are not obeyed. History teaches us that by these methods black communities have never learnt to govern themselves, and I very much doubt whether this result could be



attained among African natives or Indians except after centuries of development, as was the case with the European peoples.

I think that quite a different principle should be adopted, and I cannot explain it better than by quoting the report of the *Journal de Genève* (October 20th last) of the recent Church of England Congress.

On that occasion, Lord Willingdon, whose acquaintance we made at the Sixth Assembly in September, and Sir F. Lugard explained their views.

Lord Willingdon argued that, if the British and Hindu races were to go hand-in-hand, it was absolutely necessary that they should meet on a footing of individual equality. That did not mean that the two races were alike; obviously they were not. But the fact that an Englishman may in some respects be superior to a Hindu does not preclude the Hindu being in certain other respects superior to the Englishman.

Sir F. Lugard, while emphasising the equality of Eastern and Western races, said that it was important not to forget the differences which marked them. It followed that methods of government which suited the West might not necessarily be best adapted to the East or to Africa.

*The Journal de Genève* continued :

“Such is the twofold lesson to be learnt from the discussion of which I have just spoken. There is no essential superiority of the West over the East, and any claim to the contrary can only lead to disaster. Moreover, from the very fact that there is no inherent superiority in the political institutions of the West, we may conclude that those institutions are not necessarily such as are best suited to the East. It is for each nation and each race to solve this problem for itself in the manner most in keeping with its aspirations.”

Those are excellent principles. Let the natives be regarded as men who are our equals, but who must be educated and guided so that they may work together with us, following the methods and feeling the same sense of equality between all civilised men which it is to be presumed we share.

That will take a longer or shorter time according to the capacities of the different races, but it is in my opinion the line to follow. Let us in principle maintain native institutions, but let us seek to establish a division between the natives and all those who come from other parts and who, having the advantages of a more advanced education and of capital, will always regard themselves as belonging to a superior race, will act as such, and will certainly exercise a preponderant influence in government. I do not think that the native organisations which we find in Africa should be destroyed. They can do useful service, but instead of strengthening them and attempting to maintain their influence, we should, on the contrary, gradually lessen their importance by changing their character and amalgamating them with the general administration.

This administration, as Sir F. Lugard very rightly says, must not be a copy of European administrations, but, while preserving general principles, we should introduce the alterations necessary to suit local requirements.

I may mention here that the application of the system of compulsory labour for the benefit of private interests, which is still in use through a large part of Tropical Africa, has been greatly assisted by native institutions. Chiefs are asked to *recruit* so many men, and they send them as required.

History, which is a good teacher, furnishes me with no instances to show that the system of maintaining native institutions has given good results or led the natives up to self-government. I do not, of course, wish to quote actual cases, but my colleagues are familiar with history and can realise for themselves what would be the possibilities and the results of a system of supervising native organisations in Africa and directing them until they could be left free to act for themselves.

In North America racial differences are a thorn in the flesh of the great American nation. In South America there is no race problem. Why? Because in North America the natives or negroes are regarded as inferior; in South America they are looked upon as individually equal.

Thus I think that in Africa natives and Europeans must go side by side on a footing of individual equality. And this will be impossible if blacks are to be settled on their lands under the supervision of their directors until such time as they can govern themselves and become little independent peoples. Moreover, will such a time ever come?

On the point with which I have just dealt the difference of opinion between Sir F. Lugard and myself is, I think, more apparent than real. I am acquainted with his admirable writings, and I gather from them that he agrees with me in thinking that it is local conditions which determine methods of procedure and that in choosing between two systems it is best, as the Latin proverb says, to choose the golden mean.

A few other minor differences of opinion contained in Sir F. Lugard's note are not of a fundamental nature, and I think that we are practically in agreement.

I therefore conclude these remarks by thanking Sir F. Lugard for the attention he has paid to what I have written in compliance with the wishes of our distinguished Chairman, an attention quite unmerited.

Annex 13.

DOCUMENTS RECEIVED FROM THE CENTRAL INTERNATIONAL OFFICE  
FOR THE CONTROL OF THE LIQUOR TRAFFIC IN AFRICA AT BRUSSELS.

*Report by Sir F. Lugard.*

The Permanent Mandates Commission in 1924 asked that it might be supplied with certain data by the Brussels Bureau, which was appointed as a result of the Convention of St. Germain of September 10th, 1919, to act as a Central International Office under the League of Nations for the collection of statistics regarding the liquor traffic and other purposes and to receive annual reports from the different Governments.

Accordingly, the Secretary-General, on December 20th, 1924, requested the Bureau to send the following data to the Permanent Mandates Commission :

(a) The quantity and nature of the spirits imported into mandated territories and into the adjoining colonies and protectorates in Africa ;

(b) The amount of the duties imposed in each of the territories referred to above ;

(c) One copy of all laws promulgated on the subject during the preceding twelve months, and any other information which they consider may be useful to the Commission.

Since the Commission receives direct copies of the laws of all mandated territories the latter are not required.

The statistics so far received refer only to British colonies and Ruanda-Urundi — the latter do not distinguish between spirits and other intoxicants and include no information as to duties.

The information regarding duties in colonies adjacent to mandated areas is necessary in order to ascertain whether the mandated duties are equal to, higher, or lower than its neighbours, and the consequent incentive to smuggling. Quantities should be expressed in a uniform measure (either gallons or hectolitres) and reduced to a common standard of strength (say 50 centesimal degrees) for comparison.

It is suggested that the Bureau should be asked to transmit annually, a fortnight before the autumn session of the Commission, statistics in the form below for each of the following territories separately :

A. *Territories under Mandate.*

1. British Togo.
2. French Togo.
3. British Cameroons.
4. French Cameroons.
5. Ruanda-Urundi.
6. Tanganyika.
7. South-West Africa.

B. *Adjacent Territories.*

8. Spanish Guinea.
9. Gold Coast.
10. French Equatorial Africa.
11. Nigeria.
12. Dahomey.
13. Bechuanaland.
14. Belgian Congo.
15. Portuguese East Africa.
16. Northern Rhodesia.
17. Nyasaland.
18. Kenya.
19. Uganda.
20. Angola.

Wines above 12° by weight of alcohol should, it is suggested, be classed as spirits.

	<i>Quantity imported (at 50° centesimal)</i>	<i>Duty per unit (at 50° centesimal)</i>	<i>Remarks</i>
Spirits :			
Brandy . . . . .			“Unit” to be either gallons or hectolitres. “Duty” to be expressed in £ sterling or gold francs.
Whisky . . . . .			
Gin . . . . .			
Rum . . . . .			
Others . . . . .			
Wines (under 12°)			
Beer . . . . .			

## Annex 14

### REPORT ON THE WORK OF THE SEVENTH SESSION OF THE PERMANENT MANDATES COMMISSION (October 19th-30th, 1925.)

*Submitted to the Council of the League of Nations.*

The Seventh Session of the Permanent Mandates Commission was held at Geneva from October 19th to October 30th, 1925. During this session, the Commission held twenty-one meetings, two of which were public. All its members were present except M. Orts. The International Labour Organisation was represented, as at previous sessions, by Mr. H. A. GRIMSHAW, who took part in the proceedings in an advisory capacity when questions concerning labour were under discussion.

During the Session, the Commission considered the reports on the administration of five territories under A, B and C mandates. The examination of these reports was carried out in the following order, with the assistance of the accredited representatives of the mandatory Powers, whose names are given below :

(1) For the Report on Western Samoa :

The Hon. Sir James ALLEN, K.C.B., High Commissioner for New Zealand in London, assisted by Mr. J. D. GRAY, Secretary of the External Affairs Department of New Zealand.

(2) For the Report on the Cameroons under British Mandate :

Major U. F. H. RUXTON, C.M.G., Lieutenant-Governor of the Southern Provinces of Nigeria.

(3) For the Report on Ruanda-Urundi :

M. M. HALEWYCK, Director-General in the Belgian Colonial Department.

(4) For the Report on the Pacific Islands under Japanese Mandate :

M. Y. SUGIMURA, Counsellor of Embassy, Assistant Director of the Japanese League of Nations Office.

(5) For the Report on Palestine and Transjordan :

The Hon. W. G. ORMSBY-GORE, M.P., Under-Secretary of State for the British Colonies.

The Commission also considered a separate report on the Caprivi-Zipfel part of the mandated territory of South-West Africa.

The Commission, further, had before it the annual reports for 1924 on Syria and Iraq. The reasons for which the Commission did not consider these reports at the present session are set out below.

The Commission appreciated the fact that several of the mandatory Governments had enabled it to consider the annual reports in the presence of representatives who were either actively engaged in the administration of mandated territories or who had a personal knowledge of them. The experience gained on this occasion once more confirms the opinion of the Commission as to the very valuable results which may be expected from the personal contact thus established between the Commission and the officials of the mandatory Administration.

#### GENERAL QUESTIONS.

Besides examining these reports and certain petitions which had been submitted to it, the Commission dealt with various questions of general interest arising out of the application of Article 22 of the Covenant. Some of these were only discussed in a preliminary way ; as regards the others, the Commission has the honour to present the following recommendations and proposals to the Council :

*Ex-Enemy Property in Mandated Territories.*<sup>1</sup>

The Permanent Mandates Commission has the honour to recommend that the Council request the mandatory Powers to be good enough to communicate to the Commission, in so far as the territories under their mandate are concerned, information on the following points with regard to the present situation of the estates which were formerly the private property of ex-enemy nationals, and which have been liquidated under the Treaty of Versailles :

(a) Do any such estates remain unsold, and, if so, do they enjoy any preferential treatment, particularly in respect of the recruiting of native labour ?

(b) Does the mandatory Power see any objection to disposing of them by auction, or (in default of bidders at reasonable prices) of giving the mandated territory the opportunity of acquiring them ?

(c) In the case of estates of this class, which have already been liquidated, have the accounts prior to liquidation been kept quite separate from the accounts of the revenue and expenditure of the territory as shown in the annual budget, and have all sums due from these estates (in common with other landed property) by way of taxation been duly credited to the local revenue ?

(d) Are or were there in the territory any properties or businesses belonging to ex-enemy nationals, other than landed estates, and, if so, what was their nature, and how have they been dealt with ?

*Petitions.*

In communicating petitions (including memoranda, memorials or other communications) to the Permanent Mandates Commission, the mandatory Powers have usually commented either on the whole or on certain parts of these documents, although in certain cases no comment has been communicated. The Commission has not always been certain whether it could interpret silence on the part of the mandatory Power as approval of the views presented by the petitioners. In order that in future there may be no possibility of misunderstanding in this respect, it would suggest that the Council would perhaps ask the mandatory Power to indicate, with reference to all points raised in such a document, whether it agrees with the petitioners or takes some other view of the matter. If the Mandatory considers that any particular petition has already been fully referred to in its report or elsewhere, it would be of advantage if it would kindly give the reference.

The Commission also considered certain other points concerning the procedure to be adopted in dealing with petitions ; in particular, it approved certain rules for the interpretation of the regulations which were laid down by the Council resolution of January 30th, 1923.

*Despatch of Reports.*

The Commission has been again seriously handicapped in its work by the fact that several of the annual reports only arrived on the eve of the beginning of the session.

According to the rules of procedure which were approved by the Council on December 12th, 1923, reports should reach the Secretariat by May 20th. As was pointed out, however, at the meeting of the Council on September 15th last, this rule cannot in fact be observed in the case of reports which do not cover the calendar year or which must come from a great distance. Moreover, the fact that it is known that reports may be examined in October if they are not ready for the June session naturally tends to weaken a strict adherence to the prescribed procedure.

The situation would be clearer if the date for the arrival of each report was in fact applicable. It would seem that May 20th should continue to be so in the case of most of the reports. The New Guinea report covers the year July 1st-June 30th, the Western Samoa report the period April 1st-March 31st, and the report on the Japanese Islands, although covering the calendar year, comes from a great distance and must be translated. Perhaps in these cases the following dates would be suitable :

New Guinea, May 20th (of the following year).  
Western Samoa, September 1st.  
Islands under Japanese mandate, September 1st.

**OBSERVATIONS OF THE COMMISSION CONCERNING CERTAIN TERRITORIES  
ADMINISTERED UNDER A, B AND C MANDATES.**

The following observations have been drawn up by the Permanent Mandates Commission after consideration, in the presence of the accredited representative of the mandatory Power concerned, of the situation with regard to each territory. In order fully to understand them, reference should be made to the Minutes of the meetings at which questions concerning the different territories were discussed.

<sup>1</sup> For the discussion of this question, see the Minutes of the eleventh meeting of the Seventh Session, as well as the report of Sir Frederick Lugard annexed to the Minutes.

## Territories under A Mandate.

### Iraq.

On June 13th, 1925, the Secretariat received one hundred copies of a report by His Britannic Majesty's Government on the administration of Iraq for the period April 1923-December 1924.

A communication from the British Government proposing that the examination of this report on Iraq be postponed until a decision had been reached by the Council of the League of Nations on the question of the frontier between Iraq and Turkey was received by the Commission at the opening of the session and later explained by the Honourable W. G. Ormsby-Gore, M.P., Under-Secretary of State for the Colonies, who made a full statement of the reasons which had led the British Government to make this proposal.

The Commission, in the discharge of its responsibility for a decision on this point, and after consideration of the various arguments which had been put forward, adopted the following resolution :

“ The Permanent Mandates Commission :

“ In view of the dispute in regard to the frontiers of Iraq, a dispute which concerns about a quarter of the territory ;

“ In view of the fact that the dispute on the matter is at the moment under review by the Council of the League of Nations ;

“ In view of the effect caused by this state of affairs, an effect which is being felt throughout the territory and among all the inhabitants ;

“ In view of the desire of the Commission not to appear to anticipate a decision which must be rendered in entire independence and impartiality by the League of Nations of which a representative is at the moment on the spot ;

“ Decides :

“ To adjourn the examination of the report concerning Iraq until these obstacles have been removed. ”

In the course of the discussion on this matter, certain other points concerning Iraq were considered, in particular with regard to the appearance of accredited representatives before the Commission when the time came for the examination of the report. The Commission was glad to learn that the British Government proposed to send to Geneva a high official intimately acquainted with the situation on the spot, and that he might be accompanied by a representative of the Iraq Government. As, under the Council's decision of September 27th, 1924, the responsibility to the League of Nations for the fulfilment of the arrangement set forth therein with regard to the application of the principles of Article 22 of the Covenant to Iraq was assumed by the British Government, the Commission must look to that Government for an account of the measures taken thereunder, but it is hardly necessary to add that the Commission will welcome any arrangements made by that Government to enable the Commission to receive information from a delegate of the Iraq Government itself.

### Palestine and Transjordan.

One hundred copies of the report by His Britannic Majesty's Government on the administration of Palestine and Transjordan for the year 1924 were received in the Secretariat on July 8th, 1925, and 100 copies of Appendices to this report on October 3rd, 1925. The Commission examined this report on October 26th and 27th in collaboration with the accredited representative of the British Government, the Hon. W. G. Ormsby-Gore, M.P., Under-Secretary of State for the Colonies.

### General Observations.

The Commission desires to record its special appreciation of the valuable report by the former High Commissioner, the Right Honourable Sir Herbert Samuel, on the administration of Palestine from 1920-1925, copies of which were placed at its disposal by the British Government.

In the report on its Fifth Session, the Commission referred at length to the special problems which confront the mandatory Power in Palestine in view of its duty not only to safeguard the civil and religious rights of all the inhabitants of the country, irrespective of race and religion, but to place the country under such political, administrative and economic conditions as will secure the establishment of a National Home for the Jewish people.

The Commission was impressed with the broadminded view of the relations between the different racial and religious groups which was presented to it by the mandatory Power. The Commission understands the causes of existing difficulties, but it regrets that certain elements of the population do not appear to recognise that the essential principles embodied in the mandate, the observance of which is the sole care of the Mandates Commission, provide the only substantial basis for the economic and political development of the country. It is glad to learn from the accredited representative that political agitation in the territory has diminished, and it trusts that the experience born of the contact between individuals of the different religious groups in working out the problems of everyday life will help to bring about

a larger measure of mutual understanding and confidence, so that an extension of co-operation, particularly in the conduct of municipal and district affairs, may be found possible in the near future. The Commission will be interested to receive the report of the special commission which has been considering the question of the development of local government, and it is glad to note that, in the opinion of the accredited representative, the enactment of the Palestinian Citizenship Order-in-Council should do much to strengthen a sense of Palestinian nationality.

The Commission notes with satisfaction that the population, both Jewish and Arab, is increasing, and that there is no unemployment of any account in the country. That these favourable conditions, so far as the Jewish element is concerned, are dependent for the present in large measure on funds from abroad seems evident, and it is to be hoped that they may still continue when these funds are no longer available.

It is glad to note the attention which is being paid by the Administration to the regulation of Jewish immigration so that Palestine will readily be able to absorb the numbers admitted and offer them employment for which they are suited. The Commission appreciates the reasons which have prevented these immigrants from settling more rapidly on the land, and notes that the mandatory Power is, in accordance with Article 6 of the Mandate, ready to give its very special attention to any requests which may be made by or on behalf of such settlers for the acquisition of any State or waste lands which may be made available without prejudice to the rights of those belonging to other sections of the population. The Commission desires to be kept informed of the progress made in carrying out the survey of the country, which is considered by the mandatory Power as a necessary preliminary to the allocation of Government lands, and of the exact methods used or contemplated by the Government for disposing of any of these lands.

#### *Special Observations.*

1. *Transjordan.*— The Commission desires to be kept fully informed of any progress which may be made toward the determination or delimitation of the various frontiers of Transjordan.

It learned with interest from the accredited representative that the next report would contain much fuller information on this territory. Explanations as regards the relative powers of the chief British Representative, the Emir and the Executive Council, as well as regarding the administration of justice, public health and education, would be particularly appreciated.

2. *Land Tenure.* — The Commission notes that a scheme of systematic land settlement which has been prepared by Sir Ernest Dowson will be communicated to it.

3. *Immigration.* — Although appreciating the more complete information given in the report for 1924 concerning the immigrants admitted to the country, the Commission desires to have fuller details so far as they can be supplied.

4. *Freedom of Conscience.* — The Commission notes with satisfaction that, in accordance with the remarks concerning the interpretation of Article 2 of the mandate made by the accredited representative in connection with the complaints of the Ashkenasic Community, the mandatory Power has no intention of depriving any community of complete religious freedom and complete liberty of conscience.

5. *Military Organisation.* — The Commission notes with satisfaction that the peace and order existing in Palestine has enabled the mandatory Power to maintain only a very small armed force in the territory.

6. *Slavery.* — The Commission asks to be informed whether a law formally abolishing the legal status of slavery in Transjordan has been promulgated.

7. *Labour.* — The Commission would like to find in future reports more information concerning conditions of labour in Palestine. In view of the increase in industrial activity in that country, it considers that the information supplied is meagre and hopes that greater progress in the field of legislative and administrative action for the protection of the workers and particularly for the regulation and control of child labour may be evident.

It would welcome information concerning the constitution and labours of the Committee which, according to the report, was appointed in 1924 to consider these matters, and would particularly enquire whether the adequacy or otherwise of the present law in regard to trade unions and their activities is included among the questions to be examined by this Committee.

8. *Education.* — The full information in the report on educational facilities in Palestine was received with satisfaction by the Commission, which hopes that, when the financial situation improves, the Government will be able to provide larger funds both for continuing its policy of creating village schools in the Arab communities, and also that more substantial assistance may be given to Jewish schools in view of the constantly increasing number of school-children. Information as to the prospects for opening an agricultural school for the Arabs would also be welcomed.

9. *Public Health.* — The Commission notes that the health condition of the population is improving as shown by the vital statistics. It also desires to express its appreciation of the important contribution made by the Hadassah Medical Organisation (Jewish) not only professionally, but socially and politically by reason of the services which it renders to all sections of the population. The reduction in the public health budget of the Government is, it is hoped, only temporary, for the Commission cannot believe that the mandatory Power could intend to effect permanent economies in this direction.

10. *Public Finance.* — The Commission would appreciate in future reports a comprehensive statement in a clear form of all financial operations of a public character concerning such matters as payments for the upkeep of the armed forces and the British gendarmerie, the Ottoman Debt, the agricultural loans from the Anglo-Egyptian Bank, and various railway and monopoly accounts. It would also be useful to have a separate table showing the funds advanced, loaned or given gratuitously to the Palestine Government by the British Government year by year since it assumed control as mandatory Power.

### Syria and the Lebanon.

On October 15th, 1925, the Secretariat received 100 copies of the annual report of the French Government on the situation in Syria and the Lebanon (for the year 1924). At the same time the Secretariat was informed that the report had been forwarded direct to the members of the Permanent Mandates Commission.

This report was thus received only a few days before the opening of the session and it only contains fresh information with regard to the last six months of 1924. The first six months of that year were dealt with in the report submitted the preceding year.

In view of the existing situation in Syria, and the numerous appeals which have been received, the Commission considered whether it should not proceed at once to an examination of the situation. It is, however, of opinion that, in order that it may be in a position to do so thoroughly and effectively, it must be in possession of a written report, fully substantiated, on the events which have led up to the present situation and the policy which the Mandatory intends to adopt in the future.

In these circumstances, after considerable discussion, the Commission decided, in view on the one hand of the exceptional nature of the crisis, and to give the mandatory Power time to prepare the required report, and on the other hand in order that the report of the Mandates Commission may be before the Council at their meeting in March, to hold an extraordinary session early in 1926, and meantime to afford to the accredited representative an opportunity of making a preliminary statement on behalf of his Government.

In this statement the accredited representative, Count Clauzel, Minister Plenipotentiary, head of the French League of Nations Department, declared on behalf of his Government that he fully appreciated the reasons which had actuated the Commission's decision to adjourn the discussion of the annual report for 1924 and he was glad that this decision would enable him to provide the Mandates Commission, at an extraordinary session which it was proposed to hold in February, with precise information concerning the situation in Syria. He added that the French Government readily undertook to send in a supplementary report on the subject not later than January 1926.

The Commission, taking note of this undertaking, assured the representative of the mandatory Power that, while it refrained from discussing the situation in Syria at present, it was following events with the greatest interest and anxiety and hoped that in the special report which it would examine at its extraordinary session in February 1926, it would find a full explanation of the causes of the present trouble and the remedies which the mandatory Power proposed to apply, and expressed a strong hope that the territory would soon be satisfactorily pacified.

At the request of the Commission, the accredited representative was good enough also to promise to supply it with information concerning the condition of Armenian refugees in Syria.

The Commission hopes that the Council will approve and confirm its decision in view of the reasons which gave rise to them.

### Territories under B Mandate.

#### Cameroons. (*Under Mandate of Great Britain.*)

Ninety-one copies of the annual report on the administration of British Cameroons for 1924 were received by the Secretariat on August 24th, 1925. The Secretariat was at the same time informed that copies of the report were being sent direct to the members of the Permanent Mandates Commission. The Commission examined this report on October 21st in the presence of the accredited representative of the British Government, Major U. F. H. Ruxton, C.M.G., Senior Resident of the Cameroons Province, whose appointment as Lieutenant-Governor of the southern provinces of Nigeria had just been announced.

#### *General Observations.*

While appreciating the vivid character of the report, and the information it contains concerning the part played by the natives in the administration of the country, the Commission was not able to form a clear view of the programme which guided the mandatory Power in developing the territory in the interests of the inhabitants, particularly in the moral and in the economic field. The Commission asks that the next report may contain a clear explanation of any definite plan which the mandatory Power may have for improving native agricultural methods, for guiding the moral and social evolution of native life, and for suppressing such customs as cannibalism, which are repulsive to humanity.

*Special Observations.*

1. *Slavery.* — The Commission noted that arrangements will be made to present in clearer form in future reports information concerning slavery, and particularly slave cases brought before the courts.

2. *Labour.* — The Commission will be glad to learn that the conditions which have enabled the Government to secure abundance of voluntary labour on the former German estates while they were in its charge will continue to obtain now that they have passed into private hands, and that adequate legal provision exists for this purpose.

The Commission would welcome further information as to the forced or compulsory labour exacted from the natives by the native administration which is described in paragraph 24 of the Report for 1923 on the Cameroons Province as being "neither free nor paid".

3. *Liquor Traffic.* — The Commission would be glad of information as to the reason of the increase in the quantity of gin imported in 1924.

4. *Education.* — The Commission will continue to follow with interest the intentions of the Government with regard to the training of native teachers, the inspecting of schools, the increase of educational facilities for girls, and the supervision or closing of "hedge schools".

5. *Public Health.* — The Commission would be interested to know how the mandatory Power proposes to develop public health work in the territory and whether it intends to employ midwives and nurses for this purpose and in order to check infant mortality.

6. *Public Finance.* — The Commission thanks the mandatory Power for facilitating its task by inserting in the report separate accounts for the mandated territory. As regards the accounts of native treasuries, it would be glad to know in what way it is proposed to utilise the comparatively large credit balances which in several cases have been carried over from one year to the next.

**Ruanda-Urundi.**

Ten copies of the Annual Report of the Belgian Government on the administration of Ruanda-Urundi for 1924 were received by the Secretariat on October 15th, 1925. At the same time the Secretariat was informed that copies of the report had been sent direct to the members of the Mandates Commission. On October 22nd, 100 additional copies were received. The Commission, assisted by the accredited representative of the Belgian Government, M. M. Halewyck, Director-General of Political and Administrative Affairs in the Belgian Ministry for the Colonies, considered this report on October 22nd and 23rd, 1925.

*General Observations.*

The Commission regretted that the report of the Belgian Government had only been received practically on the date of the opening of the session. It noted the declaration of the accredited representative concerning the circumstances which had led to this delay and hopes that future reports will be forwarded at a date which will allow each member of the Commission to study them before the opening of the session.

The Commission examined the text of the law on the administration of Ruanda-Urundi dated August 21st, 1925. The accredited representative made a statement explaining the motives of the Belgian Government in promulgating this law, which has given rise to adverse comments in certain quarters.

The Commission noted the explanations of the accredited representative, which, since they were made in the name of his Government, may be regarded as an authorised interpretation of the text. He stated that the mandatory Power, conforming strictly to the terms of the mandate, was, in framing the law, in no way influenced by any desire for annexation. He further declared that no provision of the law is intended to confer upon the inhabitants of the mandated territory the status of Belgian subjects, contrary to the decision taken by the Council of the League at the suggestion of the Permanent Mandates Commission. He added that the Belgian Government in no respect wishes to change the policy of indirect administration in the mandated territory, which experience has so far shown to have given such happy results, nor to diminish the prestige of the two chiefs of the native communities.

The Commission also noted the explanations given with regard to the present text of Articles 1 and 5 of the law, which may give rise to unfortunate interpretations<sup>1</sup>. The accredited representative promised to bring to the attention of his Government the observations made by the Commission on this question.

<sup>1</sup> The text of these Articles is as follows :

[Translation.]

"Article 1. — The territory of Ruanda-Urundi shall be united for purposes of administration with the colony of the Belgian Congo, of which it shall form a Vice-Governor-General's province. It shall be subject to the laws of the Belgian Congo, except as hereinafter provided."

"Article 5. — The rights conferred on the Congolese by the laws of the Belgian Congo shall apply subject to the distinctions specified in the said laws to the nationals of Ruanda-Urundi."



*Special Observations.*

1. *General Administration.* — The Commission would be glad to be informed of the intentions of the mandatory Power as regards the development of the means of communication with the territory, both from the Congo and from the Indian Ocean.

In view of the difficulties to which the system of attaching native Government clerks to the native chiefs has given rise in other territories, the Commission would be glad to be kept informed of the results of the application of this policy in Ruanda-Urundi.

The Commission noted the statement of the accredited representative to the effect that more complete information concerning native organisation would be available in next year's report. It would also be happy to see in that report detailed information regarding the emigration and immigration of the natives.

2. *Labour.* — Ordinance No. 52 of November 7th, 1924, confers on the Residents in Ruanda-Urundi the right "to require the natives within their areas to engage each year in their respective "chefferies" and for the profit of the members thereof, in productive work, to cultivate foodstuffs or to plant exportable products". The Commission would be glad to receive full information regarding the methods used in carrying out this Ordinance, and their results. It will examine this information in the light of the principles laid down by the Covenant in respect to forced labour.

The Commission notes that, in addition to the labour levy of 42 days' work per year required from the natives by chiefs for their personal service, there are further demands for forced labour, for local community purposes, and for the development of the road system. It does not appear to be clear, either from the report or from the supplementary explanation given by the accredited representative, that in all these cases this forced or compulsory labour is remunerated, and the Commission would be glad to receive further information on the matter.

3. *Liquor Traffic.* — The Commission noted that the existence of the Customs Union between Ruanda-Urundi and the Congo rendered it difficult to obtain complete information concerning the importation of alcohol into the mandated territory. Nevertheless, the Commission would appreciate more detailed statistics than those given in the last report, in order that it may be able to ascertain the amount of alcohol imported and consumed in the territory.

4. *Police.* — The Commission would be glad to receive information about the composition of the police forces and details of the expenditure for this purpose.

5. *Education.* — The Commission hopes to find in the next report clear indications concerning the general educational policy of the Administration and particularly the measures taken for the training of native teachers.

6. *Public Health.* — The Commission notes with satisfaction the increased credits included in the budget for 1925 for the extension of the Public Health Service in the territory. It will follow with interest the efforts of the Administration as regards the further development of the Health Services, both by the appointment of additional European medical officers and assistants, and by the training of native medical assistants.

The Commission is concerned to note the very high mortality obtaining during 1924 amongst the prisoners in the Urundi prisons (66 deaths out of an average of 250 prisoners),

7. *Public Finance.* — The Commission appreciates the efforts made by the mandatory Power to furnish it with more detailed statements relating to the revenue and expenditure in the territory. It hopes, however, that the items in the budget and accounts will in future reports be presented in a clearer form and will be accompanied by more detailed explanations. The Commission noted the undertaking of the accredited representative that the tables showing expenses in the direct interest of the natives would be revised in future reports.

The Commission notes with interest that the system of collection of the native tribute by professional native tax collectors, which led to abuse, has been abolished and that the taxes will now be collected by the agency of the native chiefs and sub-chiefs themselves.

The Commission desires to know whether there is a contribution from the Belgian Congo to the cost of the construction of the Uvira-Bukavu road situated in its territory for which an item of 193,112 francs appears in the budget of Ruanda-Urundi. If this is the case, the commission would like to be informed of the amount of this contribution.

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**Territories under C Mandate.**

**Caprivi-Zipfel.**

*(Part of the Territory of South-West Africa under Mandate of the Union of South Africa.)*

The first annual report dealing with the Caprivi-Zipfel Zone, in the mandated territory of South-West Africa, which covers the period of April 1st, 1924, to March 31st, 1925, was received by the Secretariat from the South African Government on July 22nd, 1925. Such a report had been asked for by the Commission, which has a ready requested that in future it should be submitted at the same time as the report on the rest of the mandated territory.

The Commission did not have the co-operation of a representative of the mandatory Power when it examined this report. In view of the small extent of this part of the territory, his absence did not on this occasion give rise to any inconvenience. The Commission hopes, however, that in the future, the report on Caprivi-Zipfel being annexed to that on the rest of South-West Africa, it will be able to count upon the assistance of a representative of the mandatory Power.

The Commission would appreciate a clear and concise statement from the mandatory Power explaining, from the legal standpoint, the administrative relations between Caprivi-Zipfel and the mandatory Power. It is particularly anxious to know whether the Administration takes its instructions from the Administrator for South-West Africa or whether it is directly under the control of the Government of the Union of South Africa.

In order to examine the administration of the territory in a satisfactory manner, the Commission requires fuller information, including statistical data, on such matters as the number and nature of the population, the administrative staff, tribal organisations, public health work, the budget, and what laws are applicable to the territory.

### **Pacific Islands under Japanese Mandate.**

Twenty copies of the annual report by the Japanese Government on the administration during 1924 of the islands under Japanese mandate were received in the Secretariat on October 15th, and 80 copies on October 22nd, 1925. The Secretariat was informed that copies of this report had been forwarded direct to the members of the Mandates Commission. The Commission considered this report on October 23rd, with the collaboration of the accredited representative of the Japanese Government, M. Y. Sugimura, Assistant Head of the Japanese League of Nations Office in Paris.

#### *General Observations.*

The Commission regretted that the report of the Japanese Government was only received practically on the date of the opening of the session. It noted the declaration of the accredited representative concerning the circumstances which had led to this delay and hopes that future reports will be forwarded at a date which will allow each member of the Commission to study them before the opening of the session.

The Commission expresses its appreciation of the improvement in the form of the present report and the detailed information it contains. It also wishes to record its appreciation of the courtesy of the mandatory Power for having, by means of a cinema film of the islands under mandate, enabled its members to obtain an impression of life in the mandated territories.

The Commission would be glad to find in future reports a greater uniformity of terminology as regards the weights and measures referred to and in any case a table of the equivalents of the Japanese weights and measures in English and French terms.

#### *Special Observations.*

1. *General Administration.* — The Commission would be glad to obtain information as regards the measures taken to encourage the officials of the mandatory Power to learn the native languages.

The Commission hopes to find in the next report a clear statement as regards the powers and activities of the various grades of native chiefs, and the general policy of the mandatory Power for associating the natives in the administration.

The Commission noted the declaration of the Japanese Government when ratifying the Convention on Traffic in Women and Children that this ratification did not apply to the mandated territories of Japan. According to the explanations furnished by the accredited representative, this restriction was due to the fact that no traffic in women and children existed in the territories.

2. *Labour.* — The Commission would be glad to receive further particulars about the methods of regulating the production and sale of sugar-cane. It would also appreciate an explanation of the regulations concerning the punishment inflicted for breach of labour contracts.

3. *Education.* — The Commission appreciated the fulness of the part of the report dealing with education. It would be glad to be kept informed of the progress made as regards the system of training native teachers in the islands.

4. *Public Health.* — The Commission noted with much satisfaction the liberal provisions in respect of medical officers and hospitals.

5. *Land Tenure.* — The Commission hopes to find in the next report information which will enable it to determine the legal position of those lands, situated in the territory, which formerly belonged to the German Empire and to which Articles 120 and 257 of the Treaty of Versailles apply.

The Commission would be glad to learn the results of the enquiry regarding native rights in land and the measures to be taken for the recognition of titles.

6. *Public Finance.* — The Commission noted the statement on page 87 of the report to the effect that it was next to impossible to distinguish expenditure for direct benefit to the natives from expenditure for other purposes. While appreciating this difficulty, the Commission would ask the mandatory Power to furnish it in the next report with as accurate an approximation as possible.

### Western Samoa.

One copy of the annual report on the administration of Western Samoa for the period April 1st, 1924, to March 31st, 1925, was received by the Secretariat on July 20th, 1925, and 100 copies on August 3rd, 1925. At the same time the Secretariat was informed that copies of this report had been sent direct to the members of the Mandates Commission. The Commission examined this report on October 20th in the presence of the accredited representative of the New Zealand Government, the Honourable Sir James Allen, K.C.B., High Commissioner for New Zealand, who was assisted by Mr. J. D. Gray, Secretary of the External Affairs Department of New Zealand.

#### *General Observations.*

The Commission notes with satisfaction that the report, accompanied by a valuable special report on public health questions, was received by the League of Nations within less than four months of the end of the period to which it applies.

The general statement and the special explanations given by Mr. Gray from his intimate knowledge of the mandated territory enabled the Commission to understand much more accurately than before the broadminded policy which dictates the action of the mandatory Power in devoting its efforts to the welfare of the natives without neglecting the legitimate interests of the other inhabitants. The constant decrease in the native death-rate is a development on which the mandatory Power deserves congratulation.

#### *Special Observations.*

1. *General Administration.* — The Commission welcomes the offer of the accredited representative to furnish it with the text in English of the "Native Regulations for Western Samoa" and to arrange for the insertion in the next report of further information concerning the working and number of the district councils and village committees.

2. *Labour.* — The undertaking of the accredited representative to take steps to furnish the Commission in the next report with information as to the extent to which the provisions of the Conventions and Recommendations of the International Labour Conferences, as well as the labour laws and regulations of New Zealand were, in fact, applied in the mandated territory, was noted.

3. *Education.* — The Commission noted the continued attention which was paid both by the Administration and by the missions to the education of the natives, and will follow with interest developments in this field, particularly as regards the inspection of schools and the training of teachers.

4. *Land Tenure.* — The Commission learned with much interest of the attention which is being paid by the Administration to the adoption of a system of land tenure for native lands which will facilitate the transition from communal to individual ownership.

It was understood from the accredited representative that information would be furnished concerning the proportion of the Crown Estates land which is cultivated, capable of cultivation and uncultivable.

5. *Public Finance.* — The Commission welcomes the offer of the accredited representative to furnish it with copies of the annual estimates and closed accounts for the territory, which will show the revenue and expenditure in greater detail.

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## OBSERVATIONS OF THE PERMANENT MANDATES COMMISSION ON THE PETITIONS EXAMINED AT ITS SEVENTH SESSION.

At its seventh session, the Commission considered five petitions from individuals and communities in mandated territories; these petitions were forwarded through the Government of the mandatory Power, whose observations upon them were also transmitted to the Commission. In order to comprehend the conclusions reached by the Commission, which are set out below, reference should be made to the minutes of the meetings at which the petitions were discussed. The texts of petitions A.1-2-3 and the comments of the mandatory Power upon them are annexed to the minutes.

### A. PALESTINE

#### 1. *Petition from the Ashkenasic Community in Jerusalem.*

The report submitted by M. Orts at the Commission's sixth session (see Annexes to the Minutes of that session, page 150), the conclusions of which were adopted by the Commission on June 29th, 1925, sets forth in detail the history of the Ashkenasic Community's petition up to that date.

In compliance with the Commission's request, which was approved by the Council, the British Government, in a letter dated October 2nd, 1925, commented upon certain points in the petition.

As was stated in M. Orts' report, the Ashkenasic Community at Jerusalem objects to certain administrative regulations now in force by which it is affected, and also to a draft ordinance for the organisation of the Jewish communities in Palestine.

A. The Commission regrets that the mandatory Power had not furnished it with any explanations concerning the present situation which would enable it to consider the complaints of the petitioners with regard to certain administrative regulations which it is alleged have been actually put into force by the Government of Palestine. These complaints concern in particular :

- (a) The arrangements for the slaughtering of animals ("kosher");
- (b) The tax on unleavened bread;
- (c) Failure to give them official recognition and the privileges resulting therefrom;
- (d) Refusal to allow them to use the name "Council (Waad Hair) of the Jewish Ashkenasic Community".

The Commission is grateful to the accredited representative for his offer to secure explanations from the authorities in Palestine in regard to these points, and in order that there may be complete liberty of conscience it would ask the mandatory Power to ensure their careful examination by the responsible authorities in the country without waiting for such decisions as may eventually be reached with reference to the proposed legislative regulations.

B. As regards the proposed ordinance and regulations which will affect the future legal status of Jewish communities in Palestine, the Commission notes the statement of the mandatory Power that it is prepared to give the utmost consideration to the wishes of the Ashkenasic Community for complete liberty in religious matters. In recalling the provisions of Articles 2 and 15 of the Palestine mandate, the Commission notes the declaration of the accredited representative that the mandatory Power has no intention of interfering in any way with the religious freedom of the different groups of inhabitants of the country. In the opinion of the Commission, the provisions of the Mandate would not appear to oblige the Mandatory to recognise only one Jewish religious community in Palestine. The Commission trusts that an arrangement satisfactory to all groups may be found, and will follow future developments with close attention.

2. *Two communications from the Executive Committee of the Palestine Arab Congress, dated April 8th and 12th, 1925, forwarded to the Secretary-General with a letter from the British Government dated September 18th, 1925.*

In view of the fact that in the first petition the very principle of the Palestine Mandate was contested, the Commission has decided not to take it into consideration.

As regards the second petition, the Commission has discussed the matter at length, first in the presence of the accredited representative of the mandatory Power and then *in camera* after he had left. In spite of the very numerous allegations made and the information contained in this petition and in the report and comments of the mandatory Power, and in spite of the supplementary information given by the accredited representative, the Commission has not been able to reach a unanimous and final decision concerning the numerous questions raised. Indeed, the Commission doubts whether it can make any adequate recommendation on so complex and delicate a subject on the sole basis of written documents, even by examining these documents in conjunction with the accredited representative of the mandatory Power against whom the petitioners feel they have cause for complaint.

In view of this difficulty and of the information received that further petitions will shortly be submitted to it by the same persons, the Commission has decided to postpone its final decision.

3. *Letter dated September 1st, 1925, with two memoranda on the development of the Jewish National Home in Palestine, submitted by the Zionist Organisation and forwarded to the Secretary-General with a letter from the British Government dated October 19th, 1925.*

The memoranda and letter from the Zionist Organisation were forwarded to the Commission in accordance with the procedure in force in regard to petitions; in addition to three definite complaints, they contain much useful information which calls for no comment. The Commission availed itself of the presence of the Hon. W. Ormsby-Gore, the accredited representative of the mandatory Power, to obtain from him further information on several subjects dealt with in these papers.

The three complaints formulated by the Zionist Organisation are the following :

(a) The Zionist Organisation complains of the uncertain position in which it is placed by the present regulations regarding petitions. The Permanent Mandates Commission is particularly anxious to remove this difficulty because this is not the first occasion on which it has arisen. The Commission recommends that the Council should authorise it to place upon the term "petition" in the regulations governing the above procedure, a wider interpretation which will enable it to include under that term memoranda and memorials of all kinds relating to the administration of mandated territories. The Commission also considers that there is no objection to the Zionist Organisation continuing the procedure it has followed this year

in communicating through the mandatory Power all documents which it wishes to bring to the notice of the Permanent Mandates Commission. As this latter procedure also appears acceptable to the mandatory Power, there is no need to make any recommendation on this point.

(b) The Zionist Organisation complains that Article 6 of the Palestine Mandate has not yet been effectively applied. The former High Commissioner, the Right Hon. Sir Herbert Samuel, in his report on the administration of Palestine for 1920-1925, has already pointed out that the administration of Palestine has not yet considered it possible to encourage "the close settlement by Jews on the land, including State lands and waste lands not required for public purposes" without "prejudicing the rights and position of other sections of the population". In its observations the mandatory Power explains the difficulties which have hitherto prevented the application of these provisions. The Permanent Mandates Commission cannot, of course, recommend the allocation to Jewish immigrants of land which is already held by the indigenous population. If, however, after the present land survey has been completed, the Government has at its disposal land which could be handed over to the Jewish immigrants for cultivation without thereby prejudicing the rights and position of other sections of the population, the Permanent Mandates Commission feels sure that the mandatory Power will do its utmost to give full effect to Article 6.

(c) As regards the Zionist Organisation's complaint that only 3 per cent of the sum set aside from public funds appropriated for education has been used to subsidise Jewish schools in Palestine, the Commission is of opinion that the explanation given on this subject by the mandatory Power is sufficient.

4. *Letter from the National Party in Tul Karem, dated March 25th, 1925, forwarded with a letter from the British Government dated July 4th, 1925.*

As this petition was incompatible with the provisions of the Mandate, the Commission did not consider that it was in a position to examine it.

## B. SOUTH-WEST AFRICA.

*Various communications from Mr. E. J. E. Lange forwarded with letters from the Government of South Africa dated August 11th and September 1st, 1925.*

The Commission has already reached a decision on Mr. Lange's complaints (see Report on the Work of the Sixth Session, Document A. 14. 1925). As the further papers submitted contain no information which need give rise to a re-opening of the discussion, the Commission decided to take no action upon them.

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