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- C.569. 1928.VI.  
2. Mandates. Observations of the British Government on the council's decision concerning the report of the permanent mandates commission on the work of its Twelfth session. 13-0.
- C.545. L.194. (C.P.R./12th session/P.V.) 1927.VI.A.10.  
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- C.582. L.206. 1927.VI.A.12.  
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- C.359. L.1927.VI.A.14.  
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- C.64. 1928.VI.A.2.  
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- C.73. 1928.VI.A.3.  
7. Mandates. South-West Africa. Further observations of the South African Government on the council's decisions concerning the report of the permanent mandates commission on the work of its Eleventh session. 146.
- C.143. L.34. (C.P.R.698) 1928.VI.A.4.  
8. Mandates. Statistical information concerning territories under Mandate. 147-154.
- C.206. 1928.VI.A.B.  
9. Mandates. New Guinea. Observations of the Australian Government on the council's decision concerning the report of the permanent mandates commission on the work of its Eleventh session. 155-157.
- C.208. 1928.VI. A. 6.  
10. Mandates, Nauru. Information forwarded by the Australian Government after consideration of the report on Nauru for 1926 by the permanent Mandates Commission at its eleventh session. 158-159.
- C.323. (C.P.R.740.) 1928.VI. A.7.  
11. Mandates. Western Samoa. Observations of the New Zealand Government on the council's decisions concerning the remarks contained in the report of the permanent mandates commission on the work of its Twelfth session and relating to western Samoa. 160.
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Geneva, July 6th, 1927.

**LEAGUE OF NATIONS**

**PERMANENT MANDATES COMMISSION**

**REPORT ON THE WORK OF THE ELEVENTH  
SESSION OF THE COMMISSION**

**(Geneva, June 20th to July 6th, 1927.)**

*Submitted to the Council of the League of Nations.*

The Permanent Mandates Commission met at Geneva from June 20th to July 6th, 1927, for its eleventh session, during which it held twenty-six meetings, of which one was public. All the members, except M. Yamanaka, and the representative of the International Labour Organisation were present.

The Commission studied the annual reports on the administration of eight mandated territories, and also several petitions and general questions. The annual reports were examined in the following order, with the assistance of the accredited representatives of the mandatory Powers, whose names are given below:

1. *Nauru* (1926):

The Rt. Hon. Sir Joseph COOK, High Commissioner of the Commonwealth of Australia in London, and Mr. E. J. HARDING, Assistant Under-Secretary of State in the Dominions Office.

2. *Cameroons* (under French Mandate) (1926):

M. A. DUCHÊNE, Councillor of State, Director of Political Affairs in the French Ministry of the Colonies.

3. *Togoland* (under French Mandate) (1926):

M. A. DUCHÊNE.

4. *New Guinea* (1925-26):

The Rt. Hon. Sir Joseph COOK.

5. *Tanganyika* (1926):

Sir Donald CAMERON, Governor of the Tanganyika Territory, assisted by Mr. T. I. K. LLOYD, of the British Colonial Office.

6. *South-West Africa* (1926):

Mr. J. S. SMIT, High Commissioner of the Union of South Africa in London.

7. *Palestine* (1926):

Sir John SHUCKBURGH, Assistant Under-Secretary of State for the Colonies, assisted by Mr. MILLS, Assistant Chief Secretary of the Palestine Administration, and Mr. T. I. K. LLOYD.

8. *Syria and the Lebanon* (1926):

M. Robert DE CAIX, late Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon.

## GENERAL QUESTIONS.

### QUESTION OF THE APPOINTMENT OF AN ADDITIONAL MEMBER.

The Permanent Mandates Commission has carefully considered the question referred to it by the Council as to an increase in its membership with a view to the appointment of a German member.

In the first place, the Commission was unanimous in observing that the Council, in referring the matter to it, had emphasised the fact that the Assembly's approval of the sum intended to meet the expenses which would be incurred in the event of the appointment of a German member of the Commission was of political significance; and that accordingly the Council, in applying to a body whose character was fundamentally technical, only desired it to state whether there were any technical objections to the proposal.

The majority of the members of the Commission concurred in the view that there was no technical objection to the appointment of a new member.

The minority is prepared to welcome whatever decision the Council may think fit to take, but considered that it should abstain from expressing an opinion on account of the political character of the question.

### LIST OF QUESTIONS WHICH THE COMMISSION DESIRES SHOULD BE DEALT WITH IN THE ANNUAL REPORTS OF THE MANDATORY POWERS ON TERRITORIES UNDER B AND C MANDATES.

1. In accordance with the resolution of the Council, the Permanent Mandates Commission considered the opinions expressed during the sessions of the Council and of the Assembly in September 1926, as well as in the communications from the mandatory Powers, with regard to the "List of Questions" attached to the Commission's Report on its Ninth Session.

2. As is apparent from the Minutes of the Ninth Session and the introduction to the document itself, the "List of Questions" was drawn up for the use of the mandatory Powers solely with a view to facilitating the preparation of the annual reports which these Powers are bound to submit to the Council under the terms of Article 22 of the Covenant.

Therefore, it is entirely for the mandatory Powers to decide whether they desire to use or not to use the "List of Questions", according to whether they share or do not share the Commission's opinion as to its usefulness.

The Commission must leave it to the Council to decide whether it still considers it desirable after these explanations to adopt any recommendation to the mandatory Powers regarding this document.

3. In order to reply to certain remarks to which its action has given rise, the Permanent Mandates Commission would observe that, in drawing up this list, it took special care to introduce only such questions as had already been dealt with either in the reports from the mandatory Powers or verbally by the accredited representatives of these Powers.

In preparing this list, therefore, the Commission did not depart from the methods of work which, with the approval of the Council and the active co-operation of the mandatory Powers, it has always followed since it entered upon its duties.

4. The discussions to which the Council has drawn the Commission's attention and the replies from certain mandatory Powers would seem to imply that some modifications might be introduced in the methods of work hitherto employed by the Commission in order to assist the Council in its supervisory duties.

5. The Permanent Mandates Commission has, however, had the satisfaction of noting that the annual reports of the mandatory Powers, as well as the statements of the accredited representatives during its present session, show, by the fullness and detailed nature of the information given with regard to every branch of the administrations' activities, that the readiness and good will of the mandatory Powers to facilitate the work of the Commission have in no way diminished. The Commission hopes, and has no doubt, that this will always be the case, for it is only on this essential condition that it can, in the future as in the past, fulfil its task.

### OBSERVATIONS OF THE PERMANENT MANDATES COMMISSION REGARDING CERTAIN TERRITORIES UNDER A, B AND C MANDATES

The following observations have been drawn up by the Permanent Mandates Commission after considering the situation in each territory in the presence of the accredited representative of the mandatory Power concerned. In order fully to grasp the significance of these observations, reference should be made to the Minutes of the meetings at which the questions affecting the different territories were discussed.

## TERRITORIES UNDER A MANDATE

### Palestine and Transjordan.

#### *General Observations.*

The Commission, while satisfied with the information given by the mandatory Power with regard to the progress made in local autonomy, would like to find in the next report more detailed information regarding the development of the "self-governing institutions" provided for in Article 2 of the Mandate.

#### *Special Observations.*

1. *General Administration.* — The Commission welcomed the offer of the accredited representative to supply a table of the staff employed in Palestine.

2. *Judicial System.* — The Commission would appreciate information about the cases in which it has been found necessary to apply the provisions of the Collective Punishments Ordinance 1926.

3. *Labour.* — The Commission regrets that it has not found in the report for the year 1926 such information concerning the conditions of labour and labour legislation as it had already asked for in the Reports on its Seventh and Ninth Sessions.

4. *Public Health.* — The Commission hopes that the mandatory Power will find it possible to include in future reports more complete information about public health and sanitary conditions in the country.

5. *Public Finance.* — The Commission would be glad to have in the next report further details as regards the programme of public works which it is intended to carry out with the funds to be obtained from the forthcoming loan.

6. *Transjordan.* — The Commission would learn with interest the result of the negotiations which are at present being carried on between the mandatory Power and the Amir of Transjordan as regards the future constitution of that territory.

### Syria and the Lebanon.

#### *General Observations.*

The Commission appreciates the full information given in the report for 1926 concerning the political and military situation. It is also glad to learn from the accredited representative that the revolt even in the Jebel Druse has come to an end.

The Commission will follow with particular interest the constitutional arrangements made to give effect to paragraph 4 of Article 22 of the Covenant and Article 1 of the Mandate. It notes that the framing of the Organic Law has been delayed in order that the Syrian and Lebanese authorities may themselves have an opportunity to work out the constitutional organisation of the country and it trusts that, as a result of the negotiations with these authorities, the mandatory Power will be in a position to proceed to the promulgation of the Organic Law within a reasonable time.

#### *Special Observations.*

1. *General Administration.* — The Commission would be glad if information could be given in future reports as to the number of individuals in "forced residence".

2. *Military Clauses.* — Further information concerning the "right of requisition" granted to the military authorities in the absence of martial law by such a Decree as No. 524 of September 20th, 1926, would be appreciated.

The Commission would like to have further information concerning the "Forces supplétives" mentioned on page 56 of the report.

3. *Agriculture.* — The Commission noted with interest the considerable increase in the production of silk in the territory and the intention of the mandatory Power to further the growth of cotton and grain, in particular by irrigation schemes.

4. *Education.* — The Commission would be glad of information as to the steps taken to increase the efficiency of the staff of teachers and inspectors in the public schools in Syria.

5. *Public Health.* — The high infant mortality rate in the mandated territory attracted the attention of the Commission, which would be glad of further information as to the steps taken to deal with this serious problem.

6. *Public Finance.* — The Commission notes with satisfaction that the mandatory Power has decided to keep the public accounts in a gold currency in order to protect the budgetary resources of the territory from the fluctuations of the exchange.

The Commission welcomed the offer of the accredited representative to have a summary of the budget of the High Commissariat inserted in future reports.

It will be glad to learn of the arrangements made by the mandatory Power so that it will be able, in the future, to call upon the local authorities to take part in the consideration of the Customs regime to be applied to the country.

## TERRITORIES UNDER B MANDATE

### Cameroons (under French Mandate).

1. *Labour.* — The Commission would be glad to find in the next report some information as to the principles in accordance with which the Administration exercises its right of requisitioning labour for public works.

2. *Liquor Traffic.* — According to information given in the annual report, there has been a very considerable increase during the last few years in the quantity of intoxicating beverages of all kinds imported. The Commission is glad to note that the mandatory Power fully realises the necessity for taking more drastic steps, and will be interested to learn what measures are adopted and what results are obtained.

3. *Education.* — The Commission would like to be informed of the results obtained from the mandatory Power's agricultural training policy.

4. *Public Health.* — The Commission notes with satisfaction the efforts of the Administration of the territory to increase the medical staff.

5. *Land Tenure.* — The Commission notes with satisfaction the accredited representative's statements to the effect that the Administration of the territory is not in favour of granting large concessions of agricultural or forest land. It would like to have some information regarding the present status of the South Cameroons Company.

6. *Moral, Material and Social Welfare of the Natives.* — The Commission takes note of the accredited representative's offer to have fuller particulars included in the next report as to the methods employed and the results obtained as regards administration by native chiefs and the activities of native co-operative societies.

7. *Public Finance.* — The Commission would like fuller particulars as to the issue of token money, and its effect on economic conditions in the territory. The Commission would also be glad if the mandatory Power would furnish, in so far as possible, information regarding the fluctuations in the cost of living.

### Togoland (under French Mandate).

1. *Liquor Traffic.* — The Commission observes that there has been a large increase in the quantity of wines and spirits imported. It would be glad to know what steps the mandatory Power proposes to take to improve, as far as possible, the position described in the report.

2. *Economic Equality.* — The Commission notes that refunds of Customs duties, insurance, wharfage, etc., have been made to two French companies. The accredited representative explained to the satisfaction of the Commission that these are not purely commercial undertakings, but companies engaged in experiments of public importance.

3. *Land Tenure.* — The Commission notes with satisfaction that the mandatory Power, by a Decree of March 13th, 1926, substituted the phrase "domaine du territoire du Togo" for that of "domaine de l'État", thus conforming with the principles of the Mandate.

4. *Public Finance.* — The Commission would be glad to receive more definite information as to the withdrawal of foreign currency in the territory and the difficulties to which it appears to have given rise.

### Tanganyika.

#### *General Observations.*

The Commission is glad to learn from the accredited representative that it will soon receive the views of the Mandatory Power on certain of the observations of the Commission concerning the Report on Tanganyika for 1925, which did not reach it before the opening of the present session.

The preamble to the "Tanganyika (Legislative Council) Order in Council 1926" refers specifically (as enabling His Britannic Majesty to make such an Order) to the stipulation in the Foreign Jurisdiction Act 1890, which provides that His Majesty's jurisdiction may be exercised in a foreign country "in the same and as ample a manner as if His Majesty had acquired that jurisdiction by the cession or conquest of territory". Reference is also made in the same preamble to the power and jurisdiction which His Majesty has "by treaty, grant, usage, sufferance, and other lawful means". The Commission ventures to suggest that specific mention in important Acts of this kind of the fact that the territory is governed under mandate on behalf of the League of Nations would make its status and the basis of the jurisdiction of the mandatory Power therein clearer.

#### *Special Observations.*

1. *General Administration.* — The Commission has been greatly impressed with the progress made in building up, in accordance with the programme of the Governor of Tanganyika,

whose personal explanations in this connection were greatly appreciated, a system of native administration which makes use, as far as possible, of traditional tribal organisation, subject to the supervision of the mandatory Power. It will continue to follow closely the further development of this important experiment, which aims at conserving the social and political fabric of native life and moulding it into a solid foundation for the political future of these people.

The Commission notes that the mandatory Power is mapping out all districts haunted by the tsetse fly and is taking steps to render additional districts habitable.

2. *Labour.* — The Commission notes with satisfaction that the native authorities are not allowed to requisition labour for work on roads without the express authorisation of the Governor, and it is glad to observe that it is the policy of the Governor to provide funds by which the native authorities will in future be able to employ paid labour for work on the native administration roads. It also notes that the Governor is arranging gradually to replace portage by motor transport.

In future reports, it is hoped that the mandatory Power will be able to furnish a return of the number of natives requisitioned throughout the year for essential public works and services.

3. *Education.* — The Commission is glad to observe that the expenditure on education has increased fivefold in five years.

It will be glad to receive copies of the Education Code and Regulations.

4. *Public Health.* — The considerable increase in expenditure on public health was noted by the Commission, which was also interested in the development of the programme for training tribal dressers for service with the native administrations, and the scheme for intensive research in a defined area.

5. *Land Tenure.* — The Commission is glad to learn that the Governor hopes very shortly that force of law will be accorded to the pledge which he has given to the natives that, in the cases of alienation of land, they will be guaranteed the same rights as if they held a lease from Government, including the right to remain on their lands unless they prefer to settle elsewhere in return for adequate compensation.

It notes the statement of the accredited representative that, although land has been alienated to foreigners, it is not his policy to create a White State since, in his opinion, the interests of the native Africans must always be paramount.

6. *Public Finance.* — The Commission would be glad to know whether the mandatory Power considers that the burden of taxation falls at present in equitable proportions on natives and non-natives, and, if not, what steps it proposes to take in this connection.

#### TERRITORIES UNDER C MANDATE.

##### Nauru.

###### *General Observations.*

The Commission would be glad to receive a copy of the new Agreement between the British Government, the Government of Australia and the Government of New Zealand, in execution of Article I of the Agreement of July 2nd, 1919, making provision for the exercise of the mandate to administer the island of Nauru.

The Commission would be grateful if information could be given as to the work done by the Advisory Council during the year.

###### *Special Observations.*

1. *Labour.* — The Commission notes that the British Phosphate Commission repatriates at its own expense Chinese workers who are considered medically unfit for further service or who are seriously injured whilst at work, and that the latter are, in addition, given compensation amounting to one year's pay. The Commission would like to know whether it would not be possible for the mandatory Power to secure for the former, where their incapacity arises from the conditions of their work, treatment as favourable as that accorded to those injured while at work.

The Commission would also be glad to know whether the mandatory Power considers that the number of labourers repatriated as medically unfit could be reduced as a result of a more thorough examination in Hong-Kong concerning the physical fitness of the labourers recruited.

2. *Freedom of Conscience.* — Further information concerning the nature of the obligation imposed upon children to attend religious instruction given by the missions would be appreciated.

##### New Guinea.

###### *General Observations.*

The statistics in the last two reports indicate that the mandatory Power brought large areas under its administration or influence in 1925-26. The Commission will continue to follow with

interest the further progress which is made in this direction. It will appreciate information as to such increases in staff as may be required in consequence.

Previous reports contained brief statements concerning the results obtained by the Administration in each of the different districts of the territory, and the Commission would be glad if the mandatory Power would furnish it with as much information as possible on this subject.

The Commission calls attention to its observations last year and would be glad to receive further information regarding the qualifications required for appointment to the administrative staff and the general conditions of service laid down for the officials.

The Commission notes with some concern the statement made in paragraph 215 of the Health Report, from which it appears that the grant under the previous regime of practically all the fertile lands as concessions to alien planters has resulted in the regrettable material condition and state of moral depression of the population of certain islands. It realises, however, that these conditions are peculiar to these islands and that there is no reason to fear that they will be extended to other parts of the mandated territory. The Commission will be glad to learn what steps are being taken by the mandatory Power to deal with this problem where it exists.

#### *Special Observations.*

1. *Labour.* — Information concerning the approximate amount of portage required of natives and the regulations governing it would be appreciated.

The Commission would be glad to know how the system of employing labourers on the basis of "job contracts" is working out in practice.

The Commission would like to receive further information concerning the payment of taxes by natives in labour, and in particular the number of natives who pay in this way and the kind of work required of them.

2. *Freedom of Conscience.* — It would be of interest and value to the Commission if the mandatory Power would deal at greater length in the next report with the work of the missions in the territory, including mission schools.

3. *Education.* — The Commission recalls the declaration made at the ninth session by the accredited representative of the mandatory Power to the effect that the Government would shortly decide whether it intended to apply in New Guinea the educational system which is being followed in Papua, viz., to leave education largely to the missions, or whether it proposes to adopt some other policy.

4. *Public Health.* — The Commission noted with satisfaction the interesting and instructive report by the Director of Public Health which was annexed to the annual report. It was also impressed by the development of the medical services organised by the Administration and by the missions.

5. *Forestry.* — The Commission wishes to thank the mandatory Power for forwarding to it copies of a very complete report on the forest resources of the territory.

6. *Public Finance.* — The figures given in the various financial statements which the mandatory Power had forwarded to the Commission did not enable it to form a clear idea of the state of the finances of the territory; and the Commission appreciated the offer of the accredited representative to obtain a clear statement of the different accounts on a given date.

#### **South-West Africa.**

##### *General Observations.*

The Permanent Mandates Commission, in its last report, considered that it should call the attention of the Council to the second paragraph of the preamble to one of the Agreements concerning the boundary between the mandated territory of South-West Africa and Angola, which was signed by the Government of the Union of South Africa and Portugal and according to which the Government of the Union declares that, subject to the terms of its mandate, it "possesses sovereignty over the territory of South-West Africa, lately under the sovereignty of Germany".

Because of the fundamental importance of this question, the Commission feels obliged again to bring it to the attention of the Council. Two considerations have led the Commission to take this decision.

In the first place, the parallel drawn in the above-mentioned preamble between the sovereignty assumed by the Government of the Union of South Africa over the territory in question and the sovereignty over that territory previously held by Germany, seems to imply a claim to legal relations between the mandatory Power and the territory it administers under its mandate, which are not in accordance with the fundamental principles of the mandates system.

Secondly, the Prime Minister of the Union made the following declaration in the Union Parliament on March 11th, 1927:

"I would refer the honourable member to the decision of the Supreme Court of South Africa (Appellate Division) in the case of *Rex v. Christian*, A.D. 1924, at page 122, wherein it was laid down that 'the majestas or sovereignty over South-West Africa resides neither in the Principal Allied and Associated Powers, nor in the League of Nations, nor in the British Empire, but in the Government of the Union of South Africa, which has full powers



of administration and legislation (only limited in certain definite respects by the Mandate)'. The Government of the Union entirely adheres to this decision."<sup>1</sup>

In view of these statements and the interpretations to which they have given rise, the Commission is anxious to know the exact meaning which is to be attributed to the expressions referred to.

The Commission notes that the accredited representative of the mandatory Power was not able to give the opinion of the Government of the Union of South Africa on this question, and it hopes that that Government will be so good as to explain whether, in its view, the term "possesses sovereignty" expresses only the right to exercise full powers of administration and legislation in the territory of South-West Africa under the terms of the mandate and subject to its provisions and to those of Article 22 of the Covenant, or whether it implies that the Government of the Union regards itself as being sovereign over the territory itself.

The Commission appreciates the full information, especially on Labour and Education, furnished by the mandatory Power in reply to questions put at its ninth session.

As already mentioned in previous reports, the *Caprivi Zipfel* is administered as part of Bechuanaland. The Commission would be glad to obtain copies of the legislation in force in this part of the mandated territory.

### *Special Observations.*

1. *General Administration.* — The Commission will learn with interest of any further measures that the Administration may be considering for the purpose of increasing the administrative services in Ovamboland.

2. *Labour.* — The Commission notes with satisfaction the considerable improvement in the conditions of labour in the mines which has resulted from the special measures taken by the Administration. It believes, however, that further improvement in the health of the workers from Ovamboland might be obtained by instituting a medical examination of such workers before engagement.

3. *Freedom of Conscience.* — The Commission would like to find in the next report more complete information about the mission work in the territory.

4. *Education.* — The Commission would be glad to know the reasons why it has not been found possible to extend to Ovamboland the system of subsidies to mission schools, and whether the amounts assigned to native and coloured education might not be increased.

5. *Public Health.* — The Commission would be glad to have in the next report some information about health conditions in the prisons. It would also like to know the reasons which have prevented the mandatory Power from providing more adequate medical services in Ovamboland.

6. *Public Finance.* — The Commission will follow with interest such steps as may be taken to develop sources of revenue other than that from the diamond mines.

The Commission has noted with satisfaction that a considerable amount has been repaid to the territory by the Government of the Union in respect of Customs duties collected in previous years and that in future a system of careful annual calculation of that proportion of the revenue of the Customs Union which is due to the mandated territory will be adopted.

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## OBSERVATIONS OF THE PERMANENT MANDATES COMMISSION ON PETITIONS.

At its eleventh session, the Commission considered the petitions mentioned below, together with such observations or information with regard thereto as was furnished in writing by the mandatory Powers or orally by their accredited representatives.

Each of the petitions was reported on by a member of the Commission. After discussion, the conclusions of these reports, which are attached to the present document, were adopted by the Commission<sup>2</sup>.

### I. Palestine.

(a) Petition from the "Executive Committee of the Palestine Arab Congress" of April 25th, 1927. (C.P.M. 570.) Observations by the British Government dated June 1st, 1927 (C.P.M. 570). Report by M. Palacios (Appendix, A).

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<sup>1</sup> It would seem necessary to compare this text — an extract from the conclusions of Judge de Villiers — with his reasoning and with the opinions given by the other judges in the same case, which do not seem to have so wide a significance.

<sup>2</sup> The Commission does not consider it necessary to circulate to the Council and to the Members of the League copies of the petitions and the observations made thereon by the mandatory Powers. It recommends, however, that copies of these documents should be placed in the Library of the League of Nations, where they will be at the disposal of those who may wish to consult them.

(b) Letter from the "Executive Committee of the Palestine Arab Congress" of April 25th, 1927, forwarding a memorandum from the Arabs of Barrat-Cæsarea (C.P.M. 569). Observations from the British Government dated June 1st, 1927 (C.P.M. 569).

Report by M. Rappard (Appendix, B).

(c) Letter dated May 5th, 1927, and memorandum from the Zionist Organisation. Observations by the British Government, June 8th, 1927 (C.P.M. 574).

Report by M. Van Rees (Appendix, C.)

(d) Letter and memorandum dated May 25th, 1927, from the Council of the Ashkenasic Community of Jerusalem. Observations by the British Government dated June 17th, 1927 (C.P.M. 588).

Report by Mrs. Wicksell (Appendix, D.)

## II. Syria and the Lebanon<sup>1</sup>.

(a) Letter from the "Executive Committee of the Syro-Palestinian Congress" dated Cairo, February 4th, 1926 (C.P.M. 368).

(b) Letter from the Emir Chekib Arslan and M. Ihsan El Jabri, dated Rome, February 16th, 1926 (C.P.M. 371).

(c) Letter from the Emir Chekib Arslan and M. Ihsan El Jabri, dated Rome, February 24th, 1926 (C.P.M. 376).

(d) Letters from the Emir Chekib Arslan and M. Ihsan El Jabri, dated Rome, February 20th and 27th, 1926 (C.P.M. 377).

(e) Letter from the Emir Chekib Arslan and M. Ihsan El Jabri (C.P.M. 392).

(f) Letter from the "Executive Committee of the Syro-Palestinian Congress" dated Cairo, May 7th, 1926 (C.P.M. 406).

(g) Letter from the Emir Chekib Arslan and M. Ihsan El Jabri, dated Geneva, June 7th, 1926 (C.P.M. 440).

(h) Letter from the Emir Chekib Arslan and M. Ihsan El Jabri, dated Geneva, June 18th, 1926 (C.P.M. 447).

(i) Letter from the "Executive Committee of the Syro-Palestinian Congress" dated Cairo, June 18th, 1926 (C.P.M. 459).

(j) Letter from the "Executive Committee of the Syro-Palestinian Congress" dated Cairo, July 3rd, 1926 (C.P.M. 462).

(k) Letter from the Emir Michael Lotfallah, the Emir Chekib Arslan, and MM. Ihsan El Jabri and Riad El Souh, dated Geneva, September 11th, 1926 (C.P.M. 468).

(l) Letter from the "Executive Committee of the Syro-Palestinian Congress" dated Cairo, September 14th, 1926 (C.P.M. 500).

(m) Letter from the Emir Chekib Arslan and M. Ihsan El Jabri, dated Geneva, November 3rd, 1926 (C.P.M. 518).

(n) Letter from the Emir Chekib Arslan and MM. Ihsan El Jabri and Riad El Souh, dated Geneva, November 10th, 1926 (C.P.M. 519).

(o) Letter from the Emir Chekib Arslan and MM. Ihsan El Jabri and Riad El Souh, dated Geneva, November 17th, 1926 (C.P.M. 530).

(p) Telegram from the "Rashaya Benevolent Union", dated Montreal, January 16th, 1927 (C.P.M. 547).

All these petitions formed the subject of a report by M. Freire d'Andrade, the conclusions of which are attached as an annex to the present document (Appendix, E). The full text of his report will be printed as an annex to the Minutes of the present session.

## III. Togoland (under French Mandate).

(a) Petition from Mr. Casely Hayford on behalf of certain natives of the Adjigo Clan dated April 3rd, 1926 (C.P.M. 427). Observations by the French Government dated November 27th, 1926, and February 22nd, 1927 (C.P.M. 536 and 550).

Report by M. Orts (Appendix, F.)

(b) Petition from the "Bund der Deutsch-Togoländer" dated August 9th, 1926 (C.P.M. 467). Observations by the French Government dated April 21st, 1927 (C.P.M. 552).

Report by Mrs. Wicksell (Appendix, G.)

## IV. South-West Africa.

(a) Petition from certain members of the Rehoboth Community dated November 26th, 1926 (C.P.M. 546). Observations by the Government of the Union of South Africa, December 21st, 1926 (C.P.M. 546).

Report by Sir Frederick Lugard (Appendix, H.)

<sup>1</sup> Several of the first eleven petitions have already been examined by the Commission, but only with regard to points unconnected with the general policy of the mandatory Power in 1926; an examination of the general policy was postponed until the eleventh session (see Minutes of the Tenth Session, page 189). The last five petitions have been received since the tenth session of the Commission.

(b) Petition from Mr. Will Stuart dated May 24th, 1926 (C.P.M. 460 (1)). Observations by the Government of the Union of South Africa dated September 30th, 1926 (C.P.M. 487).  
Report by M. Merlin (Appendix, I.)

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## Appendix

### REPORTS ON PETITIONS

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#### I. PALESTINE

C. P. M. 598 (revised).

##### A.

PETITION, DATED APRIL 25th, 1927, FROM THE "EXECUTIVE COMMITTEE OF THE PALESTINE ARAB CONGRESS".

REPORT BY M. LEOPOLDO PALACIOS.

The Commission has received, through the regular channels and by the proper procedure, a petition from the Executive Committee of the Palestine Arab Congress, dated April 25th, 1927, together with the British Government's observations, dated June 1st, 1927. These two documents appear under No. C.P.M. 570. In a letter dated June 7th, from the Secretariat of the League of Nations, I was informed that the Chairman of our Commission desired me to submit a report on this question.

The Arab petition is signed by Jamaal Husseini, General Secretary to the Executive Committee. It begins by pointing out that, in the House of Commons last year, the British Secretary of State for the Colonies departed from the principle of the Covenant whereby the mandatory Power is to guide the administration of the mandated territories until such time as the inhabitants are able to stand alone. In conclusion, it is announced that another petition will follow relating to the Kabbara territories, which are regarded as a typical example of the horrors entailed by a one-sided enquiry and by the Commission's inability to visit Palestine and to study the question on the spot. The Government of the mandatory Power replies to the first general question by making reference to its report for 1926, submitted to the Council of the League. In the opinion of the mandatory Government, this report entirely destroys the Arab contention that "the political rights of the inhabitants of the mandated territory" have been infringed. The Government has nothing to say about the conclusion, and doubtless intends to reply to the petition concerning the Kabbara territories when it is presented. Possibly its silence on the question of the one-sided nature of the enquiry means that it regards the matter as settled by the decisions of the Council of the League in 1925, 1926 and 1927.

Thus, both the Executive Committee and His Britannic Majesty's Government confine themselves to the specific and concrete questions in the petition. These are three:

- (a) Jewish immigration.
- (b) The development of self-governing institutions.
- (c) Languages.

In regard to (a), the Arabs assert that, notwithstanding the recommendations of the Permanent Mandates Commission in 1924, to the effect that Jewish immigration must be proportionate to the country's economic capacity of absorption, and notwithstanding the provisions of the mandate according to which nothing should be done which might prejudice the rights and situation of other sections of the population, 50,000 Jews entered Palestine during 1925 and 1926, and this aggravated the existing crisis, which was already very acute in the sphere of finance and banking. The public safety, they allege, was seriously threatened by the influx of thousands of unemployed Jewish workers, and Palestine was reduced to the verge of ruine.

In its reply, as also on pages 7 and 8 of its report, the mandatory Power admits the financial difficulties of the Jewish settlements in Palestine, and agrees that this extensive immigration may have been one of the several factors which contributed to these difficulties. In its opinion,

however, although the country's economic situation may be seriously affected as regards trade and markets by the depression caused by this immigration, the country is not on the verge of ruin, nor is public order threatened by the unemployed. His Britannic Majesty's Government decided, as long ago as 1922, that immigration must not be allowed to exceed the economic capacity of the country, and has already placed restrictions upon it to remain in force until the economic situation improves.

In regard to point (b), the Executive Committee of the Arab Congress maintains that the position of Palestine in this respect is inferior to that of the least highly developed British colonies, because, except in religious institutions, no self-government is granted, although provision is made for it in Article 2 of the Mandate, and no steps have been taken to encourage local autonomy as prescribed in Article 3. The Executive Committee, indeed, states that the present position is worse than the position under Turkish rule. It is now the High Commissioner who governs with his Executive Council, while the Advisory Council forms the legislature, these institutions being all "composed exclusively of British members". The people have recently been granted the right to elect their own municipal councils, but have not been consulted as to the rules under which the elections are to be held; they have been deprived of certain powers, and the Government has reserved to itself the right of appointing mayors.

Formerly, the people of Palestine elected their municipal councils, their district administrative councils, and the common councils of their vilayets, not to mention their members of Parliament. The Arabs complain that the mandatory Power is not gradually throwing the administrative posts open to them under its guidance. Nearly all these posts, and naturally all the best, are held by British subjects and, whereas the subordinate posts open to Arabs are being abolished for reasons of economy, the number of higher appointments reserved for British subjects is being increased. Consequently, they say, on questions of vital importance to the country, such as the loan, the new Palestine currency, and the production of salt from the Dead Sea, decisions are reached, negotiations entered into, or concessions granted, while the people of the territory are ignorant of what is going on or impotent to interfere — quite apart from the fact that the solutions may conflict with their interests.

To these allegations the mandatory Power replies that the Municipal Franchise Ordinance 1926 was based on the Municipalities Amendment Ordinance 1922, which was passed by the Advisory Council at a time when it was composed half of official and half of non-official members. The reference by the Arab Executive Committee to the withdrawal of vital powers is presumably directed to the control which is now exercised by the Palestine Treasury over municipal councils under the Municipal Councils Validation Ordinance 1925. This control was formerly exercised by the Administrative Council, but it does not limit municipal powers in any new way. The mandatory Power further asserts, in reply to the Arab contention, that the municipal elections were conducted in an orderly manner, which contrasted favourably with elections under Ottoman rule. The mayors, it is stated, were selected from among the candidates who were returned at the head of the polls, and the allegation that the failure to reduce the number of high officials of British nationality and the appointment of one or two new ones were due to any other consideration than technical administrative efficiency is unfounded.

In regard to question (c) (languages), the Arab Executive Committee considers that the mandatory Power is not merely failing to observe Article 22 of the Mandate — which in itself is unfair to the majority of the population, whose language is placed on an equality with Hebrew, though the latter is spoken only by a minority — but that the provisions of this article have been exceeded by the addition to the name of Palestine, on all official documents, of the initials "E.Y." (Eretz Yisroel — Land of Israel) of the Hebrew name of the country, and the fact that the most important affairs of the country are dealt with in English. For instance, the report on a question of general concern — the alteration of the tithe system — was published and discussed in English.

In reply to these allegations, the British Government refers to the discussion of this question by the Permanent Mandates Commission in the presence of the accredited representative at the ninth session; and, as regards the scheme for the reform of the tithe system, states that the report was published *in extenso* in English, but that the material parts of it were translated into the other two official languages and explained by the notables in all sub-districts.

\* \* \*

It will be seen from the foregoing statement that the Commission is faced by questions which it has already discussed and decided at previous sessions. The advantage of returning to these questions is that we shall see what attitudes are taken up, and what progress has been made and that proposals for future policy will be recorded. Taken as a whole, the Arab petition, although it dwells upon the same points as previous petitions, is substantially more moderate in tone, and the mandatory Power has shown by some of its replies that it is taking advantage of favourable conditions, wherever they arise, to fulfil that part of the Mandate which relates to the non-Jewish population, difficult though this is in the presence of the obstinate and systematic opposition of that population. There is every reason to believe that a genuine, if gradual, movement is being made in the direction of conciliation and concord.

With regard to the Jewish question, I would suggest that the Commission take note of the policy of restricting immigration which the mandatory Power has already adopted, and of that Power's intention of keeping immigration proportionate to the country's capacity of absorption — a policy which the mandatory Power says it has always upheld, and which was recommended by our Commission in 1924.

As regards self-government and local autonomy, and in the hope of a satisfactory reply from the mandatory Power in regard to certain requests by the Arabs for the establishment of the institutions provided for in the Mandate, we must, I think, note with satisfaction that there is already in existence a municipal system which will doubtless be the starting-point for further progress.

As regards the question of languages, which was discussed at the session referred to, I am satisfied with the explanations given by the British Government, and I propose that the latter be recommended to give all possible publicity to its enactments and proposals in the languages of the local populations. Thus a cause of friction, for which there is at times some justification, will be eliminated, and the good work of the mandatory Power will inevitably gain in efficiency.

C. P. M. 578 (revised).

B.

LETTER FROM THE  
"EXECUTIVE COMMITTEE OF THE PALESTINE ARAB CONGRESS" OF APRIL 25th,  
1927, FORWARDING A MEMORANDUM FROM THE ARABS OF BARRAT-CÆSAREA

REPORT BY M. RAPPARD.

1. By a letter dated Jerusalem, April 25th, 1927, "the Executive Committee of the Palestine Arab Congress" forwarded a memorandum signed by Mr. W. F. Boustany, member of the said Committee, and "Agent for the Arabs of Barrat-Cæsarea".

These documents were, in accordance with the usual procedure for petitions emanating from inhabitants of mandated territories, transmitted through the Government of the mandatory Power. The latter, at the same time, communicated to the Secretariat its observations, dated June 1st, 1927.

The letter and memorandum, as well as the observations, were communicated to me on June 9th. They deal with the so-called Kabbara concession.

2. This matter has already been treated in a general way in the petitions from the Palestine Arab Congress, which were discussed by the Permanent Mandates Commission at its fifth, seventh and ninth sessions<sup>1</sup>.

The report submitted by M. Palacios at the ninth session of the Commission gave a summary of the complaints of the Palestine Arab Congress and the observations thereon by the mandatory Power. The conclusions adopted by the Commission on the basis of this report read as follows:

"(c) The Commission notes with satisfaction the accredited representative's explanation regarding the arrangements made and the progress achieved in the matter of the Kabbara concession."<sup>2</sup>

At that time, the Permanent Mandates Commission, however, only possessed very general information on the points at issue.

3. In the letter from the Executive Committee, a request is made that the Commission should proceed to "an especially careful and conclusive study and enquiry" of their grievances. The opinion is further expressed that such study will lead the Commission to realise the necessity of "a board of enquiry of the Permanent Mandates Commission to visit our country and study the situation on the spot".

4. The new petition goes much more into details than the previous one. First, it contains certain remarks intended to refute various statements made by the British Government commenting on the previous petition of the Executive Committee, and gives more detailed information on points previously raised; in the second place, it contains some information about the legal status of the land in question under the Ottoman regime; and, finally, reference is made to various incidents which have recently occurred in connection with the matter.

The British Government, in its reply, does not furnish any full and detailed observations on all the points raised in the petition. Its remarks are of a more general character.

5. The geographical and historical facts of the case seem, as far as they can be established by means of the somewhat contradictory statements of the mandatory Power and the petitioners, to be as follows:

The area under the so-called Kabbara Concession is situated in the littoral plain to the south of Haifa between the coast and the railway line of Haifa-Kantara, stretching from the "port"

<sup>1</sup> See Permanent Mandates Commission, Minutes of the Fifth Session, pages 58, 78, 172; Seventh Session, pages 167-168, 176-177; Ninth Session, pages 223 and 224 (Report by M. Palacios, annexed to the Report of the Commission to the Council); Ninth Session, pages 170-171.

<sup>2</sup> Minutes of the Ninth Session, page 224.

of Athlit to that of Caesarea. The total area is 10,000 to 12,000 acres. (The latter figure was given in the Observations of the British Government dated September 18th, 1925<sup>1</sup>, the former in this year's observations<sup>2</sup>.) This area which, according to a statement of the mandatory Power is almost entirely uncultivated, includes, on the one hand, the so-called Kabbara lands, and, on the other hand, the lands known as Barrat-Caesarea. The former consists largely of marshes (Zor es Zarqua). According to the Government, they are a source of malaria, but this is denied by the petitioners. The latter area is described by the Government as sand dunes and rocky hills, and it asserts that the dunes are creeping towards the surrounding cultivable region and endangering the railway line. According to the petitioners, it would seem that at least part of the same area is covered with natural forests declared to be suitable for grazing.

The total Arab population of the whole area previously consisted of some 170 families comprising 840 persons<sup>3</sup>. Of these, according to the petitioners, eighty families were resident in the Zor es Zarqua area, which they have now left, seventy-five on the Barrat-Caesarea land, and 15 outside the two areas thus denominated<sup>4</sup>.

In April 1914, the Jewish Colonisation Association had entered into an agreement with the local authorities concerning the marshes at Athlit and Kabbara, which, according to the mandatory Power, were registered in the name of the Ottoman Government. It was a condition of sale that the marshes were to be drained within a fixed period.

On the other hand, the condition was laid down that the Jewish Colonisation Association should be enabled to purchase the land thus reclaimed at a nominal price, £11 per dunum. The local authorities had approved the project in principle and, at the outbreak of war, awaited an endorsement by the Government at Constantinople.

After the war, negotiations were re-opened between the Jewish Colonisation Association and the Palestine Administration as soon as civil government had been established. The question was, however, enlarged, the negotiations dealing not only with the Kabbara lands but also with the neighbouring lands known as Barrat-Caesarea. An agreement was reached towards the end of 1921.

The Observations of the British Government of June 1927<sup>5</sup> give the date of signature as December 1921, while, in the Observations dated September 1925, the date of the agreement is given as November 8th, 1921<sup>6</sup>.

Apparently the text of the agreement was not published at the time, but only in January 1923, as an Annex to the "Luke Commission's Report", to which reference will be made below. According to the British Government "the Association was the only body interested in the reclamation which possessed the large funds necessary to carry through the work"<sup>6</sup>.

The Government of Palestine was opposed on principle to the alienation of State lands, "but, in view of the public utility of the project by the draining of malaria swamps and planting of sand dunes which menaced cultivable lands", it was decided to grant a *long lease* for a period of one hundred years subject to a right of renewal of two further periods of fifty years.

The Land Commission of the Palestine Government inspected the area before the lease was granted and noted in the Kabbara tract a few vegetable gardens and cultivated plots among the marshes belonging to local Arabs. In the Caesarea sand dunes the Land Commission noted that some small plots had been revived and brought under cultivation, and the flocks were grazing on the occasional shrub. When the lease was signed, the boundary of the areas comprised in it were left undetermined so that, if a conflict with vested rights or interest of local squatters arose, the Government of Palestine would be able to exclude any part of the region affected.

In February 1922, a public notice was issued by the District Governor at Haifa calling for particulars of claims to legal rights or interests in the area. A Commission, constituted in December 1922, under the presidency of Mr. H. C. Luke, of which Mr. E. Mills, at present Assistant Secretary of the Palestine Administration, was also a member, carried out an enquiry into the claims presented in reply to this notice.

As a result of its labours, a settlement was proposed which was accepted by the Arabs in the northern part of the concession area (the eighty families mentioned above as residing in the region of the Zarqua marshes). The rights of these Arabs to graze their animals and cut timber in the swamps of Zor es Zarqua was recognised, but as these swamps could not be excluded from the lease without nullifying the whole scheme of reclamation, steps were taken to remove the inhabitants against compensation. The Arabs agreed to receive compensation in the form of freehold grants of about 3,500 dunums (to a value of £5,000) of cultivable land in the neighbourhood.

No settlement was, however, reached with the Arabs in the southern area (Barrat-Caesarea), the difficulty in their case being to protect grazing interests while at the same time rendering possible the work of afforestation which the concessionaire is bound, under the terms of the lease, to carry out. According to the statement of the mandatory Power, several solutions have been proposed to the Arabs, but all were rejected. The latest scheme elaborated was made known to them in July 1926. According to the Observations of the British Government, "it provided for the gradual afforestation of dunes by a series of zones in such a manner as would leave certain areas available for grazing purposes while preventing access by flocks to newly afforested areas.

<sup>1</sup> Minutes of the Seventh Session, page 177.

<sup>2</sup> Document C.P.M. 569, page 40.

<sup>3</sup> Minutes of the Seventh Session, page 177.

<sup>4</sup> *Idem*, page 168.

<sup>5</sup> Document C.P.M. 569, page 41.

<sup>6</sup> Minutes of the Seventh Session, page 176.

Any cultivated plots that fall within a zone under afforestation will be expropriated, with due compensation, by the concessionaire. To enable the scheme to be carried properly into effect the area had to be declared a close forest area under the law".<sup>1</sup>

The petitioners allege: (1) that material information on vital matters had not been brought to the notice of the Government before the signature of the Concession which, they assert, was negotiated in secrecy; (2) that a just and equitable arrangement with the inhabitants was not prepared before the signature of the Concession; (3) that the reclamation works which the Association is bound to execute are proceeding at an extremely slow pace; (4) that the promises of the British Government are not being fulfilled and its alleged good intentions are not being carried out by its local officials; (5) that illegal measures have been taken; and, finally, that no satisfactory scheme has been presented up to the present.

In conclusion, a request is put forward for a scheme "in which the Barrat-Cæsarea lands — both the forest area and the cultivated plots — are totally excluded from the concessionary area in due consideration of the fact that such lands are the assignment *ab antiquo* on and from which the four hundred and four Arabs have been living for the last hundred years".

6. The case dealt with in the petition would seem to be one of those which might not unreasonably be expected to arise as a result of the duty of the mandatory Power to reconcile the two principles laid down in the mandate: On the one hand, to facilitate close settlement of the Jews on the land, and, on the other hand, to respect in every way the rights of the native inhabitants of the country.<sup>2</sup>

It is not astonishing that some such difficulties should have occurred, but rather that they have not been more numerous. Perhaps this is partly the result of the fact that the mandatory Power has been very cautious — the Zionists in various memoranda have declared excessively so — in the fulfilment of its obligation under Article 6 of the mandate.

Account should certainly also be taken of the political background of the question dealt with in the petition. Mr. Boustany, who drafted the memorandum, is one of the active members of the "Executive Committee of the Palestine Arab Congress": and this may perhaps not have helped to facilitate a solution.

7. It would seem very difficult, indeed, if not materially impossible, for the Commission to go thoroughly into a petition of this kind, where, in order to form a reasoned opinion, the most intimate knowledge of local geographical and economic conditions would be necessary. Moreover, it may be said that several documents of fundamental importance for a thorough study of the matter have not been communicated to us, such as the text of the new Kabbara Concession, dated November 8th, 1921: the report of the Land Commission and of the Luke Commission mentioned in the petition.<sup>3</sup>

8. As far as the legal side of the question is concerned, it seems to be clear, from the observations of the British Government,<sup>4</sup> that this matter could be brought before a local tribunal, either before the special land courts existing in Palestine<sup>5</sup> or another court. From the petition, on the other hand, it appears that the petitioners are aware of this fact,<sup>6</sup> but that — for motives which are not disclosed — they do not wish to have recourse to this procedure. They also raise the question as to whether it would not be for the Government to initiate legal proceedings<sup>7</sup>, while the Administration, at present, seem to hold the opposite view.<sup>8</sup>

It is true that the mandatory Power, in its observations, says that "the advisers of the Palestine Government are of opinion that there can be no question of legal rights, but only of moral rights". In a later communication, the words "beneficial practices" are used. But, nevertheless, it might perhaps be in the interests of both parties that, in order to settle the matter once and for all, the legal question should be brought before the Courts. If this were the case, the petitioners would have ample opportunity of bringing forward all the arguments set forth in Parts I and II of their petition.

9. The British Government has stated in its observations on a previous petition of September 1925 that, "in the meantime, there has been no interference with the usual mode of life or occupations of the Arabs, and no ejection has been suggested."<sup>9</sup>

In the new observations (document C.P.M. 569, page 42) it is again stated that:

<sup>1</sup> Document C.P.M. 569, page 42.

<sup>2</sup> The relevant provisions of the Mandate for Palestine are the following:

*Article 2.* — "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."

*Article 6.* — "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 and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes."

*Article 11.* — "The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country; and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land."

<sup>3</sup> Document C.P.M. 569, pages 3 and 20.

<sup>4</sup> *Idem*, pages 29 and 40.

<sup>5</sup> Minutes of the Fifth Session, pages 80-81.

<sup>6</sup> Document C.P.M. 569, page 30.

<sup>7</sup> *Idem*, page 29.

<sup>8</sup> *Idem*, page 40: "It . . . is . . . open to the Arabs to challenge the Government's title in the Courts".

<sup>9</sup> Comments by the British Government on the memoranda of the Executive Committee of the Palestine Arab Congress dated April 8th and 12th, 1925. Minutes of the Seventh Session, page 177.

“ During the negotiations, no attempt was made by the Government of Palestine or the concessionaire to interfere with the usual practices and livelihood of these Arabs.”

The petitioners, however, allege the contrary and assert that several incidents have actually taken place. The mandatory Power does not reply to these allegations. In most of the cases quoted by the petitioners, prior to 1927, it would seem that there had been some misunderstanding<sup>1</sup>; in any case, the authorities have not insisted on carrying out the measures which are alleged to have been taken. The most important incidents, however, according to the statement of the petitioners, have only taken place since the beginning of the year 1927<sup>2</sup>.

\* \* \*

I would propose that the Commission adopt the following conclusions:

(a) If it is not possible at present, after several years of negotiation, to arrive at an agreement between the Palestine Administration and the inhabitants of the Barrat-Cæsarea lands, it would seem advisable that the legal question as to the basic rights on the lands should be brought before the competent tribunal.

The Commission sees no valid reason why the petitioners should not bring their grievances to court, all the more as the mandatory Power has informed the Commission that it would be prepared to bear the expenses involved, whatever the decision reached by the Court.

(b) Even in the event of a Court decision confirming the opinion at present held by the Administration — that the inhabitants represented by the petitioner have no strictly legal rights — the Permanent Mandates Commission has been assured that the mandatory Power will, in accordance with the intention expressed by its representatives on various occasions<sup>3</sup>, see to it that a liberal interpretation is given to the moral rights of the inhabitants. This would certainly seem important from the general point of view of the principles embodied in the Mandate.

(c) That, as long as no final settlement has been arrived at, no measure should be taken which would tend to alter the usual mode of life of the inhabitants of the area in question and cause unnecessary agitation in the district.

(d) The Commission might, perhaps, also recall the recommendation made in the report by M. Palacios, which was approved by the Commission and annexed to the Report on its Ninth Session<sup>4</sup>, to the effect that it is desirable that important concessions “should be given the fullest publicity, and that sufficient time should be allowed and such definite rules be applied as to avoid adverse criticism”.

C.P.M.577 (revised).

C.

LETTER DATED MAY 5TH, 1927, AND MEMORANDUM FROM THE ZIONIST ORGANISATION.

REPORT BY M. VAN REES.

The Secretary-General of the League of Nations has received, through the mandatory Power, a memorandum from the Zionist organisation and a covering letter, dated May 5th, 1927, addressed to the High Commissioner for Palestine.

On June 5th, 1927, the mandatory Power communicated its observations on this subject to the Secretary-General.

\* \* \*

The above memorandum provides valuable and interesting information concerning the activities of the Zionist organisation during the year 1926-27.

Apart from paragraph 17 of the memorandum, this information would not appear to call for any comment. The paragraph in question states that, in the course of the year under review, the Palestine Zionist Executive Committee suggested to the Government that it would be desirable, during the first years of the existence of new agricultural colonies, to remit certain land taxes; such colonies were as yet unable to meet these taxes out of their revenue, and the Zionist Executive Committee was therefore providing the money. The Committee was thereby deprived of capital which should have been used for constructive work.

<sup>1</sup> Document C.P.M. 569, pages 8-11.

<sup>2</sup> *Idem*, pages 11-13, 30-32, 37-38.

<sup>3</sup> Document C.P.M. 569, pages 33 and 40.

<sup>4</sup> Minutes of the Ninth Session, page 224.



The mandatory Power observes that this suggestion of the Executive Committee has been favourably considered by the Palestine Government; the latter, however, decided that it would be undesirable, before the introduction of a general reform of the fiscal system which the Government proposed shortly to put into force, to concede privileged treatment, so far as taxation was concerned, to any one class of agriculturist.

I am of opinion that if we take this point of view—which is a perfectly logical one—into account, the observation of the mandatory Power should certainly give all reasonable satisfaction to the Zionist organisation.

\* \* \*

The covering letter mentioned above in paragraphs 3 and 4 contains two observations with regard to which the commentary of the mandatory Power also appears to me to be satisfactory.

(a) With regard to the Government grant to the Jewish schools, which has been raised from £E2,500 to £E10,664<sup>1</sup> for 1926-27 (see paragraph 39 of the memorandum), the mandatory Power states that this sum has again been considerably increased. In fact, for the remaining nine months of the present financial year, the grant in question has been fixed at a rate of £E 20,000 per annum<sup>2</sup>.

(b) The second observation of the Zionist organisation concerns labour legislation.

With regard to this question, the mandatory Power states that the Government has been devoting its attention to the extension of labour legislation, and that two additional draft ordinances are under consideration.

\* \* \*

In view of the above facts, I venture to suggest that the Commission should express an opinion to the effect that it considers the observations of the mandatory Power to be wholly satisfactory.

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C.P.M. 594 (revised).

D.

PETITION DATED MAY 25TH, 1927, FROM THE COUNCIL OF THE ASHKENASIC  
JEWISH COMMUNITY OF JERUSALEM.

REPORT BY MRS. A. WICKSELL.

The Council of the Ashkenasic Jewish group has sent to the Mandates Commission, through the Mandatory Power, a letter and a memorandum, dated May 25th, 1927. The mandatory Power has forwarded its observations in a letter dated June 17th, 1927.

The memorandum of the Ashkenasic Council makes no new request; it repeats its demand that the Orthodox Jews belonging to the Agudath Israel should be permitted to form their own community and that the Palestine administration should recognise it on the same footing as the community of the majority group. It contains no new arguments and the only additional information is to the effect that the Ashkenasic Community is now allowed to use its own Shechita or methods of slaughtering animals.

The mandatory Power says that regulations providing for the organisation and recognition of the Jewish community have already been drafted. If, as is likely, they come into force during 1927, they will be communicated to the Council of the League with the 1927 Report on the Administration of Palestine. In the draft Regulations, it is provided that any person who so wishes may, by giving due notice, have his name deleted from the Register of Members of the recognised community. Membership of that community will therefore be entirely voluntary. Moreover, His Majesty's Government are satisfied that the draft Regulations fully safeguard the rights and liberties of individuals who wish to be excluded from the community, and that they will ensure to all sections of the Jewish community in Palestine complete freedom of conscience and the free exercise of all forms of worship.

\* \* \*

In view of the above, I propose that the Commission abide by its resolution of last year: that it takes note of the different memoranda of the Agudath Israel group and of the observations of the Mandatory Power, and that it will bear them in mind when considering the proposed Regulations after their coming into force.

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<sup>1</sup> Of which £E9,740 was allocated to schools placed under the control of the Education Department of the Palestine Zionist Executive Committee.

<sup>2</sup> For comparison: Total expenditure of the Keren Hayesod for education (including the University Library, the Hebrew University and the Haifa Technical Institute), year from September 30th, 1925, to September 30th, 1926, £83,500 (see paragraph 65 of the memorandum).

## II. SYRIA AND THE LEBANON.

### E.

#### PETITIONS RELATING TO SYRIA CONSIDERED BY THE COMMISSION IN THE COURSE OF ITS ELEVENTH SESSION.

##### CONCLUSIONS OF A REPORT BY M. FREIRE D'ANDRADE.<sup>1</sup>

The procedure approved by the Council in this connection has been applied to the sixteen petitions concerning Syria submitted to the Permanent Mandates Commission. With one exception, the mandatory Power has not offered any comments. After very thoroughly considering these petitions, the Commission has come to the conclusion that, generally speaking and apart from the facts already submitted to it at previous sessions, they only contain complaints regarding the general policy of the mandatory Power, which has not, according to the petitions, observed the terms of the Mandate. It may be remarked, however, that the petitioners on their side do not appear to have done all they might to fall in with the wishes of the Permanent Mandates Commission, which told them that it would be greatly to their advantage to associate themselves with the mandatory Power—when the latter solemnly affirmed that its policy had no other aim than the establishment of a free government in Syria and the Lebanon—and to facilitate and expedite its work, thus inaugurating the reign of liberty and prosperity. Petitioners must not ask concessions which would practically make the mandate nugatory, such as that contained in petition (a); they did, however, later moderate their requests, since we find that in petition (o), they only ask for a regime similar to that of Iraq. In this connection, the Commission draws attention to the important statements made at Rome by M. de Caix.<sup>2</sup>

It is to be hoped that—the gravity of the Syrian revolution having greatly diminished and the mandatory Power having gained experience during the last few years in the exercise of the Mandate in a territory in which, for reasons that are now well known, it was very difficult—it will henceforth be much easier for the High Commissioner to come to an understanding with the different elements of the Syrian population regarding the elaboration of the organic statute of the country.

The mandatory Power has indeed solemnly declared, through its accredited representative, that the mandate is a provisional system, destined to enable populations which, politically speaking, are still minors to educate themselves so as to arrive one day at full self-government.

I venture to recall here the words spoken by the accredited representative at Rome during our eighth session. They are as follows:

“ The idea which has governed, if not the whole exercise of the mandate, at any rate all the efforts made to organise it, is the following: The mandate is a provisional system designed to enable populations which, politically speaking, are still minors to educate themselves so as to arrive one day at full self-government. This presupposes that the mandatory Power will gradually create native organisations in the mandated territory such as may, when complete, be able to ensure entirely the government of the country and such as may, if they carry out their duties in a proper manner, render the intervention of the Mandatory unnecessary. It appears from this that there should not be any intervention on the part of the organisations of the mandatory Power in the internal affairs of the native governments.”<sup>3</sup>

Thus, owing to the pacification which is taking place in Syria as regards military operations, the Permanent Mandates Commission, in connection with the petitions addressed to it by the Syro-Palestinian Committee, can only reaffirm the views which it expressed at Rome, and repeat to the Members of that Committee that it is in their interest to help the mandatory Power to bring about such a situation that it may be able to draw up and promulgate the organic statute provided for in Article 1 of the Mandate.

The mandatory Power on its side is doing its utmost to see that the local governments are given every facility for doing the work for which they were constituted.

<sup>1</sup> The full text of M. Freire d'Andrade's report (C.P.M.602 (revised)) is annexed to the Minutes of the Eleventh Session of the Commission.

<sup>2</sup> Minutes of the Eighth Session, document C.174.M.65, 1926, page 62.

<sup>3</sup> *Idem*, page 45.

### III. TOGOLAND (UNDER FRENCH MANDATE).

C.P.M. 589 (revised).

F.

PETITION SUBMITTED BY MR. CASELY HAYFORD, UNDER DATE OF APRIL 3<sup>RD</sup>, 1926, ON BEHALF OF CERTAIN NATIVES OF THE ADJIGO TRIBE.

REPORT BY M. ORTS.

At its fourth, ninth and tenth sessions, the Commission has already had to consider facts alleged in this petition.

Since its last session two fresh documents on this subject have been distributed, namely:

1. A letter from Count Clauzel, Director of the French League of Nations Department, dated November 27th, 1926 (C.P.M. 536), transmitting copy of a report from the Commissioner of the French Republic in Togoland.
2. A letter from Count Clauzel, dated February 22nd, 1927 (C.P.M. 550).

The first of these documents confirms the news which had already been communicated privately to the Commission at its tenth session, of the final settlement of the dispute between the Lawson and Adjigo families. The members of the latter tribe have apologised, have undertaken to refrain in future from disturbing the peace, and have consequently been authorised to return to Anecho, from which locality they had been exiled since 1922.

The second document furnished the further explanations which were asked for by the Commission at its ninth session.

\* \* \*

The reconciliation of the two rival tribes brings to an end — or at least we may hope so — an agitation which seems to have been maintained by the advice of persons unconnected with the territory and of which the Adjigos seem to have been victims. The Commission, therefore, need not devote any more time to considering incidents which are of no further interest.

\* \* \*

- I propose that consideration of this petition be dropped from the agenda of the Commission.

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C.P.M. 573 (revised).

G.

PETITION DATED AUGUST 9<sup>TH</sup>, 1926, FROM THE "BUND DER DEUTSCH-TOGOLÄNDER".

REPORT BY MRS. A. WICKSELL.

The Committee of the "Bund der Deutsch-Togoländer" during 1925 sent to the League of Nations two letters dated Accra, Gold Coast, June 27th and September 26th, demanding that the territory of Togoland under French mandate should be given back to Germany. The Chairman informed the Commission on October 30th, 1925, that these letters had been received and stated that, as the conclusions of the petitions were incompatible with the mandate, and the complaints of the petitioners were made in extremely general terms, it did not seem to him that they deserved the attention of the Commission or should be communicated to the mandatory Power.

The Commission approved this communication.

Since that time two new letters have been received from the same petitioners, one dated June 27th, 1926, the other August 9th, 1926, both from Accra, in which they protest against the attitude taken by the Commission and offer in the latter a more precise statement of their allegations against the mandatory Power. This letter was communicated to the French Government, who sent in their observations on April 1st, 1927.

The conclusions of this petition are the same as those of 1925 and, like those, fall outside the competence of the Permanent Mandates Commission.

The specific allegations made therein are summarised under six different headings, as follows:

1. *The Increase of the Poll Tax.* — The petitioners contended that, in spite of heavy unemployment, the poll tax has been raised from year to year, that both old men unable to work and apprenticed children are taxed, and that the tax is exacted from the chiefs in a lump sum, calculated on a census of the taxable population several years old and with no account taken of deaths and emigration since the last census.

The French Government observes that unemployment is an impossible thing in Togoland, where every adult man has or can have his own plot of land, that the taxes are actually lower, in gold value, than they were before the war, and that old men, women and children are always exempt from taxation.

I have taken the trouble to look up the rates of taxation in French Togoland according to the official reports and the orders (arrêtés) there published. The lower rate has been fixed as follows for the different cantons:

	August 22nd, 1922 Francs	July 26th, 1924 Francs	September 7th, 1925 Francs
Konkomba . . . . .	5.—	5.—	5.—
Cabrais . . . . .	5.—	5.—	5.—
Lesses . . . . .	5.—	5.—	5.—
Tanbermas . . . . .	5.—	5.—	5.—
Gourmas . . . . .	5.—	5.—	5.—
Mobas . . . . .	5.—	5.—	5.—
Tchokossi . . . . .	6.75	7.—	7.—
Cotocoli . . . . .	7.50	10.—	10.—
Bassari . . . . .	7.50	10.—	10.—
Adélé . . . . .	8.—	8.—	10.—
Akébou . . . . .	8.—	9.—	12.—
Atakpamé . . . . .	9.—	12.50	20.—
Kpessi . . . . .	9.—	10.—	15.—
Akposse . . . . .	10.—	10.—	15.—
Nuatja . . . . .	10.—	12.50	20.—
Lomé . . . . .	10.—	12.50	20.—
Anecho . . . . .	10.—	12.50	20.—
Polimé . . . . .	10.—	12.50	20.—

*The higher rate:*

2nd class . . . . .	15.—	17.50	25.—
3rd class . . . . .	20.—	22.50	30.—
4th class . . . . .	25.—	27.50	40.—
5th class . . . . .	30.—	32.50	55.—

During the entire time the number of days of work required ("prestations") has been four, and the rate of redemption has been raised from 1.25 to 1.50 and 2 francs per day.

Whether any change was made during 1926 in these rates I do not know, as I have not yet received the report for last year.

It will seem from the above that the slight increase which has taken place is certainly not in excess of and is probably below the devalorisation of the franc during this period.

To the allegation that the taxes are exacted in a lump sum without account being taken of those who have died or left the country the mandatory Power has made no observation. But it seems evident that, even if the allegations are correct, a diminution owing to death or emigration in the number of taxable persons since the last census may be fully compensated by new men reaching the adult class and by immigration. The actual inaccuracy of the sum demanded may consequently be to the detriment of the treasury as well as to the detriment of the chiefs and probably is in both cases insignificant.

In my opinion, therefore, this complaint has no substantial foundation.

\* \* \*

2. *The Increase of Emigration.* — The petitioners give no figures to prove that the emigration into the adjacent British territories has really increased, but they give as one of the reasons for the emigration the fact that the French Administration gives work not to Togolanders but to immigrants from French Dahomey.

The French Government says that emigration is now as it has always been, purely seasonal. The mandatory Power makes no observation as to the use of peoples from Dahomey in cases where indigenous working-men are available. The Commission may wish to ask the accredited representative a question on this point.

3. *Difficulties on Account of the Instability of the Franc.* — It is evident that such difficulties must be felt in Togoland as in France, and the French Government admits it and hopes that the return to monetary stability will bring a definite cessation of these difficulties. It is alleged that English money is used in actual payments, and that when taxes or other duties are paid the conversion is made according to the exchange value of the day, but that when French officials are buying from natives, a shilling is counted as worth franc 1.25, the gold value of the franc. The French Government denies this allegation absolutely. Still it seems, from the wording of the French answer, that English money is in some way current in the territory and sometimes received in payment of Customs duties, "when the debtors possess no French money".

Although the allegation of the petitioners seems to me to be without foundation, it still might be of interest for the Commission to ask the accredited representative for further information about the use of English money within the territory.

4. *Atrocities.* — The petitioners complain that all sorts of torture are inflicted on natives, suspected of different crimes. Two cases of maltreatment are specified: two French officials in the district of Palimé are said to have beaten to death a chauffeur because of some slight offence; and some French policemen engaged on the construction of a road are said to have covered with mud a passing Togolander dressed in white.

The French Government declares the general accusations of torture to be as false as they are unjust. With regard to the specified cases, no explanation is given except that M. Bonnacarrère has stated that no French policemen exist in the district of Palimé. In the petition, however, the two officials of Palimé are not described as policemen, and it is not expressly said that the policemen on road construction were working in this district. It would have been more satisfactory if the Administrator had simply stated that an investigation had been made — beating a man to death is a serious thing — and the accusations found to be without foundation. I hope that this has in fact been done and with the above result. The second story does not sound very probable. Is it usual for French policemen to be employed on road construction and to be "doing very arduous work in the mud" ?

I am prepared to accept the explanations of the French Government on this point as in the main satisfactory. But I should like to have some further information about the alleged death of the chauffeur.

5. *The Recruiting of Natives of Togoland for the Armies of French Sudan and Senegal.* — This allegation is categorically denied by the French Government, which refers to a Decree of June 28th, 1925, Article 1, and to information inserted in the Reports for 1923, page 128; 1924, page 144, and 1925, page 156.

The information there given seems entirely satisfactory.

6. *The Councils of Notables.* — It is said that the members of these Councils are not chosen in a properly representative manner.

The mandatory Power explains that the methods of election give every guarantee that these notables are fully qualified to speak in the name of the natives. I have looked up the election law in question; it is dated November 4th, 1924, and inserted in the 1924 Report, page 195. In most of the provinces, the members of the Council of Notables are chosen by two electoral bodies, one consisting of all the country district and village chiefs, the other of the urban district and family chiefs of the towns of Lomé, Anécho, Kloute and Atakpamé. In Sokodé and Bassari, they are elected by one electoral body composed of the district and village chiefs. Detailed and careful rules are given for the making-up of electoral lists and the conduct of the elections.

The whole regulation seems to be perfectly satisfactory.

\* \* \*

I would propose that the following conclusions be adopted:

The Commission finds the allegations of the petitioners to be in all essentials without foundation.

It will be glad to receive the further information which was promised by the accredited representative of the mandatory Power, in particular concerning the death of the chauffeur in Palimé.

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#### IV. SOUTH-WEST AFRICA.

C.P.M. 559 (1) (revised).

H.

#### PETITION DATED NOVEMBER 26TH, 1926, FROM THE REHOBOTH COMMUNITY.

REPORT BY SIR FREDERICK LUGARD.

On June 10th, 1926, the accredited representative of the Union of South Africa, in reply to my question, said that a Judicial Commission had been appointed to enquire into the constitutional rights of the Rehoboths and its report was awaited. So far as I am aware, we have no information as to the date on which the Commission was appointed, the terms of reference, or the date on which it sent in its report. A local paper on July 7th, 1926, complained of the non-publication of the report, and expressed the view that it is unjust to retain, without the sanction of such a report, powers which had been transferred in an emergency from the Raad to the local magistrate.

On August 14th, an unintelligible telegram from the Rehoboths was forwarded from the High Commissioner's office in London, and the Mandates Commission was again informed that the Commission's report was expected "at a very early date".

On October 23rd, the Prime Minister of the Union, speaking at the Imperial Conference in London, said that the Rehoboths were "quiet but not contented". Mr. Justice de Villiers' report (he said) was just ready and would shortly be sent to the League. The Prime Minister said he had good reason to believe that the judge had come to the conclusion that there was nothing in their claim. He added as a formal statement that the policy of the Mandatory was that "if they can be brought to govern themselves, by all means let them do so".

On November 10th, at the tenth session, in my capacity as Rapporteur, I reported that no action seemed possible until the meaning of the telegram had been ascertained and the report of the Judicial Commission had been received. I suggested that the High Commissioner should be requested to send the report.

On December 21st, the Prime Minister's Secretary wrote that the report was in the hands of the printer and would be presented to the Union Parliament on January 28th. It could then be sent to the League. Up to the present date it had not been received, nor any explanation of the telegram.

The letter of December 21st enclosed a new petition dated November 26th, 1926, together with a memorandum by the Administration upon it, but without any expression of opinion by the mandatory Power. The petitioners state:

(1) That for over a year they have been promised the report of the judge and that they have been denied any opportunity of seeing the Administrator; to this it is replied that, pending the issue of the report, no useful purpose would result from an interview.

(2) That their goods were destroyed by the Police, and that Europeans have been allowed to purchase their lands. Both these statements are said to be untrue.

(3) That, under German law, debts due to Europeans could not be recovered in Court, and that this law has been repealed. The revocation of this law appears not to have been intentional, but no steps to restore this protection will be taken pending the issue of the report.

(4) That their game is being exterminated by Europeans. It appears from the reply that Europeans may shoot game on permits. "Those who participated in the disturbances of April 1925" were deprived of their arms and therefore cannot shoot.

(5) They ask for a personal audience in order to state their case.

The "disturbances" took place in April 1925, and the Judicial Commission to enquire into the natives "constitutional rights" was presumably appointed shortly afterwards. Its report has not yet been received, and during these two years the Rehoboths have apparently been dealt with as though an adverse decision had been reached. The report will, however, be concerned only with the "constitutional rights" and not with the specific complaints in the present petition.

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The Permanent Mandates Commission invites the Council's attention to the following facts: In response to enquiries made by the Permanent Mandates Commission with reference to an earlier petition, it was informed, on June 10th, 1926, that the Hon. Mr. Justice de Villiers had been appointed as Special Commissioner to enquire into the Rehoboth case.

On October 3rd, the Prime Minister of South Africa stated at the Imperial Conference in London that the report had been received and could shortly be sent to the League. On December 21st, 1926, the Permanent Mandates Commission was again informed that the report would be sent on or about January 28th last, on which date it would be presented to the Union Parliament.

On the same date, December 21st, 1926, the present (second) petition was transmitted with a memorandum by the Administrator denying the statements made by the petitioners. The Mandatory expresses no opinion upon this memorandum or upon the petition and a decision, it is stated, will be taken by the Mandatory when the Commissioner's report is received.

The Permanent Mandates Commission has not yet received this report; nearly two years have passed and the petitioners have received no reply, while the temporary measures taken after the disturbance in April 1925, and against which the petitioners protest, have apparently during this time remained in force.

\* \* \*

The Permanent Mandates Commission requests the Council to urge the mandatory Power to forward Mr. Justice de Villiers' report without further delay, together with its own opinion on the report and the petition. Until these documents are received, it is obvious that the Commission can take no further action.<sup>1</sup>

The Commission would also request the Council to inform the petitioners, in reply to their request, that, in accordance with a decision of the Council, in no circumstances can a personal audience be granted by the Permanent Mandates Commission.

<sup>1</sup> Note by the Secretariat. — Immediately after the close of the eleventh session of the Commission, the Secretariat received for the Mandates Commission copies of the "Report of the Rehoboth Commission", signed by Mr. Justice de Villiers, under date of September 20th, 1926.

I.

PETITION DATED MAY 24TH, 1926, FROM MR. WILL STUART.

REPORT BY M. MERLIN.

On May 24th last, Mr. Will H. Stuart, Advocate, of Grahamstown, South Africa, forwarded to the Permanent Mandates Commission a petition from Professor Schwarz, of that town.

Mr. Will H. Stuart, who participated, as a member of the Legislative Assembly, in the second, third and fourth Parliaments of the Union of South Africa, claims that the representation of the natives of South Africa was notoriously in his hands ever since his uncle, Mr. Theo Schreiner, was made a Senator in 1915, and more especially since his death in 1922. Mr. Stuart simply forwards Professor Schwarz's petition, and gives, as he puts it, his own credentials.

Mr. E. H. L. Schwarz is a Professor at the Rhodes University College at Grahamstown. He has gained a — purely local — reputation from a scheme, of which he has been the principal advocate, for diverting the waters of the Zambesi and some of its tributaries, and of various neighbouring rivers, and creating in the Kalahari desert an inland sea which is to change the whole nature of the country. He has published a pamphlet entitled "The Kalahari Lake Scheme", explaining this idea.

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Professor Schwarz's petition bears no date, but was forwarded to Geneva with Mr. Stuart's letter of May 24th, 1926. It will be observed that the petition thus dates from before the Agreements of June 22nd and July 1st, 1926, between the South African Government and the Portuguese Government, which finally fixed the frontier between South-West Africa and Angola, settled the conditions for the utilisation of the waters of the river Cunene, and so put an end to the difficulties between Angola and South-West Africa which had been pending for more than twenty years.

In his memorandum, Professor Schwarz inveighs against the disastrous consequences that would, in his opinion, arise should the boundary — at all events as it was when he wrote — be made permanent.

In support of this view, he points out that the frontier cuts the Okuanayama tribe in two. This tribe is one of the most important of the Ovambo nation, since it contains 50,000 out of a total of 126,800 people. He fears that the Ovambo natives would not be pleased at being cut off from some of their kin, and that the difficulties which arose under the former chief, Mandumi, might arise again under the new chief, Martin, notwithstanding his loyalty.

To remedy this state of affairs, Professor Schwarz advocates an exchange of territory between the two countries concerned. He points out that, if his Kalahari scheme were carried into effect, the waters of the Cunene would be turned into Ovamboland permanently, and that the land between the Cunene and the Okavango and along the latter river would become valuable and would be as good as the land in the valley of the Cunene. The land first mentioned might be ceded in part to Angola in exchange for the latter's abandoning to the Union all the territory occupied by the Okuanayama tribe.

The petition was communicated to the Government of the Union of South Africa, to which the mandate for South-West Africa is entrusted.

In a letter dated September 30th, 1926, Mr. W. J. H. Farrell, Assistant Secretary to the Prime Minister, replying on behalf of the latter, points out that, since the petition was drawn up, the Agreements of June 22nd and July 1st, 1926, have been concluded between the Union Government and the Government of the Portuguese Republic. He adds that these Agreements have already been ratified by his Government.

Basing his statements on a long report from Mr. E. H. L. Gorges, Administrator of South-West Africa in 1917, he points out that the frontier difficulties which arose in 1915 and 1916 were due to the disloyal intrigues of Mandumi, principal chief of the Ovambo, who was killed in 1916 in the course of an expedition against him under Colonel de Jager, of the Union forces. He does not think it likely that any similar difficulties will arise with the present principal chief, Martin, whose tribe, the Ondanga, is as important as the Okuanayama, and has its lands in the centre of the Ovambo country, well to the south of the frontier.

\* \* \*

From all the documents I have seen, it appears:

(1) That the petition was drawn up before the agreements were concluded, and should therefore, pending further information, be regarded as a protest more against the old regime, which certainly was somewhat confused, than against the frontier defined in the agreement of June 22nd, 1926.

(2) That the agreement of July 1st, 1926, seems to satisfy certain desiderata put forward by Professor Schwarz, inasmuch as it ensures that the waters of the Cunene will be used to irrigate the Ovambo territory.

(3) That the Okuanayama tribe is undoubtedly cut in two by the new frontier (according to Professor Schwarz, it is cut into equal halves; according to the report from Mr. E. H. L. Gorges, Administrator of South-West Africa in 1917, one-third is in South-West Africa and two-thirds in Angola). From the letter from the Secretary to the Prime Minister of the Union, however, it seems unlikely that this division will give rise to any further frontier difficulties in future.

It is, of course, regrettable that the Okuanayama could not have been united under one authority, according to a principle which should never be departed from except under absolute necessity; but since the frontier has now at last been fixed after twenty years of uncertainty, since the natives have made no direct personal protest against the line of demarcation, and since the Prime Minister of the Union maintains that no difficulty is likely to result, I consider that, in the present circumstances, no action should be taken on Professor Schwarz's petition, and I propose that the petitioner be notified to that effect.

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Geneva, August 1st, 1928.

LEAGUE OF NATIONS

MANDATES

**OBSERVATIONS OF THE BRITISH GOVERNMENT ON THE COUNCIL'S  
DECISION CONCERNING THE REPORT OF THE PERMANENT  
MANDATES COMMISSION ON THE WORK OF ITS TWELFTH SESSION<sup>1</sup>**

To the Secretary-General :

London, July 24th, 1928.

With reference to your letter No. 6A/516/X of March 13th last, I am directed by Secretary Sir Austen Chamberlain to offer the following observations on the resolution adopted by the Council of the League on March 5th in regard to the report of the Permanent Mandates Commission.

2. In paragraph A (1) of their resolution the Council request certain mandatory Powers to furnish them with information concerning postal rates in mandated territories. The necessary enquiries of the Administrations of mandated territories on the points in question have not yet been completed, and a further communication will therefore be addressed to you on this point.

3. Paragraph A (2) of the resolution of the Council asks for information as to the action taken by mandatory Powers on the Council's resolution of April 23rd, 1923, regarding the status of inhabitants of territories under B and C mandates. The question of legislation to enable the inhabitants of such territories to obtain Imperial naturalisation was discussed at the Imperial Conferences of 1923 and 1926 and the terms of the Bill to give effect to the conclusions reached are still under consideration by the various Governments concerned. As regards the fourth paragraph of the resolution, His Majesty's Government in Great Britain believe that the question of the descriptive title to be accorded to the native inhabitants of the British Cameroons, British Togoland and Tanganyika is of practical importance only in so far as it concerns the description to be entered on passports granted to such persons. They have decided to use the following formula on passports granted to native inhabitants of the territories in question :

" British protected person, native of the mandated territory of { *British Cameroons.*  
*British Togoland.*  
*Tanganyika.*"

The Governments of the mandatory Dominions will doubtless return replies on this point in so far as it concerns the inhabitants of C mandated territories under their mandate.

4. As regards paragraph A (3) of the Council's resolution, His Majesty's Government note that the Permanent Mandates Commission will be glad to receive a map showing the final delimitation of the frontiers between British and French Cameroons and between British and French Togoland.

5. The lists of general and special international conventions applied to mandated territories will be examined and a further communication will be addressed to you when the examination has been completed. So far as is possible, the reports rendered by His Majesty's Government in Great Britain on mandated territories, beginning with the reports for the year 1928, will include the information for which the Permanent Mandates Commission has asked in regard to : (1) the application of general and special international conventions ; (2) general statistics ; and (3) financial statistics.

6. The special observations of the Permanent Mandates Commission in regard to Iraq, the British Cameroons and British Togoland will be dealt with so far as possible in the annual reports on these territories for the year 1927.

(Signed) R. H. CAMPBELL.

<sup>1</sup> See Report of the Permanent Mandates Commission (document C.564.1927. VI) ; Minutes (document C.545. M.194.1927. VI) ; and resolution of the Council dated March 5th, 1928 (*Official Journal*, 9th Year, No. 4, April 1928, page 375).

Genève, le 1<sup>er</sup> août 1928.

SOCIÉTÉ DES NATIONS

MANDATS

**OBSERVATIONS DU GOUVERNEMENT BRITANNIQUE AU SUJET  
DE LA DÉCISION DU CONSEIL CONCERNANT LE RAPPORT DE LA  
COMMISSION PERMANENTE DES MANDATS SUR LES TRAVAUX  
DE SA DOUZIÈME SESSION<sup>1</sup>**

Londres, le 24 juillet 1928.

Monsieur le Secrétaire général,

Me référant à votre lettre N° 6 A/516/X, en date du 13 mars dernier, j'ai l'honneur, d'ordre du secrétaire d'Etat sir Austen Chamberlain, de porter à votre connaissance les observations ci-après sur la résolution adoptée le 5 mars par le Conseil de la Société, au sujet du rapport de la Commission permanente des mandats.

2. Dans le paragraphe A (1) de sa résolution, le Conseil demande à certaines Puissances mandataires de lui fournir des renseignements relatifs aux tarifs postaux dans les territoires sous mandat. Les enquêtes nécessaires des administrations des territoires sous mandat en ce qui concerne les points en question ne sont pas encore terminées et, en conséquence, une communication ultérieure vous sera adressée à ce sujet.

3. Le paragraphe A (2) de la résolution du Conseil demande des renseignements sur la suite donnée par les Puissances mandataires à la résolution du Conseil, en date du 23 avril 1923, concernant le statut des habitants des territoires sous mandats B. et C. La question de la législation propre à permettre aux habitants de ces territoires d'obtenir la naturalisation impériale a été discutée aux Conférences impériales de 1923 et de 1926, et les termes du projet de loi destiné à donner effet aux conclusions formulées font encore l'objet d'un examen de la part des divers Gouvernements intéressés. En ce qui concerne le quatrième paragraphe de la résolution, le Gouvernement de Sa Majesté en Grande-Bretagne estime que la question de la dénomination à accorder aux habitants indigènes du Cameroun britannique, du Togo britannique et du Tanganyika ne présente une importance pratique que dans la mesure où cette disposition concerne la désignation à inscrire sur les passeports accordés aux personnes en question. Le Gouvernement de Sa Majesté a décidé d'employer, sur les passeports accordés aux habitants indigènes des territoires en question, la formule suivante :

« Protégé britannique, originaire du territoire sous mandat du { Cameroun britannique. »  
Togo britannique. »  
Tanganyika. »

Les Gouvernements des Dominions mandataires fourniront certainement une réponse sur ce point, dans la mesure où la résolution concerne les habitants des territoires sous mandat C placés sous leur mandat.

4. Au sujet du paragraphe A (3) de la résolution du Conseil, le Gouvernement de Sa Majesté a pris note que la Commission permanente des mandats a exprimé le désir de recevoir une carte indiquant la délimitation définitive des frontières entre le Cameroun britannique et le Cameroun français, ainsi qu'entre le Togo britannique et le Togo français.

5. Les listes des conventions internationales générales et spéciales appliquées aux territoires sous mandat seront examinées et une communication ultérieure vous sera adressée dès que cet examen sera terminé. Autant qu'il sera possible, les rapports envoyés par le Gouvernement de Sa Majesté en Grande-Bretagne au sujet des territoires sous mandat, à partir des rapports relatifs à l'année 1928, comprendront les renseignements demandés par la Commission permanente des mandats en ce qui concerne : 1° l'application des conventions internationales générales et spéciales ; 2° les statistiques générales et, 3° les statistiques financières.

6. Les observations spéciales de la Commission permanente des mandats au sujet de l'Irak, du Cameroun britannique et du Togo britannique feront, autant que cela sera possible, l'objet d'une réponse dans les rapports annuels relatifs à ces territoires pour l'année 1927.

(Signé) R. H. CAMPBELL.

<sup>1</sup> Voir rapport de la Commission permanente des mandats (document C. 564, 1927. VI) ; Procès-verbaux (document C. 545. M. 194. 1927. VI) et résolution du Conseil, en date du 5 mars 1928 (*Journal Officiel*, neuvième année, N° 4, avril 1928, page 375).

14 APR 1928

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

C. 545. M. 194. 1927. VI

[C. P. M./12th Session/P.V.]

Geneva, November 11th, 1927.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

of the

TWELFTH SESSION

HELD AT GENEVA FROM OCTOBER 24th TO NOVEMBER 11th, 1927

(Including the Report  
of the Commission to the Council)

Publications of the League of Nations

VIA. MANDATES  
1927. VIA. 10.

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LEAGUE OF NATIONS

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PERMANENT MANDATES COMMISSION

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MINUTES OF THE TWELFTH SESSION

*Held at Geneva from October 24th to November 11th, 1927.*

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

The Marquis THEODOLI (*Chairman*);  
M. VAN REES (*Vice-Chairman*);  
M. FREIRE D'ANDRADE;  
Dr. KASTL;  
M. MERLIN;  
M. ORTS;  
M. Leopoldo PALACIOS;  
Mrs. WICKSELL;  
M. RAPPARD.

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

*Secretary* : M. CATASTINI, Chief of the Mandates Section (replaced at certain times by Mr. Huntington GILCHRIST, member of the Mandates Section).

Sir F. LUGARD and M. YAMANAKA were not present at the session, and the following members were absent from certain of the meetings : M. FREIRE D'ANDRADE from the sixth and seventh meetings, M. MERLIN from the third, seventh and twenty-eighth meetings, M. ORTS from the first and twenty-fourth meetings, and M. RAPPARD from the seventeenth meeting.

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

Mr. B. H. BOURDILLON, C.M.G., Counsellor to the High Commissioner for Iraq;

The Right Honourable W. G. ORMSBY GORE, P.C., M.P., British Under-Secretary of State for the Colonies;

Mr. H. R. PALMER, C.M.G., C.B.E., Lieutenant Governor of the Northern Provinces of Nigeria;

Mr. H. S. NEWLANDS, Provincial Commissioner in the Gold Coast;

Mr. T. I. K. LLOYD, of the British Colonial Office;

M. HALEWYCK DE HEUSCH, Director-General at the Belgian Ministry for the Colonies;

Sir James PARR, K.C.M.G., High Commissioner for New Zealand at London;

M. N. SATO, Minister Plenipotentiary, Director of the Japanese Office for the League of Nations.

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## FIRST MEETING

*Held on Monday, October 24th, 1927, at 11 a.m.*

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*Chairman* : The Marquis THEODOLI.

### 749. Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

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

On behalf of all the members of the Commission I wish to welcome our colleague, Dr. Ludwig Kastl, who was appointed by the Council on September 9th last to occupy the new seat created on the previous day, thus bringing the regulation number of members of the Commission up to ten.

I am sorry to inform you that M. Yamanaka recently informed me by telegram from Tokio of the death of his father and of his inability to attend this session in consequence. I am sure that I shall be interpreting the wishes of the Commission in sending him an expression of our deepest sympathy.

From a letter which I found on my arrival at Geneva, I have just learned that Sir F. Lugard will be unable to attend the session. Lady Lugard will probably have to undergo an operation, and Sir Frederick is unable to leave her at the moment. I shall certainly be expressing the wishes of all the members in writing to him to assure him of our deep sympathy and in sending him our best hopes for Lady Lugard's complete recovery.

Owing to the regular and conscientious work he has done, Sir F. Lugard has taken an important place among us, and his absence from the present session will be particularly deeply regretted owing to the special reasons which necessitate it. He had already carefully studied the various reports and the general questions which we are about to examine, and has forwarded a number of questions which I shall put on his behalf to the accredited representatives of the mandatory Powers.

Since our last session the Council and the Assembly have as usual dealt with mandates questions in September. I was unable to come to Geneva at that time, but I asked our Vice-Chairman, M. Van Rees, to represent the Commission. I shall call upon him in a moment to give us a summary of the discussions in which he took part. Before doing so, however, I should like to lay stress on the great importance that I attach, from the point of view of its effect on the whole basis of the mandates system, to the passage in the report unanimously adopted by the Council on September 8th, 1927, which deals with the legal relations between the mandatory Powers and the territories placed under their respective mandates. The Sixth Committee of the Assembly also called attention to the great importance of this passage.

At the opening of our last session, I emphasised the amount of time and trouble that had been devoted by several members of the Commission to an attempt to enlighten the public in regard to the mandates system and its operation. Since then, our distinguished Vice-Chairman, M. Van Rees, has published a most admirable book, the result of long and devoted work, on *International Mandates*. He has been kind enough to send each of us a copy, and he may rest assured that all his colleagues will treasure this gift.

M. Leopoldo Palacios was recently received as a member of the Royal Academy of Moral and Political Science in Madrid. On this occasion, M. Palacios submitted a very complete study on the mandates system and on the work of our Commission. M. Palacios's address was answered by Prof. Adolfo Posada, who paid a tribute to the work of the League of Nations in various fields, and especially in that of mandates.

Some of the members of the Commission remained at Geneva after the end of the July session to take part in the work of the Committee of Experts set up by the International Labour Office to study questions connected with native labour, especially forced labour and long-term contracts. The Commission will remember that, on June 20th last, it decided to postpone the study of the general question of forced labour in mandated territories until the International Labour Office Committee of Experts had completed its work. I hope, therefore, that Mr. Grimshaw, who represented the Director of the Labour Office on that Committee, will be good enough at a subsequent meeting to give us a brief account of the work done at its first session.

In conclusion, I will take this opportunity of welcoming the accredited representatives of the mandatory Powers, who will once more afford us their very valuable assistance in the course of the next few days.

Dr. KASTL thanked the Chairman for his welcome and for the terms in which he had referred to him. He had accepted with great satisfaction the Council's invitation to become a member of the Permanent Mandates Commission and he hoped to be able to assist the Commission in its difficult task and in its work for the cultural and economic development of the territories under mandate. This being the first meeting which he was attending, he wished to assure his colleagues that he would make it his utmost endeavour to fulfil their hopes.

The CHAIRMAN said that the members of the Commission felt great satisfaction at Dr. Kastl's presence among them. He was convinced that Dr. Kastl's knowledge of financial and colonial matters would be particularly useful to the Commission in its endeavours to ensure, within the limits laid down by the Covenant, the evolution and civilisation of the countries placed under mandate.

**750. Statement by the Vice-Chairman on the Recent Work of the Council and the Assembly relative to Mandates.**

M. VAN REES, Vice-Chairman, made the following statement on the work of the Council and of the Assembly in September 1927 relative to mandates :

At the Chairman's request, I had the honour to represent the Permanent Mandates Commission at the meeting of the Council held on September 8th, 1927, and that of the Sixth Committee of the Assembly held on September 16th, during which the various questions relating to mandates were discussed.

*Council.*

M. Beelaerts van Blokland, the Minister of Foreign Affairs of the Netherlands and Rapporteur, summed up in the report he submitted to the Council the chief points dealt with in the Commission's report on its eleventh session. You have all had an opportunity of acquainting yourselves with this report and I have no doubt that you read it with great interest, particularly the paragraph dealing with the question relating to sovereignty raised in connection with South-West Africa.

This report was adopted by the Council without discussion :

After amending, as you know, the Constitution and Rules of Procedure of our Commission to permit of the appointment of an additional member, the Council decided to forward to the mandatory Powers our observations concerning the List of Questions for Annual Reports on territories under B and C Mandates, together with the remarks on this subject included in the report of the Netherlands representative.

Further, in accordance with the usual procedure, the Council instructed the Secretary-General to forward the Commission's observations on the annual reports to the Government of the mandatory Power concerned in each case and to request it to take the requisite action.

The Council also approved the conclusions on the petitions examined by the Commission and instructed the Secretary-General to bring them to the knowledge of the mandatory Power and of the petitioner concerned in each case.

*Assembly.*

On the proposal of the Portuguese delegation, the Assembly decided, according to precedent, to refer to its Sixth Committee the different documents relating to the question of mandates distributed to the Members of the League since the last session of the Assembly.

On September 16th a debate took place on this subject in the Sixth Committee.

Dr. Nansen, the Norwegian delegate, submitted a number of observations on the recent work of the various organs of the League with regard to mandates. Among other points, he emphasised the importance of the report adopted by the Council on September 8th as regards the legal relation between the mandatory Powers and the mandated territories. He was glad to note from a study of the Commission's documents that it was proceeding to the codification of the various rules relating to petitions. As regards the liquor traffic, he noted with satisfaction that the Commission had succeeded in defining certain technical terms concerning this traffic. He also expressed concern at the increase in the importation of liquor into certain mandated territories.

In his very interesting speech, Dr. Nansen also mentioned the situation in Iraq, in Syria and in Western Samoa. He referred to the importance of the duties of the officials representing the mandatory Powers in the mandated territories, and emphasised the value of the publication in full of the Minutes of the Commission's sessions.

Mr. Knowles (New Zealand), in reply to a question by Dr. Nansen, informed the Sixth Committee that a Royal Commission, presided over by the Chief Justice of New Zealand, had been appointed by the New Zealand Government to enquire into the situation in Samoa, and that this Commission's report would be submitted to the Permanent Mandates Commission as soon as it was ready.

Mr. Smit (South Africa) made a few observations on certain points raised in Dr. Nansen's speech and welcomed the appointment of a German member on the Commission.

The Chairman of the Sixth Committee having invited me to speak, I declared my willingness to supply any information the Committee might desire. But, as I was only present as representative of the Permanent Mandates Commission, I thought that I should merely take up the questions raised by the Norwegian delegate, which were addressed directly to the Mandates Commission. I therefore confined myself to giving a few explanations on some of the questions raised by Dr. Nansen, and notably on that relating to certain petitions alleged to have been addressed to a mandatory Power for transmission to the League and which had not reached Geneva. I thought it my duty also to emphasise the fact that our Commission's Minutes contain both the questions put and the accredited representatives' replies, and that in future they would constitute a source of information essential to any acquaintance with the application of the mandates system and with the development of the mandated territories. I made a point

of explaining the considerations by which we were guided with regard to the publicity of the Commission's meetings, while emphasising that this was a principle the application of which was discussed at each session of the Commission and which depended on the questions figuring on the agenda.

On September 23rd, Dr. Nansen, as Rapporteur of the Sixth Committee, submitted to the Assembly a report dealing with various points raised in the discussion before the Committee. The resolution adopted by the Assembly renews the vote of confidence in the Permanent Mandates Commission and in the Council passed last year.

The Assembly went on to congratulate the Commission on its success in defining the technical terms concerning the liquor traffic and expressed the hope that all the mandatory Powers would soon be able to indicate their acceptance of these definitions.

The Assembly also asked the Council to request the Permanent Mandates Commission to continue to give serious consideration to the causes of the increased importation of spirituous liquors into certain territories under B mandate and to the steps which had been taken to deal with this problem.

Lastly, the Assembly expressed its appreciation of the value of the Minutes of the Permanent Mandates Commission's meetings.

M. RAPPARD said that he had been at Geneva during the last session of the Assembly, and had noted with satisfaction the great interest taken by the different delegations in the work of the Mandates Commission. In the previous year there had appeared to be some uncertainty. Following on the discussion in the Council, there had been ground for wondering whether the Commission's work was properly understood. This year, however, such doubts were impossible, and no protest had been raised against the doctrine expounded by the Commission. It appeared that that doctrine had been fully accepted and that the Commission could, in future, maintain the position which it had thought right to adopt for the complete fulfilment of the provisions of the Covenant.

M. RAPPARD wished to join in the congratulations addressed by the Chairman to M. Van Rees for the work which the latter had recently published. He had studied that work not only as a university man but also as a member of the Mandates Commission, and he thought that it would powerfully assist the work of enlightening public opinion. It was difficult for the man in the street to understand the Commission's work on account of its great complexity. M. Van Rees's publication would be the connecting link between the Commission's technical work and public opinion. Hence, M. RAPPARD thought that it would be of very great use from this point of view. He thought that the same opinion might be expressed with regard to M. Palacios' publication as soon as time had been given to study it.

M. VAN REES thanked his colleagues for the terms in which they had referred to his work, which, such as it was, did not seem to merit such high appreciation. Up to the present, he had published only the first volume of a work which he hoped to be able to continue, but the merits of which, he trusted would not be exaggerated. He had tried to expound in the volume which had already appeared the main principles of the League's supervision over the administration of the mandated territories, which necessarily called for a detailed account of the organisation and composition of the Mandates Commission and a definition of the spirit in which the Commission carried out its task in collaboration with the accredited representatives of the mandatory Powers. The later volumes should deal with the real work of the Commission and the practical results of its activities during the years which had passed since the Commission had been established. In this way he had thought he could give as complete a survey as possible of what the Commission was, how it worked and what help it had been able to give in the development of the mandates system. Briefly, he had endeavoured to produce something practical without any pretensions to scientific worth.

M. PALACIOS said that he was deeply touched by the way in which the Chairman and M. RAPPARD had referred to him, and thanked them warmly for the complimentary terms in which they had spoken of his work.

#### **751. Statement by the Chief of the Mandates Section.**

M. CATASTINI read the following statement :

Since the last session of the Commission, the work of the Mandates Section has developed regularly on normal lines. The Section has continued to send every month to the members of the Commission a file containing information taken from the various official and unofficial documents which it examines for that purpose. The question raised by the Vice-Chairman at the end of the last session regarding a collection of publications dealing with mandates, which could be lent to members of the Commission when desired, has been gone into by the Section, the Librarian and the Treasurer of the Secretariat. The memorandum which I shall communicate to the Commission on this subject gives details of the possibilities of meeting the Commission's wishes in this matter.

The Section has also prepared documents on the following subjects, which are on the agenda of the present session :

- Ex-enemy Property (document C.P.M./639);
- General and Special International Conventions applied in Mandated Territories (documents C.P.M./632 and 633);
- List of Assembly and Council Decisions on Subjects connected with Mandates (document C.P.M./635).

During the last few months, the Section has also acted as Secretariat to the Council and the Assembly for mandates and slavery questions. The Vice-Chairman of the Commission has just given a summary of the discussion at the Council and Assembly on mandates, and I have already distributed for the information of the members of the Commission the report of the Sixth Committee of the Assembly on slavery. Five of the seven mandatory Powers have ratified the Slavery Convention of 1926, which is thus in force in ten of the fourteen mandated territories.

At its recent session, the Assembly also referred to the position of mandated territories in connection with other questions. The Council and the Assembly considered the report of the League of Nations High Commissioner on the position of Armenian refugees in Syria, and the humanitarian work done for women and children there by Miss Jeppe.

I will now put before the Commission a table showing the dates of arrival of the six annual reports of the mandatory Powers which have been received since the last session. According to a decision of the Council, these should have reached the Secretariat before September 1st.

Annual reports.	Administrative period.	Date of receipt by the Secretariat.
Western Samoa .....	April 1st, 1926, to March 31st, 1927	August 19th, 1927.
Pacific Islands under Japanese mandate ....	1926	August 29th, 1927.
Togoland under British mandate .....	1926	September 9th, 1927.
Iraq.....	1926	September 12th, 1927.
Cameroons under British mandate .. .....	1926	October 3rd, 1927.
Ruanda-Urundi.....	1926	October 8th, 1927.

In addition to these annual reports, the Secretariat has received from the Japanese and New Zealand Governments detailed replies to the observations made by the Commission after examining the last reports received on the territories under the mandate of these Powers. The Council forwarded the Commission's observations to the mandatory Powers, requesting them to take any necessary action. The replies deal with the various questions raised by members of the Commission during the discussions, as well as with the observations of the Commission. The Ruanda-Urundi report contains a special section dealing with the action taken on the Commission's observations made at its ninth session. In the case of Iraq, Togoland and the Cameroons under British mandate, references to last year's observations are embodied in the annual reports for 1926. For the convenience of members of the Commission, the Section has made lists of references to the pages in the reports; lists which will be distributed shortly.

I should mention that we have not yet been able to let the Commission have the tables of statistics for all the mandated territories which the Secretary-General, with the Council's authorisation, asked the mandatory Powers a year ago to supply. The figures for Syria and the Lebanon have not yet been received.

The general index of the Commission's Minutes (sixth to tenth sessions) is being printed, and copies of an analytical index to be inserted at the end of the Minutes of the eleventh session were distributed recently.

M. RAPPARD enquired what were the five Powers which had ratified the 1926 Convention on Slavery.

He also asked what were the statistical tables to which M. Catastini had referred, and whether any of them dealt with the liquor traffic.

M. CATASTINI replied that the five mandatory Powers which had ratified the 1926 Convention on Slavery were Great Britain, New Zealand, South Africa, Belgium and Australia.

The statistical tables which he had mentioned referred to the size of the territory, population, trade, public debt, to certain expenditure concerned in particular with the mandates system such as those for education, public health and public works. They did not refer to theli quor traffic.

M. RAPPARD said that, since the Commission's last session, Miss Elwood had left the Secretariat, where she had for several years rendered the most devoted services to the Mandates Section. He took this opportunity of expressing his thanks to Miss Elwood. The anonymous work done in the Secretariat was beyond value. As former Director of the Mandates Section, M. Rappard had had an opportunity of appreciating the ability and intelligence which Miss Elwood had invariably shown in her work during the time when she belonged to the Section.

The CHAIRMAN was glad to take the opportunity offered by M. Rappard's observation of thanking Miss Elwood on behalf of the Commission. Miss Elwood had given invaluable assistance in organising the work of the Commission in its present form.

## 752. Agenda of the Twelfth Session of the Permanent Mandates Commission (Annex 1).

The CHAIRMAN made the following observations regarding the agenda :

The provisional agenda which was distributed to you some weeks ago includes the examination of six annual reports, those for Iraq, Cameroons under British mandate, Togoland under British mandate, Ruanda-Urundi, Western Samoa and the Islands under Japanese mandate.

In this connection, I regret the necessity of once again calling attention to the fact that four out of the six reports were received after the date fixed by the Council. Those for the British Cameroons and Ruanda-Urundi, which should, according to the regulations, have arrived at Geneva before September 1st, were in fact only received more than a month later.

I should point out that, following on a trial period, the mandatory Powers themselves expressed their preference as to the date for sending in their annual reports, which date was fixed by the Council to meet their wishes. Under these circumstances, I am sure that the entire Commission will agree with me in expressing its regret for this delay, which is not calculated to facilitate our serious consideration of the reports. The Commission will no doubt wish to express the hope that the mandatory Powers will do their utmost to obviate similar delays in future.

There are also on the agenda two petitions (relating to Togoland under French mandate and South-West Africa respectively) and the usual report by the Chairman on petitions which have been forwarded to him since the last session and which do not, in his opinion, merit the Commission's attention.

Furthermore, we have before us certain memoranda or reports prepared by some of our colleagues or by the Secretariat on the following questions :

- (a) Ex-enemy property : information supplied by the mandatory Powers in response to the Commission's request;
- (b) Codification of decisions in respect of procedure relative to petitions;
- (c) List of general and special international conventions applied in mandated territories;
- (d) Collection of decisions taken by the Assembly and the Council with regard to mandates;
- (e) Note by the Secretariat concerning the possibility of placing at the disposal of the members of the Commission copies of various publications dealing with mandates.

The provisional agenda also includes a resolution referring to proclamations of a state of siege, communicated by the British League of Nations Union. Lastly, Mme. Wickzell has sent in a memorandum concerning the education of coloured races. The annual report of the International Central Bureau for the Control of the Liquor Traffic in Africa, which is also placed on the agenda, has just reached the Secretariat and will be distributed shortly.

Since the provisional agenda was drawn up, a new petition has reached us through the regular channel, namely, one emanating from M. Lange, of South-West Africa. I suggest that we should examine this petition during the present session.

I have also added to the agenda two general questions concerning :

- (1) The purchase of supplies by or for the use of the Administrations of mandated territories or for public works; and
- (2) The postal tariffs of territories under A and B mandates.

These two questions have already occupied the Commission's attention at previous meetings, but I think that it would be well to undertake a more exhaustive study now. In this connection, I have prepared notes which will shortly be distributed to the members of the Commission.

Sir F. Lugard, whose absence is a matter of regret to us all, has sent in a note which raises various matters concerning the liquor traffic. I think that it too should be placed on the agenda of the session.

Have the members of the Commission any other proposals to make as regards the agenda? Are there any questions which they wish to add to it? If not, perhaps we may, without further discussion, adopt the agenda with the additions I have just proposed.

M. VAN REES pointed out that the agenda appeared somewhat heavier than was actually the case. He wished, moreover, to draw the Commission's attention to certain special points. He did not propose to ask for their inclusion in the agenda but hoped to be able to submit them to his colleagues during the session. He referred to the following matters :

1. Revision of certain of the provisions of the Rules of Procedure which should be drafted so as to conform more nearly to the present situation of the Mandates Commission.
2. Various suggestions put forward by the Secretariat concerning certain petitions.
3. Exchange of views on the question raised by Dr. Nansen in the Sixth Committee of the Assembly concerning the desirability of discussing certain general questions in public session. M. Van Rees reminded the Commission in this connection that Dr. Nansen attached great value to this procedure and he thought that, whatever might result from an exchange of views on the subject, the Commission should not refrain from dealing with it, out of deference to Dr. Nansen, who had always tried to support the efforts of the Commission.
4. Remodelling of the reports submitted to the Council in order to make them easier for the public to understand.
5. Inclusion of the fundamental principles of the mandates system in the school curricula of the mandatory Powers.

As regards this last point, M. Van Rees read the following extract from a review, *La Paix par le Droit*, of February 1927 :

[Translation.]

"When we examine the place held by the League of Nations in school textbooks, we first look into the history books. These more than anything else will show us the truth. It is, however, useful to examine as well textbooks on geography. A perusal of these will lead to certain somewhat curious conclusions. For our part, we have discovered, with nothing short of stupefaction, that, seven years after the signature of the Treaty of Versailles and the establishment of the League of Nations, most of the geographical textbooks intended for primary and secondary schools systematically ignore the colonial mandates, and regard them as nothing more than a form of annexation.

"It will be seen that, except in certain rare cases, the way in which our geographical textbooks have been drawn up leaves much to be desired. Some one will perhaps say that these books are intended for the use of schoolchildren and that our criticism is directed to a quite special subject, which does not perhaps demand impeccable scientific accuracy. This excuse, however, would in truth be somewhat too convenient. The first duty of a man of learning is sincerity and conscientiousness, even when his audience consists of children, for the latter, like adults, and perhaps even more than they, have a right to the truth. What is regrettable in the quotations we have given is their intentional ignorance of a new legal system set up in 1919 to improve, according to the words of the Covenant, 'the well-being and development of peoples not yet able to stand by themselves under the strenuous conditions of the modern world'. We do not for a moment believe that this ignorance is due to any preconceived hostility to the League.

"But we need not scrutinise the motives of those who prepared our school textbooks. It is enough for us to point out their repeated errors on essential points. It is particularly deplorable that those tendentious interpretations and negligent affirmations—which are incorrect less in what they say than in what they do not say—relate to a system which is typical of post-war international law.

"Thanks to our textbooks on geography, one whole generation of French people will be persuaded, from what they have learnt at school, that Togoland, the Cameroons and Syria have been purely and simply incorporated in the colonial domain of France. It is useless to insist on the possible consequences of this disastrous error.

"It is for the Mandates Commission and the League itself to gauge the extent of the evil and to discover the remedy. Why should not the League, after instructing the Institute for Intellectual Co-operation to undertake an enquiry dealing with the preparation of geographical and historical textbooks in the mandatory countries, invite the Governments to make the necessary corrections in the interests of truth and peace alike? From this illustration taken from an actual case (and there are others which we shall give when the time comes), we may conclude how urgent—nay, how indispensable—it is that the League should be included in our school curricula."

M. Van Rees thought that this question might form the subject of a recommendation to the Council, which should be requested to ask the Committee on Intellectual Co-operation to examine the form in which the mandates system was studied in schools, to keep an eye on school textbooks, and to exert its influence with the Governments to see that the preparation of these books conformed to a true conception of the exercise of the mandates over the countries under guardianship.

Mme. WICKSELL had read the very interesting article mentioned by M. Van Rees and felt certain that the members of the Commission would view with great sympathy both its object and its contents. The most interesting point in the matter was that the article had been published in a French review of long standing and unquestionable reliability, and that it dealt with a subject on which that review had a right to state its opinion. She felt, however, a little doubtful as to the Commission's competence to take up the question, even within the modest limits suggested by M. Van Rees.

The CHAIRMAN considered that the question raised by M. Van Rees should be discussed and that the Commission could usefully return to it at a later meeting.

M. RAPPARD said that he fully agreed with M. Van Rees. He thought it right, however, to point out that among the textbooks referred to were certain geographical textbooks prepared by M. Maurette, who was a member of the International Labour Office. M. Maurette's attention having been drawn to the subject by the remarks of M. Prudhommeaux, he had explained that the textbooks in question had been issued several years before the war and had been rapidly and imperfectly re-edited at the close of hostilities. New editions, however, would certainly show that the statements regarding mandated territories had been corrected. M. Rappard accordingly wished to point out that the matter was merely an oversight and that there was no question in this case at least, of an expression of imperialistic aims.



SECOND MEETING

*Held on Tuesday, October 25th, 1927, at 10.30 a.m.*

**753. Iraq : Examination of the Annual Report for 1926.**

Mr. Bourdillon, Counsellor to the High Commissioner for Iraq, and Mr. Lloyd (Colonial Office) came to the table of the Commission.

The CHAIRMAN reminded the Commission that a year ago, on the occasion of the first examination of the annual reports from the mandatory Power on the administration of Iraq, the Commission had had the pleasure of hearing from Sir Henry Dobbs, British High Commissioner in Iraq, a highly interesting review of the developments in that territory from the time when Great Britain had first assumed responsibilities there up to the time of that session of the Commission. As the Commission had remarked in its report to the Council, this statement "could not but make a favourable impression" upon it.

During the past year many further developments of interest had taken place in this, the most advanced, politically speaking, of the territories under mandate. He need only mention recent reports in the Press concerning conversations which were at present taking place in London between the mandatory Power and representatives of Iraq and others with reference to discoveries of oil in the much-talked-of concession held by the Turkish Petroleum Company.

The British Government had once again shown its desire to collaborate with the Commission by sending a high official from the country itself, in the person this time of the Assistant High Commissioner, Mr. Bourdillon. The Chairman believed that the accredited representative had already prepared some remarks which would doubtless deal with certain of the points of obvious interest to the Commission, and before asking his colleagues whether they had questions to raise under the different headings in accordance with which the discussion would take place and of which a list had been communicated to the Commission, he was sure that his colleagues would want to listen to Mr. Bourdillon's preliminary remarks.

*General Statement by the Accredited Representative.*

Mr. BOURDILLON, after thanking the Chairman for his welcome, made the following statement :

I am very grateful for the kind welcome that has been extended to me, and for the opportunity which is given me of making a preliminary statement, of which I shall avail myself.

Sir Henry Dobbs, when he presented previous reports on Iraq to this Commission last year, gave in his opening statement a full and detailed description of the type of administration which has been set up in Iraq and of the policy which is being followed by Great Britain in the endeavour to fulfil the task she has accepted in that country. It is, therefore, unnecessary for me to say more than that during the year which is now under review there was no change, in the main, in that policy, and that the successful results which Sir Henry Dobbs claimed to have been achieved by it were maintained.

In any Oriental country success in the collection of direct taxation, provided that such success is not due solely or even mainly to coercive military or police operations, is the most certain indication both of the respect which is inspired by the Central Government as a whole and of the efficiency and integrity of individual officials. In the financial year 1925-26, the taxation of agricultural produce in Iraq, with a minimum of coercive measures and of consequent discontent, realised a surplus of but little short of thirty per cent over the actual budget estimate, and, although this surplus was partly due to the high conversion rates for the Government share of the winter crops, a really large share of the credit is due to the confidence enjoyed by the central administration and to the standard of administration maintained by the majority of the local provincial officials. I do not wish the Commission to understand that the sole, or even the main, object of a Government should be to collect taxes. But I do maintain that the ability of an Oriental Government to realise its revenue as fully as possible without producing the discontent that is the natural result of oppression or partiality is the surest indication of its ability to fulfil its other functions and to expend to the best advantages of the country the revenues so collected.

The total revenues of Iraq for the year exceeded the estimates by Rs.47 1/2 lakhs, or over 8 per cent. Excluding supplementary estimates for expenditure, which were passed at a time when expansion of revenue and underspending on certain services could be foreseen, expenditure was less than the original budget estimate by approximately Rs.26 lakhs, or over 5 per cent. It may be suggested that this result is mainly due to faulty estimation, but it should be remembered that the Iraq Parliament takes its duties in connection with the budget very seriously, that during the year under review the Parliamentary Committee which examined and reported on the budget was mainly composed of members of the two opposition parties, and that consequently estimates, particularly of expenditure, were subjected to very close parliamentary scrutiny and criticism and were in several cases materially reduced. The point which I wish to emphasise is that not only was the general result of the working of the financial year 1925-26 satisfactory in itself from the point of view of a Treasury which is bound, as the Iraq Treasury is at present bound, to have the strictest regard to economy, but it was still more satisfactory in that it

indicated both the realisation by the Executive and by the Parliament of the need for economy, and that it gave a practical testimonial to the general standard of the administration.

If I may be permitted a personal digression, I should like to say that I have now been serving Iraq for more than nine years; that is to say, since a date more than three years prior to the accession of His Majesty King Faisal. When Sir Percy Cox returned to Iraq at the end of 1920 to replace direct British administration by a national Government, I shared the feeling of most other British officers in the country at the time who have since continued to serve there. We gladly welcomed the experiment, but we were convinced in our hearts that the resulting loss of efficiency would be dangerous. Our anticipations have been pleasantly disappointed. The Iraq people have tackled their task with a sober determination which has made British co-operation in that task exceedingly pleasant, and they have shown an administrative capacity with which, I am free to admit, I had not credited them.

That they should have made mistakes in principle as well as in detail was inevitable, and they have evinced one particular tendency which, although it arises originally from a desire to secure efficiency, has produced harmful results in the past and will need to be carefully watched in the future. I refer to the tendency to over-centralisation. The extent to which individual ministers, and even the Cabinet as a whole, concern themselves with quite minor administrative details is considerable. This over-centralisation is harmful in two directions. In the first place it means that personal party politics are liable to play too great a part in purely administrative matters. The local official, who should be free from political influences, inevitably feels that his decisions may be upset on political grounds and his actions interfered with for other than administrative reasons. He consequently tends to trim his sails to the political breeze which is for the moment guiding the actions of his Minister, and the continuity of the administration suffers. In the second place, ministerial interference in matters of detail, even when it is based, as it often is, on sound administrative reasons, tends to undermine the responsibility and sap the confidence of the permanent official. Iraq Ministers are at times too prone to listen to individual complaints against the action of permanent officials, and they have yet to learn that for officials in their high position, a certain degree of inaccessibility is essential.

I have suggested that this over-centralisation is due partly to a genuine desire for efficiency. It is also the inevitable result of the absence of strong administrative services with sound traditions. The Civil Services of Iraq are still in their infancy. The natural capacity is undoubtedly there, but experience is lacking. The Cadre Commission, for a variety of reasons, has been unable to progress very far in its difficult task, and the general position of the "permanent" officials is not sufficiently defined or secured. There is therefore an ever present danger that an administrative official may allow his judgment to be over-ruled by considerations of a political nature, and may permit fears for the security of his position to influence his actions in a direction which he knows to be wrong. The British advisory officials and the High Commissioner are fully alive to the necessity for safeguarding the position of competent and honest officials, and to the danger of allowing political considerations to play too great a part in matters of administration.

Nor do I mean to suggest that Iraq Ministers are themselves not ready to give full support to capable subordinates. But I do feel that the tendency to over-centralise exists. At this early stage it is almost inevitable, but it needs very careful watching. I have dealt with this point at some length, because I feel it is desirable that this Commission should acquire a greater knowledge of the general atmosphere that prevails in Iraq than can be attained by the mere perusal of an official report. The report for 1926 reflects great credit upon the Iraq Government, and justly so. But it is inevitable that some difficulties and some dangerous tendencies should exist, and I do not want this Commission to think that my Government is either ignorant of, or anxious to conceal, these difficulties and these dangerous tendencies.

Before turning to certain questions which arise out of the Minutes of the session of this Commission when it considered various reports on Iraq, I should like to make a brief reference to what was undoubtedly the outstanding event of the year under review. I refer to the settlement of the northern frontier of Iraq. After a long period of uncertainty and anxiety, the Council of the League of Nations gave a decision which, although it left the Iraq Government with the problem of finding land for a large number of homeless people, was still very gratifying to that Government. The danger remained that the carrying out of that decision might leave the relations between Iraq and her northern neighbour anything but friendly. That danger was finally averted by the treaty which was concluded at Angora in June 1926. By that treaty Turkey freely accepted, with one minor modification readily assented to by Iraq, the decision of the Council of the League. Further, that treaty definitely laid the basis of excellent future relations between the two countries, and those relations have been maintained.

It is true that the establishment of normal commercial relations has been prevented by the disturbed condition of the Turkish frontier districts. But though temporary internal conditions have made it impossible for Turkey to assist at present in the establishment, or rather the renewal, of commercial relations which would undoubtedly benefit both countries, she has, in all her dealings with Iraq subsequent to the signing of the treaty, given ample evidence of every desire to be Iraq's most friendly neighbour; and the Iraq Government has responded fully.

The meetings of the Permanent Frontier Commission have been distinguished by an atmosphere of marked sympathy and cordiality. Direct correspondence between local frontier officials is encouraged by both Governments and is producing excellent results. The actual delimitation of the frontier (if I may be pardoned a reference to an event subsequent to the year under report) has been concluded in a spirit of friendship and understanding and with a minimum of friction. While great credit is due to the tact and impartiality of M. Baeschlin, the President of the Delimitation Commission, this result could not have been achieved without a sincere determination on both sides to avoid creating unnecessary difficulties. Turkey and Iraq, at one time potential enemies, have in fact become sincere friends.

The extent to which Iraq is dependent upon the good will of her neighbours is considerable. Of the fourteen provinces of Iraq there are only three which do not at one point or another touch upon an external frontier. The principle of direct correspondence between local officials on either side of the frontier, to which I have referred above in the case of Turkey, has also been established *vis-à-vis* Syria, Nejd and Persia, and with good results. The refusal of Persia formally to recognise Iraq (in spite of which refusal Iraq allows a considerable number of Persians to exercise consular functions in her territory) has inevitably made relations between these two Governments difficult, but even in this instance there has been a certain amount of successful co-operation between local frontier officials.

I will now turn to certain matters arising out of the Minutes of the tenth session of this Commission and out of its report to the Council of the League. Although the High Commissioner was of course aware, before the 1926 report was compiled, of the specific points upon which the Commission desired that that report should contain information, the full Minutes of the tenth session were not received until after the report had been compiled and despatched to the Colonial Office, and a perusal of those Minutes reveals certain directions in which I may be able usefully to supplement the information which has been given in the report itself. The following specific requests for information were made in the report submitted by this Commission to the Council of the League :

"The Commission noted that the reform of the land taxes and a tax on profits or 'turnover' are under consideration, and it will be glad to learn what conclusions are reached on this subject.

"The final decision as to the liability of Iraq in respect of the Ottoman Debt is also a matter of great interest.

"The Commission will also be glad to receive the information which the accredited representative has promised to give in the next report regarding the nature, number, method of collection and yield of the principal taxes as well as the amount of the debt at present due by Iraq to Great Britain, and also the amount of the sums expended by the mandatory Power for which repayment is not requested.

"The Commission will be glad of information as to any provisions of the Ottoman Law governing relations between employers and employed which may still be in force in Iraq, and also as to the terms of the contracts of railway employees.

"The Commission hopes that the next report will contain further details as to rural schools and primary and secondary schools in towns."

Full information in regard to the reform of the land taxes is given on pages 77 and 83 of the report now under review. As is indicated there, little was done actually to introduce improved methods, but a great deal (in fact, considering the shortage of experienced staff, a very great deal) was done to collect information, to devise improved methods, and to ascertain the opinion of local officials and of the public generally as to the possibility of applying such methods. Broadly speaking, the ideal to be aimed at is a cash assessment fixed for a number of years. Given just provision for remissions in the event of such calamities as flood, locusts, or an exceptionally dry season, this system is undoubtedly the best from the point of view of the Treasury, the cultivator and the development of the country. It costs far less than periodic measurement or estimation and is less susceptible of abuse. The cultivator knows exactly where he stands, and, perhaps the most important reason of all, it encourages development by penalising the lazy cultivator or careless landlord and rewarding the thrifty and enterprising. It demands, however, in the first place, an extensive survey which the country cannot at present afford; in the second, a determination of a rate of demand which shall be just both to the revenue payer and to the Treasury; and, in the third, a determination, having regard to title deeds or previous custom or both, as to who shall be actually responsible for the payment of the revenue, such responsibility carrying with it, of course, some sort of title to possession.

Any immediate attempt to fix even an approximation to a universal cash rate of demand is quite out of the question. Apart from the fact that the actual cash value of any given crop varies not only from year to year (a difficulty which might be met by averaging) but from locality to locality (a difficulty which cannot be so met), the actual percentage of the crops which the Government has been supposed to collect in the past varies enormously, this variation being due to such factors as lack of security, powerful vested interests and the like. A certain amount has already been done to equalise throughout the country the percentage of the crops to be claimed by the Government, and such equalisation is one of the chief aims which the revenue department has constantly in view. But it can only be attained gradually. No one who only pays 5 per cent to the Government will willingly pay 10 per cent because he is told that someone has for years past paid 20 per cent, and the raising of the demand in under-taxed districts must, in the interests of security, be effected gradually. Nor is it possible, merely with a view to consistency,

to reduce a reasonable demand because it is necessary to be content with a lower demand elsewhere.

The pitfalls that beset the path of the theorist in revenue collection are many. The need for reform is obvious, but the need for caution in introducing reforms which are theoretically unimpeachable is great. A striking instance of this recently occurred in the Hai district of the Kut province. Assessment of the winter crops had previously been by annual estimation of the value of the crops, a method, to quote the words of the report, "highly inexact, unsatisfactory and replete with opportunities for malpractice." The district in question is divided into a number of well defined estates, and it was decided to take the average of the last three years demand on each estate and to make a fixed demand at this rate for the next three years, a law permitting this method of assessing the demand having been passed by Parliament. The new method would have saved the Government a large sum in collection expenses and was welcomed by the prospective revenue payers. But the question arose as to the persons from whom the three-year demand should be made. There exists in this district (and elsewhere) a class of landlord possessing title deeds obtained from the Turkish Government to large areas of land, but who have only been able to make good their claim to the land, and consequently to the landlord's share, to a limited and varying extent. In order further to establish their claims, they were anxious that the revenue demand for the three years should be made upon them, whereas their leading tenants, who in some cases denied their landlords' right *in toto* and in others were anxious to establish their own rights of occupancy, wanted the demand made upon them. This opposition between the landlord and the principal tenant had always existed, but, when the demand had been made yearly, the side that had lost one year always hoped for better luck next time. The introduction of a three-year demand brought the dispute to a head with astonishing rapidity, and it was necessary to modify the proposal and apply the three-year agreement only where the two parties could agree as to who should pay the revenue.

I have quoted this instance in detail merely to show that revenue reforms which are not only desirable from the point of view of the Treasury but also acceptable from that of the revenue payer cannot always be introduced directly they are devised. Revenue problems are complicated by problems connected with tenure, for the solution of which exhaustive enquiries and cautious procedure are essential.

The tax on profits or "turnover," to which the Commission referred in its report, was not introduced during the year to which the report refers. The Financial Mission which visited Iraq in the spring of 1925 had, it will be remembered, suggested legislation to provide for :

- (a) A tax on the turnover of capital employed in businesses, trades and professions;
- (b) A fixed percentage tax on salaries;
- (c) A tax on the profits of companies.

These proposals were considered during the year (one of the two members of the Financial Mission having since become Adviser to the Iraq Minister of Finance) and it was decided that a tax on turnover would be impracticable. An Income Tax Bill was accordingly drafted, based upon a model Income Tax Ordinance drawn up in 1925 by a Committee appointed by the Secretary of State for the Colonies for the guidance of Colonial Governments. It proved necessary to revise this draft ordinance on points of detail to meet the peculiar conditions prevalent in Iraq, but the main principles have been adhered to. The revenue to be derived will be obtained by taxation on a percentage basis of gains or profits from any trade, business, profession or vocation, and from salaries, dividends, interest or pensions accruing in, derived from, or received in Iraq. There are important exemptions, including incomes derived from agriculture, which is already subjected to direct taxation, or from property on which tax is paid under the Property Tax Law. The income of the Ministry of Auqaf and of ecclesiastical, charitable or educational institutions of a public character and of diplomatic and consular representatives is also granted immunity from income-tax.

Income and profits below Rs.4,000 per annum are not chargeable to tax, and the rate of taxation on income and profits in excess of that amount is at 7 pies in the rupee, *i.e.*, at 3.64 per cent.

A principle of the law is that, during the first and probably the second year of the operation of the tax, the income-tax officers will be, to a large extent, occupied in introducing the principle of a direct tax on income, in ascertaining the difficulties to be encountered, and in testing and establishing official machinery for its enforcement. This will necessarily take precedence, during the introductory period, over strict application of the provisions of the law. Experience will doubtless show it to be necessary in due course to introduce improvements in the matter of rebates for domestic responsibilities and insurance and the provision of a sliding scale of tax incidence. The Bill became law during the present year (1927).

The question of the Ottoman Public Debt has been dealt with on pages 72 and 73 of the report. Negotiations with the bondholders have not yet been begun.

The information required by the Commission in respect to the nature, number and method of collection and yield of the principal taxes has been fully supplied in the report, and on pages 83 and 84 are indicated the detailed replies to a series of questions on the subject of taxation which were put by a member of the Commission during the tenth session and to which Sir Henry Dobbs promised that replies would be given. The Commission may, however, be interested in a note on certain aspects of revenue collection which has been compiled by the Iraq Revenue

Department. It is too long for me to read now, but I should like to place copies on the table for the information of the Commission.

The Commission asked for information as to any provisions of the Ottoman law governing relations between employers and employed which may still be in force in Iraq. This information has been supplied in full, but it is of almost entirely academic interest. Labour troubles in Iraq are, I am glad to say, practically non-existent. Employment is plentiful for the existing population, and wages, which reached a very high level during the war, are still good. The labouring classes are therefore fairly independent and need have little recourse to legal protection. Industrial strikes are unknown. A strike of taxi-drivers in Baghdad was threatened at one time during the year on the ground of oppressive police regulations. The complaint was unfounded and the strike fell through.

The information asked for by the Commission in regard to education has been fully supplied in Chapter VII of the report.

Apart from the specific requests for information recorded in the reports of this Commission to the Council of the League, two requests were made by individual members during the tenth session. The first dealt with alcohol and drugs. I am not quite clear as to exactly what information was required, but the following brief statement may be of use :

#### *Drugs.*

As regards opium, the adherence of the Iraq Government to the International Opium Convention of 1912 was notified in October 1924. The Iraq Government makes on this account comprehensive annual reports to the League in regard to the traffic in opium and dangerous drugs. Such reports have been submitted for the years 1924, 1925 and 1926, and detailed information on the subject can readily be obtained by reference to these documents.

Since its adherence to the Convention, the Iraq Government has been at pains to comply as fully and as expeditiously as possible with all its requirements as well as with those of the Convention and Protocol drawn up at the Second Opium Conference of 1925. In this it is somewhat handicapped by the fact that Persia has not ratified the 1912 Convention, while by far the greater proportion of opium addicts in Iraq are Persians who enter the country in large numbers as pilgrims to the holy cities.

The present rules are based on the following main provisions :

1. The cultivation of the poppy is prohibited;
2. The import and re-export of opium is strictly controlled by means of the international import certificate system. Since Persia does not co-operate, special measures are taken in regard to traffic with Persia.
3. The distribution of opium in Iraq is a Government monopoly.

New rules have just been issued with a view to bringing into operation certain recommendations of the Second Opium Conference, and still greater control of the traffic is now under consideration.

The policy of the Iraq Government in regard to opium is thus a suitably progressive one.

As regards other drugs, there is no manufacture of drugs in Iraq. The import of drugs in general and trade therein is restricted by law to licensed pharmacists and dispensers whose registers are inspected periodically. The import and distribution of medicinal opium and other dangerous drugs (as defined by law) is controlled by the Iraq Government under the international import certificate system. The export of dangerous drugs is prohibited except with the express permission of the Director of Public Health. There is thus a satisfactory measure of control of import, consumption and export of dangerous drugs. As stated in the report, a small amount of smuggling of cocaine is believed to take place. It is believed, however, that most of the cocaine so smuggled (and the amount is very small) finds its way to Persia.

#### *Alcohol.*

Iraq being predominantly Moslem, the consumption of alcohol is small, and there is no danger of over-indulgence becoming at all prevalent. The duty on beer has been raised from 8 annas a gallon in 1922 to Rs.2 per gallon (or about 70 per cent. of the import value) in 1926. The duty on spirits has been similarly raised from Rs.20 per imperial gallon to an amount varying from Rs.32 to Rs.64, according to strength. The value of the imports of beer has fallen from Rs.26 1/2 lakhs to Rs.10 1/2 lakhs, and that of imported spirits from Rs.16 1/2 lakhs to Rs.9 lakhs. The excise on locally manufactured spirits and wines has also decreased from Rs.13 1/2 lakhs to Rs.8 1/2 lakhs, although the rate of excise has been slightly raised from Rs.18 per gallon to Rs.20. The decrease in the sale of locally produced liquor is probably due to trade depression and a consequently lower standard of luxury. Liquor of all kinds can only be sold under licence. As regards the production of local spirit, in Basra the distillery is owned by the Government, a three-year monopoly to manufacture spirit for consumption in certain specified districts being sold by tender. In Baghdad and Mosul there are licensed distilleries. In the few other places where local spirit is produced the monopoly is sold by tender. The production, import and sale of alcohol are thus satisfactorily controlled. The rates of excise and duty are neither so high

as to hinder reasonable consumption no so low as to encourage excess. Liquor problems may, in fact, be said to be non-existent.

The other request for information made by a member of the Commission at the tenth session referred to the position of the various religious sects and creeds, their relations one with another and with the State. A detailed description of the various sects found in Iraq would run to a good-sized volume, but I lay upon the table for the information of the Commission (Annex 3), brief extracts culled from various handbooks in regard to the two great Mohammedan sects, the various Christian sects found in Iraq and the Yezidis, Sabaeans and Sarliis. A considerable number of Jews and a small number of Bahais also exist.

A rough census by religions was taken in 1921. The figures, which give the total population as approximately 2,850,000, must be taken with caution. They are as follows :

Sunnis.....	1,150,000
Shiahs .....	1,490,000
Jews .....	88,000
Christians .....	79,000
Other religions .....	43,000

Of the other religions, the Yezidis possess the largest number with about 27,000. As Sir Henry Dobbs explained to the Commission last year, the rights of the minority religions are adequately safeguarded by the Organic Law. The Jewish and Christian minorities are each entitled under the Electoral Law to four seats in Parliament. No other non-Moslem religious community is sufficiently numerous to be entitled to a seat in Parliament, nor sufficiently politically minded to desire one. The proportion of Sunnis and Shiahs members of Parliament depends entirely upon the elections. The non-Moslem population is treated with tolerance and friendship by the Moslem majority.

Such friction as exists is, as elsewhere in the Islamic world where Sunnis and Shiahs are found together, between these two major sects. The Government is predominantly Sunni and the Shiahs complain that their rights are disregarded and that, although they are well represented in Parliament, they are represented quite inadequately in the Government services. That comparatively few Shiahs do hold Government posts is a fact for which there are two reasons. In the first place, the Ottoman Government was Sunni; education among the Shiahs was not encouraged and Shiahs were rarely appointed to any but the lower posts. The result is that the proportion of Shiahs who are qualified either by capacity or experience to hold office is very small compared with that of Sunnis. The second reason is the opposition of the Shiah divines to the constitution which was mentioned in the report for 1924. This opposition is now bitterly regretted by the Shiahs themselves. They realise that it was a mistake and that it is to some extent responsible for the position of which they now complain. The remedy lies in their own hands. Only by co-operating with the Government and by taking full advantage of educational facilities which no longer favour the Sunnis can they fit themselves to take that part in the administration of the country to which, from the point of view of mere numbers, they are entitled.

The Shiahs are, not unnaturally, inclined to demand too much and to expect mere numbers to carry too great a weight. The Government, while fully alive to the difficulties of the situation, and anxious to placate the Shiahs, is perhaps inclined to attempt to satisfy prominent individuals rather than to get to the root of the trouble. The problem is admittedly a difficult one. It can only be solved by mutual good will and tolerance, and it has received and will continue to receive the constant attention of the High Commissioner.

In giving me an opportunity of making this opening statement, the Chairman expressed the hope that I might perhaps be able to enlighten the Commission as to any change in the relations between Iraq and Great Britain which had taken place during the year under report or was likely to result from the conversations which are now taking place in London. It is a fact that at the present moment the King of Iraq and his Prime Minister are both in London and are discussing with the British Government certain possible amendments in the documents defining the relations between the two countries; but I should like to take this opportunity of emphasising the point that no change in the main outline of those relations is contemplated at the present moment, or can, in my opinion, take place until Iraq becomes a Member of the League of Nations.

As this Commission is aware, any amendments, however unimportant, which may be made in the Treaties between the two countries, or in the agreements subsidiary to the Treaty of 1922, must have the approval of the League of Nations before they become operative. Such amendments as are under consideration are merely the result of a natural development of the system of administration which we have set up in Iraq, and many of the amendments will be merely formal in that a number of the provisions of the subsidiary agreements have, in course of time, become obsolete, so that it is desirable that the agreements should be amended accordingly. Certain amendments in matters of detail there probably will be, but the point I wish to emphasise is that no change in the main form of the relations between Great Britain and Iraq is contemplated at the moment.

That is all I wish to say by way of an opening statement, and I should like to express my gratitude for having been given an opportunity of making it and for the patience and attention with which the Commission has listened to it.

The CHAIRMAN, on behalf of the Commission, thanked Mr. Bourdillon for his statement, which had conveyed a general idea of the main lines followed in the administration of Iraq.

*Drugs.*

M. VAN REES, with regard to the communication to the effect that the distribution of opium in the territory was a State monopoly, enquired whether any form of opium "regie" had been set up, and, if so, how it was organised.

Mr. BOURDILLON replied that a detailed description of the regulations governing the sale of opium and drugs was to be found in the annual reports for 1924, 1925 and 1926, sent to the League for the use of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs. He would study the latest report and reply to M. Van Rees's question concerning an opium "regie" at a later meeting.

Mr. GILCHRIST explained that the Iraq opium reports for 1924 and 1925 had been circulated informally to the Mandates Commission, but that the report for 1926 had not been received by the Secretariat.

*Form of the Annual Report : Responsibility of the Mandatory Power vis-à-vis  
the League of Nations.*

M. RAPPARD congratulated the accredited representative upon the general statement which he had made. The report on Iraq was of a somewhat special kind, for the mandated territory was in a unique situation. It possessed a double interest for the Commission. In the first place Iraq could be compared to a minor whose majority was not far distant. The mandatory Power had set itself the task of expediting the advent of its ward's majority by all possible means. It was of great interest, therefore, to know what the mandatory Power was doing in Iraq to achieve this purpose.

In the second place, the Commission should bear in mind that other mandated territories would one day reach their majority, and the experience acquired in dealing with Iraq would be of great use.

He had been much struck by the discretion used in the compilation of the report. This was understandable in view of the fact that, while in the case of all other mandated territories the mandatory Power, in its annual report, gave an account of its own administration, in the case of Iraq an account was given of the work done by a Government which was of a semi-independent nature. The position of Great Britain in regard to Iraq could almost be compared to that of the Permanent Mandates Commission in respect of the mandatory Powers. He would, however, especially note that the report was particularly detailed as regards finance, a domain in which the mandatory Power's responsibilities were far more direct than in the other departments of Government. While on reading the report he might have felt somewhat disappointed at the discretion to which he had referred, for many of the larger questions were scarcely touched upon, the general statement of the accredited representative had done much to remedy this omission.

The report of the mandatory Power as a whole, however, might be compared to information furnished concerning a man upon whom an enquiry was being made, and regarding whom details concerning his tailor, his history or his income were furnished, but not anything concerning his personal characteristics.

M. Rappard would note, for example, that there were large petroleum companies in the territory which were advancing considerable sums for the construction of railways, ports, etc. There were obviously close relations between these companies and the Government of Iraq, but very little information concerning their activity was to be found in the report.

He would ask, therefore, whether the reserve displayed in the report was due to the fact that the responsibility of the mandatory Power towards Iraq differed from that which it had assumed towards, for example, Palestine?

Mr. BOURDILLON pointed out that, with the exception of Chapter I of the report, all the chapters were actually prepared by the departments of the Iraq Government themselves. The advisers naturally had a good deal to do with what was inserted in the report of each department, but the department prepared it and the Minister responsible saw and approved the report which constituted the official record of his department for submission to the Government. The High Commissioner co-ordinated these reports and combined them into a single report for submission to the Permanent Mandates Commission, leaving out unnecessary details.

With regard to the lack of information concerning the activities of the various oil companies in Iraq, this was mainly due to the fact that up to the end of 1926 those companies had not shown any great development. This was especially the case with the Turkish Petroleum Company. The observations, therefore, such as they were in the report, were more of the nature of a prophecy than a statement of what had occurred. There would be a good deal more to say in the report for 1927.

M. Rappard was correct in assuming that the reserve which he noted in the report was due to the peculiar position of the mandatory Power in respect of Iraq.

M. RAPPARD wished to emphasise the fact that the impression of reserve which he had gained from reading the report had been strongly corrected by the general statement of the accredited representative.

Mr. BOURDILLON repeated that one of the main objects of his statement had been to give some idea of the general atmosphere in Iraq.

M. ORTS would join with the Chairman in thanking Mr. Bourdillon for the information he had given, which was very satisfactory. While he agreed that the situation of Iraq was somewhat peculiar, too great emphasis should not be placed on the fact that the report before the Committee came from the Iraq Government. It was, in fact, the duty of the mandatory Power and not the mandated territory to report to the League, and the Commission could but regard the report as involving the responsibility of the mandatory Power alone.

Mr. BOURDILLON agreed. Perhaps in future reports it would be of use to insert a short chapter containing a summary criticism of the work recorded in the subsequent chapters.

M. ORTS, while attaching no exaggerated importance to the question of form, thought that no matter who prepared the various chapters of the report, the Commission could only regard it as a document emanating from the mandatory Power.

The CHAIRMAN asked the Commission whether it endorsed the views of M. Orts that the mandatory Power must assume full responsibility for the report.

*The Commission concurred with M. Orts.*

Mr. BOURDILLON said that, of course, the mandatory Power assumed full responsibility for the report.

#### *Liquor Traffic and the Traffic in Dangerous Drugs.*

M. FREIRE D'ANDRADE was especially grateful to the accredited representative for the information which he had supplied concerning the liquor traffic and the traffic in drugs. He was Rapporteur to the Commission for these questions and he had been compelled to note that in the report for 1925 scarcely any information had been supplied under this head. He quite realised that the question of alcohol was not of very great importance, since most of the inhabitants were Moslems. He would note, however, with satisfaction that, according to the present report, the consumption of alcohol had been slightly reduced.

With regard to the question of the control of drugs, he thought that it was the duty of the Permanent Mandates Commission to raise the point if it so desired, despite the fact that the mandatory Power had furnished a report on the matter to the Advisory Commission on Traffic in Opium. He was particularly interested in the question of the drug traffic and Iraq, as the neighbour of Persia, was naturally of special importance. He thought that more information concerning drugs should have been given in the report, for it was a question of interest to the Permanent Mandates Commission, just as much as to the Advisory Commission on Traffic in Opium. The information which the accredited representative had just given, however, was very detailed and quite satisfactory.

#### *Relations between the Mandatory Power and the Iraq Government and between the Various Elements of the Population.*

M. RAPPARD asked (1) how was co-operation between the advisers and the Ministers in charge of Departments in the Iraq Government affected, and was it successful? (2) Did the country suffer from any internal political difficulties? The report made no mention of any, and yet in the neighbouring territories, very grave internal differences concerning religion, the form of Government, taxation, etc., had arisen. Was this also the case in Iraq?

Mr. BOURDILLON replied (1) that the adviser had no authority over the Minister. If his advice were not accepted, he could appeal to the Cabinet, for he had the right to express his views at any Cabinet meeting, though of course he had no right to vote. Incidentally, all discussions of the Cabinet took place in Arabic only. Advisers frequently attended to support the proposals of their Ministers.

The general aim was to obtain agreement between the adviser and the Minister before the matter came before the Cabinet. Occasionally it happened that the High Commissioner in the course of preliminary discussion, found himself unable to support an adviser against his Minister. Advisers frequently gave way over matters of minor importance. When an adviser and the High Commissioner agreed in matters of greater importance their opinion usually prevailed, for the Iraq Government was usually ready to follow their advice. That Government was very anxious that the advisers, who were of course its servants and paid by it, should keep in the closest possible touch with the High Commissioner, whose views it was always anxious to obtain. It preferred, however, to receive these informally through the advisers, whose duty it was, therefore, to keep in close touch both with their Ministers and with the High Commissioner.

(2) It was perhaps natural that a report compiled not by a mandatory Power administering an alien population, but by a Power advising an indigenous Government, should not mention the internal difficulties with which that Government was faced. He would refer to the observations which he had made under this head in his general statement, especially in regard to over-centralisation. The main difficulty concerned the differences of view between the Sunnis



and the Shiahhs. The fact that the Government was predominantly Sunni caused a certain amount of discontent among the Shiahhs.

When, however, their grievances were discussed with the Shiahhs' leaders it was found very difficult to crystallise their complaints. They stated that they were oppressed, but when asked in what way the only concrete instance they could give was that they were not fully represented among the State officials of the territory. The reason for this had been explained in his general statement. Such a state of affairs was quite inevitable at the moment, but the Iraq Government was fully conscious of it and was doing its best to find a remedy. It had on several occasions appointed officials not because they were particularly qualified but because they were Shiahhs, with the result in certain cases that they had had to be removed subsequently. The problem could only be solved by time, education and experience.

Local Sunni officials might perhaps occasionally show discrimination between Sunnis and Shiahhs, in such matters as the collection of taxes. Scarcely any concrete instances of such discrimination, however, had arisen. The Shiahhs constituted a political party and published a newspaper which had lately been attacking the Government somewhat severely.

Another internal problem concerned the administration of the Kurdish districts. A full memorandum on these districts had been despatched to the Secretary-General when the 1926 Treaty had been presented to the League. That memorandum had contained information as to the method whereby the Iraq Government was carrying out the recommendations of the League Frontier Committee. Every effort was being made to employ Kurdish officials and to promote and encourage the use of the Kurdish language. This was difficult, however, for it was only just becoming a written language, Kurds prior to the British occupation having used Persian or Turkish for their correspondence. This problem, however, was not at the moment so prominent as the position of the Shiahhs and was being dealt with on satisfactory lines.

There was no co-ordinated anti-dynastic movement at present.

M. RAPPARD hoped that the accredited representative would understand the spirit in which he had put the question. From the general statement and the replies to his questions it seemed clear that there was a spirit of real mutual confidence between the mandatory Power and the Iraq Government.

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### THIRD MEETING

*Held on Tuesday, October 25th, 1927, at 6 p.m.*

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#### 754. Iraq : Examination of the Annual Report for 1926 (continuation).

Mr. Bourdillon and Mr. Lloyd came to the table of the Commission.

#### *Autonomy of the Assyrians.*

M. FREIRE D'ANDRADE recalled the recommendations made by the Mosul Commission to the Council concerning the autonomous position to be given to the Assyrians. The mandatory Power had explained that, in view of the final location of the frontier, it was virtually impossible for Iraq fully to carry out these recommendations. M. Freire d'Andrade, however, would remind the Commission that the recommendations had been made by the Mosul Commission at a time when it must presumably have realised that the frontier would not be fixed any further to the north than was eventually the case.

The mandatory Power had explained that an additional reason why it was unable to fulfil the recommendations lay in the fact that the Assyrians were scattered in small groups over a wide area. It was obvious that this had prevented the creation of a large autonomous district for them. On the other hand, it was clear, from the information on page 18 of the report, that communities of some size, apparently entirely Assyrian in character, had been and would be formed. M. Freire d'Andrade therefore desired to know to what extent the specific recommendations of the Mosul Commission (i.e., regarding the right of the Assyrians to appoint their own officials, to pay taxes through the agency of their Patriarch, etc.), had been or would be given effect to; what were the largest Assyrian communities in existence; how were they administered; whether they arranged for the payments of their own taxes; and, finally, if they had any direct right of petition to the central authorities in Baghdad.

Mr. BOURDILLON was unable to say which was the largest Assyrian community now in existence. The question of their settlement was receiving the closest attention and a special officer had recently been appointed to deal with the matter. Settlement at Baradost, north of Rawanduz, and in the Dasht-i-Harir, north of Erbil, was under consideration. At the moment, the Assyrians were scattered over a considerable area, mostly among the Christian villages north of Mosul.

The League Commission must indeed have realised that the frontier would not be any farther north than it actually was, but it perhaps did not fully realise the number of people who would be deprived of their ancestral homes by that situation of the frontier, for whom the Iraq Government would have to find homes.

From its very beginning the Ottoman Empire had always shown consideration to non-Moslem minorities in the matter of sectarian autonomy. Those minorities had been allowed to maintain communal spiritual councils, which dealt with all questions of personal status in accordance with the laws and customs of each community. The Iraq Constitution provided for legislation in this respect, but it had not yet proved necessary to pass it, the old Turkish law being still in force and being quite satisfactory.

As far as taxation was concerned, the Assyrians paid practically no taxes. The annual tax had been remitted, and the Iraq Government had announced its intention of remitting for a period of years agricultural taxation on new settlements.

As far as the right of petition was concerned, the Assyrians were closely connected with the Iraq levies and, if they had any complaints to make, usually made them known through the commander of those levies.

#### *New Treaty with Great Britain.*

M. RAPPARD, with reference to page 8 of the report, noted that it was said there that the prolongation of the Treaty relations of Iraq with Great Britain had received popular approval throughout the country, but "there were many people who regarded with disfavour a similar prolongation of the subsidiary agreements which formed part of the Anglo-Iraq Treaty of 1922."

What were the provisions of the subsidiary agreements which caused them to be regarded with disfavour?

Mr. BOURDILLON thought that Sir Henry Dobbs had referred to this matter in his statement made before the Commission at its last session but one. Some of the original provisions of the subsidiary agreements were undoubtedly disliked, especially those concerning financial and military control. So far as the judicial agreement was concerned, though any form of capitulations was disliked, the provisions of this agreement were regarded as more or less inevitable. The financial agreement had provided for a settlement of the railway question, and the renewal of the agreement brought into prominence the fact that no settlement had yet been reached. Certain provisions of some of the agreements had become obsolete, and the Iraq Government wished to take advantage of the negotiations of the new treaty to delete or amend these.

#### *Relations between Iraq and Persia.*

M. RAPPARD, with reference to the relations of Iraq and Persia, thought it somewhat singular that Persia had consuls in Iraq though it had not recognised the Iraq Government. Further, it appeared that bands of brigands not infrequently established themselves in Persia and conducted raids into Iraq across the frontier. Such a state of affairs, according to European standards, would amount almost to a state of war. He would be grateful for any explanations which the accredited representative felt able to furnish.

Mr. BOURDILLON said that, with regard to the recognition of Iraq in Persia, he believed the main obstacle to be the fact that Persians did not share the judicial privileges enjoyed by nationals of certain other foreign countries. Persia had protested against this state of affairs in 1924, when the matter had come before the Council in connection with the British Treaty with Iraq. The British representative on the Council, Lord Parmoor, had explained the position and had pointed out that such privileges were only given to the nationals of countries who had enjoyed them under the Turkish regime. It was obviously absurd to extend them further now that a better system of justice had been established in Iraq than had formerly been the case, and it was also impracticable to extend these privileges to Persians on account of the large size of the Persian population of Iraq. The British Government was quite prepared to support a proposal for reciprocal privileges, such as had existed between Turkey and Persia. Persia, however, had now abolished all privileges towards the nationals of any country, and would not consider any reciprocal arrangement. The British view of the case, as stated by Lord Parmoor, had been accepted by the Council of the League.

So far, no cases of injustice towards Persians in the Iraq Courts had come to light. A few complaints of injustice had been made, but on careful investigation they had proved to be unfounded. The Iraq Government had shown great forbearance throughout in dealing with Persia but he was afraid he must say that Persia had only co-operated with Iraq when it was clearly to her own advantage to do so.

As far as the bands organised on Persian territory and raiding in Iraq territory were concerned, the chief offender, Shaikh Mahmud, had now settled his differences with Iraq and was living in retirement, his son being at school in Baghdad.

M. ORTS referred to a statement made by a Press agency to the effect that the Persian Parliament had recommended that no more passports should be issued to Persians wishing to go to Iraq, and had voted credits to assist Persians living in Iraq and to help them to obtain passports so that they might return to Persia. If this were true, did it not indicate that the relations between Persia and Iraq were becoming more strained?

Mr. BOURDILLON was unable to say whether the information referred to by M. Orts was correct or not. The Persian Government had recently forbidden Persians to enter Iraq, taking as a pretext the fact that a number of cases of cholera had occurred in Basrah, though the Persians crossed the frontier hundreds of miles to the north of that town and resorted mainly to the holy cities, which were entirely free from the disease. Incidentally, the cholera in Basrah had come from Persia.

In one matter, however, Persia had shown her willingness to co-operate. She was anxious to open a northern trade route through Rawanduz to Azerbaijan because the trade routes to that district from Turkey or Russia were liable to be closed at any moment. The Iraq Government had allotted funds to make a pack track open all the year round, but it had not yet been possible for financial reasons to commence the construction of a motor road.

M. RAPPARD understood the difficulties which were at the bottom of the unsatisfactory relations between Persia and Iraq. It was unfortunate that they should have arisen between a State Member of the League and a territory under mandate. He realised the force of the arguments against giving judicial privileges to Persians, but it seemed a pity that, when the judicial agreement was drafted, some formula had not been devised which should not appear to discriminate between Members of the League.

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#### FOURTH MEETING

*Held on Wednesday, October 26th, 1927, at 10.30 a.m.*

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#### 755. Iraq : Examination of the Annual Report for 1926 (continuation).

Mr. Bourdillon and Mr. Lloyd came to the table of the Commission.

##### *Municipalities.*

M. RAPPARD drew attention to the passage on page 43 of the report where it was stated that the Mosul municipality had installed a new water plant, erected a club for officials and built a slaughterhouse. He wished to know whether the activity of the British advisers extended to the municipalities.

Mr. BOURDILLON replied that the British adviser to the Governor of the province would be consulted as to all important works to be undertaken by municipalities within the province and would exercise general supervision over municipal affairs. For advice on technical matters, the municipalities would apply to the technical department, the advice of the local advisers being given on general matters.

With regard to the question of the club for officials, an officers' club had existed in the town in Turkish times. The old club building in Mosul was still in existence, so that the expenditure on this head would be inconsiderable.

M. MERLIN enquired whether the Mosul municipality balanced its budget without difficulty.

Mr. BOURDILLON replied that, generally speaking, all municipal budgets in Iraq were only balanced with difficulty. One reason for this was that, whereas the house and property taxes had previously been collected by the municipalities and credited to the municipal funds, these taxes had some three years previously been taken away from the municipalities, which now received instead a grant in aid. The municipalities had also been instructed to find other means of taxation so that the grant in aid might be reduced.

#### *Question of the Communication to the Commission of the Anglo-Iraq Treaty of January 19th, 1926, and of the Iraq-Turkey Treaty of June 18th, 1926.*

The CHAIRMAN, on behalf of Sir F. Lugard, asked whether the Commission had received copies of the Anglo-Iraq Treaty of January 19th, 1926, and of the Iraq-Turkey Treaty of June 18th, 1926.

Mr. BOURDILLON replied that both these treaties had been registered with the League of Nations, but he was unable to state whether copies had been communicated to the Commission.

Mr. GILCHRIST explained that copies of the first treaty had been sent officially by the British Government to the Commission, and that the Secretariat had communicated copies of the second to the Commission informally.

##### *Iraq Levies.*

M. RAPPARD drew attention to the passage on page 40 of the report stating that certain military decorations had been bestowed by King George V upon officers and men of the Iraq

Levies. These officers and men were presumably subjects of King Feisal. He would be glad to have explanations on this point.

Mr. BOURDILLON replied that the difference between the Iraq Levies and the Iraq Army consisted in the fact that the Levies were paid by the British Government. At the same time, King Feisal's approval was invariably sought before decorations were bestowed on Iraq subjects.

In reply to a question by the Chairman, Mr. Bourdillon said that the Iraq Levies were not on the establishment of the British Army. They consisted of purely local forces officered throughout by British officers and under the control of the officer commanding the Air Force in Iraq. The force had been formed in order to assist Iraq in the early stages of its development. This system had been preferred by the British Government to that of grants in aid to the Iraq Army. The policy was that all the Levies should eventually disappear and so far as possible be absorbed in the Iraq Army, a process which was already being carried out. There was no question of the employment of the Levies except for the defence of Iraq.

*Constitutional Organisation and Practice in Iraq, including : (a) Administration and (b) Legislative Action of a General Character ; and (c) Arrangements concerning Government Officials, including British Officials.*

The CHAIRMAN, on behalf of Sir F. Lugard, asked why the Shihs demanded greater representation but refused to accept office.

Mr. BOURDILLON was unable to understand the reason for the statement that the Shihs refused to accept office. There must evidently be a misunderstanding. In point of fact, the Shihs were only too anxious to accept office.

The CHAIRMAN, on behalf of Sir F. Lugard, enquired whether the right of option for Iraq nationality had now ceased.

Mr. BOURDILLON replied that the right of option ceased in June or July 1927.

The CHAIRMAN put the following question on behalf of Sir F. Lugard : To what extent were ● Iraqis used to representative government under the Turks?

Mr. BOURDILLON replied that, in matters of local government, Iraq was accustomed to representative government in the sense that the municipal councils were in all respects elective apart from the official members. In Turkish times, as now, each provincial governor was assisted by a local administrative council, especially in matters relating to the assessment of taxation and other administrative questions. These local councils were partially elected and special provisions had been made for the representation of minorities. Iraq had also had representatives in the Turkish Parliament.

The CHAIRMAN, on behalf of Sir F. Lugard, asked whether draft Bills laid before Parliament were promulgated.

Mr. BOURDILLON said that this matter had come under active discussion in 1927. The High Commissioner was of opinion that, although Press representatives attended meetings of Parliament and were thereby able to obtain all information, the general public was insufficiently informed concerning impending Bills. He had made representations to the Iraq Government, which had concurred and had promised to take steps to secure not only facilities for the Press but also for the general publicity of Bills.

M. ORTS, referring to the information given by Sir Henry Dobbs in the previous year with regard to the method of drawing up the electoral lists, asked whether Mr. Bourdillon could give the total number of electors, or the percentage of male adult inhabitants who had voted at the last election of the legislature.

Mr. BOURDILLON undertook to give the information required in the next report.

M. RAPPARD drew attention to the last paragraph on page 73 and the first paragraph on page 74 of the report, dealing with certain constitutional questions. He understood that the Constitution of Iraq required parliamentary approval for all budgetary proposals, subject, however, as under most other modern Constitutions, to certain exceptions relating to urgent expenditure. The report stated that the Cabinet had been urged to shoulder the responsibility of introducing by ordinance certain increases of taxes during the parliamentary vacation. He would be glad to know whether it was the British advisers who urged the Cabinet to take this apparently unconstitutional step.

Mr. BOURDILLON pointed out that the case mentioned in the report related to the imposition by ordinance of taxation to meet expenditure. The British advisers had desired that the Iraq Cabinet should interpret the articles of the Constitution providing for urgent expenditure by ordinance in such a way that it would be able to impose certain urgent taxation by ordinance. The British advisers had not proposed that the Cabinet should act unconstitutionally in any way, but merely that it should interpret the Constitution in a particular manner.

M. RAPPARD pointed out that the question was still a perplexing one and appeared to be even more difficult than before. Under the Constitution only urgent expenditure could be introduced by ordinance. He would have supposed that the Constitution would have been upheld by the British advisers against any attempt by the Cabinet to do something unconstitutional or against

an interpretation which appeared to be too bold. It appeared, however, that the reverse was the case in this instance.

Mr. BOURDILLON replied that this occasionally occurred. The Iraqi was a constitutional purist and strongly averse from any but a literal interpretation of the Constitution. Certain members of the Cabinet had been deputies in the Turkish Parliament and were very jealous of the rights of Parliament. The particular difficulty referred to was a very real one, and this was fully recognised by the members of the Cabinet, who would have been glad to accede to the British advisers' recommendations but were unable to do so from constitutional scruples. The case in question arose out of the proposed introduction of new Customs duties to meet expenditure during the parliamentary recess.

M. RAPPAUD had noted from the report that, with the recent change in the Cabinet, the new Prime Minister had, like his predecessor, become Minister for Foreign Affairs. He observed, however, that on pages 89 and 90 no mention was made of a credit for the Minister for Foreign Affairs.

Mr. BOURDILLON said that there was no special appropriation for the Foreign Office and there was no special Foreign Office establishment. The Secretary to the Cabinet acted as Secretary to the Minister for Foreign Affairs and the Prime Minister drew no extra salary as Foreign Minister. He believed that the credit for the Prime Minister came under the heading of the Council of Ministers.

M. PALACIOS said that Sir Henry Dobbs had stated in the previous year (Minutes of the Tenth Session, page 72) that the law of Iraq was composed of four different elements : Turkish law, British proclamations during the war and two categories of Iraq legislation. He wished to know whether any attempt had been made to codify these laws, or did any synopsis of the existing legislation on the different subjects exist so that the law on a specific point might be readily found.

Mr. BOURDILLON replied that there was no formal code of law in Iraq. An enormous amount of Turkish legislation still existed which was, however, no longer applicable in Iraq. Attempts were now being made to recodify criminal law and to draw up a revised version of the Turkish Civil Code. This work, however, would demand much time and little progress had been made hitherto. The amount of fresh legislation was very considerable and the question of revising and codifying existing legislation, although not overlooked, could not be undertaken at any great pace. The criminal procedure contained in the Code of 1918 was still in force, but was in process of revision.

The CHAIRMAN enquired what powers were delegated by the central Government to the municipal authorities. Was there any kind of charter conferring powers on them or were there any general lines laid down for delegating such powers? He observed that the budget contained no mention of grants to municipalities in aid of education or public health.

Mr. BOURDILLON replied that the duties of the district administrative authorities were laid down by the Administrative Law passed in 1927, copies of which would be available for the Commission in due course. There were also certain enactments conferring powers on the municipalities. Detailed information on this point could, if the Commission so desired, be included in the report for the following year.

#### *Protection of Minorities and Position of Refugees in Iraq.*

M. PALACIOS recalled certain recommendations made by the Mosul Commission with regard to action by the League for the protection of minorities. He asked what was being done by the Iraqi Government in this matter.

Mr. BOURDILLON said that, as he had explained at the previous meeting in connection with the Assyrians, there had existed since Turkish times, and still continued to exist, communal councils of the various minorities and religious sects. No new measures had been considered necessary. The minorities were satisfied with their position and had had no complaints to make. There was no need for the League to take any action.

M. PALACIOS had thought that the question was still governed only by the provisions of the Organic Law.

Mr. BOURDILLON replied that that was the case. In the appointment of local officials, the wishes of the minorities were invariably taken into consideration. For instance, there was among the Yezidis no one of sufficient education to act in an official capacity and they had at one time asked that a Christian should be appointed as sub-governor over their district. This demand had been met.

M. PALACIOS pointed out that it was not only a question of religion but also one of language and of school; indeed, there were references in the report to this matter.

Mr. BOURDILLON replied that the question of language arose chiefly in Kurdistan. As he had explained before, not only was the use of Kurdish permitted but every effort was made to promote its employment in official transactions.

The CHAIRMAN drew attention to the position of Christian minorities in Iraq. According to a letter he had received, the fate of these minorities was still a precarious one and their future especially was quite uncertain. These groups of Christians had for the most part been deprived of their chiefs or massacred or deported during, and more especially since, the war. The main problem was that of reconstituting these groups, and it was particularly desirable that steps should be taken to settle them in their new homes and to give them confidence in the stability of their new circumstances. For this purpose, the action taken by certain tribes to improve their conditions of life must be encouraged and they should be assisted with a view to reconstituting their different groups. They should, too, be associated in one way or another in the administration of the territory. The total number of Christians in this position was said to be 126,000.

Mr. BOURDILLON said that the figures given were undoubtedly very much exaggerated. In addition to the indigenous communities in the northern area around Mosul, there were a number of Jacobite and Chaldean refugees who had been driven out of Turkey in the last few years and had taken refuge in Iraq. The Government had spent considerable sums in relief for these refugees, while large amounts had been collected by private charity in England and spent under the supervision of the Iraq Government. The Government had also taken similar relief measures to those he had described in the case of the Nestorians.

The CHAIRMAN pointed out that the information received with regard to the Nestorians was fairly precise. It read as follows :

[Translation.]

"The delimitation (Brussels line) between the territories of Iraq and Turkey has forced the inhabitants of the Hikkari district to leave the mountains, where they had begun to rebuild their villages which had been destroyed by the Turks, and to take refuge in Iraq in order to escape fresh persecution. Some of these refugees have settled in this district, where they are living, most of them, in extreme poverty. The great majority would have liked to pass over into Syrian territory and rejoin the many Christian emigrants who, with the support of the Syrian High Commissariat, have succeeded in founding villages which are prospering even now on the banks of the Khabur. The British authorities have hitherto opposed their emigration.

"The reason for which these people are anxious to leave Iraq territory is that the Government of Iraq only gives them poor villages and land unsuitable for cultivation, the richest areas being already occupied by Moslems."

Mr. BOURDILLON replied that the majority of the statements made in the letter were quite incorrect. It was not a fact that there had been any general demand by the Assyrians to leave Iraq, either for Syria or anywhere else. There had consequently been no refusal to allow them to depart. The question of the settlement of the Assyrians was at present under active discussion, and a British officer had been specially appointed to look after them. They were invariably consulted in all matters relating to their settlement, and were shown such lands as were available. The best possible land available was always offered to them. True, their living conditions were susceptible of improvement, but the Iraq Government had granted them all kinds of privileges, for example, in regard to taxation.

M. PALACIOS drew attention to the information, on page 18 of the report, concerning relief measures for the assistance of some 20,000 Assyrians. It appeared that large sums were still needed in order to provide satisfactorily for these people. Had the mandatory Power been in touch with the League High Commissioner for Refugees, Dr. Nansen, or with the Refugees Service of the International Labour Office? How did it propose to secure the further funds needed to handle this problem? Was there any land bank in Iraq which might be applied to for loans for agricultural settlement under proper control?

Page 16 of the report referred to some 17,000 or 18,000 Kurdish refugees who had left Turkey for Iraq. No mention had been made of any relief work on their behalf. How had this problem been handled? What was the present status of these refugees?

Mr. BOURDILLON replied that the British Government had not been in touch with the High Commissioner for Refugees regarding assistance for the Assyrians. It was difficult to estimate the exact amount of the funds required, but an estimate was now being drawn up by the officer in charge of the Assyrian refugees, and it was hoped that it might be possible to obtain substantial aid from the American Near East Relief Committee, whose representative had visited the Assyrian refugees in the previous year.

The Kurdish refugees were mostly drifting back to Turkey. Those who still remained in Iraq had settled in villages with their co-religionists and were supported by them. The Turkish Government, in response to representations by the Iraq authorities, had said that it was unwilling to receive these Kurdish refugees back, but the majority of the refugees were returning to Turkey with the connivance, if not with the consent, of the Turkish frontier officials. It was hoped that the problem would settle itself in this way.

#### *Participation of Iraq in International Conventions.*

M. ORTS, referring to the list of international conventions applicable to Iraq, given on page 19 of the report, asked whether Mr. Bourdillon would indicate, in accordance with the wish already expressed by the Commission, what were the international conventions to which Iraq had not as yet adhered, and the reasons for her failure to do so.

Mr. BOURDILLON, in reply, said that the Iraq Government had decided in principle, and subject to parliamentary approval, to adhere to the four following international conventions : (1) the Convention on Obscene Publications; (2) the Revised Slavery Convention; (3) the Convention on Telegraphs; and (4) the International Sanitary Convention.

With regard to the Sanitary Convention, the Iraq Government was doing everything in its power to act up to the principles of the convention pending acceptance.

Information with regard to the International Labour Conventions would be found on page 28 of the report.

The Communications and Transit Conventions of 1921 and 1923 had been and were still under consideration by the Iraq Government, which was unable to adhere to them at present, owing to the lack of the necessary machinery for putting them into force. At the same time, the Iraq Government was doing its best to come into line with the provisions of these conventions. With regard to the freedom of transit, transit dues were levied in Iraq, but amounted only to 1/2 per cent, which was only sufficient to cover administration costs, and was therefore in accordance with the recommendations of the Barcelona Conference.

There was one constitutional point to which he wished to draw attention in this connection. Certain international conventions contained a provision that Great Britain might adhere to them on behalf of Iraq. The point had been discussed whether, under the Organic Law, parliamentary approval was necessary before Great Britain could adhere to such conventions on behalf of Iraq. The sanction of Parliament was, of course, required in cases where Iraq adhered on her own account. The matter had been laid before the Iraq Government, which had decided, with the agreement of the British Government, that the consent of the Iraq Parliament should be first obtained in all cases.

#### *Frontier Situation.*

M. ORTS enquired whether the situation in the frontier districts, on the Turkish frontier as well as on the Syrian frontier, had improved since the report was drawn up.

Mr. BOURDILLON pointed out that Sir F. Lugard had also submitted a question on this point, which he would answer at once. As regards the Syrian frontier, the position was perfectly satisfactory. The agreement between Syria and Iraq mentioned on page 23 of the report had now been signed and was in operation. A meeting of the sheikhs concerned had been held in the spring, and had produced entirely satisfactory results, in that all old claims had been wiped out. The situation between the border tribes was now calm, and raids had ceased. A further conference had been held between the sheikhs of the Iraq and Transjordan tribes, and a similar satisfactory conclusion had been reached.

M. ORTS said that according to the report (page 24), the delimitation of the frontier between Iraq and Syria had been decided upon. He supposed that, contrary to the opinion formerly expressed, delimitation on the ground appeared necessary.

Mr. BOURDILLON replied that it was very necessary. No delimitation had as yet been undertaken, but the British and French Governments had entered into preliminary conversations on the subject.

The CHAIRMAN put the following question on behalf of Sir F. Lugard : Was the frontier between Syria and Iraq, between Iraq and Persia and between Iraq and Turkey, completed?

Mr. BOURDILLON replied that, as far as the frontier between Syria and Iraq was concerned, he had already furnished explanations. The frontier between Iraq and Persia had been delimited in 1913-14, and nothing further was necessary. The delimitation of that between Iraq and Turkey had, as already stated, been concluded recently.

#### *Relations with Syria : Position as regards Dr. Shahbandar.*

M. ORTS enquired whether Dr. Shahbandar was still in Iraq, or if he was considered as a political refugee and if his actions were under supervision.

Mr. BOURDILLON replied that Dr. Shahbandar had behaved well in Iraq and had refrained from going to places where his presence might have proved a source of embarrassment. He had also been guarded in his public utterances. He had left the country some time previously with a transit visa for Italy via Egypt, but, as far as the accredited representative was aware, he was still in the latter country.

#### *Economic Equality : Customs Duty Drawback Law, 1926.*

M. ORTS noted that, according to the terms of Article 8 of the Customs Duty Drawback Law of 1926, prohibition against payment of drawback upon the re-exportation of goods, or any specified goods or class of goods, to any specified foreign country or place may be prescribed by royal Irade. Was this provision in accordance with Article 11 of the Treaty between Great Britain and Iraq, which was to the following effect :

“There shall be no discrimination in Iraq against the nationals of any State Member of the League of Nations, or of any State to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it would enjoy if it were a Member of the said League (including companies incorporated under the laws of such State), as compared

with British nationals or those of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Nor shall there be any discrimination in Iraq against goods originating in or destined for any of the said States. There shall be freedom of transit under equitable conditions across Iraq territory."

Mr. BOURDILLON replied that, unless the provisions of Article 8 of the law were misused, Article 11 of the treaty would not be contravened. He did not know why Article 8 had been inserted in the Customs Duty Drawback Law. It was perhaps for sanitary reasons or to cover the traffic in drugs. No Irades under that article had yet been promulgated.

In reply to a question from the Chairman, Mr. Bourdillon said that a convention safeguarding American interests in Iraq was approaching completion.

#### *Concessions granted to Private Companies.*

The CHAIRMAN put the following question on behalf of Sir F. Lugard : Were the terms of the concessions granted by the Iraq Government to various private companies satisfactory?

Mr. BOURDILLON replied that, in view of the fact that the terms of the concessions had been the subject of prolonged negotiations between the concessionaires and the Iraq Government, it was to be presumed that the Iraq Government regarded these terms as satisfactory. There was a provision in the concessions to oil companies that Iraqis should be employed in all work for which they were suited.

#### *Ownership of the Railways.*

The CHAIRMAN put the following question on behalf of Sir F. Lugard : To whom do the railways belong?

Mr. BOURDILLON replied that the railways belonged to the British Government but were being administered by the Iraq Government and the terms of their transfer to the Iraq Government were still under discussion. A railway expert had been sent out and his report was now being considered.

#### *Payment of Royalties to Turkey.*

The CHAIRMAN noted that Turkey had possessed the option up to July 1927 of capitalising the royalties to be paid to her under the Treaty between Great Britain, Iraq and Turkey of 1926. Had Turkey exercised its option and, if so, had Iraq paid the sum of £500,000 which would then fall due?

Mr. BOURDILLON replied that Turkey had not exercised the option and that the Iraq Government had not accordingly been called upon to pay that sum.

#### *Public Health.*

M. FREIRE D'ANDRADE noted that a considerable amount of work had been done by the mandatory Power towards increasing the number of hospitals and doctors in the territory. From page 53 of the report he noted that the mortality in the country was somewhat high, especially in Basra (47.28 per thousand). Further, according to the table on page 55, a considerable number of infectious diseases were prevalent in the country, including plague, which was endemic in Baghdad. It would appear from the report that no cases of cholera had occurred except in 1923. On the other hand, the report of the health service of the League of Nations noted that there were cases of cholera in Basra and in several other towns.

What results had been achieved by inoculation against plague? Was the system of inoculation still being continued?

Mr. BOURDILLON replied that the statement in the report was correct. No cholera had appeared in the territory except in 1923 and again in this year, 1927, the report for which would be discussed in 1928. The report of the health service of the League would appear to refer to 1927.

Excellent arrangements had been made in Baghdad for producing the requisite quantity of vaccine required for anti-plague inoculation. The inhabitants were ready to be inoculated and the system was satisfactory. A large amount of anti-cholera vaccine had been immediately provided for use at Abadan, in Persia, on the occasion of the recent outbreak.

M. FREIRE D'ANDRADE noted that a certain amount of criticism had been made in 1925 to the effect that there were insufficient supplies of quinine to cope with the malaria prevalent in the territory. Had this now been remedied? The health service of the League had made several suggestions regarding malaria and other diseases. Were the Iraq health authorities in touch with that service?

Mr. BOURDILLON replied that the supply of quinine was adequate and that the sanitary service of Iraq kept in touch with the League health service.

The CHAIRMAN, on behalf of Sir F. Lugard, asked the reason for the high infant mortality shown in the report.



Mr. BOURDILLON agreed that the mortality was high.

M. MERLIN pointed out that infant mortality was no higher in Iraq than it was in other countries of backward civilisation.

Mr. BOURDILLON added that as much as possible was being done to teach hygiene, especially in Baghdad, where the places where such knowledge could be obtained were very well attended. He would point out that the question of infant mortality was closely connected with that of birth control. In countries with a high birth rate, a high infant mortality was invariably to be noted.

In reply to the Chairman, he explained that the vital statistics in the report referred only to definite districts as named. It was impossible to obtain such statistics in the case of nomadic tribes.

#### *Public Finance : Economic Situation.*

M. MERLIN said that, in 1925, a Commission had been appointed to study the financial situation of Iraq and to suggest possible remedies. It had urged certain conclusions and made certain recommendations which did not appear to have been put into practice. They had concerned the imposition of fresh taxation. The Commission had proposed two categories of taxes, a tax on property and a tax on consumable products. The first had not been imposed because of the impossibility of providing officials to collect it, and the second because it had been considered that the people in general were too poor to pay it.

Mr. BOURDILLON replied that the tax on property had now been introduced, the law imposing it having been drafted during 1926. The proposed increased duties on commodities had not all been found advisable. One of the two members of the Commission was now adviser to the Minister of Finance, and had himself been led to change his opinions to a certain extent. The majority of the recommendations of the Commission with regard to retrenchment were being applied.

M. MERLIN noted, from the table on page 87 of the report, that there was a considerable reduction in the budget and a corresponding reduction in expenditure. To reduce the budget was not always a sign of prosperity, especially when the amount expended on public works was reduced. This would seem to indicate that the rate at which the work of equipping the country was proceeding was decreasing considerably. The table of tonnage (imports and exports) showed a steady decrease.

Mr. BOURDILLON pointed out that the table on page 87 referred not to the total budget of the country but only to the budget of the port of Basra.

The CHAIRMAN said that it would appear from the report that expenditure on public health was decreasing, despite the prevalence of disease.

He added that, speaking generally, the financial system used in all British mandated territories differed from that in force in other territories. He thought that perhaps it would be a good thing in future to prepare a text containing the desiderata of the Commission in this respect and to submit it to the accredited representatives for the territories under British mandate.

Mr. BOURDILLON agreed that it would be of great assistance if the Commission could inform the administrators of the mandate exactly what was required from them in regard to the presentation of the budget.

M. MERLIN asked what was the present situation of Iraq. Its trade would appear to be falling and its budget growing less. Was it in a state of torpor and was its prosperity on the wane?

Mr. BOURDILLON replied in the negative.

Revenue and expenditure were not decreasing. In 1924-25, for example, revenue amounted to 527.33 lakhs, and expenditure to 464.86 lakhs, while in 1925-26 the figures were 581.02 lakhs for revenue and 513.38 for expenditure. There had therefore been an increase under both heads, and not a decrease as suggested by M. Merlin.

It was true that the country had, like other countries, suffered from trade depression after the post-war boom, but its general prosperity was undoubtedly on the increase.

M. MERLIN would emphasise the fact that the budget of public works showed a serious tendency to decrease. For 1924 to 1925, for example, 23 lakhs of rupees had been expended on irrigation, and 32 lakhs on public works. In 1925 to 1926, those figures had fallen to 15 and to 23 lakhs respectively.

Mr. BOURDILLON replied that a diminution in the expenditure on public works had occurred in the year 1925-26, and this despite the need for the improvement of communications and of Government buildings. He would emphasise the fact that irrigation depended on the adoption of a suitable general programme. The Iraq Government had considered the possibility of spending some of its accumulated surplus on public works and irrigation, but it had been unable to do so until its position with regard to the Ottoman Public Debt had been finally settled. A very large increase of expenditure on irrigation had been made in the budget estimates for 1927.

M. RAPPARD wondered whether, as far as expenditure on public works was concerned, the advisers urged the Iraq Government to expend money on this head or whether, on the contrary, they sought to restrain its efforts.

Mr. BOURDILLON replied that there was no general divergence of view. Iraq Ministers and their advisers were anxious to obtain as large allotments as possible for their departments, and to spend their allotments to the best advantage. It occasionally happened that a Minister wished to give preference to one project while his adviser preferred another, but there was no general necessity for advisers either to preach economy or to encourage expenditure.

Mr. ORTS noted that the deficit in the trade balance showed a tendency to become more marked. It had been pointed out that it was partially compensated by the invisible exports represented for the greater part, by the expenses for the upkeep of the British troops. These effectives were continuously and rapidly being reduced either by the withdrawal of units or by their transfer to the Iraqi Army. The invisible exports would therefore certainly decrease.

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#### FIFTH MEETING

*Held on Wednesday, October 26th, 1927, at 4 p.m.*

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#### 756. Iraq : Examination of the Annual Report for 1926 (continuation).

Mr. Bourdillon and Mr. Lloyd came to the table of the Commission.

##### *Public Finance (continuation) : Development of Means of Communication.*

M. MERLIN noted, from pages 114 and 115 of the report, that it would appear that the revenue of the railways was decreasing with considerable rapidity. Since 1920, the receipts were falling in a manner which called for an explanation. Was this due to motor transport competition?

Mr. BOURDILLON replied that the decrease in receipts was due to the departure of so many of the British garrison. An increase in receipts during the year now under review would, he thought, be noted in the next report, and would be due to the increasing activities of the petroleum companies. He would point out that, though the high receipts of the railways had been due to a great extent to the occupying troops, since their departure the expenses of the railways had fallen in proportion. The net result had been favourable, and there had been a considerable extension of railway lines, notably towards Kerbela, a town of pilgrimage, and Kirkuk. Certain lines which had only been used for military purposes had been taken up.

M. MERLIN thought that the financial condition of the railways indicated a certain slackening in the economic activity of the country, a matter to which he had referred at the previous meeting.

Mr. BOURDILLON replied that on certain lines, notably to the Euphrates and Kerbela, there was a fairly active competition from motor transport. In other places that transport was used in combination with the railways. For example, to reach Mosul from Baghdad, it was necessary to go as far as Kirkuk by rail and to complete the remainder of the journey by motor-car.

In reply to a further question from M. Merlin, Mr. Bourdillon said that motor-cars were subject to the ordinary registration tax, and in some towns to a municipal tax.

M. MERLIN enquired whether the Iraq Government was studying the means of communication available in the country as a whole. Was it trying to prevent competition between roads and railways by arranging that the former should supplement and complete the latter as much as possible?

Mr. BOURDILLON replied that this problem was being most carefully studied.

M. ORTS enquired whether there was no question of constructing a railway between Iraq and Port Fuad through Transjordan and Palestine.

Mr. BOURDILLON replied that this matter had been under discussion, but he regretted to say that there was no immediate prospect of such a railway being constructed. It would depend to a great extent on the amount of oil discovered.

M. RAPPARD noted that the budget for 1925 had only received the final approval of the legislature on October 28th, 1925. Pending approval, was the system of the "douzièmes provisoires," as adopted on the Continent, or the British parliamentary method followed?

Mr. BOURDILLON replied that the latter method was followed.

The CHAIRMAN noted that the report covered the year 1926. However, all the financial statistics and other similar information included in the report covered the financial year 1925-26,

which closed on March 31st. In view of the fact that the report was only presented on September 1st, 1927, would it not be possible to include financial information covering the whole year under review?

Mr. BOURDILLON regretted that such figures could not be obtained by the date mentioned.

In reply to a further question from M. Rappard, he said that the Currency Bill mentioned by Sir Henry Dobbs in the previous year had now been passed. The Master of the Mint was preparing the new coinage, and had taken the likeness of His Majesty King Faisal on the occasion of his recent visit to London. The standard would be the dinar, which would be equivalent to the English pound sterling.

M. RAPPARD noted that the Cabinet had been alive to the dangers of recommendations from parliamentary committees to exempt persons from taxation, or even to refund taxes already paid. The Cabinet had taken the bold line that such recommendations were unconstitutional. Had the Iraq Parliament accepted this view?

Mr. BOURDILLON replied that what had happened had been that the Cabinet had refused to accept the recommendations of Parliament.

In reply to a further question from M. Rappard, he said that the Chief Financial Inspector appointed in March 1925 was of Turkish origin.

M. RAPPARD noted that, on page 78 of the report it was stated : " Nothing during the revenue history of the year was more satisfactory than the interest and keenness shown by all concerned in the prompt and full collection of the revenue . . . "

Presumably this statement referred solely to the officials collecting the taxes.

Mr. BOURDILLON replied in the affirmative. Their efficiency and keenness had been particularly remarkable.

In reply to a further question from M. Rappard, he said that no royalties had yet been paid by the petroleum companies to the Government; he thought a new item would be inserted in the budget when such payments began to be made. The first royalty had not been paid before the end of the financial year 1926-27.

The CHAIRMAN said that the Commission was anxious to know how much of the expenditure of the mandatory Power was regarded by it as reimbursable and how much was not. What sums were provided in the budget of Great Britain for expenditure on armaments in Iraq and how were these sums allotted for the double purpose of the protection and the policing of the country?

Mr. BOURDILLON replied that there were no charges upon Iraq in respect of money expended by the British Government except those mentioned on page 85 of the report, *i.e.*, the repayment of the debt on the port of Basra, which was being repaid out of the port dues, which were considerable, and other payments due to the British Government in respect of stores and advances given to the Railway Department prior to the transfer of its administration to the Iraq Government. The British Government would demand nothing in return for what it expended on the following items :

1. The maintenance of the British forces in Iraq;
2. The Iraq Levies;
3. The staff of the High Commissioner; and
4. The subsidy to the Iraq Army, which had amounted in the previous year to 18 lakhs of rupees.

He was unable to state exactly the amount spent on the British forces in Iraq.

The CHAIRMAN, on behalf of the Commission, noted the generosity displayed by the British Government.

On behalf of Sir F. Lugard, he put the following questions :

1. Had the Financial Committee's report been circulated?
2. What was the Cadre Commission?
3. Was the audit of the finances of the territory carried out by British officials?
4. What was the debt mentioned on page 85 of the report which did not appear to be in the estimates of expenditure?
5. What was the tribute which the desert tribes exacted and why was it allowed?
6. Had the Property Tax Law been promulgated?
7. What were the tithes on minerals?
8. Why were not herds of cattle taxed?
9. How were limited liability companies taxed?

Mr. BOURDILLON replied :

1. The report had been circulated.
2. The Cadre Commission had been appointed to discuss the establishment of a regular civil service. Its duties had been so arduous that an endeavour was now being made to appoint a special officer with experience in these matters to act as its Chairman. That officer had, he understood, now been found.

3. The Auditor-General was a British official appointed by the Iraq Government and responsible to Parliament. His assistants and staff were Iraqis.

4. The debt was the port debt, which was kept separate from the general receipts of the country.

5. The tribute in question was an extension of the custom whereby nomad tribes demanded payment from settled tribes pasturing their flocks during certain seasons of the year in the territory of the nomad tribes. Payment was made in return for a guarantee of security. Abuses had occurred in this connection and steps were being taken to prevent these abuses.

6. The answer was in the affirmative.

7. He could find no reference to tithes on minerals in the report. There were no such tithes.

8. Animals used for agricultural purposes were not taxed. Animals used for eating, such as sheep, were taxed.

9. Limited liability companies would be taxed on the profits made by them in Iraq.

#### *Ottoman Public Debt.*

M. MERLIN, with reference to the sums shown on page 73 of the report to be the share of Iraq in the Ottoman Public Debt, asked the meaning of the sum £T1,596,975.

Mr. BOURDILLON replied that the sums mentioned in the paragraph had been fixed by the Treaty of Lausanne.

M. MERLIN concluded therefore that the total amount of the Ottoman Public Debt to be borne by Iraq was £T8,388,126.

Mr. BOURDILLON replied in the affirmative.

In reply to a further question from M. Merlin, he explained that certain sums had been formally set aside in the budget for the repayment of this Debt. The inclusion of such an item in the budget amounted to the formal recognition of the Debt. The Iraq Government, however, realised that it would have to spend some of its accumulated surplus to meet the Debt, and therefore the sums set aside in the budget were not the only provision that existed to meet this obligation. The sums included in the budget were as much as the Iraq Government had considered at the time that it could afford, but it was actually in a position to pay a larger sum, due to the surplus which it had accumulated.

M. MERLIN concluded that, when the service of the loan began, a definite sum would have to be set aside each year in the budget.

Mr. BOURDILLON replied in the affirmative.

#### *Economic Situation of the Country.*

M. RAPPARD desired to ask a general question: Was it true that Iraq was in a state of economic stagnation? If this were so, could it be ascribed to the fact that the increasing self-government of the country was causing it to fall into a condition of Oriental quietude?

Mr. BOURDILLON replied that trade had not been good for two or three years, but that this had nothing whatever to do with the fact that the Government of Iraq was independent. It was due to the post-war slump, which had continued for a longer time in some countries than in others. Further, the neighbouring country of Persia was doing all in its power to divert trade from the Iraq route. Persia was about to construct a railway from Teheran to the Persian Gulf. It was doing its best to capture the transit route. Iraq was fully alive to this, and was considering all means for increasing facilities for the transit trade to Persia.

M. RAPPARD enquired whether the development of the oil-wells in the country was regarded as the main source of its future prosperity.

Mr. BOURDILLON replied that this development was regarded as a great potential factor of prosperity, but that hopes of a prosperous production of cotton were also entertained. The Government realised that Baghdad might cease to be the entrepôt for Persian trade and that the country would have, therefore, to find other sources of prosperity.

#### *Collection and Assessment of Taxes.*

M. PALACIOS noted that it was stated, on page 82 of the report, that coercive measures for expediting the collection of taxes were confined to those sanctioned by Turkish law. What were these measures and in how many cases and with what results had legal action been taken?

Mr. BOURDILLON replied that, under Turkish law, the non-payment of taxes could be punished by imprisonment. Such a course of action was only followed when it was proved that the person

accused of non-payment was certainly in a position to do so but had sought to evade his obligation. It was also possible to distrain for non-payment of taxes.

M. PALACIOS noted, from pages 81 and 83 of the report, that it would appear that the desired reforms in the principal taxes must, in the view of the Government, to a great extent await the completion of proper land surveys. How much was actually being done at the moment to extend such surveys and how many years would it take to enable some of these reforms to be put into effect over areas of appreciable size?

Mr. BOURDILLON replied that some of the reforms had already been put into effect. Many were still in the experimental stage, but much was being done to devise new means of obtaining experience as to whether the reforms were successful. The survey was being carried out as quickly as possible, but there were considerable difficulties. Air survey had been used to deal with the garden areas near the towns.

#### *Judicial Administration.*

In reply to the Chairman, Mr. BOURDILLON said that there was one British adviser to the Minister of Justice and five British judges, of whom one was largely occupied in drafting the texts of laws.

Dr. KASTL, with reference to page 94 of the report, noted that it was thought desirable "that British judges should give much time and attention to matters of a non-judicial nature connected with the administration of their courts and the courts dependent on them, having due regard to the cases in which they must or should sit, but this need not involve any change in their nominal status." Was not this a necessity and not a mere desirability?

Mr. BOURDILLON replied in the affirmative. It was undoubtedly a necessity. The Iraq Government had, however, suggested unofficially that the judges should confine their court work to the cases that it was their duty to try under the judicial agreement. The High Commissioner did not hold this view.

Dr. KASTL noted that a revision of the Penal Code and of the criminal procedure regulations was being made and that a committee of Iraqi lawyers had been established for this purpose. The report stated, however, that no British lawyer was available to sit on this committee.

Mr. BOURDILLON said that, since the compilation of the report, a British lawyer had been appointed.

In reply to a question from M. Van Rees, he explained that the term "tapu" was used to denote a department for the registration of property and the transfer of land. It was also used in a more limited sense to denote a certain form of land tenure.

On behalf of Sir F. Lugard, the CHAIRMAN put the following questions :

1. Were copies of the lists of laws referred to on page 149 of the report available?
2. The Administration appeared to exercise criminal but not civil jurisdiction (page 92 of the report). Were all the judges fully qualified?

Mr. BOURDILLON replied :

1. English translations of the laws were being prepared annually and would be sent, when available, to the League.
2. Administrative officials and the Governors of provinces and districts had magisterial powers but not civil powers. Judges had both. They were becoming better qualified as more students took their degrees in the law schools

#### *Police and Army.*

M. RAPPARD asked what was the cause of the air demonstration mentioned in the report. Had any bombs been dropped and had there been any casualties?

Mr. BOURDILLON replied that the demonstration consisted merely in the appearance of aeroplanes. This had been sufficient to achieve the desired effect.

M. RAPPARD noted (page 44 of the report) that a Car Patrol Section had been established in Mosul, the expenditure in this connection being met from the reduction of certain tribal subsidies. What were these subsidies and why had they been reduced?

Mr. BOURDILLON replied that the subsidies had been granted to a local sheikh to perform the work which was now to be performed by the Car Patrol Section.

In reply to a question from M. Freire d'Andrade, Mr. Bourdillon said that there were a number of Kurds in the army. The troops were showing considerable aptitude in adapting themselves to the guerrilla warfare necessary to deal with Kurdish cattle-raiders.

In reply to a further question from M. Freire d'Andrade, Mr. Bourdillon said that a number of Iraqi cadets had been sent to England for training as pilots, and the training of Iraqis as

mechanics in Egypt or Baghdad would be undertaken. The Iraq Army was being trained to co-operate with the Air Force.

The CHAIRMAN asked to what extent British forces were used for the policing of the country and to what extent for its defence. Were the Iraq levies used for police purposes only? It would in any case appear that the expenditure under these heads was borne entirely by the British Government.

Mr. BOURDILLON replied that one of the aims of the Administration was to accustom the Iraq Army to doing as much work as possible and to make use to an ever decreasing degree of the assistance of British troops. Wherever the situation made it possible, every effort was made to use the Iraq Army and police for security purposes and for the restoration of order.

The CHAIRMAN, on behalf of Sir F. Lugard, asked what was the cost of defence (Air Force) now borne by the United Kingdom.

Mr. LLOYD regretted that he was unable to give the required information.

The CHAIRMAN, on behalf of Sir F. Lugard, asked whether the Conscription Law was to be passed.

Mr. BOURDILLON replied that the law had been presented to Parliament at the end of the last session and would be discussed at the next session.

In reply to Sir F. Lugard's question whether the law was really necessary when volunteering was so free, Mr. Bourdillon said that this was a question which the British Government left entirely to the decision of the Iraq Government. At the same time, the question was not solely one of numbers, since conscript soldiers were cheaper than volunteers.

#### *Work of Improvement in the Port of Basra.*

M. ORTS enquired whether the work for the improvement of the channel giving access to the port of Basra had been carried out by the Government or by contractors.

Mr. BOURDILLON replied that the work had been done by the Port Department. The Port Trust had not yet been constituted and the port was still administered as a department of the Government with entirely separate finances.

M. ORTS wished to refer to the loan of £462,000 concluded with the Anglo-Persian Oil Company to finance this work. As the company was not a banking company, he presumed that its financial intervention was explained by its interest in the improvement of the port.

Mr. BOURDILLON replied that that was the case, since the company's oil-tankers had to cross the bar to reach the company's port at Abadan.

In reply to further questions by M. Orts, Mr. Bourdillon said that no advantages had been conferred on the company under the contract, apart from interest at the rate of 6 per cent on its loan. The company's ships would continue to pay the same dues as other ships using the channel. The debt incurred was not in any sense a national debt, because the Basra Port Trust, when constituted, would be responsible for it. True, there was, in addition, the port debt stipulated in Article 10 of the Financial Agreement annexed to the Anglo-Iraq Treaty, but the service of the debt to the Anglo-Persian Oil Company was guaranteed by dredging dues on ships using the channel and would not affect the Treaty debt. The port of Basra was in so flourishing a condition that it had earned a surplus every year and considerable sums had been put aside for future capital expenditure.

M. ORTS understood that Iraq had no direct national debt, since, on the one hand, all advances from the British Government had been definitely given as grants in aid, which were not repayable, and that, on the other, the loans for the work in connection with the port of Basra were a charge on the Port Trust which was to be set up.

Mr. BOURDILLON replied that that was the case, with the exception, of course, of the Iraq share of the Ottoman Public Debt.

#### *Import and Export Statistics.*

M. ORTS pointed out that the import and export statistics on pages 75 to 77 of the report related only to the year 1925, and enquired whether it would not be possible to have the statistics for the year to which the report referred, namely 1926.

Mr. BOURDILLON replied that the Iraq financial year closed on March 31st. The statistics were probably available in Iraq but he doubted whether they had yet reached England.

M. RAPPARD enquired concerning the nature of the goods in transit, statistics for which were given on page 76 of the report.

Mr. BOURDILLON replied that these were goods consigned in transit through Iraq from, say, Bombay to Teheran. Such consignments were accompanied by way-bills and were handled by forwarding firms in Baghdad. It was thus possible to obtain statistics of their value.

In reply to a further question by M. Rappard, Mr. Bourdillon explained that the item "Intestines" consisted of guts, technically known as casings, exported to America for manufacture into sausage-cases.

M. RAPPARD noted that there had been no exports of oil from Iraq itself as yet.

*The Anglo-Persian Oil Concession.*

In reply to a request by M. Orts, Mr. BOURDILLON said it would be possible to supply for the records of the Mandates Section copies of the d'Arcy Concession, the Protocol of November, 4th/17th, 1913, and the Arrangement of August 30th, 1925, mentioned in the Preamble of the Schedule to the Anglo-Persian Oil Company Law (page 144 of the report).

The CHAIRMAN wished to draw the attention of the members of the Commission to a matter on which he would be glad to have their advice before putting any questions to the accredited representative. Under Article 6 of the Agreement between the Iraq Government and the Anglo-Persian Oil Company, the period of the d'Arcy Concession was extended by thirty-five years and would expire in 1996. He wondered whether this article was altogether compatible with Article 11 in the Anglo-Iraq Treaty, which provided for economic equality in Iraq as between all States Members of the League.

M. RAPPARD thought this a very delicate question, because the d'Arcy Concession involved certain rights acquired in Iraq before the war.

The CHAIRMAN pointed out that, under the new Agreement, the concession had been extended.

M. RAPPARD thought that it would perhaps be advisable to ask the accredited representative exactly how the Agreement had been brought into being. He would be glad to know how the concession had been renewed and by whom.

Mr. BOURDILLON said that the original d'Arcy Concession had been granted in 1901 for a period of sixty years. The concession had not become operative in the transferred territories before the war and the Anglo-Persian Oil Company had not begun work in them until the present concession was obtained. There had accordingly been a certain delay in beginning operations on what was now Iraq territory. The company had desired to bring the concession more into line with its original arrangement and considered that the remaining period of its original concession, namely thirty-six years, would have been too short to allow remunerative production in repayment of capital expenditure.

M. ORTS enquired why the company had not begun work in the concession earlier.

Mr. BOURDILLON replied that the concession had been exploited in the Persian area, Maidan-i-Naftun, but not in the transferred territory which was transferred from Persia to Turkey in 1914 in accordance with the Treaty of Erzerum.

M. RAPPARD said that, if the Agreement had applied to a concession already existing in territory which had come into the possession of the mandatory Power, that would have been another matter. The fact in the present case, however, was that the company had applied for the concession. It followed that the concession, which created a new right, might have been refused. It therefore appeared that the Iraq Government had, in point of fact, accorded the company what amounted to an entirely new concession. That being so, he wished to know whether the concession had been put up for public tender.

Mr. BOURDILLON pointed out that the Iraq Government had never been in a position to refuse the concession, which under the original arrangement lasted until 1961, but only its extension up to 1996. Although he was not an engineer, he imagined that very few oil companies would accept a concession for so short a period as forty years.

M. RAPPARD willingly accepted the accredited representative's statement that the Iraq Government could only note the existence of a right, but the fact that the extension of its concession had been negotiated showed that the Government was conferring a right, which might accordingly be refused.

The question, however, was so delicate that M. Rappard would prefer not to discuss it at the present moment. In view of the world-wide interests involved in the exploitation of oil-wells, it would be preferable to leave the matter for further consideration.

M. VAN REES thought it would be extremely imprudent to try to solve without preliminary examination the question raised, which had been brought forward as a question of principle under Article 11 of the Anglo-Iraq Treaty. He pointed out, however, that, while the corresponding article in the mandate for Syria contained a special provision regarding concessions, Article 11 of the Iraq Treaty, on the other hand, and also Article 18 of the mandate for Palestine were silent on the point of industrial concessions. It might, in consequence, be inferred that in the matter of concessions the Iraq Government was left entirely free to act on its own discretion. He did not conclude anything from this, but merely wished to draw attention to the difficulty involved. While the matter was of great interest, and M. Van Rees was glad that it had been raised, he did not think that the Commission should for the moment make any observations to the mandatory Power on the point.

M. ORTS agreed. He thought however, that people would learn with surprise that the clause referring to economic equality did not apply to Iraq's principal industry.

The CHAIRMAN said that it seemed to him at first sight that a company enjoying a concession which had still thirty-five years to run would have time to earn profits. In any case, he had merely desired to draw the Commission's attention to the matter and proposed that the question should be left in abeyance for the present.

*Compensation in respect of Spring Floods.*

Mr. FREIRE D'ANDRADE asked in what way compensation had been paid to the victims of the floods mentioned on pages 8 and 9 of the report. He would also be glad to know whether any compensation had been paid for damage due to floods in the Euphrates.

Mr. BOURDILLON replied that the money had been raised by public subscription for the relief of distress. No compensation had been paid by the Government. In the case of the Euphrates floods, compensation for crops destroyed had been given by way of remission of taxation.

*Labour.*

Mr. GRIMSHAW thanked the Administration for the relatively voluminous information which the report gave on labour questions and which had enabled him to have a fairly clear idea of the position in Iraq.

With reference to the foreign personnel employed in the port of Basra and on the railways (pages 30 to 32 of the report), Mr. Grimshaw presumed that these workers came from India, and he would be glad to know how they were recruited and transported to Iraq, and whether there were any special regulations in their contracts as to pay, leave, etc. He also enquired whether they were drawn from any special class of artisans.

Mr. BOURDILLON replied that the workers referred to were all of them Indians, and that they were recruited under written agreements. He believed that a recruiting agency was maintained in Bombay; in any case, one had existed there till quite recently. The contracts contained special provisions as to leave, repatriation, etc. The workers consisted of skilled labourers, and every effort was being made to replace them by Iraqi labourers as the skill of the latter improved. He undertook to forward a copy of a model contract.

Mr. GRIMSHAW enquired whether the Anglo-Persian Oil Company's concession contained any special terms as to the nationality of the workers employed by it or as to the protection of its workers.

Mr. BOURDILLON replied that both the Anglo-Persian Oil Company's concession and that of the Turkish Petroleum Company contained clauses under which the company was not allowed to employ foreign labour for work for which native labour was available.

In reply to further questions by Mr. Grimshaw, Mr. Bourdillon said that, in the general regulations applying to the employment of labour by companies, there was no clause corresponding to that known in England as "the fair-wages clause." The statement, on page 30 of the report, that members of the railways and port personnel injured in the service were given free hospital treatment and food applied to all employees from the highest to the lowest.

Mr. GRIMSHAW was glad to observe that all machinery under the British Cotton-Growing Association was fenced (page 31 of the report). This was not always the case in the East, and he wished to know whether there was any provision obliging cotton-spinning companies to take the same precautions.

Mr. BOURDILLON replied that he believed that the Iraqi spinning factory had taken precautions.

Mr. GRIMSHAW said that he had been informed, and indeed knew from his personal knowledge, that orders from the East for spinning machinery sometimes contained a proviso that safety devices, such as were necessary under British law, should not be built into the machines.

Mr. BOURDILLON replied that this statement certainly did not apply to the orders of the British Cotton-Growing Association.

Mr. GRIMSHAW referred to the statement, made by Mr. Bourdillon at the previous meeting, that the Ottoman law concerning the relations between workers and employers was largely only of academic interest. Did this mean that the law was not enforced in cases coming before the local tribunals?

Mr. BOURDILLON replied that the law was still in force and was applied, but that cases of dispute were extremely rare.

Mr. GRIMSHAW referred to the Ottoman Law of A.H. 1325 (page 36 of the report) stating that the formation of trade-unions was definitely forbidden. Was this law still in force?

Mr. BOURDILLON replied that the law was normally still in operation, but would probably be found to be incompatible with the new Law of Associations. The law of 1325 was a Turkish law, which had not been specifically repealed, but this particular provision automatically expired with the coming into force of the new law.



In reply to a further question by Mr. Grimshaw, Mr. Bourdillon said that there was no association of Indian employees on the port and railways. There was, however, an Indian association at Baghdad which supervised the interests of Indians in general and would take up the case of any Indian worker who made a complaint.

Mr. GRIMSHAW enquired how far the Esnafs still existed, and to what extent they entered into the life of the native population.

Mr. BOURDILLON replied that it was his impression that the Esnafs no longer existed in actual fact, but he might be wrong.

Mr. GRIMSHAW said that, in other territories under mandate, the Commission had discovered that the term "forced labour" was construed in a restricted sense and was not regarded as including certain kinds of work undertaken for the benefit of the community, such as the building or repairing of local roads, village sanitary work, the making of cemeteries, etc., the work being done under compulsion and without pay.

Mr. BOURDILLON replied that no work of this kind was done under compulsion in Iraq. At the same time, it was the duty of the owner of a water channel crossing a road kept by the Government to keep the culvert in repair, and he would not be paid by the State for work done by his labourers with this object. Again, under the Law on Bunds, it was the duty of those persons whose lands were irrigated to keep up the bunds on those parts of the rivers which irrigated their lands. This might be regarded as forced labour in the sense that it was not paid for by the Government, and that the local sheikh was responsible for collecting his tribesmen for the work and feeding them while engaged on it.

There was, in addition, the Forcible Assistance Law of 1923, under which the Minister for the Interior had the right in case of emergency to collect labourers and force them to work at rates of pay fixed by the Government. The law applied, however, solely to emergencies such as floods, fires and locusts. From Mr. Bourdillon's personal experience, the law was in no way resented by the labourers employed, who received as much as a rupee a day and extra food.

Mr. GRIMSHAW observed that, apart from the Forcible Assistance Law, which was strictly limited to certain emergencies, compulsory labour in Iraq was only incidental to the holding of land.

He enquired what was the meaning of the term "estate development on modern lines" mentioned in the first paragraph of page 67 of the report.

Mr. BOURDILLON replied that the customs and law concerning the remuneration of agricultural labour in Iraq were very intricate and varied from place to place. The most usual custom was for the cultivator to receive a share of the produce of the land, and he might also receive food and various perquisites. A syndicate running a big cotton plantation would have much difficulty in observing these customs, and he presumed that the writer of this passage of the report had this possibility in mind.

M. PALACIOS, like Mr. Grimshaw, thanked the mandatory Power for the information given regarding labour questions, the more so as last year he had asked for information concerning trade unions.

From the explanations given by the accredited representative, it was difficult to gather if trade unions existed or not and if they were authorised. On the one hand, they appeared to be forbidden (page 36 "Other Provisions of the Ottoman Law"); on the other hand, a new association law existed in which the permanent working-men's unions created for purposes of mutual assistance might be included.

Mr. BOURDILLON replied that associations were not forbidden; they were authorised by law so long as they were registered. No movement to form trade unions had been observed in Iraq.

M. PALACIOS said that there was the same uncertainty with regard to the Esnafs, or guilds, referred to on page 37 of the report. Apparently they existed legally under the terms of instructions dated Nissan 24th, 1323. It was nevertheless doubtful whether, in practice, they were the least developed.

He quite understood these contradictions, which he supposed arose because Iraq was in the same *de facto* situation as that of a State passing through a transitional stage. This was exactly the problem, for such being the conditions, care should be taken that the working population should not lose, on the one hand, the advantages of a family, patriarchal and co-operative regime without gaining, on the other hand, the advantages of a modern regime; among others, that of the liberty of work. The Esnafs were practically non-existent, and the prohibition of trade unions, or at least the prohibition of the right to strike, was likely to give rise, one day to the above difficult and transitory situation.

The same applied to a consideration which M. Palacios now wished to submit to Mr. Bourdillon. The report said, on page 28: "These industries are carried on by families in their homes. There are no factories in the ordinary sense of the word and the problems associated with factory conditions do not exist." This was all very well. But were there not perhaps other problems calling for measures of social policy? Patriarchal work in the home was surely worthy of encouragement, but if it became exploited from outside by contractors, and if it gradually developed into a system of work given out to be done in the homes, or into a sweating system accompanied by endless days of work and starvation wages, that work should be properly controlled in order to avoid these dangers. M. Palacios naturally only wished for information. He merely asked what the situation in Iraq was with regard to this matter.

Mr. BOURDILLON replied that there was no exploitation of family industries in Iraq and that no measures were needed to protect the worker. The cottage industries in Iraq were quite unimportant and could not be compared with such industries as the carpet industry in Persia.

#### *Ex-Enemy Property.*

The CHAIRMAN enquired with regard to the position of ex-enemy property in Iraq. The Commission had been told that none had been liquidated in that territory. Did this mean that there was no ex-enemy property in the country or that it had been returned to the owners or taken over by the Government?

Mr. BOURDILLON replied that ex-enemy property had been returned to the owners, where these were resident in Iraq. Ex-enemy property owned by persons non-resident in Iraq had also been returned to its owners wherever possible.

#### *Education.*

Mme. WICKSELL observed that, on page 130 of the report, it was stated that the Iraq Parliament took a great interest in education and that the appropriations submitted by the Ministry of Education had been willingly granted. On the other hand, it was stated that the Ministry was subjected to strong criticism based on ignorance of what the Department was actually doing. She wished to know whether this was merely a mass of vague and ill-digested criticism, or whether it was possible to infer from it the general trend of opinion and to gather what were the wishes of the Iraqis in the matter of education.

Mr. BOURDILLON replied that there had been a good deal of ill-informed parliamentary criticism on matters of detail, especially of the teaching staff. The department was, however, able to gather from this criticism what was the general trend of the popular demand, and such criticism certainly had its uses.

Mme. WICKSELL enquired what was the attitude of the British advisers to the Department of Education. Did the British adviser give advice on questions of principle, for instance, on the educational system which he thought should be applied in Iraq? Or did he think that education was a matter in which that country, new to self-government, should be left to work out its own salvation, even if he did not think the system adopted the best, and did he consequently merely content himself with seeing that the system in force was well and efficiently applied?

Mr. BOURDILLON replied that the British adviser was very deeply concerned in the principles of education, and supervised not only the application of the system in force but saw to it that that system was the best possible.

Mme. WICKSELL said that she did not wish to imply any criticism of the British adviser and she would not have been surprised if he had decided to leave the question of education entirely to the Iraq authorities. As that, however, was not the case, she wished to ask certain further questions.

The report stated that the criticism on one point was justified, namely, the low level of the qualifications of the school-teachers. She presumed that the only way of improving the situation was to get rid of the incompetent ones as soon as it was possible to find better teachers to take their places. At the same time, it appeared that there was a certain amount of over-staffing in the Government primary and elementary schools. From the figures given on page 124 of the report showing the number of classes in the schools, and from the figures given in the previous year's report for the total number of teachers, it appeared that there was a reserve of over 100 teachers.

Mr. BOURDILLON replied that it was certainly not the case that the schools were over-staffed. As the report did not give the figures for the number of school-teachers in 1926, he was unable to explain the exact facts, but he had had cases before him in which the complaint was made that one teacher had to take two classes simultaneously. A reserve of staff was necessary to cover vacancies caused by leave and sickness. In point of fact, he believed that the schools were under-staffed rather than over-staffed owing to the lack of good teachers. He would, however, be glad to clear up the point next year.

Mme. WICKSELL referred to the question of vocational training. On page 125 of the report it was stated that, if education ever became compulsory, it might be worth while to shorten the primary course and make it a rule that every boy who did not go to a secondary school should be obliged to supplement his primary education by vocational training. She enquired whether public opinion in Iraq was so strongly against vocational training that the Minister dared not introduce it for a trial in a few schools unless education became compulsory. What would be the effect if the Ministry were to decide that, in the schools with six classes, only specially gifted boys should be promoted above the fourth form and that the remainder should be given vocational training? Would the result be a drop in the voluntary attendance?

Mr. BOURDILLON replied that the Minister's policy was guided not so much by the fact that there was any public opposition to vocational training as by the fact that there was no demand

for it. He believed that the result of the system proposed by Mme. Wicksell would be that the parents would remove from school a boy who was told that he must take up vocational training after passing through the fourth form. He did not personally, however, think that the experiment of vocational training need be held up pending the introduction of compulsory education. He believed that, with a growing standard of literary education, the demand for vocational training would come.

Mme. WICKSELL noted that the percentage of boys who passed the examinations was strikingly low, and supposed that this was due to the incompetence of the teachers.

Mr. BOURDILLON replied that that was the case. Further, the teachers did not realise the necessity of teaching the boys to learn for themselves.

Mme. WICKSELL enquired whether there was any co-ordination between the Auqaf schools and the Government schools.

Mr. BOURDILLON replied that the training in the Auqaf schools was chiefly on religious lines and that all the teachers were religious teachers. They could not be compared, as regards utility, with the Government schools.

Mme. WICKSELL drew the Commission's attention to the fact that the Ministry of Education had succeeded in reducing its purely administrative expenditure from 17 to 7 per cent. This was a great achievement upon which the Ministry should be congratulated.

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### SIXTH MEETING

*Held on Thursday, October 27th, 1927, at 10.30 a.m.*

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#### 757. Iraq : Examination of the Annual Report for 1926 (continuation).

Mr. Bourdillon and Mr. Lloyd came to the table of the Commission.

#### *Freedom of Conscience.*

M. PALACIOS thanked the accredited representative for the information which he had furnished in his opening statement concerning the state of religious questions in Iraq. The note which had been distributed regarding the composition and nature of the various sects would, he hoped, be published as an annex to the Minutes if the accredited representative saw no objection. (Annex 3.)

He gathered that friction between the sects was political rather than religious and that the mandatory Power was doing its utmost to inculcate a spirit of religious tolerance. There was no persecution of any kind in the territory. He desired to know the number of missions, the relations between them and whether there were many Catholic missions. As far as the Auqafs were concerned (page 130 of the report), mention had been made in the report for 1925 (page 143) of economies effected in the administration expenses. What proportion of the expenditure shown in the report for 1926 was absorbed by the Administration?

There would appear to be some discrepancy between the reports for 1925 and 1926 concerning the "arrears of collection." According to the report for 1925, the arrears had been reduced at the end of that year to 1,039,515 rupees, whereas the report for 1926 (page 132) indicated that at the end of 1925 they had still been as high as ever, *i.e.*, 14,01,969 rupees.

Why had the rental value of the Auqaf properties fallen so considerably in recent years?

Mr. BOURDILLON said that there could be no possible objection to publishing the note on the religious sects, for the information contained in it had been compiled from published sources.

There was no religious persecution whatever in the territory and the friction which existed between the sects was not friction between the Christian minorities and the Moslem majority, but between the two great sects of Moslems, the Sunnis and Shiahs. The friction between these two sects was of a political kind.

The missions were devoting themselves mainly to education and their relations were most amicable and excellent. There was scope in the territory for Catholic missions, especially among the Catholic Christians resident in the north.

The discrepancy concerning the "arrears of collection" in connection with the Auqafs was one which he could not explain at the moment. He undertook that the necessary explanation should be furnished in the next report.

The fall in the rental values of the Auqaf properties had been due partly to deterioration, but mostly to a general fall in rents. During and immediately after the war, rents in Baghdad had been disproportionately high. They were now lower, though still at a fairly high figure.

M. PALACIOS pointed out that the Hilton Young Financial Mission had suggested that some of the Auqaf funds might be spent on public health work. Was that possible, and had any steps been taken in that direction?

Mr. BOURDILLON replied that it should not be forgotten that there was religious prejudice to be encountered regarding the disposal of the Auqaf funds. The antiquated idea of their administrators was that they should all be spent for religious purposes. The administration was gradually educating the Auqaf department into realising that a certain proportion of its revenue should be spent for the general good of the country, notably upon health and education. The Auqaf was a department of the Iraq Government in theory, but its revenues were separate and under its own control. Its budget was scrutinised by Parliament, which made suggestions. The politicians, however, were anxious for political reasons not to offend the religious divines, which meant that any progress towards diverting the Auqaf funds to more useful purposes would have to be gradual. Considerable progress had, however, been made towards spending a certain proportion of these funds on education and some had also been expended on dispensaries in Baghdad.

#### *Veneral Disease.*

M. RAPPARD noted that, in the table of infectious diseases on page 55, no mention was made of venereal diseases. Did this mean that they were non-existent in the country or had the Administration not thought it politic to publish the figures.

Mr. BOURDILLON replied that unfortunately venereal disease was very prevalent, but, as it was not a notifiable disease, it was not included in the table on page 55.

M. MERLIN pointed out that its notification was not compulsory in any country.

#### *Drugs and Liquor Traffic.*

Mr. BOURDILLON reminded the Commission that M. Freire d'Andrade had stated that, although the Administration furnished the League each year with a detailed report on opium for the use of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs, yet the Permanent Mandates Commission was also within its rights in dealing with this matter.

The Administration had never for a moment thought of contesting this view. It had merely not furnished additional information in the report because it had considered that that information was to be found in the report submitted to the Opium Committee, to which members of the Permanent Mandates Commission had access. If, however, further details were required, they could be furnished in the report for 1927.

The CHAIRMAN said that no further details would be required in view of the detailed reports sent to the Opium Committee.

Mr. BOURDILLON said that the Government monopoly regarding the sale and distribution of opium was conducted on the following basis. Up to March 1926, a number of licences had been issued for the wholesale distribution of opium. On their expiration they had not been renewed, and the wholesale distribution of opium had been placed in the hands of the Government. There were at the moment eleven licensed retail opium-sellers, who obtained their stocks from the Government.

M. VAN REES noted therefore that it was a question merely of a sales monopoly and not a monopoly covering the manufacture of opium consumed in the country.

Mr. BOURDILLON agreed. Only the Government could import opium, none of which was produced or manufactured in the territory.

In reply to a further question from M. Van Rees, Mr. Bourdillon said that a minimum retail price for opium was laid down by the Government.

The CHAIRMAN, on behalf of Sir F. Lugard, put the following questions :

1. What steps were taken to ensure that foreign Powers demanded certificates of import into Iraq before authorising the export of a consignment of drugs?
2. Did any cocaine still enter the territory by the Syrian motor route?
3. Did the people know how to distil spirits, and what was the duty upon them?

Mr. BOURDILLON replied :

1. As far as he was aware, the only country at the moment which demanded an import certificate from Iraq before issuing export certificates for consignments of opium or drugs was Great Britain. Persia had not yet adopted the import and export certificate system. The Iraq Government was naturally anxious to obtain the co-operation of all countries in this matter, but it was a question which concerned the ratification of an international convention. The Iraq Government did not export opium or drugs unless it received an import certificate from the importing country.

With regard to questions (2) and (3), the replies were to be found in his opening statement.

#### *Demographic Statistics.*

M. RAPPARD noted that the number of deaths at Basra exceeded the number of births by nearly 4 to 1, and that the contrary was the case in Mosul. The statistics, however, were inevitably fragmentary, and too great reliance should not therefore be placed upon them.

Mr. BOURDILLON said that the excessive mortality in Basra in 1926 had been due largely to a bad epidemic of malaria.

The CHAIRMAN agreed that, in such a country as Iraq, it was not easy to take a census of the population. In the view of the accredited representative, however, was the population increasing, decreasing or stationary? During the Turkish regime it had appeared to be stationary.

Mr. BOURDILLON replied that, in his view the population was stationary.

*Conditions under which Oil Concessions are granted.*

The CHAIRMAN said that, according to the *Times* of October 17th, a very important oil-well had been discovered in the neighbourhood of Kirkuk. Had the Administration taken any steps, in accordance with the undertaking given by Sir Henry Dobbs last year, to give the Commission full information on this subject? The wealth of Iraq largely depended upon oil deposits and the Commission would like to know the nature of the agreement concluded between the Turkish Petroleum Company and the Iraq Government? He asked the representative of the mandatory Power not to misunderstand the reasons why the Commission desired this information. It did so solely because it was its duty to have detailed information regarding everything which concerned the social or material welfare of mandated territories; it had no intention of criticising.

Mr. BOURDILLON replied that this information would certainly be given. Copies of the agreement between the Iraq Government and the Turkish Petroleum Company, and a table of the manner in which its capital had been subscribed, would be forwarded to the Commission.

M. ORTS asked if the representative of the mandatory Power could give information as to the conditions under which concessions for new oil-wells would be granted. Would a general law regarding oil-wells be passed?

Mr. BOURDILLON replied that the concession to the Turkish Petroleum Company contained a provision by the terms of which, after the company had selected the number of plots to which it was entitled in the area concerned, the other plots would be put up to open auction.

In reply to a question from the Chairman, Mr. Bourdillon said that the company could choose a number of plots within a defined area.

The CHAIRMAN enquired whether new oil deposits had been found in the area covered by the concession held by the Turkish Petroleum Company.

Mr. BOURDILLON replied in the affirmative.

*Close of the Examination.*

The CHAIRMAN, on behalf of the Commission, thanked the accredited representative very warmly for the clear general statement which he had made and for the definite and clear nature of his replies to the questions put. He would also thank the mandatory Power for having followed the sound tradition of sending an official actively responsible for the administration of the mandated territory to appear before the Commission.

Mr. BOURDILLON expressed his thanks to the Chairman and to the Commission for the intense interest shown in the administration of Iraq. It had been a great privilege for him to attend the meetings of the Commission. The interest which it had shown would be highly appreciated not only by the mandatory Power but also by the people of Iraq.

Mr. Bourdillon and Mr. Lloyd withdrew.

**758. Pacific Islands under Japanese Mandate : Examination of the Annual Report for 1926.**

M. Sato, Director of the Japanese Office for the League of Nations, and M. Ito came to the table of the Commission.

The CHAIRMAN said there was no need for him to introduce M. Sato to the Commission, which had had the pleasure of working with him in the previous year.

He wished, on behalf of the Commission, to thank the mandatory Power for the very interesting report it had sent in and for the written replies it had given to the questions asked by the Commission.

M. SATO said that his Government would feel greatly flattered at the way in which the Chairman had referred to the report for 1926. It was glad to note that progress had been achieved, mainly as a result of the discussions in which the accredited representative had taken part in the Commission and of the observations submitted by the members.

M. Sato was at the Commission's disposal for any information the members wished to have. He had asked M. Ito, assistant director of his Office in Paris, to accompany him. M. Ito had recently visited the islands under Japanese mandate and so had had an opportunity of judging on the spot the Japanese administration and native conditions of life. He would accordingly be in a position to give the members all practical explanations.

M. Ito, being a delegate to the International Conference for the Abolition of Import and Export Prohibitions and Restrictions now meeting at Geneva, had been unable to prepare a general statement. M. Sato and M. Ito would accordingly confine themselves to replying to the questions put by the members of the Commission.

#### *Language.*

M. PALACIOS was glad to note once again the excellence of the report submitted by the Japanese Government. Being particularly interested in the position of the population, he observed that, on page 5 of the report, it was stated that, in the majority of the islands, Japanese had become the normal medium of communication, concerning at least matters of daily life. Probably the natives had few subjects of conversation other than the necessities of their daily existence, but in any case the position tended to show that the Japanese had been particularly happy in their endeavour to set up a medium of oral communication which would apply throughout the whole length and breadth of the mandated territory. He wished, however, to know if the Japanese Administration had met with any opposition in this endeavour.

It was easy to realise that Japanese had been spread in the schools among the younger generation, but it would be interesting to learn by what means it had become so entirely familiar to the adults. It appeared that the missionaries acquired an exhaustive knowledge of certain dialects, more particularly in the Marshall group, and still used these dialects in their schools. M. Palacios wondered, therefore, whether the Japanese authorities had taken measures to prevent the disappearance in the islands of a bond so important to a native community as that of language.

M. SATO replied that the dissemination of Japanese among the young natives had been fairly easy, since the language was inculcated along with the principles of education and civilisation. It was difficult to introduce a language understood by all the natives. Efforts to introduce the employment of Japanese had been made by the Administration, but the instruction of adults was still far from perfect and no tangible result could be expected before a certain number of years. Of the foreign languages spoken by the natives, German and especially Spanish were the most important. The number of natives speaking these languages was, however, quite small. Thanks to the mission schools, these languages would be preserved but it was improbable that they would be more largely used.

M. PALACIOS asked whether the Administration's endeavours to spread the Japanese language had encountered any hostility from the native population.

M. SATO replied that there had never been any opposition. Moreover, whereas the Japanese Administration had tried to spread the Japanese language among the younger generation at the same time as the principles of civilisation, it had, on the other hand, left the adults entirely free. There had then been no demonstration of opposition but, owing to the necessities of daily life, the adults had come to learn a minimum of Japanese words.

M. ITO added that Spanish was the most widely spread of the other languages spoken by the natives.

#### *Area and Number of the Islands.*

M. VAN REES observed that, on page 1, the report indicated the number of the islands under Japanese mandate, whereas, on page 2, the number of islands of which special mention was made was restricted to twelve. He asked whether the other islands were regularly visited by the Japanese authorities or whether they were uninhabited.

M. SATO replied that there were in the archipelago certain islands at enormous distances from one another, and some of them were accordingly isolated. It was impossible for the Administration to send officials regularly to these islands. Their administration remained therefore entirely in the hands of the natives. The Japanese officials visited them from time to time, but not regularly.

M. VAN REES inferred that the islands in question, which, moreover, formed the great majority, were not completely abandoned by the Administration, but that the mandatory Power continued to exercise supervision over them.

M. PALACIOS would like to ask, much more modestly, whether even a complete list had been made of these islands, of which there were said to be more than fourteen hundred.

M. SATO replied that the islands were widely dispersed, and some of them had only a very small population. The Japanese Government was deeply concerned in the welfare of the natives and consequently would not abandon these islands in the least, although it would be very difficult to visit them regularly.

#### *Petitions.*

M. ORTS reminded the Commission that the Council had conferred on the natives of territories under mandate the right to appeal to the League by means of petitions. In some of the mandated territories the natives and persons foreign to the territory, made frequent use of this right. No petition, however, had reached the League from the islands under Japanese mandate, and M. Orts wondered whether he would be right in concluding that no petition destined for the League had ever been sent to the mandatory Administration.

M. SATO replied that, so far, no petition had been made. He would point out that civilisation in the islands under Japanese mandate was still in a quite primitive stage. It was

accordingly questionable whether the natives would be able to formulate any grievances in the shape of a petition. Moreover, the Japanese Government took care that the mandate should be exercised entirely to the advantage of the natives, and endeavoured to avoid giving cause for any grievances.

M. ORTS understood that the natives of these islands were ignorant of their right of petition. In other territories, however, the right in question was most often exercised on behalf of the natives by philanthropists, missionaries and also by settlers and traders having interests in the territory. He asked whether the Japanese Government had not received any petitions from such sources.

M. SATO replied that hitherto no petition of this kind had been made. Moreover, if any petition were sent to the Japanese Government, it would not fail to send it to the Commission.

#### *Native Administration : Powers of the Chiefs.*

M. RAPPARD wished to ask a question concerning the status of the inhabitants. Had the natives reached so high a degree of civilisation that some of them possessed moral authority over others and could speak on their behalf, or, in the case of administrative abuses, plead their cause?

M. ITO replied that, during his travels in the islands, he had been astounded by the quite primitive stage of the civilisation of the natives. It dated back more than two thousand years. There were castes and families, as well as tribal chiefs who exercised an authority which was very real but not moral. These chiefs had the right to speak on behalf of the tribes, over which they exercised absolute power.

M. MERLIN thought that, in order to avoid any misunderstanding, it would be well if he should give from his own experience a few explanations concerning the methods of self-administration among native peoples. The Oceanic peoples, some of whom, such as the Maoris, had reached a certain degree of civilisation, had a natural representative in their chief, who was not necessarily a tyrant oppressive to his subjects. The population naturally grouped itself round the chief. His task was to defend it, and he sometimes did so with the greatest energy.

In order to preserve their prestige with the tribes, the chiefs were bound to be men capable of safeguarding the interests of the population. The notion that a tyrannical chief should be opposed by a representative of his oppressed subjects was a modern conception. Among these peoples, authority derived from the inferior element. The chiefs were elected and, if they lost sight of the interests of their people, they lost their authority at the same time. They should, then, be considered as the natural representatives of their people.

M. ITO recognised the truth of the observations of M. Merlin, and pointed out that, if the population had serious complaints to make against the Japanese Administration, the tribal chiefs would make verbal representations to the Administration, which would certainly take account of them.

The CHAIRMAN recalled that, on page 102 of the report, mention was made of bonuses given to the tribal chiefs. He asked whether this bonus was in the nature of a remuneration.

M. SATO explained that, in certain islands, the tribal chiefs were required to pay the capitation tax on behalf of their subordinates. They also paid the fees for sick natives receiving medical attention in the Japanese hospitals. The chiefs received as a collective remuneration a part of the copra paid as a tax. This remuneration was very small. In addition, therefore, to that granted by the Government, the chiefs received a remuneration paid by the natives themselves.

#### *National Status of the Natives.*

M. VAN REES asked how the national status of the natives of the islands under Japanese mandate was legally described.

M. SATO replied that the natives were described under the general heading "Inhabitants of the Islands under Mandate," and that no legal term was used to denominate them. They were in any case not Japanese subjects.

M. ORTS asked what legislation was applicable in the islands.

M. SATO replied that, apart from the general laws of Japan, special laws were promulgated for the islands.

#### *Proportion of Japanese Administrative Staff.*

M. RAPPARD had been struck, when reading the report, with the unaccustomed importance of the Japanese administrative staff, which comprised more than 1,000 persons for a population of 56,000. Such a proportion did not exist in the other mandated territories. He noted also, on page 10, that the number of employees in mines was 102, but that, on page 68, which contained a table of wages paid to this staff, only 26 employees were shown. He asked how this considerable difference between these figures could be explained.

M. SATO replied that probably the figures on page 68 did not include 87 low-grade employees included in the figure given on page 10. In any case, he would ask for information on the subject.

M. RAPPARD asked whether the report did not include among the number of the officials certain private persons entrusted with certain duties but not actually belonging to the administrative staff. It would appear, indeed, that the number of officials was particularly high as compared with the size of the population. His remarks should obviously not be taken as a criticism. On the contrary, he desired to praise the efforts of the Japanese Administration. He noted, for example, that the hospital staff amounted to 143. This proved the very great care shown by the Japanese Government for public health.

M. SATO replied that the islands were very widely scattered, which meant that it was impossible to place several under the authority of the same official. It would therefore be necessary to have some sort of administrative centre in each group of islands, and this necessarily increased the number of officials.

M. RAPPARD noted that, according to the report, a native police force had been established in the islands.

M. SATO replied that the Japanese Administration was indeed making great efforts to encourage the use of native police officials.

M. RAPPARD asked whether the Japanese officials destined to enter the Administration of the islands received a special course of training, or whether they belonged to the body of officials engaged upon the general administration of the Japanese colonies.

M. SATO replied that no difference existed in Japan between officials of the mother-country and those serving in the colonies. The latter received no special course of colonial training.

#### *Attitude of Public Opinion in Japan regarding the Islands.*

M. RAPPARD asked whether the administration of the islands had given rise to any discussion in the Japanese Parliament during the last few years.

M. SATO replied that every year, when the budget of the islands was submitted to Parliament, a discussion on the mandate in general took place. These discussions were never heated, not even as regarded the speeches of the Opposition.

M. RAPPARD asked whether public opinion in Japan was interested in the islands.

M. SATO replied that, in view of the great distance separating the islands from Japan and the very small resources they possessed, the Japanese population did not very clearly realise the importance of the mandate. Its interest, therefore, in these islands was not comparable to that shown regarding Formosa and Korea.

#### *Public Finances.*

M. RAPPARD, turning to that part of the report concerning finance, thanked the mandatory Power for the very full information which it had given under this head and for the practical manner in which it had presented it. The report gave both the present budget, the preceding budget and the audited accounts for the last complete financial period. He desired explanations regarding the manner in which the surplus was disposed of, since the information given on pages 31 and 35 of the report seemed to be contradictory. He noted further that the receipts from the posts, telegraphs and telephones were appreciable. He asked whether these receipts were net or gross.

M. SATO replied that all the figures given were for gross receipts and expenditure.

M. RAPPARD asked on what principle was based the distinction, and ordinary and extraordinary receipts. He noted, in passing, that the profit, which was indeed very small, on the sale of certain State properties was shown in the receipts.

M. SATO said that he did not possess the necessary information to enable him to give a definite reply to the second part of the question. He undertook, however, to ask for the necessary details.

The CHAIRMAN noted that the figures on page 32 showed that a very considerable effort in favour of the economic development of the mandated territory was being made. He asked how the sums were expended for this purpose.

M. SATO replied that the sums in question were used to assist persons engaged in small trades. The list of subsidies granted under this head had been given in the previous year. The sums devoted to the development of industry were distributed in the form of subsidies to be used for the improvement of crops and animals and the encouragement of the cultivation of the sugar-cane, etc. Subsidies were also given for the clearing of virgin land. Pages 59 and following of the report gave details of the manner in which these subsidies were distributed.

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SEVENTH MEETING

Held on Thursday, October 27th, 1927, at 4 p.m.

758bis. Pacific Islands under Japanese Mandate : Examination of the Annual Report for 1926 (continuation).

M. Sato, Director of the Japanese Office for the League of Nations, came to the table of the Commission.

*Public Finances (continuation).*

The CHAIRMAN noted that, in the table on page 33 of the report, columns 6 and 11, the figures 50,791 and 74,682 appeared twice. This would seem to be a mistake.

M. VAN REES said that, on page 31, the figure shown for the poll tax was 71,873 yen. In the total of the table on page 37, however, it was shown as 61,829.5 yen.

M. SATO said that he would obtain information on both these points.

M. VAN REES recalled the request for information which he had made last year regarding the payment of taxes by means of copra. The report contained a very explicit reply on page 108. He desired, however, to have additional information on one point. It was to be noted that the sum represented by the payment of the poll tax in copra was about the same as the amount produced by the tax when paid in cash. The group of inhabitants, however, who paid the tax in copra numbered only 3,000, whereas the others numbered about 20,000. From this it would appear that the Marshall Islands paid considerably higher taxation than the other island groups. He would accordingly draw the attention of the accredited representative to this point.

M. SATO explained that the tax payable in copra had been fixed according to existing custom before the arrival of the Japanese Administration.

M. VAN REES said that, on page 99 of the report, a very interesting account was given of the expenses incurred for the direct benefit of the natives. These amounted to more than 785,000 yen, or more than ten times the amount paid by the natives as poll tax. Here, too, the very liberal nature of the Japanese policy in regard to the natives was to be noted. M. Van Rees desired to congratulate the mandatory Power.

M. SATO thanked M. Van Rees and drew attention to the table on page 33, which was included in the report for the first time and which had been drawn up in order to fulfil a desire expressed by the Commission in the previous year. The Administration had had great difficulty in drawing up this table, which gave approximate figures of the expenditure divided up among the various chapters.

He would recall that, at the previous meeting, M. Rappard had expressed doubt as to whether the table of receipts on page 31 and the figures contained in the statement on page 35 agreed.

After reflection, M. Sato recognised that the amount of the sum carried over from the financial year 1924-25 did not agree with the figures mentioned on page 35 as representing the surplus for the preceding year, namely 1,803,000 yen. He would verify these various figures.

M. RAPPARD desired to make an observation concerning the poll tax. It was obvious that non-natives were in a better material position than the natives. According, however, to the figures on page 36, the non-native population, which amounted to about 2,000 persons, paid 14,000 yen as poll tax, that was to say, about 7 yen a head. According to page 37, 8,700 natives paid 61,000 yen, which was about the same proportion. Should the Commission conclude that the natives were proportionately more heavily taxed than the non-natives?

M. SATO, while recognising the accuracy of the observations of M. Rappard, was surprised that the policy of the mandatory Power should achieve such a result, which was quite opposed to its intentions. He would obtain information on the point. It should not, however, be forgotten that most of the tax paid by the natives was paid in copra. He thought, however, that he could immediately give the following explanation. In the Marshall Islands, it was far easier for natives to pay the tax in copra, which was practically no burden whatever, but this was not the case if they paid it in cash. In certain respects, this situation was advantageous to the South Seas Bureau, but it could not be said that, from the point of view of the natives, it was more burdensome to pay the tax in copra than to pay it in cash.

M. VAN REES understood that the total advances from the Japanese Government to the territory not yet repaid amounted to 15 million yen at the end of 1926. It would be useful if in the next report a chapter could be given dealing with the sums thus advanced.

M. SATO undertook to comply with this suggestion. Speaking unofficially, he explained to the Commission that, according to his Government's policy, these advances should disappear gradually within a period of from seven to eight years according to the increase in the territory's revenue.

M. VAN REES thought that it would not be easy to obtain such a result without increasing taxation enormously, seeing that, at the present time, the total revenues represented only about one-third of the expenditure.

M. SATO pointed out that the revenue had increased this year. The Japanese grants in aid had amounted to 1,800,000 yen this year, as in the previous year, and the ordinary and extraordinary revenue amounted to 2,800,000 yen (deducting the amount of the aforesaid subsidies). This sum therefore covered, not a third of the expenditure, but much more than that.

M. RAPPARD noted that there were many factors which showed that the islands were administered with particular care. There were seven post offices, all of them with wireless. There was a post office savings bank for natives, and the question of introducing the telephone was under consideration. The Commission could not but unreservedly congratulate the mandatory Power on the great activity it displayed.

#### *Economic Equality.*

M. ORTS asked what was meant by the term "open ports" at the end of Chapter III. Yap did not appear among the ports mentioned, although, under the Treaty with the United States, American nationals had access to that port.

M. SATO explained that open ports were ports provided with a Customs-house and open to trading in goods.

#### *Sugar Industry.*

The CHAIRMAN asked for information on the organisation of the sugar industry mentioned on pages 61, 62, 76 and 77 of the report. What, in particular, was the status of the South Seas Development Company, and what were its relations with the Administration?

M. SATO explained that the company was a purely private one, and had no financial relations with the Government. The Government let to it without charge a certain area for the cultivation of the sugar-cane.

The CHAIRMAN asked whether the company was exempt from taxation.

M. SATO was unable to give a definite reply regarding the taxes levied on the company in respect of its work of development.

M. VAN REES drew attention to the detailed replies to the Commission's questions given on page 105 of the report regarding the sugar industry.

The CHAIRMAN pointed out that the company exacted a rent from the natives who cultivated sugar-cane on its estates.

He read paragraph 9 of page 105, where the methods adopted for determining the price at which sugar-cane was purchased from the cultivators was explained. He asked who determined the price. He thought that, in return for any advantage conceded to it, there should be certain obligations upon the company.

M. RAPPARD wondered whether it was altogether right that these estates, which were let to the company for nothing, should be re-let by it to the natives against rent, whereas the natives would previously have been able to have the use of these lands for nothing.

M. SATO replied that the estates in question had not been previously occupied by the natives. The Government was, on the one hand, encouraging the sugar industry by letting the estates free of charge. On page 106 of the report, however, it was stated "it is the intention of the Government to collect rents for the land when the company has fairly completed the reclamation of undeveloped land and other work." On the other hand, the Government protected the holders of the land by fixing a minimum purchase price for the cane. If the company failed to purchase the crop within a certain period of time, it had to pay compensation to the cultivators.

In reply to various questions put by the Chairman, M. SATO explained that all the sugar produced in the islands went to Japan. The sugar produced in Japan was, in general, sufficient for the needs of the home market.

M. RAPPARD thought that the questions which had arisen last year in this connection recurred again this year. The mandatory Power's policy was to develop the cultivation of the sugar-cane. However, the 1922 regulations prescribed that new cultivators must obtain authorisation. Was there not a certain inconsistency in this?

M. VAN REES said that this observation referred to free planters, who formed another category.

M. RAPPARD wondered whether the Administration had not adopted too complicated a method in its desire to safeguard at one and the same time the sugar industry and the cultivator. Instead of conceding the land free to the company, would it not be possible to demand a certain rent for which allowance would be made in determining prices?

M. SATO replied that it might well be that the company would be unable to carry on unless it had the use of the land free of rent. Furthermore, if the principle guiding the Administration was a good one, the details of its application were of no great importance.

#### *Phosphate.*

M. ORTS asked if there were any phosphate-mines on lands belonging to natives. If there were, did the native owners of the soil receive any remuneration for the phosphates extracted from their land, as was the case in Nauru.

M. SATO replied that there was as yet no information concerning phosphate-mines on native-owned lands which it would be possible to exploit. He believed that, in 1924, authorisation

had been granted to a private company to exploit the phosphates of Togobai, but he did not know whether, supposing that were so, the phosphates had been discovered on land belonging to the natives, or what would then be the rules governing the operations. He would ask for more detailed information to be given in the next report. The islands under Japanese mandate were very small, and very little phosphate had been found except at Angaur.

M. RAPPARD observed that, according to the figures given in the report, the Angaur mine was one-third exhausted. He asked whether this mine had been exploited before the arrival of the Japanese Administration.

M. SATO replied in the affirmative. At the beginning of the Japanese occupation, the Administration had carried on the works of the former German company, with which it had subsequently made an arrangement.

#### *Local Administration.*

Dr. KASTL asked for information concerning the bureaux mentioned on page 19 of the report. Were the six civil administration offices mentioned in the first paragraph different from the six bureaux mentioned in the third paragraph?

M. SATO explained that, following on the changes made in the general administrative system there had been set up in each of the six districts mentioned a branch bureau, but these bureaux were nothing more than a continuation of the same administration.

#### *Judicial Administration.—Police.*

Dr. KASTL asked for explanations regarding the 322 offences mentioned on page 19, and the cases indicated in the table on page 27.

M. SATO explained that the table on page 19 comprised all offences, even those which were not necessarily dealt with by the Courts.

Dr. KASTL pointed out that, according to the table on page 27, 56 foreigners had been sentenced, whereas the total foreign population in the islands was only 66.

M. SATO undertook to obtain information on this point.

The CHAIRMAN asked why it had been impossible to publish more recent figures than those for 1925 in a report which had reached the Commission only in September 1927.

M. SATO said that this was explained by the difficulty of collecting all the data required in islands of which there were so many and which were situated at such great distances from one another.

The CHAIRMAN noted that, according to the indications given on pages 11 and 93, the police force was not always distributed according to the size of the population.

M. SATO thought that the determination of the strength of the police force might depend on other factors than the number of the population. He would obtain further information on the matter.

#### *Labour.*

Mr. GRIMSHAW pointed out that, according to various passages in the report, particularly on page 28, natives convicted by the Courts were sentenced to engage in labour. Was such labour carried out for the profit of the Administration or of private persons? Further, it was stated on page 73 that "no compulsory labour was recognised in the territory." Did this mean that there was no compulsory labour, even for the construction of roads, sanitary work in the villages, etc., and that such work was always free and paid?

M. SATO replied as follows :

1. Labour to which natives might be sentenced was carried out exclusively for the profit of the Administration and never for that of private persons.

2. The mandatory Power had replied on page 105, paragraph 8, to the questions asked last year by the Commission. The islands being very small, little work was needed for the construction of roads, etc., and there was no need to have recourse to compulsory labour. The Administration, moreover, had no intention of employing compulsory labour.

Mr. GRIMSHAW asked for an explanation of the term "closing benefit," on page 75, paragraph 6, and page 78, paragraph (f).

M. SATO replied that the term used in the report was incorrect. What was meant was certain advantages which workers enjoyed on leaving their trade. In the collection of Laws and Regulations on page 28, Article II, paragraph 4, the Commission would find the provisions laid down regarding this matter.

#### *Freedom of Conscience.*

M. PALACIOS said that the situation appeared to be satisfactory, although the report gave very little information on the matter. There were, however, certain islands on which there were no missions or missionaries, either Catholic or Protestant. Why was this? Was the Government doing anything to protect or hinder these two confessions or any other?

M. SATO explained that the Buddhist religion was almost exclusively confined to Japanese; the Government only subsidised that confession so as to place it on the same footing as

Catholicism and Protestantism. The stage had not yet been reached at which it would be possible to have missions or missionaries everywhere, but the Government had said, in one of its reports, that it thought it very desirable to spread the Christian religion among the natives.

#### *Education.*

Mme. WICKSELL wished first to congratulate the Japanese Government on the considerable effort it had made for vocational training. Similar institutions had been a great success in Africa, and it was to be hoped that this experiment would have the same success in the islands under Japanese mandate. Special courses were given even for chiefs and sub-chiefs of villages. In the chapter on health, the report complained of the bad sanitary conditions of the natives. Had the mandatory Power thought of introducing instruction in health matters in the schools? She knew, however, that the Administration was not merely passive. The schools were mostly boarding-schools, where the pupils were brought up in good sanitary conditions and accustomed to personal hygiene and sanitary buildings. But would it not be possible to do something more?

M. SATO approved Mme. Wicksell's observations. It might perhaps be possible to devote a few hours each week to health matters. He would consult the South Seas Bureau authorities on the subject.

#### *Liquor Traffic.*

M. PALACIOS observed that, on page 7 of the report, it was stated that the consumption of liquor was prohibited for the natives "except on ceremonial occasions or for medical purposes." The mandate, however, made no exception for ceremonial occasions. Information might also be given with regard to the passage on page 13 which seemed to indicate that it might be possible for some natives to obtain permission to consume spirits.

M. SATO explained that no liquor was given to the natives except for medical purposes or on certain religious ceremonial occasions. Apart from these two exceptions, no authorisation had or would be given.

#### *Public Health.*

M. PALACIOS pointed out that no less than fifty pages in the report were devoted to health statistics, and yet the latest figures given were for the first half of 1928. The accredited representative had explained the delay which had occurred in the preparation of the report. It was, nevertheless, to be hoped that later reports might give statistics of health and population for the entire year.

According to a passage on page 7, housing conditions were very bad in certain towns. It was said that, in this respect, the situation varied according to the degree of civilisation in different districts. Did this mean the moral progress due principally to the teaching of the missions, or economic progress resulting from the industrial development of the country? In the second case, should not the rate of taxes be higher at Saipan and at Palau, for example, than in the Marshall Islands? It would be useful to have statistics on these subjects which would complete those on page 37 of the report. Lastly, was the Government considering the improvement of sanitary housing conditions?

M. SATO took note of M. Palacios' remarks. He drew attention to the fact that the word "civilisation" should be taken in a general sense.

M. PALACIOS remarked that, according to the statistics relating to the phosphate mines (page 75), each workman was ill or injured, on an average, three times a year. Was this not a high figure? Did the Government intend to seek a remedy for this state of things?

M. SATO drew attention to note 3 at the top of page 76, where it was explained that each case of illness was taken into account.

M. PALACIOS observed that that was understood.

The CHAIRMAN stated that, whereas malaria was rampant nearly everywhere in the Pacific, it was practically unknown in the Islands under Japanese mandate (see pages 117 and 129 of the report). It would be of interest for the organs of the League to know if measures had been taken by the German Administration or if the present Administration was responsible for them.

M. SATO promised to get information on this subject.

The CHAIRMAN asked if it was considered as injurious for the natives to chew betel nut.

M. SATO answered that he did not know, as the practice was unknown in Japan.

#### *Land Tenure.*

M. VAN REES pointed out the passage on page 70 from which it appeared that the property bought by the Japanese Government or worked by the Japanese Government at its own expense was considered as property belonging to the Government in its mandatory capacity. This property was a freehold of the Japanese Government and not mandatory property. The context showed, on the other hand, that, as a matter of fact, there was no ambiguity with regard to this.

M. SATO said that the next report would be drawn up more clearly in this respect.

M. VAN REES added that, for the rest, he had nothing to say on the principles of the land policy of the Government as they were stated in pages 70 and 71 of the report.

*Ex-enemy Property.*

The following passages referring to the islands under Japanese mandate included in Sir F. Lugard's report were read (Annex 5 B) :

"There are one or two points which it might perhaps be useful to have cleared up, as some misunderstanding seems still to exist, although the matter has been discussed several times at the meetings of the Mandates Commission. According to information given in the annual reports and in the reply to the special questions, certain properties, particularly that formerly belonging to the German South Seas Phosphate Company, Limited, have been purchased by the Japanese Government. According to the annual report for 1925 (page 106), it is clear that this property, purchased by the Japanese Government otherwise than in its capacity as a mandatory Power, is considered as the 'property of the Japanese Government *per se*'. Nevertheless, the accounts of the working of the phosphate-mines (revenue and expenditure) are included in the accounts of the Administration of the mandated territory (see report for 1925, pages 42-3, and report for 1926, page 31 *et seq.*). The Mandates Commission has also noted at previous sessions that capital expenditure for the purchase of the property in question has appeared in the accounts of the mandated territory. It would seem advisable that the situation should in some way be made quite clear."

M. SATO explained that it would be impossible for the Japanese Administration to establish a separate budget for the Angaur Mines. He pointed out, in the first place, that the budget of the Islands formed part of the general budget of the Japanese Empire. On the other hand, in virtue of a special law, the expenses of the islands under Japanese mandate should be covered by the revenue of those islands and by Government subsidies. The sale of phosphates and other industrial revenues should naturally figure in a special budget, but it would be impossible, in a law applying to the islands alone, to divide the special budget of the islands in several parts, and particularly to draw up a special budget for the mines in question. The utility of such procedure was not obvious. The accredited representative reminded the Commission that in the report for 1924 the mandatory Power explained the impossibility of changing the present budgetary system.

M. VAN REES did not think that this was the bearing of Sir F. Lugard's observations. The latter wanted to know why the expenses and the revenue of the concerns in question figured in the budget of the territory, since these concerns were the property of the Japanese Government. The reply seemed to be that the profits from these concerns did not go to the Japanese State but were used to reduce the Japanese subvention. The present situation was rather like that existing in Samoa.

M. RAPPARD thought that the problem would be more clearly put if the situation were turned round. If the territory one day managed to have a surplus of revenue and if, on the contrary, the concern belonging to the Japanese State had a surplus of expenses, it was to be feared that, thanks to the budgetary system adopted, the surplus of revenue would be used to subsidise the enterprise.

M. SATO said that, thus put, the question was only of theoretical interest. He seemed to remember that, in the budget of the islands, the capital for the purchase of the mines had been provided for, without specifying whether it was a question of the mandatory Power or of the Government as such. It therefore seemed natural that the returns from the mines should figure in the same budget. The Japanese Government did not distinguish—at least, in financial matters—between property belonging, strictly speaking, to the Government and that which it had received as mandatory. Naturally, it was not the same from a legal point of view.

M. VAN REES drew attention to the fact that the reports had never indicated the cost of the mines.

M. SATO answered that the price had been about 2 millions, inscribed in the budget of 1922.

M. RAPPARD gathered that, according to the accredited representative, the mines belonged to the Japanese State, but not in its mandatory capacity, although the purchase price figured in the budget of the territory. The question would be of practical interest only if the situation should change, as he had said before.

M. SATO thought that, in the event of the circumstances contemplated by M. Rappard, it was for the Japanese Government itself to come to the help of the mines in question.

He drew attention to the fact that 2 million yen had been spent for the purchase of the ground and that no sinking fund had been stipulated.

M. RAPPARD thought that the expenses would be quickly covered. Coming back to Sir F. Lugard's note, he did not see what difficulty lay in the way of a supplementary account for the mines, since all the elements of this account figured in the report.

M. SATO answered that it would be easy for a private enterprise to separate a certain part of its activities and to draw up for it a special budget. It would not be the same, however, for a Government department since such a procedure would imply a modification of the law. In reply to a question of M. Van Rees, the accredited representative said that special laws governed the separate and independent budgets prepared for the Japanese monopolies, but that the case of the mines in question had not seemed important enough to be settled in this way. Nevertheless, if it were merely a question of greater clearness in the sense indicated by M. Rappard,

that was to say, if it were desired that a tabulated statement of the accounts of the mines, showing in a general way the revenue and expenditure, should be prepared, the accredited representative would try to give the Committee full satisfaction.

#### *Demographic Statistics.*

M. RAPPARD repeated his congratulations to the Japanese Government on the detailed statistics contained in the report. Were these indications to be taken literally?

M. SATO answered that a census had been taken every five years. The statements made during the intervals were only estimates.

M. RAPPARD pointed out in particular that, according to the rate of mortality and the birth rate of the native population, the latter should have diminished, whereas the contrary had occurred.

M. SATO said that he had asked for supplementary information on the subject of the decrease in the number of Kanaka women. He had not as yet received this information<sup>1</sup>.

It was important to go into the question of the birth rate, as it was connected with that of infant mortality. Generally speaking, it would be premature to draw formal conclusions from the present figures. They should be followed from year to year.

M. RAPPARD added that the islands under Japanese mandate constituted the only mandatory territory which had such detailed demographic book-keeping.

#### *Title of the Report.*

The CHAIRMAN pointed out that, as a result perhaps of a printer's error, the report had not been formally addressed to the League of Nations. He was sure that the error would be rectified.

M. SATO said that this would be done.

#### *Close of the Hearing.*

The CHAIRMAN thanked M. Sato for the wisdom and patience with which he had replied to the remarks that had been made. The Japanese Government should be congratulated on the breadth and the exactitude of its report, which was completed by an extremely detailed map. If the Commission had to raise hardly any important questions, it was because the report of the mandatory Power was remarkably well done.

M. SATO thanked the Chairman and the Committee for their kind words.

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## EIGHTH MEETING

*Held on Friday, October 28th, 1927, at 10.30 a.m.*

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### 759. Publication of the Commission's Minutes.

M. CATASTINI read the following note :

"The Commission has on various occasions insisted on the publication of the Minutes of its sessions as soon as possible after the close of each session. This is even more important in the case of the autumn session than in that of the summer session, because the interval between the end of the Commission's session and the beginning of the following session of the Council, before which the Minutes must, if possible, be distributed, is much shorter.

"The Secretariat has always endeavoured to carry out this wish. I venture, however, to point out that the members of the Commission could also do much to assist the Secretariat in this work. At the last session of the Commission some members only forwarded their corrections to the Minutes two, four or six weeks after the close of the session. The Secretariat was obliged to send the manuscript to the printers without these corrections and to insert them later in the proofs. This involved not only delay but also extra expenditure for authors' corrections.

"The Secretariat would be very grateful to the members of the Commission if they would forward their corrections without delay, and if possible within the twenty-four hours following the distribution of the provisional Minutes. This would greatly facilitate the work of revision, and the final drafting of the Minutes, and the manuscript of the final Minutes of the first meetings could then be sent to the printer in the course of the session."

*The Secretary's communication was noted.*

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<sup>1</sup> A letter from M. SATO, addressed to the Chairman of the Permanent Mandates Commission and dated Paris, October 28th, 1927, gives the following information: "On returning to Paris, I found information awaiting me which had been sent from Tokio. It appears that the decrease is principally due to a gradual fall in the population of the island of Yap. This matter has attracted the attention of the authorities, who are already engaged in investigating the causes and also the possible remedies."

**760. South-West Africa : Petition from certain Members of the Rehoboth Community, dated November 26, 1926.**

M. CATASTINI reminded the Commission that it had already examined the petition of the Rehoboths and had found that it was unable to come to a final judgment owing to the lack of certain data. The mandatory Power, which had been approached on the matter, had not sent the data in question. M. Catastini informed the Commission that he had approached unofficially Mr. Smit, High Commissioner of the South African Government in London. Mr. Smit, in a communication dated October 3rd, 1927, had thought that the discussion of the petition might be held over until the July session so as to allow his Government to consult the Administrator of the territory, and, if necessary, Justice de Villiers. He had laid particular emphasis on the great distance, which made it impossible for his Government to reply to the Secretary-General's letter of September 20th before the close of the Commission's session.

The CHAIRMAN said that it was possible that the Commission might decide to hold over the question until its next session. Nevertheless : (a) Sir F. Lugard had prepared a long note on the question for the Sub-Committee which the Chairman had proposed to set up. This note contained proposals on the basis of the report of the Commission of Enquiry which had been forwarded to the Commission; (b) from the general point of view, it would certainly be regrettable if the idea got abroad that a mandatory Power had only to procrastinate in order to force the Commission to hold over from one session to another the consideration of a petition. The events to which the petition referred had taken place at the beginning of the year 1925. The first petition had arrived in August 1926, while the second (with which the Commission was now dealing) was dated December 1926.

At the June session, the Commission had been obliged to hold over the examination of the petition because the report of the Commission of Enquiry set up two years previously had not yet reached it. Moreover, the mandatory Power too had failed to communicate its opinion on the report. The report had been received after the June session (its printing and transmission had taken almost nine months), while the comments of the mandatory Power had not yet arrived. The letter from the High Commissioner now appeared to imply that the Commission must wait until the South African Parliament had had an opportunity of considering the report, but this would only happen in the course of the following year.

In these circumstances, the Sub-Committee which it had been proposed to set up could in any case be asked to meet and submit proposals to the Commission : (1) on the question of procedure (whether the question of substance should be held over or not until a later session); and (2) if necessary, on the question of substance.

The chairman then read the following note of October 17th, 1927, prepared by Sir F. Lugard for the use of the Sub-Committee which it was proposed to set up to examine the Rehoboth petition :

" 1. The report of the Rehoboth Commission of Enquiry, recently received by me is a very voluminous document, covering 70 pages of small-print foolscap, with annexes filling an additional 249 pages.

" It has been forwarded to the Permanent Mandates Commission without any indication by the mandatory Power as to whether the conclusions and recommendations of its Commissioner are accepted or not, or as to the course of action which the Mandatory proposes to adopt. In the case of the Bondelswartz rebellion, the report of a local enquiry was similarly sent without comment, and the Commission then pointed out that it desired to know the Mandatory's opinion of the report and the steps it proposed to take. In the present case, since there was only a single Commissioner, there are no majority and minority conclusions opposed to each other. The Commission, when reporting on the last petition from the Rehoboths, requested the Council to urge the mandatory Power to forward the Commissioner's report without delay, *together with its own opinion on the report and the petition* (Minutes of the Eleventh Session, page 218).

" 2. In the same document it was pointed out that, though the Commission had been appointed in May 1925, no report had been received up to date (July 1927). This 'extraordinary delay' (as it is called in the local Press) was particularly unfortunate, since the Mandates Commission would have had the assistance of the accredited representative of the Union of South Africa at its last session.

" 3. The report states that 'the Bastaards had a settled Government and even some system of laws' at the time when the Germans came. Their written Constitution dates from 1868 (§ 195). The Germans made special treaties with them, but His Honour is of opinion that their territory was regarded as *territorium nullius*, and the people were considered to be in the same category as other aborigines. Since none of the Communities of South-West Africa were recognised 'States', there could be (he says) no question of a protectorate over them. (It may be noted that Great Britain formerly declared 'protectorates' over less civilised and homogeneous territories.) Germany (he adds) acquired sovereignty—whether by cession or occupation is immaterial; the treaties made with the natives did not afford title, but were a first step towards acquisition, and the sovereign State is morally bound to observe the terms of the treaty.

" The Bastaards, by a treaty of 1885, were granted semi-independence and could tax Germans in their Gebiet. They had civil and criminal jurisdiction over their own people and could raise their own revenue. Germany, however, legislated for all South-West Africa, but had to get the

consent of the burghers for legislation affecting them (§ 198). In 1897, there were complaints of harsh laws, and in 1906, the 'Captain' was abolished. The Commissioner appears to consider that this course was justified on the grounds of 'progressive organisation'. The Rehoboths complain that some small pieces of land were taken from them without compensation. His Honour rules that they had already been appropriated by the Germans. As regards Proclamation No. 28, the complaint that it was too complicated is held to be well founded. His Honour considers that General Botha's promise not to deprive the Rehoboths of their independence was not intended to mean that they had sovereignty. Alienation of land to either Europeans or Hereros should be prohibited, and only selected Europeans should open shops in the Gebiet. Credit should not be allowed. It would appear that the proposed boundaries are considered fair and reasonable.

"4. The conclusions and recommendations of the Commissioner are nowhere concisely summarised nor do the terms of reference completely cover the points raised in the petitions. The Mandates Commission, for instance, would be glad to learn what is to be the future form of government, whether the Bastards are to be confirmed in possession of such lands as remain to them and whether appropriate action will be taken in those cases where the Commissioner considers that the complaint was justified.

"5. Though we have no information as to the views of the Mandatory in regard to this report, the Commission has seen a Press report of a speech delivered by the Governor-General on or about August 11th. Though unable to anticipate the verdict of the Union Government, which was still considering Mr. Justice de Villiers report, he definitely informed the burghers that the Commissioner had reported that the Administration has in no way curtailed their rights, that they are not an independent State and that the Administration has full power of legislation and administration over the Gebiet. He informed them that any hopes of independence were impossible of fulfilment, and, since they had openly defied the Administration and refused to acknowledge the Agreement, the Government 'has no alternative but to step in and assert its authority'. It will impose certain laws. The Agreement guarantees them against the loss of their land to Europeans and 'leaves them a clear field to develop upon their own lines'.

"6. This pronouncement by His Excellency the Governor-General appears to indicate, so far as it goes, the views held by the Mandatory, and the Mandates Commission will be glad to be informed of the full decisions, and whether the petitioners have still any point which they desire to lay before the Council of the League."

M. VAN REES wondered whether it was the Commission's duty to form an opinion on the voluminous printed report which it had received concerning the Rehoboth petition. He thought that the Commission should concern itself with the petition alone, which was the only document submitted to it officially. It might, of course, be able to obtain from the report certain data on which to form its judgment, but it was not called on to give an opinion on the report itself. Furthermore, the letter from the High Commissioner showed quite distinctly that the South African Government in no way expected the Commission to pass judgment on the report.

The Commission had now before it a second petition from the Rehoboths, the first having been discussed at the seventh session. This petition might be reduced to five principal points enumerated on page 20 of the Commission's last report. The views of the local Government on these five points were in the Commission's possession.

At the examination of the first petition, the Commission had had before it only the text of the petition and the communications made on the subject by the local Government. The Commission had then come to the conclusion that it could give its opinion on the petition.

M. Van Rees admitted that, in its last report to the Council, the Commission had said that it would be advantageous if it could be placed in possession of the comments of the mandatory Power on the case submitted to it. If the Commission insisted on awaiting those comments, it would be necessary to postpone the matter. If, however, it thought that it could dispense with them, it would be possible to take a decision at once, and to withdraw from the agenda a question which had been dragging on for a long time.

M. Van Rees's personal opinion was that the reply should be in the negative on all points. This would, moreover, be in conformity with the conclusions of the Administrator of the territory. The voluminous report submitted on the matter had not been without its uses, since it had made it possible to elucidate the first point and to show that the Rehoboths were not an independent people. The other points were perfectly clear, and called for an immediate reply, which M. Van Rees thought should be in the negative. He thought that the Commission should settle the question without waiting for the comments of the mandatory Power, whose silence, moreover, appeared to indicate indifference.

M. RAPPARD thought it wise to entrust the examination of the petition to a Sub-Committee. The matter was a somewhat complicated one. He considered it desirable, on the other hand, to draw attention clearly to the attitude of the mandatory Power, which had not sent any observations regarding the petition. True, it would have been extremely advantageous if Sir F. Lugard had been present, since he had been asked to act as Rapporteur, and it appeared difficult, at the present moment, to give an opinion on the substance of the petition in view of his absence, and in the absence of the observations of the mandatory Power.

Dr. KASTL had been familiar with the Rehoboth question for twenty years. He had read the memorandum of the local Government of the mandated territory on the question. He thought this memorandum cleared up the case entirely, and he concurred in its conclusions on all points. He thought it useless to postpone the question again. The Sub-Committee would have nothing



to do except draft the Commission's opinion, which, to his mind, should coincide with that of the local Government of the mandated territory.

M. FREIRE D'ANDRADE observed that the mandatory Powers frequently failed to send in their comments on petitions. The Commission, however, had made no objection to such practice. He thought that the Rules of Procedure required re-examination on this point, in order to obviate irresolution in the future. The Commission should not let its work be hung up by the failure of the mandatory Power to reply to its questions. The Rules of Procedure and general regulations should lay down that in such cases silence on the part of the mandatory Power should be taken, after a certain period, to denote acquiescence.

M. MERLIN noted, from M. Van Rees's statement, that, in examining the first Rehoboth petition, the Commission had not thought it necessary to wait for a reply from the mandatory Power before taking a decision. He saw no reason for changing the procedure in the present case. The local Government's opinion, which was in the Commission's hands, appeared to him sufficient on all points to enable the Commission to settle a question which had been on its agenda for a very long time.

M. VAN REES, who agreed entirely with Dr. Kastl, thought that the task of the Sub-Committee to be appointed would be confined merely to the precise formulation of the Commission's opinion to the Council.

M. PALACIOS thought that the question should be examined at once, but, as regards the resolution, he was in favour of adjournment. The mandatory Power should be asked to send the documents as urgently as possible.

The CHAIRMAN proposed that the Sub-Committee should consist of M. Van Rees, M. Palacios and Dr. Kastl.

*The proposal was adopted.*

Dr. KASTL thought that the report to the Council should be supplemented by an opinion on the part of the Commission with the object of nipping in the bud any subsequent petition of the same kind.

The CHAIRMAN added that he thought the Commission would wish to draw the attention of the Council to the attitude of the mandatory Power, which had not yet thought good to reply to the questions put to it.

#### **761. Petitions regarded as not deserving the Attention of the Commission.**

The CHAIRMAN read the following report submitted in accordance with Article 3 of the Rules concerning Petitions :

" Since our last session, I have rejected three petitions as not deserving the Commission's attention. These are :

" 1. Letter from W. F. Stevens, dated Stamford (England), June 28th, 1927, relating to the island of Nauru.

" This petition, which does not appear to be based on any of the provisions of the Covenant or the Mandate, is, moreover, so vague that I did not consider it worthy of the Commission's attention. I was further of opinion that, in this case, contrary to our usual procedure, it would not be necessary to inform the petitioner of the reasons for the rejection of his petition.

" 2. Letter from the 'International Privat Staatsunternehmen', dated Hirschberg (Germany), July 29th, 1927, relating to the purchase of land in New Guinea.

" As this letter is not based on any of the provisions of the Covenant or the Mandate, I did not consider it necessary to submit it to the Commission.

" 3. Telegram from M. Michel Lotfallah, Chairman of the Syro-Palestine Committee, dated Cairo, September 7th, 1927, relating to the situation in Syria.

" As this telegram, drafted in very general terms, merely consisted of a repetition of the complaints made in the letter from M. Chekib Arslan, M. Ihsan el Djabri and M. Riad el Souh, dated September 1st (document C.P.M./625), I did not think it necessary to communicate it to the Commission."

The Chairman added that he would submit the text of the rejected petitions to any members who desired to examine them.

*The Commission noted the report.*

#### **762. Resolutions received from Various Organisations relative to the Mandated Territories : Question of Procedure.**

The CHAIRMAN read the following note on the above question :

" The Secretariat has from time to time received copies of resolutions concerning mandates questions, which have been forwarded by various organisations for the information of the organs of the League.

"Some of these resolutions merely contain general considerations on the mandates system, opinions on the proceedings of the Council and the Permanent Mandates Commission, etc. Others, although framed in many cases in more or less general terms, refer specifically to conditions existing in one or more of the mandated territories.

"It seems evident that resolutions in the first of these two categories cannot be regarded as petitions under the terms of the Council's resolution of January 31st, 1923. As regards documents of the second category, it is sometimes doubtful whether they can be so regarded or not. As you will have seen from documents C.P.M. 557 and 560 (both concerning the liquor traffic in Palestine), the Secretariat has in some recent cases come to a negative conclusion, and has merely forwarded the resolutions 'for information' to the members of the Commission. Had they been regarded as petitions, they would have had to be submitted first of all to the Chairman of the Commission and, possibly, communicated to the mandatory Powers concerned for their observations, with a view to examination at a later session.

"I should be grateful if the Commission would be good enough to inform me whether the procedure hitherto followed is in accordance with its views.

"Finally, there are documents which, without referring specifically to any particular territory, contain suggestions relating to the working of the mandates system, the interpretation of mandates, etc. (for example, document C.P.M. 342 received from the League of Nations Union of Great Britain and concerning the state of siege, and document C.P.M. 426 from the International Bureau against Alcoholism, concerning the interpretation of certain terms with regard to the liquor traffic).

"Such documents, like any others, can be placed on the Commission's agenda at the request of one of its members. (This procedure has already been adopted in the case of the recommendation of the League of Nations Union concerning the state of siege.) Naturally, the decision on each individual case will rest with the Commission.

"As documents of this kind may be of special interest and importance, I would suggest that the Chairman should mention them at the end of the report on rejected petitions which he presents at each session."

M. MERLIN thought the procedure proposed by the Chairman admirable. The Commission was inundated with documents the utility of which was often more than doubtful, and he thought that there was even no need to give detailed information regarding the sometimes valueless communications, which the Chairman was competent to reject on his own initiative.

M. CATASTINI drew the attention of the Commission to the fact that the Chairman's note referred to two points. As regards the first, the Commission seemed to agree. The Chairman had, however, also proposed that a record should be kept of the titles of all communications sent to the Mandates Commission, for use in drawing up his usual report on rejected petitions.

M. MERLIN thought that such procedure might be seriously inconvenient. It would give rejected petitions an importance which they should not possess in the eyes of the populations of the mandated territories.

M. RAPPARD added that the Commission should leave the Chairman free to judge whether a petition should be rejected or not, and consequently to consider whether a document could or could not be considered as a petition. The only petitions to be submitted to the Commission should be those of serious interest or those on which there was some doubt.

The CHAIRMAN noted that the Commission shared M. Rappard's opinion, and thanked it for its mark of confidence.

### **763. Codification of the Procedure to be followed in the matter of Petitions concerning Mandated Territories.**

M. VAN REES said, as regards the publication of the Secretariat's memorandum C.P.M. 558, that it would perhaps be preferable to omit paragraph VI (Internal Procedure of the Commission) and the greater part of paragraph VII (Replies to Petitioners), seeing that the object of the publication was merely to make clear to petitioners in what cases their petitions were considered as admissible and in what cases they could not be taken into consideration. He proposed, in consequence, that the memorandum should be restricted to paragraphs I to V, and that the whole of the end, with a few exceptions should be withdrawn. The memorandum should be published as an annex to the report to the Council or, better still, as an annex to the Minutes.

He proposed, further, certain changes in the wording of paragraph V, so as to obviate giving the reader the impression that the mandatory Powers had not been invited to submit their comments on all the petitions which had been received<sup>1</sup>.

<sup>1</sup> Paragraph V of the draft submitted by the Secretariat read as follows :

#### **"V. OBSERVATIONS BY THE MANDATORY POWERS ON PETITIONS.**

"A. As regards petitions transmitted through the mandatory Government concerned, the latter may attach to these petitions such comments as it may think desirable.

"The mandatory Powers have been requested :

"(a) To indicate, with reference to all points raised in these documents, whether they agree with the petitioners or take some other view of the matter; and

M. Van Rees read the following paragraph from the Report on the Work of the Seventh Session (October 19th to 30th, 1925) :

“ 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 Council having approved this recommendation on December 9th, 1925, there did not seem to be any doubt that the mandatory Powers had been invited to state their observations and comments on all petitions to be considered by the Mandates Commission.

The CHAIRMAN concluded that, as the mandatory Powers were invariably invited to communicate their observations on the petitions presented to the Commission, in cases where they refrained from doing so the Commission was free to dispense with them.

M. VAN REES pointed out that, as regards this matter, there was no question of formulating any new rule requiring the previous approval of the Council. It was merely a question of the codification of the present procedure.

The CHAIRMAN requested M. Van Rees to draft in writing the changes which he proposed in the Secretariat's draft of paragraph V.

M. RAPPARD proposed the addition in the first paragraph (Definition of a Petition) of the words “if need be” after the words “to include,” so as to make it clear that the Commission did not wish to increase unduly the number of petitions.

M. MERLIN asked if it would not be possible to introduce a provision requiring petitioners to make a declaration to the effect that they had, without success, laid their grievances before the Administration of the mandated territory before forwarding their petition to the League. This would obviate the flood of direct petitions which threatened to submerge the Commission.

The CHAIRMAN pointed out that this was a new idea and that it was impossible for the Commission to examine it at the moment, since it was merely dealing with the codification of the existing rules.

M. MERLIN and M. RAPPARD proposed that the paragraph of the Secretariat's draft dealing with replies to petitioners should be retained.

*The Commission agreed.*

#### **764. List of Decisions of the Assembly and the Council regarding Mandates, classified according to Subject.**

M. VAN REES said that the list (document C.P.M. 635) submitted by the Secretariat was admirable, although there were two faults in it. First, it did not reproduce textually the Council's decisions, and, secondly, it would be difficult to keep it up to date in its present form. He thought that the chronological order would have been preferable. The list might, nevertheless be of the very greatest use.

#### **765. Communication to the Members of the Mandates Commission of Publications concerning Mandates in the Library of the Secretariat.**

M. CATASTINI read the following note :

“ At the eleventh session of the Permanent Mandates Commission (see Minutes, page 185), certain members of the Commission suggested that copies of books and articles concerning mandates should be made available to the Commission. The Chief of the Mandates Section

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“(b) To state, if necessary, whether they consider that any particular petition has already been fully referred to in their reports or elsewhere.

“B. As regards petitions from a source other than that of the inhabitants of the mandated territories which the Chairman has decided claim the attention of the Commission, the mandatory Power concerned to which they are communicated is invited to furnish, within a period of not more than six months, such comments as it may consider desirable.”

undertook to consult the competent services of the Secretariat and see how far it would be possible to comply with these suggestions.

“ The present situation is as follows :

“ 1. The Library of the Secretariat endeavours to obtain all material available concerning mandates which appears in book form, in pamphlets or in periodicals.

“ A list of the material received in the Library is communicated to the members of the Commission at least once a year. It goes without saying that the Secretariat would be grateful if any member of the Commission would make suggestions as to purchases of books and periodicals not already included in these lists but which may have come to their personal knowledge.

“ 2. Any articles of particular interest and not of great length are either duplicated by the Mandates Section or secured in a sufficient number of copies for circulation to the members of the Permanent Mandates Commission in the monthly dossier.

“ It would therefore seem that the only point that requires further consideration is how to make available to the members of the Commission documents of greater length, such as books or pamphlets.

“ The Librarian of the League has agreed to do anything in his power to facilitate the work of the members of the Commission by lending to them any books and periodicals dealing with mandates questions which they desire to consult.

“ (a) As regards books and pamphlets for which there is, as a rule, no constant demand from the Secretariat, the Library, in order to meet requests from members of the Commission, is willing to make an exception from its general rule that books should not be removed from the building.

“ (b) Publications which are frequently used for reference in the Secretariat cannot, of course, be loaned out. If one or more members of the Commission express a wish to consult such books, the Library may be able, on the request of the Mandates Section, to procure an extra copy to be loaned out.

“ A time-limit for such loans will probably have to be fixed.

“ The Mandates Section will carry out any correspondence with the members of the Commission concerning these matters.”

● *The Commission took note of this communication.*

#### **766. Togoland under French Mandate : Petitions from Mr. Casely Hayford on behalf of certain Natives of the Adjigo Clan.**

M. VAN REES observed that the documents submitted to the Commission (C.P.M. 631) contained a letter from the French Government referring to a communication concerning a previous petition from Mr. Casely Hayford. That petition had not been received either at the Secretariat or at the Foreign Ministry or at the Colonial Ministry in Paris. He asked for explanations on this subject, since it might have been wrong to tax the French Government with negligence in this connection. According to the exchange of letters mentioned in the document, it appeared that the petition had, at any rate, been received at the League.

M. CATASTINI explained that the reply which he himself had sent was in response to the receipt of a *copy* of the petition of which the original, it was stated, had been sent direct to the mandatory Power on November 8th, 1926 for transmission to the League.

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### NINTH MEETING

*Held on Friday, October 28th, 1927, at 5 p.m.*

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#### **767. Nature of the Questions to be addressed to Accredited Representatives.**

The Commission proceeded to an exchange of views on this subject.

#### **768. Publicity of the Meetings of the Commission.**

The CHAIRMAN reminded his colleagues that certain criticisms had been made concerning the practice of the Commission of holding the majority of its meetings in private. The Commission had made the experiment of holding public meetings, but it was not necessary for him to recall that it had not been satisfactory. Moreover, he wondered whether the intimate relations which the Commission had successfully established between itself and the accredited representatives would not be adversely affected were the examination of those representatives to take place in public, because the questions put in public might be so presented by the Press as to appear highly tendencious or, at all events, detrimental to the work of the mandatory Power.

He thought, however, that there were certain general questions which the Commission might deal with in public, but this was a point on which he would prefer his colleagues to express an opinion.

M. ORTS was not in favour of publicity. This question had been discussed on several occasions by the Commission, in particular, at its fifth session. It did not seem necessary to repeat the arguments which had been brought forward to show the inconvenience of public meetings. One, which had been put forward by M. Rappard at the third session, seemed to be particularly conclusive. He said: "Moreover there was a legal objection to public discussions of the Commission. The Commission, in presenting its views publicly, had the appearance of presenting them not to the Council, for whom they were destined in the first instance; but to the public in general."

M. Orts recalled the fact that the Commission had had experience of public meetings and that it had not been a happy one. Owing to the extreme reserve which each member had to show, the greater part of these meetings were generally considered to be devoid of interest. One of them, at which certain representatives of the mandatory Powers had been present, had been the scene of a disagreeable incident. On another occasion, the representative of a mandatory Power had expressed the desire to be heard in public. That was the only time when it had appeared necessary to have the police in the Committee-room, and on that occasion unfortunate incidents had occurred.

M. Orts proposed, therefore, that no change should be made in the Commission's usual procedure, namely, to hold the first meeting of a session in public and the last also if it appeared that some question, which might be of interest to the public, could be discussed. There was no reason, moreover, why the Commission should not hold another public meeting during a session if it thought it desirable. It was important, however, to maintain the rule that this Commission, an advisory organ of the Council and reporting to it, should meet, as a general rule, in private.

M. VAN REES said that he had asked that this question should be discussed because it had been raised in the Sixth Committee of the Assembly during its last ordinary session, more particularly by Dr. Nansen, who had appeared to consider that it might be possible for the Commission to sit more frequently in public.

M. Van Rees had informed the Sixth Committee that the question of the publicity of the meetings had frequently been discussed by the Commission, which had considered it to be a very delicate matter. He thought it would be useful to sum up the reasons why the Commission thought it preferable to sit in private.

As far as the reports of the mandatory Powers were concerned, it was clear that it would be impossible to discuss them in public.

He was also not in favour of discussing certain general questions in public, and in this he recognised that his former opinion had changed somewhat. He wished, however, that it should be clearly understood that he had no objection to publicity *per se*. The following, however, were the main reasons why it was preferable not to hold the discussions of the Commission in public.

1. The Commission was a purely advisory body and the sole reason for its creation was to assist the Council, for which it performed preparatory work. It did not, therefore, possess the right to communicate its conclusions to the general public before they had been laid before the Council.

2. It was particularly difficult to find any longer general questions of real interest to be discussed in public. The general public did not possess that knowledge of the questions dealt with by the Mandates Commission which would enable it fully to follow the discussions. That being so, to discuss a general question in public might mean that the Press would seize upon and distort a certain point raised in the discussion and in this way do far more harm than good.

3. Experience had shown that it was difficult to discuss in public important questions, on the object and scope of which very great differences of opinion existed, without giving the general public an unfortunate impression.

While the Commission should not establish any general rules regarding publicity, it should continue its present practice. If there were any question of real interest which could be discussed in public, it might consider doing so.

The discussion of this delicate question of publicity had certainly been of use, even if the solution reached were a negative one. It would serve to settle once and for all a question which was continually arising in connection with the work of the Commission.

M. MERLIN thought that the question of publicity was a very grave one so far as the future of the Commission was concerned. For his part, he could not understand the reason for what he might call "the campaign for publicity". Why should the Permanent Mandates Commission be accused of being mysterious in its work? Nearly all the Committees of the League, with the exception of those dealing with the traffic in women and children and in opium and drugs, sat in private, for the very good reason that they dealt with delicate questions. No questions, however, were more delicate than those with which the Permanent Mandates Commission was called upon to deal. All kinds of unfortunate misunderstandings would arise and political passions would be aroused if the Commission discussed in public the questions submitted to it.

Further, the Commission had always been perfectly frank, and examined accredited representatives without any reticence whatever; it could not continue this admirable practice in public. Members would have to show reserve because, if they did not do so, they would certainly create

trouble, not only for the Permanent Mandates Commission itself but also for the mandatory Powers. To sit in public also would mean that members, *nolens volens*, would reach a point at which they found themselves speaking rather for the benefit of the general public than for that of the Commission and the League. He saw no reason, therefore, to discontinue the present practice, which was that followed by all advisory bodies.

The work of the Commission was purely preparatory, and it had no right to submit its views to the general public before they had been laid before the Council and discussed by it.

The Commission should by all means hold the first meeting of the session in public, in order to enable the Chairman to explain to the world at large what had been done during the previous year. To hold the last meeting of the session in public, however, did not appear to be any longer necessary.

General questions were too much allied with the administration of mandated territories to be adequately discussed in public without arousing that political passion to which he had already referred.

The Minutes of the Commission constituted in themselves sufficient publicity. They were a true record of what had actually passed, and they were published two or three months after each session.

M. FREIRE D'ANDRADE agreed with the observations of M. Orts, M. Van Rees and M. Merlin. He was not in favour of discussing general questions in public. The Commission had once done so, and its experience on that occasion had not encouraged it to proceed in this direction. He would point out that the reports of the Commission submitted to the Council had—with one exception—always been unanimously adopted by the Commission; but this might not be the case if questions were discussed in public, and the Commission's prestige would therefore undoubtedly suffer.

He would therefore propose that the present procedure should continue unchanged.

M. RAPPARD had reached the same conclusion as the members who had previously spoken, but for somewhat different reasons. As far as publicity was concerned, his reason was in conflict with his instinct. The League had been created by public opinion and, indeed, depended upon it for its existence. In principle, therefore, he was always a friend of publicity. There were, in his view, other reasons in favour of it than that of the *amour-propre* of individual members. It was of interest to the general public to know the mechanism of the Commission. The objections to exposing that mechanism, however, were undoubtedly greater than the arguments in favour of such a course. Only the Council could receive the opinions expressed by the Commission, for it was an advisory body responsible to the Council, and therefore unable to reveal its decisions before they were communicated to the Council.

The case was somewhat different with regard to the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs, for that Committee was fighting a recognised evil. This, however, was not the case with regard to the Permanent Mandates Commission. In order to carry out its most essential duty, it was to the Commission's interest to establish very close and cordial relations with the accredited representatives. Only an atmosphere of confidence and complete sincerity would enable the Commission and the mandatory Powers to work harmoniously together for the common end. The Commission had been singularly successful in this respect, but he doubted whether that atmosphere could be maintained if its meetings were held in public. Was it possible to adopt a system of what he might describe as "intermittent publicity"? That was to say, should the Commission examine an accredited representative in public until a point was reached at which that representative had something of real interest or importance to say, when the Commission would go into 'private session'? If such a procedure were adopted, the Commission would rightly be accused of creating an atmosphere of mystery which would be much too open to suspicion. The Commission should remember the aphorism of Lord Balfour regarding Press communications: they were most often either indiscreet or dull. This would undoubtedly be true of any public meeting of the Commission. The latter would be compelled to discuss something of interest to the public, and, to do so, might be incompatible with its duties.

There were two elements of the general public which desired publicity. In the first place, there were what he could call the sensationalists—persons always eager to hear some dramatic piece of news or some scandal. It was not the Commission's duty to pander to such tastes. In the second place, there were the true friends of the League who thought that it lived by publicity, and that the Commission might, in consequence, sit more frequently in public. M. Rappard had the greatest sympathy with these persons, but would point out that everything of real interest to them was included in the Commission's Minutes, which were published. The very small quantity of the Commission's Minutes actually sold showed that this class of person was not very numerous, or else that its craving for publicity was not very strong.

In conclusion, he would propose that no change should be made in the *status quo*. As, however, there might be one or two general questions—for example, forced labour—which could be discussed in public, the Commission should not formally deprive itself of the opportunity of so doing.

It had been thought that the discussion in public of the question of disarmament had met with the best results, because public opinion understood much better to-day than formerly the difficulty and complexity of the problem. The same might be true of the general questions dealt with by the Permanent Mandates Commission. The discussion of a general question in public

might serve to show the difficulties with which an Administration was coping in administering a mandated territory.

M. PALACIOS entirely agreed with M. Rappard. The Commission could carry on its work more effectively and in a more intimate atmosphere if it met in private. It had, in this way, more the character of a laboratory than a Parliament, and this was more in keeping with the technical and non-political character of the Commission. The necessary publicity was given to its work by means of the Minutes and the discussions in the Council. The presence of the public gave a somewhat theatrical character to the proceedings, which might lead the speakers to consider, in spite of themselves, the effects of their speeches on public opinion rather than aiming at simple justice and at definite objects having a permanent value.

M. Palacios, however, did not wish to emphasise the arguments and to see, as a result of the discussion, the door shut still further instead of opened. It was necessary, at least, to maintain the *status quo*. He thought, rather, that an effort should be made to meet, as far as possible even if only a little, the desire expressed by certain delegates at the Assembly. He even thought that the public meetings to which M. Orts had referred had had a certain repercussion and had been undeniably useful. It was true that, at one of those meetings, only one of the parties had spoken. Nevertheless, public opinion had been much better informed. He even remembered that a very well-qualified newspaper had written of "the pro-consul at the inquisitors' bar".

Dr. KASTL fully agreed with the views of the previous speakers. It would be quite impossible for the Commission to hold its meetings in public, for accredited representatives would certainly hesitate to reply frankly. Both members and accredited representatives would have to display so much reserve that they would not be able properly to perform their respective duties. It might perhaps be possible for the Commission to discuss certain general questions in public, but, if it did so, public opinion would undoubtedly be disappointed because the Commission would be unable to discuss those questions really fully and frankly. He thought therefore that the present procedure should still be followed.

The CHAIRMAN, in summing up the discussion, said that he had thought it his duty to call on members to discuss this question because some persons, genuine supporters of the League, had considered that the holding of the sessions of the Permanent Mandates Commission in private was not a good thing for it. After discussion, the Commission had decided to continue, in principle, the method which it had always followed, namely, to give the public information by means of its Minutes. If it did more, it ran the risk of raising those political passions to which M. Merlin had referred.

He was happy to note that the Commission was unanimously in agreement on this point.

#### 769. Appointment of Rapporteurs.

The CHAIRMAN communicated to the Commission the names of the following Rapporteurs :

*Lange Petition* : M. MERLIN.

*Memorandum of the British League of Nations Union on the Proclamation of Martial Law* : M. PALACIOS.

*Questions in Annual Reports concerning the Moral, Material and Social Welfare of the Native* : Dr. KASTL, in place of Sir F. Lugard, for the present session only.

*Liquor Traffic* (Memorandum by Sir F. Lugard) : M. FREIRE D'ANDRADE.

*Petitions from Salvador and Honduras concerning Conditions of Option for Palestinian Nationality and Observations thereon by British Government* : Mme. WICKSELL.

*The Commission approved the list.*

#### 770. Syria, Tanganyika, Cameroons and Togoland under French Mandate : Question of the Transmission of Petitions to the Commission.

M. CATASTINI said that he was ready to reply to the question put by M. Van Rees, who had wished to have information regarding cases quoted by the Chairman (Minutes of the Eleventh Session, page 163) of petitioners who had informed the Secretariat that they had forwarded to the authorities of the mandatory Power for transmission to the Commission a petition which had never reached it. Copies of all communications relating to Syria had been forwarded to M. de Caix by the Secretariat during his stay in Geneva in June 1927.

A letter dated October 21st, 1927, from the French League of Nations Office stated that "the French Government was unaware that petitions sent to the High Commissariat or to the local Governments with the request that they should be transmitted to the League of Nations had not been so forwarded."

The letter continued : "In order to make easier the task of the mandatory Government in elucidating the cases quoted by the Marquis Theodoli (Minutes of the Eleventh Session of the Commission, page 163), I should be grateful if you would cause to be forwarded to me copy of the communications concerning these cases received by the Secretariat of the League."

The Secretariat had done its best to meet this request. All the petitions related to Syria.

M. Van Rees had already referred to another petition concerning French Togoland. To complete the list it would be necessary to mention three other petitions.

1. The petition of M. Thawer, of Dar-es-Salaam, concerning Tanganyika.

In a letter dated June 22nd, 1927, M. Thawer had informed the Secretariat that he had forwarded a petition to the Secretary of the Tanganyika Government for transmission to the League of Nations. In this petition, of which a copy had been sent to the Secretariat, the petitioner asked the Permanent Mandates Commission to use its influence to obtain compensation for those inhabitants of Tanganyika in possession of German paper money or notes issued before the war or put into circulation during the war.

M. Thawer had forwarded a copy of a letter from the Acting Secretary of Tanganyika, dated June 2nd, 1927, in which, in the name of the acting Governor, he stated that he had not been able to forward the petition to the League because he felt that the matters contained in it were not within its competence.

2. Another petition belonging to the same category was that from Mr. Joseph Bell and referred to the Cameroons under French mandate.

Mr. Bell, resident at Douala, in the Cameroons, had forwarded direct to the Secretariat on September 6th, 1926, a letter requesting the intervention of the League in order to obtain the repayment by the German Government of the cost of a bungalow confiscated by the German authorities before the war. The Secretariat had informed him, in a letter dated October 11th, 1926, that this petition should be forwarded by the mandatory Power.

In a letter dated June 25th, 1927, Mr. Bell had informed the Secretariat that his petition, of which he enclosed a copy, had been forwarded to the Cameroons Administration for transmission to the Permanent Mandates Commission on December 15th, 1926. Up to the present, this petition had not yet been received by the Secretariat.

3. Finally, there was the petition from M. Soleiman Waked of Bhandun relating to Syria.

On May 2nd, 1927, M. Soleiman Waked had informed the Secretariat that he had forwarded to the High Commissioner of the French Republic at Beirut a complaint against the Lebanon Courts, with a request that it should be transmitted to the League. Up to the moment, this petition had not been received, by the Secretariat.

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#### TENTH MEETING

*Held on Saturday, October 29th, 1927, at 10.30 a.m.*

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#### **771. Present Situation as regards the Liquidation of the Property of Ex-Enemy Nationals : Report by Sir F. Lugard.**

The CHAIRMAN reminded the Commission that the question of ex-enemy property in mandated territories had been raised, in the first place, by Sir F. Lugard, who had been asked to prepare a report based on the information received. He read the report of Sir F. Lugard (Annex 5 B), which was a sequel to the memorandum prepared by the Secretariat on the present position with regard to ex-enemy properties in mandated territories (Annex 5 A).

M. VAN REES observed that the Commission had no information on ex-enemy property in Nauru.

M. ORTS recalled that the question only interested the Commission from the point of view of the destination of ex-enemy property, and, in the event of it being transferred, of the appropriation of the proceeds of their sale.

M. RAPPARD proposed to draft a questionnaire to be submitted to all the accredited representatives of the mandatory Powers.

M. VAN REES observed that the Commission had already taken up that question in its report to the Council. Moreover, the mandatory Powers had all replied to the questionnaires which had been addressed to them. Certain of the Powers, however, had omitted to answer some of the questions. It was advisable to address only those mandatory Powers which had not replied in full, and to regard the replies of the other Powers as final.

The CHAIRMAN said he understood that the Commission invited the Secretariat, whenever an accredited representative of a mandatory Power was asked to give an account of its mandate, to prepare questions concerning the points on which the Commission was still waiting for definite information. (*Agreed.*)

#### **772. Economic Equality : Purchase of Supplies by or for the Use of Administrations of the Mandated Territories or for Public Works.**

The CHAIRMAN reminded the Commission that he had himself raised this question as a result of a declaration made by the British Secretary of State for the Colonies. The subject was much more important than it had at first appeared. A question of principle was involved which directly interested not only all the mandatory Powers but all the States Members of the League.



He read the following document :

“At the eleventh session of the Commission, an interesting discussion took place concerning a statement by the British Secretary of State for the Colonies in the English Parliament to the effect that, in accordance with the existing practice, all purchases of plant, machinery or equipment made out of the proceeds of the proposed East African Loan, to be guaranteed by the British Government, would be made in the British Empire, as they would be effected through the Crown Agents for the Colonies, who have instructions not to place any order outside the British Empire without special reference to the Secretary of State. The question as to whether this arrangement could properly be applied to the case of Tanganyika arose in this connection, and Mr. Amery stated that he was not prepared to accept the suggestion that the British Government was precluded from confining purchases to the British Empire in the case of a mandated territory by way of return for the guarantee given to the loan out of which the purchase in question would be made.

“In the discussion in the Commission, reference was made to that provision in Article 7 of the Mandate which provides that ‘the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just’, and, while no exception was taken to the action of the British Government in this connection, the Chairman proposed that the question of principle which had been raised should be reserved for a future discussion.

“Some of the points which appear to require consideration in so far as “B” mandates are concerned are the following :

“1. Is the position taken by Mr. Amery with regard to the right of the mandatory Power to stipulate, in return for the guarantee of a loan, that all the purchases made thereunder shall be effected in the territory of the mandatory Power consistent with the stipulations of the mandate? This would seem to be so in the case of purchases for ‘essential public works and services’, whether or not they are made as the result of a loan guaranteed by the mandatory Power. Undoubtedly, however, the Crown Agents from time to time are called upon to make purchases for public works and services which are not ‘essential’, or for supplies for the use of the Administration of the territory; and can purchases of this nature, in view of the economic equality provision of the mandate, be properly restricted to British territory? On the contrary, can it be held that this provision in the mandate was never intended to apply to purchases for the use of the Administration itself?

“2. Is any arrangement similar to that made in British mandated territories with the Crown Agents found in the case of territories under the mandate of other Powers, and, if so, it would seem that full information should be secured with regard to the practice in such other cases.

“In connection with Mr. Amery’s statement, moreover, it might be asked whether, in view of its responsibilities and obligations as Mandatory (and it must be remembered that the mandatory Powers were chosen by reason of their ‘resources’ among other things), the mandatory Power is entitled to any ‘return’ for such service as guaranteeing a loan, which under normal circumstances will cost it nothing.

“3. Does this arrangement for purchases in the territory of the mandatory Power through the Crown Agents, or any similar arrangement which exists in the case of territories under the mandate of other Powers than Great Britain, in any way prove detrimental to the commercial interests of the territory itself, *i.e.*, to the mandated territory itself? Mr. Amery stated that the Crown Agents were obliged to make their purchases within the British Empire. Does this mean that they have to give any preference, other things being equal, to commercial firms or industrial enterprises situated within the mandated territory for whose benefit the purchases in any given case are being made? It may be of interest to note the remarks made by Sir Henry Dobbs, on page 75 of the Minutes of the Tenth Session, concerning the placing of tenders for the material for the construction of public works in Iraq<sup>1</sup>.

“4. In the discussion at the last session of the Commission, M. Rappard raised the question as to whether the Administration of the mandated territory would have any objection to receiving loans from a country other than the mandatory Power if they were granted on a more favourable basis than by the mandatory Power, even though a stipulation might be attached to them to the effect that all the loan money must be spent in the territory of the country making the loan. This point is perhaps primarily of theoretical importance, but some members of the Commission may wish to make further comment on it.

“5. Even if it be accepted that, under the economic equality article of the mandate, the mandatory in the case of purchases for ‘essential public works and services’ may restrict them to its own (*i.e.*, the Mandatory’s) territory, can such a practice be held to be a proper one if the result should be obviously unfavourable to the budget of the mandated

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<sup>1</sup> “The CHAIRMAN said it appeared that purchases of supplies and of material for the construction of railways, etc., were made in India or Great Britain. Would it not be possible to place orders elsewhere?  
“Sir Henry DOBBS said there was no general rule in regard to the placing of tenders. Orders were placed locally in Baghdad, where any firms were free to compete, but a considerable amount of material was supplied by the Crown Agents, as it was possible to make a more thorough inspection under this arrangement.”

territory, in view of the fact that the mandate also contains a provision of a general character to the effect that 'the Mandatory shall be responsible for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants'?

"These are some of the points which have occurred to me after having given this matter some consideration, and I have merely set them forth for the purpose of opening the discussion on this question. I should be glad to know what other members of the Commission think on the matter, and then, I presume, it may be considered advisable to appoint a Rapporteur to make a report, either at the present session, if time permits, or at our next meeting."

The Chairman proposed that M. Orts should be appointed to report upon the subject, and, if the Commission agreed, should draft his report in the final form in which it would be submitted to the Council.

M. ORTS said he had not formed a very clear opinion on the subject. Before undertaking to make a report, he would be grateful if his colleagues would explain their views.

M. RAPPARD asked what would be the situation of the mandated territory if the money market in one of the mandatory countries became so bad as to render any loan difficult or at least much less favourable in its terms than in another financial market. He asked whether in such a case the mandatory Power might ask the mandated territory to assume the supplementary burden involved by a loan issued under unfavourable conditions. He admitted that the case would be extremely rare, but it would be well to consider it, if only to make clear the views of the Commission on this question of principle. He would further ask what would be the position if another Power offered a loan to the mandated territory on more favourable conditions than those offered by the mandatory Power, stipulating, however, that the purchase of material should be made in the most favourable market. It would be to the interests of the mandated territory to accept the loan on such conditions, and he wondered whether it would be possible for it to do so.

The CHAIRMAN observed that the obligation for the mandated territory to purchase material in the countries which had financed the loan might involve the necessity of acquiring goods at a not very favourable rate, and therefore would tend indirectly to render the terms of the loan itself more onerous.

M. RAPPARD explained that he had been thinking of purchases made not in the lending country but in the most favourable market. He reminded the Commission that at least one accredited representative of the mandatory Powers had appeared to think that the mandatory Power might require the mandated territory to effect its purchases in the country to which the mandate had been entrusted, and had added that loans to a mandated territory could only be possible from the mandatory Power. The problem accordingly was to decide whether, in the case in question, the territory under mandate might have recourse to credits from some other source than from the mandatory Power. If not, could it be obliged to make its purchases in the mandated territory granting the loan?

M. VAN REES said that the question raised in the Chairman's note should be considered without reference to any condition laid down on the occasion of a loan. It appeared from this note that the question at issue was whether it was or was not contrary to the principle of economic equality to impose on the mandated territory an obligation to obtain its purchases of current supplies for the public services only from the mandatory Power. To avoid any confusion of the issue, it was preferable that it should not be complicated by the introduction of a matter which could not be said to form an essential part of the question.

The CHAIRMAN said that the mandate permitted such a restriction of the freedom of purchase of the mandated territory in the case of essential public works. He would draw attention to the fact that the word "essential" specially limited the expression "public services".

M. ORTS thought that, without indulging in suppositions in regard to events which were more or less likely to occur, it would be well to consider exclusively the actual cases now in question. The Commission had before it the declaration of the British Secretary of State relating to the Tanganyika loan. That was a concrete case, and the Commission might form an opinion regarding the question whether that declaration was in conformity with the provisions of the mandate or not. Mr. Amery had declared that the loans had been granted to the mandated territory on condition that the proceeds should be devoted to financing purchases effected in the country granting the loan, that was to say, the mandatory Power. Such a condition often accompanied loans contracted between countries. In the present case, however, the mandated territory was no party to the contract. It was in the position, *vis-à-vis* the mandatory Power, of a ward towards its guardian, and it was the latter which represented its interests. The transaction amounted to an operation effected by one and the same person acting for himself, on the one hand, and, on the other, for someone else, namely, the territory under mandate.

M. MERLIN noted M. Orts' argument. The loan contract was a contract in which appeared only the name of one and the same party, that of the mandatory Power, which acted both as lender on its own account and as borrower on account of the mandated territory under its guardianship. Might there not be some danger that the mandatory Power might sacrifice the interests of the mandated territory to its own interests? M. Merlin thought not, for two reasons: first, because the guardianship was not an ordinary guardianship under private law, but a guardianship established under public and international law, while the mandatory Power knew that the good or bad management of the interests of the mandated territory would not fail to have an effect on its own material and moral interests; secondly, because the Mandatory knew that it was subject to the League's supervision and was therefore actuated by a feeling of its duties towards the mandated territory and of its responsibilities to international public opinion.

Furthermore, could the mandated territory apply to any Power other than the Mandatory with a view to contracting a loan and obtaining better conditions? It seemed highly unlikely. It was to the Mandatory's interest to grant the best possible terms so as to obviate any foreign interference between the mandated territory and itself. As regards the clause stipulating that goods purchased from the proceeds of the loan should be bought in the creditor country, such a clause was becoming increasingly general, and all Governments were showing a growing tendency to insert it in loan contracts. If that clause were recognised for all foreign Powers lending money, why should it not be recognised in the case of a mandatory Power? Refusal to admit it for any Power would only have the effect of making the terms of the loan more difficult and more onerous for the mandated territory, and this would be detrimental to its interests.

Lastly, it should be observed that the mandatory Power at all times retained its option of granting the mandated territory any advances it might think fit and of supplying to it any materials required by its essential public services in such a way as it deemed right.

In these circumstances, the question before the Commission might have a speculative interest, but was, in M. Merlin's view, of no concrete importance.

M. ORTS, continuing his statement, said that, at first sight, the opinion of the British Secretary of State was defensible, but that the arguments by which it had been supported were open to criticism. The criterion which should determine the decision of the Commission should be its appreciation of the interests of the mandated territory. Were all the clauses of the loan contract favourable to the mandated territory or was the contract in some respects detrimental to its interests? The Commission must confine itself to ascertaining that the mandatory Power did not abuse its rights as a guardian to the detriment of the territory which was its ward. The problem would always have to be considered with reference to particular cases, and it was difficult to lay down a general principle. He wondered, on the other hand, whether the mandated territory could be obliged to apply, for purchases intended for its public services, solely to the mandatory Power even if it were not bound by the conditions of a loan? This was a separate question and had already arisen in regard to Iraq, where all purchases of supplies for the army were entrusted to the Crown Agent, who placed his orders exclusively with British firms. There, again, the Commission, in forming its views, must be guided solely by its care of the interests of the mandated territory, and should consider, from this point of view, each case on its merits.

The CHAIRMAN said that M. Orts had very justly developed one side of the question—namely, the care which should be exercised by the Mandates Commission that any financial operation should be carried out in a way most favourable to the mandated territory. The question, however, arose under another aspect. The Covenant laid down that not only should the interests of the territory be safeguarded but that the principle of economic equality between all the States Members of the League of Nations should be respected. All States had a right to equal economic treatment in the mandated territories. The mandates had been entrusted to certain Powers because it was thought that the organisation and resources at their disposal enabled them to administer those territories in the best interests of their inhabitants. It would be a mistake to think that the Treaty had been drafted to secure the advantage of the mandatory Power.

M. RAPPARD thought that a distinction should be drawn between supplies for essential public services and supplies for non-essential public services. In respect of the latter, economic equality must be maintained between all the States Members of the League. The clause prescribing economic equality had been inserted in the Covenant both in the interests of the territory and in the interests of the States Members of the League. In his opinion, those interests were one and the same. There might, however, arise a contradiction between the interests of the mandatory Power and the interests of the mandated territory, and in that case it was for the Mandates Commission to intervene in order to obtain a solution favourable to the mandated territory.

The CHAIRMAN thought that the tendency should be not to restrict the facilities of purchase of the mandated territories but, on the contrary, to set up there, to a certain extent, a system of free trade. The mandate was not designed to confer certain advantages on one Power to the detriment of the other Powers, but, on the contrary, to grant those advantages to all the States Members of the League. It was advisable to define "essential public services" in such a way that there might be no ambiguity.

M. VAN REES thought that the expression "essential public service" referred not to the *importance* but to the character of the service; in other words, it seemed to him that any administrative service was essentially a public service, or again, that there could not be public services which were *not* essential. He added that, if the term "essential" were to be applied solely to *important* public works and services, not only would it be impossible to determine which of these works and services should be recognised as important and which should not, but—and this appeared to be a still more serious matter—the paradoxical conclusion would be reached that, at all events in the case of B mandates, *important* public works and services were *excluded* from the application of the principle of economic equality, whereas others were not.

M. MERLIN added that the essential services were those which the State could not do without. As M. Rappard had observed, it was the fact of public administration which gave to them their essential character.

Dr. KASTL thought that the question, which was already difficult when it concerned relations between two ordinary countries, became still more difficult when it concerned relations between a mandatory Power and the territory under mandate. The problem involved both the application of the Covenant and the principle of economic equality. It frequently happened that the issue of a loan was accompanied by conditions imposing the obligation to purchase goods in the lending country. There was accordingly no objection to a similar condition being imposed on the

mandated territory by the mandatory Power. The duty of the Mandates Commission was to ensure in that case that the rate of interest was not too high and that the price of the goods furnished was not excessive.

M. PALACIOS, while recognising the value of Dr. Kastl's remarks and taking into account the considerations put forward by M. Rappard and M. Orts, agreed rather with the views of the Chairman. He thought it would be a good thing to consider the particular case, while acting in accordance with the general principle of economic equality, which was one of the fundamental bases of the mandates.

M. ORTS was of opinion that the whole question bore for the moment on the declaration of Mr. Amery. That declaration was very clear. It would therefore be easy for him to make a report on that subject and to decide whether the declaration to which he had referred was or was not well founded. The mandatory Power had resorted in a particular case to a particular practice. Had it been right or wrong in doing so? That was the question at issue. If the Commission expected from him a statement of the principles which should in the future define the right of the mandatory Power, he feared that it would be disappointed; it seemed difficult to formulate a general principle in view of the number of hypotheses which might present themselves.

The CHAIRMAN asked M. Orts to examine in his report the case of orders for goods on account of the Government of Iraq which were reserved by the Crown Agents solely for British firms, and at the same time to study the thesis put forward by Mr. Amery on the subject of Tanganyika.

### 773. Economic Equality : Postal Tariffs in the Territories under A and B Mandates.

The CHAIRMAN read the following memorandum :

"The Report (document A.12.1926.VI, page 5) on the Ninth Session of the Permanent Mandates Commission contains the following paragraph among the observations on Tanganyika :

"*Economic Equality.*—The Commission would appreciate an explanation from the mandatory Power concerning the difference in the rates applicable to letters and certain other postal matter destined for "British possessions" and "foreign countries"<sup>1</sup>.

"The following paragraph appears, in reply to the Commission's observation, in the British Government's remarks with regard to the Council's decisions on the Report on the Work of the Ninth Session of the Mandates Commission (document C.385.1927.VI), dated London, July 5th, 1927 :

"According to the usual British practice, the rates of postage for matter destined for British possessions are assimilated to the inland rates in force in the Territory. In the same way, rates on postal matter from the United Kingdom to Tanganyika are assimilated to the inland rates of the United Kingdom. This arrangement is not regarded as conflicting with the provisions of the mandate."

"It should be noted, in the first place, that the point raised in the last sentence of this paragraph does not appear to concern the Commission. A mandatory Government is perfectly free to fix the rates in its own home territory on postal matter destined for a mandated territory. The fact that a 'lower' rate, different from that on postal matter addressed to 'foreign countries', is charged on postal matter addressed to a mandated territory cannot be regarded as conflicting with the principle of economic equality, and the mandatory Power has entire liberty to sacrifice its own revenue in this way. This case is more or less similar to one which has already been discussed by the Commission, namely, that of special Customs tariffs granted *in the mother-country* to the products of a mandated territory, a policy to which the Commission did not think fit to raise any objection.

"The question of the rates of postage applied *in territories under A and B mandate* is quite distinct from the new question raised in the British Government's reply.

"It appears that not only in Tanganyika but in other mandated territories also one rate is applied to letters and other postal matter destined for 'foreign countries' and a lower rate to matter destined for the mandatory Power's own territory, either in Europe or elsewhere.

"Personally, I think that the Commission should examine the general question whether this differentiation is in accordance with the letter and spirit of the provisions of the A and B mandates with regard to economic equality.

"Having taken note of the British Government's reply to the observation which we made last year concerning Tanganyika, I would be glad to have my colleagues' opinions on the question of principle involved.

"It appears to me that the very detailed terms of the articles in the mandates dealing with economic equality indicate that this principle should be interpreted in a liberal sense. This principle seems to me to require that a mandatory Power should not intentionally apply in the mandated territory any differential treatment as between trade and communications with its own territory, on the one hand, and with other countries Members of the League of Nations on the other hand.

"The provisions of the mandates (and of the Treaty between Great Britain and Iraq) dealing with economic equality are as follows :

<sup>1</sup> See also Minutes of the Ninth Session, page 148.

*“Syria and the Lebanon : Article 11.*

“The Mandatory shall see that there is no discrimination in Syria or the Lebanon against the nationals, including societies and associations, of any State Member of the League of Nations as compared with its own nationals, including societies and associations, or with the nationals of any other foreign State in matters concerning taxation or commerce, the exercise of professions or industries, or navigation, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Syria or the Lebanon against goods originating in or destined for any of the said States; there shall be freedom of transit, under equitable conditions, across the said territory.

“Subject to the above, the Mandatory may impose or cause to be imposed by the local governments such taxes and Customs duties as it may consider necessary.’

*“Palestine : Article 18.*

“The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.’

*“Iraq : Treaty between His Britannic Majesty and His Majesty the King of Iraq : Article 11.*

“There shall be no discrimination in Iraq against the nationals of any State Member of the League of Nations or of any State to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it would enjoy if it were a Member of the said League (including companies incorporated under the laws of such State), as compared with British nationals or those of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Nor shall there be any discrimination in Iraq against goods originating in or destined for any of the said States. There shall be freedom of transit under equitable conditions across Iraq territory.’

*“B Mandates : Article 6 of the Mandates for Togoland and the French and British Cameroons and Article 7 of the Mandates for Tanganyika and Ruanda-Urundi.*

“The Mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

“Further, the Mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; except that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just. . . .’

“It is true that, in accordance with Article 10 of the mandates for Tanganyika and Ruanda-Urundi and Article 9 of the mandates for the Cameroons and French and British Togoland, the mandatory Power ‘has 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 above provisions’. The mandatory Power is also at liberty ‘to apply his laws to the territory subject to the mandate, with such modifications as may be required by local conditions, and to constitute the territory into a Customs, fiscal or administrative union, or federation with the adjacent territories under his sovereignty or control’, but always ‘provided that the measures adopted to that end do not infringe the provisions of this mandate’.”

M. VAN REES regretted that he did not quite agree with the Chairman. He did not think that the institution of a reduced rate for correspondence destined for the mandatory Power affected the principle of economic equality, which applied and could only apply to the territory itself. If a letter from an Englishman living in a territory under British mandate addressed to England was to be subject to a postal rate *inferior* to that paid for a letter sent by a Frenchman, for example, residing in the same territory and addressed also to England, there would certainly be an infringement of the principle of economic equality. But this was not the case. On the contrary, all letters destined for the mandatory State were subject to the same rate, irrespective of the nationality of the sender. If it were asserted that English commerce was favoured by a reduction of the postal rate for correspondence destined for England, the reply might be that the nationals of all the other Powers residing in the territory might benefit from the same advantage in respect of the correspondence which they also addressed to that country.

Further, letters and other postal matter were not, in his opinion, articles of “commerce” as understood by the drafters of the mandates, who had apparently regarded commerce as being

confined to the exchange of goods. The rates from which mails destined for the mandatory State benefited did not, he thought, infringe the principle of economic equality; neither did the preferential Customs tariffs applicable to the products, or to certain definite products, coming from the territories under French and British B Mandates and imported to the territory of the mandatory Power—a fact which had been recognised by the Commission on several occasions.

M. ORTS observed that the costs of correspondence formed a large part of the general expenses of a trading firm which was dealing with agencies situated a long way from the headquarters of the firm. Consequently, the reduction accorded to correspondence destined for or coming from the territory of the Mandatory necessarily favoured the trade of that country. This seemed indeed to be a small infringement of the principle of economic equality. He wondered whether this was a good opportunity to invoke this great principle of economic equality.

M. VAN REES repeated that the economic equality clause applied only to the territories placed under mandate. The clause must be interpreted restrictively, that was to say, if it were desired to prohibit the differential postal tariffs in question, it would be necessary to be able to have recourse to a concrete provision clearly prohibiting such tariffs. A provision of the kind did not exist and could not be inferred from a somewhat vague formula which might lead to controversies of every kind. In the first place, it was important to decide whether postal matters could be regarded as goods, *i.e.*, articles of commerce; this could not in any way be maintained with regard to correspondence which has *nothing* to do with trade. The question might well involve various consequences, and he proposed that it should be adjourned.

M. MERLIN said that in all countries placed under mandate there were troops of occupation and officials, and it was quite natural that they should be allowed to profit from the postal tariff of the home country in order that they might not be burdened with heavy charges. This was no derogation from the principle of economic equality imposed by the Covenant, since a letter was not merchandise.

M. RAPPARD did not see any objection to the mandatory Power granting privileged conditions of correspondence to its officials and its troops in the mandated territory, as these persons were not in competition with anyone. He thought, however, that a differential postal tariff granted to non-officials for their relations with a certain country constituted a real advantage for the trade of that country. He could not admit the justice of the distinction between postal packets and ordinary correspondence. In his view, a differential postal tariff was of the same character as an inequality in taxation.

Mme. WICKSELL admitted the force of the arguments of the Chairman and, on the other hand, could not agree with the argument brought forward by M. Van Rees. Nevertheless, she was instinctively inclined to accept his view and to consider that it would be an exaggerated application of the principle of economic equality to impose strict equality of postal tariffs. It was advisable not to give to the system of mandates a strictness which would make it intolerable to the mandatory Power. Finally, the question was not yet ripe for solution, and it would perhaps be wiser to adjourn it.

Dr. KASTL thought that the case of postal tariffs was on the border-line. He wondered whether it really raised the question of the application of the principle of economic equality. Postal tariffs were not a tax but payment for a service rendered by a public administration. He could not, on the other hand, admit the distinction between private correspondence and the correspondence of officials or soldiers. As the question was a particularly delicate one, he would ask that it should be adjourned so that there might be an opportunity of considering it at leisure.

M. FREIRE D'ANDRADE agreed that the postal tariffs represented payment for a service rendered and observed that the service was the same for all correspondents. He would therefore ask why that service should be paid for differently according to the destination of the letters, since the service rendered was the same for all. He shared the opinion of the Chairman.

M. PALACIOS also shared the opinion of the Chairman and M. Rappard. He would, however, be glad to reflect further on the question and would suggest that M. Van Rees should be invited to make a statement of his views on it.

The CHAIRMAN said he did not see any difference between payment for postal service and payment for services rendered in a harbour. It would be difficult to admit that, in the harbour of a territory under mandate, different tariffs should be applied for dealing with goods according to their origin or their destination. It was the duty of the Mandates Commission to ensure the application of the Covenant. He would ask M. Rappard and M. Van Rees to discuss the question together.

M. ORTS desired to warn his colleagues against the idea that, as regards the principle of economic equality, the different countries could be classified as being its supporters ready to safeguard it and its adversaries wishing to circumvent it according as they had or had not a mandate. To adopt such an attitude would be a mistake, since inequality of treatment if it were tolerated in a territory under mandate, would result in a similar inequality in all the other territories under mandate. It was to the interest of all countries, in so far as they were exporters, to keep open to everyone the market offered by the mandated territories.

*The question was adjourned to a later meeting.*

**774. Iraq : Economic Equality : Prolongation of the Concession of the Anglo-Persian Oil Company : Appointment of a Rapporteur.**

The CHAIRMAN asked whether it would not be advisable to appoint a Rapporteur for the question of the Anglo-Persian Oil Company which arose in regard to the mandate for Iraq. The point at issue was whether there was a right to renew for thirty-five years a concession made to a firm which had just begun to exploit that concession. He proposed that Dr. Kastl, in view of his competence on industrial and financial questions, should be asked to study the subject.

M. RAPPARD emphasised the importance of the question and thought that the Commission should undertake its examination with prudence. He proposed that the report submitted to the Council should state that the Commission was considering the question and ask whether it was advisable to study it from the point of view of economic equality.

The CHAIRMAN observed that the Commission had no need to ask the Council for authority to study any particular question. The Commission might, however, emphasise in the report that it was not yet in a position to express an opinion and that it had appointed a Rapporteur to proceed to a preliminary examination.

Dr. KASTL was appointed Rapporteur for this question.

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ELEVENTH MEETING

*Held on Monday, October 31st, 1927, at 10.30 a.m.*

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**775. Cameroons under British Mandate : Examination of the Annual Report for 1926.**

The Right Honourable W. G. A. Ormsby Gore, Under-Secretary of State for the Colonies, and Mr. Palmer, Lieutenant-Governor of the Northern Provinces of Nigeria, came to the table of the Commission.

The CHAIRMAN, on behalf of the Commission, thanked Mr. Ormsby Gore for coming to Geneva at a time when the Secretary of State for the Colonies was absent from London. Mr. Ormsby Gore's presence proved the great interest taken by the British Government in the work of the Commission. He also desired to thank the mandatory Power for sending to Geneva Mr. Palmer, who represented the Administration on the spot. Great Britain was the mandatory Power which more frequently than any other sent as its representatives to the Commission officers who were members of the Administration of the territories entrusted to its charge. Although the Chairman did not intend to imply any criticism of the other mandatory Powers, he wished to point out that the action taken by the British Government demonstrated not only its interest in the Commission's work but also its desire to comply with the Commission's wishes.

Mr. ORMSBY GORE regretted that the Governor of Nigeria had been unable to come himself. In the previous year he had been represented by Mr. Hunt, Acting Resident in the Cameroons Province, and this year he was represented by Mr. Palmer, Lieutenant-Governor of the Northern Provinces of Nigeria. Next year it was proposed to send again an official from the Southern section. Mr. Ormsby Gore had, however, given special instructions that the report for 1926 should contain as detailed information as possible for the Cameroons Province. Mr. Palmer would answer questions of detail, and he himself would answer any questions of principle.

*Maps of the Territory : Date of Receipt of the Report.*

Mr. ORMSBY GORE said that, in response to the Commission's request, maps of the territory had been included in the report. He invited particular attention to the map showing the distribution of the tribes. That map contained many very valuable data, which would be useful not only to those on the spot but also to students.

The CHAIRMAN, after thanking the mandatory Power for the maps, pointed out that the report had only been received on October 3rd instead of September 1st. He wished simply to point out that, unless the report reached Geneva on the proper date, it was difficult for the members of the Commission to examine it at their leisure before the session.

*Administration of the Remote Parts of the Territory.*

M. PALACIOS also thanked the mandatory Power for including the maps and for the information given in the report which made it possible to get an idea of the division of the territory and of the population. He enquired whether the accredited representative could give any further information with regard to the statement that the Administration had on three occasions been compelled to resort to coercive measures necessitating the employment of armed forces (paragraphs 3, 42 to 45 and 87 to 90).

Mr. ORMSBY GORE reminded the Commission that he had in the previous year read to the Commission the report made by the officer in charge of a punitive expedition. That report gave the circumstances under which the expedition had been sent out and showed the methods adopted

for dealing with the turbulent inhabitants of one district. The tribal map appended to the report showed that there were three areas which were not yet under British administration and in which it was impossible as yet to collect taxes. It was only possible to extend administration to these areas as the position was consolidated in other parts. The inhabitants of these remote areas were not only suspicious of the activities of Europeans but were also averse from intercourse with their neighbours. Their very presence in these remote territories was the result of pressure from successive invasions. They formed the remnants of a people who had been driven from their original homes and who had preserved their independence by completely isolating themselves from the remainder of the population. The names of the different tribes given in the tribal map demonstrated the great diversity of races in the Cameroons.

Mr. PALMER pointed out that much of the territory formed virgin soil from the administrative point of view. There were many districts which had never been administered or in parts even visited by the Germans, for instance, the Mambila tribe, which had never seen a European official before the visit paid by a British officer in the previous year. Many of these tribes lived in hilly and isolated districts.

The CHAIRMAN enquired what was the result of the visits of officers to these remote districts. Was it possible to lay down within the short space of a few days the bases of future relations? Was it possible to prove to them the necessity and advantages of white administration?

Mr. PALMER replied that the Administration had found it inadvisable to confine its relations with the tribes merely to expeditions, and it was not the Administration's policy to attempt any action unless there was some prospect of being able to post a permanent official in the territory visited. In a recent case a tribe had remained unvisited for some time and was later visited by a political officer, who was attacked. The Government had decided that in this case some action must be taken and it had been found necessary to re-establish the administration by some show of force.

Mr. ORMSBY GORE pointed out that the psychology of the native had much to do with the matter. The native would not relinquish his independence until he had had a fight. It would not be in accordance with African notions of prestige to submit to the Administration without a fight. After the battle, however, the native submitted smilingly and with a complete readiness to accept white administration.

M. VAN REES understood that the British Government did not undertake regular administrative visits to the remote tribes and only intervened in the case of a serious incident. Did that mean that it was its policy to abandon the administration of these remoter regions? What were the relations between the Administration and these tribes? Was there any permanent contact between them?

Mr. PALMER pointed out that the districts in question constituted part of a large region, Adamawa, where conditions were unlike those obtaining over most of Nigeria. Prior to European occupation, these regions had all been ruled by the dominant caste of the Yola Fulani, whose hold had been much stronger over the centre of the territory around Yola than over the more remote tribes. The division of this territory (Adamawa) between the British and German Governments had seriously weakened the power of the Fulani Emir of Adamawa, with the result that the more remote portions of the territory tended to become a kind of No Man's Land. Moreover, in consequence of the Cameroon campaign in the great war, the northern section of Adamawa had fallen into a very lawless state, and in 1920 its general condition was much less advanced than it had been ten years previously. In addition to this, Yola was the most remote part of Nigeria.

It had naturally been the Administrator's policy to develop first the parts of Nigeria lying near the railway line, and these north-eastern districts were so remote that they obtained less attention than they deserved, although the country was certainly rich. These districts, however, had recently been reunited, under the chieftainship of a single Emir (Yola), within a single province now called Adamawa. They were gradually being brought under effective administration, but progress was necessarily slow. The Emir who had ruled over the district until two years ago—the Emir of Yola—had recently died and had now been replaced by an Emir who gave full satisfaction. There was every prospect of great improvement in conditions in the near future, particularly as the Nigerian Government was giving much consideration to the development of quicker and better transport to Adamawa, which is at present—except for a few weeks when the Benue is in flood—a very remote country.

Mr. ORMSBY GORE added that the present British Administration was the heir to difficulties dating back to the Fulani conquest. It was almost a hundred years ago that the Fulanis came down from Gobir and the Upper Niger and established themselves as the dominant caste. They had no relationship either of race or speech with the tribes previously settled in the territory, but formed part of the great Mohammedan invasion of the last century. The Emirate of Yola was the end of the great Fulani drive.

Mr. PALMER said that, whereas in the north of Nigeria the Fulani had amalgamated more or less with the population, in Adamawa they had remained an isolated caste and did not intermarry much with the original native peoples.

In answer to a question by M. Rappard, Mr. ORMSBY GORE said that, in the northern Province, Hausa was the predominant language, while in the districts around Yola Fulfulde was the coast language.



If Nigeria and the Cameroons were taken together, the British Government was administering nearly 20 million natives from Lagos, and it was only seven months before the war that Nigeria had become a single territory under the Governor-Generalship of Sir F. Lugard. Accordingly, progress had necessarily been slow, but in the present year approval had been given to an increase of forty in the establishment of the administrative staff in Nigeria.

*Delimitation of the Frontier between the British and French Cameroons.*

M. ORTS asked whether further information could be given regarding the work of delimitation which was being done on the frontier between the British and French Cameroons (paragraph 410, page 112, of the report).

Mr. PALMER replied that there was no outstanding question of any importance. There had been certain discussions with French officials. The boundary had not yet been formally demarcated, but from the British point of view there was no question of importance to raise in this connection.

The CHAIRMAN pointed out that the British Administration had previously stated that the frontier between the two territories ran through districts inhabited by certain tribes and hampered their trade. The French and British Governments had undertaken to examine the question on the spot. During the examination of the report on the French Cameroons for the previous year, the French accredited representative had said that there was no question to submit to the Commission. The matter had been raised by the British Administration.

Mr. PALMER replied that there had been certain points which the British Administration had desired to raise in 1919. In consequence, however, of automatic readjustments which had taken place in the past ten years and the effects of the passage of time, the British Administration had come to the conclusion that it would be better to leave these questions alone.

Mr. ORMSBY GORE reminded the Commission that he had stated last year that it was not worth while for the Governments to raise these questions and it would be better to leave the British and French officials on the spot to come to an understanding as to where the boundaries ran. The actual demarcation of the boundary was a matter for the future, and the position was perfectly secure so long as each tribe on the boundary knew to which Administration it belonged.

M. RAPPARD thought that the point should be cleared up because, according to the Minutes of the Eleventh Session, M. Duchêne had said that "the French and British Commissioners were at the moment endeavouring to fix on the spot a more satisfactory frontier. The two Governments had agreed that this change ought to be made. The investigation would very shortly be finished. There would be slight changes on account of the ethnical groups in order to meet the desire of the Commission." M. Duchêne's statement hardly seemed to tally with the information given, according to which there was no outstanding question.

Mr. ORMSBY GORE's impression was that the boundary questions did not concern the provinces under Mr. Palmer's administration, but merely the extreme north-east corner of the Cameroons Province, namely, the Mbembe country, concerning which he had no detailed information. There were one or two districts in which the British and French Administration had not yet made final arrangements. At the same time, he did not think that the British Government desired to ask the Mandates Commission to make any observations on the point.

*Question of an Extradition Treaty with France.*

The CHAIRMAN put the following question on behalf of Sir F. Lugard: Is there any extradition treaty with France?

Mr. ORMSBY GORE said that he would make enquiries.

*Demographic Statistics.*

The CHAIRMAN put the following question on behalf of Sir F. Lugard: A very large proportion of the men are unmarried (page 89): does this involve immorality?

Mr. ORMSBY GORE replied that the statistics given on pages 99-100 of the report were the first detailed statistics of the relevant proportions of males, females and children among the different tribes. It was a very remarkable fact that the females outnumbered the males in the Cameroons. The statistics given in the report had been obtained in connection with the assessment of taxation and consisted merely of a rough census obtained from the head-man of each district. They were not in any way as complete as the statistics given in the decennial census.

*General Administration: Benefits accruing to the Natives from Taxation:  
Administrative Staff.*

M. RAPPARD, with reference to paragraph 55 of the report, enquired what were the tangible benefits which the natives on the outskirts derived from contact with the mandatory Power. What advantages, for instance, did they obtain in exchange for the taxes which had been levied, it seemed, since they first came in contact with the Administration?

Mr. PALMER replied that it was the policy of the Administration to avoid sending out either officers or still less armed expeditions to collect taxes. It made every endeavour to obviate the collection of taxes by force. With regard to the benefits conferred by taxation, a proportion was turned over to the head-men and was spent on the construction of roads, on medical services and on other administrative benefits. The general policy was that taxation and development should go hand-in-hand.

M. RAPPARD took it that the Administration avoided taxation without direct benefits to the natives.

Mr. ORMSBY GORE replied in the affirmative. It had been laid down by Sir F. Lugard when he first took over the territory of Nigeria that native officers should receive regular salaries instead of helping themselves to the proceeds of taxation, and that for this purpose native treasuries, under the supervision of the Administration, should be set up, with properly audited accounts. At least one half of the proceeds of taxation went into these native treasuries. The system of taxation was the basis on which the British Government built up the economic and social development of the territories.

The CHAIRMAN, on behalf of Sir F. Lugard, asked whether the Public Works Department staff consisted of whites or blacks (page 108 of the report).

Mr. ORMSBY GORE replied that an analysis of the personnel of the Administration had been given in the report for the previous year. He would ask for more detailed information to be given in future reports with regard to the actual numbers in the Government service. On page 125 of the previous year's report would be found information regarding the number of Europeans in various districts and regarding the number of African staff, divided into clerical and non-clerical personnel. Most of the native Public Works Department staff were trained at the headquarters at Lagos, although in the Northern Provinces of Nigeria they were trained in schools and then posted to the different stations throughout the territory.

#### *Budgetary Situation in relation to the Development of the Territory.*

M. RAPPARD presumed that the budgetary deficits explained the apparent slowness of penetration in the territory. With an overflowing treasury there would be less excuse for the failure to extend the administration to all districts. He enquired what were the causes to which the Administration looked for an improvement in the budgetary situation.

Mr. ORMSBY GORE replied that an improvement in the budgetary situation would depend upon the purchasing power of the native. Revenue would increase with an improvement in trade. At the same time, the Administration had to spend money for purposes such as transport services, etc., some years in advance of any return. Following the slump after the war, the position had improved rapidly in Nigeria. The increases in revenue in the present and previous years had been sufficient to warrant the increase in staff to which he had already referred. At the same time, in accordance with the spirit of the mandate, the Cameroons were to be administered as part of Nigeria and the latter was prepared to allot to the Cameroons part of her surplus revenue.

M. RAPPARD noted a striking contrast between the budgetary situation of the French Cameroons as compared with that of the British Cameroons. Were the greater returns shown by the French Cameroons due to the fact that there was more taxable matter in that territory than in the British, or was it because the cost of the British Administration was the greater?

Mr. ORMSBY GORE replied that it was difficult to generalise. The French Cameroons possessed railways, and the main arteries of development in that part of Africa passed through their territory. The British Cameroons consisted of a strip of land constituting what had once been the outer edge of the whole Cameroons. In the past, it had been far less developed than the remaining parts of the territory, and therefore its taxable capacity was considerably smaller. It was a very difficult country, full of mountains inhabited by primitive tribes. The scale upon which the British Administration was conducted might indeed be expensive, but the mandatory Power did not regret such expenditure. The salaries paid to the officials were probably higher in British than in French Cameroons. This, however, was scarcely the concern of the Commission. The mandatory Power wished to make certain that the right type of man was appointed to the official posts in the Administration of the British Cameroons. If a sufficient number of men of the proper standard to fill vacant posts were not forthcoming, those posts remained vacant. This was preferable to filling them with a type of man not absolutely satisfactory.

M. RAPPARD would emphasise the fact that he did not intend in the least degree to criticise the Administration for the policy which it was pursuing in this respect. On the contrary, he admired the serious effort being made to develop the territory.

#### *Fiscal Autonomy: Taxation.*

M. RAPPARD noted that the Administration had done its best to establish fiscal autonomy in the Cameroons. In doing so, it had endeavoured to comply with the wish of the Commission.

It was clear that accounting difficulties might still occur in the future. He quite realised, however, that, for the moment at any rate, no other system was possible. It was to be observed that direct taxation was borne only by the native. This was a somewhat striking fact. Could it be said that the non-native paid so much in indirect taxation that the burden which he bore in this respect was at least equal if not greater than that borne by the natives who paid only direct taxation?

Mr. ORMSBY GORE said that, in the first place, the Commission should not forget the conditions prevalent in West Africa. In Nigeria—and he would include the mandated territory in this term—with the exception of the European upon the plantations, the permanent non-native element of the population consisted only of the officials of the Administration, the missionaries and the trading class who did not remain in the territory for any length of time. The total amount of non-natives was probably not more than 4,000 in a population of more than 18 millions. The problem of imposing direct taxation upon them was now being considered, with reference more particularly to the planters. The plantations, however, had only recently been handed over by the Government to private ownership (the great majority of owners were Germans), and it had been thought that, as these owners had had somewhat less than two years in which to build up their business, it would not have been fair to have subjected them to direct as well as indirect taxation immediately.

The Administration, however, fully realised that the present very simple form of direct taxation imposed on the native would require modification. At the moment, a mere poll tax was paid, but it was obvious that in time a native—for example, an African barrister—earning several thousands a year would have to pay considerably more in the way of taxation than a mere native chief.

The CHAIRMAN, on behalf of Sir F. Lugard, asked if the native women were taxed in the north, why were they not taxed in the south?

Mr. ORMSBY GORE replied that the system in use in the territory was that the tax was paid in a lump sum by the village head-man, who apportioned it among the villagers according to their respective wealth. The Administration did not interfere with the manner in which the village head subdivided the tax, unless obvious cases of injustice arose. The system according to which taxation was collected in the Southern Provinces differed from that used in the Northern Provinces of Nigeria. In the north, matriarchy still existed, and property was in many instances still only inherited through the mother. He would, however, obtain further details with regard to this point, and cause them to be inserted in the next report.

The CHAIRMAN, on behalf of Sir F. Lugard, asked how the pagans living in the hills obtained the necessary cash for the payment of their taxes.

Mr. PALMER replied that they obtained it by trade. In some cases the amount levied was merely a nominal tribute. If they were so far away from the Administration that there was no means of communication, they were untaxed by the Nigerian Government.

Mr. ORMSBY GORE added that, where trade existed, the tax was paid in cash. It amounted to a very small sum. Money was circulating to an ever-increasing extent in the territory. At Sokutu, which was 25 miles from the nearest railway, the old cowrie currency was still used in paying for vegetables and market produce, cash being used in payment for the purchase of clothes, etc.

M. RAPPARD asked whether the difference between the excess of imports over exports flowed into the pockets of the traders or whether it was represented by the increased amount of currency in the territory.

Mr. ORMSBY GORE replied that the hoarding of money had undoubtedly occurred, this being more prevalent in the south than in the north.

M. MERLIN noted that the Commission had not before it the special budget of the Cameroons but one twenty-eighth of the total budget for Nigeria, this fraction representing the sum included in the budget of Nigeria to be expended on the territory under mandate. He quite understood that it was impossible for the Administration to give more accurate or more detailed information. The territory which the mandatory Power was called upon to administer consisted of a belt of very mountainous country, inhabited by extremely primitive peoples. No amount of questioning on the part of members of the Commission could elicit a really accurate description of that territory, for the essential elements making such a description possible were entirely lacking. It was, for example, impossible to take a census of the population of the territory. The Administration had assured and was continuing to assure the Commission that it was doing its utmost to get in touch with the native and that it was slowly achieving this object. That statement, he thought, was quite sufficient, taking into account the present state of affairs.

With reference to paragraph 325, page 93 of the report, M. VAN REES enquired whether the deficit for the period 1916 to March 31st, 1925, which amounted to £291,345 sterling, had been partly due to the military expenses incurred in the conquest of the territory, on entirely to administrative expenses.

Mr. ORMSBY GORE replied that the deficit related only to administrative expenses.

*Export and Price of Rubber.*

M. RAPPARD noted that considerable quantities of rubber had been exported in 1926. In future, could the amount of rubber exported be stated in hundredweights and its value in pounds sterling?

Mr. ORMSBY GORE replied that the plantations mainly consisted of rubber and cocoa and, to a lesser extent, of bananas. It was very difficult to get accurate values for the export of rubber, though an endeavour had been made to do so in paragraph 363. The difficulty was due to the fact that the world-price of rubber was subject to excessive fluctuations. It had, for instance, stood at 1s. 4d. per pound at the beginning of 1926, and had risen to as much as 4s. It had now dropped again to 1s. 5d. Through most of 1926, rubber had stood at a definitely inflated value. The world-price depended entirely upon the British restriction scheme and upon the amount produced in the Dutch East Indies. It could therefore be justly maintained that the rubber industry in Western Africa was a very uncertain one, all the more so as it represented only a very small proportion of the total world production. The planters had tapped the trees heavily in 1926 when the prices had been high. A small amount of wild rubber was collected by the natives.

*Judicial System.*

M. FREIRE D'ANDRADE, referring to the table on page 26 of the report, deduced therefrom that, while a considerable number of persons had been accused of such crimes as manslaughter, assault and slave-dealing, the number of convictions had not been great. Was this due to delays in justice?

Mr. ORMSBY GORE thought that there was a misunderstanding. To take the figures for manslaughter, for instance, thirteen persons had been shown to be convicted, and thirteen imprisoned. Imprisonment in this instance meant the punishment inflicted upon them after conviction and not imprisonment pending trial. The same observations were true of all the other crimes mentioned in the list.

M. FREIRE D'ANDRADE thanked Mr. Ormsby Gore for his explanations.

M. PALACIOS enquired the meaning of "possessing illegal juju" (page 26 of the report).

Mr. PALMER replied that certain kinds of practices which might be called sorcery or witchcraft were prohibited by British law. Certain secret societies practising such forms of witchcraft were proscribed since the ritual used by them generally involved ordeal by poison or some other inhuman practice. Persons indulging in such forms of juju could be convicted under British law.

Mr. ORMSBY GORE added that in South-Western Nigeria a smallpox god existed in certain districts. The initiates among its worshippers claimed to be able to cure smallpox, and their method of so doing was to deposit images of the god smeared with smallpox pus, taken from a person suffering from the disease, in the houses of those who desired to obtain immunity from it. They thus achieved the exact opposite of what they had intended. This custom appeared to be dimly connected with a primitive notion of vaccination. The practice was, of course, illegal, and persons discovered indulging in it could be brought before the British Courts and punished.

M. PALACIOS understood, therefore, that, since there seemed to be many "juju societies" (see page 56 of the report) and only one case of punishment (page 26), some of the societies were legal while others were not, or rather, that the practices in some might exceed the limits of the law and then constituted an offence.

The CHAIRMAN, on behalf of Sir F. Lugard, asked how many members composed a native court (see page 20 of the report).

Mr. ORMSBY GORE replied that the numbers varied very greatly according to the organisation of the particular tribes. In the more organised parts of the country a regular hierarchy existed, at the head of which was the Emir or the Alkadi. Where no recognised paramount authorities were to be found, a series of natives formed the court. These consisted of natives selected by the British Government to compose a native court in a particular area. Service in such a court was the first sign of a growing aptitude for chieftainship. The Administration chose those natives whose authority was most generally recognised.

The CHAIRMAN asked what were the native punishments mentioned on page 27 of the report.

Mr. ORMSBY GORE replied that the native courts had various powers. The punishments which they could inflict were, in varying degrees, fines, imprisonment and in certain cases corporal punishment.

In reply to a further question from the Chairman, Mr. Ormsby Gore stated that an administrative officer had the power to intervene at any stage in the proceedings conducted in a native court. He could review the sentence and he could remove any case to his own court if he thought that course desirable. The object, however, of the Administration was to leave all petty justice to the native authorities, and therefore the transference of such cases to the administrative officer's court was discouraged unless it was absolutely necessary. It was found that the mere fact that the Administrator had power to transfer a case from the native to his own court had improved the standard of justice.

*Police.*

The CHAIRMAN, on behalf of Sir F. Lugard, asked whether the two branches of the native administration police force, the "Askaz" and the "Zubat," mentioned in paragraph 194, were armed.

Mr. PALMER replied in the affirmative. They were armed with old flintlocks, which made more noise and looked more impressive than ordinary rifles, but did not do much harm. They were not arms of precision.

*Labour.*

Mr. GRIMSHAW thanked the Administration for its admirable report in regard to labour conditions.

Mr. ORMSBY GORE pointed out that it was easy to give adequate information regarding natives employed by Europeans. It was much more difficult to do so in the case of casual labour working for a native employer.

Mr. GRIMSHAW, with reference to paragraph 143, enquired whether the new Labour Code referred to as having been drafted had yet been adopted.

Mr. ORMSBY GORE replied that he was under the impression that it was still being discussed between the Government of Nigeria and the plantation owners.

Mr. GRIMSHAW referred to Sections 3 to 6 of Chapter 107 of the Road and Rivers Ordinance of Nigeria, which provided, under penalties, for the compulsory cleaning of roads and rivers by the native authorities, the work so carried out being unpaid. These provisions did not appear to have been applied to the British Cameroons. Was there any special reason for this non-application?

M. ORMSBY GORE replied that the Ordinance in question was a war-time measure. It had now either been or was being repealed. Its application lapsed in any province on the introduction of direct taxation in that province. In districts, however, where no direct taxes were paid, the upkeep of the non-public works roads and of the court-houses and the keeping clear of ferries were obligations imposed on the native in lieu of taxation. The reason why the Ordinance had never applied in the Cameroons was because the Administration had at an early date introduced direct taxation.

Mr. GRIMSHAW, with reference to paragraph 138, noted that a system of native contract labour for all Government and native administration public works had been introduced, but that it was purely voluntary. Could further information be given as to the nature of this contract labour?

Mr. PALMER replied that the natives were not directly ordered to work, but the chiefs were informed that a certain amount of labour was required on a particular public work, and that if men volunteered for this labour they would be paid for it.

Mr. ORMSBY GORE added that neither the native authorities nor the public works authorities hired the labourers. The administrative officer contracted with the native chiefs to pay for labour on a certain public work if such labour were forthcoming.

Mr. GRIMSHAW, with reference to paragraph 301, enquired whether the earnings shown therein represented the yearly or monthly salaries of workers.

Mr. ORMSBY GORE replied that they represented their annual salaries. In the northern part of the territory the tax was based on the trade followed by the taxpayer. He agreed that the salaries earned were very small but, on the other hand, it should be remembered that, in a place like Dikwa, more than 500 miles from the nearest railway, money had a value quite out of proportion to that which it had on the coast.

In reply to a further question from Mr. Grimshaw, Mr. Ormsby Gore explained that the reason why the recruiting of labour for Fernando Po had been prohibited was that, owing to the return of the planters to the plantations in the Cameroons Province, there was now plenty of opportunity for the native to earn money in the territory itself. He no longer had to go overseas to find employment.

A few natives of Togoland went to the Cameroons to work on the plantations, in pursuance of a tradition which dated from pre-war times. For example, fifty-three boys had come from Togoland to work in the Cameroons in the last year. There was very little movement of labour by sea in West Africa.

Mr. GRIMSHAW presumed that the restrictions on the emigration from the French Cameroons into British Cameroons had been placed by the French authorities and not by the British.

Mr. ORMSBY GORE replied in the affirmative. Emigration was dictated by geographical circumstances. The Cameroon highlands was the one area where it was possible for a European population to settle and establish plantations, and it had been in that area that the Germans had developed the plantations to which they, for the most part, had now returned. The same natives who had formerly worked upon these plantations had now returned to work there, and this

was natural, for there were, so far as he knew, no European planters in the French Cameroons. The question of labour was still on a personal basis in the mandated territory, and planters formed connections with native families which continued from generation to generation.

*Slavery.*

Mr. GRIMSHAW also desired to congratulate the mandatory Power on the very complete and admirable section of the report devoted to the question of slavery.

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TWELFTH MEETING

*Held on Monday, October 31st, 1927, at 4 p.m.*

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**776. Appointment of Rapporteurs for Questions added to the Agenda.**

The Commission having added the following questions to its agenda, the CHAIRMAN suggested as Rapporteurs the members indicated below :

1. *Petition concerning Western Samoa from the Anti-Slavery and Aborigines' Protection Society, London:* Dr. KASTL.

2. *Petition concerning Western Samoa from Mr. Newton Rowe:* M. PALACIOS.

He added that the observations of the New Zealand Government would be immediately communicated to the members of the Commission.

Sir James Parr, the accredited representative of the New Zealand Government, would be able to attend the meeting on November 3rd, and the Chairman hoped the Rapporteurs would be able to indicate by that date whether they considered that, as a result of the petitions and the observations made upon them, the accredited representative should be asked any questions in order to secure further information.

**777. Cameroons under British Mandate : Examination of the Annual Report for 1926 (continuation).**

The Right Honourable W. G. A. Ormsby Gore, Under Secretary of State for the Colonies, and Mr. Palmer, Lieutenant-Governor of the Northern Provinces of Nigeria, came to the table of the Commission.

*Labour (continuation).*

The CHAIRMAN, on behalf of Sir F. Lugard, put the following questions :

1. Was it possible for the Administration to supply an informal register of slaves in both North and South Cameroons in order to prevent fraud? (See the report, page 33.)

2. Why was casual labour involuntary?

3. Why was it not possible to obtain paid volunteers for road clearing? (See the report, page 44.)

4. Did not labourers coming to plantations from homes distant 180 miles arrive in a debilitated condition? (See the report, page 99.)

5. What was customary compulsory labour and was it paid? (See the report, page 158.)

Mr. ORMSBY GORE replied :

1. It was impossible for the Administration to furnish a register of slaves since the status of slavery was not recognised.

2. He had nothing to add to paragraph 136 of the report.

It was pointed out that "communal labour" on roads was now very little used. Such cases were confined to clearing rough tracks in remote places. This labour was not used for road-making properly so called.

3 and 5. Communal labour was thus employed sometimes, but only in connection with native tracks, etc. All labour on roads built by the Public Works Department or native administration was paid. The practice of employing compulsory labour in lieu of taxation had now been entirely abandoned. Paragraph 158 described the purposes to which this customary labour was put in the Cameroons province. There were no other purposes. The labour was paid, or not paid, according to circumstances, as stated in that paragraph.

4. No reports had been received by the Administration to the effect that labourers were found to be debilitated on their arrival at the plantations. Had there been anything wrong with their state of health, the medical officer attached to the plantations would have reported this fact.

Incidentally, he would mention that a study of native diseases on plantations was of great interest. Only one case of sleeping-sickness had so far occurred, though the natives travelling the plantations had passed through several tsetse belts.

*Freedom of Conscience.*

M. PALACIOS congratulated the Administration on the very clear and admirable chapter in the report concerning missions and freedom of conscience. Why were there no Christian missions at work in the Northern Cameroons? (See the report, paragraph 181.)

Mr. PALMER replied that, in 1923, a good deal of trouble had been experienced in the Adamawa district in connection with Mahdist agitation. "The Fulani had always shown themselves fanatical in this respect and a recrudescence of Mahdist agitation had lately occurred. There were a few missionaries in the Yola province, but none had so far applied to enter the mandated territory. In general, the Administration thought that only slow progress could, and should, be made with regard to missions in the Northern Provinces.

Mr. ORMSBY GORE pointed out that the question of establishing missions in Mohammedan areas was delicate. The Administration could only progress with great care, especially in areas which had not been long under British rule.

A great deal of tact was necessary on the part of the missionaries for in these Emirates the State religion was Mohammedan. The Administration therefore encouraged the missionaries to work among the pagans rather than among the Mohammedans.

M. PALACIOS noted that it would appear from certain evidence given (paragraph 184) that the opposition of the juju societies to Christian influence was more moral than religious. Was this the case?

Mr. ORMSBY GORE could not definitely state that it was. All juju was founded on some kind of religious idea.

*Education.*

Mme. WICKSELL said that the report as far as education was concerned was most complete and satisfactory. Could Mr. Palmer give the views of the Administration regarding the development of education in the Northern Provinces?

Mr. PALMER replied that the great difficulty in the Northern Provinces was lack of teachers. Before the war in Northern Nigeria a central school had been established at Kano. Teaching had to be given in several languages, *e.g.*, Hausa, Kanuri and Fulfulde, and there was a great lack of qualified men. During the war, it had proved impossible to train any teachers. After the war, a training college had been established at Katsina for all the Northern Provinces. It was to be hoped that in four or five years' time a more efficient teaching staff would be available than was at present the case.

The Administration had concentrated in the first place upon training the sons of chiefs in order to raise their standard and make them better than their fathers. In this it had proved successful, the schools now being able to turn out a type of young chief considerably superior to his predecessor. This, however, was as far as the Administration had been able to go for the moment.

Mme. WICKSELL, with reference to the table on page 61 of the report, noted that in the Dikwa division thirteen pupils came from ten different districts, and twenty-seven from the Dikwa district. Did this not show the desirability of establishing other schools in Dikwa than in the capital only?

Mr. PALMER replied that Dikwa was a small place easily accessible to the districts. Many years ago, the Soudanese adventurer, Rabih Zubeir, had come there and made it his capital. He had been killed in 1900, but his Bornu followers had remained in Dikwa and constituted the ruling families. There was not the same urgency in that Emirate for rural schools as elsewhere, though the Administration counted upon being able to set them up gradually. The school at Dikwa was still a young foundation, and in this connection the same difficulties due to a lack of teachers had been encountered. All the pupils attending the school came from the ruling classes.

In reply to a further question from Mme. Wicksell, he explained that the twenty-seven pupils from the Dikwa district were day boys, the remainder boarders.

With reference to paragraph 212, Mme. WICKSELL asked what was a boarding compound?

Mr. PALMER explained that pupils were taught by a number of Ulema or native teachers, each of whom lived in a separate house in the same compound with his pupils.

In reply to a further question from Mme. Wicksell, Mr. Palmer explained that the prefect system meant that the senior boys exercised a certain amount of disciplinary responsibility over the others. They were not elected, but chosen by the authorities.

Mr. ORMSBY GORE explained that the word "prefect" had been used, since the system in force was similar to that instituted at Rugby by the famous Dr. Arnold.

Mme. WICKSELL recalled that Mr. Lacey had established a somewhat similar system in Tabora (Tanganyika). In his system, however, the prefects had been elected by the boys, and it had been interesting to note that it was by no means always the boy with the greatest physical strength or the highest athletic ability who had been so chosen. In Africa, the boys inclined to elect the nearest possible relative to their tribal chief.

On what lines were the two new schools in the Adamawa district run?

Mr. PALMER replied that they were run on similar lines to those of the school at Dikwa. They were not so developed, however. A very successful school had been established at Yola. It was hoped that rural schools would act as feeders for the provincial school, and provide an elementary education in simple subjects for those of average ability.

Mme. WICKSELL noted that, according to paragraph 236, the boys in the two Government schools of Mamfe and Kumba did not "take kindly" to agriculture, which they considered to be women's work. Was any discrimination possible? Could they be taught the value of export crops, it being explained to them for their consolation that the raising of such crops was much above the capacity of women.

Mr. PALMER took note of these suggestions.

Mr. ORMSBY GORE said that the real difficulty with regard to native education lay in the fact that the boy expected to receive "book" learning. He looked upon education as a means of obtaining clerical employment, and thus of emancipating himself from manual labour.

M. RAPPARD asked how the recruiting of teachers was carried out, and what type of native was obtained for this purpose.

Mr. PALMER replied that the best boys of the provincial schools were sent to the teachers' training colleges. They were usually from 14 to 15 years of age on their arrival, and they left at the age of 21. They felt it to be a distinction to attend such a training college, and there was no difficulty in the Fulani districts in obtaining recruits. In the Bornu districts it was more difficult because there was a more foreign element in the population. There was, however, a fair number of pupils from that district under training as teachers. Attendance at a training college obtained them prestige and the promise of a career, for they were paid very fair salaries on their return home. The boys showed increasing eagerness to attend the teachers' training colleges.

Mr. ORMSBY GORE, in reply to a written question from Sir F. Lugard, said that the object of sending children to Umuahia (see report, page 73) was in order that they should attend the rural training college there. This college only took the kind of boys who went to the Katsina college to be trained as teachers. The use of the word "children" was perhaps misleading. Umuahia was situated on the Eastern Railway in Nigeria.

Mme. WICKSELL noted that, according to paragraph 241, the Catholic Mission schools at Sasse and Bonjongo were the only schools allowed to give practical training.

Mr. ORMSBY GORE explained that there were no technical schools in the Cameroons Province. The passage in question referred to instruction given in trades. This had not as yet been undertaken by other schools in the Province. The Basle Mission was about to undertake some of this work, and thus revive its pre-war practice.

Dr. KASTL agreed that the Basle Mission had given this form of instruction before the war.

Mme WICKSELL, with regard to the Normal Class (paragraph 249), asked whether the students attending it were required on their return home to look after their pupils' health in addition to their education.

Mr. ORMSBY GORE replied in the affirmative. This was part of their training.

Mme. WICKSELL was glad to note this information. A similar practice was prevalent in the United States of America, where the great utility of training teachers in elementary hygiene had been discovered.

Mr. ORMSBY GORE said that all educational departments throughout British Africa were alive to the necessity of instructing teachers in school hygiene and sanitation. Officers undertaking the annual inspection of schools paid special attention to the amount of work done in that direction. It was a slow and difficult task to inculcate modern notions of hygiene into the mind of the African native.

In reply to a written question from Sir F. Lugard, who had asked if it would not be possible to prevent the Basle Mission from opening "hedge" schools, and whether some of these schools could not be closed, Mr. Ormsby Gore said that the Administration only closed schools when no other course of action was possible. The Basle Mission had only just returned to the territory. The Administration was trying to help the mission to achieve a better standard of education rather than to suppress its schools. It was the policy of the Administration to ensure that competent teachers were employed in religious schools where secular education was given.

In reply to two further written questions from Sir F. Lugard, as to whether missionaries gave religious instruction in Government schools, and whether the Administrative staff was forbidden to give such instruction, Mr. Ormsby Gore pointed out that grave difficulties arose in this connection owing to the fact that the pupils attending the Government schools were frequently of different Christian beliefs. This observation did not, of course, apply to the Mohamadan districts, where the religious instruction was given by the local Ulema.



*Liquor Traffic.*

M. FREIRE D'ANDRADE said that the liquor traffic statistics (paragraph 170) indicated an increase in the importation of spirits and liquors from 1925 to 1926. One of the reasons given for this increase was the "greatly increased number of non-natives in the territory". The population statistics, however, indicated that the number of adults had increased by about one-sixth only, whereas the importation of spirits had more than doubled. He wondered whether the increase in the imports of spirits was perhaps due to the growth in the prosperity of the population. This was a danger which had become apparent in other colonial territories, and was a matter that concerned both the mandatory Power and the Commission, whose object it was to secure the greater prosperity of the mandated territories while obviating the danger of increased consumption of spirits.

Mr. ORMSBY GORE said that it had been found in parts of British West Africa that, as the wealth of the natives increased, purchases of alcohol also increased. He did not, however, think the position in any way alarming, especially in comparison with that existing before the war. In the year before the war, 4,600,000 gallons of "trade spirits" were imported into Nigeria, while in 1926 only 580,000 gallons of spirits were imported. These figures proved a very remarkable drop in the consumption of spirits, following upon the adoption by H.M. Government of its present policy.

With regard to the Cameroons, the increase in consumption was not in point of fact so great as M. Freire d'Andrade supposed. He doubted whether any wine or beer was consumed by natives in the Cameroons. It would perhaps be desirable that they should take to beer instead of spirits. The two imports which mainly required watching were gin and rum.

In reply to a question of M. Rappard, Mr. Ormsby Gore said that, to his knowledge, there had been no corresponding increase in smuggling, although there was a certain amount of illicit distilling.

M. MERLIN suggested that it would be desirable to show the liquor traffic statistics under two separate headings. The only possible way of improving the situation among the natives was to stamp out the consumption of spirits, without prohibiting the use of beer and wine. Total prohibition would not be without serious danger, because it would lead to the smuggling of alcohol of inferior quality and the distilling of native spirits, which were the most pernicious poisons.

Mr. ORMSBY GORE said that much of the difficulty as regards the liquor trade was due to the past history of West Africa. In the bad old days, the motto had been, "Trade spirits in and slaves out." The natives had become accustomed to drinking spirits, and the only result of total prohibition would be a great increase in the manufacture of palm-wine. The British policy was to prohibit the importation of "trade spirits," or to admit only the very highest class of liquor, and, by substantial import duties, to make that liquor expensive.

M. FREIRE D'ANDRADE agreed with M. Merlin. It would be desirable to show the liquor traffic statistics under two headings, and he reminded the Commission of the discussion which had taken place in the previous year concerning the adoption of a special nomenclature. The British Government, when consulted on the matter, had approved the proposed nomenclature, and therefore should have no difficulty in adopting it. He noted that the Northern Province of the Cameroons was a prohibited area, and enquired whether it would not be possible to extend that area.

Mr. ORMSBY GORE pointed out that the mandatory Power had endeavoured in its report to meet the Commission's wishes by showing wines and spirits separately, and would continue to do so.

He doubted very much whether it would be practicable or desirable to extend the prohibited areas. The Northern Cameroons were inhabited by a Mohammedan population, where prohibition had existed from the beginning and could be maintained by the Mandatory. In those areas, however, where prohibition had never existed, he doubted whether it would be possible or desirable to introduce it. He did not think it possible for the Mandatory to lay down that Dutch gin, for instance, was more dangerous than French brandy or Scotch whisky.

M. ORTS enquired how the statistics were established for the Cameroons. The liquor was presumably imported from Nigeria, and, if so, paid no Customs duties, because there was no Customs frontier between the two territories.

Mr. ORMSBY GORE said that there was no overland trade between the two countries, especially for articles produced in Europe. No case of liquor imported over the French frontier had been brought to his notice. All liquor imports came into the country through the ports.

M. RAPPARD asked for explanations with regard to the "prohibited" areas and "restricted" and "licensed" areas mentioned in paragraph 167.

Mr. ORMSBY GORE replied that no liquor was allowed to be sold in the Victoria Division except upon licensed premises, a special condition of the licence being that no palm-wine should be sold on the premises. This form of prohibition was impracticable except in a district which was very closely administered. Palm-wine could, of course, only be manufactured in districts

where there were palm-trees, and, as the latter did not grow in the Victoria Division, there was the danger that it might be imported from other parts of the territory. Imported palm-wine was particularly noxious, because it reached its destination in the fermented state.

M. RAPPARD asked whether it was the general tendency of legislation to adopt the policy of restricting or of licensing. He further enquired what was meant by the term "native foreigner".

Mr. ORMSBY GORE replied that a native foreigner was an African not indigenous in the British Cameroons.

In reply to M. Rappard's first question, he undertook to ascertain the exact effect of the Order in Council. The Mandatory was considering the necessity of tightening up the licensing system in the Cameroons as well as in Togoland.

#### *Public Health.*

M. FREIRE D'ANDRADE thanked the mandatory Power for the very complete information given in the report.

He drew the accredited representatives' attention to a speech delivered before the Legislative Council in February of the previous year, in which the Governor of Nigeria had stated that the medical department was still short of eighteen medical officers and two medical officers of health. The Governor went on to say that, owing to widespread epidemic disease, the health of Nigeria in 1925 could not be said to have been good. The European sick and invaliding rate was about the same as in the previous year, but the death rate was higher, owing solely to an outbreak of yellow fever.

Mr. ORMSBY GORE replied that the British Government was taking vigorous steps to improve the recruiting machinery for candidates to the African medical service. True, the demand still exceeded the supply, but the position in the present year was better than in any recent year. Medical men appointed to British West Africa were required to take a course at one of the Schools of Tropical Medicine in England. Nevertheless, even if the medical establishment were at full strength, it would not meet the needs of a population of nearly 20 millions. Looking to the future, the mandatory Power had therefore adopted the policy that it would have to train not only native African doctors but also native personnel, who, though not up to the standard of a fully qualified practitioner, would nevertheless have sufficient training for subordinate work. This subordinate staff was particularly necessary in West Africa, because it was impossible to send there the subordinate Indian medical staff employed in East Africa.

M. FREIRE D'ANDRADE referred to a speech made by another official alluding to the prevalence of relapsing fever and the number of deaths due to it. That official had said that it was difficult to establish the cause of the fever, although the cure and prevention presented no difficulty. The prevalence of the fever was ascribed to lack of cleanliness, and hence it would appear that the first requisite was that the natives should be instructed in sanitation and cleanliness. It was said that they lived with their cattle in their huts. He understood, further, that the question of nutrition entered very largely into the matter.

Mr. ORMSBY GORE replied that about 100,000 people had died of relapsing fever in one year. The disease was carried by a louse, and even if the natives of Northern Nigeria could be brought to realise the agent of the disease it would be difficult to stamp it out. In the dry season, owing to the cold and scarcity of water, there was very little washing of clothes. The best method of eradicating the disease would be to improve the water supply, and this was almost impossible at the moment for financial reasons. Many of the problems connected with health in the territory were really questions of personal habits.

M. FREIRE D'ANDRADE said that the information regarding vaccination appeared to be very satisfactory. He presumed that, owing to the shortage of doctors, vaccination was carried out by medical orderlies. He enquired whether the village chiefs were liable to punishment for failure to comply with the sanitary regulations.

Mr. PALMER said that, as regards the Northern Province, the reply was, in general, in the negative. The practice was that the medical officer gave advice to the chief. It had been found undesirable to enforce the execution of medical instructions through the political officer.

Mr. ORMSBY GORE said that particular attention was paid to the deficiency diseases. There was, for instance, a very serious lack of minerals (salts) in the native diet, and consequently the native had reduced power of resistance to diseases. The most important problem of nutrition was that due to the tsetse-fly. All the primitive African peoples had originally been meat eaters, but as the tsetse spread and killed off the game and cattle they had been reduced to vegetarianism. One of the greatest blessings which the European could confer on the African would be the organisation of a meat trade. An alternative to meat was fish, and he was glad to note a substantial increase in the imports of salt fish. He felt certain that the African would never become a really good worker or obtain an advanced state of civilisation until his diet had been improved.

M. FREIRE D'ANDRADE agreed. The natives of the African interior were undoubtedly lacking in the power of resistance to disease.

Mr. ORMSBY GORE added that the British Government had established a special centre in Kenya, where there were two doctors working on this subject under the orders of a nutrition specialist in London, special attention being paid to the question of demineralisation.

M. RAPPARD enquired what the natives drank in times when no drinking-water was available.

Mr. ORMSBY GORE replied that the supply of drinking-water was very acute in certain areas. The map, indeed, showed that the cultivation of certain valuable districts in Northern Nigeria had been abandoned for this reason. Wells had been sunk in some parts, but this was an art which was not yet understood by the majority of the population.

M. RAPPARD enquired whether it would not be possible to develop the consumption of non-alcoholic drinks.

Mr. ORMSBY GORE replied that this was a question of transport. The kola-nut, which was a really important element of trade, was in some ways a substitute for water, because the native, by chewing the nut, could go without water for almost an entire day.

The CHAIRMAN put the following questions on behalf of Sir F. Lugard: "There is no head medical officer in Dikwa, where the population is 312,700. There was only one dresser at the end of the year. This man was paid at the rate of £1,000 per annum. Neither in Dikwa or in Adamawa is there any hospital. Is there any prospect of the 'much-needed' dresser for Adamawa? The Southern Province, with a population of 354,000, has four medical officers, four hospitals and twenty-two African medical personnel."

Mr. ORMSBY GORE replied that the question was one of the general expansion of the medical services. At the same time, he felt absolutely certain that the policy of not building elaborate hospitals but of establishing treatment centres was at the moment the right policy, both from the point of view of expense and in order to induce the people to come for medical treatment.

In reply to a question by the Chairman, Mr. Ormsby Gore said that the basic salary for European medical officers began at £650 a year and rose by fairly rapid increments. Medical officers received local and travelling allowances, with leave on full pay. Their passages were also paid.

The CHAIRMAN enquired whether any distinction was made as to nationality in the appointment of medical officers. He pointed out that there had been practically no improvement as regards the strength of the medical department in the last six years.

Mr. ORMSBY GORE replied that certain foreign applicants for medical posts had been rejected. It was essential for candidates to have not only technical qualifications but personal qualifications as well. A medical officer had to be capable of leadership. This policy was undoubtedly right, even if it meant a shortage of numbers.

M. RAPPARD presumed that Mr. Ormsby Gore did not mean to imply that the necessary personal qualifications were only to be found among British subjects. There was a considerable surplus of doctors in various European countries, and he wondered whether the salaries offered in the Cameroons would not be sufficient to attract the right men from European countries other than Great Britain. Such a policy would be particularly pertinent in the mandated territories, which were more international in character than the colonial territories.

Mr. ORMSBY GORE replied that, if the Commission decided to put this point to the British Government, it would certainly receive consideration. At the same time, there were at present 165 medical officers in Nigeria, which figure, he believed, compared favourably with those in the Congo and French West Africa. The figures quoted by Sir F. Lugard with regard to the Southern Province were certainly very fair if compared with French West Africa.

M. RAPPARD thought that the question of medical staff was a general problem which it would perhaps be possible to solve internationally.

M. ORTS thought that it was not possible to count too much on recruiting medical officers from countries other than the Mandatory. For various reasons, which he explained, the experiences made in this direction had been disappointing.

M. VAN REES enquired whether candidates for Nigerian medical appointments had to take courses not only in tropical medicine but also in such subjects as ethnology and anthropology in order that they might understand a little of the life and mentality of the natives.

Mr. ORMSBY GORE replied that all candidates for West Africa had to take courses at either the London or the Liverpool Schools of Tropical Medicine. These courses dealt not only with native diseases and the method of treating them but also with the best way of dealing with natives. In point of fact, a medical officer posted to an outlying district had to learn a great deal of his work on the spot, and, indeed, this was the only way in which it was possible to discover misfits.

Generally speaking, however, the progress made since the taking over of Northern Nigeria was very encouraging. In the old days, West Africa had been considered the white man's grave, and all medical work had been devoted to preserving the health of the British forces and officials in the territory. That work had now spread gradually to the rest of the population. If he were given £100,000 to expend on the medical services in Nigeria, Mr. Ormsby Gore would most certainly follow the system adopted in Uganda, where dispensaries were placed in charge of native assistants, who were visited regularly by travelling medical officers, and who were in closer touch with the remainder of the population and consequently in a better position to help them than any European could be.

M. MERLIN pointed out that it was impossible to transform a continent in a century. The development of the medical services in accordance with the desires of those who had no knowledge of local conditions would place an intolerable burden on the public finances. At the same time, although more could be done in the future, it was a matter for congratulation that progress was continuous.

M. RAPPARD said that he had implied no criticism of the mandatory Power, but had merely noted that the report deplored the shortage of doctors. He thought that it was desirable to increase the number of doctors and to develop the training of native workers simultaneously.

Mr. ORMSBY GORE hoped that the missions would be able to develop their medical services in West Africa. At the same time, it would be difficult to enrol missionary doctors in the official cadres. All medical officers in West Africa worked under the orders of the chief medical officer at Lagos, but there was room for physicians outside the medical services.

M. RAPPARD had no doubt that the Mandatory welcomed the efforts of medical missionaries, especially as they involved no expense. He enquired whether it would not be possible to subsidise the missions so as to make a career for the doctors employed by them without bringing them into the Government establishment.

Mr. ORMSBY GORE replied that there was still a certain prejudice against service in West Africa owing to the climatic conditions. Most young doctors wishing to go abroad preferred other parts of the world.

The CHAIRMAN said that the Commission hoped that the mandatory Power would do its utmost to improve the position.

#### *Ex-Enemy Property.*

Mr. ORMSBY GORE noted that Sir F. Lugard, in his list of questions, referred to a statement made by himself concerning the establishment of a Board of Trustees of Native Lands similar to that to be set up for German Roman Catholic missions. The matter was referred to in paragraph 210 of the report for 1925. According to a recent despatch, it appeared that there would now be no necessity to constitute any such Board and that none would be appointed, because the German Roman Catholic missions had definitely stated that they did not intend to return to the territory but that they would hand over their property and interests to the Society of St. Joseph, which had promised to carry on their work.

With regard to Sir F. Lugard's question as to the Government's power to evict a native from the occupation of native lands if declared to be a European residential area, Mr. Ormsby Gore said that he would look into this question. The power was probably conferred under a town valuation ordinance. The usual policy was to enforce segregation, which made for sanitary progress, and it was undesirable that native property should be mixed up with European property.

In reply to Sir F. Lugard's question whether any conditions were made as to the gradual bringing into cultivation of estates sold to Germans, Mr. Ormsby Gore said that the answer was in the negative. The Government was not in a position to attach any conditions to the cultivation of these estates, which were sold in the open market and treated as purely private property. The terms attaching to the sale of Crown leases in Kenya and Tanganyika were not applicable to such estates.

In reply to M. Rappard, Mr. Ormsby Gore said that he had not heard of any danger of land speculation in the Cameroons.

M. VAN REES pointed out that the mandatory Power had failed to send any reply to one of the questions concerning ex-enemy property which was sent to the mandatory Powers by means of the seventh report of the Commission to the Council. The question was as follows: "Are, or were there, in the territories under mandate any properties or businesses belonging to ex-enemy nationals other than landed estates, and, if so, what was their nature and how had they been dealt with?"

Mr. ORMSBY GORE apologised for the failure to supply the information required, which he would give in the following year.

*Demographic Statistics.*

M. RAPPARD thanked the mandatory Power for the statistics given in the report and particularly for the map, which was very useful. He wished that it had been possible for the statistics to be equally precise, but, such as they were, they gave the Commission information which it wanted. It was no argument against statistics of this sort that it was impossible to make them absolutely exact. The statistics showed certain changes in the population, but M. Rappard wondered whether it was possible, within the limits of these statistics, to draw certain conclusions. He would be glad to know whether the Administration ascribed any particular reason to the very striking difference between the numbers of males and females.

Mr. ORMSBY GORE said that, according to a theory recently propounded by Colonel Pitt Rivers, an anthropologist who had carried out enquiries, more particularly in the Pacific Islands, a high proportion of females to males was desirable from the point of view of the vitality of the race, while, conversely, a high proportion of males was undesirable. He was unable to state how far the high proportion of females in the Cameroons was due to the higher power of resistance in the female child, though he was inclined to believe that that was the right explanation. Mortality statistics, if it were possible to compile them, would prove or disprove this theory.

M. RAPPARD asked whether the excess of males in the Victoria Division was due to labour conditions.

Mr. ORMSBY GORE replied in the affirmative.

M. ORTS enquired whether any movement of the population from Nigeria into the Cameroons or vice versa had been noted.

Mr. ORMSBY GORE thought that there would be very little movement of population in the South, owing to differences of tribe and language.

Mr. PALMER added that there was little movement of population in the North. Some of the tribes were nomadic, and such movements as took place were not, strictly speaking, in the nature of emigration but were merely connected with the grazing of herds.

M. MERLIN pointed out that there had been a decrease in the population in Dikwa in the past three years (pages 96 and 97 of the report). He enquired whether this was due to emigration to other provinces or to the fact that the recent census was more accurate. The same remarks applied to the province of Bamenda.

Mr. ORMSBY GORE thought that the probable cause for this apparent change in population was due to the fact that recent statistics were more accurately compiled. The main change had occurred in the figure for children, which was the most difficult figure to obtain in the census of any community.

*The Application of the Mandates System and Colonial Administration.*

M. ORTS recalled that the Cameroons under British mandate was incorporated in a vast administrative and customs union including Lagos and the two Nigerias. By this amalgamation, four regions had been united, the status of three of them being different, that was to say there was a colony, two protectorates and a territory administered under mandate in the name of the League.

The union thus constituted was governed by the same civil and penal laws, in accordance with the same principles of native policy, and administered by the same corps of officials imbued with the same traditions. In these conditions M. Orts would ask Mr. Ormsby Gore to be good enough to say whether, in practice, the provisions of the Covenant and of the mandate were reflected in some way in the administration of that part of the Union which was under mandate, and if this administration had affected in any way the methods and principles of government spontaneously applied by the mandatory in its colony and in the protectorates to which the territory under mandate had been united.

Mr. ORMSBY GORE, in reply, took refuge in the terms of the mandate, which laid down specifically that the mandated territory and Nigeria were to be administered as parts of a single whole. Such differences as existed lay not in the actions of the Mandatory in those territories but in the fact that for the Cameroons it had to render an annual report to the Council of the League, so that, in respect of the Cameroons, it had incurred an international responsibility, while its responsibility in respect of Nigeria was purely national, and account of the Government's actions had to be rendered only to the British Parliament.

The fact that the Cameroons and Togoland were, according to the mandate, to be administered as parts of Nigeria and the Gold Coast respectively meant virtually that the British Government was bound to administer the whole of those territories in accordance with the terms of the Covenant. The acceptance of the mandate had, however, involved very little change in these territories, generally speaking. Indeed, it might be said that the policy laid down by Sir L. Lugard, when he took over the Governor-Generalship of Nigeria before the war, had guided those who were responsible for drawing up the terms of the mandate.

The chief point of difference between the territories was the obligation to render an annual report, but this did not imply that the administration of the remainder of the territory was contrary to the system laid down in the mandate. If he might sum up the position, he would say that the administration of the mandated territories was national administration subject to international supervision.

M. RAPPARD was uncertain of the exact object or purport of M. Orts' question. He wondered what other answer the accredited representative could have given. He could hardly have admitted that, in the territories which were British possessions, the British Government was not seeking to promote the welfare of the inhabitants, since, according to the terms of the Covenant, the mandate was conferred upon it because it was specially qualified to carry out the terms of the mandate. It should, however, be pointed out that one of the benefits of the mandates system was that it was calculated to promote peaceful international relations in Africa.

*Conclusion of the Examination.*

The CHAIRMAN complimented the mandatory Power upon its report, which undoubtedly showed that great progress was being made from year to year. It further enabled the Commission to see what had been done and what still remained to be done. The Commission's thanks were due to the mandatory Power and to the authorities on the spot for the information given, and it could not but feel great satisfaction at the progress achieved. The Commission was glad to be able directly to co-operate in this advance.

M. ORMSBY GORE said that any compliments which might be paid should be offered to the men on the spot. It was the District Officer, living in the tropics and beset by dangers and difficulties, who had to carry on the work and who collected the material for the reports and sent them in to the Colonial Office. He would be glad to associate himself with the Chairman's expressions of approval of their efforts.

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THIRTEENTH MEETING.

*Held on Tuesday, November 1st, 1927, at 10.30 a.m.*

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The Right Honourable W. G. A. Ormsby Gore, Under-Secretary of State for the Colonies, and Mr. Newlands, Provincial Commissioner in the Gold Coast, came to the table of the Commission.

**778. Tanganyika : Petition from Mr. Thawer, of Dar-es-Salaam.**

The CHAIRMAN said that, before beginning the examination of the report for Togoland, he had the following matter to bring to the notice of the Under-Secretary of State for the Colonies.

In a letter dated June 22nd, 1927, Mr. Thawer, of Dar-es-Salaam, informed the Secretariat that he had forwarded a petition to the Secretary of the Tanganyika Government for transmission to the League of Nations.

In the petition, a copy of which was forwarded to the Secretariat of the League, the petitioner asked the Permanent Mandates Commission to use its influence in favour of those inhabitants of Tanganyika who were in possession of German pre-war paper money or notes put into circulation during the war.

Mr. Thawer forwarded a copy of a letter from the Acting Secretary of the Government of Tanganyika, dated June 2nd, 1927, in which, on behalf of the Acting-Governor, the Secretary stated that he was unable to forward the petition to the League because he felt that the matters contained in it were not within the competence of the League.

The Chairman enquired whether Mr. Ormsby Gore could make a statement on this matter. It might be desirable to point out to officials that they were not entitled to hold up petitions expressly addressed to the League.

Mr. ORMSBY GORE observed that the petition dealt with the redemption of certain German paper money which had been issued before and during the war by the German Government. Accordingly, the question related to an incident which had occurred before the conclusion of the Treaty of Versailles and before the mandates system came into operation. It was therefore a matter to be settled between those people who wished their notes redeemed and the German Government, though any correspondence would probably have to pass through the British Government. It did not appear that it was a matter for the Mandates Commission or for the Council of the League.

The CHAIRMAN thought that Mr. Ormsby Gore had misunderstood his question. His view merely was that the Commission could not admit that an official on the spot had the right to stop a petition expressly addressed to the League of Nations. All that the local Government was entitled to do was to append its comments before forwarding the petition to the British Government, which should then send it on to the League with its own comments, adding, if need be, that in its opinion the matter did not concern the Mandates Commission. It would then be for the Commission to take a decision on the question.

Mr. ORMSBY GORE understood the Chairman to mean that, if a petition appeared to the local Government to be outside the competence of the League, this was a matter for the League and not for the local Government to determine.

M. RAPPARD agreed with what the Chairman had said and was convinced that the mandatory Power would also agree. It was clear that it was in the general interest that it should not appear that petitions were held up. If such an impression spread, it would undoubtedly give rise to the most deplorable suspicions.

Mr. ORMSBY GORE undertook to examine the question upon his return to London. If he ascertained that the petition was in any way a petition addressed formally to the League, it would, of course, be forwarded.

## 779. Togoland under British Mandate : Examination of the Annual Report for 1926.

### *Introduction to the Report.*

Mr. ORMSBY GORE asked whether the Commission required the introductory description inserted every year.

The CHAIRMAN said that only new items need be inserted.

M. RAPPARD pointed out that the introduction was not retrospective but contained information which dealt in particular with the year under consideration. In passing, he would note that the Gold Coast was referred to as the guardian of the mandated territory, a somewhat unusual expression.

He enquired the meaning of the following sentence on page 16 : "If a man has children by a woman married to another man, the children belong to the real husband".

Mr. ORMSBY GORE said that in that case the real husband was the legal husband.

### *General Character and Method of Compilation of the Report ; Certain Passages concerning Education and Labour.*

M. RAPPARD would like to state the general impression made upon him by the report. It seemed to him to have been compiled by someone who was not responsible for the whole report but who had collected the various chapters from different sources. The whole document appeared to him to be somewhat fragmentary and provisional in character. The statement, for instance, on page 15 concerning the occurrences at the village of Bambilla was vague and lacked precision. He would prefer that the report should follow the lines of that on the Cameroons were it possible to do so.

Mr. NEWLANDS replied that the report had indeed been compiled from the reports submitted by the various district officers, medical officers, etc., to the central Government of the territory, and that he took full responsibility for it.

As far as the observations regarding the village of Bambilla were concerned, what had happened there was a mystery. Bambilla had been a very small hamlet. On revisiting it, the District Commissioner had discovered that it no longer existed and that nothing was known of its fate. It was situated in a part of the territory very sparsely inhabited and therefore it had been impossible to obtain detailed particulars of what happened. It had probably been wiped out by disease but, owing to local conditions, there was no definite means of ascertaining this.

The reason why the form of the report had been changed lay in the fact that the Administration had desired to give the Permanent Mandates Commission as accurate an idea as possible of the conditions of life of the people in the territory, and had therefore chosen this form rather than the somewhat cold official *formulae* hitherto adopted in the case of such reports. It had done so in the belief that it was thereby being of service to the Commission.

M. RAPPARD found it difficult to express his exact attitude towards the report. Various passages had led him to think that it had been prepared somewhat cursorily. In paragraph 76, for example, the natives were referred to as "expert farmers". It would also appear from the statement on pages 38-39 that primary education was not free but could be obtained "at a fraction of the cost at which it could be obtained in Europe". In Europe, however, this education was generally free. He did not therefore understand how the mandatory Power could claim that this system was so very beneficial. He was unable to understand the meaning of the vague observation on page 49 regarding the number of cases of venereal diseases. These and other passages in the report seemed to him to show that there had been perhaps a certain lack of care in its drafting and revision.

Mr. ORMSBY GORE replied that, with regard to education, the report quoted extracts from a report submitted by the Director of Education on the work of the whole of his department. These extracts had been included under the impression that they gave the most accurate picture possible of the methods used.

In general, the report on the territory was a collection of reports from officers working on the spot, which meant that small discrepancies might be discovered. He had himself, for example, altered the wording of paragraph 146, which gave a brief summary of the principles of education as laid down by the retiring Governor of the Gold Coast in his speech to the Legislative Council. Those principles were applied throughout the Gold Coast and not only in the mandated territory.

As far as payment for education was concerned, the Administration thought it to be useful that parents should pay something towards the education of their children. This did not mean, however, that anything like the whole cost of that education fell upon them.

M. RAPPARD repeated that he would like an explanation of the following statement in paragraph 149 :

“Thanks to the low fees charged in the schools and colleges of the Gold Coast and of the British sphere of Togoland and to the institution of scholarships at the Prince of Wales College at Achimota, every boy and girl has now the opportunity of acquiring a first-class primary and secondary education locally at a fraction of the cost at which it could be obtained in Europe.”

As education could generally be obtained free in Europe, he did not understand the meaning of this passage.

Mr. ORMSBY GORE replied that the statement in question concerned the Prince of Wales College at Achimota only, and not education in general. Hitherto, the wealthy native classes of the Gold Coast had followed the practice of sending their children to England for education, which had naturally proved a very costly undertaking. The British Government had therefore decided to expend large sums of money in establishing the Prince of Wales College at Achimota in order that the natives should have the opportunity of obtaining the same education for their children, though at a much lower cost, as would have been the case had they sent them to England. At Achimota the European instructors numbered over forty.

M. RAPPARD concluded from this explanation that wealthy natives of the Gold Coast who had formerly sent their children to England to be educated could now send them to Achimota, where they would receive a similar education at a far lower cost.

Mr. ORMSBY GORE agreed. The policy of the British Government with regard to Achimota was to provide a whole range of schools, from the infants' school upwards. The college formed the biggest educational effort in the whole of the British tropical empire. In time, the lower and more elementary classes would be abandoned in proportion as the standard of primary education improved, both in the Gold Coast generally and in the mandated territory. Until this was so, however, Achimota would include classes of every kind. He could see how the misunderstanding had arisen. In future, it would be made clear in the report when a statement referred to the general policy of education and when it referred to a particular case.

M. RAPPARD said he was satisfied with the statements made by the accredited representative, which completed and explained the report very adequately.

In reply to M. Van Rees, Mr. ORMSBY GORE said that the number of children sent to England by wealthy natives living in the Gold Coast for education had increased in late years as the wealth of the colony increased. The natives were prepared to pay large sums in order to obtain the best possible education for their children. It was for this reason that the Government had established the college at Achimota. At the moment, as far as he knew, there were about 100 Gold Coast natives receiving education in England.

The CHAIRMAN, with reference to the observations of M. Rappard concerning the general tone of the report, desired to raise a concrete instance. On page 21, paragraph 75, a statement appeared to the effect that :

“During the tenth session of the Permanent Mandates Commission, an undertaking had been given, at the instance of the Portuguese member, that in future a table would be included in the annual report giving the number of free labourers employed by the various Government departments.”

The paragraph continued :

“It is regretted that it is not understood exactly what the member requires, as free labour is employed neither by Government departments nor by private enterprises. However, the desired return is given, in conformity with the undertaking, in Appendix C hereto.”

This observation could not but give cause for surprise on behalf of the Commission for several reasons. In the first place, the “undertaking” was not given at the instance of the Portuguese member but at the instance of the whole Commission, as a reference to the Commission's report to the Council would show.

The reference to the appendix was so worded as to make it appear that the Administration was trying to comply with a demand which it obviously thought unreasonable, and the Appendix itself was almost in the nature of a joke. The Commission must therefore be excused if it had received the impression that it was being treated somewhat lightly. The Chairman—and, he thought, all the members of the Commission—had too high a regard for the British Government to think that this was really the case. Such a passage, however, when published might easily give rise to misunderstanding among uninformed or partially informed public opinion. It might be used by certain sections of the Press as a means of pouring scorn on the Commission.

Mr. ORMSBY GORE could assure the Commission that there was no reflection intended in this passage of the report on it or its demands. It was a clear case of a misunderstanding. The whole matter turned on what was meant by “free labour” employed in Government departments. In the drafting of this paragraph of the report regard had been had to the relevant passage in the Minutes of the Commission (Document C. 632. M. 248. VI, page 111), and the fact that the request of the Commission was differently worded in its report to the Council had unfortunately escaped attention. In that report the Commission had asked for statistics “regarding the number of labourers employed by various Government departments and for private enterprises.” It had



therefore omitted the word "free", about the meaning of which the whole misunderstanding had arisen, but this omission had been overlooked.

The CHAIRMAN was unable to understand why the Administration had based the reply in the report on the request as worded in the Minutes and not on the request as found in the Commission's final report to the Council, in view of the fact that the report was published some considerable time before the Minutes.

M. RAPPARD hoped that the statement was the result of a mere misunderstanding. He was not, however, quite sure that this was the case. The Administration stated, in paragraph 75, that free labour was not employed by Government departments or by private enterprises. On page 40 of the report, however, there was a statement to the effect that, out of the first batch of pupils leaving the schools in June 1926, nineteen were carpenters and sixteen were in Government employ. There appeared, therefore, to be a contradiction. Could Mr. Newlands explain what exactly was meant by the term "free labour"?

Mr. NEWLANDS said that he understood the term "free labour" to bear its ordinary meaning *i.e.*, "unpaid labour". He had accordingly considered that the Commission had desired a list of those persons who were required to work without remuneration. He had therefore replied that there were no such persons. He had taken the expression, in fact, to mean "free labour" in the sense of "forced or unpaid labour".

M. RAPPARD accepted this explanation.

M. FREIRE D'ANDRADE thanked the Chairman, the accredited representative and Mr. Newlands for the observations they had made concerning paragraph 75 of the report, which had also engaged his attention. He had attributed it to a desire on the part of the local administration to play a small joke at the expense of the Commission, a desire excusable perhaps in view of the conditions sometimes prevailing in African tropical colonies. It was, however, easy to understand the object of the question. It would perhaps be sufficient, for that, to read the Minutes of the meeting at which the request had been made (Minutes of the Tenth Session, page 111), and to refer to the report for Togoland for 1925, in which a list was given of the departments of the Administration employing native labour (page 29, paragraph 15), and also to the statement to the effect that forced labour, though paid for, was required of natives in certain cases (page 30, paragraph 16, of the report for Togoland for 1925). It had therefore been natural for the Commission to desire to know the percentage of labour employed by the Administration which was not forced labour, for that kind of labour, though allowed by the terms of the mandate, must be avoided if there were a sufficient number of free labourers available. He realised now that there had been a misunderstanding.

Mr. ORMSBY GORE concluded that what the Commission required were the figures of the number of African labourers in Government employment.

The CHAIRMAN replied in the affirmative.

#### *Application of International Conventions.*

On behalf of Sir F. Lugard, the CHAIRMAN put the following question: What Conventions had not been adopted on behalf of the territory? (See the report, page 62.)

Mr. ORMSBY GORE replied that, in the report for 1925, paragraph 9, the following passage occurred:

"The industrial life of the territory has not yet assumed that complex character capable of developing such problems as would render the application of conventions or recommendations of International Labour Conferences either useful or expedient. The principles underlying such conventions or recommendations are, however, considered so far as they are compatible with local conditions, and are incorporated in Ordinance No. 11 of 1921, known as 'The Regulation of Employment Ordinance, 1921', of the Gold Coast Colony. The interests of labour are fully protected by this ordinance, which provides for the attestation of contracts of service by District Commissioners, after they have convinced themselves that the terms and nature of the contract are perfectly understood and that it is entered into voluntarily and with full understanding of its meaning and effect. The ordinance insists on the stipulation in each contract of the nature of the service, the place or limits within which such service is to be performed, and the remuneration to be paid."

There was nothing to add to this observation. There were no big centres of population in the territory and no industries, nor were there any European plantations. The type of problem, therefore, dealt with by the International Labour Office did not arise in Togoland.

#### *Delimitation of the Frontiers.*

The CHAIRMAN pointed out that it was five years since the mandate had come into force, but that the delimitation of the frontier had only just been begun. The reports from both Governments gave very meagre information as to what had taken place. Would it be possible to give more information regarding the results of the conversations between the representatives of the two mandatory Powers?

There was a reference on the bottom of page 8 of the report on Togoland to Sprigade's map of Togoland of a scale of 1:200,000. That map did not appear to have reached the archives of the Secretariat, although it was mentioned as an annex to the Franco-British Declaration of July 10th, 1919, which formed part of the Mandate for Togoland. Could the accredited representative arrange for copies to be sent to the Secretariat of the League, as well as copies of the map mentioned in Article 2, paragraph 2, of the same Declaration?

Mr. NEWLANDS replied that the work of delimiting the frontier had begun. Details were contained in paragraph 223, page 62, of the report. Complete agreement had been reached between the two mandatory Governments as to the procedure to be followed by the respective Boundary Commissioners. Work had been begun in December 1926, and gratifying progress had been made. The rainy season had put a stop to the work, but it would begin again this month, and it was hoped that it would be finished within four months.

The CHAIRMAN enquired whether the Boundary Commission's work consisted merely in putting boundary pillars along the old frontier or whether, subsequently to 1919, there had been any changes made in the frontier line itself. Were any tribes, for example, arbitrarily divided by the frontier?

Mr. NEWLANDS replied that both mandatory Governments had appointed a political officer and a surveying staff to deal with the work of delimiting the frontier. The views of both Governments were in close accord as regards the frontier, and it was being delimited in such a manner as to take account, as far as possible, of tribal and geographical frontiers. The conclusion had been reached by both Governments that the frontier line of 1919 should be adhered to as closely as possible. Boundary pillars were being set up at frequent intervals. The chiefs on either side of the frontier had been closely associated with the work, and the fullest explanations had been furnished to them.

He thought that the Sprigade map asked for by the Chairman had already been sent. If this were, however, not the case, it would be forwarded to the Secretariat.

Mr. ORMSBY GORE added that no serious variation of the 1919 frontier line had yet been reported.

The CHAIRMAN was glad to note this observation, for any variation of that frontier would have to be approved by the Council of the League.

Mr. ORMSBY GORE said that, as soon as the Boundary Commissioners had completed their work, they would report to their respective Governments, who would forward the reports to the League.

M. MERLIN recalled that he and Lord Milner had drawn the boundary line in 1919.

Mr. ORMSBY GORE agreed that, if there were any material alteration in the boundary line, it would obviously have to be approved by the Council.

M. RAPPARD thanked the Administration for furnishing a road map of the territory, which, though not on a very large scale, was useful.

#### *Public Finance.*

M. RAPPARD noted that there was no reference in the budget to the sums collected from school fees, though it was noted in paragraph 115 that these sums, which showed a consistent increase, were paid into the Treasury of the territory.

Mr. ORMSBY GORE agreed that there was no reference to this fact in the budget. He would call attention to the omission. The fees collected from the parents should have been shown separately.

The CHAIRMAN reminded the accredited representative of an undertaking which he had given at the tenth session (Minutes of the Tenth Session, page 108) to the effect that he would make full enquiry as to Togoland's share of the loan of £4,000,000 obtained by the Gold Coast.

M. RAPPARD had understood, from the discussion on this point at the tenth session, that the service of part of the loan would have to be borne by the mandated territory.

With reference to the expenditure in connection with the floating of the Gold Coast loan, he noted that a sum of £11,590 15s. 4d. had been included in the budget of the territory to represent its proportionate share of the expenses. Could the accredited representative furnish explanations concerning the manner in which the loan had been floated?

Mr. ORMSBY GORE replied that, as Togoland was, in accordance with the mandate, administered as an integral part of the Gold Coast, it was reasonable to allocate to that territory a part of the loan which the Gold Coast had raised in 1926 for the purpose of constructing various public works, such as roads, railways, harbours, etc., for the common benefit of both territories. It would be very difficult, and perhaps impossible, to make an exact allocation, and the amount shown had been calculated on the arbitrary basis of population.

The method of floating the loan had been that followed in all colonies. The Crown Agents arranged for it to be underwritten in the city of London and did all the clerical work, the preparation of the vouchers, etc., for which they were empowered to charge a commission on the loan. This commission was always included in the expenses of raising the loan.

M. RAPPARD thought that the commission charged by the Crown Agents must have been

somewhat high if £11,590 15s. 4d. represented the mandated territory's share of it. Perhaps the loan had been issued below par, and that sum included the difference between the price of issue and par.

Mr. ORMSBY GORE replied that the loan, which had been issued in 1926, had amounted to £4,000,000, issued at 94. He would find out the exact amount of the commission charged by the Crown Agents. Raising a loan for the colonies was usually expensive.

M. RAPPARD, with reference to the three footnotes on page 93, asked what method had been adopted in compiling the figures for revenue and expenditure regarding which no reference was made to a note. According to footnote (a), the figures for import duties were approximate true totals. Was this the case for export duties and for various other items, or should footnotes (b) and (c) be applied to them?

Mr. ORMSBY GORE replied that approximate true totals could be given for exports to French territory. It was very difficult to give true totals in the case of exports through the Gold Coast.

Mr. NEWLANDS explained that footnote (a) applied to import duties, other figures being calculated per head of population. He agreed that footnote (b) ought to be attached to the item "Export duties".

M. RAPPARD noted that the expenses of the Administration would appear to be somewhat high as compared with the amount expended for the direct benefit of the natives. For example, only £2 17s. 6d. was shown as having been expended on preventive measures against infectious diseases, while the personal emoluments of the medical and executive staff had amounted to £2,370 1s. 6d.

Mr. ORMSBY GORE replied that it was impossible to give an accurate figure for the amount actually expended for the benefit of the natives. All public works in the territory, for instance, were for their benefit.

In reply to a further question from M. Rappard, Mr. Ormsby Gore explained that it would be difficult to say definitely if, or when, direct taxation would be introduced into the Gold Coast, or, indeed, into the mandated territory. So far, it had not proved necessary, but it would probably have to be introduced sooner or later.

M. RAPPARD asked whether the Commission could be given figures showing the trend of development in the matter of receipts and expenditure. What was wanted was a picture of what had been spent in five years by the various Government departments and what was the growth of the income of the territory.

Mr. ORMSBY GORE said that the Administration would do its best to furnish such figures. It was much more difficult, however, to do so in the case of Togoland than it was in that of the Cameroons. It would be possible to give the total revenue raised in the mandated territory over a series of years and the estimated expenditure for the same period.

M. MERLIN hoped that the budget would be more clearly stated in the future. There were, for instance, footnotes denominated (a), (b) and (c) on pages 93, 94, 95, 96, 97 and 98. They did not, however, always refer to the same thing on the same page. Could these footnotes be standardised in future?

Mr. ORMSBY GORE undertook that this should be done.

M. MERLIN noted that there was a deficit in the budget of Togoland (page 63, paragraph 225). It was met out of the revenue of the Gold Coast. Did the Gold Coast regard the amount it had to pay to meet the deficit of Togoland as a recoverable advance or as a free gift?

Mr. ORMSBY GORE replied that he had never heard it stated that the Government of the Gold Coast considered itself entitled to recoup the sums expended by it to cover the deficit of the Togoland budget. It had been entrusted with the administration of the mandated territory, under the supervision of the Colonial Office and the League, and its duty was to raise that territory to its own level, which was now fairly advanced. The Gold Coast Government had never complained that the receipts from the mandated territory did not cover the expenditure of the Gold Coast upon it, and it had never regarded the extra amount needed as recoverable. The general desire of the Government of the Gold Coast was to improve conditions in Togoland. For example, the Honourable Nana Sir Ofori Atta, who was the leading African member of the Legislative Council of the Gold Coast, had made a detailed tour of the south section of the mandated territory and had shown great interest in the work of the Administration.

M. MERLIN was glad to note this information. Supposing, however, at some future date, Togoland showed a surplus instead of a deficit, would the Government of the Gold Coast then consider itself justified in appropriating the surplus in order to repay itself the amount which it had expended to cover former deficits? The Gold Coast Government might reasonably be expected to proceed on these lines, but it should not be forgotten that the terms of the mandate forbade the mandatory Power to derive any direct profit from the territory. The Commission, or certain of its members, might be led to make reservations on this point.

Mr. ORMSBY GORE replied that the contingency referred to by M. Merlin was not likely to arise. For a very long time to come, the receipts derived from the local revenue of Togoland

would not exceed expenditure. If a surplus one day occurred, it might seem just to the Gold Coast Government to ask for a return of some of the money which it had expended to cover deficits.

M. MERLIN thought that, in its own interest, the mandatory Power should keep a special account, separate from the other accounts, for all moneys representing advances from the Gold Coast to cover the deficit or for other purposes. A similar account appeared in the budget for French Togoland.

Mr. ORMSBY GORE replied that in French Togoland this was far easier to do than in British Togoland, for the former possessed the old capital of the country, the railways, etc., whereas British Togoland consisted of a long narrow strip. To take a single example : part of the people under the paramount chief at Yendi dwelt in the Gold Coast and part in the mandated territory. It was consequently very difficult to show what percentage of the receipts from taxation in Yendi should be apportioned to the mandated territory and what to the Gold Coast.

M. RAPPARD agreed. This was another reason in favour of giving greater details of the budget in the report.

To return to the loan. He noted that Togoland had been charged with part of the expenses in this connection, and therefore that part of the works constructed with the aid of the loan belonged to it. The country ought therefore to have acquired capital in the form of public works. No capital account, however, was shown in the report. Could this be remedied in the future?

Mr. ORMSBY GORE replied that the figures in the budget were arbitrary, because they were based on a *per capita* calculation. Most of the public works constructed out of the money produced by the loan—for example, the harbour at Accra—were of indirect benefit to Togoland. Any figures, therefore, in the budget would certainly be misleading.

M. RAPPARD pointed out that, if Togoland had to meet certain payments in connection with the loan, a corresponding indication should, he thought, be given regarding the value of the property which it had acquired as a result of the loan.

The CHAIRMAN, in summing up the discussion, said that the Commission could only take note of the information furnished regarding the budget. It was not in a position either to approve or disapprove it.

Mr. ORMSBY GORE said that—for the immediate future, at any rate—the method of calculating the budget per head of the population would have to be continued. Next year, with the completion of the new harbour at Takoradi, the question of constructing a railway would enter the field of practical politics. It would serve the northern part of Togoland quite as much as the Gold Coast. In those circumstances, how would it be possible to fix the true proportion of the benefits derived by Togoland from that railway and those derived by the Gold Coast? A capital account, however, would be added to the budget.

The CHAIRMAN noted that, while the Cameroons benefited from the profits resulting from the minting of coinage, Togoland was not in the same position; on the contrary, the cost for the transport of cash was included in the budget.

Mr. ORMSBY GORE said that the same currency was in use throughout West Africa. The West African Currency Board distributed it to the various Governments, which shared the profits on a proportionate basis. Part of those profits should certainly appear in the accounts for Togoland, and this matter would be set right in future reports.

The CHAIRMAN, on behalf of Sir F. Lugard, asked :

1. What taxes were paid by native traders and what by Europeans?
2. Were there any native treasuries?
3. Why were the exports of the territory about six times the value of the imports?

Mr. ORMSBY GORE replied :

1. There was no direct taxation.
2. There were no native treasuries, but the question of introducing them was being considered.
3. That he had given a full answer to a similar question in connection with the mandated territory of the Cameroons.

#### *Police.*

The CHAIRMAN noted that there had been a reduction in the cost of the police forces but an increase in that of the constabulary. He desired an explanation.

Mr. ORMSBY GORE replied that the police worked entirely in the southern portion of the territory. In the northern portion, their places were taken by a force fulfilling both police duties and the duties of an armed constabulary.

In reply to the Chairman, Mr. NEWLANDS said that a few police recruits were obtained from the local population. Most of the force, however, especially that part of it stationed in the northern districts, came from the Gold Coast.

*Riots at Kugnan and Kuntuli.*

The CHAIRMAN, with reference to the statement on page 14 concerning the riots at Kugnan and Kuntuli, enquired whether the native authorities called in to quell them had been under the direction of the white administrators. Had there been any white casualties?

Mr. NEWLANDS replied in the negative. What usually happened in such cases was that the riot was put down by the local native authorities, who reported that the people in question were getting out of hand. On the arrival of the political officer to assist, if necessary, in restoring order, it was usually discovered (as in the above cases) that the fight was already over. Poisoned arrows were confiscated because they were used solely for fighting purposes and not for hunting, and it was difficult to remove the poison from arrows which had become impregnated.

*Production of Foodstuffs and of Crops for Export.*

M. VAN REES noted that, according to the report (pages 55 and following), it appeared that in the northern section of the territory the natives were encouraged to undertake the cultivation of crops which could be exported. Were the food crops grown in the territory sufficient, and did the Government encourage the growing of them? It would appear that more attention to the production of food crops was necessary.

Mr. ORMSBY GORE replied that the policy pursued was that, in cases where the native was within easy reach of transport facilities, it was natural for the Government to encourage the production of crops for sale. In other areas beyond the reach of the railway, the opposite policy was pursued, and the natives were encouraged to become self-supporting from the point of view of the food supply.

The danger in areas where transport was readily available was for the native to produce saleable crops to such an extent that the production of foodstuffs suffered a decline, the native purchasing tinned foods out of the profits from the sale of his crops. This tendency had to be carefully watched. The production of the necessary quantity of local food was a matter of vital importance. It was to be noted that, in the areas of the Gold Coast where the native was most prosperous, the price of food was much higher than in the lesser developed areas. The Agricultural Department was fully alive to the danger, and every effort would be made to encourage the production of foodstuffs.

With reference to the fact that the account of the Agricultural Department's activities in the southern section of the territory was less detailed than that furnished regarding the northern section, Mr. NEWLANDS explained that the agricultural officer of the southern section had gone home on leave and had then retired. His successor had fallen ill with yellow fever, and it had accordingly been impossible to obtain such detailed information as had been the case with the northern districts, in which the agricultural officer had travelled to a great extent and obtained much interesting information.

He added, with respect to the observations of M. Van Rees, that both the northern and southern sections exported considerable quantities of foodstuffs to the Gold Coast.

*Labour.*

Mr. GRIMSHAW concluded, from the brevity of this section of the report, that there was nothing to add to the very full and detailed information furnished in the report for 1925.

Mr. ORMSBY GORE replied in the affirmative. No new legislation had been enacted.

The CHAIRMAN, on behalf of Sir F. Lugard, asked whether the labour on the roads mentioned on page 65 of the report was paid and whether it was voluntary. What was the nature of these roads?

Mr. NEWLANDS replied that payment was made in every case.

Mr. ORMSBY GORE added that the expenditure under this head was shown in the budget.

Mr. NEWLANDS said that, in the northern section of the mandated territory and of the Gold Coast, wheeled traffic had only been introduced after the war. Prior to that, footpaths had sufficed. The construction and upkeep had until then been carried out by the natives for no payment. By 1924, however, motor-roads had been constructed as far as Tamale. As the roads developed, the question of the payment for the labour required to build and keep them in good order had arisen. Payment for the construction and upkeep of roads had been introduced immediately in the mandated territory in conformity with the system in vogue in the southern part of the Gold Coast, but the old system of non-payment had been continued for some little time in the northern part of the Gold Coast.

Mr. ORMSBY GORE added that he gathered that the statement which he had made in his report was already out of date.

*Liberty of Conscience.*

M. PALACIOS said that he had no questions to ask. Paragraph 82 of the report was very short and showed the good relations existing between the missions, particularly between the Ewe Mission and the Roman Catholic Mission and between these and the Government—at least, that was his impression.

M. RAPPARD drew attention to the statement, in paragraph 148 of the report, to the effect that “should more missions desire to open in the north, they will be allotted a sphere of labour and no such sphere will overlap the sphere allocated to another mission.” He enquired whether there were any reasons for apprehending that the overlapping of spheres of missions, which might eventually become rivals, would lead to trouble. It was otherwise in the Cameroons.

Mr. ORMSBY GORE replied that the northern part of the territory was practically virgin ground. The roads in that section had only recently been constructed, with the result that the country would at length be open to missionary enterprise. It would be a waste of energy if all missions settled in the same place instead of separating over the country. It was, however, fully realised that the Administration had no power to stop the missions settling in one place if they desired to do so, and it merely endeavoured to make amicable arrangements for the division of the territory into spheres of influence, but made no attempt to enforce such arrangements.

M. RAPPARD thought that there was some inconsistency between the accredited representative's statement and that made in the report.

Mr. ORMSBY GORE said that Mr. Newlands assured him that the division into spheres of influence was entirely a matter of arrangement. The words “no such sphere *will* overlap” used in the report were too categorical.

The CHAIRMAN put the following questions on behalf of Sir F. Lugard :

1. Have the German missions resumed their properties?
2. What is the position of the Basle Mission?
3. Is a Board of Trustees, as in the Cameroons, to be set up?
4. In whom will ex-enemy mission property be invested? (*Cf.* Mr. Ormsby Gore's letter of December 2nd, 1926, C.P.M.542).

Mr. ORMSBY GORE replied that in the case of the Bremen Mission the reply to Question 1 was in the affirmative.

2. The Basle Mission did not operate in Togoland.
3. With regard to the setting up of a Board of Trustees, the answer was in the negative.

As regards Question 4, ex-enemy mission property had been handed back to the original owners.

*Education.*

Mme. WICKSELL said that she had read with the greatest interest both the fourteen points to which Mr. Ormsby Gore had referred and also the memorandum of the Governor. She only hoped that the Administration would be able to bring its policy into effect and that the spirit prevailing hitherto in matters of education would continue to exist.

She had, however, found the report extremely confusing and difficult to read. The Administration perhaps did not realise how little the members of the Commission knew of the geography of these African territories. For instance, the report in one passage mentioned five Government schools and four trade schools, but, on closer examination, it appeared that all these schools lay outside the British sphere of Togoland. She enquired whether the removal to Tamale of the school at Yendi, which had been a great asset to Togoland, had seriously affected the attendance of pupils from Togoland.

Mr. ORMSBY GORE replied that as many boys from Togoland attended at Tamale as formerly went to Yendi. Tamale was quite as accessible to boys from Togoland and would render them exactly the same services as in the past. All these schools were boarding-schools and were heavily subsidised. With regard to the apparently confused information given, Mr. Ormsby Gore pointed out that the passage dealing with the completion of the four years course on page 36 referred only to boys from Togoland.

Mme. WICKSELL enquired whether the information given on page 40, paragraph 152, applied only to boys from Togoland?

Mr. ORMSBY GORE replied in the negative. In this case, Mme. Wicksell's criticism was certainly justified.

A certain number of boys from Togoland attended the school at Kibi, four places a year being earmarked to boys from the southern section.

With regard to the removal of the school from Yendi to Tamale, he had himself made enquiries on this subject and had been informed that further progress at Yendi was impossible. There was now a first-class motor road leading to Tamale, so that it was not only easier of access to the boys but offered better facilities for obtaining school equipment. The transfer had been desirable on general administrative grounds.

Mme. WICKSELL observed that there were no Government schools in the southern part of

the territory and enquired whether it was the Government's policy to rely for education in this section on the missions and to give them subsidies and other forms of assistance.

Mr. ORMSBY GORE replied that it was the Government's policy to leave mission schools where they existed and to subsidise and help them in every way with the object of improving them. The Government endeavoured to obviate any rivalry between the mission and Government schools.

Mme. WICKSELL enquired whether Mr. Ormsby Gore could give any further information with regard to the Prince of Wales College at Achimota, which institution would probably prove of great importance to the entire coast of Western Africa.

Mr. ORMSBY GORE said that the Government was satisfied that it was the right policy not to put Achimota under the Department of Education. It was an entirely self-contained institution, founded on separate principles. Information regarding progress at Achimota would be given in future reports on the work of the Department of Education in the Gold Coast. These reports would be available for Mme. Wicksell, if she desired to receive them. At the same time, the college at Achimota was still under construction. The number of boys on January 1st last had been about 100, and it was hoped to have about 200 in the following year.

In reply to an observation, on behalf of Sir F. Lugard, that petty details concerning the Bremen Mission occupied one-tenth of the report, Mr. Ormsby Gore said that a very comprehensive report had been specially called for from the Director of Education on the Bremen Mission and had accordingly been incorporated in the report on the territory. This information would not, however, be repeated in future years.

In reply to a further question, on behalf of Sir F. Lugard, as to the duties of the "organiser of practical education," Mr. Ormsby Gore said that the organiser had not yet been appointed. His duties would be to organise and inspect the various kinds of training work carried on in the Gold Coast.

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#### FOURTEENTH MEETING

*Held on Tuesday, November 1st, 1927, at 4 p.m.*

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#### 780. Togoland under British Mandate : Examination of the Annual Report for 1926 (continuation).

The Rt. Hon. W. G. A. Ormsby Gore, Under Secretary of State for the Colonies, and Mr. Newlands, Provincial Commissioner in the Gold Coast, came to the table of the Commission.

#### *Liquor Traffic.*

M. FREIRE D'ANDRADE reminded Mr. Ormsby Gore that, in its report to the Council for 1926, the Commission had stated that "it noted with interest a special ordinance (No. 1 of 1925) imposing on persons holding licences to sell spirits, etc., the obligation to furnish the authorities with records of the amounts bought and sold." The Commission had further stated that "it will follow with interest any further development as regards the control of the issue of liquor licences in the territory." The table on page 22 of the report for 1926 did not give the exact information which the Commission required. M. Freire d'Andrade would be glad to know how many licences had been granted, under what conditions and to whom.

Mr. NEWLANDS replied that liquor licences were granted only in the southern section of the territory. They were of two kinds, the first being for the sale of spirits and the second for the sale of beer and wine. The issue of these licences was confined to three trading centres. About ten licences in all had been issued, seven being granted to European firms, while three were granted to native traders of whose *bona fides* there was no doubt. As other trading centres opened up, it would probably be necessary to issue further licences, but it was the Government's policy for the moment to restrict the number. The licences were issued by the District Commissioner.

M. FREIRE D'ANDRADE reminded the Commission that, at its third session, it had made a recommendation to the French and British Governments to come to an agreement for the equalisation of the prices of liquor in French and British Togoland in order to prevent smuggling. There appeared to be no information on what had been done to give effect to this recommendation, while the statements made by the various representatives at previous sessions of the Commission

as to the contraband trade between French and British Togoland appeared to be somewhat contradictory. In the previous year, for instance, Mr. Ormsby Gore had said that there was practically no smuggling from French into British Togoland, while in the returns for this year it appeared that smuggling was still taking place.

Mr. ORMSBY GORE replied that, when he was in Togoland in the previous year, he had been told that there was not much contraband liquor coming across the frontier. Since then, however, there had been a recrudescence of smuggling, principally by a particular gang. Smuggling would undoubtedly continue as long as the difference in the price of liquor in French and British Togoland existed. Moreover, it was difficult to patrol the frontiers, which consisted largely of bush country. The problem presented by this question of smuggling was not, however, a formidable one.

Mr. NEWLANDS added that the trade in contraband goods across the frontier appeared to fluctuate. Up to 1924, the Administration had believed that it had arrested smuggling and accordingly had reduced the number of frontier guards. Smuggling had, however, broken out again since that year and the frontier patrols had been increased.

Mme. WICKSELL enquired whether the smugglers were able to sell contraband liquor at cheaper prices than legally imported liquor.

Mr. ORMSBY GORE believed that it was sold at approximately the same price. The smugglers were able to buy liquor in French Togoland at a lower price than in British Togoland and hence made a profit on any sales in the latter territory. The difference in price, however, was now comparatively small. It appeared that, in general, smuggling was profitable if the franc fell in value, whereas it ceased to be profitable if the franc rose. In British Togoland, the duty on imported liquor was 25s. a gallon, of a strength of 50 degrees, while the fee for a liquor licence was £20 a year.

M. MERLIN thought that the difference of price in liquor sold in the two territories was not very great and did not have much effect on smuggling. The duty on liquors imported into French Togoland was 30 francs per litre and the fee for a licence 1,000 francs a year. He would, however, take the matter up with the French Government with a view to the conclusion of an agreement between the French and British Administrations in Togoland. He enquired whether the gang of smugglers to which Mr. Ormsby Gore had referred were British or French Togolanders.

Mr. ORMSBY GORE said that, according to his information, the gang consisted both of British and French Togolanders. A certain amount of liquor smuggled by the gang had been seized.

M. FREIRE D'ANDRADE suggested that it might be advisable for the Commission to make a recommendation recalling that made at its third session as to the desirability of an agreement between the French and British Administrations for the prevention of smuggling.

Mr. ORMSBY GORE pointed out that the French Togoland police were co-operating with the British police to prevent smuggling.

#### *Public Health.*

M. FREIRE D'ANDRADE observed that the information given for health was clear and more complete, but drew attention to the passage in the report to the Council for 1926 in which the Commission regretted "that no information concerning public health matters in certain regions of the mandated area is given and hopes that in future the reports of the medical officers in these regions would be received in time for inclusion in the report."

He asked whether the Administrations in British Togoland and the Cameroons were in contact with the Health Section of the Secretariat of the League of Nations, which had carried out important work in connection with malaria and was endeavouring to help the Governments to fight that disease.

Mr. ORMSBY GORE replied that any data, reports, etc., received from the Health Committee were immediately transmitted to all medical officers in territories under British Administration. As far as British Togoland, however, was concerned, medical work consisted mainly of the compilation of known facts rather than actual research work. So far as he was aware, no work had actually been done by the League as regards malaria in West Africa.

The CHAIRMAN, on behalf of Sir F. Lugard, asked if the medical staff was up to strength.

Mr. ORMSBY GORE replied that it was still up to strength in the mandated areas.

The CHAIRMAN, on behalf of Sir F. Lugard, asked if there were any African doctors.

Mr. ORMSBY GORE replied that there were none in the mandated area, but that there were many private African practitioners in the Gold Coast itself as well as three in the official service. The private African doctors had very good practices in the richer towns.



*Land Tenure.*

M. VAN REES said that the Commission had been informed that, in the northern districts, the natives were encouraged to produce crops for export. He enquired whether this had any effect on the land rights of the native cultivators. Were they regarded as having a perpetual right of occupation of their lands? It would seem that as these plantations required several years of cultivation before they became productive, the result would be a modification of the land rights.

Mr. ORMSBY GORE thought that M. Van Rees was under a misapprehension. The cultivation of export crops took place only in the south. The Administration encouraged in the north the cultivation of crops for local consumption. Rights of land tenure were very highly developed in those places where export crops, *e.g.*, cocoa, were cultivated. At the same time, all lands were regarded as belonging to the stools, upon whom the allocation of land depended entirely.

Mr. NEWLANDS added that, formerly, no private person could own land, but the stools had now agreed that, on the death of a man who had undertaken permanent cultivation, it would be unjust to take the land away from his family and it now accordingly passed to his heirs on his death. There was some selling of lands as between the natives, but it was not customary to sell lands except in the towns.

M. VAN REES enquired whether the British Government had taken any steps to reserve sufficient land for the production of annual food crops.

Mr. ORMSBY GORE pointed out that he had referred to this matter at the previous meeting.

Mr. NEWLANDS observed that the Administration did not interfere with native cultivators, and added that large quantities of foodstuffs were exported from British Togoland to the Gold Coast. This trade was largely due to the encouragement given by the Government to the cultivation of crops.

Mr. ORMSBY GORE pointed out that there were no State lands in Togoland. The Government interfered with the users of land as little as possible.

In reply to a question by M. Van Rees, Mr. NEWLANDS doubted whether there was a single acre of agricultural land belonging to foreigners in British Togoland.

All land belonging to foreigners consisted of trading sites and missionary stations.

In reply to a question asked on behalf of Sir F. Lugard, Mr. ORMSBY GORE pointed out that the British Government had no land titles to confer in British Togoland.

*Form of the Annual Report.*

The CHAIRMAN enquired why the report for Togoland was entitled "Report . . . on the Administration of the British Sphere of Togoland," while that for the Cameroons was entitled "Report . . . on the Administration of the British Cameroons."

Mr. ORMSBY GORE replied that the "British Sphere" was a term used in common parlance in the Gold Coast due to the division of Togoland between the French and the British. He was, however, prepared to meet the wishes of the Commission as regards the term to be used in the annual reports.

After some discussion, the CHAIRMAN suggested that, in future, the reports should be headed "Report . . . on the Administration of Togoland under British Mandate" and "Report . . . on the Administration of the Cameroons under British Mandate."

Mr. ORMSBY GORE enquired whether the Commission had any other wishes as to the form of the next report on British Togoland.

M. FREIRE D'ANDRADE, availing himself of the offer of the accredited representative, said that he would be glad if, in future reports on Togoland and the Cameroons, information in regard to the number of medical personnel in each area could be classified under the headings of medical officers, nurses, hospital attendants, sanitary inspectors, etc., on the lines adopted in this year's report for the staff in the Krachi district.

Mr. ORMSBY GORE replied that this would be done in future and that the annual reports of the medical officers would be reproduced in full as in the report for 1926.

*Close of the Examination.*

The CHAIRMAN thanked Mr. Ormsby Gore for the patience with which he had replied to the Commission's questions. The Commission, too, must be grateful to the British Government for sparing Mr. Ormsby Gore at a time when his duties in London were so heavy.

Mr. ORMSBY GORE thanked the Commission for the kind attention with which it had listened to him.

Mr. Ormsby Gore and Mr. Newlands withdrew.

**781. Some Coloured Schools in the United States : Memorandum by Mme. Wicksell.**

Mme. WICKSELL did not think that the report which she had submitted on the question of schools for coloured children in the United States (document C.P.M. 623) called for discussion. She asked that it should be annexed to the Minutes and that a certain number of extra copies of it should be printed. These she proposed to send to the United States and to various schools in the mandated territories.

The CHAIRMAN, on behalf of Sir F. Lugard, congratulated Mme. Wicksell on the report she had submitted, which he much appreciated, and suggested that it should be printed as an annex to the Minutes.

*Mme. Wicksell's proposals, as well as that of Sir F. Lugard, were adopted. (See Annex 6.)*

**782. Rules of Procedure of the Commission : Amendments necessitated by Recent Decisions of the Council.**

M. VAN REES said he had noted that certain of the Rules of Procedure had ceased to be in conformity with the procedure and present composition of the Commission. He accordingly wished to propose a change in the wording of these rules.

Rule 1 provided for only one regular session per annum. Experience, however, had shown that the Commission could not do without more than one ordinary session a year, and he thought that paragraph 1 of Rule 1 should be re-drafted as follows :

“ The Permanent Mandates Commission will assemble in ordinary session at least once a year at the seat of the League of Nations, the first session being held, as a rule, in the second half of June.”

The number of regular members having been increased from nine to ten, the first paragraph of Rule 3 should read as follows :

“ At any meeting, six members shall constitute a quorum.”

M. Van Rees proposed that, in order to make Rule 4 accord with the amendment to Rule 1, the word “ each ” in the first line should be replaced by the words “ the first ”.

Finally, he thought that it would be desirable to change the first sentence of Rule 8, prescribing that the Commission should undertake a separate examination and discussion of each of the annual reports “ at the beginning of the ordinary session”, so as to read “ in the course of the ordinary sessions”. This amendment was required not only because the Commission met more than once a year in ordinary session but still more because it seemed useless to lay down that the examination of the annual reports must necessarily be held “ at the beginning ” of the sessions, a provision which the Commission had come up against on several occasions. Moreover, it would probably be materially impossible to undertake the examination of several reports at the beginning of a session.

M. FREIRE D'ANDRADE observed that the revision of the Rules of Procedure proposed by himself at a previous meeting thus seemed unavoidable, although his proposal had not been very warmly received at the time.

The CHAIRMAN thought that the Commission should be cautious in revising its Rules of Procedure. He reminded the Commission that, even as it was, it was difficult to settle upon the dates and arrangements for the sessions, so as to suit the personal convenience of all the members, without interfering with the proper execution of the Commission's task.

He warned the Commission against the danger of binding itself by any too hard-and-fast rules.

M. VAN REES pointed out that the experience of the past years had proved that an ordinary annual session was not enough to enable the Commission to do its work. It had been obliged to meet at least twice a year. The Rules of Procedure, however, only provided for one session, and consequently the rule should be altered so as to conform to the practice adopted by the Commission. He was not asking for a complete revision of the Rules, but merely an adaptation to fit in with the new circumstances resulting from the expansion of the Commission's work and the increase in the number of its members, which called for a quorum of five instead of six.

The CHAIRMAN observed that, once the Commission began to change its Rules, it would be led on to a revision of its entire procedure.

M. CATASTINI pointed out that the procedure at present followed by the Commission as regards the number of annual sessions had been fully confirmed by the Council's decision of September 15th, 1925. The same was the case as regarded the appointment of a new member of the Commission. He wished merely to emphasise the fact that the procedure adopted by the Commission up to the present had been an entirely legal one.

M. FREIRE D'ANDRADE agreed with the Chairman. The Committee should not attempt to patch up its Rules. If ever it thought it necessary to change them, it would have to consider the complete revision of every clause.

M. PALACIOS realised that certain details as regards the application of the Rules of Procedure had lapsed owing to the modifications which had been made in the Commission itself. Provided, however, that the basis on which the Commission was working was an entirely legal one—and this was the case, as M. Catastini had pointed out—M. Palacios thought that great prudence, should be shown in changing the Rules. He was considering merely the question of advisability. For the present, the changes should merely consist in the modest adaptations or corrections which were already the result as much of the practice adopted by the Commission as of the measures approved by the Council.

M. MERLIN pointed out that, under Rule 1, the Commission held two kinds of session, ordinary and extraordinary sessions.

Extraordinary sessions were conducted according to a special mode of procedure. With regard to the ordinary sessions, it was obvious that, as the Commission could not finish its work at the June session, the remainder was postponed to a later session. The ordinary session was thus divided into two parts, but it was the same session without a break. M. Merlin accordingly saw no urgent reason for changing the rules relating to the meetings of the Commission in ordinary session.

M. VAN REES reminded the Commission that M. Merlin's argument had been advanced some years previously by two members of the Commission and had then been rejected. It had been said that a session could not be continuous if broken into two halves. In cases where all the reports had not been examined at the first session, it had been agreed that the Commission would hold a second ordinary session in the course of the same year. It was for this reason that he had thought right to propose a change in the wording of the rule.

M. ORTS thought that, before beginning the discussion of the modification of the Rules, the Commission should solve the previous question—whether or no it was advisable to revise them.

M. CATASTINI thought that the modifications might be presented as an adjustment of the text of the Rules to meet the decisions already taken by the Council. This would obviate the idea that the Rules were being revised.

The CHAIRMAN shared the view that M. Van Rees' amendments should be submitted as a simple readjustment of the Rules to meet the changes made by the Council in the procedure and composition of the Commission, and that the remodelling of the Rules, which might have the effect of binding the Commission too fast in the future, should be avoided. He recognised that every session of the Commission held outside Geneva was subject to the authorisation of the President of the Council of the League. He observed, however, that the Commission's sessions had become increasingly more important since the time when its organisation was first determined. It would be inadvisable to bind the President of the Council by too rigorous a wording of the rules relating to the place of the Commission's meetings, since this might prevent him from authorising the Commission to meet, if need be, elsewhere than at Geneva.

*The formal amendments were accepted in principle by the Commission.*

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## FIFTEENTH MEETING

*Held on Wednesday, November 2nd, 1927, at 10.30 a.m.*

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### 783. Native Labour : Statement by Mr. Grimshaw.

Mr. GRIMSHAW gave an account of the manner in which the International Labour Organisation was dealing with this question, and of the work of the Expert's Committee on Native Labour (Annex 7).

The CHAIRMAN thanked Mr. Grimshaw for the clear and interesting statement which he had just made.

*The Commission decided that this statement should be annexed to the Minutes.*

M. ORTS asked if the investigation opened on the conditions of work in Asia had been made on the spot.

Mr. GRIMSHAW replied that the investigation asked for by the Labour Conference was entirely an investigation based on documents. The investigation on Indian conditions was nearly finished. That on Malay was finished. Those regarding Iraq and Palestine were well advanced as were those on Japan and China.

#### 784. School Manuals and the Mandates System.

M. VAN REES recalled the fact that, at the opening meeting, he had drawn the attention of the Commission to an article in the review *La Paix par le Droit* for February 1927, in which an appeal was made to the League of Nations, and to the Mandates Commission in particular, to obtain the rectification of certain errors in school manuals tending to convey the idea that mandated territories had been purely and simply annexed to the colonial dominions of the mandatory Powers.

M. Van Rees had thought that the Mandates Commission would be doing useful work in drawing the attention of the Council to the article in question and in begging it to point out the errors which were referred to by the Committee on Intellectual Co-operation. He knew that M. Rappard had already remarked that in certain French manuals in particular the errors had already been rectified, but they still existed in the manuals of other countries. He thought that the Commission would be well within its rôle in considering the danger which might result from a deformation in the minds of the young generations as to the idea of the mandates.

The Commission had often said that it considered itself as the guardian of the principles of the mandates. It would appear that a good way of maintaining the full force of these principles would be to inculcate in the young generation still at school accurate ideas on the mandates entrusted to certain Powers in the name of the League of Nations. The objection raised by Mme. Wicksell at the first meeting had not struck him as sufficient to warrant taking no action. In fact, it was necessary not to forget that, amongst the schoolchildren of to-day, there were officials of to-morrow, possible officials in mandated territories. The institution of the system of mandates in itself necessitated that the principles upon which it was based should be clearly understood. M. Van Rees therefore asked the Commission to decide if the attention of the Council should be drawn to the article in the review mentioned.

M. MERLIN, although recognising the legitimate desire of M. Van Rees to inculcate into the populations of the mandatory Powers an accurate conception of the mandates regime, could not entirely accept his proposal. He wondered if the Commission were justified in basing a recommendation to the Council on a mere article in a paper. The Commission could not take into consideration everything that was published in the Press or it would find itself led into an extremely dangerous path. On the other hand, he did not see very clearly what the action of the Council of the League could be on this question. If it were pointed out that school manuals stated clearly that the mandated territory was annexed territory there might be cause for intervention, but these manuals appeared merely to keep silence on the real character of the mandated territory.

At present, a campaign had been opened in France to give greater place to the French colonial empire in the school manuals. In this colonial empire the mandated territories amounted to very little. While, it was true that future officials of mandated territories were now at school, it must not be forgotten that those who would be called upon to administer these countries would be educated people, and would often have passed through special schools and consequently have learnt the exact principles of the mandates system. M. Merlin was of the opinion that the Commission should thank M. Van Rees for having called its attention to this point, but he did not think that it was justified in making it the object of a recommendation to the Council and of an observation of the Council to the mandatory Powers.

M. RAPPARD entirely agreed with M. Van Rees regarding the object of this proposal. He was not, however, in complete agreement with him as to the means to be employed. M. Prudhommeaux, the author of the article in question, had himself sent M. Rappard the manuscript of his article asking if the Mandates Commission would eventually be interested in the question and informing him that he had communicated it to the Committee on Intellectual Co-operation. It appeared, therefore, that the intervention asked for by M. Van Rees had already been started, and M. Rappard wondered if M. Van Rees would be satisfied if the Secretariat of the Commission merely pointed out to the Secretariat of the Committee on Intellectual Co-operation the exchange of views regarding the question in the Mandates Commission. M. Rappard was not in favour of inserting a recommendation on this point in the report to the Council. He was of the opinion that it was preferable to let the question run its own course, on which it had normally started.

M. VAN REES had not known that M. Prudhommeaux had drawn M. Rappard's attention to the article which he intended to publish and that he had, on the other hand, submitted it to the Committee on Intellectual Co-operation. He was satisfied with M. Rappard's proposal, since it would give the required result. His object was to reach the Committee on Intellectual Co-operation and he had thought that the Council was the necessary intermediary, since it had, on several occasions, been prepared to transmit to the Mandates Commission the recommendations made by other organs of the League.

M. MERLIN gladly agreed with M. Rappard's proposal and was of the opinion that it gave the question its just proportions.

Mr. GRIMSHAW was particularly interested in this question for he had observed in British school manuals many examples of the deformation of the idea of the mandates pointed out by M. Van Rees. He had drawn the attention of friends associated with the League of Nations Union in England to this point and requested them to point out the errors to the editors, since

there existed no official school manuals in Great Britain. He therefore asked if the Secretariat could not communicate on this subject with the President of the League of Nations Union.

M. CATASTINI recognised that it would be useful to approach the League of Nations Union on the matter, but, considering that there was a British representative on the Committee on Intellectual Co-operation, he was of the opinion that that representative was the best person to draw the attention of the editors to this matter. He thought, therefore, that it was better to approach that Committee.

M. RAPPARD proposed simply to draw the attention of M. Oprescu, Secretary of the Committee on Intellectual Co-operation, to the Minutes relating to this question when they were published.

*The Commission accepted M. Rappard's proposal.*

#### 785. National Status of the Inhabitants of the Territories under B and C Mandates.

M. RAPPARD submitted the following report on the national status of the inhabitants of the territories under B and C mandates :

"At the last session of the Commission, Sir Joseph Cook, accredited representative of the Government of Australia, at the meeting on June 23rd, 1927 (page 43 of the Minutes), appeared uncertain as to the national status of the inhabitants of New Guinea.

"The reply from the New Zealand Government to the observations and questions raised by the Mandates Commission during its tenth session (Document C.494.1927.VI; *Official Journal*, November 1927, page 1559) would also appear to show some uncertainty on the part of the mandatory Power on this point.

"There can, of course, be no doubt whatsoever as to the real position in respect to this matter, for the Council adopted a clear resolution on the subject at its meeting on April 23rd, 1923, after the question had been raised by the British Government and had been considered by the Permanent Mandates Commission. I think it may be useful to recall the exact terms of that resolution, which was as follows :

"The Council of the League of Nations,

"Having considered the report of the Permanent Mandates Commission on the national status of the inhabitants of territories under B and C mandates,

"In accordance with the principles laid down in Article 22 of the Covenant :

"Resolves as follows :

"1. The status of the native inhabitants of a mandated territory is distinct from that of the nationals of the mandatory Power and cannot be identified therewith by any process having general application.

"2. The native inhabitants of a mandated territory are not invested with the nationality of the mandatory Power by reason of the protection extended to them.

"3. It is not inconsistent with 1 and 2 above that individual inhabitants of the mandated territory should voluntarily obtain naturalisation from the mandatory Power in accordance with arrangements which it is open to such Power to make, with this object, under its own law.

"4. It is desirable that native inhabitants who receive the protection of the mandatory Power should in each case be designated by some form of descriptive title which will specify their status under the mandate.'

"No request was made at that time for any definite reply from the mandatory Powers on the points raised in this resolution, but, in view of the confusion which apparently does exist in certain cases, to which I have alluded above, I believe it would be desirable for the Commission to consider whether we should not now ask the Council to request the mandatory Powers to inform us as to what legislative or other action has been taken to give effect to the Council resolution of April 23rd, 1923."

M. MERLIN did not quite grasp the object of the questionnaire to be addressed to the mandatory Powers. There was no necessity for legislative measures, since it was simply a question of denomination to be applied to the inhabitants of mandated territories. The French Government had decided to adopt in this respect the not very happy expression of "MM. les administrés sous mandat." It had been established by the Council that the status of the inhabitants of mandated territories was distinct from that of the nationals of the mandatory Power and that the acquisition by those inhabitants of the nationality of the mandatory Power must be a voluntary act. He therefore did not see what legislative measures a mandatory Power could take with regard to this subject, considering that the Council had given, in its decision of April 23rd, 1923, an official interpretation of Article 22 of the Covenant.

M. VAN REES recalled the fact that M. Merlin, who at that time was not yet a member of the Commission, had not participated in the discussion which had taken place during the second session upon the national status of the native inhabitants of mandated territories. The expression "administered under mandate" was merely, as he had said on that occasion, a mere administrative denomination, but did not create a political status for the inhabitants. The Commission

had insisted on the inhabitants of the mandated territory being endowed with a perfectly distinct national status. This status would only be made perfectly clear when it had been defined by a legal measure. For this reason the Commission would be glad, in accordance with M. Rappard's request, to know what the mandatory Powers had done in this respect. M. Van Rees added that the recommendation appeared to be rather useful, judging from the observations of Sir Joseph Cook, the accredited representative of the Australian Government, regarding the national status of the inhabitants of New Guinea.

M. RAPPARD observed that the Council had been able to lay down principles but it was not its rôle to decide on the application given to these principles. It was not a mere question of form. This was clearly proved by Sir Joseph Cook's reply. In the same way, according to the statements made by New Zealand, the average Samoan did not seem to know that he was not a British subject. It appeared that the mandatory Power did nothing to correct, in the minds of the inhabitants, this erroneous conception of their national status. Such an attitude was contrary to the principles stated by the Council, on the suggestion of the Mandates Commission.

M. Rappard therefore proposed to insert in the report to the Council the following text :

“The Mandates Commission would be glad to know what action the mandatory Powers have taken on the resolution of the Council of April 23rd, 1923, relating to the national status of the inhabitants of territories under B and C mandates and particularly the fourth paragraph of this resolution.”

*The text was adopted.*

#### 786. Publications of Summaries of the Work of the Commission.

M. VAN REES pointed out that in most cases the general questions as well as the special observations of the Commission bearing on the annual reports examined were presented to the Council in such a form that, unless the reader could refer to the complete collection of the Minutes and of the annual reports of the mandatory Powers, he could not grasp either the substance of the questions raised, or the line of reasoning which had led to the Commission's adoption of certain recommendations.

Suggestions tending to remedy this state of affairs had twice been submitted to the Commission, the first time in the course of its fifth session (see Minutes, page 150) and the second time in an entirely different form in the course of the sixth session (see Minutes, page 145 and Annex 2, page 150).

M. Van Rees admitted that it would be practically impossible to amplify the reports to the Council to such an extent that they would alone suffice to inform the public of all the activities of the Commission. He nevertheless thought that it might be advisable to discuss again the substance of Sir F. Lugard's suggestion, with which the Commission had only dealt very superficially during its sixth session.

He wondered, on the other hand, if it would not be possible for the Secretariat to prepare annually for the autumn session a carefully arranged statement of all the questions which should be retained for the future and which had been discussed during the preceding year. This statement might be distributed to the members of the Commission shortly before the opening of the autumn session, so that each member might have the opportunity of reading it and of correcting or amplifying it if he considered it necessary. The text of this statement, after approval by the Commission, could be thought, be annexed to the Minutes.

M. Van Rees recalled the fact that similar statements had been supplied more than once by the German jurist, M. Bileski. These statements appeared to him of particular interest for the Commission as well as for the public, and they could not fail to be greatly appreciated by the reader. He also observed that M. Bileski had grouped the questions in the order of their importance. Beginning by a general statement, he had then given accounts of what had taken place in the course of the sessions, thus making extremely clear reports, which gave a very good idea of the activities of the Commission and of the discussions on the different questions. To resume the work done by M. Bileski would be to render a great service to the public, and this work would not be without its utility for the Commission; if it were desired to rouse public interest in the work of the Mandates Commission, the public must be in a position to realise exactly what the Commission was doing. Such an exposé might be undertaken once a year, the questions being grouped according to their character. Particular importance should be given to questions of a general order which were sent to the Council without any commentary.

M. Van Rees cited, by way of illustration, the question of State domain, to which, when submitted to the Council, no comment had been attached, although it had formed the subject of discussion for two or three years. The public, as a rule, did not possess the Minutes of the Commission. How, then, could it take an interest in the questions of principle and others with which the Commission was concerned? It was, however, desirable that the public should associate itself with the Commission's work, and this could only be effected by the publication to which he, M. Van Rees, had referred. At the sixth session, Sir F. Lugard had proposed that the Secretariat should be instructed to prepare every five years a review of the Commission's work. It was not difficult to foresee that a review of this kind would demand a very large volume. The idea, therefore, did not seem to be a very practical one. On the other hand, it would be possible to make an annual review of the work done by the Commission during the preceding year.

M. CATASTINI observed that M. Van Rees' proposal raised a question which concerned all the activities of the League. These activities might call, at one and the same time, for scientific

work, which included a judgment of values, and secretarial work, which was more objective in character. In his view, the Secretariat should confine itself to the latter work, leaving the scientific part of it to persons with academic qualifications and scientists in general. As regards the work of the Secretariat, a review of the different questions with which the Commission dealt and of the stage they had reached was prepared by the Secretariat twice a year, namely, in the statement made by the Head of the Mandates Section at each session of the Commission and in the report of the Council to the Assembly. Apart from these statements, which made it possible to ascertain exactly the extent to which the various questions had developed, the Information Section of the Secretariat carried out additional work of the same kind, for in the *Monthly Summary* it was possible to follow regularly the progress of all the questions studied by the League.

M. Catastini wished to emphasise that these observations which he had ventured to make regarding M. Van Rees' proposal did not indicate a wish to avoid work in the Mandates Section, but were prompted by an anxiety not to assume responsibility for work, the nature of which was not, in his view, in conformity with the activities of the Secretariat.

M. VAN REES was perfectly well acquainted with the reports to which M. Catastini had referred—in particular, the Council's report to the Assembly. It was precisely because he knew them that he thought that something else was required. These reports, which were devoid of comments that could be understood by the public, had merely to be compared with the account prepared by M. Bileski, in order to show how great the difference was. The reports to the Assembly merely gave a few particulars about those questions which he might term burning questions, that was to say, questions of principle and of a general nature. Not a word was said of the details of the patient endeavour made by the Mandates Commission to exercise an effective supervision over the activities of the mandatory Powers. Furthermore, the Council's reports were totally unknown to the public. M. Van Rees was not asking for a scientific work, but rather for a work compiled in such a way as to show in a condensed form what had been done by the Commission in the course of the year.

M. RAPPARD said that the problem raised by M. Van Rees was of concern to everyone interested in the work of the League. The League's publications did not easily reach the public, because, generally speaking, the public did not read official documents, while, since officials were required to abstain from formulating a personal judgment, the publications prepared by them were inevitably colourless. If M. Bileski's articles had given pleasure, this was on account of the flavour given by the writer's personal judgment. It would be difficult to ask the Secretariat officials to make personal statements on the various questions. It was, however, possible to ask that the requisite material should be supplied to writers who were prepared to write articles on the question.

M. MERLIN thought that there was a certain similarity between the review which was proposed and the legal comments on judicial decisions appearing in certain special reviews. Thus, as M. Rappard had pointed out, a commentary of this kind could only be prepared by writers who had nothing to do with the Secretariat or, indeed, even with the League. True, it might be desirable to found periodicals for this purpose, but it was not for the Secretariat to carry out publications of this kind, which would be of no value unless the author combined a clear understanding of the different questions with a completely independent appreciation of facts and ideas.

M. VAN REES willingly bowed to the objections raised by M. Rappard, although it did not seem to him at all necessary to add to the summaries in question personal remarks or valuations. He was glad, however, that he had raised the question in the Commission, since, although it had been impossible to find any practical method, the discussion had at least brought out the necessity for making it easier for the public to comprehend the Commission's work. He would not press his proposal, but he was convinced that all the members would endeavour to find some means of creating and maintaining the public's interest in the questions debated by the Commission.

M. CATASTINI pointed out that the Secretariat had drafted in more detail the last reports of the Council because it had had the same ideas as M. Van Rees, regarding the matter.

M. RAPPARD read a letter from a correspondent living in South Africa demonstrating the interest taken in the Commission's work even in that remote country. He felt great satisfaction in this token of the spread of the Commission's influence.

M. CATASTINI added that, when reviews and newspapers expressed the intention of publishing articles on mandates questions, the Secretariat forwarded to them free all the necessary documents.

M. PALACIOS said that he had found the work and the publications of the Section and the documents collected by it of the greatest use in the preparation of his book on the *International Mandates*.

The CHAIRMAN thought it right to point out that there was another obstacle to the dissemination of the League's publications, namely, their very high price.

M. CATASTINI said that, in order to obviate this inconvenience, a list of the organisations and universities in which the League's documents were to be found throughout the world had been drawn up. When the Secretariat received a request for a document, if it were not possible to send the document itself, the applicant was notified of the place where the document might be consulted.

## SIXTEENTH MEETING

*Held on Thursday, November 3rd, 1927, at 10 a.m.*

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### 787. Western Samoa : Examination of the Annual Report for 1926-27.

Sir James Parr, High Commissioner for New Zealand in London, came to the table of the Commission.

The CHAIRMAN, on behalf of the Commission, thanked the New Zealand Government for the very satisfactory replies, contained in the report before it, to the questions which the Commission had put on the occasion of its examination of the report for 1925-26.

He wished also to thank the New Zealand Government for the report of the Foreign Minister's tour in Samoa and for the medical report attached to the general report for 1926-27. The information furnished by the mandatory Power was therefore very complete.

#### *Conception of the Mandate.*

The CHAIRMAN wished to refer to the *Samoa Times* of June 10th, 1927, where the text was given of a speech made by the Administrator on the occasion of the King's birthday celebrations. In that speech were to be found the following phrases :

“ His Majesty is sixty-two years of age to-day . . . We pray that *his great Empire to which we are proud to belong* will experience, etc., . . . The good influence of His Majesty radiates to all *his subjects*, who include one-third of the whole world, and many in this small territory so far removed from the heart of the Empire are affected by that influence perhaps more than you realise, for in this, as in every British country, etc. . . . For nearly thirteen years you have been under the British flag, but only for the past eight years have you been *part of the British Empire.*”

In the previous year the Governor-General of New Zealand had spoken in Samoa in somewhat different terms of the relationship of Western Samoa to the British Empire. He had on that occasion said : “ Western Samoa is not an integral part of the British Empire, but a child of which we have assumed the guardianship”.

The Chairman called attention to these remarks at the tenth session (Minutes of the tenth Session, page 24), remarks which had given every satisfaction to the Commission, which fully agreed with the Governor-General. Was the Commission now to assume from the statements recently made, that, during the short space of one year, the point of view of the mandatory Power had altered? The Commission would like definite information on this point. A similar question had recently arisen in connection with another mandated territory, namely, Tanganyika (Minutes of the Eleventh Session, pages 66 and 67).

Sir James PARR thanked the Chairman and members of the Commission for their kindly welcome to him. He assured them that, so long as he represented the New Zealand Government before the Commission, nothing would be lacking on his part towards the cultivation of an *entente cordiale* between New Zealand and the Commission.

The Chairman seemed rather concerned with a report of remarks made by the Administrator at Apia on the occasion of the King's birthday that year, and appeared to think that the Administrator was raising the vexed question of where sovereignty was vested, because he had used the word “ British subjects ” in addressing his audience, which Sir James Parr had no doubt was a mixed gathering of Europeans and Samoans. One could have understood the words used if it had been solely a gathering of Europeans, but if, as Sir James Parr assumed, Samoans were also present—the case was different. He begged the Commission not to take the remark at all seriously. He was assured that the Administrator did not bother his head about sovereignty, nor did he care anything about it, and the Administrator would be puzzled if asked for his views on the question : “ In whom is sovereignty vested? ”

Sir James Parr felt that a loyal British subject, and a soldier, should be allowed a little latitude on the King's birthday. Certainly the idea that the Administrator was making a claim that Samoa was part and parcel of the British Empire was not correct. The position of the New Zealand Government on the subject was that it had never given the Commission any trouble in connection with this question. It was content to accept, too, the view which the Commission had put before the Council and the Assembly. If he remembered rightly, the Commission took the view that a new sort of relationship, unknown in international law hitherto, had been created by the mandates, and his Government was satisfied with that view.



*List of Questions for the Annual Reports regarding B and C Mandated Territories.*

The CHAIRMAN wished to put a second question concerning a report of a debate in the New Zealand Parliament on June 29th, 1927. According to the *Wellington Evening Post*, the Prime Minister of New Zealand, in answer to a question concerning the list of questions drawn up during 1926 by the Permanent Mandates Commission to assist mandatory Powers in the preparation of their annual reports to the League, had replied: "Who would answer such a silly thing as that? It contains some 500 questions."

While the Chairman and, he thought, the Commission realised that Ministers in the course of a debate, allowing themselves to be carried away by the heat of their oratory, often asked that the record of the discussion should be corrected, he felt sure that the New Zealand Government would realise that the Commission was anxious to receive some explanation of this phrase. Was it the opinion of the mandatory Power that statements of this kind contributed to that cordial collaboration between the Mandates Commission and the mandatory Powers, which was generally realised to be necessary for the successful operation of the mandates system and which the Commission tried always to attain?

Sir James PARR regretted that any Minister should have used any expression which the Chairman considered was not courteous to the Commission. Mr. Coates was the last man who would wish to be offensive. He and the New Zealand Government as a whole accepted the questionnaire of the Commission in the same sense in which, as he understood it, the Commission viewed it according to its latest pronouncement on the matter. The questionnaire was an indication to the Governments, and assisted them in framing their reports. His Government was content to leave the matter at that.

*General Statement by the Accredited Representative.*

Sir James PARR said, with regard to Samoa during the past year, that there were two outstanding features. First, there had been an agitation against the Administration. Secondly, notwithstanding this agitation, the ordinary functions of the Administration had been performed, as Sir James Parr read the report and from the information in his possession, very satisfactorily.

Notwithstanding this agitation and its somewhat evil effects in upsetting the natives, the Administrator and the Government had carried on with success. He would point out briefly to the Commission one or two features regarding which he thought the Administration was entitled to some credit. In the first place, the health of the Samoans had been excellent. The Commission had received a full report from the Chief Officer of the Health Department, with a very complete map showing all the hospitals, the various dispensaries and the whole of the arrangements made for the treatment of the 38,000 native inhabitants. This year the Health Department claimed the lowest death rate ever obtained, notwithstanding the fact that two epidemics of dysentery and influenza had extended throughout the country. The highest increase in population on record had been attained this year, the figure being 3.58 per cent, which was a considerable increase as compared with any previous year. The Administration might claim that this excellent result with regard to the physical well-being of the natives—which was very important—was largely due, first, to the care given by the Department, its various hospitals, dispensaries, women's associations in the villages, its child welfare department (which was under a very capable woman, Dr. Roberts), and secondly, to the improved education of the Samoans themselves with regard to sanitation and hygiene. Therefore, he suggested that the Administration this year had, in regard to this function, fully discharged its duty. Sir James Parr wished to point out that the Health Administration, which included the whole of the hygienic activities, had cost £26,000 a year. The New Zealand Government contributed £14,000, the natives £9,000, the mandatory Power giving nearly two-thirds of the total cost.

Unfortunately, with regard to trade, the year, owing to two causes, had not been a good year. There had been a very heavy gale after a long period of drought; this had reduced the supply of copra, which was the main product produced by the natives. Notwithstanding that, however, the island was declared, generally speaking, to be fairly prosperous, and the natives were not lacking in anything they needed.

The forthcoming year was very hopeful in every respect. Over 6,000 acres had been added to the cocoa plantations in the past year, and the Richardson Administration was therefore teaching the natives to realise that, in the production of goods which the outside world wanted, lay their economic salvation. Notwithstanding the fact that the year had not been altogether successful, the Administration was encouraging these people to be thrifty. The best evidence of that was to be found in the fact that the natives now possessed 799 post office savings bank certificates, as against 121 three years ago. Taxation had been reduced and was now £2 16s. per head of the native population.

The native received from the merchant the same price for good and bad copra. The Governor, at the request of the natives, began marketing their copra. That had not pleased Mr. Nelson and the other merchants. Mr. Nelson was the largest buyer of copra. These copra transactions passed through Sir James Parr's office, as he acted as Agent for the Administration and last month at Rotterdam he had obtained £28 a ton for copra, which was the highest price obtained anywhere. The native received from the trader about £10 or £11 a ton. Sir James Parr had not all the

figures before him and therefore he would not pronounce positively, but he would say that there was evidence that the marketing of the copra by the Government had certainly given the native a much better result than he was now obtaining from private traders.

As regards education, more money was being spent in that direction. The great feature of last year was the emphasis that the Local Education Committee was placing upon technical (handicraft) education and upon teaching the Samoan to be a useful member of the community. The Local Education Committee met twice a year, kept a close watch on the educational activities, and acted in close conjunction with the New Zealand Education Department, to which it was indebted for teachers and advice, in addition to a good deal of equipment which was obtained from time to time.

*Agitation in the Territory during 1926 and 1927.*

Sir James Parr said he did not know how far the Commission intended to discuss the agitation which had arisen during the past year. Because of agitation, his Government had set up a Royal Commission, consisting of the Chief Justice of New Zealand—Sir Charles Skerrett, who was a very able and honourable man, and one who was held in high esteem—and Judge MacCormack, of the Native Lands Court, who know the Maori race and its customs. The Government had thought it would be better to send two able and impartial men to enquire on the spot. They had gone there on September 16th, and the Royal Commission did not finish taking evidence until the last week of October 1927. They were now on their way to New Zealand. Sir James Parr had telegraphed to the Prime Minister enquiring about the position, particularly as to the date when the Royal Commission's report would be available for the Mandates Commission. He had replied :

“ With reference to your telegram of October 17th Samoa Commission will not conclude investigation in Samoa until October 31st. Report will not be available until probably November 10th. Comment upon situation meanwhile may be based on Parliamentary Paper A.4.B.1927. You can state that nothing which has occurred has altered the opinion of the Government that the Administrator has acted throughout with exceptional patience and forbearance, that his main regard has been the interest of the natives and that the trouble has originated and been fomented by agitators influenced partly by prohibition liquor and partly by action taken by Administrator to ensure fair price being obtained by natives for their copra. COATES.”

Such was the present position; so it seemed that the report of the Royal Commission could not possibly reach the Mandates Commission for a month or two yet. Sir James Parr could give his opinion, and he could answer any questions within his knowledge; but the point at issue was whether the Mandates Commission preferred to await an authoritative statement by the Royal Commission rather than hear his views.

The CHAIRMAN thanked Sir James Parr for his statement and assured him that the Commission would show moderation and impartiality in dealing with this matter. The Commission would do everything to refrain from complicating the mandatory Power's task and would not attempt to come to a conclusion or give an opinion before the results of the Royal Commission had been published and examined.

At the same time, this course would not prevent the Commission from asking certain questions, always with a wish to assist the mandatory Power and, at the same time, to safeguard the interests entrusted to the Commission.

The Chairman asked whether the Administrator had been relieved when the troubles began or whether he was still in office.

Sir James PARR replied that the Administrator was still occupying the office which he had held for four years past.

M. PALACIOS enquired whether there had been any changes in the subordinate staff.

Sir James PARR said that Mr. Griffin, who was one of the principal officials dealing with the natives, had died recently. The other principal subordinate official, namely, the Secretary to the Administrator, had been in office since the mandate was first established.

M. PALACIOS enquired what interests and what persons were responsible, as much on the side of the Europeans as on that of the natives, for the opposition to the Administration. How had that opposition shown itself and what were its various elements?

Sir James PARR said that he would reply briefly to M. Palacios' questions, a full answer to which would doubtless be found in the forthcoming report of the Royal Commission.

The agitation had become active in the previous year. The ringleader and the man who had started the trouble was a half-caste called Nelson, who had no British blood in his veins. Nelson was the biggest buyer of copra from the natives and was a man of considerable wealth and extensive interests. He had trading stations all round the islands, while his agents were all over them.

About a year ago, Nelson had collected a Committee consisting of four or five Europeans of indifferent standing and six natives, the leader of the latter being a man who had been sentenced

for robbing the natives and for manufacturing liquor and selling it to them. Sir James Parr's own impression was that Nelson, as the biggest buyer of copra, strongly resented the new regulations introduced by the Administrator in regard to the sale of copra, the principal item of export from Samoa. Nelson was an able and energetic man, driven by the ambition of lording it over Samoa. In Sir James Parr's opinion, the Administrator had been extremely lenient and forbearing both to Nelson and to his colleagues, some of whom were scarcely reputable characters.

As regards the other European agitators, Sir James Parr did not think that their grievances were based on the question of copra so much as on that of prohibition. There were 2,400 Europeans and half-castes in the islands, as against 38,000 Samoans, and the Europeans were constantly agitating against prohibition on the ground that it was unfair to deprive them of all alcohol. He might point out that the great majority of Europeans in the islands were in favour of the Administrator. As regards the natives, the native Parliament of 31 Faipules supported the Administrator; and there could be no doubt that the latter had the support of the best elements in the European community.

As regards the complaints made by the agitators, Sir James Parr was prepared to make a brief statement but warned the Commission that it would obtain much better information from the report of the Royal Commission.

Sir James Parr, having been invited to continue, said that, without going into detail, the real grievances were undoubtedly those relating to the sale of copra and to prohibition. What the agitators put on paper was another matter, and with this Nelson's ambition had no doubt much to do. Nelson said—and he was the only agitator who really counted—that it was wrong that native affairs should be administered by the Administrator and the native Parliament. He wanted the control of all native affairs, including such matters as health, education, etc., taken out of the hands of the Administrator and native Parliament and placed under the Legislative Council. The Legislative Council was a purely European body, consisting of six nominated officials and three members elected by the 222 Europeans on the electors' roll. This right of representation had been conferred on the European community only a few years ago. There had been trouble ever since, so that it might be said that the first step in self-government in Samoa had not been very satisfactory.

Sir James Parr had been Minister in charge of the Bill concerning the Legislative Council and had at the same time put through a statute for the institution of municipal representation. This latter Act, however, had been dropped because the Europeans had realised that it would involve the payment of heavy rates and they had preferred accordingly that the responsibility involved should be assumed by the Administration and the natives. The object of the agitators was to abolish the native Parliament and to hand over the whole administration to the Legislative Council, to which, it was proposed, native members would be elected. The Royal Commission would tell the Mandates Commission of the objections to such a course, which in Sir James Parr's opinion, meant that the New Zealand Government might as well leave the islands and let the League hand over the mandate to the Legislative Council.

Nelson was a man of great influence with the natives, whom he manipulated with consummate skill. For twelve months he had been spreading amongst them tendentious news and jaundiced reports, and he had formed an association called the "Mau", for which he had obtained hundreds of native adherents, in opposition to the Administration. Nelson, for instance, alleged that the transfer of a native by the Administration from one part of the islands to another amounted to banishment. It was, of course, nothing of the sort, such transfers being merely intended to stop loafing in Apia and agitating. The transferring of natives was a custom which had existed in Samoa from time immemorial and had been employed by the Germans before the New Zealanders came there. Nelson, again, had no doubt played on the feelings of natives such as the principal native among the agitators, the man to whom Sir James Parr had already referred as having been convicted of theft from natives. Sir James Parr added that the question of transferring natives from one part of the islands to another had been specifically included in the terms of reference of the Royal Commission in order that the latter might advise the Mandates Commission on the point.

Another grievance of the agitators was that too much money was spent on education and health. Sir James Parr did not think it necessary to go into this question, to which six pages in the report were devoted. If heavy expenditure on education and health was a fault, it was, he submitted, a good fault. The big thing in the mandate to everyone in New Zealand was that Samoa was a sacred trust. New Zealand was spending £21,000 a year on the natives of Samoa, upon their health and physical well-being. Nelson complained of this expenditure and yet pretended he was the friend of the natives.

It was on the consideration of these questions that the Royal Commission had spent six to seven weeks in the islands, hearing everybody's point of view, and Sir James Parr had no doubt that the report would be both able and fair. In the opinion of the New Zealand Government, it would be monstrous to depose the Administrator merely in answer to a malicious and unfounded agitation. He might add that he had observed that, in 1910, when Samoa was owned by the Germans, a petition had been sent to the Reichstag in Berlin raising the same questions as those now raised by Nelson, so that petitioning seemed to have become a chronic habit. Nelson had signed that petition.

M. RAPPARD regretted that he would be unable to attend the afternoon's meeting and begged leave to put certain questions to the accredited representative immediately.

As most of the disturbance seemed to turn on the personality of Nelson, nothing that the Commission could hear about him would be beside the point. Sir James Parr had painted a vivid

picture of that individual. M. Rappard wondered how such a person with such schemes could have acquired so much prestige with the natives. Nelson was, in the first place, a half-caste and as such not likely to be loved by the natives. Secondly, he was a man of great wealth, a fact not calculated to endear him with his less fortunate neighbours. Thirdly, he was a great buyer of copra and as such it was not probable that he would acquire much popularity. Fourthly, he was surrounded by some disreputable colleagues, and his native henchman had been convicted of theft from natives. Fifthly, his scheme was to oppose the marketing of copra by the Government, which had engaged in it in order to obviate the exploitation of the natives. Sixthly, he was opposed to expenditure on health and education. His record, then, did not seem calculated to make him popular with the natives. To use an American expression, he would not seem to be an available candidate. Sir James Parr had further said that the majority of the Europeans were against him; nevertheless, they had elected him to the Legislative Council.

On a minor technical matter, M. Rappard would also be grateful for information. The average sale price for copra by the natives was £10 a ton. Sir James Parr had said that he had succeeded in marketing it in Europe at £28 a ton. M. Rappard would be glad to know what was the price at which copra was bought from the natives, although, of course, he fully realised that, before it could be sold on the European market, there would be heavy additional charges for transport, etc.

He had accordingly five questions to put to the accredited representative :

1. The Commission took it that Nelson was the man who had previously stirred up trouble for the German Administration.
2. How had it come about that he had been elected by the Europeans, although he was not popular with them?
3. How did Sir James Parr explain Nelson's influence with the natives, with whom he should, according to Sir James Parr's statement, have been the reverse of popular?
4. Were there any other reasons, such as internal politics in New Zealand, connected with the disturbance?
5. There was the technical question of the price of copra, to which he had already referred.

M. Rappard explained that he put these questions in no prejudiced spirit. The last thing the Commission wanted to do was to give an appearance of antagonism to those who were in favour of a policy of assisting the natives.

Sir James PARR said that it would be difficult for anyone who had never been in Samoa to explain how a man like Nelson could become a leader among the native population. The Samoans were a simple and loveable race, but they were ready to listen to any tale, and hence were most susceptible to the wiles of the agitator. At the same time, they were naturally suspicious of authority, and thus they offered a unique opportunity for manipulation. Nelson was known to every native as the biggest buyer of copra in the island. He was married to a chieftainess. Among a people like the Samoans the greatest influence would be won not by a man of high character but by an individual who knew how to manipulate the natives. Nelson had convinced the unthinking and illiterate natives that he could get something for them. Sir James Parr had already stated that Nelson was a very able and skilful man, and his ability was shown by the way in which he had manipulated the news services. By this means and with the assistance of pressmen in New Zealand, Nelson had succeeded in spreading abroad the most false reports. Sir James Parr had had some difficulty in bringing the true facts to light in London, but after he had succeeded in doing so the important London newspapers had immediately dropped all support of Nelson's agitation.

With regard to New Zealand party politics, while it was true that the Opposition had asked for the appointment of a Royal Commission, they had made no allegations against the Administrator, but had, on the contrary, recognised his honesty and ability, though they had thought that he was attempting to Europeanise the natives too fast. Sir James Parr was pretty certain that there had been no correspondence between the New Zealand Parliamentary Opposition and Samoa, prior to Nelson's visit to New Zealand, and that no wire-pulling had taken place. Parliament had indeed devoted two all-night sessions to the discussion of the subject, and the deportation legislation had finally been voted by 42 votes to 11.

As regards Nelson's election to the Legislative Council, Sir James Parr pointed out that he was elected by the 222 voters, whereas the whole European community consisted of 2,400 souls. The voters consisted mostly of shopkeepers and others settled at Apia. The remainder of the European community did not enjoy the franchise.

As regards the marketing of copra, Sir James Parr pointed out that the recent measures taken by the Administration were merely an experiment. M. Rappard appeared to have suggested that the Administration had taken the business out of Nelson's hands.

M. RAPPARD replied that he had not meant to imply this.

Sir James PARR said that the Administration had merely taken two trial shipments of copra. He was not clear whether the Government was actually buying the copra or merely acting as commission agent. The Administrator had undertaken that the natives should have the full benefit of the prices obtained in Europe.

M. RAPPARD said that his point was that the action of the Government had been taken in the interests of the natives. He would have thought that the fact that it was resented by Nelson would have made him unpopular with the natives.

Sir James PARR replied that he did not think that the natives generally supported Nelson. Indeed, they had made complaints to the Administrator in regard to his methods of business, and his agitation was not supported by the most reputable Samoans.

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SEVENTEENTH MEETING

*Held on Thursday, November 3rd, 1927, at 4 p.m.*

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**788. Western Samoa : Examination of the Annual Report for 1926-27 (continuation).**

Sir James Parr, High Commissioner of New Zealand in London, came to the table of the Commission.

*Agitation in Western Samoa during 1926 and 1927 (continuation).*

M. PALACIOS asked for further information on the strength of the opposition to the Administration. He enquired of how many members the Citizens' Committee was composed, what influence in the islands it represented and when it had been set up.

Sir James PARR replied that he would willingly answer M. Palacios' questions to the best of his ability. He hoped, however, that the Commission would not ask for too many details on the subject. He considered that it would be improper for him, as representative of the New Zealand Government, to go too deeply into matters which were now before the Royal Commission. He would, however, do his best to answer any questions, on the understanding that the information given was not regarded as official wherever it related to matters before the Royal Commission.

M. PALACIOS said that he had no intention of asking any questions to which the accredited representative thought it indiscreet to reply.

The CHAIRMAN pointed out that there were three courses of action open to the accredited representative. First, he might frankly say that he preferred not to reply, in which case the Commission had merely to take note of his refusal; secondly, he might reply as he thought best; or, thirdly, he might make a definite reply but ask that his statement should not be recorded in the Minutes.

Sir James PARR thanked the Chairman and said that he would adopt the third course proposed, because he was willing to give the Commission his own impression of the situation, but that impression should not be regarded as in any way official.

Sir James Parr then made a statement in reply to M. Palacios' question.

M. PALACIOS enquired whether national or international interests had played any part in the troubles. Were there, for instance, any nationalist influences at work? Had there been observed any previous agitation or the effects of any such agitation which had caused the disturbances that had occurred in Samoa before the division of the territory into three parts?

Sir James PARR replied that he was not in a position to reply to M. Palacios' question. It involved an intimate knowledge of Samoan history. The final aim of some of the disgruntled whites was to obtain what they called self-government or autonomy. They held that the entire population should take part in the voting for Parliament on the principles which governed the British democracies. This was, he believed, one of the objects of Nelson's supporters, and if he achieved his purpose, he would become a sort of uncrowned king of Samoa.

M. PALACIOS reminded Sir James Parr that he had referred, at the morning's meeting, to divisions in Parliament. He enquired which parties supported the opposition to the mandatory Administration in Samoa.

Sir James PARR said that he had referred in his previous statement to the House of Representatives in the New Zealand Parliament, where the question had arisen whether that Parliament should give statutory endorsement to the custom of transferring natives from one part of the islands to another. This was an ancient custom, for which, however, the Administrator had previously had no statutory power. After protracted debates, the power had been voted by 42 votes to 11.

M. VAN REES enquired what was the nature of the new regulations regarding the sale of copra, to which Sir James Parr ascribed a large part of the trouble. Did they relate merely to the new experiment of the shipment by the Administration of two cargoes of copra to Europe, or were they new regulations which were to be taken as final?

Sir James PARR thought that the regulations applied to the experiment of two shipments to which he had referred.

M. VAN REES asked whether it was true that there existed in the two main islands a fairly considerable native manufacture of liquor.

Sir James PARR replied that no considerable manufacture was known to the Government. If there were, it would be immediately suppressed by the Administrator.

M. FREIRE D'ANDRADE felt obliged to say that, for the moment, while awaiting the results of the enquiry by the Royal Commission, all his sympathy went to the Administrator of Samoa. He was a distinguished officer who had had four years' experience. His reports had all been worthy of note and very complete, and he had paid special attention to native administration, in particular, to education and health matters. He had rigorously upheld the prohibition of alcohol, and M. Freire d'Andrade thought that this fact alone was calculated to earn him much hostility both from the whites and from the natives, the former because they wanted to drink and sell drink, and the latter because they had great difficulty in resisting the attraction of alcohol.

If M. Freire d'Andrade ventured to state an opinion, and he did not wish to do so for the moment, it would be that an enquiry into the actions of an Administrator invariably reduced his authority and diminished his prestige without any great compensating advantage, because his critics were always in a position to say that the evidence received by the Commission of enquiry had been given under the pressure or influence of the Administrator, seeing that he was still in office. This, however, was a question for the appreciation of the New Zealand Government, and in advancing these considerations M. Freire d'Andrade did not intend to criticise that Government in any way. This he ought not and did not wish to do. It was not the first time that he had presented these considerations, and he had had the pleasure some years ago of hearing that the accredited representative of a mandatory Power at that time had not thought that he, M. Freire d'Andrade, had been very far out in his judgment.

Apart from the question of alcohol, the Administrator had also taken certain measures to improve conditions for the marketing of copra and that must have caused him difficulties, but M. Freire d'Andrade thought that he was right in attempting to uphold the interests of the natives, provided that he did not institute a monopoly. Similar measures had been taken in South Africa in order to assist farmers to dispose of their maize crops at a profitable price, and the system employed had met with nothing but praise.

M. Freire d'Andrade wished, however, to ask a question. It was stated in the report that native advisers were appointed to assist the Administrator. What was the legal status of these native advisers? Again, was the Citizens' Committee appointed by the Government or was it a self-appointed body?

Sir James PARR replied that the Citizens' Committee was a self-appointed body.

As to the question regarding native advisers, these were members of the Fono of Faipules or Parliament of Head-men. One of Nelson's objections was that the Faipules did not really represent the natives. The system in force was that one Faipule was elected from each of the thirty-one districts in the islands. The Administrator's action was confined to inviting the natives to nominate some one from their district to represent them in the Fono, or Parliament. The natives in each village then met, sometimes taking as much as a month to elect their representative. The name of the Faipule elected by the district was communicated to the Administrator and that Faipule was accordingly appointed to Parliament. This had been the custom of the natives in the time of the Germans and indeed before their advent, and Sir James Parr believed that 90 per cent of the natives were satisfied with the system. There were, of course, a few natives who were dissatisfied, mostly those chiefs who were unable to get appointed to Parliament and, of course, the native to whom he had referred as having been convicted of theft from his countrymen. According to the best information in the possession of the New Zealand Government, the system worked very satisfactorily. The Administrator was a most tactful, conscientious and good-hearted man, who never took any important step as regards native policy without first talking the matter over with the natives.

#### *Right of Petition.*

M. ORTS noted that, in their speeches—the texts of which had been received by the Commission—both the New Zealand Minister for External Affairs and also the Administrator of Samoa, while refusing to receive complaints made through irregular channels, had stated that those transmitted through the proper channels would receive the most careful attention. M. Orts enquired what were the regular channels, which were open both to the native and to the foreigner living in the territory, by which a grievance or a complaint could be submitted either to the Administration or to the mandatory Power if, for example, the complaint were directed against the Administration?

Sir James PARR believed that, in the case of native affairs, the Administrator only heard complaints after they had first been approved by the Fono of Faipules. Most native grievances would first come before that body or be referred to it, and the Administrator would ask and probably follow, though not necessarily, its advice. As to matters affecting Europeans or trade, complaints under this heading would sometimes come before the Legislative Council, who would advise the Administrator. If the complainant were dissatisfied with the judgment of the Administrator, the matter, if unimportant, went no further. Why, indeed, should it? In matters of very grave importance, the Administrator invariably sent on the question to the Minister for External Affairs, and advised this Minister of the position.

M. ORTS enquired whether any native had the right to send his petition direct to the Administrator without submitting it to any intermediary.

Sir James PARR said that the native might send his petition to the Administrator, but if it were of serious importance the latter would invariably consult the Fono of Faipules. The normal procedure was for the native to go before his chief and the village council. They might reject his petition on the ground of triviality. If the matter, however, was of any importance, it would be sent up to the Faipule who represented the village in Parliament.

M. ORTS enquired whether a native who believed he had a grievance against his chief, the village council or his Faipule could send his petition direct to the Administrator.

Sir James PARR thought that it would be hardly practicable to give 40,000 natives direct access to the Administrator.

M. ORTS thought that this right was recognised in every civilised country.

Sir James PARR replied that petitions could be sent in direct to the Administrator, who would consult the native officers and authorities.

M. ORTS then enquired whether a native having a complaint to make against the decision of the Administrator, possessed any regular channel whereby he could submit his grievance to the mandatory Government at Wellington.

Sir James PARR replied that it was tacitly recognised that the right of appeal to the Government existed, but such appeals generally had to go through the Administrator. It must be recognised that the regular Courts of Justice decided most disputes and grievances.

M. VAN REES understood that the native had no right of direct personal access to the Administrator.

Sir James PARR believed that, as a matter of law, such was the case, but he was sure the Administration would never refuse to see a native on any important matter.

The CHAIRMAN asked whether Sir James Parr could state the reasons for which, as recorded on page 5 of the report of the Citizens' Committee, three of the most important official members nominated to the legislative Council had refused appointment.

Sir James PARR regretted that he was unable to answer this question.

#### *Communication to the Secretariat of Certain Documents relating to Western Samoa.*

M. CATASTINI reminded Sir James Parr of a promise to send to the Commission the Minutes of the Meetings of the Fono of Faipules as well as those of the Legislative Council of Western Samoa. The Minutes of the latter had indeed been received but had arrived so late that they had lost all interest. The Minutes of the meetings of the Fono, however, had never been received, in spite of repeated promises given by the Prime Minister. He would be extremely grateful if one copy could be sent to the Secretariat, where it could be consulted by members of the Commission.

He would also be grateful if an annual bound collection of the Laws and Orders in Council applicable in Western Samoa could be sent at least to the Secretariat. As regards the other territories under mandate, such a collection was sent to the Secretariat and to each member of the Commission.

M. GRIMSHAW asked if it would be possible to have a copy of the Laws and Orders in Council sent to the Library of the International Labour Office.

Sir James PARR undertook to acquaint his Government with the desires of the Secretariat and Mr. Grimshaw. At the same time, he pointed out that, on pages 8 and 9 of the report for 1926-27, there was given a full account of the various subjects discussed by the Fono of Faipules.

#### *Administration of the Smaller Islands of the Territory.*

M. VAN REES reminded Sir James Parr that, in the previous year, he had drawn attention to the fact that there were seven small islands, in addition to the two large islands of Upolu and Savaii, forming the territory of Western Samoa. The reports had hitherto made no mention whatever of these small islands, either as to their size or whether they were inhabited. Sir James Parr had promised that information concerning them would be contained in the next report, but none, however, had been given. In his letter of September 13th, 1927 (document C.494.1927, C.P.M. 634), Sir James Parr had stated that the required information would be found in the *Handbook for Samoa*. M. Van Rees had consulted the handbook and had ascertained that it gave no information regarding these islands except their names. According, however, to the census of the population taken in 1926 the results of which had been sent to the Commission, two of the islands, namely, Apolima and Manono, were inhabited. There were respectively 144 and 668 inhabitants. M. Van Rees wished to know to what extent the administrative relations extended to those two small inhabited islands.

Sir James PARR replied that the administration did not extend to the two small islands, and regretted that his Government had not sent more detailed information on the subject. In referring

the Commission to the handbook, he had merely carried out the Government's directions. At the same time, he felt perfectly certain that the Governor visited them. He promised more definite information in the following year.

#### *Number of Districts.*

M. VAN REES drew the accredited representative's attention to the fact that, on page 3 of the report, reference was made to thirty-three heads of districts. Later on in the same page, mention was made of thirty-two District Councils. The third map annexed to the report showed, however, only thirty-one. Was this discrepancy explained by the fact that two of the districts shown on the map had been given the number 27?

Sir James PARR said that no doubt a mistake had been made in the map, since there were certainly thirty-two districts.

#### *Membership of the Legislative Council and Question of the Electorate.*

M. PALACIOS said that, in spite of the explanations given in the report and by Sir James Parr, he would like to submit to the latter the whole question of the opposition of both the Europeans and natives who accused the mandatory Power of lack of comprehension and of autocracy. The accredited representative would thus be able to make declarations regarding the whole matter which would serve as a reply to the campaign which had been launched. For example, according to the *Samoa Times* of March 18th, 1927, the Administrator, in his speech to the Legislative Council, had called attention to the fact that there were 230 Europeans on the electoral rolls. According to the annual report, however, the European population would appear to amount to over 4,000. Did the mandatory Power therefore not consider that it would be advisable to do something to increase the electorate, and was it the intention of the Administration to do this if a self-governing municipality for Apia were set up, as had recently been proposed?

• The CHAIRMAN enquired whether there were many half-castes in the territory. He understood that Nelson himself was a half-caste. Should they not have the right of representation?

Sir James PARR replied that he was under the impression that the *Samoa Times* was the property of Nelson himself. It had carried on an active campaign against the Administration. The agitators desired every European, half-caste and quarter-caste and native to have a vote. This was one of the main issues of the conflict between them and the Administration.

The only electors to the Legislative Council were property owners. There was no other possible voting test. The only alternative would be complete manhood suffrage, and if that were enforced it would mean the end of all stable government in the territory and the end of the mandate. The cry was in short "Samoa for the Samoans", a very shrewd and misleading slogan.

M. PALACIOS had been under the impression that the *Samoa Guardian* and not the *Samoa Times* was the property of Nelson.

Sir James PARR begged to be excused if what he had said was incorrect. It was the *Samoa Guardian*. It was of no importance, however, for, in any case, the statement was quite wrong. There were only 2,500 non-native inhabitants of the territory, of which only 500 were pure white.

#### *Native Policy : Origin and Method of Election of the Fono of Faipules.*

M. PALACIOS said that, as regards the natives, a correspondent in the *London Times* of August 26th, 1927, had summarised the charge against the Administration in a way which appeared to be supported by similar information coming from other sources, this time even conservative. It was said that the Administration was autocratic and that the Administrator acted in a mechanical way, without a sufficient understanding of native psychology.

Would the accredited representative explain how the Administrator was advised on native policy and to what extent his advisers in this field were competent to understand the traditional native point of view? It would appear that the Administrator ought to be well advised in this respect by the native officials who held positions throughout the islands, and particularly by the Fono of Faipules, but were they consulted and could their honest opinion be secured on such matters as the policy of the Administration in banishing native chiefs from one part of the territory to another, and the recognition given to traditional native authorities?

It had been claimed by those who were in opposition to the Administration that the Fono of Faipules was not really representative of the natives. Mr. Holland was quoted in the *Evening Post*, of Wellington, New Zealand, June 29th, 1927, as having said in Parliament: "The Fono of Faipules was just as much a nominee of the Samoan Administration as was the Legislative Council in New Zealand".

Would the accredited representative give a full explanation as to the origin of the Fono of Faipules and the methods employed in choosing or electing its members? Did any such organisation exist traditionally under native Samoan custom? If not, how would the Administration assure itself that the Fono was properly representative in accordance with such traditions?



Sir James PARR replied that, on the question of the Fono of Faipules, as well as on the representation of the natives, full information would be given by the Royal Commission in a few weeks. The articles to which M. Palacios had referred were largely biased propaganda. There was no doubt that the system of Faipules had been in force for many years in Samoa, long before the country had been placed under the mandate system and entrusted to New Zealand. The report, on page 3, stated :

“Reference was made in the previous report (1925-26) to the native political organisation and channels of authority in native administration. This system of administration is suited to the peculiar conditions of the Samoan social organisation, while experience continues to show that the people co-operate with and approve of it because they see its effectiveness in promoting their welfare and progress. When troubles which are likely to disturb the peace, order, and good government of the natives arise, the Administrator assembles a committee of Faipules to investigate and collect evidence and advise him. By this means the best possible advice on native matters is obtained. The Faipules have themselves no judicial powers.

“The only native opposition to this policy of control of the native race through their chiefs—the Faipules and various native committees—comes from a few who have been punished as a result of these investigations. They have received encouragement from a small number of Europeans in Apia, who, in order to gain influence over the natives, have openly expressed their desire to see the system abolished and all native matters dealt with in a council where the local mercantile community would have greater power and influence than the natives themselves.”

With regard to the method of election, the report, on page 11, gave the following details :

“The method of appointing a Faipule is now as follows : when a vacancy occurs the Administrator requests the Ali'i and Faipule (chiefs and Tulafales) of the district concerned to submit the name of the chief they wish to nominate. These chiefs hold fonos and discuss the matter, and very often take a long time to come to a decision. By this means the wishes of the people are considered as fully as possible, and the Faipule is truly representative of all his people and has the authority to speak on their behalf. In the event of these chiefs failing to reach unanimity in their selection of a nominee, they submit two or more names to the Administrator, who appoints one of them as Faipule. Up to the present the chiefs of each district have always agreed on their nominee, so that it has not been necessary for the Administrator to decide as between two or more names.”

These two statements were very clear and gave, he thought, all the information necessary. It was to be noted that the method of election was most democratic.

It was very difficult to appreciate the state of development of the Samoans. They were an ignorant and simple people, for the most part very illiterate, except for the children, who were beginning to read and write in the schools. No elaborate representative system was possible. The custom of a Fono of Faipules was some generations old. The impartial evidence of missionaries, etc., was to the effect that everyone in the island was satisfied with the system except Nelson and his Citizens' Committee and, of course, those chiefs who were not themselves faipules.

M. PALACIOS would emphasise the fact that he had merely put these questions in order to give the representative an opportunity of replying. He was very grateful for the information which had been given.

#### *Terms of Reference of the Royal Commission of Enquiry.*

Sir James PARR wished to quote the terms of reference of the Royal Commission of Enquiry. They were as follows :

“First : Whether, having regard to duty undertaken by the New Zealand Government under the mandate, there is just or reasonable cause for complaint or for the objections made.

“Secondly : Whether the Administrator or the officials of administration have in any manner exceeded their duty in exercise of authority entrusted to them respectively, or have failed to exercise their respective functions honestly and justly.

“Thirdly : Whether, having regard to Samoan native customs and to the due maintenance of government and order in the mandated territory, it would be prudent and safe to wholly repeal and abrogate all the power requiring a Samoan to remove for a definite period from one place on the island to another.”

#### *Public Finance.*

M. MERLIN noted that the receipts had been lower in 1926 than in 1925, having fallen from £150,000 to £117,000. This was due, in particular, to the smaller Customs return and to smaller returns from native taxation.

The report noted an adverse trade balance of £4,157, which it ascribed to drought, storms and other causes. Was one of those causes the agitation in the territory?

Sir James PARR replied that the main reason for the fall in exports was the delay in the December export shipment of copra. No doubt the agitation had somewhat disturbed the mind of the native, with the result that he had not worked so industriously as in the year 1925. The £2,000 reduction in the yield of native taxation could, however, be partly accounted for by the fact that the head tax had been reduced from £2 to £1 16s.

M. MERLIN, referring to the head tax, enquired who was a Matai and who was a Taulealea.

Sir James PARR replied that a Matai was the head of a family and therefore of more importance than a Taulealea.

M. MERLIN noted that, out of a total of £162,000, representing the profits derived by natives from the sale of copra and trade in general, they had paid £21,500 in taxation. This represented about one-seventh of their total income. Was not this somewhat heavy?

Sir James PARR replied that the figures for native income were purely approximate, for they kept no books and their income could not therefore be accurately checked. It was, however, at least as large as that of the Tongas and the inhabitants of American Samoa, while the taxation was the same in all three territories. He would remind the Committee that the tax paid by the native included free medical attendance for himself and his family.

M. MERLIN enquired whether any direct personal taxes were paid by Europeans.

Sir James PARR, in reply, quoted the statement on page 11 of the report: "Direct taxation from European sources supplies only 6.8 per cent of the total revenue".

M. MERLIN enquired the meaning of the term "permanent charges" in the expenditure table on page 36.

Sir James PARR replied that this referred to the interest and sinking fund of the loan to the territory made by the New Zealand Government.

M. MERLIN noted that, in the table on page 38, it was stated that £131,000 had been lent by the New Zealand Government to the territory. What were the conditions of this loan?

Sir James PARR replied that the loan had been issued at 5 per cent, plus 1 per cent for the sinking fund, and that it was for the duration of thirty years.

In reply to a further question from M. Merlin, he explained that it was to be expended on public works, water supplies, piers, drainage, etc. There were no other obligations attached to the loan.

M. MERLIN, with reference to the tables of subsidies on page 38, enquired whether these were a free gift from New Zealand to the territory or whether they were regarded as recoverable advances, and, if so, was interest charged?

Sir James PARR replied that all gifts and subsidies were to be regarded as a free grant, and not a penny would be required in the way of repayment. It was perhaps an error to make use of two terms—gifts and subsidies.

M. VAN REES noted that, on page 36 of the report for 1925-26, the debt had been stated at £100,000 and the advance at £125,000; £25,000 of that, therefore, appeared to be a gift. On page 37 of the present report, the amount of the debt, as shown under the heading "Public Works Programme ex Loan-Money", ought to be £100,000 and not £120,000, for elsewhere in the report it was stated that £20,000 was a gift.

Sir James PARR agreed that a clerical error had been made in this paragraph. The sum ought to be £100,000.

In reply to a further question from M. Van Rees concerning a new loan of £48,000 mentioned in the same paragraph, Sir James Parr said that it was for the same period and on the same terms as the previous loan.

The CHAIRMAN, on behalf of Sir F. Lugard, asked :

1. Was a separate account kept of the receipts and expenditure on plantations (page 11 of the report)?

2. Had the Administrator or Legislative Council any control over this account?

Sir James PARR replied :

1. In the affirmative. 2. In the negative.

#### *Judicial Organisation.*

M. VAN REES, referring to the Samoan Amendment Act, 1927, dealing with the deportation of Europeans and the internment of native inhabitants of the territory, asked whether similar provisions existed in New Zealand.

Sir James PARR replied in the negative. No such drastic legislation was necessary in New Zealand, which was inhabited by a highly educated and civilised people possessing full parliamentary institutions. The two countries could scarcely be compared, for the Samoans were not nearly so advanced and certainly could not yet, to use the terms of the mandate, "stand by themselves".

M. VAN REES pointed out that the Samoan Amendment Act, 1927, affected not only the natives but also the Europeans residing in the territory under mandate.

Sir James PARR replied that full information regarding this Act would be available when the report of the Royal Commission of Enquiry was before the Commission. The terms of reference of that Commission in respect of this Act were as follows :

"Thirdly : Whether, having regard to Samoan native customs and to the due maintenance of government and order in the mandated territory, it would be prudent and safe to wholly repeal and abrogate all the power requiring a Samoan to remove for a definite period from one place on the island to another."

The Commission had been asked to make that enquiry in view of the fact that the powers of the Administrator appeared to be somewhat misunderstood, and in order to elicit an opinion on this form of punishment from an authoritative tribunal.

M. VAN REES enquired whether the previous Ordinance entitled "The Maintenance of Authority in Native Affairs Ordinance, 1927" continued to have the force of law after the promulgation of the Samoan Amendment Act, 1927.

Sir James PARR said that the Ordinance was of an earlier date than the legislation and that it was still in force. It dealt with the preservation of order. The Royal Commission would no doubt also examine its working, and any complaints with regard to it or with regard to the Samoan Amendment Act would be fully investigated by that Commission.

Dr. KASTL asked whether native judges were entitled to administer the law in cases which did not involve a fine of more than £2, and whether they had also civil or only criminal jurisdiction. He noted that they could deal with land legislation and jurisdiction.

Sir James PARR said that his impression was that the native judges only possessed criminal jurisdiction. If they had civil powers they must be very limited. He would make enquiries and would cause the information asked for to be included in the next report.

Dr. KASTL asked whether acts of the native judges were reviewed by the judicial or administrative authorities of the territory.

Sir James PARR replied that their acts were only reviewed if an appeal was made against them.

The CHAIRMAN, on behalf of Sir F. Lugard, asked what powers the Administrator exercised of summary punishment without formal trial, and what were the constitution and powers of the native court referred to on page 12 of the report.

Sir James PARR replied that the powers of punishment of the Administrator were few and were confined to those conferred upon him by the legislation mentioned by M. Van Rees.

With regard to the powers of the native courts, he could say that a full account of their activities would be given in the report for 1927-28.

#### *Censorship.*

The CHAIRMAN, with reference to the statement of Mr. Holland in the New Zealand Parliament on June 29th, 1927, as reported in the Wellington *Evening Post*, to the effect that he had received three communications from Samoa which had been opened, and with reference to the reply of the Prime Minister, who had apparently stated that he was not able to give any information on the subject of censorship in the mandated territory, enquired whether the accredited representative would state what the situation was.

Sir James PARR replied that further details would be necessary before he could check the statement of Mr. Holland. He could scarcely believe that the post had opened private letters. The right principle was that the post should be inviolate unless there was a case of treason or serious offences against the Constitution.

#### *Growth and Sale of Copra.*

M. PALACIOS said that, according to the *Samoa Times* of January 21st, 1927, the Fono of Faipules complained because their cousins in American Samoa and in other islands received higher prices for copra than they did. The Administrator had inferred in his reply that this had been due to the fact that the copra produced in the other islands had been of a superior quality. Could the representative of the mandatory Power give any information as to the methods adopted in other islands to improve the quality of copra, and could he state whether similar steps could not be taken in Western Samoa?

Sir James PARR welcomed this question. Until lately a very strange condition of affairs had existed in Samoa with regard to copra. Its only buyers had been Nelson and the other merchants. These persons had paid the same price for all copra, whether of good or bad quality, with the result that there was no encouragement to the native to improve his crop. In American Samoa, the Government had constantly urged the native to grow the best copra and had undertaken to market it for him, and thus obtain for him the best prices. The result of this policy had been that, in American Samoa, the native received from £14 to £15 a ton for copra, whereas in the mandated territory he seldom received more than £10. Finally, the natives had complained to the Administrator, General Richardson, who had thereupon undertaken to market native copra provided that it was of first-class quality. The Administrator had proved successful, for he had been able to ship two cargoes of the best quality to Rotterdam and Hamburg, which had obtained very good prices, with the result that the native would get a better return than before.

The CHAIRMAN said that a similar question was on the list submitted by Sir F. Lugard, who desired to know why the Government could pay £4 a ton more for copra than the traders.

Sir James PARR did not know where Sir F. Lugard had got his information. The transactions with regard to the two cargoes which he had mentioned had not yet been fully carried through; that was to say, the cost of freight and other charges still remained to be deducted from the purchase price. The Government, however, certainly hoped to be able to pay the native at least that amount extra.

The CHAIRMAN, on behalf of Sir F. Lugard, asked :

1. How had the Government disposed of the copra?
2. How was it that the competition of trading firms did not ensure the best prices?

Sir James PARR replied :

1. That the copra was sold in the highest market, and that he himself, as High Commissioner for New Zealand in London, had been concerned with the sale of the two cargoes which he had mentioned.

2. No competition existed. There was something like a ring of merchants.

- Dr. KASTL said that similar difficulties had always existed in Samoa. He noted that the Government had apparently succeeded in selling the two cargoes of copra for £28 a ton in Rotterdam and £27 in Hamburg. The best American prices paid to natives in American Samoa amounted to about £15 a ton. As freight rates were about £3 or £4 a ton, it would appear that the merchant, if he obtained similar prices to those obtained for the two cargoes mentioned, made a considerable profit.

Sir James PARR said that, without examining the accounts of the merchants, he could not reply to this question. They would also have to pay insurance, commission and storage, but he agreed that a merchant purchasing the best copra from the native at £15 a ton could make a good profit if he chose his market well. But he would emphasise the fact that the Administrator would only take the best copra because he wished to encourage the native to improve his crop.

M. MERLIN noted that, on page 23 of the report, the total value of copra exported from the June quarter of 1926 to the March quarter of 1927 had been £233,773. This would show an average price of £23 a ton.

Sir James PARR replied that he thought that the market price obtained for the copra was that obtainable in Europe.

#### *Trading.*

The CHAIRMAN, on behalf of Sir F. Lugard, enquired if the local Government engaged in any trading ventures, for example, laundry establishments, the Central Hotel, the Casino, etc. The estimates showed that £500 had been set aside for "trading concerns" in 1925-26 and £300 in 1926-27 (page 19 of the Estimate for 1926-27).

Sir James PARR replied that the Government had certainly taken back an hotel. With regard to the other items, he had no information.

Dr. KASTL said that, in all probability, the Casino to which Sir F. Lugard referred was the club for unmarried officials and not a gambling establishment.

The CHAIRMAN, on behalf of Sir F. Lugard, asked whether the s.s. *Lady Roberts* was used for trading purposes and whether she was a Government boat.

Sir James PARR replied that she was a very old steamer used by the Government for trading between the islands. The ship was about to go out of commission. He himself, on behalf of the New Zealand Government, had launched a new ship in Ireland costing £55,000. This ship would be used in carrying fruit from the territory to New Zealand.

## EIGHTEENTH MEETING

*Held on Friday, November 4th, 1927, at 10.30 a.m.*

### 789. Western Samoa : Examination of the Annual Report for 1926-27 (continuation).

Sir James PARR, High Commissioner for New Zealand in London, came to the table of the Commission.

#### *Growth and Sale of Copra (continuation).*

Mr. GRIMSHAW said that several members of the Commission had already raised points in connection with various passages of the report which appeared to indicate the existence of a buyers' ring or monopoly for the purchase of copra from the native producer. There was one striking fact, however, to which no reference had as yet been made. Under the Native Personal Tax Ordinance of 1927, it appeared that the natives were allowed to pay their taxes, or at least part of them, in copra. In the discussion on this Ordinance in the Legislative Council on September 16th, 1927, the Administrator had said :

"We may be able to give the natives more for their copra than they can obtain from the traders, in which case we will then require less in copra, probably only two-thirds of the amount they would have to cut, than if they were to sell their copra and pay the tax in cash."

In other words, the Administrator would be able to offer the native producer higher prices than those offered by local buyers. This was further evidence tending to prove the existence of the ring to which he had referred.

In the territory of Western Samoa, where the interests of the natives were supreme, it was interesting to observe that the Administration had been driven to adopt measures which possibly would not otherwise have been adopted. Mr. Grimshaw enquired whether the application of the mandate had not led to changes in the relations between the native producer of copra and the white trader, relations which, previous to the introduction of the Administrator's present policy, amounted to the exploitation of the native.

Sir James PARR was anxious to show the Commission the great importance of the copra question, and he accordingly read a letter from the Administrator to himself giving full information on the subject, but requested that, as the Royal Commission would report on this aspect, the letter should not be recorded in the Minutes.

In reply to Mr. Grimshaw, Sir James Parr said that it was the general inclination of the New Zealand Government not to interfere with private enterprises. He was certain, however, that the Government would second the Administrator in his attempts to obtain better terms for the natives.

At the present moment, Sir James Parr, as High Commissioner for New Zealand in London, was acting as agent for the marketing of any consignments of copra which might be sent to him. He had in his London office a special department which made enquiries as to the best markets in Europe for the disposal of any consignments which reached him. This was a system which could be expanded in the interests of the natives, and some more effective system of marketing than that existing at present might have to be devised.

Mr. GRIMSHAW said that he would refrain from drawing the obvious deduction, since he did not wish to anticipate the findings of the Royal Commission.

M. FREIRE D'ANDRADE observed that the system for marketing copra employed in Samoa did not seem able to give very satisfactory results, because the producers might need cash at once, and, even if the copra were sold in Europe at the best prices obtainable, this money could not be used for their immediate needs.

He had referred at the previous meeting to the system in force in South Africa, where advances were made to producers on their crops, a special bureau being set up for this purpose, and the balance was handed over to them after the crop had been finally sold. This system had given satisfactory results, and M. Freire d'Andrade suggested that a similar one might be introduced into Samoa with the same results. The native producer was unable to wait for cash, and that was why the merchant who bought his copra was ready to take certain risks and hence offered him a low price. The natives' requirements would be met if the Government took their crops and made advances to the producers.

M. ORTS would like to have some explanations regarding the machinery of the system. At one end of the scale there was the native producer and at the other the sales agencies in Europe. Through what hands did the produce pass from the moment when it left the producer until it was sold? Did the native producer receive an advance based on the current price on the local market? Did the Government make good the difference between this advance and the actual price realised on the European market, taking into account the various overhead costs, such as transport, etc.?

Sir James PARR replied that M. Orts appeared to visualise a more complete system than that at present obtaining in Samoa. All that the Administrator had done hitherto was to get together two cargoes of the best quality copra from different parts of the islands and send them to the High Commissioner in London, the idea being that the Government should act as agent, taking a commission for its trouble and handing over the net proceeds of the sale to the natives. The scheme was, however, at the experimental stage at present. This was a question which would be investigated by the Royal Commission and no doubt included in its report. It was, however, quite clear to the New Zealand Government that the present system, by which the Samoans in the mandated territory only obtained for their copra half the price obtained by their neighbours, could not be allowed to continue. The only point which he wished to make to the Commission at the moment was that the Administrator's honest endeavour to secure better terms for the natives had been one of the principal causes of the agitation against him.

M. ORTS thought that if this experiment were successful, that was to say if it proved possible to secure better prices for producers than those obtaining on the local market, it would be necessary, in order to put the scheme into practice on a large scale, to set up an organisation which did not yet exist.

M. MERLIN was still not quite clear as to the methods employed. Did the producer only receive payment when his produce was sold in Europe, or did the Government give him an advance representing part of the price, the balance to be paid on the conclusion of the sale?

Sir James PARR replied that the report of the Minister for External Affairs on his visit to Samoa in 1927 contained, on page 43, a complete statement on the whole position and on the way in which the experiment had been carried out. He read extracts from the report.

M. MERLIN said that he was completely satisfied.

Sir James PARR hoped that the Commission would appreciate the fact that the new system had not been received favourably by some of the white traders.

#### *Labour.*

Mr. GRIMSHAW enquired whether the object of the Melanesian Labourers Ordinance of 1927 was to assimilate the conditions for Melanesian labourers to those in force for Chinese labourers, in other words, the substitution of the old indentured system by the free contract adopted in the case of the Chinese.

Sir James PARR replied in the affirmative.

Mr. GRIMSHAW asked whether the Ordinance was to be taken as meaning that further Melanesian labour was to be imported.

Sir James PARR replied that the Ordinance was intended to apply solely to the 150 Melanesian labourers already in Samoa.

Mr. GRIMSHAW said that he felt it his duty to raise one point because he was probably to blame (if blame there were) for the fact that Sir James Parr appeared to have replied in somewhat indignant terms to the use of the phrase "compulsory labour" in the Commission's report for the previous year.

The Native Regulation (Samoa) Order of 1925 seemed liable to misconstruction in this connection. The position laid down under that Order was as follows. The District Councils, which, as the Commission knew, were composed of representatives of the natives themselves, were, under Section 17, subsection 7, responsible, under penalties to which the members of the District Council were personally liable, for the maintenance and cleaning of roads. Further, under subsection 18 of the same Section, the Councils had the power of making by-laws "prescribing the duties of Samoans in regard to services to be rendered for the public benefit in the making of roads", and again fines were imposable upon natives who neglected to carry out the work decided upon by the District Councils.

Since all the roads, except such as had been taken over and were now maintained by the Administration, lay in areas under the control of the District Councils, it seemed that the whole network in the area under mandate was constructed, maintained and cleaned under the powers given in this Order.

The possibility of misunderstanding obviously lay in the relations between the roads authorities, *i.e.*, the District Councils, and the workers who actually made, maintained or cleaned the roads, for nowhere had Mr. Grimshaw found reference to the payment of these workers. It seemed to him, therefore, that, unless he had misconstrued the matter, there was here, in fact, compulsory unpaid labour.

Sir James PARR replied that the term "compulsory labour" appeared to exercise a peculiar fascination upon Mr. Grimshaw. He assured Mr. Grimshaw that he had no cause for apprehension. The Ordinance merely said that the District Councils were responsible for making and maintaining roads and made no mention of compulsory work for anybody.

If the village fathers decided to repair a road, the work was most probably carried out by their own families. It rested in their own hands. The vast majority of the roads in Samoa were merely grass forest tracks, which became covered with leaves in the autumn. The leaves had to be cleared away in order to make the roads passable.

M. VAN REES observed that, while he was prepared to accept Sir James Parr's statement that no native was obliged to work on the roads, nevertheless the effect of the Ordinance in question was to impose this work upon them, because it contained a clause which explicitly exacted the work under penalty of a fine—the District Council being fined if it failed to keep up the roads well and the native also if he refused to work on them. Hence the work could not be termed voluntary, and moreover it was not paid.

Sir James Parr had said that the roads were mere tracks, but, under the terms of Article 36 of the Ordinance, these tracks—not to speak of roads—which had to be kept up voluntarily might be as much as 5 ½ meters wide (6 to 16 feet it was said). This certainly was not the ordinary idea of a track.

M. Van Rees could not therefore regard Sir James Parr's answer as being fully satisfactory, since Article 3 of the mandate stated very explicitly that payment must be made for all work done. It was no doubt in view of this article that Mr. Grimshaw had raised the question.

M. Van Rees wished to add, in accordance with what he had already said more than once before, that to his mind the terms of Article 3 of the mandate were much too rigid and did not conform to the situation obtaining in all countries. It was impossible for the Government to pay for every kind of work which it was obliged to have done. The terms of this article not having been modified, however, the Commission had to consider the question of compulsory labour in the light of the very strict phraseology of Article 3.

Sir James PARR reminded M. Van Rees that this matter had been brought very forcibly to the attention of the mandatory Power in the previous year. The mandatory Power had sent a reply giving its point of view on the question at length, and he accordingly felt that he would be exceeding his competence if he said more upon the matter. The New Zealand Government's reply was pertinent to the question of the upkeep of roads, although the question with which it explicitly dealt was that of the compulsory planting of coco-nuts. Sir James Parr then read the answer of the New Zealand Government under the heading "Labour" (document C.494.1927. C.P.M. 634, page 2).

He pointed out that the only alternative to unpaid labour on the roads was taxation of the natives to raise money to pay labour to clear the roads. The roads were not kept up for the benefit of the New Zealand Government but for that of the natives, to whom they were essential. If the natives were not obliged to keep up the roads, the Government would have to take on the work itself, and this would involve extra taxation upon the native population, which benefited from the highways.

M. VAN REES did not think it could be said that the roads served exclusively for the benefit of the natives. Taken as a whole, they formed the road system of the entire territory. They therefore benefited—and certainly not last of all—the European inhabitants and the Government equally. The natives would willingly be content with a much less developed road system. The needs of the Administration—and this, moreover, was quite natural—required more than would suffice for the natives.

Sir James PARR said that at least one hundred natives used the country roads for every white man.

Mr. GRIMSHAW said that he did not desire to discuss the question of the amount of work involved in the upkeep of roads for the natives, but had merely desired to draw attention to the possibility that the Act in question could be construed as imposing compulsory unpaid labour. He noted further that the materials for the work had very largely to be supplied by the Samoans themselves without payment. He agreed, of course, with the statement that it was the natives who mainly benefited from the upkeep of the roads.

M. RAPPARD observed that, if Sir James Parr's argument were pushed to its logical conclusion, it would seem to imply that all work on public works for the benefit of the natives might be exacted without payment and by the use of compulsory labour. The effect would be to nullify Article 3 of the mandate.

Sir James PARR thought M. Rappard's argument somewhat academical. Not even Nelson or any other philo-Samoan had raised the question of labour on the roads.

M. RAPPARD pointed out that Mr. Nelson was the first to benefit from the roads.

Sir James PARR thought that the members of the Commission might be putting too strained a construction on Article 3. If M. Rappard were right, the mandate would be unworkable. No mandatory Power could afford to pay labour costs for everything done in a native territory if the natives sat down and paid nothing.

#### *Freedom of Conscience.*

M. PALACIOS said that he had no observations to make in connection with the report, but drew attention to the statement made in one of the petitions which had reached the Commission (document C.P.M. 571, page 7). It was said that :

"Mr. Griffin works openly in the interests of the London Missionary Society in Samoa, and that this is so notorious that a native must have considerable courage to leave the London Missionary Society for another Church. Enquiry in Samoa would certainly prove that Catholic and Mormon natives have been victims of religious persecution. Griffin was for a long time printer for the London Missionary Society in Samoa."

In its observations of September 13th, 1927 (document C.P.M. 657), the New Zealand Government stated :

“At no time during his service with the Administration did the late Mr. Griffin work openly or clandestinely on behalf of the London Missionary Society. The charges concerning religious persecution are untrue. The several missions can be asked to deny them if necessary.”

At the same time, in paragraph 4 of its observations, the New Zealand Government stated that “Mr. Griffin had served in Samoa as a missionary for over twenty years”.

M. Palacios enquired in what post Mr. Griffin had acted as a missionary in Samoa, and whether the accredited representative could give any further information.

Sir James PARR regretted that he was unable to answer M. Palacios' question.

With regard to the charge that favouritism had been shown to a particular missionary society or confession, Sir James Parr said that in London he had recently received a visit from the Catholic bishop in Samoa, who had spoken in favourable terms of General Richardson's Administration and of the fairness with which the Roman Catholic faith was treated. The observations of the New Zealand Government on the Rowe petition gave full information as to that individual's character and position.

#### *Education.*

Mme. WICKSELL said that she had no question to raise, but that she wished to offer her sincere congratulations to the Administration on the great progress which it had made and was still making in native education. The graph on page 5 of the report was particularly illuminating, because it gave at a single glance the whole school organisation of the territory. If the figures for all natives attending schools (which, though not actually quoted in the report under review, might be obtained from previous reports) were inserted in the graph, it would be found not only that practically every child in Samoa had the opportunity of attaining a certain degree of education but that nearly all Samoan children availed themselves of this opportunity.

With regard to the two small inhabited islands of Apolima and Manono, to which M. Van Rees had referred on the previous day, Mme. Wicksell asked if it would be possible to include in the information which Sir James Parr had promised to obtain concerning the general administration of the islands a statement whether there were any missions and, in particular, mission schools on these islands. Obviously, there were no Government schools on them, for, if there had been, their existence would have been reported to the Commission.

Sir James PARR thanked Mme. Wicksell for her appreciation of the work of the Education Department, which would no doubt be greatly encouraged thereby.

M. RAPPARD enquired whether the teaching staff was purely European or mixed.

Sir James PARR replied that the teaching staff consisted both of New Zealanders and natives. The Government appointed from New Zealand teachers who had had a good education and who often had been through a two-years course at a training college. The head of the staff was a very capable official, and the general run of New Zealand teachers in the island was somewhat above the average. It was, however, impossible to obtain the very best men, owing not merely to the smallness of the salary offered but to the handicap in the way of promotion.

M. RAPPARD understood that teachers from New Zealand went to Samoa rather to take up a vocation than to make a career.

Sir James PARR replied in the affirmative. The point which the New Zealand Government was stressing was the necessity of training native Samoans as teachers. A fair number had already been trained and were proving themselves as apt in teaching the natives as the teacher from New Zealand. Education in Samoa was organised on a handicraft basis. Sir James Parr, as Minister of Education, had himself been greatly interested in the inauguration of Samoan education.

M. PALACIOS enquired whether there was any foundation for the assertion made in the same petition that the effect of Boy Scout training in Samoa was to turn a race of gentlemen into a race of hooligans.

Sir James PARR said that he had no observation to make on this statement. Many stories were spread about the Boy Scout Movement, but he had never heard that it had the effect of turning the boys into young hooligans.

M. PALACIOS pointed out that the Rowe petition made certain charges of sexual perversion and of grave faults committed in the schools. He enquired whether this matter would be dealt with by the Royal Commission.

Sir James PARR said that, if a charge of this kind had been made in the petition, he had no doubt that the Royal Commission would deal with and report upon the matter.

The CHAIRMAN, on behalf of Sir F. Lugard, put the following questions :

1. Had cinemas been introduced into the territory and were they supervised?
2. How many co-operative schools were there?
3. Were all children of school age at school and, if not, what proportion of them? Was a system of co-education in use throughout the territory?



Sir James PARR replied :

1. Cinemas had been introduced and were under supervision.
2. Co-operative schools should be termed "co-education schools". All primary schools were on a co-educational basis.
3. He would cause the number of children of school age at school to be inserted in the next report.

The CHAIRMAN enquired whether all the New Zealand officials were compelled to learn Samoan.

Sir James PARR was unable to supply the information requested. He would enquire and report later.

#### *Liquor Traffic.*

M. FREIRE D'ANDRADE congratulated the mandatory Power on having adopted a system of entire prohibition. As regards an observation made by the Citizens' Committee, although personally he had no reason officially to recognise this Committee, he would ask whether there was not some foundation for it. Did the Administration consider that "strong home-brew" was as widely used as the Citizens' Committee maintained, and what were the results on Europeans and natives?

M. MERLIN asked what was "kava".

Sir James PARR replied that "kava" was made from the root of the kava plant. It was a drink used in ceremonials, and chiefs and others drank it. It varied in strength, some of it being quite mild. The natives had used it for generations and there was no reason to suppose that there had been any recent increase in consumption.

There was undoubtedly a strong feeling against prohibition among the white population and the half-castes, but the Administration felt it was impossible to maintain a privileged class of drinkers in the territory and thus discriminate between that class and the natives, whose welfare, according to the terms of the mandate, it was bound always to consider as of primary importance.

M. PALACIOS regretted to have once more to raise certain points in connection with the petitions. He did so only to fulfil a duty and with the object of obtaining information from the accredited representative.

The petition submitted by Mr. Newton Rowe stated :

"Before the introduction of prohibition (imposed by New Zealand ostensibly for the benefit of the natives), the Samoan had no taste for intoxicants and would rarely pay the price for them had they been obtainable. They found that in the existing conditions intoxicants were easily made and sold at a large profit to visiting Europeans. European residents, including Government officials, make their own intoxicants."

It appeared also that the natives were fast acquiring the taste for alcohol. Was this correct?

Sir James PARR replied that Mr. Newton Rowe was very busy doing his best to discredit the Administration. He had retired to London and was doing his utmost, as a supporter of the Nelson agitation, to launch a newspaper campaign against New Zealand in regard to Samoa. He was a young man who had formerly been a subordinate official in the Administration of the mandated territory. According to the Government reply, he had resigned his post in time to avoid dismissal. He had at first seemed plausible, but when the principal newspapers had discovered what sort of a man he really was they had ceased to pay much attention to him.

The CHAIRMAN said that, according to the reply of the New Zealand Government (document C.P.M. 657), the services of Mr. Newton Rowe had been dispensed with : (a) for disobedience to his superior officer; (b) because he was found to be temperamentally unsuited for an official position involving the administration of natives. Had he not been dismissed for these reasons his dismissal would have taken place shortly afterwards for other reasons which were brought to the notice of the Administration, *i. e.* (c) living in a state of concubinage with a Samoan woman in Savaii (she had a child by Rowe now living); (d) complaints by native chiefs against him in respect of other matters.

M. PALACIOS pointed out, without taking either side, that Mr. Newton Rowe had attached certificates to his petition, one of which had been signed by the Administrator, General Richardson, which stated that : "The work Mr. Rowe has accomplished in the latter appointment (District Inspector in Savaii) has been very favourably reported upon and distinct progress in his district has been apparent". Further, the Secretary to the Administration had signed another certificate, shown as Annex 3 to the petition, which was also satisfactory. If these certificates were authentic, how was it that he had been dismissed primarily for incompetence or other faults?

The CHAIRMAN pointed out that the New Zealand Government had given the following reasons why the certificates furnished to Mr. Newton Rowe had been favourably worded :

"The credential which he attaches to his letter as from the Administrator was given solely because he pleaded for some record of his work in Samoa, and, as he was quite young, the latter wished to help him to make good in some other sphere."

M. PALACIOS concluded, therefore, that the Administrator had been somewhat too indulgent in this case.

Sir James PARR agreed that General Richardson had been good-natured in the matter.

On behalf of the Prime Minister and the Government of New Zealand, he would submit with great respect that the petition in question was unworthy of the serious consideration of the Permanent Mandates Commission.

M. RAPPARD would ask two questions : (1) Was there absolute prohibition in the Fiji Islands? (2) What did Europeans in the mandated territory drink if they were unable to drink spirits, wine or beer?

Sir James PARR replied : (1) It was possible to obtain alcohol in hotels in Fiji but not in the mandated territory. (2) The whites drank tea, coffee, mineral waters, or soft drinks. In general, New Zealanders drank a good deal of tea. Whites could have alcohol for medicinal purposes.

It was very difficult to enforce prohibition on the white population, but New Zealand felt called upon to do so because of the terms of the mandate it had undertaken to administer.

#### *Public Health.*

M. FREIRE D'ANDRADE thought that the Commission should congratulate the mandatory Power on having doubled the number of its dispensaries in outlying districts during the year under review by fitting up seven new stations, at which some 15,000 patients were treated in an average of nearly half a year. The public health service would now seem able to reach all natives in a much shorter time than previously.

Sir James PARR thanked M. Freire d'Andrade.

M. FREIRE D'ANDRADE noted that, in his statement on the work of the Health Committee of April 27th, 1927, Dr. Norman White had reported that Dr. Buxton had recently completed a two-years study of the prevalence of filariasis in Samoa, but that his report had not yet been published. Had the results of this study been made known as yet to the Health Administration of the territory, and could the accredited representative explain why this point had received such very special attention? The report of the Department of Health for 1926-27 seemed to indicate that this disease was not prevalent in Samoa during 1926, there being only 7 Samoans admitted to the Apia Hospital out of a total of 669 patients.

Sir James PARR undertook to obtain the information requested.

M. FREIRE D'ANDRADE thought that the Commission should congratulate the mandatory Power on the excellent public health work done in the territory of Western Samoa, which had received high praise from so competent an observer as Dr. Norman White, who had noted, in his statement to the Health Committee of April 27th, 1927, the following :

1. "Hookworm control in Western Samoa is excellent".
2. "It is quite difficult to find cases of yaws among children in Western Samoa, although until recently this disease was almost universally prevalent".
3. "I wish to state the excellent impression I gained of the health work which I saw in Fiji, the Tonga Islands, and particularly in Western Samoa".

M. PALACIOS said that, in document C. 494, 1927, page 3, it was stated that "the mission authorities do not carry out any organised medical work among the natives", whereas, on page 32 of the Minutes of the Tenth Session of the Commission, Sir James Parr had stated that the missionaries were often doctors, and that the dispensaries belonged to the missionaries. It was also stated, in document C. 494, page 3, that "in a few instances the Government dispensary and trained district nurses paid by the Government are located for convenience in the mission station". The map to which reference was made indicated that fifteen out of nineteen stations in the territory were mission-station dispensaries. It was to be presumed that the entire expense of the medical work was borne by the Government, and that the missions did nothing in the way of medical work. Would it not be possible to improve the character of the medical work done by using some of the European medical missionaries for such work, or as inspectors of those dispensaries which were under purely native care?

Sir James PARR thought that there had been a slight misunderstanding as to what he had said during the tenth session. He had meant that there were many dispensaries attached to mission stations, and he had thought that some missions gave medical attention to the natives. The truth was that the Government dispensary officials and trained nurses usually lived at the mission station.

As far as using the European missionaries for public health work was concerned, he would cause enquiries to be made and obtain the views of the head of the Health Department on this subject.

#### *Land Tenure.*

M. VAN REES said that the table on page 10 of the report showed that, out of 143,630 acres of land held by Europeans, only about 18,031 were under cultivation. This meant that the large

proportion of 84 per cent of the land in European hands was uncultivated. He would like to know whether this state of affairs could be explained by economic or other reasons.

Sir James PARR said that a reply to this question would be included in the next report.

The CHAIRMAN, on behalf of Sir F. Lugard, put the following questions :

1. Would it not be a saving to allow ex-enemy properties to revert to private owners?
2. In what way were land rights vested in the Crown, and were there trustees for them?

Sir James PARR replied that the second matter was a very technical question upon which he was not competent personally to express an opinion. He would, however, draw the attention of the Commission to part 9 of the Samoa Act, 1921, to the Samoa Land Registration Order of 1920, and to the Amendments, thereto of 1921, 1924 and 1927.

As regards the first question, the information sought was contained in the report of the visit paid to the territory by the Minister of the Interior. It was as follows :

"The New Zealand Government has decided to administer these plantations as Crown estates, and to use the profits derived from them to supplement the ordinary revenue of the Samoan Treasury as may be required from time to time in providing those works and services which are considered necessary in fulfilment of the obligation imposed on it as Mandatory to 'promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory'.

"At no time has the Government considered the question of the sale of these estates. It is true they were twice offered to the public on long lease. On neither occasion did the Government consider the rentals adequate, and no lease was accepted.

"On the second occasion, the New Zealand Government, in deciding to reject the offers, had in mind an even more important reason than the inadequacy of the rentals—namely, the fact that the Samoan race is now so rapidly increasing in numbers, as a result of our medical work, that these large areas of the best land in the territory would be required to meet the land-hunger of the growing population long before the leases expired—and therefore it would be contrary to the interests of the Samoan people to let the control of these estates pass from the Government."

M. VAN REES asked whether the rents paid for the leased Crown lands were included in the local budgets. He thought so.

Sir James PARR said that for some years there had been no profits from such lands. Cocoa plantations were, however, now being run at a profit. He thought that the sum of £13,000 or £14,000 of profits had been brought into account for the benefit of the territory.

M. RAPPARD noted that the European population in the mandated territory amounted to 907 and the native population to about 37,000. It followed, therefore, that the proportion of whites to natives was 1:40, while the proportion of cultivated lands belonging to the white and native landholders was 1:3. In view of the more rapidly increasing native population, did the mandatory Power view with any uneasiness the general position as regards land tenure? It would appear that the Europeans held more than a quarter of the cultivable land, although constituting only one-fortieth of the population.

Sir James PARR said that there was no immediate reason for anxiety, because the natives owned far more land than they could at present cultivate. As, however, they were being steadily encouraged by the Administration to have small holdings, the day might come when the problem referred to by M. Rappard would arise:

The European estates were cultivated by Chinese labour.

M. RAPPARD concluded from this that a great deal of expansion was still possible as regards native properties.

Sir James PARR replied in the affirmative. The policy of the Administration was to keep the Crown lands and not to sell them.

M. PALACIOS enquired if it were true that there were now practically no independent planters, that some owned their property but were in debt to the Government; that others leased their property from the Government and were liable to be turned out at short notice; and that yet others were employed by the Government on ex-enemy estates, all of them being dependent on the Administration?

Sir James PARR was under the impression that most planters owned their own properties which were mortgaged; some leased their plantations from the Government. At present, they were turning more and more to the High Commissioner of New Zealand in London to enable them to find a market for their goods. He would obtain full particulars regarding the position of the planters and cause them to be inserted in the next report. On the whole, he thought that they were moderately prosperous. They opposed Nelson and the Citizens' Committee, and supported the Administration,

*Demographic Statistics.*

M. RAPPARD, with regard to the demographic statistics on page 47 of the report, noted that the birth rate was extraordinarily high, 54 per thousand, and the death rate low, in the neighbourhood of 20 per thousand. This reflected great credit on the Health Administration. He noted the high figures for immigration and emigration. Did these include the passage of natives from one island to another?

Sir James PARR replied in the affirmative. Many of the natives possessed relatives in American Samoa or in Tonga, whom they were constantly visiting.

M. RAPPARD noted that no figures were given for the Melanesian labourers. What was the reason for this omission?

Sir James PARR replied that there were only 170 Solomon Islanders, whose position had been much improved by the Administration.

*Supply of Information to the Commission in the Past : Symptoms of Unrest.*

The CHAIRMAN thanked the accredited representative for the information which he had given in reply to the questions put to him by the members.

If he might venture a remark, he would say that, although signs of discontent had been noticeable in Samoa in 1921 (when three persons had refused to sit upon the Advisory Council) and had continued since that date—he referred, for example, to the fourteen allegations made in 1922 against the medical authorities—no reference to this state of affairs had been made in any annual report submitted to the Commission by the mandatory Power. The Commission had now to consider a state of unrest which had affected the country to such an extent that a Royal Commission of Enquiry had been set up to investigate charges of a somewhat serious kind. The Commission was justified in expressing some surprise that it had not been told of the symptoms which had preceded the unrest and that it had not been more fully informed of the situation.

These earlier symptoms, including certain petitions of 1921 requesting the transfer of the mandate, were mentioned in the report on the visit of the Minister of External Affairs to Samoa, which was forwarded to the Commission in 1927.

Sir James PARR thought that the reason for this lay partly in the fact that, in 1921, the mandate had only just been conferred upon New Zealand and the Administration had therefore been in its infancy. At that date, the Advisory Council had received no official status and had therefore not been regarded as being of any very great importance, so much so that the Administrator had not thought it worth while to mention that two or three persons whom he had asked to serve upon it had refused to do so. Since that date, however, the Advisory Council had been officially recognised by the New Zealand Government and invested with certain powers. As far as the allegations made in 1922 against the medical service were concerned, he would obtain information, which would be inserted in the next report.

The CHAIRMAN wished to emphasise that the object of his remarks was to ensure that the Permanent Mandates Commission should be kept properly informed of the state of feeling in the territories under mandate. He had expressed this desire in the firm intention, as always, to co-operate as closely as possible with the mandatory Power.

M. RAPPARD agreed with the Chairman. The Commission had suddenly learned that the Press was talking a lot about Western Samoa and voicing all kinds of complaints and accusations. It seemed difficult to admit that all this discontent did not go further back than 1926. The Commission would have liked therefore to find in previous reports some indications, which would have made it possible to foresee the state of affairs in the territory to-day.

Sir James PARR appreciated the observations of the Chairman and M. Rappard. He would refer them to his Government.

*Date of the Submission of the Report of the Royal Commission of Enquiry.*

Sir James PARR explained that the report of the Royal Commission of Enquiry could not reach the Commission before the end of December. Did the Commission desire to consider it before its June session? If so, he was entirely at its disposal.

The CHAIRMAN thanked the accredited representative for his offer. He wished to emphasise the Commission's desire to receive the observations of the New Zealand Government upon the report at the same time as the report. This was a very important point, for, unless it knew the New Zealand Government's observations, the Commission would find it very difficult to express an opinion and therefore to co-operate with the mandatory Power.

Sir James PARR undertook to ask his Government to attach its observations to the report.

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NINETEENTH MEETING

*Held on Friday, November 4th, 1927, at 4.30 p.m.*

**790. Western Samoa : Petitions from Mr. Newton Rowe and from the Anti-Slavery and Aborigines Protection Society.**

M. PALACIOS, Rapporteur on the Newton Rowe petition, said that this long and complex petition contained matters which might form the basis of a series of questions to be put to the accredited representative of the mandatory Power. He thought, however, that to put such questions was not entirely indispensable. He summarised his report (Annex 9 C) and pointed out in this connection that the petition raised a large number of purely personal questions which he thought would not be of interest to the Mandates Commission except as possible indications of bad administration. He concluded that it would be preferable to wait before taking any decision until the Royal Commission of Enquiry had submitted its report, and he proposed to adjourn the question and to reserve its decision until the Permanent Mandates Commission had had an opportunity of reading this report.

M. ORTS agreed. He thought, as M. Palacios did, that the Commission should reserve its opinion until it had taken note of the report of the Royal Commission, it being understood that it would be free to form its own opinion and that the conclusions of the Commission of Enquiry would not necessarily dictate those of the Mandates Commission.

M. RAPPARD said that the petition in question was of a very special kind. The petitioner asked for nothing but confined himself to making an accusation. The Commission might therefore consider this petition as affording certain indications, but it was under no obligation to reply to it. On the other hand, it was its duty to question the accredited representative of the mandatory Power in order that it might be more fully informed. Personally, M. Rappard had received good reports regarding the petitioner. It was clearly to the interest of all the Administrations in the world to attribute a doubtful reputation to a former official who brought definite accusations against it. Consequently, M. Rappard took the view that the Commission should not accept, without reserve, the views of the mandatory Power on such a matter.

The CHAIRMAN, summarising the discussion, noted that, at the moment, it was very difficult for the Commission to reach any conclusion regarding the allegations made by the petitioner. He proposed, in consequence, that the Commission should confine itself to stating that it would reserve its opinion until the Royal Commission of Enquiry had furnished it with the necessary information regarding both the scope of the accusations and the measures taken to meet them.

M. FREIRE D'ANDRADE thought that the present petition could only serve as an indication for the Commission, that was to say, it might serve to give an idea of the way in which the territory was administered, as M. Palacios had said. It was always easy to make accusations against the various organised departments governing a country, above all, when no responsibility was involved thereby. In the territory in question, however, there existed Courts before which petitioners had been able to bring their complaints.

M. Freire d'Andrade knew from personal experience in Mozambique the kind of criticism and accusation which could be brought against the Administration of a territory. The accusations contained in the petition were, moreover, not supported by proofs or witnesses.

M. MERLIN wished also to warn the Commission against a certain class of accusation which it was easy to make against the officials of a colonial Administration. To accuse officials of giving way to excesses or even of various kinds of vice and of living a disorderly life was always easy. This kind of petition should only be taken into consideration in so far as it might shed light on the administration of the country. M. Merlin would say the same as regards the personality of the petitioner. The most undesirable type of man might sometimes reveal facts which were perfectly true and serious. The duty of the Commission, in all cases, was to ascertain whether the facts alleged were such that the Administration was shown to be adopting a course which was contrary to the principles and regulations of the mandate. It was important, however, for the Commission to leave on one side questions concerning personalities when examining problems which had been submitted to it.

M. RAPPARD asked whether the Royal Commission's enquiry covered all the allegations in the Rowe petition.

M. PALACIOS explained that the mandatory Power had replied point by point to the petition and had stated in the same document that the Royal Commission was making an enquiry into the Administration and would send its report to the Commission as soon as possible. Personal matters aside, it was only the Administration which was in question. It was desirable, therefore, to await the promised report.

Dr. KASTL read the petition dated July 19th, 1927, forwarded to the Commission by the Anti-Slavery and Aborigines Protection Society of London (document C.P.M.620), drawing attention to the deportations of which certain native chiefs in Samoa had been the victims. He quoted certain passages from the reply dated September 19th, 1927, made by the New Zealand

Government to a letter from the Secretary-General of the League of Nations concerning the petition from the Anti-Slavery and Aborigines Protection Society. In this reply, the Government had pointed out that, in the year 1922, it had been indispensable to increase the powers of the Administration as far as banishment was concerned in order to strengthen the discipline of the natives. Sentences of banishment were confined to within the frontiers of the territory itself. The powers of the Administration had now been restricted, and in the future it was required in all cases of banishment to refer to the Governor-General of New Zealand, whose decision on the point must be taken in Council.

Dr. Kastl then read the terms of reference of the Royal Commission instructed to enquire into the matter (document C.494.1927.VI). His conclusion was that the Permanent Mandates Commission should await the results of the enquiry and the judgment of the mandatory Power before taking any decision.

The CHAIRMAN noted that the two Rapporteurs asked that the discussion of their reports should be adjourned. He thought, therefore, that there were no further questions to be put to the accredited representative of the mandatory Power. Nevertheless, he felt it to be his duty to point out that Sir James Parr, the accredited representative, had given the Commission to understand that it would be some time before the report of the Royal Commission was received. The accredited representative had also suggested that the Commission might make an immediate study of the report, in view of the effect which the matter had had on public opinion.

M. MERLIN thought that there was a tendency to make the Commission play a part which it was not for it to play. It was for the mandatory Power to make the enquiries which it thought necessary. To do so, it was not necessary for it to ask the views of the Commission, whose duty it would always be to ascertain if the mandatory Power had or had not acted in accordance with the powers conferred upon it by the mandate. It would be an error to cause the Commission to play the part of an unofficial adviser. The Commission should only take a decision after the report on the enquiry had been submitted to it, when its duty would be to pass judgment on the decisions and measures adopted by the mandatory Power as indicated in the report on the enquiry. It was not the Commission's duty to pass judgment on the report itself.

M. ORTS recalled that Sir James Parr had stated that the mandatory Power had intended to send with the report of the Royal Commission its own views upon it. He thought it would be of use to urge that this intention should be carried out.

The CHAIRMAN thought that the Commission should express its earnest wish to receive at the same time as the report the comments of the mandatory Power, as well as a statement of the decisions taken by it as a result of the conclusions of the report.

M. MERLIN urged the Commission to request that the practical conclusions drawn by the mandatory Power should be communicated to it at the same time as it received the report of the Commission of Enquiry, in order that it should be able to form an opinion on those conclusions in the light of the report. It was therefore to the Commission's advantage not to hasten the giving of its opinion. The Commission should avoid causing the mandatory Power to wait, before taking a decision, until the Permanent Mandates Commission had made known its views. It was for the Government of the mandatory Power to take a decision and for the Commission to pass judgment on it afterwards.

M. ORTS entirely agreed with M. Merlin. The report of the Royal Commission of Enquiry would certainly contain valuable information but, from the point of view of the Permanent Mandates Commission, the important document would be the report of the mandatory Power and its comments on the question. In the light of this report, the Commission would be able to judge whether the mandatory Power had done what was required in the circumstances.

M. FREIRE D'ANDRADE proposed to say to the accredited representative that the Commission was grateful to the Government of New Zealand for undertaking to furnish it with the conclusions of the Royal Commission of Enquiry. The Commission thought it, however, to be its duty also to wait until it possessed information regarding the action taken by the Government of the mandatory Power as the result of this enquiry before submitting its report on the petitions to the Council.

M. RAPPARD desired to know definitely whether the Royal Commission's enquiry would really cover all the facts alleged in the petition.

M. ORTS observed that the object of the enquiry carried out by the Royal Commission was not clearly stated. It was to be supposed that the investigations would deal with the complaints made by the Citizens' Committee, which should not be confused with the facts put forward by the petitioner. For example, certain of these facts would constitute an attack on the principle of liberty of conscience. It was not likely that the Royal Commission would deal with these, as it probably did not even know of them.

M. PALACIOS said that, as regards the petition which he had studied, he agreed in general with the remarks of his colleagues. He thought, however, that he could but summarise the allegations made and ask the accredited representative for information concerning them. He reminded the Commission that the personal and intimate matters to which objection had been taken could only be considered as possible indications of bad administration. Further, seeing that the mandatory Power and Sir James Parr had promised a report from the Royal Commission which would deal with these questions, it was necessary, in his view, to wait for the report. The Commission might ask the accredited representative to make sure that the report would deal in particular with all the questions at issue.

The CHAIRMAN thought it would be regrettable if the Royal Commission, having put forward its conclusions, gave no information in its report on the questions raised in the petitions. It would therefore be necessary to inform Sir James Parr that, unless the Commission received definite information on the Rowe petition between now and next session, it would be obliged to examine it then.

M. ORTS said that certain facts alleged in the petition appeared to be an attack on liberty of conscience. He feared that nothing on these alleged facts would appear in the report.

The CHAIRMAN read the text containing the views of the Commission as regards the report of the Royal Commission and the petitions received regarding Western Samoa<sup>1</sup>.

*The Commission adopted the proposed text.*

#### 791. General Statistical Tables.

M. CATASTINI read the following note from Sir F. Lugard :

“The subject of the Statistical Abstract, document C.P.M.603, does not appear on the agenda. I think it will be a very valuable document, but great delay has occurred in preparing it. I suggested on October 30th, 1925, that the mandatory Powers should be asked to complete it. It is especially desirable that it should be approved as correct (or complete) by each mandatory Power (*e.g.*, it will form an official record, *inter alia*, of the sums given as free gifts and of those which are loans).”

M. Catastini added that the delay referred to by Sir F. Lugard had been due to the amount of time taken by the mandatory Powers to send their statistical data. The Secretariat had now received this information as regards all the territories except Syria. If the Permanent Mandates Commission saw no objection, the Secretariat proposed to publish all this information in one document as soon as it was possible to do so. The mandatory Powers might also, perhaps, be asked to keep this information up to date by stating in their annual reports the changes made in any statistics in which a change was possible.

*The Commission adopted this proposal.*

#### 792. Western Samoa : Declaration of the Commission regarding the Report of the Royal Commission of Enquiry and regarding the Procedure to be followed in connection with the Petitions from Mr. Newton Rowe and the Anti-Slavery and Aborigines Protection Society.

Sir James Parr, High Commissioner of New Zealand in London, came to the table of the Commission.

The CHAIRMAN read the following declaration already adopted by the Commission :

“In thanking the accredited representative of the mandatory Power and the Government of New Zealand for the information which they have already been good enough to give us on the causes of the present agitation in Western Samoa, the Permanent Mandates Commission is glad to note that a Royal Commission has been constituted to investigate these causes.

“The Commission will be happy to receive the report of the Royal Commission as soon as possible.

“It must, however, inform the accredited representative that it also desires to have the observations of the mandatory Power, the conclusions which it has been led to adopt and the decisions which it has felt it to be its duty to take as a consequence of the report of the Royal Commission. Only when in possession of these documents will it be possible for the Permanent Mandates Commission to express that final opinion based on full knowledge of the facts which it is its duty to give regarding the administration of the mandatory Power.

“The Commission desires to know whether the enquiry carried out by the Royal Commission extends also to the facts alleged in the petitions from Mr. Newton Rowe and from the Anti-Slavery and Aborigines Protection Society. In the affirmative, the Commission will postpone the examination of these petitions until it has received the conclusions of the Royal Commission and the observations of the mandatory Power.

“In the negative, the Permanent Mandates Commission will proceed to an examination of those petitions in the light of such information as it at present possesses.”

Sir James PARR appreciated the reasons underlying the request put forward by the Permanent Mandates Commission. He had naturally expected that the Commission, before offering any opinion on the recent disagreements in Western Samoa, would wait until it was in possession of a reliable statement of the facts, and also of the inferences drawn from them by the learned judges who had composed the Royal Commission. He himself and everyone in New Zealand had confidence in the Royal Commission. Its opinion would almost certainly be final as regards public opinion in New Zealand.

<sup>1</sup> See below.

He took note of the fact that it was the Commission's express wish to receive not only the report of the Royal Commission but the opinion of the Government of New Zealand upon that report and a statement of any action which that Government proposed to take. He would at once telegraph the request of the Commission to his Government.

As far as the petitions were concerned, he thought that the petition from the Anti-Slavery and Aborigines Protection Society would undoubtedly be dealt with in the report of the Royal Commission. Many of the matters referred to in the petition from Mr. Newton Rowe raised questions which were covered by the terms of reference of the Royal Commission. He would suggest, therefore, that the Commission should await the Royal Commission's report before taking any further steps in connection with Mr. Newton Rowe's petition. If there were any matters not covered by the report of the Royal Commission, the Permanent Mandates Commission would naturally be free to take what action it liked.

The CHAIRMAN, on behalf of the Commission, took note of the observations of the accredited representative, for which he thanked him. The Commission was glad to note that the mandatory Power was anxious to throw as much light as possible on the events which had taken place in Western Samoa.

Sir James PARR thanked the members of the Commission for the invariable courtesy which they had shown him during his examination. Their questions had been rigorous but never unfair, and he had done his best to reply to them.

In connection with the troubles in Western Samoa, he would repeat that New Zealand had great confidence in the Royal Commission and he hoped that, when the Commission read its report, it would get the impression that no mandatory Power was more seriously minded or idealistic in regard to the discharge of its duties than was New Zealand. The people of his country were very keen to help the small territory entrusted to their care. To use the words of the Governor General (which had met with the approval of the Commission), New Zealand regarded Western Samoa as a child of whom she was the guardian. New Zealand had spent large sums of money on the territory and had done its utmost to give it the benefits of civilisation. He hoped that the Commission would realise and bear this in mind. In this he spoke not only as a New Zealander but also as a Minister of the Crown who possessed full knowledge of the facts regarding the policy which his country had invariably pursued towards the mandated territory.

Sir James Parr withdrew.

### 793. Financial Information contained in the Annual Reports.

The CHAIRMAN informed the Commission that the Sub-Committee had tried to draft a list of the Commission's desiderata with regard to the financial information contained in the reports on territories under British mandate. Its task had been extremely difficult, for the method of drawing up the budget and of keeping accounts in those territories differed entirely from that adopted by other mandatory Powers for that method depended upon the British budgetary system and mentality. The Commission could scarcely expect the Colonial Office in London to change its whole system or indeed its mentality in this respect. On the other hand, it was essential that means should be found whereby the members could understand the exact financial position of any territory under British mandate.

M. MERLIN agreed with the Chairman. There were three financial elements in all reports of the mandatory Powers: information regarding receipts and expenditure and, lastly, the balance. The way in which financial information was compiled in the British reports, however, differed so greatly from that used by other mandatory Powers that it was sometimes very difficult to make useful comparisons.

M. RAPPARD thought that the best plan would be to include as an annex to the Commission's report to the Council a simple statement of its requirements.

Dr. KASTL agreed with M. Merlin that it was very difficult to understand the system in use in British mandated territories. Great Britain followed a system of accounting which differed entirely from the Continental system. It was obviously impossible to ask the British Government to change its whole system of finance. He, therefore, agreed with the proposal made by M. Rappard.

M. ORTS agreed with Dr. Kastl. It seemed difficult to ask the British Colonial Office, in order to meet the convenience of the Commission, to translate the data given in its accounts into the form adopted by other countries.

After a short exchange of views, M. RAPPARD proposed the following text for inclusion in the Commission's report to the Council:

"The Permanent Mandates Commission, while understanding the divergencies which exist between the methods of accounting adopted by the various mandatory Powers, and while recognising that it is impossible to obtain the adoption of a uniform system, desires to find included in all annual reports clear information on the following points."

Then would follow a list of the Commission's desiderata, which M. Rappard suggested should be drafted by the Sub-Committee.



The CHAIRMAN thought that this proposal, if adopted, would have the desired effect and would, further, have the advantage of not offending any susceptibilities on the part of the mandatory Powers.

*The proposal of M. Rappard was provisionally adopted.*

**794. Summary of the Procedure to be followed in the Matter of Petitions concerning Mandated Territories.**

M. VAN REES submitted the following new text for Chapter 5 (Observations of the Mandatory Powers on Petitions) of document C.P.M.558, drafted by the Secretariat :

“A. As regards petitions submitted to the Permanent Mandates Commission for examination, the mandatory Powers have been requested :

“(a) To indicate, with reference to all points raised in these documents, whether they agree with the petitioners or take some other view of the matter; and

“(b) To state, if necessary, whether they consider that any particular petition has already been fully referred to in their reports or elsewhere.

“B. Further, the mandatory Powers concerned have been asked to furnish, within a maximum period of six months, such comments as they may consider desirable on petitions received from sources other than that of the inhabitants of mandated territories and referred to them.”

*The text was adopted.*

**795. International Conventions applied to the Mandated Territories (Documents C.P.M. 632 and 633).**

M. ORTS recalled that these documents had been prepared in conformity with a decision taken by the Permanent Mandates Commission on July 2nd, 1927. They contained a chronological list of the general international conventions, with an indication of the mandated territories to which each applied, and a list of the territories with an indication of the conventions applied in each. Sir F. Lugard had proposed that these lists should be sent to all the mandatory Powers for verification. M. Orts thought that Sir F. Lugard's proposal should be adopted and a short reference made to the matter in the Commission's report to the Council.

*The suggestion of M. Orts was adopted.*

M. Orts added that Sir F. Lugard had also proposed that this document should be periodically brought up to date and printed. While agreeing with the first proposal, M. Orts did not think it possible to insist that the document should be printed, in view of the expense involved and also because it was a document solely for the use of the members of the Commission.

*The Commission agreed with the views of M. Orts, and instructed the Secretariat to keep the list up to date by consulting the mandatory Powers or by any other means at its disposal.*

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TWENTIETH MEETING

*Held on Saturday, November 5th, 1927, at 10.30 a.m.*

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**796. Palestine : Petitions from Certain Turkish Nationals of Palestinian Origin now living in Honduras, San Salvador and Mexico : Report by Mme. Wicksell.**

Mme. WICKSELL drew attention to an alteration to be made in the last sentence of paragraph 4 of her report. The original should be replaced by the following :

“In Article 7, Section 5, of the Palestinian Citizenship Order in Council, it is, however, laid down that the High Commissioner may in any special case, if he thinks fit, grant a certificate of naturalisation, although the two years' residence has not been within the last three years immediately preceding the date of the application.”

Mme. Wicksell made the following comments on the petitions. The petition from Honduras was signed by eleven Arabs, concerning whose *bona fides* she was unable to make any statement. The Salvador petition was signed by a society consisting of over a thousand Arabs, who, it was evident, had no intention of returning to Palestine. It was not less evident that their real object was to obtain the benefits of British protection instead of Turkish protection, as the latter was somewhat precarious, although they had not formulated any grievance in this connection. Since the preparation of the report, a third petition had arrived from the Palestinian Association

in Mexico, which had a membership of more than three thousand. This petition obviously had the same aim in view and was based on the same motives as the other two. Mme. Wicksell had consulted Mr. Lloyd on the subject of this last petition and had asked him if the British Government would have any objection to the Commission's dealing with it without awaiting the observations of the mandatory Power. Mr. Lloyd had replied that the British Government would be very glad if the Commission would do so.

The CHAIRMAN wondered whether it would not be possible to complete the findings of Mme. Wicksell's report by a recommendation based on the passage quoted in the Order in Council to the effect that the Commission hoped that the mandatory Power would show a liberal spirit in dealing with the persons placed in the circumstances indicated in paragraph 4 of the report.

M. MERLIN pressed the desirability of extreme caution in this matter.

Mme. WICKSELL pointed out that the powers laid down by the Order in Council could apply only to Arabs who actually returned to Palestine. The addition suggested by the Chairman was the more desirable as the petition from the Mexico Palestinians expressly asked for information as to a practical method for obtaining Palestinian citizenship.

M. VAN REES suggested that the attention of the petitioners should be drawn to this passage in the Order in Council.

The CHAIRMAN agreed with M. Van Rees.

After an exchange of views, Mme. WICKSELL and M. ORTS proposed the following passage to be added to the findings in Mme. Wicksell's report :

“Their attention might be drawn, for such action as they may see fit, to Article 7, Section 5, of the Palestinian Citizenship Order in Council reproduced above.”

*Mme. Wicksell's report was adopted as amended (Annex 9A).*

**797. South-West Africa : Petition dated November 26th, 1926, from Certain Burghers of the Rehoboth Community : Report by the Sub-Committee.**

M. VAN REES said that the Sub-Committee had reached agreement on the terms of the report.

M. ORTS noted that, in the second paragraph, it was said that the “ Commission has not yet received officially any comment by the mandatory Power ”. Did this signify that the Commission had received any semi-official comments?

M. VAN REES replied in the negative.

Dr. KASTL said that the Commission had obtained certain information in the form of observations from the Administrator of South-West Africa, but those observations could not be taken as an official report of the mandatory Power.

With regard to the last sentence in the report, M. MERLIN thought that the Commission should put more emphasis on the regret which it felt at the Mandatory's delay in examining the petition and the report of Mr. Justice de Villiers.

M. FREIRE D'ANDRADE believed that the accredited representative of the Mandatory had referred to a reply from the mandatory Power.

M. CATASTINI explained that he had received a personal letter from Mr. Smit.

After an exchange of views, the CHAIRMAN noted that all the members agreed on the desirability of strengthening the terms used in this passage of the report.

On the suggestion of M. MERLIN, the Commission decided to substitute for the words “ and to suggest that the mandatory Power should be urged to give this matter its immediate attention ”, the words “ to the effect that the mandatory Power should be invited to inform the Commission as to the conclusions which it has itself drawn from Mr. Justice de Villiers's report and the decisions which it has taken in consequence of that report ”.

*The report as amended was approved (Annex 9B).*

**798. Western Samoa : Petition dated July 19th, 1927, from the Anti-Slavery and Aborigines Protection Society : Report by Dr. Kastl.**

*The report was approved, with certain amendments of form (Annex 9D).*

**799. Liquor Traffic : Report by M. Freire d'Andrade.**

M. FREIRE D'ANDRADE summarised and commented upon his report (Annex 8B) and his conclusions.

M. MERLIN declared that all the members of the Commission were opposed to alcoholism, especially in the native population. It was the duty of the nations responsible for the native population to protect them from an increase of this vice.

Nevertheless, he feared that M. Freire d'Andrade's proposals would lead to insurmountable difficulties. The Commission had already been able, with great difficulty, to define what constituted alcoholic drinks, and had received the congratulations of Dr. Nansen. It was now asked to go further still. It was to be feared that it would be impossible to obtain satisfaction on the question of nomenclature, as well as on that of the unification of measures of the content and sale of alcohol.

The long and fruitless efforts of those who had prepared the St. Germain Convention with a view to establishing a nomenclature had proved the uselessness of renewing the attempt. Moreover, a nomenclature was by nature limitative, and could not fail to give rise to protestations of all kinds. It would have to mention not only categories but different trade names, which would create many difficulties. With regard to the standardisation of measures, it was not possible to ask a country to give up its habits and methods.

Now that the classification of alcoholic drinks had been settled, it would be possible to reduce the consumption of alcohol by restricting the consumption on the part of Europeans to fixed quantities, and by strictly forbidding the sale of spirits to natives, by imposing higher and higher tariffs, and by allowing less dangerous drinks, like wine and beer, to penetrate into the country. It would thus be possible to reduce to a great extent, and even to do away with, alcoholism. If alcohol were entirely forbidden, smuggling would be encouraged, that was to say, the consumption of alcohol of bad quality and the manufacture of alcohol by the natives themselves, which would be still more injurious. There was even a danger of driving the natives to other and more injurious abuses, such as cocaine, heroin, etc. Various reasons for prudence were stated in M. Freire d'Andrade's report. Doubtless, statistics showed that the consumption of alcoholic drinks was increasing year by year, but this was in accordance with the general progress of commerce, and, in any case, the consumption was still inferior to the average of 1914.

M. FREIRE D'ANDRADE drew attention to the fact that it was precisely in view of the necessity for prudence that he had toned down the conclusions of his report. He had merely asked for the adoption of the nomenclature established by the Commission. He had no idea of asking the authorities of the various Powers to change their Customs regulations or any other regulations. With regard to the work required from the Secretariat, it would be destined for the use of the Commission itself.

The CHAIRMAN asked how it was proposed to obtain the information concerning "certain neighbouring territories" which were mentioned in paragraph 2 of Recommendation III.

M. FREIRE D'ANDRADE explained that it was only a question of the colonies bordering on Togoland and the Cameroons. It was also thought that a part of this information could be obtained from the reports of the Anti-Alcoholic Society.

Replying to M. Merlin, M. Freire d'Andrade expressed his willingness to replace in his report the word "nomenclature" by "classification".

M. CATASTINI suggested that the work required should be prepared by the Secretariat but presented under the name of M. Freire d'Andrade, which would be more in accordance with the procedure of the Commission and of the Secretariat.

M. RAPPARD observed that it was merely a question of compiling statistics.

M. MERLIN considered that the work required of the Secretariat was merely a work of documentation. It would be for the Commission to draw its conclusions.

M. VAN REES said that it would also be necessary to prepare a statement of all the activities of the Commission during the last few years with regard to alcohol. The Commission had already done very useful work.

M. MERLIN entirely agreed with this point.

The CHAIRMAN suggested that, for the present, the Commission should merely approve in a general way M. Freire d'Andrade's report on the question of the work required from the Secretariat. Sir F. Lugard was not present, and the question would probably have to be taken up again when he returned. He acknowledged the importance of the work accomplished by M. Freire d'Andrade, which had made the question much clearer.

*The Chairman's proposal was adopted.*

#### **800. Western Samoa : Petition from Mr. Newton Rowe : Report by M. Palacios.**

M. PALACIOS said that the French text of his report (Annex 9C) did not always exactly interpret what he meant, and that it would have to be revised in several places.

M. ORTS remarked that the report began by the words "The petition consists", etc. The result was that the Rapporteur at once considered the letter as a petition. Was this the case?

M. PALACIOS pointed out that in the titles of the documents which had been sent to him, the word "petition" had been used, that the observations of the mandatory Power replied to the petition and that the procedure followed as regards the document had been the procedure applied to petitions. He recalled the wide sense of that term as used by the Commission.

The CHAIRMAN recalled the fact that, according to the legal procedure of the Commission, everything which it received in a legal form through a mandatory Power was a petition.

M. ORTS concluded that, if a mandatory Power transmitted laudatory expressions from a private person with regard to its administration, that would also be a petition.

M. PALACIOS said that, as regards the present case, there was nothing laudatory about it and that the document had perhaps not been sent through the mandatory Power. If, however, it was not a petition, what was it?

M. CATASTINI pointed out that the letter in question had been addressed not through a mandatory Power but directly to the Chairman, who had communicated it to the mandatory Power, and that the latter had forwarded its comments.

The CHAIRMAN said that, in any case, M. Orts' observation was justified. The petition need not be mentioned at the beginning of the report. He proposed, for the present, to accept M. Palacios' conclusions. M. Palacios would go over his text with certain of his colleagues and would submit it later to the Commission.

*Agreed.*

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## TWENTY-FIRST MEETING

*Held on Monday, November 7th, 1927, at 10.30 p.m.*

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### 801. Ruanda-Urundi : Examination of the Annual Report for 1926.

M. Halewyck de Heusch, Director-General at the Belgian Ministry for the Colonies, came to the table of the Commission.

The CHAIRMAN welcomed M. Halewyck de Heusch and thanked the Belgian Government for having sent him to give explanations on its report for 1926 on the administration of Ruanda-Urundi. The accredited representative's competence, which had already been appreciated by the Commission, was bound greatly to facilitate the examination of the report. Lastly, he thanked the mandatory Power for having sent, in compliance with the Commission's request, a complete collection of the laws in force in the mandated territory. He trusted that the Mandatory would be good enough to keep the collection up to date in future. He regretted to have to point out that, although the Mandatory had undertaken to send in the report before September 1st, it had only been received at the Secretariat in October, so that the members of the Commission had not had time enough to familiarise themselves with its contents.

M. HALEWYCK DE HEUSCH thanked the Chairman for his warm welcome. The delay in the despatch of the report was due to unforeseen difficulties connected with the printing of the new map which was annexed to the report. He hoped very much that it would be possible to avoid such mishaps in the future.

#### *Territorial Distribution and Financial Autonomy of Ruanda-Urundi.*

M. PALACIOS said that, as regards the status of the territory, a new factor had arisen in 1926, namely, the Royal Decree putting in force the Law of August 27th, 1925, concerning the Government of Ruanda-Urundi, a law which the Commission had studied at the time of its publication. It was said, on page 9 of the report, that the territory would retain provisionally its divisions and the present territorial officials. Was some modification contemplated in this connection? Article 2 of the Decree in question certainly permitted a change.

M. HALEWYCK DE HEUSCH replied that it was not the Belgian Government's intention to alter the territorial distribution of Ruanda-Urundi. When the Royal Decree of January 11th, 1926, was signed, the question of a new division of the territory was still pending, but, since then, it had been thought better to preserve the present principal divisions, those of the two residencies, Urundi and Ruanda, which corresponded to the two sultanates. As a result of the maintenance of this traditional division, it had been possible to avoid giving the native sultans the impression that their country was being cut up and transformed in accordance with the principles of European organisation. Within each residency, therefore, the territory had not been subdivided into clearly marked regions. In this way, a departure had been made from the system followed in the Belgian Congo, where, right up to the boundaries, the territorial limits had been carefully established. It resulted from the system adopted in Ruanda-Urundi that the jurisdiction of the officials occupying the various stations was not confined within any strict limits.

M. PALACIOS was glad of the information given by the accredited representative of the mandatory Power but wished to explain the meaning of his question. The Law of 1925 seemed to have two aspects. On the one hand, by the terms of that Law the territory became part of

the Belgian Congo colonial administration and, on the other, it tended to accord to Ruanda-Urundi a distinct personality. He would therefore like to know if, according to the policy contemplated, the territory under mandate would always remain a distinct entity.

M. HALEWYCK DE HEUSCH said that the existence of the distinctive character of the territory under mandate had been safeguarded by the two main principles of the Law of August 21st, 1925, which granted the territory :

(1) Separate legislation, since the Decrees relating to the Belgian Congo could only enter into force in the territory if accepted by its Governor. Thus the laws of the two territories would be kept quite distinct.

(2) A completely separate patrimony from that of the Congo. There was no point of contact between the finances of the two countries; the two budgets were entirely different and when submitted to the Belgian Legislative Chambers they were simply coupled together, but remained quite distinct, all transfers from one to the other being strictly prohibited under the Law.

Moreover, the Governor-General of the Congo allowed Ruanda-Urundi very wide autonomy and only reserved to himself decisions regarding matters which concerned the Congo and the territory under mandate.

M. PALACIOS thanked M. Halewyck de Heusch and said that he was completely satisfied by his explanations.

M. VAN REES, referring to the second paragraph of Article 3 of the Royal Decree of January 11th, 1926, asked what was the exact purport of the article and to what acts it automatically applied.

M. HALEWYCK DE HEUSCH replied that Article 3 of the Royal Decree of January 11th, 1926, distinguished, among the executive acts of the Belgian Congo, between general regulations and individual decrees. The first were only applicable in Ruanda-Urundi after they had been rendered executory by the Governor. The second became applicable in the territory at the same time as the decrees and general regulations of which they were the practical outcome. If the latter rule had not been established by Royal Decree, all the individual measures taken in the Congo at a time when the general regulations were only in force in that territory would have had to be renewed later in Ruanda-Urundi. Thus, for example, a religious mission, possessing a definite civil status in the Belgian Congo, could only have enjoyed that same status in Ruanda-Urundi in virtue of a new legal decision in that country. It had been desired to avoid this complication and, by the said rule, to prevent a great deal of useless correspondence.

M. ORTS asked whether the intentional lack of precision concerning the delimitation of the administrative divisions did not cause overlapping as regards the limits of authority, thus making it difficult for the natives to know upon which administrative authority they were dependent.

M. HALEWYCK DE HEUSCH replied that no difficulty of this kind had occurred hitherto. The officials in the mandated territory did not administer so directly as the European officials in the Congo. Their main duty was to give advice and counsel to the native chiefs. As a consequence, it was not so necessary to define exactly the limits of each jurisdiction, which consisted, moreover, of chieftainships, and the population knew which official was responsible for each chieftainship.

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

M. VAN REES asked if there was any legislative provision defining the personal status of the inhabitants in the mandated territory. He wished to know in particular by what terms they were described by the Belgian Administration.

M. HALEWYCK DE HEUSCH replied that the personal status of the inhabitants was not defined by any legislative act. It had been thought that this status was sufficiently well defined by the decisions taken by the Council of the League in 1923 regarding the nationality of the indigenous inhabitants of the territories under mandate. Custom decreed whether a native was or was not a national of Ruanda-Urundi. The inhabitants knew that, because they belonged to a certain chieftainship, they were dependent upon such-and-such a sultanate and, in consequence, such-and-such residency.

The Belgian Government had adopted for the inhabitants of the mandated territory the term "nationals of Ruanda-Urundi".

#### *Relations between the Population on either Side of the Frontier of Bugufi.*

M. FREIRE D'ANDRADE noted, on page 9, that "the frontier of Bugufi separates races which are closely united by language, customs, trade and family relations". He asked whether this division was not calculated to cause difficulties for the Administration.

M. HALEWYCK DE HEUSCH replied that hitherto no difficulty had arisen in practice. In spite of the similarity of race, customs and language, the peoples in question were not united under the same native authority. The groups situated on either side of the frontier were politically independent of one another.

*Competence in Ruanda-Urundi and Activities of the Commission appointed to supervise the Protection of the Natives in the Belgian Congo.*

M. ORTS referred to Article 8 of the Belgian Law of October 19th, 1908, as amended in 1912, and recalled that, under this provision, a permanent Commission had been set up to watch over the protection of the natives throughout the Belgian Congo. He asked whether the competence of this Commission extended to the mandated territory.

M. HALEWYCK DE HEUSCH replied that the Commission had not had to decide whether it should deal with the natives of Ruanda-Urundi, for it had not met since March 1st, 1926, the date on which the law regarding the Government of the Belgian Congo had become applicable to the territory of Ruanda-Urundi. He added that the Commission in question would most certainly be qualified to deal with the natives in the mandated territory and to draw attention, if need be, to any abuses which it might note in the territory.

M. ORTS asked if the Commission met regularly.

M. HALEWYCK DE HEUSCH replied that the Commission did not meet regularly every year. It was convened every two or three years according to need.

M. ORTS had received information regarding the discussions of the Commission which had had a certain publicity and had given the impression that the Commission for the protection of the natives was active and enjoyed real authority.

M. HALEWYCK DE HEUSCH replied that the rôle of the Commission was a very important one. This did not mean, however, that it was necessary for it to meet every year. A certain time was necessary in which to study and, if need be, put into practice the reforms suggested by the Commission. In order to avoid repetition, it seemed to it better to await the practical results of its suggestions before meeting again.

M. ORTS asked if the President alone had the right to convene the Commission or whether it could meet on the initiative of one or several of its members.

M. HALEWYCK DE HEUSCH replied that the President could act on his own initiative, but that he could take action also at the request of the members.

M. ORTS asked what was the composition of the Commission, from what class its members were drawn, and whether any of the members were officials.

M. HALEWYCK DE HEUSCH replied that the President of the Commission was *ex officio Procureur-Général* at the Leopoldville Court of Appeal. The membership included missionaries from every confession as well as colonists. He could not state definitely that no official served on the Commission, but his impression was that, if there were any, the other members, in any case, formed the large majority.

M. ORTS asked in what way matters were referred to the Commission. Was it left to the members alone to raise questions for discussion or could matters be referred to it by others in the form of petitions?

M. HALEWYCK DE HEUSCH replied that, so far as he knew, no matter had yet been brought before the Commission by means of petitions or memoranda. Each member individually had the right to inform the Commission of any abuses he had noted and to make suggestions to it.

M. ORTS asked if the Commission's report was published.

M. HALEWYCK DE HEUSCH replied that the report was published in the Official Gazette of the Belgian Congo.

The CHAIRMAN hoped that the mandatory Power would acquaint the Mandates Commission with the dates on which the Commission for the Protection of the Natives would subsequently meet and the questions which would be placed before it.

*Mulattos.*

M. FREIRE D'ANDRADE referred to page 13 of the report and asked whether the term "mulatto" signified only white and black half-castes. He observed that the number of whites living in the mandated territory was not at all high, but that the number of half-castes was, on the other hand, comparatively large. Consequently, he wished to know whether the half-castes did not form a source of trouble for the Administration, to which their education was entrusted. He asked, in particular, what happened to these half-castes when they had been educated. The Government which undertook their education incurred, in M. Freire d'Andrade's opinion, a heavy responsibility thereby.

M. HALEWYCK DE HEUSCH replied that the term mulatto applied to white and black half-castes. There was no special legislation in the mandated territory for half-castes. The Administration was responsible for their education and subsequently for finding them employment.

M. MERLIN pointed out that the difficulties which might result from the disproportionate numbers of half-castes and whites would be obviated if the half-castes were given a practical occupational training and if care were taken not to turn them solely into "baboons".

M. HALEWYCK DE HEUSCH said that the Administration was certainly anxious to avoid creating a discontented and disorderly class which would be a source of trouble in the country, and that it was dealing with the question of preparing the mulattos for a profession or trade.

*Frontier Courts.*

M. VAN REES asked what was the nature of the three frontier courts mentioned on page 10 of the report.

M. HALEWYCK DE HEUSCH replied that these courts were rather in the nature of conciliation councils for judging disputes between natives living on either side of the frontier. They were administrative in character and were not competent to inflict punishments, a right which could only be conferred by a legislative Act. The natives, however, invariably accepted the decisions of these administrative councils. They respected the decision of the judge, and there was no need for constraint.

M. ORTS asked whether the suits brought before this jurisdiction related to matters of private law.

M. HALEWYCK DE HEUSCH replied that the suits were private lawsuits and concerned mostly the question of the ownership of cattle which had passed from one side to the other of the frontier.

*Native Communities.*

M. VAN REES referred to page 13 of the report and enquired what was the meaning of the term "agglomération conventionnelle".

M. HALEWYCK DE HEUSCH replied that this term served to distinguish the groups which had been formed of natives living near the European stations from the traditional groups which were settled in the interior. The Administration had compelled the natives who were scattered throughout the country and did not belong to any traditional group to combine in separate communities which, because of their artificial character, had been called "agglomérations conventionnelles". This measure had obviated abuses. These communities consisted of indigenous natives who had become separated from their chieftainship or of foreign blacks working in the country. This section of the population had, in general, attained a certain degree of civilisation.

*Attribution of the Expenses of the Central Administration incurred on Behalf of the Territory.*

The CHAIRMAN observed that, in the summary of the accounts of 1926 (page 28 of the report), the expenditure for the Central Administration was given as 68,000 francs. On referring to page 40 of the report it was noted that the estimate of expenditure for 1927 for the same purpose amounted to 84,000 francs.

He observed that this expenditure, which hitherto had been paid from the budget of the Colonial Ministry, was now debited to the account of the mandated territory. He was not concerned with the amount of the sum but rather with the application of a new principle. He added that the situation was the more remarkable in that no similar provisions had been made up to the present in connection with the budgets of other mandated territories whereby the expenses of the Central Administration were entered in the budget of the mandated territory. This principle, which might therefore be applied in several other cases, did not seem to him to be very acceptable, because the mandatory Power should not derive, at least in theory, any profit from the mandated territory.

M. HALEWYCK DE HEUSCH stated that he was entirely unable to accept the statement that the Belgian Government was endeavouring to derive profit from the mandated territory. Such had never been and never would be the policy of that Government. What was the point in question? Merely that of the inclusion in the budget of Ruanda-Urundi of expenditure which belonged to it and which it should meet. This expenditure had been incurred in the interest and for the benefit of the territory under mandate. It should therefore be met by that territory. Some officials belonging to the Central Administration worked solely on behalf of the mandated territory; it was fair that they should be paid from the revenues of that territory. In deciding thus, the Belgian Government had acted in complete conformity with the provisions of Article 2 of the 1925 Law requiring the complete separation of the budget of Ruanda-Urundi. M. Halewyck de Heusch added that, when a French or British colony kept an agency in Paris or in London, the costs incurred thereby were charged to the account of the colony and not to that of the home country, although the agency was situated there. It was the same for the external expenses of the territory under mandate; all expenditure incurred for the territory should be borne by the territory itself, whatever the place in which the expenditure was incurred.

M. MERLIN asked whether the expenditure in question was incurred for offices belonging entirely to the mandated territory or whether the costs covered part of the expenditure of the Colonial Ministry.

M. HALEWYCK DE HEUSCH replied that the officials in question worked in the home country solely for the benefit of the mandated territory.

The CHAIRMAN wished to know why the expenses of the Central Administration of the territory under mandate had only been entered in the budget of the territory for the past year, and, further, why they had increased from one financial year to the next, although it was stated in the report itself that the resources of the territory were somewhat limited.

M. HALEWYCK DE HEUSCH replied that the Law of August 21st, 1925, on the government of the mandated territory only came into force in 1926. It was only from that year, therefore, that the expenses of the Ruanda-Urundi bureau had been charged to the territory under mandate, in accordance with the terms of Article 2 of the law which provided for the separation of the finances of the two territories.

As to the increase in the estimate of expenditure for the Central Administration Bureau, this resulted from the depreciation of the franc in 1926.

M. RAPPARD observed that the Commission had before it an entirely new principle. It would seem, if M. Rappard had understood M. Halewyck de Heusch aright, that the introduction of financial autonomy in the territory under mandate would involve so complete a separation of the accounts that all expenses incurred by Belgium on behalf of the territory would, for the future, necessarily be charged to its account. Emphasis had always been laid on the point that the mandated territory should not contribute to the burdens of the home country, but the reverse had never been the case. It might be inferred from the statements of the mandatory Power that this complete separation, adopted partly in order to meet the Commission's desire, might have the result of depriving the ward of all generosity on the part of its guardian.

M. HALEWYCK DE HEUSCH did not at all remember that the strict separation of the expenses of the mandatory Power from those of the territory under mandate was the result of pressure on the part of the Permanent Mandates Commission. It was merely a question of the application of Article 2 of the Law of 1925. Did this mean that the mandatory Power would show no generosity towards the mandated territory? Not at all. But it thought that such actions should not relate to the expenses incurred in connection with the administration of the territory. So far as these were concerned, it was desirable to separate completely the budget of the territory from that of the home country.

- M. RAPPARD explained that he had merely wished to draw attention to the statement of the reasons for the 1925 Law, a statement which appeared to refer to a principle laid down by the Mandates Commission. Pushed to its logical extreme, the principle of financial independence appeared necessarily to eliminate any generosity on the part of the mandatory Powers as regards the mandated territories. Up to the present, the mandatory Powers had generally assumed those administrative expenses of the territory incurred in the home country.

M. ORTS observed that it seemed logical that the budget of the territory should be charged with the maintenance of the organisations working in its interests, organisations which, though established outside the territory, none the less formed part of its administration. It was for this reason that the expenses for the upkeep of the bases at Kigoma and Dar-es-Salaam were already included in the budget of the territory.

M. HALEWYCK DE HEUSCH said, in this connection, that the Belgian Congo had been generous as regards these bases, because the whole revenue from them had been transferred from the colony to the mandated territory, whereas the former bore part of their expenses.

The CHAIRMAN, returning to the observation of M. Halewyck de Heusch regarding the wholesale transfer of the receipts from the bases at Dar-es-Salaam and Kigoma to the mandated territory, while the expenditure was partially borne by the Belgian Congo, thought that this was quite in conformity with the spirit of the mandate in view of the fact that Article 22 of the Covenant stated that the mandatory Powers had been chosen because of their resources, their administrative experience and their geographical position. He wondered, however, what reasons could justify the inclusion in the budget of the territory of the financial charges necessitated by the transfer of certain officials of the Brussels Colonial Ministry to the Central Administration of the mandated territory. In his view, this question might give rise to certain difficulties. For example, were these officials detached from the official staff of the mandated territory or did they form part of the staff of the Colonial Office? In the latter case, the Mandates Commission would have the right to concern itself with the conditions under which they worked and their future, and, in consequence, to interfere in the administrative organisation of the Ministry at Brussels. He had frequently had opportunities of noting acts of generosity on the part of the mandatory Power towards the mandated territory, but he had never, up to the moment, discovered so strict an observance of the principle of the financial autonomy of the mandated territory.

M. HALEWYCK DE HEUSCH thought that acts of generosity on the part of the mandatory Power towards the mandated territory should be made in fields other than that of the expenses for general administration, which should be borne by the country benefiting from them. This was, above all, a rule of good accountancy. As regards the right to examine the expenditure of the administrative bureau at Brussels, the mandates Commission undoubtedly had that right, since the expenses were included in the budget of the territory.

M. RAPPARD did not desire it to be concluded from the principle of the autonomy of mandated territories that the mandatory Power would be wrong in supporting part of the expenditure of these territories, which might be legitimately charged to their account.



M. HALEWYCK DE HEUSCH replied that the mandatory Powers always possessed the right to make financial "donations without consideration" (*libéralités*) to a mandated territory, but that it did not appear to be called upon to make such "donations" as far as the general administration was concerned.

The CHAIRMAN did not clearly understand why the term "donations without consideration" was employed to describe certain actions of the mandatory Power in regard to the mandated territory. The mandatory Power, in accepting the mandate, had at the same time adhered to all its principles. In administering this territory, it had found advantages which might not be tangible and which might not appear in the budget but which were of a political, economic and industrial nature, etc. It was not the Commission's duty to ascertain whether the expenditure was compensated or not by these advantages. There was reason to think, however, that such "donations" made by the mandatory Power to the mandated territory were largely compensated. He regretted that this question had arisen in connection with a mandate conferred on Belgium, a country which had interpreted its mission as a mandatory Power in a spirit of strict equity which he fully acknowledged. He regretted it the more in that the question was quite general in character. It was from this point of view that he would be glad to see more prudence in the use of the word "donations" in connection with the financial relations of the mandatory Powers with the territories of which they were the guardians.

M. MERLIN thought that the term "donations without consideration" should be understood to bear its legal meaning, that was to say, that it was used to draw a distinction between what was granted without hope of repayment and what was granted as an advance or as a loan. The mandatory Power, in accordance with the terms of the Covenant, was free to adopt the three above-mentioned methods in its relations with its mandated territories. The Chairman seemed to think that the mandatory Power obtained from the mandated territory advantages of a sufficiently important kind to remove any idea that it was showing generosity in its actions. M. Merlin would point out that the mandatory Power did not only derive advantages from the administration of the mandated territories but also assumed responsibilities for ensuring their security, order and the regular working of the various services. Further, by the provisions in the mandate affording absolute economic equality, the commercial advantages which it might derive from the territory in question were granted to any other non-mandatory Power, which was not called upon to bear any of the expenses of the administration of the mandated territory. The mandatory Power, therefore, assumed the expense of administering a country which anyone could enter for the purposes of trade, which he could carry on on an equal footing with anybody else, while enjoying at no expense to himself the advantages of the administration of the mandatory Power. The expenditure to which M. Merlin desired to refer was not always as small as might be thought. There were, more especially, certain military charges which public opinion in the mother-country sometimes considered to be very heavy.

M. Merlin hoped the Commission would confine itself to estimating the manner in which mandated territories were administered, without referring too frequently to the origins of the mandate. The Belgian Government had thought that the office maintained in Brussels solely in the interests of the territory of Ruandi-Urundi ought to be maintained at the expense of the territory. It was therefore the duty of the Permanent Mandates Commission to discuss the amount shown under this head in the budget of the mandated territory. The Belgian Government was in no way opposed to this procedure, since it had included in the budget submitted to the Commission the sums set aside for the upkeep of this office, whose sole work was in the interests of the mandated territory.

France had not followed this policy, because the administration of her vast colonial empire necessitated very large movements of capital, and it had been considered that the special expenditure involved by the administration of mandated territories represented a relatively small portion of the general colonial budget, with the result that it was not necessary to keep such expenditure distinct.

Moreover, M. Merlin did not see, in the strict application of the principle of the financial autonomy of the mandated territory, anything which would prevent the Belgian Government from showing generosity in regard to this territory if it thought good to do so. Moreover, if the finances of the territory showed a deficit, the mandatory Power would be morally compelled to meet this deficit out of its own resources.

M. VAN REES thought that the question now under discussion by the Commission rested on the principle that the mandatory should be quite disinterested *vis-à-vis* its ward. This principle required that the mandatory Power should derive no direct material or exclusive profits from the services it rendered to the territory under mandate, but it was evident and, moreover, quite natural that it should profit indirectly from its administrative relations with that territory. It should not be concluded from the fact that the mandatory Power was prohibited from deriving direct and material profit from the guardianship which it exercised that it had continually to grant free gifts to the territory under its charge. The mandate, while not to be considered as a source of profit to the nation on which it was conferred, should not, on the other hand, become a financial burden for that nation.

M. Van Rees concluded, therefore, that the measure in question adopted by the Belgian Government was perfectly legitimate and in no way contravened any one of the principles underlying the mandates system. It was perfectly true that several mandatory Powers had given, without hope of return, considerable sums to the territories they administered, but these subsidies were really "donations without consideration". The mandatory Powers, as had been justly stated, had been chosen to administer certain territories because of their resources, their experience in colonial administration and their geographical position, etc., but these were only

factors which the Supreme Council had in mind when it had to choose the mandatory Powers. It did not in the least follow that the latter, once appointed, had to administer at their own expense the territories in their charge.

The CHAIRMAN thought it unquestionably true that the mandatory Power derived advantages of a political, economic, military, etc., kind from the administration of a mandated territory, whether it was a question of the control of the Suez Canal or of the removal of all hindrances to means of communication between the Cape and Cairo, or the elimination of all competition in the system of lines penetrating from the Indian Ocean to Central Africa, etc., or of any other advantage, the administration of the mandated territory was, in general, profitable to the mandatory Power. The Permanent Mandates Commission, however, should not regard it to be its only duty to investigate all the details of the territory's administration; and it should also judge closely that administration as a whole.

Dr. KASTL thought that the question under discussion was of particular importance, for it closely concerned the principles of the mandates system. The sum in question was small, but the principle involved was particularly important. It was by no means impossible that the sum in question might also be found in the Belgian budget. The Commission would therefore be called upon to examine an item in the Belgian budget, an impossibility as far as it was concerned. Before giving any opinion, Dr. Kastl desired to examine the question of mandates somewhat more closely, but until he had done so he was prepared to support the view of the Chairman.

M. ORTS proposed that the Commission should take a decision on the exact question which seemed to be in dispute, namely: was it legitimate to include in the budget of the territory under mandate the expenses incurred for the upkeep of an office in Brussels, which constituted what might be called the central administration of the territory? He wished to make reservations regarding the view just expressed by the Chairman, which tended to transform the administration of a mandated territory—an essentially political task—into a kind of philanthropic work.

The CHAIRMAN reminded the Commission that he had enlarged the scope of the question merely because the idea of "donations without consideration" on the part of a mandatory Power in regard to mandated territories had been emphasised a little too much.

M. ORTS remarked that a donation without consideration consisted in handing over unconditionally to a third party a sum of money which was not due to that party. Non-repayable advances made by certain mandatory Powers to the territories under mandate constituted such donations, since the Powers concerned were not required to make such advances. Similarly, a mandatory which included in its own budget a sum of money which would normally figure in the budget of the mandated territory also granted such donations.

The Brussels office dealt exclusively with the administration of the territory and formed a cog in the wheel of that administration. It would be strange, therefore, if the expenses of that office were not included in the budget of the territory, and to claim that they could be included in the Belgian budget would be, so to speak, to require an "obligatory donation". M. Orts thought it would be odd if the Commission found anything to criticize in this budgetary practice, which was the affirmation and the application of a principle to which the Commission attached much importance, namely, that the territory under mandate was a distinct legal entity.

The CHAIRMAN recalled that Dr. Kastl had referred to the objection there might be to discussing certain items in the budget of the territory under mandate which were also to be found in the Belgian budget.

M. MERLIN thought that a distinction should be made between the expenditure incurred for the Dar-es-Salaam and Kigoma bases, which was expenditure indispensable for the life of the territory, and the expenses incurred in the exercise of sovereignty in order to ensure the maintenance of a liaison between the mandated territory and the Central Administration of the mandatory Power. He felt sure that the inclusion of such sums in the budget of the mandated territory was perfectly correct, although it raised a delicate point. Although the special office in Brussels was entirely concerned with the affairs of the mandated territory, it might be preferable for Belgium to include its expenses in her general colonial budget and thus avoid pursuing to its final logical conclusion the principle of the total separation of the heritages. He agreed that strict law required the insertion of the sums in question in the budget of the territory, but he thought that the Belgian Government would certainly not be slow to recognise the advantage which it would gain in not raising the delicate question now under discussion.

M. RAPPARD noted that the Commission was faced with two opposite opinions, that of the Chairman, who thought that the insertion of the expenses of the Brussels office in the budget of the mandated territory was contrary to the principles of the mandate, and that of M. Orts, who, on the contrary, was glad to see that the principle of the autonomy of the mandated territory was completely applied.

Personally, he supported the intermediate view of M. Merlin, who, while recognising the correctness, from the legal point of view, of the measures taken by the Belgian Government, thought that it would be dangerous to extend the principle of the financial autonomy of the territory to its extreme limit. There were a great number of charges which could legitimately be inserted in the budget of a mandated territory, and which no mandatory Power, however, did so insert. Personally, M. Rappard would be glad if the mandatory Powers would avoid the system recently adopted by Belgium. Nevertheless, M. Rappard thought it was the right and the duty of the Commission to examine any expenditure which was shown both in the budget of the mandated territory and in the budget of a mandatory Power.

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Dr. KASTL agreed with M. Rappard. He did not, however, consider that it would be possible only to include in the budget of the mandated territory the expenditure incurred in the territory itself. He thought that the mandatory Power had been legally justified in inserting in the budget of the mandated territory the expenditure incurred in the concessions at Dar-es-Salaam and Kigoma, which worked in the direct interests of that territory.

M. ORTS asked that the discussion of this point should be reserved until the Commission considered its report to the Council. It would then decide whether it was desirable or not to ask the Council to make an observation to the mandatory Power on this point.

*Attribution of the Expenses incurred in the Delimitation of the Frontiers.*

The CHAIRMAN noted that, on page 26 of the report, mention was made of the expenditure of 490,000 francs for the delimitation of the territory's frontier. He asked whether it was thought just that the budget of the mandated territory should bear the whole of this sum. In his view, only part of such expenditure could be charged to the territory, in view of the fact that a part of it had been incurred owing to the war and the treaties, and had not entirely been made in the interests of the territory.

M. FREIRE D'ANDRADE thought that this expenditure should be borne by the budget of the Belgian Ministry for Foreign Affairs and not by the budget of the mandated territory.

M. VAN REES asked what were the exact terms of reference of the Commission appointed to demarcate the frontiers of the territory.

M. HALEWYCK DE HEUSCH replied that the mission had been instructed to fix the frontiers between the territory under Belgian mandate and the adjacent territory of Tanganyika. Its task had, however, been considerably amplified subsequently. It had been instructed to undertake certain mapping work, the first result of which had been the map attached to the report. Contrary to the view expressed by the Chairman and M. Freire d'Andrade, the accredited representative thought that the expenses of the mission fell exclusively on Ruanda-Urundi. The guardian did not meet the expenses incurred in the delimitation of the territory of its ward. The work of the mission had been carried out solely in the interests of the territory under mandate. All the work benefited the inhabitants of the territory, since they thereby learned the extent of their rights and the limits of their neighbours' rights.

The CHAIRMAN recognised that part of the expense was incurred in the interests of the territory. The preparation of the map was proof of this, but he wondered whether the entire expense should be borne by the territory. He thought that, in all probability, the Commission was mixed and that, if it were, only the expenses of the officials of the territory should be borne by it.

M. HALEWYCK DE HEUSCH replied that, for the purposes of delimitation, the mission had worked in collaboration with a British mission; it had met its own expenses.

M. ORTS asked if the map was entirely the work of the Commission.

M. HALEWYCK DE HEUSCH replied in the affirmative. The mission, moreover, had not yet finished its map work which it had begun immediately after the work of delimitation had been finished.

M. ORTS enquired whether the map was based on the triangulation of the thirtieth meridian and whether the work of the mission in question would later be used as the basis for a cadastral survey.

M. HALEWYCK DE HEUSCH replied in the affirmative to the first question, but was unable to say whether a cadastral survey was contemplated at present. He added that the work done for the map in question was to serve as the basis for the compilation of a map on the scale of 1:100,000, which would be of considerable value to the country and for administrative work.

The CHAIRMAN was the first to recognise the utility of the map in question. The expenditure, however, was included in the budget under the title "Delimitation Mission : Total Expenses". The mission entrusted with the work of delimitation had not finished its task and it had also to prepare a general map of the territory. The title, therefore, was not correct either from the one point of view or the other. In any case, he would ask once again whether the expenses incurred by the mission in 1925 should be entirely charged to the territory, seeing that only a part of those expenses had been connected with the delimitation of the frontier.

M. ORTS pointed out that a similar item was included in the Tanganyika budget for 1925-26 under the heading "Anglo-Belgian Boundary Commission". (See Annual Report by the Treasurer for the Financial Year 1925-26, pages 28 and 60.) The expenses for the delimitation of the frontier between Kenya and Tanganyika had been included in the budget of the same territory.

M. CATASTINI remarked that the Commission had only received the document from which M. Orts had obtained the figures to which he referred after the examination of the report on Tanganyika for 1926.

M. HALEWYCK DE HEUSCH observed, in reply to the Chairman, that it would be difficult to separate the expenses involved in the delimitation of the frontier from those incurred by the compilation of the map; the expenses had been put together because it had always been held that both should be borne by the mandated territory. The accredited representative thought that this was just, for the reasons he had already indicated.

TWENTY-SECOND MEETING

*Held on Monday, November 7th, 1927, at 4 p.m.*

**802. Ruanda-Urundi : Examination of the Annual Report for 1926 (continuation).**

M. HALEWYCK DE HEUSCH, Director-General at the Belgian Ministry for the Colonies, came to the table of the Commission.

*Public Finance.*

The CHAIRMAN noted that the particulars given concerning the budget were more complete and clearer than in previous reports. A comparative table of receipts and expenditure in 1924, 1925 and 1926 was given on pages 35-38. He asked why this table indicated for 1926 only ordinary receipts and expenditures and not extraordinary receipts and expenditure.

M. HALEWYCK DE HEUSCH explained that, since 1926, the budgets of the mandated territory had, under the Law of August 21st, 1925, come under the same system as that governing those of the Belgian Congo. Under this system, the extraordinary budget was spread over a period of five years, that was to say, extraordinary expenditure might be incurred over that period. It was obviously impossible to draw up the accounts until the period had expired.

The CHAIRMAN thanked the mandatory Power for the response made to the request of the Commission last year for the reproduction of Service Order No. 14 concerning Customs declarations for goods consigned to or from Ruanda-Urundi (see page 117 of the report).

M. RAPPARD also expressed his satisfaction at the way in which the financial part of the report had been presented, and hoped that all mandatory Administrations would be guided by what the Belgian Government had done in this connection.

On page 18 it was said that the mandatory Power imposed a tax on income—in particular, on occupational incomes. The Commission would be glad to know what conclusions the Belgian Government had drawn as a result of the establishment and collection of this tax. In other territories with the same economic structure as Ruanda-Urundi, emphasis had been laid on the difficulty of assessing and collecting a tax of this kind.

M. HALEWYCK DE HEUSCH said that no special difficulty had been reported to him from Ruanda-Urundi in this connection. The taxpayer made a declaration, which was checked, and the tax was collected on the basis of that declaration. When a declaration was suspected of inaccuracy, there was an enquiry, and, if fraudulence were proved, the taxpayer was liable to a fine.

M. MERLIN desired further particulars on this point. The tax in question was imposed on companies and individuals in proportion to their profits. Did the tax fall on blacks as well as whites if they were engaged in the same kind of work?

M. HALEWYCK DE HEUSCH replied that this was the case where blacks managed their businesses on European lines.

M. MERLIN asked if incomes below a certain figure were exempt from the payment of income tax?

M. HALEWYCK DE HEUSCH explained that the Administration held that the tax in question applied to those blacks who owned an industrial or commercial undertaking for which they employed at least one employee or workman, since in this case they were not liable to the poll-tax.

M. MERLIN said that doubtless the taxpayer made a declaration which could be verified in theory, but that, in fact, this was not the case. Apart from the big companies, regarding which there was no difficulty, there generally existed in this kind of territory a number of black and white traders who did not keep, and often did not know how to keep, business accounts.

M. HALEWYCK DE HEUSCH pointed out that the Collection of Laws and Regulations applicable to Ruanda-Urundi contained, on page 102, an Ordinance Law of April 1st, 1921, making the keeping of trade books compulsory. The Treasury was able to check the truth of the statements by inspecting these books.

M. MERLIN said that there was often a wide margin of difference between the regulations of an Ordinance and what actually happened. What was this margin in Ruanda-Urundi?

M. HALEWYCK DE HEUSCH replied that the obligation was not purely theoretical; it was accompanied by penalties, and failure to keep books might involve, in the case of a trader who was guilty of an offence and declared insolvent, the application of the penalties prescribed for bankruptcy. These were the provisions of Article 7 of the Ordinance Law.

M. MERLIN said that that was the case in the French Colonies. He had no intention of criticising the legislation introduced into the territory by the Belgian Government, and wished merely to obtain information. From his own experience, he knew that, however complete the law might be; it was impossible, in fact, not to base the assessment on the declaration, especially since the majority of these small traders would be found incapable of keeping books.

M. RAPPARD thought that M. Merlin's objections was calculated to discourage all countries which had a tax on income. A large proportion of French and Swiss taxpayers, for instance, did not generally keep any books.

M. MERLIN said that it was for this reason that in France, as in other countries, the Administration generally contented itself with the declaration.

M. HALEWYCK DE HEUSCH added that, in any case, there could be no question of the feasibility of verification in the case of commercial companies, nor were there any difficulties in the case of traders whose books were kept regularly.

M. RAPPARD observed that, on page 18 of the report, it was stated that the tax on live-stock had been very favourably received.

M. HALEWYCK DE HEUSCH explained that this statement in the report need cause no surprise, seeing that the new tax had replaced the surtax, which had not been proportionate to the number of live-stock owned and had, in consequence, resulted in a less equitable distribution of the tax.

M. RAPPARD noted further that the number of taxpayers liable to the rate of 5 francs for poll-tax seemed to have increased considerably.

M. HALEWYCK DE HEUSCH pointed out that no computation should be made on the basis of the data given in the return on page 18 of the report, which contained a material error. The table given in the previous report had indicated the number of taxpayers in Ruanda who had paid taxes in 1925, and the collection of the taxes in and for 1925 had been completed in that district. The new return was accordingly wrong in stating that about 300,000 taxpayers in Ruanda had paid their 1925 taxes in 1926.

M. RAPPARD asked what exactly was the Customs regime indicated on page 19. It appeared that a large portion of the Belgian goods consigned to the territory was cleared through the Customs at the Colonial Office in Antwerp. In the budget, however, he found no item debited to the territory corresponding to the costs of collection at the Antwerp Colonial Office.

M. HALEWYCK DE HEUSCH replied that the Belgian Government had taken over the costs of this department.

M. RAPPARD asked if the depots at Dar-ès-Salaam were Customs offices.

M. HALEWYCK DE HEUSCH said that, in so far as concerned the territories under the Belgian Government, Dar-es-Salaam was neither a Customs station nor a free port. Certain wharfage sites existed there which had previously been allocated by Great Britain to Belgium for the loading, storage and unloading of goods specially consigned to and from Ruanda-Urundi or the Belgian Congo. It had been unnecessary to set up any Belgian Customs-house at Dar-es-Salaam, since goods passed through the port in transit free of charge, and duty could only be collected upon the entry of goods into Ruanda-Urundi and the Belgian Congo, that was to say, at Kigoma.

M. RAPPARD asked how it came about that the receipts at the Dar-es-Salaam base were higher than those at the Kigoma base (page 35 of the report).

M. HALEWYCK DE HEUSCH replied that it was difficult to give an exact explanation without further consideration. The dues were not identical in the two bases. It might also be that the Dar-es-Salaam warehouses had been used for a longer period of time. In point of fact, however, the same goods passed through the two bases. In any case, the Customs receipts, which were given separately in the tables, were not affected.

M. RAPPARD was particularly struck by the progressive increase in the receipts of the Kigoma base from 1924 to 1926. This might perhaps be due to an increase in traffic.

M. HALEWYCK DE HEUSCH replied that there had been a marked increase in the movement of consignments and that there had recently been considerable traffic by the Dar-es-Salaam-Kigoma line. Handling and warehousing costs and wharfage and other dues had accordingly increased by a heavy percentage. Moreover, a special charge for the use of the railway loop-line had been introduced at Kigoma.

M. RAPPARD asked if the dues collected at Kigoma were the same as those collected at Antwerp.

M. HALEWYCK DE HEUSCH replied in the affirmative.

M. RAPPARD pointed out that these dues were not only Customs dues but also administrative dues.

M. HALEWYCK DE HEUSCH replied that, in any case, goods cleared at Antwerp had to pay in the Kigoma concessions the same dues (warehousing, handling dues, etc.) as any other goods, irrespective of the place of origin.

In reply to questions by M. Rappard with regard to the origin of the hides and agricultural products the price of which was indicated in the receipts budget, M. Halewyck de Heusch explained that the territory had a veterinary laboratory and certain agricultural and breeding experimental stations. The hides of the animals slaughtered in these stations and the crops harvested there were sold.

With regard to the share of the chieftainships in hospital costs mentioned in item 13 of the 1925 budget, the accredited representative said that this share was based on the principle that all services rendered should be paid for by the community benefiting by them. The estimate had provided for a receipt of 90,000 francs, but the Government had waived its right to collect

this sum for the reason indicated on page 20 of the report, namely, the difficulties of collection. The obligation to contribute had accordingly remained nominal, but the principle still held and would be applied when circumstances permitted.

Questioned by M. RAPPARD with regard to the meaning of the words "cession . . . de main-d'œuvre" (cession of labour) appearing in item 14 of the receipts budget for 1925, the accredited representative explained that he too had been struck by this phrase and had enquired its purpose. He had been told that, in certain urban centres, the State had at its disposal for its own needs a body of paid workers. When it received an application from a private individual to carry out a piece of work, the Administration sent its agent with the workers in question, whose wages were refunded to it. The phrase used was perhaps a curious one, but it did not imply an abnormal state of affairs. It was the usual practice in civilised countries for private persons who employed the services of a contractor—a blacksmith, plumber, etc.—to refund to him the wages of the workman supplied.

In reply to a further question by M. RAPPARD concerning certain silver coins which had been seized at Kigoma and the value of which had been entered in the 1925 budget, M. HALEWYCK DE HEUSCH explained that the exportation of gold and silver was forbidden until quite recently owing to the fluctuation of the exchange and the depreciation of the currency. Following on the stabilisation of the Belgian franc, this prohibition would be very shortly removed and seizures would cease.

M. RAPPARD asked what were the "Travelling, propaganda, exhibition and sundry expenses" indicated in item 3, page 21 of the report.

M. HALEWYCK DE HEUSCH explained that, when there was a colonial exhibition in Belgium or any other country, the products of the mandated territory were exhibited there and lectures were given with the object of promoting commercial relations with Ruanda-Urundi. This was the reason for the expenditure in the budget.

M. RAPPARD noted that, in item 10bis, reference was made to direct wireless expenditure. This was expenditure defrayed by the territory. As a general rule, when expenses were incurred in the common interest of the Belgian Congo and the two kingdoms, what method was adopted for dividing it between them?

M. HALEWYCK DE HEUSCH had no information concerning the sharing of the expenditure for wireless between Ruanda-Urundi and the Belgian Congo. He would ask for information to be given in the next report.

In reply to a further question by M. RAPPARD, M. HALEWYCK DE HEUSCH replied that the "dépenses non ventilables" (expenses not capable of estimation) indicated in Section 5 of the 1925 budget consisted of expenditure for which it had been impossible *a priori* to make provision in special items of the budget. When the accounts were put in order, such expenditure had to be classified under one heading or another. This was the reason for this section with its heading worded in general terms. The expenditure was, in brief, unforeseen expenditure without any special appropriation in the budget.

M. RAPPARD noted that expenditure for the Ruanda prisons (page 24) had been greatly reduced—12,000 francs.

M. HALEWYCK DE HEUSCH explained that there were no professional warders in the Ruanda-Urundi gaols. The police acted as warders over convicts. The convicts' diet consisted of foodstuffs grown in the country, which were very cheap, as might be seen from the table in the report for export products. For instance, the price per head of the larger livestock was 500 paper francs, while a kilogramme of butter cost 7.50 paper francs and so on.

M. RAPPARD asked for explanations with regard to item 67, "Subsidy to the Government of the colony for the special equipment of troops seconded to Ruanda-Urundi" (page 33 of the report).

M. HALEWYCK DE HEUSCH, in reply to M. RAPPARD and to questions on the same subject from the Chairman, explained that the troops carrying out general police duties in Ruanda-Urundi were not raised by the territory itself, but came from the Congo. They were armed by the Government of the Congo, but, as their duties were carried out on behalf of the territory of Ruanda-Urundi, their equipment, together with all their expenses, was paid for or refunded by the Treasury of Ruanda-Urundi. They had been in the territory for a long time and in the previous year, for instance, their special equipment had had to be renewed. This was the reason for item 67 in the budget on ordinary expenditure for 1926. With regard to the items shown in item 66, "Matériel, fournitures, armement, munitions, etc." ("Material, supplies, arms, ammunition, etc."), this referred in particular to the arms normally carried by the troops, namely, rifles.

With regard to the tax on polygamy indicated in the 1926 Budget of Ways and Means, the accredited representative explained that this tax, which had been applied as from 1925, was levied in the form of an impost amounting to 15 francs for the second wife. For each additional wife the tax was increased by arithmetical progression on the ratio of the figure 10. There were very few natives with more than two wives; some had three or four. Musinga was the only native with eight wives.

M. MERLIN asked how it was determined that these women were wives? Did they live under the same roof as their husband?

M. HALEWYCK DE HEUSCH replied in the negative. Chiefs who were polygamists had several kraals and there was a wife, with her own domestic staff, for each kraal. It was accordingly quite easy to ascertain the number of wives, as it was only necessary to count up the number of kraals. Concubines were disregarded.

With regard to the share of the Belgian Congo in the expenses of the veterinary laboratory at Kisenyi, the accredited representative explained that this share was based on the services rendered to the Belgian Congo, in particular for the supply of sera.

With regard to the expenses of the Kigoma base, these were debited to the Belgian Colony to the amount of 50 per cent of the budget estimates of Ruanda-Urundi.

As regards purchases of "jetons d'impôt" (taxation tokens), for which provision was made in the various budgets, the accredited representative explained that, when a native paid his taxes, he was given a receipt, not in paper, which was liable to deterioration, but in metal tokens.

M. RAPPARD thanked the accredited representative for the way in which he had replied to his questions, which merely served to show the interest with which he had read the report.

M. MERLIN observed that the extraordinary budget for 1925 amounted to 3,800,000 francs, whereas the expenditure had amounted to 3,400,000 francs. The advances formed what might be termed "comptes d'emploi". The necessary amounts were deducted each year, and every five years, as the accredited representative had explained, the accounts were audited.

M. HALEWYCK DE HEUSCH explained that the credits entered in the budget of extraordinary expenditure might be utilised over a period of five years. After that they could not be employed and a fresh appropriation was necessary in the budget-law immediately following. As he had explained, the quinquennial system had been applied for the first time in 1926, following on the coming into force of the Organic Law for the Government of Ruanda-Urundi. The result was that the accounts for the extraordinary budget for 1926 were still incomplete and it had been impossible to give them in the report.

M. MERLIN observed that these budgets were extraordinary in view of the fact that they consisted of advances from the Belgian Government; they were ordinary, however, in so far as concerned the expenditure. With a few possible exceptions, there was no heavy expenditure for public works, etc. Expenditure was incurred mainly for the equipment of the colony. This was quite normal, seeing that the budget was that of a country which was still unable to be self-supporting.

The ordinary budgets for 1925 and 1926 showed an excess of expenditure over revenue amounting to 312,000 francs in 1925 and 1,320,000 francs in 1926. How were these deficits covered?

M. HALEWYCK DE HEUSCH explained that the 1925 deficit had been transferred to the budget of extraordinary expenditure for the same year. As regards the 1926 deficit, the Belgian Government had decided to cover it by a fresh special advance, and the same decision had just been taken for 1927.

M. MERLIN noted that the main sources of revenue were Customs receipts and native taxation, which accounted for 14 million francs out of 18 million francs in 1927. There was a tax on emigration, estimated to bring in 1 million francs in 1927.

M. HALEWYCK DE HEUSCH stated that this was a tax to be paid by agencies which recruited native labour for use outside the territory.

In this connection, he reminded the Commission that, in the report for the previous year, it had been shown that the territory of Ruanda-Urundi was too small for the population and that there was a considerable amount of emigration among labourers, who left covertly and without any kind of guarantee or check. Native labourers crossed the frontier secretly, thus forfeiting the State's protection, and, if they did not perish on the road, returned to the territory in a deplorable condition. As the need for expansion was irresistible, the Government had come to the conclusion that this emigration must be organised in order to put the inhabitants on their guard against the dangers confronting those who travelled without due preparation to countries where the climate might be fatal to them.

In 1926, a Decree had been issued carefully regulating emigration. The main lines of the Decree were notified to the Mandates Commission in the report for the present year. When preparing this instrument, the Government had held that the agencies whose operations were subject to the provisions of the Decree might be legitimately required to contribute to the well-being of the inhabitants of the territory where they came to recruit labour, and the tax in question had been created. The proceeds would be specially appropriated to welfare work in the mandated territory, that was to say, they would be expended in the direct interest of the natives.

M. VAN REES pointed out that, in item 35, page 41 of the report, was to be found the total amount of the debt owed by the territory to the Belgian Government. It amounted to 14 million francs. He had been struck by the increase of the receipts from the tax on the natives and from the cattle-tax, which had yielded 2.4 millions in 1924, 4.2 millions in 1926 and for which an estimate of 8.5 millions francs had been included in the budget for 1927. Was this increase to be explained by an increase in the number of taxpayers?

M. HALEWYCK DE HEUSCH said that the increase was due to a variety of causes. In the first place, since 1926, the minimum for the poll-tax had been raised from 3.50 francs to 5 francs. Secondly, the cattle-tax had given an increased yield since the substitution for the uniform tax of 10 francs previously levied on owners of more than five heads of large cattle of a tax of 1 franc levied directly on each animal. He would point out in passing that this measure had made a better distribution of the tax possible, since henceforth big owners paid in proportion to the

amount of cattle they owned. Finally, in 1927, a further increase would result from the raising of the tax on cattle from 1 franc to 2 francs, this measure having been taken in consequence of the depreciation of the franc. It should also be borne in mind that the population of the territory was constantly growing, so that there were more persons liable to pay taxes.

M. VAN REES referred to the table on page 34 regarding expenditure in 1926 in the direct interest of the natives. This expenditure amounted to 3.2 million francs. The total of the yield of the tax on natives and of the cattle-tax was 4.8 million francs. Generally speaking, it was to be noted that in mandated territories the expenditure incurred in the direct interests of the natives largely exceeded the amount derived from native taxes. The opposite was the case in Ruanda-Urundi.

M. HALEWYCK DE HEUSCH pointed out that it was very difficult to draw a clear line between expenses incurred in the direct interests of the natives and expenses of a general nature which were of equal benefit to them. It could be said that the whole administration was, in point of fact, carried on in the direct interest of the natives. The table in question was restricted to a classification of expenditure upon four objects : education, welfare, health and the veterinary services. Most of the Administration's activity which was carried on in the direct interest of the natives could not be displayed by means of statistics.

M. VAN REES agreed with the accredited representative on these various points.

M. ORTS asked whether the Cartographical Mission, for whose work an estimate of 700,000 francs (page 44 of the report) had been made in the budget, was the same as that which had dealt with the delimitation of the frontier.

M. HALEWYCK DE HEUSCH replied in the affirmative. The object of this mission had been changed and it was now busied with the preparation of a map of the territory.

M. RAPPARD thought that the credits for this mission, 700,000 francs, were high.

M. HALEWYCK DE HEUSCH replied that the work was extremely useful. It was indeed absolutely essential, since it would serve as a basis for the whole future organisation of the Administration. It would give invaluable results in many fields.

M. ORTS added that the compilation of a map of the country was the first duty of an Administration.

With regard to the figure shown in the table for extraordinary expenses for the Frontier Delimitation Commission (page 26 of the report), M. RAPPARD noted the fact that this was a new item of expenditure. On the other hand, expenses for the Cartographical Mission were administrative expenses unconnected with the establishment of the Belgian regime. Had there not been German maps available?

M. HALEWYCK DE HEUSCH replied that the previous Government had effectively occupied this remote part of its East African colony only a few years before the war. Its efforts had for a long time been hampered by the civil war among the chieftainships in Urundi.

M. FREIRE D'ANDRADE asked for information on the postage incurred by the Belgian Congo Bank referred to in item 16, page 22 of the report.

M. HALEWYCK DE HEUSCH explained that this was a reference to the cost of stamps for the foreign correspondence of the Bank when acting on behalf of the authorities of Ruanda-Urundi. The Belgian Congo Bank acted as Treasurer for the mandated territory.

M. MERLIN added that, as it was not possible to grant free postage to the Bank, the cost of its correspondence was refunded to it.

The CHAIRMAN thought that, in addition to the cost of correspondence, the Bank supported other charges in its capacity as State Treasurer; for example, it placed its employees at the disposal of the Treasurer and, presumably, received compensation for it.

M. HALEWYCK DE HEUSCH replied that that was the case. The Bank had the right of issue.

M. FREIRE D'ANDRADE asked for explanations regarding "the share in the loss of the steamer *Stadsdyk*" (Unforeseen expenses, page 29).

M. HALEWYCK DE HEUSCH explained that this Dutch steamer, when carrying a consignment for the Administration of Ruanda-Urundi, had lost its propeller at sea. According to common law, this loss and other damages resulting therefrom had had to be paid in part by the mandated territory as charterer of the vessel.

M. FREIRE D'ANDRADE noted that, in the table on expenditure in the direct interests of the natives, the sum shown for the health service was about the same as that shown in another table for the health service in general. From that was it to be concluded that the expenses in respect of health were all in the direct interest of the natives and that there was no health service for Europeans?

M. HALEWYCK DE HEUSCH replied that the Europeans were attended by the same doctors as the natives, but that it was difficult and, to be frank, it would be unreasonable to make a distinction between medical expenditure incurred on behalf of the very few Europeans belonging to the Administration and that incurred in the interest of the great bulk of the natives.



*Economic Situation of the Territory.*

M. MERLIN regretted that the report did not give an account of the trade of the territory as a whole and of the production of the natives. The compilation of the detailed statistics given in the report imposed considerable work on the members of the Commission. He hoped that, in future reports, the Belgian Administration would cause this compilation to be made in order that the Commission could follow the development of native production and trade.

M. RAPPARD said that this work should not cause this chapter of the report to be stereotyped. The details furnished to the Commission were most instructive.

M. HALEWYCK DE HEUSCH thought it possible to meet the wishes of the two members who had just spoken by giving first a general survey and then a detailed statement on the production and trade of the inhabitants.

M. MERLIN noted that commercial enterprises showed a tendency to decrease. From 234 in 1925, the number had been reduced to 219 in 1926. Was this restriction normal or were affairs less prosperous?

M. HALEWYCK DE HEUSCH thought that the position was a temporary one. The diminution noted was to be explained in the fluctuations of the last years in the value of the currency. Imports had greatly suffered from the sudden fall of the franc in 1926 and exports from restrictions due to the famine. The report indicated that this was a state of affairs which would not continue.

M. MERLIN was struck by the fact that the country exported appreciably more than it imported. Was it to be concluded that it was growing richer?

M. HALEWYCK DE HEUSCH said that it was difficult to follow the movements of goods across the frontier separating Ruanda-Urundi from the Belgian Congo. There were no Customs posts; the natives in the two countries traded freely among themselves and the only statistics which could be obtained regarding trade were those collected at the port of embarkation of goods that was to say, at Usumbura for Albertville and at the point of discharge, which was at the same place, of goods coming from Albertville. How in those circumstances could an exact table of all imports and exports be drawn up?

M. MERLIN concluded that the information furnished in the report was incomplete and did not enable the Commission to obtain a true picture of the situation.

M. RAPPARD asked whether the postal rates were uniform and if it cost less to send a letter to Belgium than to France.

M. HALEWYCK DE HEUSCH replied that a letter to Belgium cost less than a letter to France. As a Postal Union had been established between Ruanda-Urundi and the Congo Postal Service, the special rates granted to the latter as far as the Belgian Postal Service was concerned had been extended to the former.

*Justice.*

Dr. KASTL referred to the very small number of cases shown in the statistics for the Criminal Courts. How was the jurisdiction shared between European judges and the native Courts? Did the European judges only deal with the more important cases and the native Courts only with the less important?

M. HALEWYCK DE HEUSCH explained that the European Police Courts had authority only over natives. The European Territorial Courts were competent to deal both with the natives and with non-natives. As far as the natives were concerned, the competence of the latter Courts covered all crimes. In the case of non-natives, their competence covered only crimes punishable by a maximum penalty of five years' penal servitude and a fine.

Side by side with the European Courts, there were native Courts, which dealt with a fairly large number of cases. They could impose a maximum sentence of one month's penal servitude and 200 francs fine.

Dr. KASTL asked whether the native jurisdictions were those mentioned in Chapter 4, page 69 of the report, or did Chapter 4 refer simply to civil cases?

M. HALEWYCK DE HEUSCH replied that in this case it only referred to civil cases. The local authority had not been able to collect statistics regarding penal cases.

*Labour and Emigration. Recruiting for the Belgian Congo.*

Mr. GRIMSHAW said that it was frequently stated in the report that the country was overpopulated in its present economic state of development, and that there was consequently emigration. The report gave partial statistics of the movement in the direction of the Belgian Congo—1,400 workers had been moved towards Katanga for employment with the Union Minière, for example. Were there any statistics of the movement in other directions—towards Uganda, Tanganyika, etc.?

M. HALEWYCK DE HEUSCH replied that it would not be possible to furnish such statistics. It was only possible to supply them for emigration controlled according to the provisions of the Ordinance which he had mentioned. The other emigration movements were, in fact, clandestine. There was no organised emigration in the direction of Uganda, Tanganyika or other districts.

Mr. GRIMSHAW asked whether it would not be possible in future to draw up such statistics in view of the fact that the new Ordinance required a passport for emigrants in general.

M. HALEWYCK DE HEUSCH replied that there was no means of doing so, for, except in regard to a journey to Katanga, no passport was delivered. This would continue to be the case as long as the Administration was not faced with a request from a serious organisation fulfilling the conditions laid down in the Decree. As soon as these conditions had been fulfilled in the case of places other than those situated in the Congo, the passport would be granted, and statistics would be established and communicated to the Commission, as was the case in connection with emigration to Katanga.

Mr. GRIMSHAW noted that persons recruiting labour for the Union Minière had the right to carry on their operations in the territory. Were there any other authorised recruiting agents?

M. HALEWYCK DE HEUSCH replied that, up to the present, there had been no other requests to be allowed to recruit labour. The question of authorisation had therefore not arisen. If a foreign organisation with the same guarantees as the Union Minière submitted a request, the same measures would be taken in its respect as had been taken with the Union Minière.

Mr. GRIMSHAW concluded that the Administration would require conditions at least as good as those required from the Union Minière.

M. HALEWYCK DE HEUSCH replied in the affirmative. Such action was indispensable if it were desired to prevent the lives of the natives from being endangered. It was necessary to lay down the same conditions as those imposed on the Union Minière.

M. RAPPARD concluded from these observations that the mandatory Power, in the exercise of its duties as guardian, better understood the interests of the natives than the natives themselves, for the main desire of the latter was to emigrate. This was a grave problem, and it was easy to understand the attitude of the mandatory Power. Nevertheless, was emigration the only solution of the population problem?

M. HALEWYCK DE HEUSCH pointed out that the outlets were not closed, since there was one open in the direction of Katanga. Others would be opened in other directions when the same necessary guarantees had been obtained. At the moment, one or other of the following alternatives had to be accepted : either to allow numerous natives to perish by permitting their departure *en masse* in an ill-planned emigration movement, such as had taken place in recent years in the direction of the Lake Victoria district, or else to save them by applying strict regulations.

Mr. GRIMSHAW explained that his question did not concern emigration in general but the emigration of labourers under contract of labour. He desired information on the methods of recruiting. In addition to the activities of the Union Minière agents, did the Government itself recruit labour?

M. HALEWYCK DE HEUSCH replied that when the Government had work to do it appealed to the population. It did not, however, carry on any recruiting for the purposes of emigration.

Mr. GRIMSHAW wished for additional information on a question already much discussed by the Commission and elsewhere—that of the “solicitation” by the authorities with a view to inducing natives to furnish the required labour.

M. HALEWYCK DE HEUSCH explained that the authorities could use their good offices in order to lay the proposals before the native chiefs. When an undertaking needed labour, it could submit the conditions it proposed to the Administration and could explain the measures which it intended to take. If the Administration considered them to be satisfactory, there was nothing to prevent it from recommending its officials to inform the population of the offers made to it.

Mr. GRIMSHAW wondered whether, in view of the prestige of the administrative officials, this method of solicitation was not, in practice, tantamount to compulsion.

M. HALEWYCK DE HEUSCH did not think so. The report from the Governor stated expressly that, in the cases of recruiting which had occurred, not only had there been no necessity to use persuasion but that all engagements made by the natives had been entered into quite voluntarily and spontaneously.

Mr. GRIMSHAW did not dispute this fact, but he thought it to be his duty to mention the danger which in practice might arise from the authorities soliciting labour.

As far as portage was concerned, Ordinance No. 46, of November 1926, required the medical examination of all porters, even casual porters. This question had already been raised before and it had been stated in some quarters that in practice examination of casual porters was impossible.

M. HALEWYCK DE HEUSCH did not understand the reasons why this was so.

In reply to a previous observation of Mr. Grimshaw, the accredited representative said that he did not think that the intervention of an agent of the Administration with the object of

obtaining labour should be necessarily regarded as bringing pressure on the natives. It was not in the least wrong for that agent to inform a native that he could guarantee that a particular recruiter of labour was worthy of confidence, nor for him to give his reasons.

Mr. GRIMSHAW added that he wished to congratulate the mandatory Power on Ordinance No. 46, which was the most complete he had come across in regard to porters, and which contained provisions governing the whole conditions of their employment. As he had indicated, the opinion had been expressed elsewhere that the medical examination of all porters, including those casually employed, was impracticable. He was therefore happy to find that, under the system provided by this Ordinance, it was found possible to secure that the physically unfit were not taken for this arduous work. Personally, he would desire to see a similar Ordinance applied in other territories. He would be glad to find details in future reports regarding the manner in which this Ordinance was applied.

M. HALEWYCK DE HEUSCH replied that a recommendation would be made to his Government in this sense.

M. ORTS said that, in view of the fact that the problem of emigration was one of the most important in the territory, he would like to have details of the way in which this emigration was organised. These details would be of all the more interest in that the contract of the Union Minière might serve as a model for any possible future contracts to be concluded with other organisations. He wished to put the following questions :

What districts of the territory furnished the labourers?

What was their social status? Were they field labourers or natives who had already done work similar to that asked for?

Did they leave the territory individually or were they collected into groups and placed in concentration camps before being taken to the port of embarkation?

What steps were taken to ensure their good state of health in the concentration camps? Did they remain there for a long time? In what conditions were they transported to Katanga? Were they placed on board special vessels and railway carriages?

What were the conditions obtaining for the labourers on their arrival? Were they made to work at once and what was the nature of the work? What guarantee did the authority in the territory require from the companies concerned? Did it impose a minimum wage and were measures taken to prevent the labourer from spending all his wages on the spot in order to enable him to bring back a certain portion to his home?

What proportion of labourers renewed their contracts?

M. RAPPARD desired information on the average length of time the labourers remained abroad and on the effect of emigration on the organisation of the tribal life.

M. HALEWYCK DE HEUSCH replied as follows :

The recruited labourers came mainly from Ruanda and far less from Urundi, where the population was more sedentary. They were generally agricultural labourers, for they came from the tribe of the Bahutus, whose main occupation was agriculture.

The two columns of recruited labourers, one from Ruanda and the other from Urundi, were assembled at Usumbura. They were medically examined immediately before they left their country of origin, as well as at Usumbura. The labourers were vaccinated against smallpox and against typhus, because it had been observed that, in crossing the plain in the neighbourhood of Usumbura, they ran the risk of catching diseases of a typhoid nature. It was not possible to make any general statement as to whether they stayed any length of time at Usumbura. Before they could start their journey, they had sometimes to wait for the vessels which had made the previous voyage to return to port. Generally speaking, the length of their stay in that town was not more than a fortnight.

During the voyage the cost of maintaining the labourers was borne by the undertaking recruiting them. The journey was carried out by caravan as far as Usumbura. Once there, the natives were embarked on barges specially constructed for the purpose and special attention was paid to hygiene requirements. After crossing Lake Tanganyika, they were transported in successive stages by railway from Albertville to Lualaba, then by boat on the river and then by railway to the place of destination. Their transport by these different means was carried out in conditions which the Administration considered to be satisfactory. The labourers travelled in special carriages and experiments were still being made to improve these. On an average there were 300 labourers to each convoy.

When they reached their destination they were placed in a special acclimatisation camp, and steps were taken to give them the same food as they were accustomed to eat in their own homes. The recruited labourers, therefore, found themselves in a district from 1,000 to 1,300 meters above sea-level, that was to say, about the same height as the high tableland on which their own homes were situated. They were acclimatised for a certain time; they were then given light work, which was little by little increased in the direction of heavier labour.

The time they stayed at the works was six months and they were then compulsorily repatriated. The wages paid were 1.50 francs a day, to which their rations and equipment must be added. Both in Ruanda and in Urundi, the wages of unskilled labourers was only 1 franc and there was no allowance for rations. Part of the wages of natives working for the Union Minière was only paid to them on their return to their native country. Recruited labourers who desired to do so brought their wives to Katanga. Up to the present, however, mainly young men not yet married had emigrated.

The native communities were in no way disorganised by such recruiting, because the Administration was careful to see that the labourers were obtained from different chieftainships and also because their absence was not of long duration.

The accredited representative could not state what was the proportion of re-engagements. The system had only just begun to be applied, for the first trial had taken place in the second half of 1925. It was stated in the report that these labour engagements had been greeted with real enthusiasm in numerous places in the territory.

M. ORTS asked whether the Governor of the territory had been consulted before making this experiment.

M. HALEWYCK DE HEUSCH replied in the affirmative. The Governor had been favourable and the measures had been adopted with his approval.

In reply to a question from M. Freire d'Andrade, the accredited representative said that labourers received wages for the whole time they remained away from their homes.

The CHAIRMAN noted that the yield from the emigration-tax was calculated at a million francs. If there were 3,000 labourers, the emigration-tax per head amounted to 300 francs, which was a considerable sum. Did the Union Minière pay this tax? Were the proceeds spent on the natives transported, or upon the territory as a whole?

M. HALEWYCK DE HEUSCH replied that the tax was paid by the Union Minière and that the amount it produced was spent on the various welfare institutions of the territory.

The CHAIRMAN said that in Italy the yield of the emigration-tax had been earmarked for the benefit of the emigrants, even when emigration was only temporary. It would be interesting to know exactly the amount of the tax per head in the mandated territory.

M. HALEWYCK DE HEUSCH replied that the figure of 300 francs calculated by the Chairman was correct.

#### *Compulsory Cultivation : Compulsory Labour.*

Mr. GRIMSHAW noted that the system adopted for compulsory cultivation was very complete. If he had properly understood the report, four methods were in use : (1) By the terms of Ordinance 49, of December 31st, 1925, promulgated to meet the menace of famine, the growing of manioc and other non-seasonal crops had been imposed as an addition to any existing cultivation; (2) by the terms of Ordinance 52, of March 24th, 1926, all natives inhabiting land within 6 kilometers of the main roads or 3 kilometers of the secondary roads were required to cultivate certain areas and to sell the crops compulsorily to the Administration for the food supply of the porters along these roads; (3) Ordinance No. 41, of January 12th, 1925, imposed the obligation upon all natives living within a radius of 3 kilometers of certain posts, and upon chiefs and subchiefs, to plant a certain number of essence-yielding trees; (4) Ordinance No. 52, of November 7th, 1924, which had already been discussed by the Commission, had been adopted not only to guard against famine but also in order to promote the growing of crops for export.

How were these Ordinances applied in practice? At first sight, the system appeared somewhat formidable.

M. HALEWYCK DE HEUSCH replied that the compulsory growing of crops for export had never been imposed in practice. Now that the Slavery Convention had introduced certain special regulations regarding the kind of labour to be imposed on natives, it would be necessary to ascertain whether the legal provisions laying down this obligation would not have to be amended.

As far as the other measures were concerned, they were indispensable. The measures adopted to prevent famine came under the head of public safety. The population must be preserved from the grave consequences of their own negligence and carelessness.

Mr. GRIMSHAW agreed that the information given to the Commission on the famine in the territory largely justified such of these measures as had been taken to guarantee the food supply of the population. Nevertheless, the provisions concerning the growing of crops along the roads for porters and for the maintenance of administrative posts were unusual. Also, did not the obligation to sell the crop at a certain price fixed by the Administration give rise to danger? These were not measures directly connected with the campaign against famine.

M. HALEWYCK DE HEUSCH thought that the measures adopted for the maintenance of porters were of first-class necessity in a country possessing no means of communication and where, in consequence, portage was indispensable. It was thanks to the system of portage that during the famine it had been possible to save a considerable number of natives, to whom all available provisions had been despatched. The importance of portage would not decline except in so far as the means of communication developed.

It was no less indispensable for the Administration of the territory to keep a careful eye on the provisioning of the stations and centres which assured the maintenance of the order, progress and civilisation of the country.

With regard to the fixing of prices in the markets, such a measure was indeed included in the regulations. Nevertheless, as had been pointed out in previous reports, the Administration did not any longer follow carefully the official statement of prices, for it had discovered that these led to bargaining outside the markets. The prices were freely discussed and settled.

M. VAN REES regretted that the report contained practically no information on forced labour for public works. It did not even mention any regulation regarding this question, nor did it state the number of days of forced labour required from the natives per year. The measures adopted in the Congo perhaps applied to the mandated territory, but, if this were so, it was necessary to turn to the Collection of Laws on the Belgian Congo in order to understand the situation of the mandated territory regarding forced and compulsory labour. Would it be possible for the next report to contain a statement of the position regarding compulsory labour, apart from labour on the production of crops?

M. HALEWYCK DE HEUSCH replied that it was wrong to think that the Ordinances in force in the Congo on this matter were applied to Ruanda-Urundi and that the Congo Decree regarding the native chieftainships and labour in those chieftainships had been made executory in that country. There were no regulations in the mandated territory regarding forced labour for the purposes of the Administration, because recourse to such labour was not necessary. Either the Government possessed its own staff of recruited labourers for the purpose or else it urged on the native communities the usefulness of performing a particular piece of work. This work was then carried out by the natives of the community concerned, who, as the Commission was aware, were required to furnish their chief with a certain number of days' labour. The labour in this case was the result of native custom.

Mr. GRIMSHAW would recall that in the previous year he had asked for details of forced labour for chiefs. Endeavour had been made in the present report to give him satisfaction with regard to this very difficult question, and he would thank the accredited representative.

#### *Education.*

M. PALACIOS noted (page 75 of the report) that there was a population of 7,000 black Moslems the Swahilis, and five Koranic schools. Who paid for these schools?

M. HALEWYCK DE HEUSCH replied that the Moslems paid for them.

M. PALACIOS would recall that, in connection with Tanganyika, the question of teaching in Swahili had been raised. What was the situation in Ruanda-Urundi?

M. HALEWYCK DE HEUSCH replied that Swahili was taught in the higher-grade primary schools.

M. PALACIOS asked whether this language was used as a vehicle for the conveyance of Moslem culture.

M. HALEWYCK DE HEUSCH replied that this was not the case, for Swahili was not necessarily the language used by the Moslems, as they spoke the languages of the natives.

Mme. WICKSELL noted that there had been a large increase in the budget for education this year. The figures had risen from a little less than 700,000 francs to more than 1.2 million francs, which meant an increase of about 60 per cent. Did this increase correspond to an actual extension of the work of education, or was it only due to monetary causes?

M. HALEWYCK DE HEUSCH said that the Administration was much concerned with extending education, but up to the present official education had been hampered by lack of resources in the matter of staff. There had been a shortage of teachers, and it had been thought that a good method of achieving success would be to make use of the missions, which had trained teachers for many years and which already possessed a fairly numerous staff. Agreements had therefore been concluded with the missions and all the missionary institutions were going to work on a systematic plan; they would teach under the control of the Government and would accept its scholastic programme, etc. In order to ensure the success of the undertaking, the Government would grant large subsidies.

#### *Liquor Traffic.*

M. FREIRE D'ANDRADE said that the figures shown in the report were of very small importance. Part of the liquor was exported in the direction of the Congo. The figures under this heading had been well drawn up.

#### *Public Health.*

M. FREIRE D'ANDRADE noted that the mandatory Power had very largely increased its expenditure on health matters. The number of doctors had increased from six to eight.

Would the next report give information regarding the deaths caused by the famine, at least approximately?

M. HALEWYCK DE HEUSCH replied that, since the population affected by the famine had been spread in all directions, it had not been possible to obtain even approximate figures. There seemed to have been several hundred cases of death. The famine had only ravaged the north-east part of the territory of Urundi. A census had not yet been taken of the population of that district and the natives, in their flight from the scourge of famine, had left that part of the country in considerable numbers.

The accredited representative thought it of interest to draw the attention of the Commission to the credits inserted in the draft budget for 1927 under the heads "Education", "Welfare" and "Public Health". The total credit set aside under these three heads represented more than one-fourth of the total budget (26.4 per cent).

M. FREIRE D'ANDRADE desired details in the following reports on the causes of death in the prisons.

M. HALEWYCK DE HEUSCH explained that, in 1926, mortality had only been fairly high in the prisons in Urundi. The reason for this was as follows. A certain number of natives had been imprisoned there for the theft of cattle and other property during the famine. These delinquents had entered the prison in a state of great physical debility. They had wandered about in the bush and had then been captured by the natives who had suffered from their thefts, and who had ill-treated them. Numerous deaths had been the consequence. If the statistics of the mortality in question were closely examined, it would be seen that, in most cases, the date of death very closely followed the date on which the prisoner had been incarcerated. The prisoners who had been able to hold out for some weeks had ended by regaining their health, thanks to the regime to which they were subjected in prison, where, from the point of view of food, they had been in a better position than had been the case in their former state of liberty.

M. FREIRE D'ANDRADE noted that a beginning had been made in regard to the organisation of a veterinary service, which was more especially dealing with the prevention of epizootic diseases and with the improvement of the breed of cattle. He referred in this connection to the photographs included in the report.

M. HALEWYCK DE HEUSCH explained that the heavy cattle of the country was of the genus zebu. There were four species : there were long-horned animals, which were sacred beasts and in regard to which crossing with other species was prohibited according to native custom : there were also zebu with medium-sized horns, zebu with small horns and hornless zebu. As regards these forms, a similar prohibition did not exist. The veterinary service was buying selected animals with the object of improving the three last species.

M. RAPPARD congratulated the Administration on having increased its expenditure on public health. There was still, however, a great amount of progress to be made. The figure of eight doctors for a population of five million was small. The budget contained credits for the payment of salaries to doctors coming from abroad, from which it would appear that the mandatory Government was following a policy which would make it possible to reinforce the local doctors.

M. HALEWYCK DE HEUSCH explained that the Government of the country was making every effort to develop the medical services. All the district officers in Ruanda-Urundi attended a medical course at Brussels, and each of them was training assistants in the centres in which they worked. In addition, medicines, vaccine and medical material were placed at the disposal of the various missions free of charge. It was more difficult rapidly to increase the number of doctors because of the considerable expenditure which each appointment involved and because of the small financial resources of the country. It was for this reason that the Government had been mainly occupied with the development of these resources. Very fortunately, mineral deposits had been discovered in the country in considerable quantities. The Government would not hesitate to grant as many concessions as possible with the object of increasing rapidly the revenue necessary for financing the humanitarian aim which it was pursuing. The sum of 12,000 francs set aside in the budget for the payment of doctors not forming part of the Administration was destined for the medical staff of private organisations when they were used to look after the population.

#### *Land Tenure.*

M. VAN REES noted that, on page 45 of the report, it was stated that "the regulations governing the land system which will be put into force about the beginning of 1927 are those which are applied in the Belgian Congo". He wished to submit, in this connection, the following observations :

Under the German regime, the Imperial Decree of November 26th, 1895, and that of June 15th, 1896, granted to the Crown, that was to say, to the Reich, the ownership of vacant lands in German East Africa and in the Cameroons (see report on Ruanda-Urundi, 1926, page 29). Later, this right of ownership had been transferred, in virtue of paragraph 25 of the Imperial Decree of November 21st, 1902, to the Treasury of the Protectorate in which the territory had been situated.

Since that date, vacant lands had therefore belonged to the domains established in the territory itself and, consequently, they constituted in Ruanda-Urundi a domain of this territory.

According to the report for 1926, the land system applied in the Belgian Congo had been enforced in the mandated territories since the beginning of 1927. This system, however, contained the Ordinance on the General Administration of the Congo, dated July 1st, 1885, Article 2 of which stated that vacant lands should be considered as belonging to *the State*, that was to say, Belgium.

Consequently, the full application of this Ordinance to the territory of Ruanda-Urundi had caused the ownership of the vacant lands there legally to pass to Belgium. This would be contrary to the interpretation of Articles 120 and 257 of the Treaty of Versailles, approved, in concert with all the mandatory Powers, by the Council on June 9th, 1926.

This meant that the above-mentioned provision concerning the ownership of vacant lands was not of a character which enabled it to be promulgated in its entirety in the mandated territory.

The political status of this territory and the interpretation to which he had referred required that, in the application of the Congo land system in Ruanda-Urundi, it should be carefully laid down that vacant lands in that territory belonged to the territory itself and not to the Belgian State.

M. HALEWYCK DE HEUSCH said that, as regarded the substance of the question, he quite agreed with M. Van Rees. The vacant lands in question belonged to Ruanda-Urundi and certainly not to Belgium. There remained, however, the manner in which this idea was to be expressed. In 1927, an Ordinance of the Governor of Ruanda-Urundi had rendered executory within that territory the Congo Ordinance of July 1st, 1885, which was to the effect that vacant lands belonged to the State. The meaning of this latter term necessarily varied, according to the country and the political system to which that provision had to be adapted. In the Congo legislation the State in question, at the time of the promulgation of the Ordinance of 1885, had been the independent State of the Congo. Later, by the very fact that the Congo had been annexed and without any change in the legislation, the expression "State" had been used to denote Belgium. The Commission should nevertheless observe that, on the day of the annexation, all the vacant lands in the territory had been included in the inalienable property of the colony. The meaning of the word "State" had been automatically changed a third time by the introduction of the Ordinance of 1885 into the legislation of Ruanda-Urundi. Neither Belgium nor the Belgian Congo was referred to in connection with this latter territory but the country of Ruanda-Urundi itself as a mandated territory. This interpretation gave rise to no doubts, either in Belgium or in the Congo or in Ruanda-Urundi.

M. VAN REES was not entirely satisfied. It was true that the provision in question applied originally to the independent Congo State. Later that State had disappeared, the Belgian Congo having become a colony and forming, in consequence, part of the territory of the Kingdom of Belgium. As a result, the property of the vacant lands in the Congo had been transferred to Belgium. Ruanda-Urundi, on the contrary, did not form part of Belgian territory. The application to Ruanda-Urundi of the provision in question, without any modification taking into account the distinct status of that territory, would result, legally speaking, in attributing to Belgium—Ruanda-Urundi not being a State—the property of the vacant lands situated in the territory.

The same question had arisen in connection with the Cameroons and Togoland under French mandate. The French Government, by a recent Decree, had modified, as regards Togoland, and would very probably modify as regards the Cameroons, the original terms of the relevant provisions, so that it would be quite clear that the vacant lands belonged not to the French State but to the territories themselves. It seemed desirable to take similar action as regards Ruanda-Urundi.

M. HALEWYCK DE HEUSCH thought that a mere question of terminology had arisen, which had been settled in the manner which he had just described. To put the proposal of M. Van Rees into practice would lead to great practical complications. It had been possible to make executory the Congo Ordinance of 1885 by a mere decision on the part of the Governor of Ruanda-Urundi, but the Governor did not possess the right to change the terms of that Ordinance. To do so *ex post facto* it would be necessary to follow a special procedure, to put the whole legislative power into motion, convene the Colonial Council, etc.—all this merely to change a word of which the present meaning was not misunderstood by anyone.

The accredited representative would point out that the legislation of all countries contained expressions of which the meaning varied according to the manner in which they were adapted to meet a new political system. He quoted the example of the Belgian Civil Code, which dated from the time of Napoleon. Although in a number of its provisions the phrase "Emperor of the French" was to be found, no lawyer had the slightest doubt that those words ought to read as though they were "King of the Belgians".

M. VAN REES did not think it was merely a question of terminology. What was at stake was the maintenance of the principles of the mandates system. Obviously, in practice, no difficulties would occur, but for the sake of the future it would be preferable to safeguard intact these principles by stating exactly what was in conformity with them.

M. ORTS, while understanding the desire of M. Van Rees, pointed out that the term "State" might lead to confusion if in the Ordinance of July 1st, 1885, it had meant the mandatory State. This term, however, had at that time meant the independent State of the Congo, to which the colony of the Belgian Congo had succeeded and not Belgium itself in so far as its rights over vacant lands were concerned. Belgium did not possess, and had never possessed, a single square foot of vacant land in the Congo.

Consequently, any possibility of confusion appeared to have been definitely removed, since no one would think that the Ordinance of 1885, when rendered applicable to the mandated territory, could have the effect of transferring to a third party, that was to say, the Belgian colony, which was not the mandatory Power, the ownership of the vacant lands in the territory.

M. VAN REES replied that confusion did exist because, in all regulations of the Congo, the word "State" meant at present Belgium, as the accredited representative had himself pointed out.

M. HALEWYCK DE HEUSCH replied that he had shown that the word "State" had been successively used to mean the State of the Congo and Belgium. Belgium then had transferred all the patrimony of the Congo State to that of the Colony.

M. VAN REES said that he did not understand this statement which was contradicted by the provision under discussion. He desired to raise a second question. According to the regulations

referred to, it was always the European authority which disposed of the land as regarded its sale, leasing, etc. How could that regulation be applied in practice in a territory composed of two Sultanates when it was stated even in the report that all the land belonged to the two Sultans in the territory?

M. HALEWYCK DE HEUSCH replied that this land was non-vacant land, *i.e.*, native lands, and was possessed by the Sultans. In the passage referred to there was no question of lands belonging to the public domain.

M. VAN REES quoted a passage, on page 64 of the report, in which it was stated that "the land belongs to the Mwami, who abandon its use to the chiefs and sub-chiefs", etc. This phrase would seem to comprise all land.

M. HALEWYCK DE HEUSCH disagreed. The text quoted occurred in the chapter dealing with the life, institutions and customs of the natives. There was no question here of the domain possessed and administered by the Government, as had been the case under the former regime, when all the vacant lands had been absorbed.

M. VAN REES replied that, since the change of system, the vacant lands had passed into the possession of the territory. The territory was composed of two Sultanates: therefore it was the two Sultans who should dispose of these lands, unless their right to dispose of them had previously been withdrawn.

M. HALEWYCK DE HEUSCH repeated that the former Government had decided to reserve to itself all lands not occupied by the subjects of the Sultans. There therefore existed side by side in the mandated territories a European domain and a native domain.

M. ORTS thought that the observation of M. Van Rees was based on the views which he held regarding the two Sultanates. He appeared to consider that they were two States possessing the rights universally recognised to belong to a State. In actual fact, the Sultanates were no more than native political organisations, which the mandatory Power had only maintained in order to facilitate the administration of the territory. It could, however, just as easily have disregarded them if it had thought it preferable to have recourse to a system of direct administration.

The territory under Belgian mandate, although divided into two administrative districts • Ruanda and Urundi, which were under the authority, more nominal than real, of two Sultans, constituted a single entity in law. It was this legal entity, the mandated territory, which had succeeded to the rights which the German legislation had included in the unalienable property of the State. Among those rights was the ownership of the vacant lands. The Sultans, in so far as land rights were concerned, had only retained those which they had possessed in accordance with the feudal tradition of the country, to the exclusion of the ownership of the vacant lands which the German State had made State lands in conformity with the general principles of public law. The mandate could not have the effect of restoring to these Sultans the ownership of vacant lands, since these had remained, since the introduction of the mandate, what they had been before the mandate had been created, that was to say, State lands, or, to use another expression, lands belonging to the territory.

M. ORTS expressed the hope that a subsequent report would contain an authorised explanation of the position which M. Van Rees had noted.

M. VAN REES said that such a state of affairs in a territory not composed solely of two Sultanates could be understood—for example, in the French Cameroons, where certain Sultanates covered only a part of the territory; but the situation was different in Ruanda-Urundi.

M. HALEWYCK DE HEUSCH replied that the situation was the same; there were governmental lands scattered through the whole of Ruanda-Urundi, and in each Sultanate the native lands. He would point out, moreover, that the extent of the governmental lands was quite small.

M. VAN REES agreed that in these circumstances the question was without practical importance.

#### *Mines.*

M. VAN REES noted that, on page 108 of the report, a list was given of the Ordinances on Mines, but no explanation was given. He would like the next report to contain details regarding the protection of the native rights over the soil of which the subsoil had been made the object of a concession.

M. HALEWYCK DE HEUSCH said that the legislation regarding mining was but little developed, for each mining concession had been made the object of a special convention determining the conditions under which it was granted and the method under which it should be worked. This system was different from that followed in Katanga, where the right of prospecting for minerals was granted to everyone. The accredited representative would request that the next report should contain the explanations for which M. Van Rees had asked.

#### *Demographic Statistics.*

M. RAPPARD warmly appreciated the efforts made by the Administration to furnish statistics. He understood the difficulties in connection with a census. The report made it possible to obtain some knowledge of the demographic movement of the population. This movement was a matter for congratulation, but the excess of population already referred to should be kept in mind. Ruanda-Urundi was the only territory under mandate in which this problem had arisen in such a form.



The CHAIRMAN asked whether all the military staff and officials were included in the 227 Belgians shown as working in the territory.

M. HALEWYCK DE HEUSCH replied in the affirmative.

*Close of the Examination.*

The CHAIRMAN thanked the accredited representative for the patience and competence with which he had replied to the questions put to him. He would also thank the mandatory Power for its report and for the considerable efforts which it had made to satisfy the desires of the Commission and for all it had done to fulfil its mission.

M. HALEWYCK DE HEUSCH thanked the Chairman for his kind words and for the tribute paid to Belgium. He was happy to have been able, by means of his explanations, to make the working of the Administration of the territory under Belgian mandate better known.

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TWENTY-THIRD MEETING

*Held on Tuesday, November 8th, 1927, at 10.30 a.m.*

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**803. Observations of the Commission on the Administration of Iraq under British Mandate and of the Pacific Islands under Japanese Mandate.**

The Commission examined the text of the draft observations on the administration of Iraq and of the Pacific Islands. (For final text see Annex 10.)

*After an exchange of views, the observations were adopted with certain amendments.*

**804. Question of the Proclamation of a State of Siege in Mandated Territories : Resolution passed by the Executive Committee of the League of Nations Union.**

The CHAIRMAN reminded the Commission that the following resolution, passed by the Executive Committee of the British League of Nations Union on November 19th, 1925, had been brought to the attention of the Commission by Sir F. Lugard :

"That the Mandates Commission should suggest to the Council the propriety of requiring that any mandatory Power which finds it necessary at any time to suspend its ordinary laws should immediately notify the League."

M. PALACIOS, Rapporteur, said that the question at issue had been raised two years ago (November 19th, 1925) by a resolution of the Executive Committee of the League of Nations Union of London. Sir F. Lugard had forwarded that resolution to the Permanent Mandates Commission, asking that it should be placed on the agenda. When the Chairman, a few days ago, had entrusted the study of the question to him, he had at once informed the Commission that he would not submit a report on so complicated a matter without previously having had an exchange of views with his colleagues. He now desired that exchange of views to take place.

He would emphasise not only the complexity of so delicate a question but also its importance. It was not always easy at once to define for all countries what was the ordinary law, as there were many exceptional and discretionary laws the character of which it was not always easy to ascertain. Even if the question were limited to the suspension of civil law and the proclamation of martial law together with the opening of hostilities, there were situations in which, without resorting to the formalities generally employed, a similar or, at least, equivalent state of affairs might be created.

It was also known that such measures were not always dictated by foreign considerations but were often adopted by States for domestic reasons or owing to rebellions. It must also be borne in mind that it would be difficult quickly to define the meaning of such terms as "domestic" and "foreign" in the mandated countries.

Though, therefore, it was true that those countries did not form part of the mandatory State owing to the status of the territory and of its inhabitants, which were in principle distinct from the territory and inhabitants of the mother-country, it was not easily possible to ascertain up to what point a state of war between those countries and the mandatory State might be regarded as an international war. All this meant that it was important to study the position very closely and thoroughly.

To begin with, it seemed at least clear that a precipitate solution might be prejudicial to the mandatory Power, which might think itself deprived of adequate means of government in a given case, and, consequently, might be disposed to consider the suggested solution to be an encouragement of rebellion: On the other hand, since a state of war was the worst calamity which could happen to a country under mandate, since the country was under the protection of the League of Nations, whose principal object was to avoid war, and since the Mandates Commission, which was an organ of the League, must supervise the whole mandatory administration, it seemed that the Commission could not neglect to take a decision at least in principle, and that the decision should be established and defined in the sense of the recommendation of the League of Nations Union.

For such reasons he would like to know the views of the other members of the Commission. For that purpose he would very clearly indicate the problem and, with a view to its study, would distinguish between the question of procedure and the examination of the substance of the question.

*Questions of Procedure.*

In regard to procedure, the first question that arose was the following : What was the nature of the document and the decision communicated by Sir F. Lugard? Was that document in the nature of a petition or was it a document which raised a question of principle or a general question submitted to the Commission by one of its members? According as the Commission decided in one sense or the other, the steps to be taken would be different. In such serious and complicated questions procedure was of great importance, since, according as one or another path was followed to achieve the proposed object, very different results would ensue. The Commission must always be on its guard not to proceed in a false direction.

In his opinion, the present document was a petition of the kind which did not come from inhabitants in mandated territories. It should therefore be first submitted for the observations of the mandatory Powers. If, however, the other members of the Commission thought that the document raised a general question, introduced or brought before the Commission by the British member, he was ready, when once his colleagues had stated their opinions, to explain the problems raised by the question itself, which at first sight were very striking.

He must also remark that the proposal of the League of Nations Union implied the introduction of an urgent method of procedure in the event of war in the mandated territories, probably of the type contemplated in Article 11 of the Covenant.

He would finally emphasise the duties of the Permanent Mandates Commission, and even of the Council of the League, in their dealings with mandatory Powers and other Members of the League, in order to draw the attention of his colleagues to the wide scope of the question.

M. ORTS asked in what form Sir F. Lugard had submitted the communication from the League of Nations Union to the Mandates Commission.

M. CATASTINI explained that Sir F. Lugard had asked, at the eleventh session, that the question which had been raised in a document circulated for the information of the Commission (C.P.M.342) should be placed on the agenda of the Commission.

M. VAN REES said that, in his opinion, the communication should not be regarded as a petition, since it was not addressed to the League of Nations and that only petitions, addressed under any form whatever, to the League could be considered as such by the Mandates Commission.

M. MERLIN agreed. The document in question could not be held to be a petition, for a petition must have a certain definite object. In the case under consideration, it was merely a simple suggestion concerning the exercise of the mandate, and applicable to all territories under mandate. The suggestion was of a general nature submitted by an association, and the question to be decided was whether the Mandates Commission desired or not to examine this suggestion. Personally, M. Merlin thought that the Commission should not examine it.

The CHAIRMAN pointed out that the Commission had agreed to the question being placed on the agenda on the request of Sir F. Lugard. It must accordingly decide, as M. Palacios had asked, whether it regarded the matter as a petition or as a question of a general nature.

M. RAPPARD thought that a request regarding the mandates system, made in the interests, whether real or imagined, of the inhabitants by a serious organisation might be considered as a petition.

Mme. WICKSELL disagreed. The resolution could only be a petition if it referred to some grievance concerning a particular mandated territory. It related, however, to a purely general matter, the inclusion of which on the agenda had been proposed by a member of the Commission.

The CHAIRMAN pointed out that, if the Commission held that the communication from Sir F. Lugard was a petition, it would have to be referred for examination to all the mandatory Powers. If, on the other hand, it were agreed to consider it a general question, the Commission, out of deference to Sir F. Lugard, might discuss it immediately. Consequently, he requested the Commission to answer the following question : Had Sir F. Lugard's communication the character of a petition or not? If the Commission regarded it as a petition, it must postpone its consideration until the observations of the mandatory Powers had been received. If it held it to be a general question submitted by Sir F. Lugard, it might begin the discussion.

M. ORTS asked if Sir F. Lugard had endorsed the resolution passed by the Executive Committee of the League of Nations Union.

The CHAIRMAN replied that Sir F. Lugard had merely pointed out that the inclusion of the question in the agenda of the present session had been decided. He, moreover, attached to his communication certain objections.

M. ORTS consequently thought that there was no question of a general matter placed on the agenda by one of the members of the Commission.

M. CATASTINI observed that in other similar cases, when the character of a document was not quite clear, the Commission had invariably adopted the procedure followed for general questions. In principle, it was not possible for the Chairman to refuse to place a question on the agenda if a member had applied for that question to be placed on it.

M. VAN REES maintained his opinion that there was no question, in the present case, of a petition. In 1923, a new right had been created, the right of the inhabitants of a mandated territory to address themselves by petition to the League of Nations. The examination of these petitions as well as of those received by the League from some source other than the inhabitants of the territory themselves had been entrusted to the Commission. The resolution communicated by Sir F. Lugard, however, had not been addressed to the League. It could not, therefore, be treated according to the procedure adopted in 1923.

M. MERLIN agreed that the resolution was not a petition. Sir F. Lugard had received a letter from the League of Nations Union and had communicated that letter for information to the Mandates Commission. He could not disregard, without taking further action, a communication emanating from so important a body as the League of Nations Union, and he had accordingly placed it on the table of the Commission. Nevertheless, the form of the resolution of the League of Nations Union was in no respects that of a petition. A petition was a complaint addressed to the League of Nations by the inhabitants of a mandated territory, or by certain persons not resident in the territory but speaking on behalf of those inhabitants, and having for its object the righting of a wrong committed in that territory against the persons or interests of the inhabitants of the territory. The present communication related to a purely general matter, which was submitted to the Commission in consequence of a suggestion presented by an association which was interested in the question of the exercise of the mandates and transmitted for the information of the Permanent Mandates Commission by one of its members.

M. FREIRE D'ANDRADE regarded the communication as having the character of a petition.

Dr. KASTL held that the communication was a general question and was not in the nature of a petition.

M. PALACIOS thought that the question was not quite clear, but he still maintained his opinion, which was supported by M. Rappard and M. Freire d'Andrade and, to a large extent, by M. Orts. Sir F. Lugard had forwarded a proposal which had been made to the League of Nations by a private association. Sir F. Lugard had, however, submitted that proposal with objections, which showed that he did not entirely associate himself with it. The precise object aimed at by M. Merlin was very clearly indicated in the proposal. The reference to a special territory, for which Mme. Wicksell asked, would also be found, and it was a question which was particularly important for each of the mandated territories. M. Van Rees had referred to the right of petition of 1923, but it was necessary not to forget the wide sense given to the term "petition" which had been approved by the Council in 1925.

He still thought that the Commission was dealing with a petition, but, as the majority of his colleagues seemed to think that the document embodied a general question raised by the British member, he would hold himself at the disposal of the Commission to discuss the substance of the problem.

The CHAIRMAN observed that the majority of the Commission held that the communication from Sir F. Lugard was not in the nature of a petition. He asked the Commission to settle a second question: Should the discussion of the question be opened?

M. MERLIN observed that the suggestion had been submitted by Sir F. Lugard, who was unable to attend the present session. It did not appear desirable to discuss the question in the absence of the proposer. He asked accordingly that the discussion be postponed until such time as Sir F. Lugard could give the Commission his very valuable advice on the matter.

M. PALACIOS, as Rapporteur, had no objection to postponing the discussion.

The CHAIRMAN noted that the Commission was in favour of postponing the discussion.

M. ORTS concluded from the information supplied by the Secretariat that the question had been raised by persons outside the Commission and not by Sir F. Lugard, who had transmitted it to the Commission without endorsing it. He had even raised objections.

In these circumstances the Commission had not been formally seized, and it would be creating a bad precedent if it considered itself called upon to include in its agenda the examination of any suggestion made by a private organisation. The Commission was not under the orders of such organisations and should be free to judge of the desirability of raising or not any question, no matter how interesting it might appear at first sight, unless it had been informed of it by the Council.

He proposed, therefore, that Sir F. Lugard should be requested to inform the League of Nations Union that it should send its proposal to the Secretary-General of the League if it wished the Mandates Commission to be requested to discuss it.

The CHAIRMAN pointed out that these observations regarding procedure were submitted somewhat late, seeing that no objection had been made at the time when the question was placed on the agenda at the request of Sir F. Lugard.

TWENTY-FOURTH MEETING

*Held on Wednesday, November 9th, 1927, at 10.30 a.m.*

**805. Observations of the Commission on the Administration of the Cameroons and Togoland under British Mandate.**

The Commission examined the text of the draft observations on the administration of the Cameroons and Togoland under British mandate.

After an exchange of views, *the observations were adopted with certain amendments.* (For the final text, see Annex 10.)

**806. South-West Africa : The Lange Petition : Report by M. Merlin.**

The following report by M. MERLIN was read :

"On June 8th, 1927, Mr. E. J. E. Lange, subject of the Union of South Africa, forwarded to you a petition from London (Poste restante, Charing Cross, W.C. 2). This is not the first petition that Mr. E. J. E. Lange has addressed to the Permanent Mandates Commission, and it will no doubt not be the last.

"The Permanent Mandates Commission has already had to deal with Mr. E. J. E. Lange's grievances in 1924 and 1925. After careful examination, it concluded on each occasion that no action could be taken on Mr. E. J. E. Lange's complaints.

"Mr. E. J. E. Lange's recent petition does no more than repeat in much the same style as previously the grievances which he entertains against all and sundry, against the German Government, the Government of the Union of South Africa, the Administration of Portuguese Angola and the Administration of the French Congo—complaints which the Permanent Mandates Commission did not feel able to consider on previous occasions.

"Mr. E. J. E. Lange's petition, forwarded by letter from the Government of the Union of South Africa dated October 17th, 1927, is accompanied by a note from the Administrator of South-West Africa dated September 10th, 1927, which again states the reasons that preclude the local Administration from giving satisfaction to Mr. E. J. E. Lange's claims.

"No new fact having been adduced by Mr. Lange in his last petition, there is no reason for the Permanent Mandates Commission to modify its decisions of 1924 and 1925. Accordingly, I propose that the Commission declare that no action can be taken on Mr. E. J. E. Lange's present petition any more than on his previous ones."

M. Merlin, commenting on his report, pointed out that this was the third occasion upon which the Commission had had to deal with a petition from M. Lange. As the present petition contained no new fact, M. Merlin would have preferred to have made a simple verbal report not intended for printing. Should the Commission receive other petitions from the same source containing no new fact, M. Merlin thought that the Chairman should place them in the category of petitions to be rejected.

In the course of an exchange of views, M. CATASTINI said that, in any case, it appeared necessary for the Commission to notify the Council of the action taken upon the petition. The Council might notify the petitioner either through the mandatory Power, which had forwarded the petition, or directly through the Secretariat. If the Commission held that it could not adopt one procedure or the other, the decision would have to be left to the Rapporteur to the Council.

M. RAPPARD proposed that the Secretariat should be instructed to take the necessary action in this matter.

*The proposal was adopted and M. Merlin's report was approved.*

**807. Liquor Traffic : Proposals by M. Freire d'Andrade embodying a Suggestion of Sir F. Lugard.**

The following statement submitted by M. FREIRE D'ANDRADE, was read :

"As regards territories under B mandate, the Permanent Mandates Commission must see that the mandatory Powers exercise 'a strict control over . . . the sale of spirituous liquors'.

"The St. Germain Convention of 1919 relating to the liquor traffic, which is applicable to these territories, lays down, in Articles 1 and 4, that the regions in which the use of spirituous liquors has not been developed will be treated as 'areas of prohibition'.

"It would be useful for the Commission to know exactly the extent and boundaries of these areas in the territories under mandate, and it recommends the Council to request the mandatory Powers to give precise information on this subject as regards each territory. In this connection, the Commission ventures to draw attention to the unofficial map figuring on page 261 of the Minutes of its third session."

M. Freire d'Andrade explained that his proposal was made in response to a request by Sir F. Lugard, who wished to have more or less official maps of the prohibition areas laid down in the St. Germain Convention instead of the very approximate maps which he himself had compiled.

In response to an observation by M. Van Rees, M. CATASTINI said that he was not quite certain that the question was as simple as it appeared. The terms of the mandate had been approved after the St. Germain Convention, and it might be necessary to consider whether the special rules laid down in the mandates had not modified the rules contained in the Convention.

M. MERLIN pointed out that a general clause could not be modified by a particular clause.

Articles 1, 2, 3 and 4 of the Convention of St. Germain were read.

With reference to the passage in M. Freire d'Andrade's proposal reading: "It would be useful for the Commission to know exactly the extent and boundaries of these areas . . .", M. CATASTINI pointed out that this could be done by referring to a map. Some doubt might exist regarding South-West Africa, since South Africa had been excluded from the field of application of the Convention, and there were grounds for asking whether, as regards this matter, South-West Africa was included in the Union. In view of the interest which Sir F. Lugard took in all matters connected with the liquor traffic, it might, he thought, be preferable to postpone the question till the next session, when Sir F. Lugard would be able to take part in the discussion.

*The Commission decided to postpone further examination of the question until the next session.*

#### **808. Financial Statistics in Reports on Mandated Territories : Draft Text prepared by M. Rappard for the Report to the Council.**

The following draft text, submitted by M. RAPPARD, was read :

"The Permanent Mandates Commission, while understanding the divergencies which exist between the various methods of accounting adopted by the different mandatory Powers, and while recognising that it is impossible to obtain the adoption of a uniform system, desires to find in all annual reports comparative financial statistics covering any special budgets as well as the general budget of the territory, and showing year by year from the entry into force of the mandate, both under main heads and in total :

"(a) Revenue, including sums received from the mandatory Power, as : (i) loans and advances; and (ii) non-recoverable grants.

"(b) Expenditure shown in the budgets of the territory; and also any sums expended directly by the mandatory Power on behalf of the territory (*ex* Defence) or its administration (*ex* High Commissioner).

"(c) Deficit or surplus, and how met or disposed of.

"(d) Assets and liabilities at the end of the financial year."

M. VAN REES said that, at the seventh session (see Minutes of the Seventh Session, page 141, and decision of the Council of September 4th, 1926), the Commission had asked for certain statistical data, some of which related to financial questions. In order to show that the Commission had not overlooked this previous request, some reference should be made to it, since the data required had been supplied by the mandatory Powers.

*The draft was adopted with certain amendments embodying M. Van Rees' suggestion. (For the final text, see Annex 10.)*

#### **809. Iraq : Anglo-Persian Oil Company's Concession : Report by Dr. Kastl.**

Dr. KASTL read the following report :

"At the meeting of October 27th, during the examination of the report by the British Government on the administration of the mandated territory of Iraq (1926), the Commission noted that, according to Article 6 of the Anglo-Persian Oil Concession of 1926, the period of the original concession was extended by thirty-five years to 1996. The question was raised as to whether this extension complies with the provisions of Article 11 of the Treaty of October 10th, 1922, between Great Britain and the Iraq Government concerning economic equality, and, as the wealth of Iraq largely depends upon oil deposits, a further question was raised as to whether, in addition to maintaining economic equality, it was necessary or advisable to allow the D'Arcy Concession of 1901 to expire in order to have an opportunity of granting a new concession more favourable to the mandated territory by public tender.

"Generally speaking, it very seldom happens that a concession for mineral rights is extended before its expiration. It is known that, in some cases of colonial or oversea development, extensions of concessions have been granted before their expiration, but in such cases the conditions of the concessions have generally been altered to the advantage of the State granting the concession.

"A concession is obviously a one-sided right which depends on the sovereignty of the State, and the conditions of the concession are similar to those of a private contract. It is a well-known principle of European administration that contracts to which a Government is a party should

not be altered except to the advantage of the State. It seems necessary for the Commission to examine whether a more strict observance of the principle of economic equality would be of greater advantage to Iraq. For this examination, it is necessary for the Commission to be furnished with a copy of the D'Arcy Concession of 1901, the Protocol of 1913 and the Agreement of 1925, which are mentioned in the Concession of 1926. I have therefore come to the conclusion that the Commission could only reach a final decision after an examination of the above-mentioned documents."

M. MERLIN pointed out that this subject had already been dealt with in the general observations on the administration of Iraq.

M. RAPPARD drew Dr. Kastl's attention to various textual amendments which might be made in the first paragraph of the report. He thought, moreover, that the Commission might merely decide to annex the report to the Minutes, as it had often done previously without thereby endorsing all the opinions expressed by the Rapporteur. The conclusions only would be adopted by the Commission.

M. MERLIN approved this observation, especially since the report concluded with a proposal for the postponement of the matter pending the receipt of the documents which the Mandatory had been requested to supply.

On the suggestion of M. CATASTINI, *the Commission, without entering upon a discussion of the terms of the report, decided to adopt the conclusion proposed by the Rapporteur to postpone further consideration pending receipt of the documents which had been requested.*

*It was further decided that Dr. Kastl's report should be included in the Minutes.*

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#### TWENTY-FIFTH MEETING

*Held on Wednesday, November 9th, 1927, at 5 p.m.*

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#### 810. Petitions : Proposal to Annex Reports on Petitions to the Minutes Only.

M. CATASTINI proposed that the reports on petitions, which in the past had been annexed to the report to the Council, should in future be annexed to the Minutes, and that only the conclusions of these reports should be included in the report to the Council.

*This proposal was adopted.*

#### 811. Togoland under French Mandate : Petitions of Mr. Casely Hayford. (Report by M. Orts.)

M. ORTS made the following verbal report :

All the members of the Commission have before them the new petition which has been sent to the League of Nations by Mr. Casely Hayford on behalf of certain natives of the Adjigo clan in Togoland under French mandate. The petition was accompanied by a simple covering letter from the French Government to the Secretary-General of the League, to which the mandatory Government attached no comments. On the request of the Rapporteur, the Secretariat drew the attention of the mandatory Government to this fact and asked if it had no observations to present regarding certain statements made in the petition. As a result of this action, the French Government sent on November 4th, 1927, certain observations, which have been communicated to us in the course of the present session.

M. Orts pointed out that the Commission had already on various occasions, namely, at its fourth, ninth, tenth, and eleventh sessions, considered the facts referred to in the new petition from Mr. Casely Hayford.

At the eleventh session, the Commission had been notified by the mandatory Government that the rival clans of the Adjigos and the Lawsons, who had been contending for the first place in Anecho, had been reconciled; at a specially convened assembly of the people, and in the presence of the Administrator of the Territory, the Adjigos had publicly renounced their claims. Since that time, the dispute appeared to have been settled, and the Commission had consequently decided, on the proposal of the Rapporteur, to file the last petition on the matter (Minutes of the Eleventh Session).

Following on these facts, the Commission had received a further petition from Mr. Casely Hayford, and later the comments and observations of the mandatory Power. These were the documents now before the Commission.

The letter of November 4th from the French Ministry for Foreign Affairs stated that it was impossible to understand the reason for which Mr. Casely Hayford had raised the question again. No pressure had been brought to bear on the Adjigos, who had voluntarily signed the agreement putting an end to the dispute, had made compensation, and had undertaken to recognise the chief of the rival clan, and to refrain from troubling the peace in future. The same note added that, since May 1927, complete peace had not ceased to reign in that district, and that the members of the Adjigo clan had individually given the French Commissioner an assurance of their utmost devotion to the mandatory Power, accepting the established order and observing, as regards the local authority, an attitude of perfect respect and loyalty.

A question that had been closed could not be reopened unless there were some new fact to justify such a *procédure*. The information supplied by the mandatory Power showed that no new fact had occurred in this matter, and, in these circumstances, the Rapporteur proposed that the Commission should adhere to the decision, taken at its eleventh session, by which the incident was considered closed. This resolution, if approved by the Commission, would be notified to the mandatory Power.

Fearing that the Commission's good will might have been abused to some extent, M. Orts had thought it better not to make a report in writing, and to recommend that an end should be put to the correspondence with Mr. Casely Hayford.

M. Orts then pointed out that the petitioner stated that he had sent to the French Commissioner in Togoland an earlier petition to be forwarded to the League. This communication, which was said to be dated November 4th, 1926, had not been forwarded to Geneva by the mandatory Power. In a letter of October 1st, a copy of which had been received by the members, the French Government had stated that the communication in question had never been received either at the Quai d'Orsay or at the Colonial Ministry.

The conclusion was either that Mr. Casely Hayford had not sent the French Commissioner any communication for the League or that the Commissioner, having received it, had failed to send it on to Paris.

In the present instance, this fact was of little practical importance, since the Commission had received a copy of the document by another channel. For the sake of order, however, it would be desirable that the French Government should be asked to enquire whether the Commissioner in Togoland had received the petition of November 4th, 1926, and, if so, whether it had, in point of fact, been addressed to the League.

*M. Orts' conclusions were adopted.*

#### **812. Amendments to the Rules of Procedure of the Commission necessitated by Recent Decisions of the Council. (Continuation.)**

The CHAIRMAN read, article by article, the former text and the new draft proposed.

*The new wording proposed for Articles 1, 3, 4, 5 and 8 was adopted with certain formal amendments. (For the final text, see Annex 10.)*

#### **813. Ruanda-Urundi : Expenses incurred in connection with the Central Administration and the Delimitation of the Frontier.**

The CHAIRMAN recalled that he had raised two questions in connection with the budget of Ruanda-Urundi. The first concerned the inclusion in the budget of the mandated territory of the cost of maintenance of the special office in Brussels, and the second concerned the inclusion in the same budget of the cost of delimiting the frontier. In this connection, he asked whether the Commission thought that any observations should be drawn up, and recalled that M. Orts had referred to the danger to which such observations might give rise, for they might be interpreted to mean that the Belgian Government had been wrong to separate completely the Belgian Colonial Administration from the administration of the territory. As a result, that Government might be led to combine certain services of interest to the territory under mandate with the corresponding services of the Ministry for the Colonies, perhaps to the detriment of the former.

As far as the delimiting of the frontier was concerned, he would recall that the cost of tracing the frontiers of colonial territories had always been borne by the mother-country.

M. MERLIN would not repeat the opinion which he had expressed at a former meeting (see Minutes of the Twenty-First Meeting) with regard to the inclusion in the budget of the mandated territory of the cost of maintenance of the special office for this territory established at Brussels.

As far as the delimitation of the frontier was concerned, he had investigated the reports with the object of ascertaining what practice had been followed in other mandated territories. He had ascertained that all mandatory Powers which had had to trace the frontier of mandated territories under their charge had always placed the cost of delimiting such a frontier to the charge of the mandated territory. He quoted in support of this contention figures for Syria, the Lebanon, Tanganyika and South-West Africa. It would appear, therefore, that the principle was that the cost of delimiting the frontiers of mandated territories was borne by those territories. This was quite justifiable, in view of the fact that the mandated territory was not a colony. When the mother-country bore the cost of tracing the frontier of a colonial territory, it accomplished an act of sovereignty. This procedure could not be followed by a mandatory Power with regard to a mandated territory, because that territory was not a colony.

The CHAIRMAN thought it would be of interest to ascertain what fraction of the costs of the mission which had carried out its work in Ruanda-Urundi had been due to tracing the frontier and what fraction had been due to the establishment of a map of the territory. He asked, further, whether the frontiers so traced comprised the frontier between the mandated territory and the Belgian Congo or solely that between the mandated territory and Tanganyika.

M. ORTS pointed out that there was no need to trace the frontier between the Belgian Congo and the mandated territory, seeing that the boundary was marked by Lake Tanganyika, the River

Ruzizi and Lake Kivu. From this point onwards it had been fixed, and boundary stones set up on the ground some time ago by a Mixed German and Belgian Commission.

He did not think it possible to make a distinction, in the total expenditure incurred by the Cartographical Commission, between the expenses incurred for the delimitation of the frontier and those incurred for the compilation of the map. In the district in question, any new triangulation would necessarily have to be based on the thirtieth meridian, the position of which had been previously determined by a triangulation starting from a fixed point on the East Coast of Africa. The map which the Commission was compiling was no doubt the result of a triangulation completed for a topographical survey starting from the thirtieth meridian. As that meridian passed far to the west of the frontier, in order to trace the latter it had been necessary to make a survey of the country lying between the basic meridian and the frontier, that was to say, the greater part of the mandated territory. In point of fact, the compilation of the map and the delimitation of the frontier were both the result of the same piece of work.

The CHAIRMAN thought that, since the question had been raised, the Commission should express an opinion upon it. The Commission should be careful not to express an opinion of such a nature that the mandatory Power would feel compelled to ascribe the suppression of the Brussels office to the Permanent Mandates Commission, for the Commission had merely confined itself to an exchange of views on the point.

M. MERLIN referred to the delicacy of the question. It was all a matter of degree. If the mandatory Power were to charge very important sums to the budget of the mandated territory, an abuse would occur which it would be the duty of the Permanent Mandates Commission to combat. There was nothing which could really be described as wrong in the action of the Belgian Government in so far as it had placed the cost of maintenance of the Brussels office to the account of the mandated territory, in view of the limited amount of these expenses.

M. Merlin did not desire the Commission to lay down regulations of principle, which would thus lead to abuse. He thought that it was far preferable to regulate these practical questions as they arose and thus continue to play the part of a body of experts and avoid enslaving itself by adopting too narrow and rigid a doctrine which would bind its action for the future.

The CHAIRMAN concluded that the Commission had merely had an exchange of views on the point, which would be recorded in the Minutes. It was therefore not necessary to make any mention of the matter in its report to the Council.

The Commission had confined itself to drawing the attention of the mandatory Power to certain considerations, without giving vent to any expression of approval or disapproval. The mandatory Power could take note of this opinion by referring to the Minutes.

*The view of the Chairman was adopted.*

#### 814. Date of the Next Session of the Commission.

The CHAIRMAN pointed out that the date of the next session could not for the moment be definitely fixed, in view of the fact that the meetings of the Permanent Mandates Commission were connected with those of the Council, the date of which had not yet been decided. He asked, therefore, that the Commission should leave him free to fix the date in consultation with the Secretary-General and in the best interests of the Commission and its members.

Dr. KASTL said that it was much easier for him to attend three sessions lasting nine or ten days in the year rather than two sessions lasting three weeks.

M. PALACIOS, M. MERLIN and M. FREIRE D'ANDRADE fully agreed with the opinion of Dr. Kastl.

The CHAIRMAN drew attention to the difficulties to which an increase in the number of sessions would give rise, in view of the increased expenditure which would result. Personally, he thought that three short sessions would be preferable to two long sessions. Further, certain towns were more accessible to members than Geneva. It was difficult, however, to raise this question at the moment. He would merely, therefore, fix the date of the next session in agreement with the Secretary-General.

*Agreed.*

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### TWENTY-SIXTH MEETING

*Held on Thursday, November 10th, 1927, at 10.30 a.m.*

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#### 815. Observations of the Commission on the Administration of Western Samoa under New Zealand Mandate.

The Commission examined the draft observations on the administration of Western Samoa under New Zealand mandate.

After an exchange of views, *the draft observations were adopted with certain amendments (see Annex 10).*



### 816. Economic Equality : Postal Tariffs (continuation).

M. RAPPARD said that, as he had not had time to consult M. Van Rees, he had prepared a note on the question of postal rates, although his provisional opinion on the substance of the problem might not, perhaps, be shared entirely by all the members of the Commission; his note concluded with certain recommendations to the Council, which he thought all his colleagues could accept.

M. Rappard then read the following note :

"The Commission's attention has again been directed to the question of postal rates in the territories under A and B mandates. These territories are subject to a system of economic equality, that is to say, the mandatory Powers are bound under the terms of the mandates to ensure in these territories, as between all States Members of the League and their nationals, 'complete economic, commercial and industrial equality...' In most of these territories, however, if not in all, the mandatory Administrations have established, for communication with countries outside, postal rates which vary according to the destination. As a rule, correspondence despatched to the territory of the mandatory Power enjoys a lower rate than correspondence to the other States Members of the League. This system, it would seem, is bound to favour to some extent the postal relations between the mandated territories and their Mandatories. It appears necessarily to involve in international competition a certain advantage as regards the commercial relations between the mandatory Powers and the mandated territories entrusted to them.

"Accordingly, the Commission has been considering whether this practice is quite consistent with the strict application of the principle which it must do everything in its power to enforce. On the other hand, the actual extent of these differences is not perhaps such as to call for intervention by the League.

"With a view to forming a definite opinion on the matter, the Commission proposes, therefore, that the Council should request the mandatory Powers entrusted with the administration of the territories under A and B mandates to furnish particulars concerning :

- "(1) Their system of postal rates;
- "(2) The reasons which have led them to adopt different rates;
- "(3) Their views as to the compatibility of this practice with the principle of economic equality;
- "(4) The financial importance of the question."

M. VAN REES said that, if the Commission adopted M. Rappard's note, it would be more or less implicitly expressing the opinion that it regarded the postal rates in question as being incompatible with the principle of economic equality. In M. Van Rees' view, this principle was not at all involved in this matter.

He thought his own personal opinion could be expressed by the following arguments :

1. The collection of preferential Customs duties on imports into the home territory of the mandatory Power of goods coming from a territory placed under that Power's mandate has never been regarded and, moreover, could not be regarded, as incompatible with the principle of commercial and industrial economic equality.

2. As regards the differential postal tariffs in question applicable to postal matter from a mandated territory to the territories belonging to the mandatory Power concerned, they would only affect the principle mentioned above in the case where they involved a *de facto* differentiation in respect of the nationality of the consignors.

3. As no such discrimination has been made, and as, moreover, postal fees cannot in any way be placed on the same footing as Customs dues collected upon exportation from the territory, for these differ totally in character, it follows that the postal rates under discussion have no connection with the principle of economic equality, and, consequently, are not in any way at variance with that principle, even if those rates were also intended to apply to the parcels post, though this appears particularly doubtful.

4. The incontrovertible fact that some persons in the territory despatching mail to the territories belonging to the mandatory Power benefit by the application of the postal rates in question to the exclusion of other persons in the territory cannot be adduced in favour of the argument that this rate affects the principle of equality, inasmuch as this benefit results solely from the *de facto* relations which the beneficiaries enjoy with the country of which they are nationals, and in no way from any coercive measure on the part of the mandatory Power whereby this benefit is granted to them alone and not to the rest of the inhabitants.

5. Finally, the assertion that differential postal rates should be held to be incompatible with the principle of equality must logically involve the abolition of these rates, except, of course, in so far as they apply to mail which has no connection with trade or with the economic situation of the territory; that, however, would be tantamount to claiming what is impracticable. This conclusion should alone suffice to invalidate an argument of which it must infallibly be the deduction.

In conclusion, M. Van Rees urged that exchanges of letters should not be assimilated to exchanges of goods. He did not believe that the authors of the Covenant and the mandates had ever had such a possibility in mind.

The CHAIRMAN pointed out that, nevertheless, the principle of economic equality was involved. Postal exchanges, in fact, included postal packets, samples, etc., and for all these the introduction of a preferential rate was not lacking in importance.

M. MERLIN said that differentiation in the postal rates in mandated territories created no economic inequality, since it was beneficial to all traders in the territory, irrespective of nationality. Further, he had obtained the figures involved in this matter. In Iraq, for instance, according to particulars supplied by the Berne Bureau, out of a total figure of 2,752,000 rupees for postal correspondence, correspondence with Great Britain accounted for only 172,000 rupees.

M. CATASTINI pointed out that these figures referred only to the home country and not to all parts of the British Empire.

M. RAPPARD said that he had, from the outset, admitted that, while the question of principle must be considered, attention must also be paid to its practical importance, and it was in this sense that he had formulated his questions. Was it not the Commission's duty to obtain information on this matter?

With reference to Points (1) and (2) of M. Van Rees's observations, the CHAIRMAN said that, whereas the Customs duties, for example, went to the British Treasury, the postal revenues belonged to the mandated territory, and the revenue of the latter was diminished as the result of the measure which had been taken.

M. VAN REES replied that the reduction in the revenue of a territory as a result of some fiscal measure had nothing to do with the principle of equality in question. This reduction might, in exceptional cases, give some indication of the way in which the territory was administered. It had nothing to do with the principle under discussion. If elements were introduced into the problem that had nothing to do with it, there was a risk that it would become so confused that it would be impossible to solve it. On the other hand, if the Commission decided to make some suggestions regarding postal rates in its report to the Council, it should first of all consider carefully the results of its action.

The only logical result of such action would be to require the suppression of differential rates, a request which could not be met, since it would be materially impossible to distinguish between closed letters which related to commerce and those which did not.

M. RAPPARD replied that in all countries free postage was allowed for certain official letters and that there were regulations for this purpose.

M. VAN REES was of the opinion that there was no possible justification for requiring a modification in the postal rate of private letters which had nothing to do with trade.

M. RAPPARD replied that, if it appeared impossible to draw up regulations making the necessary distinctions, it should be possible to require the application of the principle to all correspondence except official correspondence.

M. VAN REES, not being able to accept this view, said that, as a result of the first reply received from the British Government and the other similar replies which would certainly come to hand, he could not associate himself with a recommendation to the Council which he considered to be dangerous and, moreover, perfectly useless. Though the Commission might criticise a measure, it should not go so far as to word its criticism in terms which might appear unacceptable. In the case of postal matter unconnected with commercial transactions, he saw no reason why there might not be a different rate, which would not contravene in any way the principles of the mandate.

M. RAPPARD thought that it was the Commission's duty to see that the principles of the mandate were respected even in those cases where, in order to respect them, the mandatory Powers might have to go beyond their strict requirements. He thought, too, that it would be dangerous to employ the argument that because a request of the Commission might be thought unacceptable, the latter should fail to recall the principles of the Covenant. It would result, therefore that these principles themselves would be considered unacceptable.

M. VAN REES could not agree either that the measure under discussion was contrary to the Covenant or that it was lawful for the Commission to claim more than was required by the principles of the mandate.

The CHAIRMAN replied that there was nothing impracticable in the view put forward by M. Rappard.

M. RAPPARD reminded the Commission that he had not dealt with the question solely from the theoretical point of view. It was possible that the mandatory Power might reply that the figures in question were so small that it was not worth while changing the present system. He asked only that he should be allowed to put the question.

M. VAN REES urged that, in any case, the Commission should not give the impression in its note that it had *a priori* reached the conclusion that the measure in question was contrary to the principle of economic equality.

M. RAPPARD explained that, relying on precedent, the Commission could leave the responsibility of explaining the reasons for the measure to the author of the report and need only adopt its conclusions. He thought it would be possible to draft conclusions with which M. Van Rees would be able to agree.

M. MERLIN agreed with M. Van Rees in thinking that the Commission could not reach a conclusion *a priori* that different postal rates were incompatible with the principle of economic equality.

The CHAIRMAN said that he saw no means of putting the question before the Council without at least casting doubt on the measure. Moreover, any impartial person, in reading M. Rappard's note, would realise that the Commission had not yet reached a definite opinion on the point and

that it was merely raising the question. This note would therefore in no way prejudice the views of the minority of the Commission.

M. PALACIOS approved the note submitted by M. Rappard.

M. CATASTINI suggested that the Commission should discuss the matter again when its members could have before them both the note prepared by M. Rappard and the remarks of M. Van Rees.

*The remainder of the discussion was adjourned to a future meeting.*

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## TWENTY-SEVENTH MEETING

*Held on Thursday, November 10th, 1927, at 3.30 p.m.*

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### 817. Observations of the Commission on the Administration of Ruanda-Urundi under Belgian Mandate.

*The Commission examined the text of the draft observations on the administration of Ruanda-Urundi under Belgian mandate.*

*After an exchange of views, the observations were adopted, with various amendments, with the exception of the paragraph on labour, which was to be revised by Mr. Grimshaw.*

#### *Compulsory Cultivation. Compulsory Labour (continuation).*

Mr. GRIMSHAW reminded the Commission that the system of compulsory cultivation comprised four methods, which were at present employed (see Minutes of twenty-second meeting). This system, which had been adopted in consequence of the famines to which this over-populated territory was liable, imposed on the inhabitants the cultivation of certain crops which formed the basis of the native diet. It also provided, however, for the cultivation of certain crops for the maintenance of porters on the roads and of the military posts, and of certain other crops intended for export. M. Halewyck de Heusch, when questioned as regards the crops for export, had replied that their cultivation had never been imposed in practice. Mr. Grimshaw asked if it would not be advisable to give in the report to the Council a more complete account of the discussion which had taken place on the part of the report of the mandatory Power bearing on this matter.

M. ORTS recognised that the system, to the features of which attraction had been drawn by Mr. Grimshaw, was at variance with the letter of the terms of the Covenant and of the mandate, which prohibited forced labour. Any labour that was not voluntary was obviously forced labour. Did this imply that the system set up in Ruanda-Urundi was to be condemned? He did not think so. He was inclined, on the contrary, to praise the foresight of those who had established it, since it had made it possible to some extent to get over the famine of 1926.

Ruanda-Urundi was a country in which famine was endemic. It was due to three principal causes, the density of the population, its lack of foresight, and the poor means of communication and their primitive character. The campaign against famine was essentially a problem of transportation. As long as that problem remained unsolved—and it could not be solved in a few years—the responsible authorities would be forced to take coercive measures so as to induce the natives to store up food supplies, both in order to meet their own needs and to ensure the utilisation of the carrying tracks and the maintenance of an adequate food supply for the administrative posts.

If, owing to a shortage of foodstuffs, the administrative posts had to be withdrawn and transport by porters suspended, the organisation of supplies for those districts which suffered from famine would become impossible. Furthermore, if the natives were not forced to produce more than their needs as at present calculated, there would never exist in the more favoured districts reserves which could be distributed to those regions where there was a famine.

This, indeed, was one of those cases with which the Commission had already been confronted, where a strict observation of the hard-and-fast provisions of the mandate was calculated to result in disaster.

For these reasons, M. Orts thought it unnecessary to make in the report to the Council any observations on the organisation of labour in Ruanda-Urundi.

M. MERLIN pointed out once again how dangerous it would be for the Mandates Commission to allow its hands to be bound by inflexible principles. The Commission was essentially a meeting of experts, whose duty it was not to lay down the theoretical law but to appreciate the facts, not merely from the legal point of view but mainly in the light of their practical results.

M. ORTS wished to emphasise the fact that the opinion he had just expressed referred solely to compulsory labour intended to ensure the regular food supply of the population. In that case the use of compulsion was fully justified. It would have been otherwise if the compulsory labour had been imposed for private works, in which case the Commission would have been entitled to hold that this was an abuse and to draw the Mandatory's attention to it.

M. FREIRE D'ANDRADE agreed with M. Orts. He reminded the Commission, however, that Belgium had been the first to propose the principle of compulsory cultivation. Nevertheless, it seemed that this principle was not enforced to any great extent.

M. VAN REES observed that the practice which the Commission was now discussing could not, from the point of view of practical necessity, be condemned. In different colonies, and even in two territories under mandate, the Government was obliged to take similar measures. Nevertheless, from the legal point of view, these measures were contrary to the letter of the provisions of Article 3 of the mandate for Ruanda-Urundi, as was explained in a note annexed to the Minutes of the tenth session of the Commission (page 169). The conclusion he had reached was that the only means of getting out of the difficulty was to modify the too rigid terms of the article in question.

M. ORTS thought that the Commission should adjourn to a later session the study of the scope of that article, and that no mention of the matter need be made in the report to the Council, which referred to a report regarding a specific territory.

M. FREIRE D'ANDRADE thought that the main duty of the Mandatory was to obviate famine by any means in its power. The measures taken by the Mandatory were measures of public safety dictated to meet circumstances which the Commission was bound to regard as exceptional, without endeavouring to see in them the application of an important principle.

M. MERLIN agreed. The country was still without any roads, and hence it was impossible to organise rapid transport from one point to another. The portage service could only work efficiently and the transport of foodstuffs from one district to another could only be ensured if provision were made for relays of supplies along the roads. The mandatory Government had arranged in the mandated territory for a kind of mobilisation of all transport services to meet any case of famine and had adopted a series of measures whereby any shortage of foodstuffs could be rapidly overcome. Mobilisation could only be effective in war time if the proper arrangements had been made beforehand in time of peace. This was what the Mandatory had done, and there was nothing in the measures adopted by it that was incompatible with the terms of the mandate. Without seeking out important principles which might have been violated in a case of this kind, the Mandates Commission, as a commission of experts, should confine itself to appreciating the facts. The main principle of the mandate was that the mandatory Power should administer the country in a way to ensure the greatest wellbeing of the inhabitants. It could not accordingly be criticised for having adopted measures which were calculated to make famine avoidable or to restrict its effects. It was obvious that in doing so it had acted in the interests of the population.

Mr. GRIMSHAW was glad that he had brought up the discussion on this question. He had desired to ascertain the Commission's opinion more definitely. But while he appreciated the arguments in favour of the compulsory cultivation of crops with a view to obviating famine, he still had certain doubts as to the legality of the regulations imposing the cultivation of certain crops for export or for supplying the European posts. In view of periods of famine, the other measures were essential public services and unavoidable, but he thought that, on the other hand, these latter measures were neither essential nor unavoidable.

Dr. KASTL agreed entirely with M. Merlin. The population of the territory was very large, and famine was frequent. Dr. Kastl would go even further than M. Merlin. He thought that it was the Mandatory's duty to regulate agriculture in the country so as to obviate any possibility of famine. The same question had arisen in Angola. While the crops were abundant some years, there often followed a great shortage in other years. It was the Mandatory's duty to obviate this inequality in production by preventive measures. It was nevertheless essential that the crops imposed on the native population should not consist of foodstuffs intended for export or for supplying the European posts. These latter cases had nothing to do with measures of public safety, and Dr. Kastl concluded that in such cases compulsory labour seemed to be illegal.

M. FREIRE D'ANDRADE did not altogether agree. He reminded the Commission that the Slavery Convention had introduced certain special measures for the imposition of labour on the natives in order to oblige them, in their own interests, to cultivate certain crops. M. Freire d'Andrade held that the reasons for which the cultivation of certain crops along the roads had been imposed, in order to ensure the supply of food for porters and at the same time for the population, and those for which compulsory cultivation was in general imposed in order to obviate famine, were excellent. He thought, moreover, that there was no need to take up the question for the moment, since it could be properly digested in connection with the Labour Convention which was shortly to be examined.

The CHAIRMAN noted that Mr. Grimshaw agreed that no observation should be made to the Council on this question but would be satisfied if the discussion on the subject were recorded in the Minutes.

*The Committee adopted this proposal.*

#### 818. Western Samoa : Petition of Mr. Newton Rowe (continuation).

M. PALACIOS submitted his report on the petition and pointed out that he had not changed anything in the substance nor even the terms of his report, which had merely been corrected as regards the French text. He summarised the statements of the petitioner and of the mandatory Power, leaving to the others, naturally, the responsibility for their statements, which, moreover,

were not accompanied by any proofs. He still considered the document to be a petition, for it had been considered to be one by the Mandates Section, the mandatory Power and Mr. Rowe himself. Mr. Rowe asked—and this constituted the contents of the petition—for a decision with a view to removing certain abuses from which, in his view, Samoa was suffering. M. Palacios proposed that the Mandates Commission should reserve its opinion until it had considered the report of the Royal Commission of Enquiry.

*The Commission took note of and adopted the report submitted by M. Palacios on this question (Annex 9C).*

### **819. Economic Equality : Purchase of Supplies by or for the use of Mandated Territories or for Public Works (continuation).**

M. ORTS made the following verbal report :

The document submitted to the Rapporteur was a note from the Chairman dated October 21st, 1927 (see pages 64-65 above). It was desirable to recall the history of the question to which that note referred.

In the course of its eleventh session the Commission had discussed a statement made in the House of Commons on December 9th, 1926, by the Secretary of State for the Colonies, on the occasion of a debate on a Bill concerning a loan guaranteed by the British Government in favour of certain British possessions and protectorates in East Africa. A block of the loan had been reserved for Tanganyika, a territory under mandate. The Minutes of the tenth meeting of the eleventh session included an account of this discussion, as well as a summary of the statement made by the British Secretary of State for the Colonies based on the record of that statement given in the *Times*. According to that declaration, the British Government held that there was nothing to prevent it, when it guaranteed a loan, to be issued by a mandated territory or on behalf of a mandated territory, from stipulating that, in return for such special financial assistance, it was understood that any purchases of material to be financed from the proceeds of the loan would be made in the British Empire. In practice, Mr. Amery added, this was the existing procedure, seeing that purchases were made through the Crown Agents, who had instructions not to place any orders outside the British Empire without special reference to the Secretary of State, who would decide.

It might be wondered, and indeed the Commission had wondered, whether this statement was compatible with the general principle of economic equality, and, as regards more particularly Tanganyika Territory, with Article 7 of the Tanganyika Mandate. The Commission soon realised that there was nothing to criticise in this procedure, not because it held the Secretary of State's argument to be convincing and incontrovertible but because it had noted that, in the particular case which had aroused its attention, the material to be bought from the proceeds of the loan was intended for essential public works. By the terms of the mandate, the mandatory Power was free to organise the essential public services at its own discretion. The public works to be carried out in Tanganyika by means of the proceeds of the loan were given on page 36 of the report for 1926. Their essential character was not open to doubt, and, in these circumstances, the Commission unanimously recognised that, as regards the particular case before it, the application of the system explained by the organ of the British Government was not open to criticism.

On the initiative of its Chairman the Commission was now invited to examine again Mr. Amery's declaration, taking into consideration the principles of the Covenant and the terms of the Tanganyika Mandate. The Chairman had indicated in his note a number of points which might be discussed, and it seemed to M. Orts that his duty, as Rapporteur, if he had understood it aright, was to express an opinion on the desirability and utility of a discussion on the various points raised, or rather indicated, by the Chairman.

The first point had been put by the Chairman in the following terms :

“Is the position taken by Mr. Amery with regard to the right of the mandatory Power to stipulate, in return for the guarantee of a loan, that all the purchases made thereunder shall be effected in the territory of the mandatory Power, consistent with the stipulations of the mandate? This would seem to be so in the case of purchases for ‘essential public works and services’, whether or not they are made as the result of a loan guaranteed by the mandatory Power. Undoubtedly, however, the Crown Agents from time to time are called upon to make purchases for public works and services which are not ‘essential’, or for supplies for the use of the Administration of the territory, and can purchases of this nature, in view of the economic equality provision of the mandate, be properly restricted to British territory?”

M. Orts was of the opinion that the question whether what one might call the “thesis” put forward by Mr. Amery could be considered to apply to purchases intended for non-essential public works and services or to purchases of material required by the Administration was of no interest and that a debate on the point could not lead to any conclusion. No such case had yet come before the Commission, so that a discussion would be based on hypotheses which Mr. Amery himself had probably not contemplated. If any such necessity arose, it was to be anticipated that the Administration concerned would, when making the purchases, consider the best interests of the territory. In this connection, the Commission would remember that Sir Donald Cameron had already said that he would not hesitate, in certain circumstances, to propose that material should be purchased abroad, even if such purchases had to be paid for out of the proceeds of a loan guaranteed by the British Government.

Even if the matter were discussed, no decision could be reached, because it would be necessary, in the first place, to know whether there were any public works or services which could be called

unessential, and, if there were, it would then be necessary to decide what constituted an essential public work or service. It did not seem that this could be done by arguing in the abstract. It seemed preferable, therefore, to abstain from discussing hypotheses, while reserving the right to consider, in the light of the Covenant and of the mandate, in what way the proceeds of a loan or advances guaranteed or granted in favour of a territory under mandate had actually been employed.

The second question put by the Chairman was as follows :

“Is any arrangement similar to that made in British mandated territories with the Crown Agents found in the case of territories under the mandate of other Powers? If so, it would seem that full information should be secured with regard to the practice in such other cases.”

M. Orts thought that the Commission might ask for this information, as the Chairman had suggested.

There was a third point which called for special remark and which appeared in the Chairman's note under the same paragraph number (2). It read as follows :

“In connection with Mr. Amery's statement, moreover, it might be asked whether, in view of its responsibilities and obligations as Mandatory (and it must be remembered that the mandatory Powers were chosen by reason of their 'resources' among other things), the mandatory Power is entitled to any 'return' for such service as guaranteeing a loan which under normal circumstances will cost it nothing.”

M. Orts wished first to point out, with regard to the words “a loan which under normal circumstances will cost it nothing”, that, obviously, anybody who guaranteed the solvency of a third party only did so because he believed that third party to be solvent and because he thought that the operation would be brought to a conclusion by the principal party concerned. Nevertheless, it was the general rule to require a commission as guarantee or in recognition of a liability, because the guarantor, in spite of everything, ran a certain risk. This applied also to a mandatory Power which was answerable for a territory under mandate. In spite of the apparent security of such transactions, it was certain that they would not often be repeated without the guarantor being called upon to meet a debt on behalf of the defaulting borrower. The fact that such a risk existed justified the stipulation for compensation.

The CHAIRMAN pointed out that the transactions under review concerned States and asked if there were any precedent as regards States which had taken a commission when they had guaranteed a loan; so far as he knew, this was not the case as regards the Austrian, Greek or Turkish loans.

He maintained that the mandatory Power found in its own position the counterpart sought by the lending States.

M. ORTS, continuing his report, wished to refer to an argument which was mentioned in the same paragraph of the Chairman's note and which, in M. Orts's view, was somewhat abused. He referred to the phrase “it must not be forgotten that the mandatory Powers were chosen, in particular, because of their resources”. The mandatory Powers had, of course, been appointed, among other considerations, because of their resources, but this did not mean that at any time they should deny themselves legitimate advantages, make non-recoverable grants to the mandated territory, or draw up their accounts in an indulgent and benevolent manner which would confer on the territory small advantages under this or that item.

M. Orts would like the Commission to avoid such a point of view, which would result in laying unjustifiable and unforeseen burdens upon the holder of the mandate and would not be in the recognised interests of the territory itself.

A departure had, in general, been made from the practice whereby the mother country was invariably expected to cover the permanent deficits of the colonies. On the contrary, the colonies had been accustomed not to count on the mother country at all times, so as to stimulate in those responsible for their finances the desire to create, by the development of the country and the employment of its riches, new sources of revenue which would form a permanent basis of receipts that would not have been available had they continued to depend on the benevolence of a third party. Charity had never yet created a solid basis of revenue, and revenue must be sought in a country itself by saving and hard work. What was true of the interests of the colonies was equally true of the interests of the mandated territories. The mandatory Powers were not to throw money at their heads; they were to place these territories in a position to face the difficulties which all societies experienced, so that they might be compelled to reflect upon those difficulties and prepare themselves to overcome them. If the Commission had approved the generous action of certain mandatory Powers which, in order to give these territories a good start, had made them grants, it did not follow that it disapproved of the contrary practice, which might also have some value and be very sound.

The fact that the mandatory Power possessed resources gave the territories under mandate an advantage of another kind, and one of the greatest importance. It made it possible for those territories to obtain credit. Left to themselves they had none, and, without it, all prospect of development was excluded. This was where the mandatory Power “appointed because of its resources” came in. Simply because the mandatory Power, which had good credit, had made itself responsible for the administration and future of the territory under mandate, the latter was certain of finding lenders. On the contrary, if the territory were administered by a country which could obtain no loans and the credit of which was non-existent, the Governor of the territory might try all over the world but he would not succeed in borrowing a penny. If the various territories under mandate succeeded in developing along the lines which they seemed

to be following, it would be owing to the credit which the mandatory Power enjoyed. For this reason it was desirable to appoint Powers which possessed sufficient resources.

The CHAIRMAN, who had always been opposed to "donations without consideration", failed to see the connection between M. Orts's statement and his own thesis.

M. ORTS remarked that the Chairman had, nevertheless, insisted that such-and-such a mandatory Power accepted as a charge on its own budget expenditure which should normally devolve upon the territory under mandate and that another gave up for the profit of the territory an advantage which it could legitimately claim. These were "donations without consideration".

M. RAPPARD drew attention to the great difference between an ordinary loan and a loan for mandated territories. In ordinary loans the State which agreed to borrow had the choice of markets. It decided to borrow in one country after having had the possibility of negotiating with countries A, B, C or D. It accordingly chose that country where the terms appeared most favourable to it. If the choice of the mandated territory was limited to a single lender, namely, the mandatory Power, it was impossible to be sure that the territory obtained the most favourable conditions.

M. ORTS thought that such transactions could only be criticised if it appeared that the rate of interest required by the lending State was higher than that which might have been obtained elsewhere, or that the price paid for material bought on the proceeds of the loan was excessive. In either case, the guardian would have profited illegally and to the detriment of its ward which was unable freely to discuss the conditions obtained. The Commission had not yet noted anything of the kind.

M. RAPPARD asked why the lending country would impose such a condition on the mandated territory if it were not to ensure positive benefits which it could not obtain in free competition.

M. ORTS explained that, without any detriment resulting to the territory, the mandatory Power had unquestionably an advantage in being in a privileged position as regards the supply of material, thus obtaining orders for its industries. The Commission, however, could not express any opinion unless this was detrimental to the mandated territory.

M. Orts next examined the fourth point in the Chairman's note, that contained in paragraph 3 :

"Does this arrangement for purchases in the territory of the mandatory Power through the Crown Agents or any similar arrangement which exists, in the case of territories under the mandate of other Powers than Great Britain, in any way prove detrimental to the commercial interests of the territory itself, *i.e.*, to the mandated territory itself? Mr. Amery stated that the Crown Agents were obliged to make their purchases within the British Empire. Does this mean that they have to give any preference, other things being equal, to commercial firms or industrial enterprises situated within the mandated territory for whose benefit the purchases, in any given case, are being made.

He asked what were the cases to which the sentence "does this arrangement . . . in any way prove detrimental to the commercial interests of the mandated territory itself" referred.

The CHAIRMAN gave the following illustration to explain his meaning. A large sum was to be expended in a British mandated territory for the construction of a bridge at a cost of about £1,000,000. Supposing the territory concerned were not compelled to make application to British industry, the bridge could probably be built at a lower price. The condition thus laid down might therefore be detrimental to the interests of the territory, and it would be difficult to be sure of this, since no comparison of prices would be possible.

M. ORTS thought, on the contrary, that this was easy to determine. It was simple, for instance, to ascertain the market price of each material used in the building of a bridge. So long as there was no abuse, the Commission could not offer any comment.

M. RAPPARD enquired whether it might not be presumed not that there would be abuses but special advantages, namely, higher prices than those on the world market. If the mandatory Power imposed the condition out of which the discussion had arisen, was it not because, without that condition, it could not expect to be the sole supplier of goods on the same conditions?

M. MERLIN believed that the sole reason for which this condition had been laid down was the Mandatory's desire to obtain orders for its industries.

The CHAIRMAN wished to know whether the discussion bore on the question under review from a general point of view or solely from the point of view of the B mandates. In the case of the B mandates, there was a special clause prescribing these purchases of supplies for essential public works. This clause did not exist in the A mandates and consequently could not be used in the case of Iraq, Syria or Palestine.

M. ORTS replied that he was discussing the question from the point of view of the B mandates.

The CHAIRMAN asked what, in that case, was meant by the term "essential public works".

M. ORTS, replying to observations of the Chairman and M. Rappard, said that a mandatory Power which used—not abused—its undoubted right to organise as it thought desirable the essential public works of a mandated territory could not be reproached because it was difficult to judge whether prices were excessive, owing to the fact that there had been no competition.

Methods of control must be adapted to suit the circumstances, and the Commission could not claim that the fact that the offers had not been put up to public tender made its work of supervision more difficult and thereby prevent the mandatory Power from doing what it had the right to do.

Meanwhile, M. Orts had not yet discovered any case of abuse. Should abuse occur, it would be the Commission's duty to ask the mandatory Power to justify itself. Discussion was useless so long as it merely dealt with hypothetical cases which the British Secretary of State had probably not had in mind when he made the declaration which was the subject of the present discussion.

The CHAIRMAN said that he had put the question from a general point of view in consequence of the statement made by Sir Henry Dobbs in the previous year.

He had, moreover, observed a connection between that statement and the one made by Mr. Amery in the House of Commons.

M. ORTS pointed out that, in his statement, Sir Henry Dobbs had observed that the arrangement adopted presented certain guarantees as regards the delivery of goods (see Minutes of the Tenth Session). Sir Henry Dobbs again had said that the Government of Iraq had to a certain extent applied for public offers from among the local representatives of firms which were in a position to supply the territory's needs, but it also applied to the Crown Agents, because this system offered guarantees which were not to be found elsewhere.

The CHAIRMAN thought it impossible to separate Sir Henry Dobbs's statement from that of Mr. Amery. Mr. Amery had said that the Crown agents could only make purchases in the British Empire, even if they desired to do otherwise, in which case they had to obtain authorisation. In reply to the question whether he had made purchases elsewhere than in the British Empire, Sir Henry Dobbs had replied: "No, because we should not have adequate guarantees". This argument appeared somewhat feeble, for it was beyond question that, on the very next day, as good guarantees might be found in Paris, Brussels or elsewhere.

He pointed out that it was impossible to apply to the Crown agents and ask them whether they had made purchases outside the British Empire. The Commission must therefore be content with the general declaration made in the House of Commons.

M. MERLIN believed that he was right in saying that Mr. Amery had stated that, when the Crown Agents received an application, they were bound to make their purchases, by preference, in England. Hence, if it were desired to make purchases abroad, it would be enough to refrain from making any application to the Crown Agents. Nothing prevented the Government of Iraq or the High Commissioner of Tanganyika from applying to persons other than the Crown Agents. Proof of this was the fact that they had done so.

The CHAIRMAN did not think the facts quite correct.

M. ORTS explained that, in his view, the statement made in Parliament by the Secretary of State was only of importance in connection with the actual fact which had given rise to it. That fact was the guaranteed loan, a block of which had been reserved for Tanganyika. If applied to this case, the declaration in question was open to no criticism.

M. RAPPARD pointed out that there was a slight difference. Obviously, if agricultural machinery were wanted, and if England were unable to supply it, it must either be bought elsewhere or dispensed with entirely. The case, however, which the Commission was considering was as follows. When there was a difference of price between the English market and the American market, the Crown Agent was bound to buy in England, even if the prices there were higher. In that case, the mandated territory sustained a loss, a loss which was not illegitimate in the case of essential services, but which might appear to be open to criticism in all other cases.

The CHAIRMAN thought that the Commission would agree with him that it was necessary to facilitate the work of the mandatory Power by a preventive interpretation of the texts so that complications might be avoided in the future. He did not share M. Orts's view that things should be allowed to run their course.

For instance, a loan was being floated for Palestine. If the Commission accepted M. Orts's view, it would have to leave the matter alone and wait until the loan had been floated before taking action. The Chairman thought, on the contrary, that it was impossible to wait for concrete cases, and, moreover, a statement made by a Secretary of State for the Colonies in the House of Commons deserved the Commission's full attention.

Without waiting for a concrete case to occur, and without limiting its task to the examination of small questions, the Commission should, in order to ascertain whether the administration of a mandated territory was in conformity with the Covenant, base its considerations on general principles. Now, the Commission's notice had been brought to a statement by the British Secretary of State for the Colonies which, in its view, was not in conformity with one of the principles of the mandate. M. Orts advised waiting for a concrete instance to occur before taking a decision. The Chairman thought, on the contrary, that it would be better to take a preventive decision, and more especially to define the vague term "essential public services".

M. ORTS thought it impossible to define in this way an essential public service. It would be necessary to decide on concrete cases.

The CHAIRMAN, in support of his argument, replied that each Power had been chosen to exercise a mandate over one of the different territories largely by reason of its credit and its financial capacity. M. Orts had stated that the mandatory Power was entitled to derive certain advantages in view of the risks which it ran. The Chairman thought that when it accepted the mandate the Mandatory knew that it ran certain risks, and that it would have to observe the principle of economic equality.



He wished to raise the following question once again. Was it better to look only to the consequence of Mr. Amery's statement or should the Commission consider it already as a fact?

M. RAPPARD agreed with M. Orts on many points, but believed that his words went rather further than his thought. When the responsible head of a mandatory Administration publicly laid down a doctrine which was susceptible of application to the territory, he did not think that the Mandates Commission would be going outside the part allotted to it in examining that doctrine, even before it had actually been applied. He noted that, in any case, the Commission had never thought so up to the present. When, for example, the Commission's attention had been drawn, during the present session, to doubtful statements of an administrator on the relations between the inhabitants of a mandated territory and their sovereign, it had arraigned the administrator responsible on a point of doctrine. No change had been made in the status of these inhabitants, but the Commission had drawn his attention to the fact that this doctrine appeared to it to be incompatible with the Covenant and the mandate. M. Rappard thought that the Commission could not overlook the statement made by the British Secretary of State for the Colonies concerning the countries under British mandate, since that statement might have enormous consequences.

The CHAIRMAN asked whether the instructions given by a Minister to his agents did not constitute an act of government. It was hardly possible to deny that this was so. He cited a case which might be found on page 127 of the Minutes of the last session, where the following sentence relating to Palestine occurred: "The Crown Agents had already advanced more than a million Egyptian pounds on the Palestine loan of £4,500,000 sterling".

It was then a fact, and the purchases financed from this sum had been made by the Crown Agents in accordance with Mr. Amery's ruling. Was not the Commission entitled to state that the principle of economic equality had already been compromised?

M. ORTS thought that in this particular case there was nothing to prevent the Commission asking for explanations as to the object of these advances.

The CHAIRMAN cited another instance. A concession had been granted to a company for the exploitation of the salt of the Dead Sea. Had this concession been granted in accordance with the rules of economic equality?

He explained to his colleagues the reason which had led him to raise the two questions which related to the principle of economic equality.

In the development of the system of mandates, the opinion had been formed in the public mind and in the Mandates Commission that the mandates system had been established in the interests of the natives, and that the rules imposed on the mandatory Powers with that object in view indicated a progress toward increasing the welfare and development of the indigenous populations of certain territories whose civilisation was backward. He shared that opinion, and already had taken opportunities of explaining his point of view. He had not, however, perhaps said all that he might on the subject. He believed it possible to affirm that, at the stage of development at present reached, the whole of Colonial law and science, and the practice of all the Colonial Powers in the territories which they administered, also aimed at ensuring the welfare of the natives. That progress was due either to humanitarian reasons or to a certain extent to a more practical conception of collaboration with the natives, which enabled concrete and positive interests to be better assured.

He was convinced, however, that, as a consequence of the attention given to the mandates question, there lay at the basis of the whole system another principle of the highest importance, namely, the principle of economic equality. That principle was not new in Colonial history, but it had never been formulated in so broad and so explicit a manner as in the mandates. At the time when the mandates had been introduced, it seemed to him that an endeavour had been made to remedy, by the application of that principle, a division of the overseas territories which was hardly equitable in itself, and to enable a larger number of States (the League of Nations included fifty-five Members) to participate in the advantages of the fourteen mandated territories. From the economic point of view, the mandatory Powers, being on the spot, were, in their dealings with the other Powers, in a more favourable position. That advantage, however, was balanced by another principle, on which the Commission had often insisted. That principle was that the mandatory Power had been chosen owing to its resources and experience, and should not derive any direct advantage from its mandate. It was a principle which affirmed the disinterestedness of the mandatory Power.

The principle of economic equality had, therefore, a particularly wide scope, since its application might contribute to the solution of the two greatest problems which lay at the basis of all international disputes, namely, the demographic problem and the distribution of raw materials. So far as the mandates were concerned, its importance lay, in his opinion, not only in the idea which it embodied but also in its application, which, though it was limited to the fourteen mandated territories, represented an effective step towards the realisation of a wider aim. That was a further reason why the Commission should follow the application of the principle with the utmost attention in order that the obstacles which might be placed in the way of its application might be reduced and eliminated.

If such were not the case, and if the application of that principle were to remain illusory, the task of the Commission would be reduced to extremely modest proportions.

M. MERLIN, referring to Article 18 of the Palestine mandate concerning economic equality, remarked that this article was more or less identical with the terms of the Berlin Act for the Treaty Basin of the Congo. The object was to ensure to all Powers equality in Customs matters. M. Merlin, however, thought it necessary to utter a warning against exaggeration, since there was the danger that every mandated territory might be turned into something like Tangier. When the

clause prescribing economic equality in the mandated territory was drafted, no Power had thought, at the time when that system was set up, that it was possible to adopt the special regime applied to Tangier, where all orders had to be put up for public offer. It could not be argued that, the mandatory Power having placed a sum of money at the disposal of the mandated territory, all purchases should be made by way of public offer. The result in Tangier had not been so brilliant that it should be taken as a guide. Economic equality was a good thing, but it should not be pushed to extremes.

The mandatory Power placed at the disposal of the mandated territory certain sums of money as a loan. In the terms of the loan it inserted a clause which represented for itself not a direct advantage but an indirect advantage, for, whatever might be said, the only indirect advantage which it derived from this clause was the fact that it obtained orders for its own industry and trade. The advantage, therefore, was certainly an indirect one.

If the mandatory Power placed at the disposal of the mandated territory the same sum but in another shape (in the shape of an advance, for instance), the mandated territory, especially in the case of B mandates, would be able to buy in the home country all the commodities it required for the essential public services.

Consequently, it seemed to M. Merlin that the Commission's duty was to see that there was no case of abuse committed on the part of the mandatory Power under the shelter of the terms of the mandate. If that were the object of the Commission's supervision, an abuse must be brought to its notice before it could deal with it and before it could tell the mandatory Power that it had acted in a manner detrimental to the other countries. Without becoming lost in an academic discussion, it was apparent that the mandatory Power, in the case of B mandates, was entitled to ensure the essential public services at its own discretion. It could place at the disposal of the mandated territory the necessary funds under an infinite variety of forms, either as a non-recoverable grant or as a recoverable advance, or as a loan. In the cases which had been brought to the Commission's attention, there was no ground for thinking that the mandatory Power had exceeded its powers. The Commission could only take action if the Mandatory misused its privileged situation.

M. RAPPARD considered that the first parties interested in the scrupulous application of the principle of economic equality were the mandatory countries, since nothing was so well calculated to disarm the mistrust and jealousy of the mandatory States as the strict application of that principle. As to the Commission, it had only to defend that principle in so far as it was formulated in the mandates. Personally, M. Rappard could not, in the case of the B mandates, regard this principle as meaning anything less than absolute economic equality except in matters relating to the essential public services.

The CHAIRMAN noted that, after discussing this matter, the Commission had been unable to come to an agreement. He thought, however, that he had obtained some result by raising the question, for the debate had covered a larger field than the question itself. He accordingly requested the members to reflect on the problem so as to be able to discuss it again at the next session.

Dr. KASTL pointed out that the system of purchase by Crown agents employed in the countries under British protectorate had invariably aroused controversy in the conclusion of commercial treaties. He asked whether the Secretariat could not undertake to obtain information from the British Government regarding this practice.

M. CATASTINI replied that it would be a delicate matter to do so officially, seeing that such action might have the appearance of criticism. It would be preferable for the Council itself to take the matter up, acting on the suggestion of the Commission.

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## TWENTY-EIGHTH MEETING

*Held on Friday, November 11th, 1927, at 10.30 a.m.*

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### 820. Draft Introduction to the Report to the Council on the Work of the Twelfth Session.

The Commission examined the introductory part of the draft report to the Council on the work of its twelfth session.

After an exchange of views *the draft report was adopted with various amendments.* (For final text, see Annex 10.)

### 821. Draft Report to the Council on Petitions examined at the Twelfth Session.

The Commission examined the draft report on petitions considered at its twelfth session.

After an exchange of views *the draft report was adopted with various amendments.* (For final text, see Annex 10.)

### 822. List of Annexes to the Minutes of the Twelfth Session of the Commission.

*The Commission decided what annexes should be included with the Minutes of the twelfth session.*

**823. Postal Rates : Note by M. Rappard (continuation).**

M. VAN REES, referring to what he had said on the previous day, still held to the opinion that M. Rappard's note on the question of postal rates should not be presented to the Council. That note, the earlier note from the Chairman and the Minutes showed that the majority of the Commission considered that the method adopted by the British Government, and perhaps by other mandatory Powers, for determining postal rates was incompatible with the principle of economic equality. M. Van Rees would regret the necessity of sending to the Council a minority opinion or at any rate of adding to the report a footnote saying that he did not concur in the reasons for which the majority had decided to submit the report to the Council and containing a reference to the Minutes.

M. RAPPARD explained that he had prepared his note with the object of securing the acceptance of his conclusions by all the members of the Commission. If M. Van Rees felt obliged to send in a minority report, the majority of the Commission would be compelled to express its views distinctly.

M. VAN REES said that, so far as he was concerned, the question of postal rates did not exist and that the Commission had no need of information.

M. RAPPARD replied that the mere fact that there had been a divergency among the members on this point proved that the question did exist for the Commission. The only object of his note was to draw attention to the matter so that it might be cleared up.

M. CATASTINI suggested that stress should be laid on the fact that the Commission had not yet finally made up its mind on the matter.

M. RAPPARD proposed that the second paragraph of his note should be completed as follows :  
"Accordingly, the Commission, whose members expressed the most divergent views . . ."

M. VAN REES observed that this wording implied a reference to the Minutes and would make a minority report unnecessary.

M. CATASTINI added that M. Rappard's wording had the advantage that it made no reference to the fact that there had been a majority opinion in the Commission.

The CHAIRMAN proposed the deletion of the recommendation to the effect that the mandatory Powers should be asked to state their views upon the compatibility of this practice with the principle of economic equality. This recommendation called for the expression of a judgment, whereas the others related to matters of fact.

*The note was adopted with the amendments suggested by the Chairman and M. Rappard<sup>1</sup>.*

**824. Close of the Session.**

The CHAIRMAN congratulated his colleagues on the work they had done and thanked them for the consideration they had shown him. He thanked also M. Catastini and the other members of the Secretariat. As the Commission had expressed its regrets at Miss Elwood's departure, it would be only fair to offer a special word of congratulation to Mlle. Bonna, whose devotion and abilities were appreciated by the Commission and whose appointment it had welcomed unanimously.

M. FREIRE D'ANDRADE congratulated the Chairman upon the masterly way in which he had, as usual, directed the Commission's proceedings. At the end of this session he thought that it might be well to recall the concern which the Commission had felt with regard to the future of the Mandates Section at the time of M. Rappard's resignation. After more than three years' experience, M. Freire d'Andrade was sure that the Commission was in a position to acquaint the Council with its complete satisfaction with the work of M. Catastini, who had been appointed Chief of the Section upon M. Rappard's departure. He was certain that he was speaking for all his colleagues when he said that he hoped that M. Catastini would occupy the place he deserved.

M. RAPPARD joined in what M. Freire d'Andrade had said.

The CHAIRMAN, having noted that all the members agreed with M. Freire d'Andrade's suggestion, promised to acquaint the Secretary-General, who was responsible for the staff of the Secretariat, with the Commission's opinion.

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<sup>1</sup> M. Merlin, who was absent from the meeting, sent to the Secretariat after the close of the session the following note dated November 21st, 1927 :

"After a further examination of the note by M. Rappard and the observations of M. Van Rees, I am obliged to say that I agree with M. Van Rees that the question involves no economic inequality of such a character or of such importance that it called for discussion by the Mandates Commission and still less for a communication to the Council. This is the opinion I should have expressed if I had been able to be present at the morning meeting held on November 11th, and it is also the opinion I shall give if the matter comes again before the Commission."

ANNEX 1.

(C.P.M.629(2).)

AGENDA OF THE TWELFTH SESSION OF THE PERMANENT MANDATES COMMISSION

- I. Opening of the Session.
    - Chairman's Speech.
    - Statement by the Vice-Chairman on the Work of the Council and Assembly in regard to Mandates.
    - Statement by the Head of the Mandates Section on the Progress of the Work since the last Session.
  - II. Examination of the Annual Reports of the Mandatory Powers.
    - Iraq : 1926.
    - Cameroons under British Mandate : 1926.
    - Togoland under British Mandate : 1926.
    - Ruanda-Urundi : 1926.
    - Samoa : 1926-27.
    - Islands under Japanese Mandate : 1926.
  - III. Petitions.
    1. Togoland under French Mandate :  
Petition by Mr. Casely Hayford dated June 7th, 1927, and observations of the French Government. Rapporteur : M. ORTS.
    2. South-West Africa :  
Petition from Certain Members of the Rehoboth Community dated November 26th, 1926, and Observations of the Mandatory Power.
    3. Report by the Chairman on Petitions regarded as not deserving the Attention of the Commission.
    4. Resolutions from Various Organisations relating to the Mandated Territories.  
Note by the Chairman.
  - IV. Ex-Enemy Property.

Information furnished by the Mandatory Powers in reply to the Commission's Request (see Minutes of the Eleventh Session, page 169). Memorandum by the Secretariat.  
Rapporteur : Sir F. LUGARD.
  - V. Codification of Decisions regarding the Procedure relative to Petitions.

Memorandum by the Secretariat (see Minutes of the Eleventh Session, page 170).  
Rapporteur : M. VAN REES.
  - VI. General and Special International Conventions applied in Mandated Territories.

Lists prepared by the Secretariat in accordance with the Commission's Decision (see Minutes of the Eleventh Session, page 170).
  - VII. Compilation of Decisions of the Assembly and the Council regarding Mandates.

List prepared by the Secretariat in accordance with the Commission's Decision (see Minutes of the Eleventh Session, page 185).
  - VIII. Memorandum from the British League of Nations Union concerning the Declaration of Martial Law (see Minutes of the Eleventh Session, page 184).
  - IX. Liquor Traffic.
    - X. Communication to Members of Publications regarding Mandates in the League Library (see Minutes of the Eleventh Session, page 185).  
Note by the Secretariat.
  - XI. Memorandum by Mme. Wicksell on the Education of the Coloured Races.
  - XII. Economic Equality.
    - (a) Postal Tariffs.  
Note by the Chairman.
    - (b) Purchase of Supplies by or for the Use of the Administration of Mandated Territories or for Public Works (see Minutes of the Eleventh Session, pages 78-79).  
Note by the Chairman.
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ANNEX 2.

C.P.M.652.

DOCUMENTS<sup>1</sup> FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- A. IRAQ.
- B. CAMEROONS (under British Mandate).
- C. TOGOLAND (under British Mandate).
- D. RUANDA-URUNDI.
- E. WESTERN SAMOA.
- F. ISLANDS OF THE PACIFIC (under Japanese Mandate).

A. Iraq.

1. Annual Report for the year 1926.
2. (a) Compilation of Laws and Regulations issued between January 1st, 1924, and December 31st, 1925.  
(b) Compilation of Laws and Regulations issued between January 1st, 1926, and December 31st, 1926.
3. Iraq Government Gazettes<sup>2</sup> (except Nos. 31, 1926 ; Nos. 7, 8, 9, 26, 27, 1927).
4. Observations of the British Government, dated May 14th, 1927, on the Decisions of the Council concerning the Report of the Mandates Commission on the Work of its Tenth Session (C. 264. 1927).
5. (a) Agreement for an Exchange of Parcels between Persia and Iraq, signed at Bushire, December 9th, 1922<sup>2</sup>.  
(b) Agreement for an Exchange of Value-Payable Parcels between Persia and Iraq, signed at Bushire, December 9th, 1922<sup>2</sup>.  
(c) Agreement for an Exchange of Money Orders between Persia and Iraq, signed at Bushire, December 9th, 1922<sup>2</sup>.  
(d) Agreement for an Exchange of Parcels between the Post Office of Iraq and the Post Office of Egypt, signed at Baghdad, December 10th, 1923, and at Alexandria, February 26th, 1924<sup>2</sup>.

B. Cameroons under British Mandate.

1. Annual Report for 1926.
2. 1926 Supplement to the Laws of Nigeria.
3. Amendments which should be made in the Laws of Nigeria, 1923, and the 1926 Supplement thereto as a consequence of Legislation published during October 1926.
4. Amendments which should be made in the Laws of Nigeria, 1923, and the 1926 Supplement thereto as a consequence of Legislation published during January and February 1927.
5. 1927 Supplement to the Laws of Nigeria.
6. Amendments which should be made in the Laws of Nigeria, 1923, and in the 1927 Supplement thereto as a consequence of Legislation published during April and May 1927.
7. Amendments which should be made in the Laws of Nigeria, 1923, and in the 1927 Supplement thereto as a consequence of Legislation published during June, July and August 1927.
8. Legislation sent under § 11 of the 1926 Report :
  - (a) Profiteering (Rent) (Repeal) Ordinance, 1926, No. 2, 1926;
  - (b) Loan Ordinance 1923 (Amendment) Ordinance, 1926, No. 3, 1926;
  - (c) Trading with the Enemy (Repeal) Ordinance, 1926, No. 8, 1926;
  - (d) Trade Marks (Amendment) Ordinance, 1926, No. 13, 1926;
  - (e) Education (Northern Provinces) Ordinance, 1926, No. 14, 1926;
  - (f) Education (Colony and Southern Provinces) Ordinance, 1926, No. 15, 1926;
  - (g) Order in Council made under the Liquor Ordinance (Chapter 131) No. 3, 1926;
  - (h) Order in Council made under the Public Health Ordinance (Chapter 56) No. 19, 1926;
  - (i) Order in Council made under the Public Health Ordinance (Chapter 56) No. 21, 1926;
  - (j) Order in Council made under the Native Liquor (Sale) Ordinance (Chapter 75) No. 23; 1926;

<sup>1</sup> Documents received by the Secretariat primarily for any of the Technical Organisations (*cf.* Opium Commission) or other Sections of the Secretariat (*cf.* Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned therein.

<sup>2</sup> Kept in the archives of the Secretariat.

(k) Order in Council made under the Native Labour (Foreign Service) Ordinance (Chapter 71) No. 31, 1926;

(l) Regulation made under the Native Liquor (Manufacture) Ordinance (Chapter 76) No. 27, 1926;

(m) Regulation made under the Liquor Ordinance (Chapter 131) No. 33, 1926;

(n) Proclamation made under clause VI of the British Cameroons Order in Council, 1923, January 12th, 1927.

9. Nigeria Gazettes <sup>1</sup>.

10. Comments by the Accredited Representative of the British Government, dated December 2nd, 1926, on the Commission's Observations regarding the Reports for the Year 1925 on the Administration of Togoland and the Cameroons (C.695.1926).

11. Observations of the British Government, dated May 14th, 1927, on the Decision of the Council concerning the Report of the Permanent Mandates Commission on the Work of its Tenth Session (C.264.1926).

12. Debates of the Legislative Council of Nigeria (Fourth Session, February 16th, 19th and 20th, May 3rd and 5th, 1926).

### C. Togoland under British Mandate.

1. Annual Report for the Year 1926.

2. Ordinances of the Gold Coast, Ashanti and Northern Territories and the British Sphere of Togoland, 1925.

3. Ordinances of the Gold Coast, Ashanti and Northern Territories and the British Sphere of Togoland, 1926.

4. Proclamations, Orders in Council, Miscellaneous Orders, Rules and Orders by the Governor of the Gold Coast, 1926.

5. Gold Coast Gazettes <sup>1</sup>.

6. Comments of the Accredited Representative of the British Government, dated December 2nd 1926, on the Commission's Observations regarding the Reports for the Year 1925 on the Administration of Togoland and the Cameroons (C.695.1926).

7. Observations of the British Government, dated May 14th, 1927, on the Decision of the Council concerning the Report of the Mandates Commission on the Work of its Tenth Session (C.264.1927).

### D. Ruanda-Urundi.

1. Annual Report, 1926.

2. Laws and Regulations of Ruanda-Urundi, 1926.

3. Codes and Laws of the Belgian Congo, 1923 Edition.

4. Official Gazette of Ruanda-Urundi (No. 1, 1926, to No. 1, 1927) <sup>1</sup>.

5. Communication dated November 26th, 1926, from the Belgian Government concerning Ex-Enemy Property in Territories under Mandate (C.667.1926).

### E. Western Samoa.

1. Annual Report for the Year ended March 31st, 1927.

2. Annual Report of the Department of Health covering same period.

3. Legislative Texts :

Samoa Amendment Act, 1926;

Samoa Legislative Council (Elective Membership) Amendment Order, 1926;

New Zealand Reparations Estates Service Order, 1926;

New Zealand Reparations Estates Amendment Order, 1926 (No. 2);

New Zealand Reparations Estates Service Amendment Order, 1926;

New Zealand Reparations Estates Amendment Order, 1926 (No. 3);

Samoa Land Registration Amendment Order, 1927;

Samoa Customs Consolidation Amendment Order, 1927;

No. 1/1926, Land for Vaimoso Village Purposes Ordinance, 1926;

No. 2/1926, Noxious Weeds Ordinance, 1926;

No. 1/1927, Native Market Ordinance, 1927;

No. 2/1927, Maintenance of Authority in Native Affairs Ordinance, 1927;

No. 3/1927, Melanesian Labourers Ordinance, 1927;

Samoa Customs Consolidation Amendment Order, 1927 (No. 2);

Translation of Sample Regulation made under the Authority of the Native Regulations (Samoa) Order, 1925.

4. Western Samoa Gazette <sup>1</sup>.

5. Comments by the Accredited Representative of New Zealand, dated November 16th, 1927, on the Commission's Observations regarding the Report for the Year ended March 31st, 1926, on the Administration of Western Samoa (C.665.1926).

<sup>1</sup> Kept in the archives of the Secretariat.

6. Observations of the New Zealand Government, dated May 18th, 1927, on the Decisions of the Council concerning the Report of the Mandates Commission on the Work of its Tenth Session (C.345.1927).

7. Letter from the High Commissioner for New Zealand giving Information concerning the Constitution of a Royal Commission for Samoa and forwarding the Observations of the New Zealand Government on the Council's Decision concerning the Report of the Permanent Mandates Commission on its Tenth Session, together with Replies to a Number of Questions put by Members of the Commission during the Examination of the Annual Report on Western Samoa for 1925-26.

8. Report of Visit by the Hon. W. Nosworthy, Minister of External Affairs, together with Representations of Citizens' Committee and Replies thereto, Notes of Interview with Citizens' Committee and Addresses of Fono of Faipules and Faipules Chiefs and Orators of Fagamalo, Savaii.

9. Trade, Commerce and Shipping Report for the Year 1926.

10. Financial Estimates, 1926-27.

11. Letter from the Government of New Zealand, dated August 3rd, 1927, with regard to the Petition from Mr. Newton Rowe concerning the Administration of Western Samoa (C.P.M.626).

12. Observations, dated September 13th, 1927, on the Petition, dated June 1st, 1927, from Mr. Newton Rowe (C.P.M.657).

13. Observations, dated September 19th, 1927, on the Petition, dated July 19th, 1927, from the Anti-Slavery and Aborigines Protection Society of London (C.P.M.662).

14. Samoa Amendment Act, 1927 (No. 7).

15. Debates of the Meeting of the Legislative Council of Western Samoa (Session 1927).

#### F. Islands of the Pacific under Japanese Mandate.

1. Annual Report for the Year 1926.

2. Laws and Regulations appended to the Annual Report for 1926.

3. Letter dated July 21st, 1927, from the Japanese Government forwarding Information on Various Questions put by the Mandates Commission during its Tenth Session with regard to the Administration of the Islands under Japanese Mandate (C.386.1927).

### ANNEX 3.

#### BRIEF DESCRIPTION OF PREDOMINANT SECTS IN IRAQ

NOTE LAID ON THE TABLE OF THE COMMISSION BY MR. B. H. BOURDILLON,  
ACCREDITED REPRESENTATIVE OF GREAT BRITAIN.

##### *Mohammedans.*

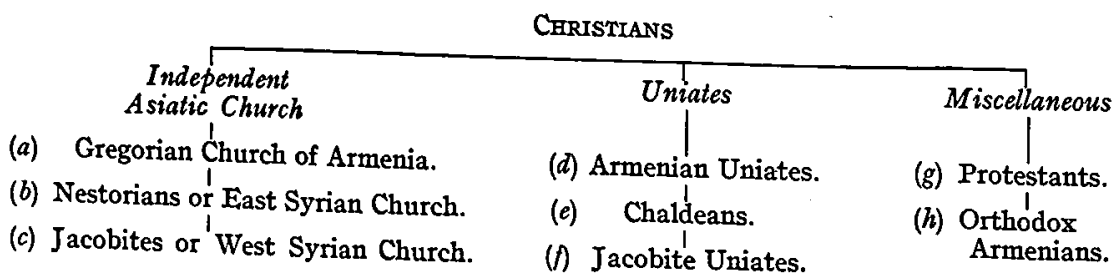
The Mohammedans of Iraq belong mainly to the following denominations : Sunni and Shi'ah.

1. *Sunni* (A Traditionist).—A term generally applied to the large sect of Mohammedans who acknowledge the first four Khalifahs to have been the rightful successors of Mohammed, and who receive the *Kutub-as-Sittah* or "six authentic" books of tradition; they belong to one of the four schools of jurisprudence founded by Imam Abu Hanifah, Imam ash Shafai, Imam Malik or Imam Ahmad ibn Hamble.

2. *Shi'ah*.—The followers of Ali, first cousin of Mohammed and the husband of his daughter Fatimah. The Shi'ahs maintain that Ali was the first legitimate Imam or Khalifah or successor to the Prophet, and therefore reject Abu Bakr, Umar and Usman, the first three Khalifahs of the Sunni Moslems, as usurpers. They are also called the Imamiyah, because they believe the Moslem religion consists in the true knowledge of the Imam rightful leader of the faithful. Also the *Isna'ashariyah* or the "twelveites" as followers of the twelve Imams. The Sunni Moslems call them the *Rajazi* or the forsakers of the truth.

##### *Christianity.*

The Christians of Iraq may be divided into three groups, which in turn are split up into various sects. The following diagram illustrates these divisions :



Until the comparatively recent advent of Roman Catholic and Protestant missionaries into Asia Minor and Iraq, the independent Asiatic Churches, excepting the Greek Orthodox Church, were practically the only Christians within these countries, and for the most part were untroubled by schisms. The Uniate sect are seceders from their respective independent Churches. Similarly, Protestants consist of a small number of converts (mostly Presbyterians, Congregationalists and Baptists) from the various Churches, being mainly the result of proselytism by American missionaries. The Uniate Churches acknowledge the spiritual supremacy of the Pope, but differ from Rome and one another in ritual, liturgy, ecclesiastical laws and customs.

(a) *Gregorian Church of Armenia*.—Members of this Church, which is the national Church of Armenia, are scattered throughout the whole of Western Kurdistan. Their chief Patriarch resides at Echmiadzin, near Erivan, whilst the second in importance lives at Constantinople. They are Monophysites.

(b) *Nestorian or East Syrian Church*.—The East Syrians, or Nestorians, are Syriac-speaking Christians, who live for the most part the ordinary life of sedentary or semi-nomadic tribesmen in the hill-country between Lake Van and Mosul.

(c) *Jacobites or West Syrians*.—Followers of this persuasion are to be found in the Diarbekr vilayet, with a particularly strong community in the Midad district. They profess the Monophysite doctrine.

(d) *Armenian Uniates*.—This sect forms but a very small proportion of the Armenian people. As their name implies, they are in communion with Rome.

(e) *The Chaldeans* are in communion with the Roman Catholic Church.

(f) *Jacobite Uniates*.—Jacobite Uniates, who are sometimes referred to as West Syrian Uniates, or Syrian Catholics, are in communion with Rome.

(g) *Protestant*.

(h) *Orthodox Armenians*.—These follow the Greek Orthodox Church.

#### *Yazidis.*

The Yazidis are popularly said to be worshippers of the Devil. They trace their origin somewhat tortuously to the religious followers of Shaikh Adi, a native of Aleppo, who died about 580 after the Hijra (A.D.1212). The Yazidi religion is not a harmonious system, but a curious, almost incomprehensible, blend of pre-Mohammed paganism, Hebraism, Islam, Christianity and various relics from a dozen dead oriental religions. The central article of their creed is the propitiation of the Evil Principle—called the Malik Taus, or Peacock King—a conception probably derived from the Persian Dualists.

#### *Sabaeans.*

The exact nature of their religious beliefs has not been properly determined. Baptism is one of their principal rites, and frequent ceremonial ablution is enjoined; they are said to venerate Yahya, or John the Baptist, as being a reincarnation of Seth, but consider both Moses and Christ to be false teachers. They place Paradise in the Pole Star. They are an uncircumcised but not monogamous race. Their ceremonies are said to be conducted in Syriac and closed to strangers. They possess scriptures of their own.

#### *Sarliis.*

As regards this sect Cuinet writes as follows :

(*Translation.*)

“With regard to their religion, although they are officially recognised as Moslems, the Sarliis do not practise Islam in any form. They hold their own secret beliefs, and the Moslems regard them as idolaters. All that is known of their mysterious practices is that they believe in metempsychosis and venerate Our Lord Jesus Christ and the Holy Virgin, in praying to whom they wave their arms about like windmills. Once a year they make a great sacrifice of black cocks in all the houses, and every year they hold two nocturnal orgies. One of their ceremonies consists in pouring brandy into a wild boar’s head, which they put on the fire until the brains are sufficiently cooked and impregnated with the spirit, after which each person present eats a little of this sacred dish.”

August 15th, 1927.

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## ANNEX 4.

(C.P.M.558(1).)

### SUMMARY OF THE PROCEDURE TO BE FOLLOWED IN THE MATTER OF PETITIONS CONCERNING MANDATED TERRITORIES

#### I. INTERPRETATION OF THE WORD "PETITION".

The Permanent Mandates Commission has, with the approval of the Council, given an interpretation of the word "petition" which makes it possible to include memorials and similar memoranda of every kind concerning the administration of the mandated territories<sup>1</sup>.

#### II. SOURCE.

The Rules of Procedure provide for petitions from :

1. Communities or sections of the populations of mandated territories;
2. Any source other than that of the inhabitants of the mandated territories themselves<sup>2</sup>.

#### III. MODE OF TRANSMISSION.

All the petitions referred to in (1) above must be sent to the Secretariat of the League of Nations through the mandatory Government concerned. A petition of this kind received through any channel other than the mandatory Government is returned to the signatories with the request that they should re-submit the petition in accordance with the procedure prescribed above<sup>3</sup>.

#### IV. ADMISSIBILITY (GENERAL PRINCIPLES).

##### 1. *The Chairman's Powers of Judgment.*

The Chairman of the Permanent Mandates Commission, to whom any petition received from a source other than that of the inhabitants of the mandated territories is communicated, is empowered to decide which, if any—by reason of the nature of their contents or the authority or disinterestedness of their authors—should be regarded as claiming attention and which should be regarded as obviously trivial<sup>4</sup>.

The Commission has laid down certain general rules for the guidance of its Chairman. The latter will 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 the mandates ;
- (b) If they emanate from an anonymous source ;
- (c) If they cover the same ground as was covered by a petition recently communicated to the mandatory Power and do not contain any new information of importance<sup>5</sup>.

Although the Commission has come to the conclusion that there is no need to adopt a special rule regarding the admissibility of petitions which may contain violent or objectionable statements, it has decided to allow the Chairman to take in each case such decisions as may seem to him most appropriate<sup>6</sup>.

##### 2. *The Commission's Powers of Judgment.*

In the case of petitions received through the mandatory Governments, the Commission will, if necessary, apply to such petitions the same policy as it has decided to apply (see above) in the case of petitions received from a source other than that of the inhabitants of the mandated territories<sup>7</sup>.

<sup>1</sup> See Minutes of the Thirty-seventh Session of the Council, resolution of December 9th, 1925, *Official Journal*, February 1926, page 136, and Minutes of the Permanent Mandates Commission, Fifth Session, pages 115-16; Seventh Session, pages 130, 211, 219-220 (C.648.M.237.1925).

<sup>2</sup> Rules of Procedure in respect of Petitions concerning Inhabitants of Mandated Territories; adopted by the Council on January 31st, 1923, *Official Journal*, March 1923, Annex 457, reprinted separately under C.P.M.38(1), (quoted in the following as Rules of Procedure).

<sup>3</sup> *Idem*, paragraph 2.

<sup>4</sup> *Idem*, paragraph 3.

<sup>5</sup> Minutes of the Seventh Session of the Permanent Mandates Commission, page 133 (C.648.M.237.1925).

<sup>6</sup> *Idem*, page 133.

<sup>7</sup> *Idem*, page 134.

The Permanent Mandates Commission is also guided by the following principles in determining its competence in regard to petitions<sup>1</sup>.

(a) Any petition is regarded as inadmissible if it lays before the Commission a dispute with which the Courts have competence to deal or if its author appeals from a decision regularly pronounced by a Court (properly constituted).

(b) If a petitioner protests against an act of the mandatory Power in regard to which he has no judicial remedy, the Commission will have to consider whether this act is in conformity with the terms of Article 22 of the Covenant and of the mandate in question.

(c) It may happen that in a legal action the plaintiff against whom the decision has been given may be duly entitled to appeal to the Commission to ask it to determine, not whether the Courts whose decision has gone against him have correctly interpreted the legislation of the mandatory Power, but whether this legislation itself is in conformity with the principles of the Covenant and of the mandate.

(d) It is also possible that the absence of legislation on a given matter may render a petition admissible if the principles of the Covenant and of the mandate called for such legislation and if the Mandatory's failure to legislate on this point may have the result of depriving a petitioner of rights which he could legitimately claim under the terms of the Covenant or the mandate.

#### V. OBSERVATIONS BY THE MANDATORY POWERS ON PETITIONS.

A. As regards petitions submitted to the Permanent Mandates Commission for examination, the mandatory Powers have been requested :

(a) To indicate, with reference to all points raised in these documents, whether they agree with the petitioners or take some other view of the matter; and

(b) To state, if necessary, whether they consider that any particular petition has already been fully referred to in their reports or elsewhere<sup>2</sup>.

B. Further, the mandatory Powers concerned have been asked to furnish, within a maximum period of six months, such comments as they may consider desirable on petitions received from sources other than that of the inhabitants of mandated territories and referred to them<sup>3</sup>.

#### VI. CORRESPONDENCE WITH PETITIONERS AND TRANSMISSION TO THE LATTER OF THE COMMISSION'S OBSERVATIONS.

The practice which is actually followed in replying to petitioners has been set out in a memorandum submitted by the Secretary-General to the Council and approved by the latter<sup>4</sup>.

The procedure followed is this :

(a) No communication is sent by the Secretariat to authors of petitions submitted through the mandatory Powers when the petitions are received.

(b) The Secretariat acknowledges receipt of petitions from a source other than that of the inhabitants of the mandated territories and informs the petitioners that their communication has been forwarded to the Chairman of the Mandates Commission.

In the case of petitions which the latter regards as claiming attention, no further communication is addressed to the petitioners until those petitions have been examined by the Commission.

In other cases, the petitioners are informed of the reasons for which the Chairman has rejected their petitions<sup>5</sup>.

(c) Generally speaking, no communication is sent to the petitioners until the conclusions reached by the Commission with regard to their requests have been approved by the Council<sup>6</sup>.

(d) As stated above, the conclusions of the Commission with regard to the petitions examined are submitted to the Council. The latter, if it approves them, generally adopts a resolution to this effect, instructing the Secretary-General to bring them in each case to the notice of the petitioner and the mandatory Power concerned. The Secretary-General transmits the conclusions direct to the petitioners, and in each case sends a copy of his letter to the mandatory Power concerned. The Minutes of the meeting of the Commission at which the petition was examined are generally also forwarded for the petitioner's information.

The question was submitted to the Commission whether the replies should be forwarded in every case through the mandatory Power, and the Commission decided that it would not be

<sup>1</sup> Minutes of the Sixth Session of the Permanent Mandates Commission, pages 168-169 (C.386.M.132.1925).

<sup>2</sup> Report on the Seventh Session of the Permanent Mandates Commission, page 2 (C.649.M.238.1925); C.743(1)1925, and Minutes of the Thirty-seventh Session of the Council, *Official Journal*, February 1926, page 136.

<sup>3</sup> Rules of Procedure, paragraph 3.

<sup>4</sup> Minutes of the Fortieth Session of the Council, *Official Journal*, July 1926, page 878. C.358.1926; C.314.1926.

<sup>5</sup> Minutes of the Seventh Session of the Permanent Mandates Commission, page 133.

<sup>6</sup> See, however, Minutes of the Sixth Session of the Permanent Mandates Commission, page 180.

desirable to alter the present procedure, which had been followed mainly in order to remove any impression of the exercise of undue influence by the mandatory Power on its decisions<sup>1</sup>. The Commission could always, in any case in which for special reasons such a procedure might clearly seem to be desirable, recommend that replies to petitioners should be forwarded through the mandatory Powers concerned<sup>2</sup>.

#### ANNEX 5.

C.P.M.639.

### THE PRESENT SITUATION AS REGARDS "EX-ENEMY PROPERTY" IN MANDATED TERRITORIES

#### A. MEMORANDUM BY THE SECRETARIAT.

The Permanent Mandates Commission recommended at its seventh session that the Council should request the mandatory Powers to communicate to the Commission, in so far as the territories under their mandate were concerned, information on certain 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.

The Council, on December 9th, 1925, decided to commend this request to the consideration of the mandatory Powers.

Direct replies to the questions raised by the Commission have been received from the following territories : *Palestine, Iraq, Togoland under British Mandate*<sup>3</sup>, *Tanganyika*<sup>4</sup>, *Togoland under French Mandate*<sup>5</sup>, *Ruanda-Urundi*<sup>6</sup>, *South-West Africa*<sup>7</sup>, *Western Samoa*<sup>8</sup>, *New Guinea*<sup>9</sup>, *Islands under Japanese Mandate*<sup>10</sup>. For the following territories no direct replies have been given, but some information has been furnished either in a special communication or in annual reports : *Syria* (see Rapport définitif, 1925, page 45), *Cameroons under French Mandate* (see report, 1925, pages 68-70), *Cameroons under British Mandate* (see letter from Foreign Office dated August 31st, 1926, C.391(a).1926.VI).

No information has been received as regards *Nauru*.

#### TERRITORIES UNDER MANDATE A.

As far as these territories are concerned, it may be stated that, generally speaking, they are affected very little by provisions for liquidation of ex-enemy property found in the Versailles Treaty.

According to the reply from the British Government, no ex-enemy properties in either *Iraq* or *Palestine* were liquidated under the Treaty of Versailles.

As regards *Syria*, the report for 1925 (page 45) mentions one or two cases of the application of Article 260 of the Treaty of Versailles, according to which rights and interests of German nationals in any public-utility undertakings or in any concession operating in *Turkey*, etc., may be liquidated. Reference is further made to certain missionary properties which have been liquidated under Article 438 of the Versailles Treaty. None of this information would seem to be of any importance to the Mandates Commission in connection with this question.

#### TERRITORIES UNDER MANDATES B AND C.

The following is a summary of the information obtained as regards territories under B and C Mandates.

As far as *South-West Africa* is concerned, the Government of the Union (see document C.196.1926.VI) has informed us that in that territory no exceptional war measures were applied to landed estates belonging to enemy subjects, who were allowed to retain their property and their title was recognised. Questions (a), (b) and (c) therefore do not apply. (As regards the reply of the Union to Question (d), see below.)

Questions (a) 1 and (b).

*Do any such estates remain unsold?*

*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?*

<sup>1</sup> Minutes of the Seventh Session of the Permanent Mandates Commission, page 134.

<sup>2</sup> For a decision to this effect, see Minutes of the Sixth Session of the Permanent Mandates Commission, page 180.

<sup>3</sup> Document C.391(a).1926.VI; *Official Journal*, November 1926, page 1530.

<sup>4</sup> Document 182.1927.VI; *Official Journal*, May, 1927, page 627.

<sup>5</sup> Report, 1925, p. 130-131.

<sup>6</sup> Document C.667.1926.VI; *Official Journal*, December 1926, page 1645.

<sup>7</sup> Document C.196.1926.VI; *Official Journal*, May 1926, page 656.

<sup>8</sup> Document C.261.1926.VI; *Official Journal*, June 1926, page 744.

<sup>9</sup> Document C.292.1926.VI; *Official Journal*, June 1926, p. 743.

<sup>10</sup> Document C.317(a).1926.VI; *Official Journal*, August 1926, page 1027. See also Annual Report, 1926, pages 108-109.

In the following territories all estates have been disposed of : *British Togoland*, *French Cameroons* and *Islands under Japanese Mandate*. In *Tanganyika*, *British Cameroons*, *Ruanda-Urundi* (one single property), *French Togoland* and *New Guinea*, certain estates remain unsold, but will be offered for sale as soon as possible. As regards *Western Samoa*, the New Zealand Government has decided not to sell landed property of ex-enemy nationals and does not propose to dispose of these estates by auction or in any other way. A number of smaller estates have, however, been leased.

The question whether (in default of bidders at reasonable prices) the mandated territory should not be given the opportunity of acquiring the estates still unsold does not, of course, arise as regards the three first-named territories. As regards *New Guinea*, the following answer is given : "The question of giving the mandated territory an opportunity of acquiring the estates in default of bidders at reasonable prices has not yet arisen". In *British Cameroons*, *French Togoland* and *French Cameroons*, the "Government" ("l'Administration locale") has in fact bought or "exercised the right of presumption" in certain cases, partly in order to obtain buildings necessary for administrative purposes, partly (both in *French Cameroons* and *French Togoland*) in default of any reasonable bids at auction. In the latter case, some of the estates were subsequently sold by the Administration of the mandated territory and the profits of the sale credited to local revenue. As regards *French Togoland*, we are informed that certain properties have been handed back to the native communities. In *Ruanda-Urundi*, the only liquidated immovable property has been leased by the liquidator to the local Administration. No answer is given concerning *Tanganyika* and *British Cameroons*.

Question (a) 2.

*Do such estates enjoy any preferential treatment, particularly in respect of the recruiting of native labour?*

In *British Togoland*, *French Cameroons* and the *Islands under Japanese Mandate*, where all landed ex-enemy property has been disposed of, the question does not arise. As regards *British Cameroons*, no reply has been received. From all the other territories a clear reply, to the effect that no preferential treatment whatever is given, has been received. This applies to *Tanganyika*, *Ruanda-Urundi*, *French Togoland*, *Western Samoa* and *New Guinea*.

Question (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?*

No answer has been received from *French Cameroons*. As regards the other territories under B and C Mandates, it is stated that the accounts of all such estates have been kept (or are being kept) quite separate from the accounts of the territory, and that all sums due from the estates by way of taxation have been paid and credited to local revenue in the case where taxes are levied on landed property in general. (On the latter point, there is no definite reply concerning *British Cameroons*.)

Question (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?*

No information is given for the *British Cameroons*. In *Tanganyika*, such properties comprise various railway and mining interests. Some of these have been "retained by Government" under various "retention ordinances"; others have been sold by public tender or by private arrangement. In *British Togoland*, there were certain trading stores, which have now been sold. In *Ruanda-Urundi*, there were, after the Armistice, a certain quantity of skins worth a few thousand francs belonging to ex-enemy nationals, as well as certain movable property, coin and banknotes to an aggregate value of under 2,000 francs. Some of the above property still remains to be sold. The sums paid have been collected by the *Ruanda-Urundi* Administration, which has credited them to the liquidator. The replies for *French Togoland* and *French Cameroons* indicate that the liquidation has included, apart from the landed property, certain sums due to ex-enemy nationals, some of which have not yet been recovered from the debtors.

In *South-West Africa*, the provisions of Section 297 of the Versailles Treaty were applied to certain moneys received or accrued from or on behalf of diamond-mining companies in the territory. They were paid over to the Custodian of Enemy Property in the Union.

In *Western Samoa*, certain businesses belonging to ex-enemy nationals, other than landed estates, were expropriated and liquidated. The stocks, plant and trading stations belonging to these companies have been sold. The values will be accounted for in the Reparation Account.

In *New Guinea*, in addition to landed estates, some trading businesses and hotels were expropriated. They are being offered for sale by public tender.

In the *Islands under Japanese Mandate*, the general policy has been to take over immovable property only. An exception was made as regards buildings, machinery, implements, etc., belonging to the liquidated estates of the Pacific Phosphate Company, and those of the German-Dutch Telegraph Company. The property referred to was either purchased by the Japanese Government or sold by auction.

C.P.M.638.

B. REPORT BY SIR FREDERICK LUGARD.

The authors of the Treaty of Versailles apparently considered that private property of ex-enemy nationals would be disposed of without delay, and the proceeds credited to Reparation Accounts. The Permanent Mandates Commission is not concerned with the disposal of the proceeds of the sales, but is interested to know whether any of the properties remain unsold and, if so, in what way they are being dealt with by the Mandatories. If the local Government is making use of the property, the Commission desires to know whether any preference is given in the recruiting of labour or as regards Customs duties, etc. Above all, it is desirable to know whether the plantations and businesses are being conducted on behalf of the Mandatory itself, or on behalf of the local Government, viz., whether profits are credited to local revenue or to Reparation or other accounts; from which the local Government does not benefit. In the latter case, preferential treatment of any kind would deprive the local Government of revenue which would have occurred by way of Customs duties, etc., if the properties had been sold. It is from this standpoint that the Permanent Mandates Commission is concerned in the matter. The private estates or businesses fall into two categories: (a) the property of missions; and (b) all other properties not State-owned. The particular questions raised by the Commission (as stated above) are not concerned with the disposal of mission property. If any mission feels itself hardly treated, it would take its own measures to obtain redress. Wakf property may be regarded as State property and well safeguarded. It would not seem to be difficult to furnish the information desired by the Commission, but the attached memorandum by the Secretariat shows that it has not been very clearly stated in all the replies from the Mandatories. The attention of the Council and, by it, of the mandatory Powers has been drawn to this matter; and I propose that the Commission should now obtain any further information which is required from the accredited representatives as occasion offers, without further reference to the Council. In the appendix attached I will indicate what information is desired.

Appendix.

1 and 2. The memorandum prepared by the Secretariat states that, in *Iraq* and *Palestine*, no such properties were liquidated. Does this mean that there were none to liquidate? If there were any, what has been done with them? Have they been returned to their former owners or have they been taken over by the local Government?

3. There is no information regarding *Syria*, where apparently there were "certain rights and interests" of German—and perhaps of Turkish—nationals.

4. Satisfactory information is given *re South-West Africa*. Landed property has been retained by the owners; other property sold and credited to the Custodian.

5. *British Togo*.—The same applies.

6. Some estates remain unsold in *French Togo*. Some have been acquired by Government since there was no satisfactory bid. Are the profits credited to local revenue? It is not clear whether there are other forms of property.

7. *British Cameroons*.—Some estates have been sold; some acquired by the Government, but for administration purposes only. No information as to other property.

8. *French Cameroons*.—All estates have been sold; some acquired by Government. (Same question as in *French Togo*.) No reply to Question (c) (page 4). No reply *re* other property.

9. *Tanganyika*.—Some estates have not been sold. No reply as to Government acquiring them. No reply as to other property or to Question (c).

10. *Ruanda*.—One estate only—leased to Government. Some other property unsold.

11. *New Guinea*.—Some estates unsold, also some other businesses. No reply to Question (c). No preference.

12. *Samoa*.—Estates retained by Government. Have any profits from leased estates gone to local revenue? All other property sold.

13. *Nauru*.—No information.

14. *Japanese Isles*.—All estates sold.

There are one or two points which it might perhaps be useful to have cleared up, as some misunderstanding seems still to exist, although the matter has been discussed several times at the meetings of the Mandates Commission. According to information given in the annual reports and in the reply to the special questions, certain properties, particularly that formerly belonging

to the German South Seas Phosphate Company, Ltd., have been purchased by the Japanese Government. According to the annual report for 1925, page 106, it is clear that this property, purchased by the Japanese Government otherwise than in its capacity as a mandatory Power, is considered as the "property of the Japanese Government *per se*". Nevertheless, the accounts of the working of the phosphate mines (revenue and expenditure) are included in the accounts of the administration of the mandated territory (see Report, 1925, pages 42-43, and Report, 1926, pages 31 *et seq.*). The Mandates Commission has also noted at previous sessions that capital expenditure for the purchase of the property in question has appeared in the accounts of the mandated territory. It would seem advisable that the situation should in some way be made quite clear.

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## ANNEX 6.

### SOME COLOURED SCHOOLS IN THE UNITED STATES.

C.P.M.623.

MEMORANDUM BY MRS. ANNA WICKSELL.

On the kind invitation of the Phelps Stokes Fund, New York, I had the privilege of visiting, in February and March of 1927, several coloured schools in the Southern States. I went to Hampton Normal and Agricultural Institute in Virginia, the famous school of General Armstrong, founded immediately after the Civil War; the Penn school, in St. Helena Island, South Carolina, founded in 1863; Spelman College for Girls and Morehouse College for Boys in Atlanta, Georgia; Tuskegee Normal and Industrial Institute, the school of Booker T. Washington, and Calhoun Coloured School, both in Alabama; and finally to the Fisk University, Meharry Medical School, State Normal School in Nashville, Tennessee. Near Tuskegee and Nashville I saw a good many small rural schools with only one teacher. Everywhere the greatest hospitality and the utmost friendliness was shown me, and I shall always remember with gratitude the readiness with which permission was granted to see and hear everything that I wanted, and the manner in which questions were answered and special opportunities given to follow demonstration excursions, Jeanes teachers' tours and other extension work.

Dr. Jesse Jones, of the Phelps Stokes Fund, kindly agreed that I should report not to the Fund but to the Permanent Mandates Commission. Therefore I shall not give a description of all these schools, but confine myself to stating what I found of value to the schools in the B- and C-mandated territories. If this is a disappointment to my friends in these schools, I hope they will understand that, not being a professional teacher myself, I am not competent to give a just valuation of a school as such or a constructive criticism about it; indeed, I am very much afraid that my capacity to judge about what can be utilised for the schools in the mandated territories also falls far short of the mark. In the United States, however, I had the good fortune to meet a considerable number of missionaries, stationed in different parts of the African West Coast and at the time home on leave; they were all very interested in the mission schools of their respective territories and co-operated there with the Governments. With them I discussed African needs and possibilities, and to their experience I am indebted for much information upon West African conditions. I owe a special debt of gratitude to Mr. and Mrs. George Schwab, of the French Cameroons, for most valuable suggestions as to what is suitable for West Africa.

\* \* \*

May I remind the Commission of the general resolution on education policy which the Commission adopted at its fourth session, June-July 1924? It gives as the opinion of the Commission that, "by making character-training and discipline, the teaching of agriculture, animal husbandry, arts and crafts, and elementary hygiene the keynote of educational policy, the gradual civilisation of the native populations as well as the economic development of the countries will be furthered in the best possible manner". This statement is in full harmony with the views of the Royal Advisory Committee on Native Education in British colonies, dependencies and mandated territories, as laid down in that Committee's memorandum to the Secretary of State for the Colonies, March 1925, according to which the aim of education "should be to render the individual more efficient in his or her condition of life, whatever it may be, and to promote the advancement of the community as a whole through the improvement of agriculture, the development of native industries, the improvement of health, the training of the people in the management of their own affairs, and the inculcation of true ideals of citizenship and service".

Both these declarations are in conformity with the lines recommended in the remarkable report issued by the Special Mission to West Africa, sent out in 1920-21 by the Phelps Stokes Fund

and other associations under the leadership of Dr. Jesse Jones. This book showed that the system of education outlined in the report was to a certain extent carried out in the coloured schools and institutes of the United States. The aim of my visit to the States was to study these schools and see how the system worked in practice both in the small rural day-schools and in the larger boarding-schools. I wished particularly to know how in the great institutes of Hampton and Tuskegee and in other teacher-training colleges they trained teachers for the small rural school with a single teacher, the school that would answer to village or bush schools in the B- and C-mandated territories.

*Village Schools.*—I have always wondered how it could be possible for one teacher in a small school, having to deal with both boys and girls of all ages and grades of the infant and primary stage to teach both the practical and the academic subjects. I was a little disappointed, but hardly astonished, to find that in the small rural schools this programme was in fact nowhere carried out in its entirety. In one or two cases, a specially interested and intelligent teacher had succeeded in keeping a school garden, in building a road through the school grounds up to the entrance, in making a little woodwork with the crudest and clumsiest material (generally little waste bits of rough boards and laths) picked up by the pupils in or about their homes and brought to the school, there to be transformed into dolls' beds and benches or household utensils, all of the simplest kinds.

But, as a rule, no practical work was done in these schools except a little sewing by the girls. In some of them there was a little spare room, where the teacher hoped to obtain a stove and teach cooking when the necessary money could be found. Money for such things, however, was not granted by the State or the municipality, but had to be collected from the parents of the children or from other friends and protectors of the school.

Health instruction was, however, practised in all the schools, though hygiene was not taught as a subject. Whether some of the most fundamental health rules were introduced in the primers and other textbooks in use, I do not know. It is probable that this was the case—at all events, it can easily be done—but the direct instruction was all practical. A few minutes every morning were spent in seeing, with the help of selected pupils, to the cleanliness of face, neck, hands, nails and teeth. Eyes, ears, teeth and throats were examined by the teacher at regular intervals with a view to finding faults or ailments; simple rules were given for their treatment if slight, or recommendations to seek a doctor if more serious. In several schools also, especially where a municipal health agent was appointed, a monthly record was kept of the weight and height of the pupils. If a child was found to be underweight or undersized, an investigation was made, and remedies were discussed with the parents.

Where a "Jeanes teacher" existed, her services were highly useful, both for the schools and for the teachers. I will say more about their work later.

On the whole, these small rural schools were of a rather poor kind. The time of instruction was seldom more than six months a year, sometimes less; the teachers were badly paid and consequently not of the best type. Generally they came from the State Normal Schools for coloured people, most of which could not be compared either to the State Normal Schools for white people or to the normal courses of Hampton or Tuskegee. I was also told that the movement for consolidating the small rural schools, which was steadily gaining ground for the white schools, would probably gradually extend to the coloured schools. When this is done and when from five to six small schools can be transformed into one greater elementary school with three to four teachers, the whole problem will be different, and the type of teacher will improve. In fact, I saw one or two larger rural schools with three teachers, generally two women and one man, where both school gardening, farm industries and home economics were taught with complete success.

The teachers, in all cases, were coloured.

In Africa—when I speak of Africa, I am thinking generally of all the B- and C-mandated territories—it would perhaps be a good thing to aim at sending as village-school teachers married men, whose wives could undertake instruction in gardening and household work, especially for the girls. This is probably easier for the missions than for the Governments to carry out, and in any event the missions ought to be consulted about it. As for local industries, I have reason to believe that people may be found in the villages competent and willing to teach their particular art in the village school.

*Middle Schools in Rural Communities.*—Of these schools I saw two, both of a particularly high standing, the Penn School in South Carolina and the Calhoun Coloured School in Alabama. Both were under white leadership, but the majority of the teachers were coloured. They possessed, beside the eight grades of the full primary school, two or even three high-school grades. The pupils of the primary school were generally day pupils, those of the high school grades boarders.

These schools had full instruction in manual work, both agriculture, home and farm industries, management of the home, health, games and physical training. Agriculture and gardening taught in the schools comprised such crops as were generally grown in the districts. The trades taught were those of use to a farmer on his land, carpentry and woodwork, blacksmithing, all sorts of repair work, sometimes even shoe-making and harness-making, even bricklaying and

masonry, but only to the extent to which it could be used on the farms and in a small rural community. As far as possible, the material used was that easily obtainable in the locality. As an example, the concrete with which the Frissell Memorial Hall at the Penn School was built was all made up of oyster-shells from the great oyster-canning industries of the coast of South Carolina. All the work was done by the pupils.

The time given to practical work was generally about half the school hours, sometimes literary work in the mornings and manual work in the afternoons, sometimes the whole day was given to one or the other. Instruction was given in the school grounds and workshops by special teachers. Often the schools were closed during the most busy planting and harvesting periods, when the majority of the children were supposed to be at home helping their parents on the farm. The teachers and the boarding pupils during these weeks would do the work on the school farm, and also occasionally visit and lend a helping hand at private farms where assistance might be needed.

A special school nurse took care of the health of the children, and her office formed a health centre for the whole district.

The academic subjects were the ordinary ones for every grade. They were as much as possible connected and interwoven with the practical work.

Besides the practical instruction, there is another feature of these district schools which can, at least to some extent, be utilised for the corresponding schools in Africa—namely, their community work. I happened to see most of this kind of work during my visit to the Penn School, and I shall therefore limit my description of it to what I saw there. Owing to its particular location, it is certainly also the school the conditions of which come nearest to those of African district schools.

St. Helena Island is situated off the coast of South Carolina; it is populated by between five thousand and six thousand blacks and about fifty white people. The negroes are all children of former slaves on the island. The school has existed and worked there for more than sixty years, and it has become a communal and cultural centre for the whole island. From the very beginning, it started helping the former slaves to become the future proprietors of the soil of the island. The old plantation-owners first divided up their plantations into plots, leased them to their former slaves and later permitted them to buy their plots at a reasonable rate, the school acting as a helper, credit-giver and instructor. At the present time, practically all the island except the school farm—276 acres—is owned by the black population, and the school is still their centre for all sorts of communal activities. The principals of the school are two white women, but, with the exception of one or two assistants, all the other teachers are coloured, generally former pupils of the school, who went to Hampton for their normal-school training. Even the doctor of the island is a black man, a pupil of the school and later of one of the universities, who came back to his own people on St. Helena.

Under the leadership of the school, all kinds of activities for the welfare of the population are carried on. It is organised in clubs or committees, which number more than twenty-five, fulfilling various objects; a tree association, for planting trees and for guarding against fire; a "better home" club, for building more healthy and convenient houses; a "progressive young farmers" club, consisting of boys who have learnt agriculture at the school, returned to their homes to take up farm work on their own account, and wish to keep up their skill and their interest; the St. Helena Credit Union and Co-operative Society, for lending the farmers money at a reasonable rate of interest and teaching them business methods as well as co-operative buying of seed, fertilisers, etc., and co-operative marketing; corn clubs and poultry clubs, for improving corn and poultry growing; six canning clubs, for preserving fruit and vegetables. The school nurse acts as a public health adviser; a midwives class brings together every month all the midwives of the island for instruction and encouragement, and once a year a Baby Day is observed, when weights and measurements are taken to provide the parents and midwives with a clear chart of the results. A folklore club, a library club, a decoration club, an entertainment club take care of the more cultural interests. The St. Helena Quartet has done much to preserve the island spirituals; the members are continually discovering "new ones", which means that they are finding very old ones which the younger generation have lost track of and which might thus easily be lost for ever.

All these associations—and several more—consist exclusively of the black men and women, with their own presidents, secretaries and treasurers. In 1916, it was found necessary to centralise the various community interests, and the Community Council was founded. This Council, of which all the school-teachers, the ministers and the island doctor, besides the officers of the different clubs, are members, meets once a month, when a report is received from the various committees and future plans are discussed. This makes it possible to co-ordinate the work, to prevent overlapping and to discover where a new activity may be desirable.



I happened to be at Penn when this common monthly meeting was held. It was presided over by the principal of the school, and the president or the secretary of each of the existing communal organisations reported on what had been done during the preceding month. After each report, a short and brisk discussion was started as to what should be done next. The Quartet was there, and the meeting opened and closed with their singing spirituals—a perfect revelation to me.

A better public spirit and a more devoted service to all municipal needs I have never seen in one of our communities in civilised Europe. The centre of all this was the Penn School. This school has created the spirit from the days of slavery; it has not only developed but preserved it; through this spirit the population of the island, the majority of which have had no higher education than the ordinary elementary training, has achieved a joy in life and an outlook on life which in all its modesty is a high form of civilisation. It should, moreover, be remembered that this island population probably belongs to the most homogeneous and pure-blooded negro race that can be found in the United States.

It was very stimulating and very encouraging to see these schools, and I wish school superintendents and inspectors in the mandated areas could be given the same privilege. In the Permanent Mandates Commission we have long since grasped the fact that the placing of manual work in the very centre of school instruction is of the greatest importance for the material well-being of the population and for the economic development of the country through and for the native populations. But I realised in the United States that this is obviously only one side of the question. It is impossible to see the work carried out in these schools without recognising that General Armstrong was right when he emphasised over and over again that work with the hands is in itself of high educational value, morally, intellectually, physically. Co-operation and co-ordination, honesty and accuracy, the faculty of calculating and estimating are taught through the manual work, just as similar qualities are taught in games, in sport and in the Scout movement in all these schools.

In studying these schools, I also realised the extreme importance of their principals being of a very high type. This is necessary also for the district schools of Africa. Their principals are generally white people, and their work is as much a mission as a profession. It is in the district schools that the first and fundamental training of the future village teachers and leaders of the people takes place, and if the village school is to become a centre of civilisation, the district schools must show the way.

*The Great Institutes.*—Hampton and Tuskegee Institutes as well as the Agricultural and Industrial State Normal College of Nashville, Tennessee, all contain a high school and college. In Hampton, the teachers are all white. In Tuskegee and in the State Normal of Nashville, they are all coloured. Nobody pretended that the knowledge or the efficiency of the latter was less than of the former. The scholars were all boarders. An elementary school with day pupils was attached to Hampton and Tuskegee, which are both in rural districts; these schools were used as practice schools for the pupils of the teacher-training courses.

In Hampton and Tuskegee, besides the academic subjects, a really professional training was given in agriculture and animal husbandry, as well as in all possible skilled arts and crafts, and the pupils turned out from their large workshops, often motor-driven, were full-fledged professionals in their trade, able to gain their living as agriculturists, artisans, highly skilled workers and foremen. The professional training was carried out not only in high school but also in the colleges. Business and book-keeping courses as well as a special nurse-training course were included in the professional subjects.

The training of teachers, which is the sole object of the State Normal School of Tennessee, is only one among many branches of teaching at Hampton and Tuskegee, but it is certainly considered the most important. In all the institutes, it is organised in the same way; there is a two-years course after high school for the training of elementary-school teachers and a four-years course for high-school teachers. Special teachers are even trained in agriculture, trades and industries, management of the home, etc.

As far as I could learn, these institutes did not do community work of the same sort as the "middle" schools, but they did other extension work, *i.e.*, work done or arranged by the school for people outside the school. This work takes a good many forms: exhibits and fairs, farmers' and teachers' conferences, publications of periodicals and leaflets, travelling libraries and educational motion pictures, furnishing of pure-bred live-stock and poultry, etc. The work varies with varying conditions. Three sorts of extension work struck me as particularly useful—useful also for Africa—namely, farm demonstration work, Jeanes teachers and health assistants.

The farm demonstration work is carried out by so-called farm agents and home agents. To the most remote and sparsely populated sections of the rural districts goes the movable school. It is a large motor-truck carrying tools and implements for farmers' work, in the field and in the home.

It also sometimes carries equipment to teach the farmers and their children how to play different games. The movable-school personnel consists of one man agent for farm work and buildings, one woman agent for housekeeping and home industries and a public health nurse.

I followed a movable school from Tuskegee to an outlying district. The farm agent had been there the week before and consulted the farmers about what should be done. It was early spring, beginning of March, and no real field work had begun. The main work this time therefore was the building of a sanitary closet at one of the farms. All the work was done by the farmer himself and some of the neighbours lending a hand. The agent merely directed the work and explained why everything was done. About fifteen neighbouring farmers were present, and it was expected that each of them would make a similar building during the following month. The cost of material was figured out, information given about the quantity needed of rough boards, nails and white-wash, and where it could all be bought most cheaply. After the building was completed, the men went and made a simple hotbed for sweet potatoes.

In the meantime, the home agent had been busy with the women. She taught them how to construct and use a fireless cooker—a guinea fowl which we ate as our luncheon was cooked in it, together with vegetables of different sorts. Rug making out of old sacks was started, two women working together, one clipping the sacks and fringing the slips, the other sewing the fringes on to a sack bottom. The nurse at the same time made the women speak of the illnesses they and their families had suffered from during the winter, looked at their babies, explained to them different sorts of treatment and finally demonstrated the preparation and serving of meals for sick people.

The movable school is for the man farthest down in the farming profession. In the wealthier districts, where the farms lie more closely together, the county agent goes from one farm to another giving instruction about fertilising and other farm activities, making known and explaining the rules and regulations sent out from the State and Federal Agricultural Departments. In the evenings, meetings are held in the schoolhouse or on a farm, and the general problems of the district are discussed.

Everywhere the cheapest and simplest methods are demonstrated. A farm agent at Hampton told us how he had taught the farmers of a poor locality to plough deeper. They said they knew it was useful to plough deep, but they could not do it because it demanded a better and more expensive sort of plough, which they could not afford to buy. The agent then asked the farmer just to make one furrow, and when that was done the agent turned the plough, put it down in the same furrow and said: "If you plough back again now, you will go four inches deeper, and it will not cost you a cent."

It is Hampton and Tuskegee which have started this work. But more and more the agents are paid by the municipalities themselves or by the States. The schools, however, always keep in contact with them, give short courses to them during the time of the year when there is little to do on the farms, and so keep up their knowledge and their interest.

Even the health assistants are now very often appointed by the municipalities. They supervise the health work of the primary schools, accompany the farm and home agents, visit individual homes and do the nursing that is necessary.

The Jeanes teachers are a kind of intermediary between the elementary schools and the schools inspectors. A special fund for the training of such teachers, the Jeanes Fund, has given them their name. When a school inspector finds an elementary teacher, man or woman, specially interested in school work and skilful in instruction, he picks her or him out—most of them are women because most of the teachers of the primary schools are women—for a Jeanes teacher. She is then sent during her vacation to the summer schools of one of the great institutes, where Jeanes-teacher courses are given. When she has been to three summer-school courses she is ready to go out to work as a Jeanes teacher. Then she travels from school to school in her district, visiting each school at least once a month, staying there half a day, a whole day, sometimes even several days, helping and directing, starting and supervising "projects", and discussing with the teachers the immediate needs of the school. She comes as a friend, not to test the teachers but to help them; they can pour into her willing ear all their difficulties—economic, disciplinary, lack of equipment, unsatisfactory text-books, or need for repair. She helps them to the best of her ability; she holds parents' meetings when that is desirable, she collects money where she can get it, and in the last resort she reports to the school inspector or superintendent. As far as I know, these teachers are only to be found in rural districts, and as the primary-school teachers there, for the reasons stated above, are often not of the highest type, their work is much appreciated in providing help and encouragement to them in the difficult conditions under which they live and work.

There is a special institute for the training of Jeanes teachers in Kenya Colony, and there

ought to be the same facilities in all the mandated areas. If these teachers are useful in America they would be simply invaluable in Africa.

Institutes like Hampton and Tuskegee will probably not be *generally* needed in Africa for rather a long time to come. Secondary instruction there is still very sporadic. There is little need for it as yet, and I am not sure that the future secondary schools of Africa will correspond to what we call secondary instruction in Europe and America, I hope that Achimota College in the Gold Coast will work out later a high-school programme suitable for Africa, which can in future be introduced in the mandated territories.

Of course, even now we need vocational training. It is given, in the mandated territories, for agriculture and trades, in special agricultural schools and Government workshops; for medical assistants, nurses and midwives, in the native hospitals. The training of teachers is or can be done at the district schools or, as is actually the case, at special normal schools. The shorter courses at the district schools are intended for the village-school teachers, the longer courses at a normal school for the more specialised teachers of larger village or district schools.

The African schools have one great handicap—the number of different languages, which makes it necessary to teach a foreign language and, in some territories, even to carry on instruction in a foreign language. But they have one advantage over the American coloured schools in that they are not obliged to keep up to the academic standards of white schools, formed for quite different conditions. The African schools are, or ought to be, independent of European school grades; their curricula can be and ought to be founded upon African conditions and African mentality. Even here I hope Achimota College will be able to work out plans which can be tested in the different territories.

The whole educational development of Africa is still in an experimental stage. That is what makes it so valuable to study the coloured schools of America and learn by their experience. All Africa is indebted to the Phelps Stokes Commission and its report for the valuable suggestions there given. The practical illustrations to be found in some of the actual coloured schools in the United States is an equally valuable source of information and stimulus, which should be utilised by the Governments of the B- and C-mandated territories. Nevertheless, the educational problems of Africa are distinctly African. The success of the whole "dual policy" depends, among other things, on the African system of education; the establishment of schools capable of teaching the Africans themselves to take over the agricultural production of these rich tropical countries is a necessary condition of the fulfilment of the sacred trust of civilisation.

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## ANNEX 7.

### THE WORK OF THE INTERNATIONAL LABOUR ORGANISATION IN CONNECTION WITH THE CONDITIONS OF LABOUR IN COLONIAL, AND SIMILAR AREAS

STATEMENT BY MR. GRIMSHAW.

I have been asked to make a statement to the Mandates Commission concerning the work of the International Labour Organisation in connection with the conditions of labour in colonial and similar areas. I take it that this request is an expression of the profound interest which the Commission has always manifested in the conditions of labour in areas under mandate, and of the conviction of the members that the proper regulation of these conditions is the basis of the prosperity and well-being of the native populations. I take it also that the Commission is specially interested in the work of the recently created Committee of Experts on Native Labour, upon which sit four of its members (M. FREIRE D'ANDRADE, Sir Frederick LUGARD, M. MERLIN, and M. VAN REES), whose collaboration has been of the utmost value to the Office.

As members are aware, the attention of the International Labour Organisation is specially directed, by the terms of Article 421 of the Treaty of Versailles, towards labour in "colonies, protectorates and possessions which are not fully self-governing", to which the States Members undertake to apply the International Labour Conventions which they have ratified, in so far as local conditions render them applicable, and subject to such modifications as may be necessary. No mention is here made of areas under mandate, for the very simple reason that, at the moment of the adoption of this part of the Treaty, the Covenant and its Article 22 had not yet been agreed upon.

The Organisation, then, from the outset of its work, has kept the conditions of "native" labour in mind. In each Convention adopted by its annual Conference, the Article 421 which I have cited has been included, and the Office receives annually reports from colonial Powers which indicate, with regard to the Conventions they have ratified, the action taken in certain of their colonies. For example, some of the provisions of Conventions dealing with the labour of women and children have been put into force in the Gold Coast, in the Netherlands Indies and in

a number of French colonies, and the recently circulated list of international Conventions to which mandatory Powers have adhered on behalf of the mandated areas under their charge gives further examples. But the Conventions so far adopted by the International Labour Conference have treated for the most part the conditions of labour obtaining in the more highly developed countries, and experience has shown that they are applicable with difficulty to areas in which industry takes only primitive forms.

The past-war period has been one of exceedingly rapid development in these areas, and from all sides has come evidence of increased demands upon the labour of these populations. The reports submitted to the Economic Conference of the League, for example, give striking indications of the pressure now placed upon primitive people, for the most part unaccustomed to regular labour under modern conditions. One learns, for example, that the production of rubber has quadrupled since 1913; in the Dutch East Indies, it is now eleven times as great as it was in that year. The output of copper ore in the Belgian Congo has been multiplied by fifteen in the same period. The export of vegetable oils from Africa is eight times greater than the pre-war export. I will not trouble you with further figures; these are sufficient to show that, merely from the aspect of *quantity*, the pressure on the native producer has enormously increased.

There is also the qualitative aspect. A very strong tendency is now shown to carry out at the place of production as many of the processes of manufacture as possible. This tendency seems inevitable, and will certainly become more and more marked as time goes on. A change is taking place in the nature of the exports from tropical regions; raw material is being replaced by manufactured or partially manufactured goods.

In recent years, these developments have been reflected in the discussions of and resolutions adopted by a large number of very diverse organisations—missionary societies, workers' unions in India and elsewhere, labour congresses, and international bodies of all kinds, including the Third International. There is, in short, a general feeling of disquietude concerning the labour conditions which are being created in the tropics.

The International Labour Conference itself has on more than one occasion called attention to these matters, and in 1925 adopted a resolution calling for a documentary enquiry into labour conditions in Asiatic countries. In 1926, this enquiry was by a further resolution extended to cover all areas where what may be called the conditions of "native" labour exist. This enquiry, I may add, is now being steadily carried out. Reports on India, China, Japan, British Malaya and other Asiatic areas are well under way, and they will be followed by others on areas of more direct interest to the Mandates Commission, such as Syria, Palestine and Iraq. The Office has made a beginning also with similar reports on African areas.

The general demand for enquiry was supplemented by the discussions and adoption of the Slavery Convention in 1925 and 1926, and by the resolution of the Assembly calling the attention of the International Labour Office to the urgency and importance of the question of forced labour.

It was obvious that the International Labour Office must extend its means of action in this sphere. A single post had been created in 1922 but had long been found inadequate, and additional members of the staff had been employed on the work. Finally, in 1926, the Governing Body decided to create a section, under my direction, which could devote itself entirely to the question of native labour and to the documentary enquiry to which I have referred.

The Office has always realised the difficult and delicate nature of these problems of native labour and the unreliability of much of the evidence available concerning conditions in many colonial areas. It therefore asked the Governing Body for powers to create a Committee of Experts on Native Labour, the function of which should be to assist the Office in its various studies, and such a Committee has been appointed. In addition to the four members of the Mandates Commission whose names I have mentioned, the Committee includes Sir Selwyn FREMANTLE, who has a wide experience of Indian social work and administration; M. GOHR, Secretary-General of the Belgian Colonial Office (who has been elected its Chairman); M. Nobubumi ITO, who knows the Japanese colonies; M. Camille LEJEUNE, who is fully acquainted with conditions in Madagascar; M. Saura DEL PAN (Spain); the Freiherr VON RECHENBERG, formerly Governor of German East Africa; and Mr. H. M. TABERER, Chief Adviser on Native Labour to the Transvaal Chamber of Mines. An Italian member could not attend and is to be replaced. The last appointment to be made is that of Professor Joseph P. CHAMBERLAIN, of Columbia University, United States.

The object of the Office in making these appointments was to secure persons with first-hand knowledge of native labour conditions and, if possible, to obtain expert assistance regarding all the areas concerned. Suggestions had been made that one or more women should be added and one or more natives. The Office and the Governing Body have no objections of principle to such appointments; on the contrary, they consider them very important. Up to the present, however, it has not been found possible to discover entirely suitable persons with the expert knowledge required. The Committee, I should point out, is in no sense representative of Governments or of any interests; its members are appointed solely in their personal capacities and for their personal experience.

The Committee was first consulted by correspondence as to what problems of native labour conditions should be considered the most urgent and the most ripe for solution. The members

agreed with the Office that they were the questions of forced labour and of long-term contracts, or indentured labour. The Office thereupon proceeded to prepare a draft report on the former of these questions. In accordance with its usual practice, it first analysed and summarised existing legislation on the question. The chapters of the report are not complete in this connection; it has been found impossible as yet to obtain the whole of the texts required. The Office will, however, continue this technical side of the work, with the assistance of the experts in so far as the areas with which they are acquainted are concerned.

A further chapter was devoted to the collection of opinions, found in official reports and other authoritative documents, and recorded by persons of standing, as to the necessity or otherwise of forced labour, its economic value and its social and other effects.

The final chapter, and the one to which the Committee of Experts devoted almost the whole of its time, comprised an attempt to deduce from the preceding chapters the principles which underlie, or which should underlie, the regulation of forced labour. Beginning with the criteria which should be satisfied before any recourse should be had to forced labour, the chapter proceeds to discuss the question under three heads: forced labour for general public purposes, for local public purposes, and for private employers. The criteria and the principles proposed in the draft were approved, with or without modification, by the Committee. I can do no more than outline them here.

It was agreed that no recourse should be had to forced labour except for work of a necessary and public character which is urgent and for which voluntary labour is unobtainable. The Committee was unanimous also in approving the principle that the authority responsible for the imposition of forced labour should be the highest authority of the territory concerned. It was further agreed that only physically fit adult males should be liable to any form of compulsory labour.

With regard to (1), forced labour for general public purposes, the Expert Committee approved detailed regulations, among which are to be noted:

- (a) Payment invariably to be made at local rates;
- (b) The normal hours of labour to be eight per day and forty-eight per week; overtime to be recognised and paid for;
- (c) Adequate provision for compensation in the event of injury or illness to be made;
- (d) The duration of the period of forced labour to be fixed.

In connection with this point, existing legislation varies very greatly. In some territories, the maximum period is only twelve to fifteen days a year; in others, six to nine months; in others, there is no limit at all. By a majority vote, the Committee decided to recommend that sixty days per year should be regarded as the normal maximum limit for forced labour, though in exceptional cases this period could be extended to six months. It was further understood that time spent in compulsory portage and work for local public purposes should be included in this period.

- (e) Adequate provision must be made for medical care, sanitation, food, clothing, housing, etc.

With regard to (2), forced labour for local public purposes, the Committee approved analogous principles with suitable modifications.

The tendency of the Expert Committee during its discussion was to consider two forms of forced labour as being incapable of full regulation. In the first place, it felt itself unable to make any recommendations regarding forced labour in cases of emergency, such as fire, earthquakes, etc., when a levy of the population became necessary in order to preserve the existence of the community. In the second place, fully detailed regulations appeared unnecessary for small village work, such as street cleaning, the construction of cemeteries and wells, etc., usually carried out under the prestation system.

The draft report also dealt with the question of forced cultivation, and the Committee decided that such forced labour could only be employed in order to avert famine and not for educational or commercial objects. In this, I may recall, it agrees fully with the decision on this point of the Sixth Committee and the Assembly of 1926.

With regard to (3), forced labour for private employers, the Committee was unable to hold a very full discussion for lack of time. It, however, agreed that it should be entirely abolished.

The rest of the report, dealing for the most part with indirect methods of compulsion, legal and illegal, was not examined in detail, and its final drafting will be concluded by the Office after consultation of the experts by correspondence.

The Committee finally adopted three resolutions in its report—the first asking the Governing Body to put the question of forced labour on the agenda of a session of the International Labour Conference as soon as possible; the second asking the Office to consider the means of publishing periodically information with regard to forced labour; and the third condemning forced labour and urging its abolition as soon as possible.

The report and resolutions of the Expert Committee were discussed by the Governing Body at its October session of this year. With regard to the first resolution, the Governing Body, after deciding that the agenda for 1928 could not be further burdened, placed the question of

forced labour as the first subject upon that of the Conference of 1929. This decision was taken by a majority vote, the workers' representatives on the Governing Body voting in favour of giving first place to the question of unemployment insurance. This, in view of the present unemployment situation in Europe, is understandable. In reality, however, the Governing Body was unanimous in desiring that forced labour should come before the Conference.

With regard to the second resolution of the Committee, the Governing Body showed itself in favour in principle of a publication, and the International Labour Office will make concrete proposals at an early date. Probably a quarterly publication will be decided upon, and it will be undoubtedly of use to members of the Permanent Mandates Commission.

With regard to the third resolution of the Expert Committee, the Governing Body was not called upon to take action.

The International Labour Office will now complete the report of the Expert Committee, with the assistance of its members, and it will eventually be printed, together with the Minutes of the Committee, for submission to the Conference of 1929 as a technical document upon which the Conference will be able to base its decisions. If, as is almost certain, the Conference decides to continue work upon the question, a detailed questionnaire will be prepared, based on the report, for circulation to all Governments concerned. Their opinions will be invited as to what matters in connection with forced labour can be included in an international convention and as to how those matters should be regulated.

I should point out, in passing, that the Expert Committee did not consider that *all* the recommendations which it had made were suitable for inclusion in an international convention.

When the opinions of Governments have been obtained—and they will have twelve to eighteen months in which to communicate them—an analysis of their replies will be made by the International Labour Office and submitted in the form of a report to the Conference of 1930. That report will also contain a draft international convention.

It may be hoped, therefore, that such a convention will be adopted in 1930, that is to say after two years of careful preparation and full discussion.

The next task of the Expert Committee will probably be the consideration of a similar draft report on contract labour, leading, I hope, to a second international convention.

I foresee, then, the gradual conclusion of a series of international conventions which will, in time, amount to that native labour charter the necessity of which had been urged so frequently and so ably by some members of the Mandates Commission, and notably by M. Freire d'Andrade. It is impossible, however, in my opinion, to draft such a charter immediately as a single document comprising all aspects of native labour. It can only be approached in stages, and the Office, with the concurrence of the Expert Committee, has decided to concentrate at the outset upon the most urgent problems.

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## ANNEX 8.

### LIQUOR TRAFFIC.

C.P.M.637.

#### A. NOTE BY SIR FREDERICK LUGARD<sup>1</sup>.

1. By the terms of the various mandates for African territories, the mandatory Powers are pledged to exercise a strict control over the sale of spirituous liquors; the obligation of seeing that the pledge is duly performed rests on the Permanent Mandates Commission.

2. The nature of the control and the specific obligations entered into by the signatory Powers is contained in the Convention of St. Germain dated September 10th, 1919, by which instrument it was agreed :

(a) That a Central International Office should be established *under the control of the League of Nations*;

(b) That each of the signatory Powers shall submit to this office, and to the *Secretary-General of the League*, an *annual* report showing the quantities imported and the duties levied;

(c) That the signatory Powers will endeavour to establish a uniform nomenclature and uniform measures against fraud (Article 2).

(d) That local Governments will establish a uniform nomenclature of prohibited beverages (Article 3).

3. As to (a) and (b), the Council, in its report to the Assembly during its third session, agreed that the Central Office should remain in Brussels but "would now be placed under the direction of the League", and since every Signatory, by the terms of the Convention, submits a copy of its annual report to the Secretary-General, I suggested on October 30th, 1925, that the Secretary-

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<sup>1</sup> See document C.P.M.479, of October 19th, 1926.

General should be asked to transmit this report each year in time for the autumn session of the Permanent Mandates Commission. Returns were called for and embodied in document C.P.M.479 of October 1926. The only Signatory which submits an *annual* report appears to be the British Government. So far as the mandates are concerned, the object in view is to ascertain whether the quantity imported into each territory is increasing or diminishing and how the amount imported into one territory compares with the amount imported into a contiguous territory; also how the duties levied compare with one another. For these purposes, it is necessary to have a table showing the amount imported in each year since the mandate.

4. As to (d) above. The Permanent Mandates Commission has suggested that identical terms should be employed in regard to the alcoholic content of imported spirits, viz., degrees of alcohol by weight (not by volume), but so far no uniformity in nomenclature or standards has resulted.

*N.B.*—The returns furnished in 1925, at the special request of the Secretary-General, in some cases quoted the number of gallons or litres imported without any reference at all to the strength. Comparison is rendered difficult when some refer to percentage of alcohol by weight, others by volume, and others by percentage of proof spirit; and when degrees are calculated by Tralles or by Sykes, and when alcohol is described as of such-and-such specific gravity, or as "pure", or "absolute", or when degrees are sometimes Fahrenheit and sometimes Centigrade or Centesimal, etc. Some returns include lemonades, vinegars and mineral waters, etc.

5. As to (c), the Permanent Mandates Commission has endeavoured for some time past to obtain a common nomenclature as to general terms, and, at the request of the Council, has itself proposed definitions of terms used in the mandates.

6. The Commission has also endeavoured to obtain from mandatory Powers in control of territories contiguous to each other some agreement as to equalisation of duties, but so far without success. The British Government, under date of March 13th, 1924, informed the Secretary-General that they "were communicating with the French Government on this question".

7. Since it is the duty of the Permanent Mandates Commission to see that the prohibition of the import of spirits for sale to the natives "into those regions where their use has not been developed" is maintained, it would be of use to the Commission to be furnished with a map of those mandated territories in which such a zone exists—or confirmation of the attached map<sup>1</sup>.

8. It has been stated that the Convention will come up for revision in 1928. The Permanent Mandates Commission would be glad to know whether this is the case; also which Powers have ratified the Convention.

C.P.M.660(1).

#### B. REPORT BY M. FREIRE D'ANDRADE.

In Article 22, paragraph 5, the Covenant lays down that the Mandatory responsible for the administration of the territory for which a mandate is entrusted to it must prohibit various abuses, including the liquor traffic. This provision, expressed in very general terms in the Covenant, might have been, and indeed has been, interpreted in extremely different ways. In certain quarters, indeed, it has been suggested that alcohol should be absolutely prohibited<sup>2</sup>. But in the Convention of St. Germain of September 10th, 1919, as in the mandates themselves—at all events so far as concerns the Permanent Mandates Commission—a very definite statement is given of the duties of the Mandatory with respect to alcohol under Article 22 of the Covenant; the mandatory Powers must exercise a strict control over the sale of spirituous liquors<sup>3</sup>. For the purposes of the Permanent Mandates Commission, this, as we shall see, must be regarded to-day as the equivalent of the expression "liquor traffic" employed in Article 22 of the Covenant.

Since the expression "sale of spirituous liquors", however, may be understood in various ways, the Council of the League of Nations decided, on June 9th, 1926<sup>4</sup>, to instruct the Permanent Mandates Commission:

(a) To consider the views expressed by the mandatory Powers with regard to the definition of the terms concerning the liquor traffic<sup>5</sup> which are found in the mandates;

(b) To inform the Council, if possible before September, of such conclusions as it might reach as the result of this further examination of the question.

<sup>1</sup> *Note by the Secretariat.*—The map attached to the note by Sir F. Lugard has been previously reproduced as an Annex to the Minutes of the Third Session of the Permanent Mandates Commission (page 261).

<sup>2</sup> Minutes of the Seventh Session of the Permanent Mandates Commission, pages 87-91 and 152.

<sup>3</sup> The mandates do not use the word "traffic", as Sir Frederick Lugard points out (Minutes of the Tenth Session of the Permanent Mandates Commission, pages 176-177) [C document 632.M.248.1926].

<sup>4</sup> *Official Journal*, July 1926, page 867.

<sup>5</sup> This expression, as we have pointed out, does not appear in the mandates. It must therefore be regarded as equivalent to the expression "sale of spirituous liquors".

The Permanent Mandates Commission studied the question and, in its report to the Council, submitted the following suggestions and definitions<sup>1</sup>.

“With a view to ensuring the application of the provision concerning the liquor traffic contained in Article 22 of the Covenant, the Council, when confirming the B Mandates, adopted the following text :

“The Mandatory . . . shall exercise a strict control over . . . the sale of spirituous liquors.’

“The Convention relating to the Liquor Traffic in Africa signed at St. Germain-en-Laye on September 10th, 1919, is also applicable to the territories under B Mandates, in accordance with Article 8 of the Mandates for the Cameroons and Togoland and Article 9 of those for Ruanda-Urundi and Tanganyika.

“When confirming the C Mandates, the Council, in execution of the above-mentioned provision of Article 22 of the Covenant, adopted the following text :

“The supply of intoxicating spirits and beverages to the natives shall be prohibited’.

“After carefully examining the replies of the mandatory Powers as to the precise meaning of the various terms employed in these texts, the Permanent Mandates Commission has the honour to recommend that they should be interpreted in the following manner :

“The expression ‘spirituous liquors’<sup>2</sup> used in the B Mandates and in the above-mentioned Convention shall be taken to mean :

“(a) All distilled beverages;

“(b) All fermented beverages to which distilled products have been added so as to contain over 20 degrees of pure alcohol by weight.

“The expression ‘trade spirits of every kind’, used in Article 2 of the Convention of St. Germain, shall be taken to mean ‘cheap spirits utilised as articles of trade or barter with the natives’.

“In the C Mandates, the expression ‘intoxicating beverages’ should be taken to mean ‘any beverage containing more than 3 degrees of pure alcohol by weight’<sup>3</sup>.”

As regards the definitions suggested by the Permanent Mandates Commission, the Council, at its forty-fourth session, on March 7th, 1927, stated that it had taken note of the Commission’s recommendations concerning the meaning of certain terms referring to the liquor traffic employed in the B and C Mandates, and in the St. Germain Convention of September 10th, 1919, and instructed the Secretary-General to forward them to the mandatory Powers.

From what has already been said it will be seen that the duties of mandatory Powers in regard to the liquor traffic are as follows :

*For B Mandates.*—To exercise a strict control over the sale of spirituous liquors.

*For C Mandates.*—The supply of intoxicating spirits and beverages to natives shall be prohibited.

In the case of C Mandates, no difficulty of interpretation can arise; but this is not true of B Mandates, under which a strict control is to be exercised over the sale of spirituous liquors. How and on what terms is this control to be enforced?

Is the sale of spirituous liquors to any inhabitant of the mandated territory to be prohibited except on a medical prescription, as has been done by one of the mandatory Powers?

Is the sale to natives only to be prohibited, or is it to be permitted under special and very strict regulation of liquor shops?

Or, again, are difficulties to be placed in the way of the purchase of liquor by the imposition of very high import duties?

It should be observed that this last system is that most generally adopted by the mandatory Powers.

The first system is undoubtedly the best, although it goes beyond the provisions of the mandates as adopted by the Council in its resolutions. It is difficult to convince the natives of the damage that liquor may do them, if they see the white men, who ought to be guiding them, drinking without restriction.

As regards the raising of Customs or excise duties on alcoholic liquor, this method may yield good results, but it gives rise to certain special considerations.

The vice of drunkenness is very widespread among a large number of peoples, both white and black; consequently, the raising of the price of liquor is only an obstacle that varies in effectiveness according to the wealth of the consumer. It may thus be anticipated that the economic development of the natives, by expanding their purchasing power—as it almost invariably does—will

<sup>1</sup> *Official Journal*, April 1927, pages 425-426.

<sup>2</sup> The term “spirits” is identical.

<sup>3</sup> In the Secretary-General’s note to the Council (C.317.1926), which was designed, *inter alia*, to facilitate the examination of the question of the liquor traffic in the mandated territories, will be found the observations submitted on the subject by the mandatory Powers or their accredited representatives on various dates : France, on July 30th, 1924, document A.26.1924; Great Britain, on January 7th, 1925, *Official Journal*, March 1925, pages 331-334; South Africa, on May 5th, 1925, *Official Journal*, August 1925, page 1042; Australia, on May 20th, 1925, *Official Journal*, August 1925, pages 1045-6; New Zealand, on March 3rd, 1926, *Official Journal*, June 1926, page 744; Belgium, on March 4th, 1926, *Official Journal*, May 1926, page 659; Japan, on June 2nd, 1926, *Official Journal*, August 1926, page 1027.



naturally increase their consumption of strong drink, since it is difficult for these races unassisted to keep free of the habit.

This forecast is already being definitely and constantly realised among the natives in mandated territories, as in other territories. We may therefore conclude that high Customs and excise duties are not sufficient to stop the ravages of drink among the African races. They may diminish them, but no more.

Moreover, the mandatory Power can raise the Customs duties in the mandated territory, but it cannot do the same in neighbouring territories, and consequently, if the duties are too high, smuggling will become common, as will illicit distilling and illicit brewing of native beverages<sup>1</sup>.

There is the further difficulty that these native beverages can be made from local agricultural products, such as palm-trees, thus reducing the country's wealth.

Education and religion are very powerful factors in restricting the consumption of liquor, and all the mandatory Powers are endeavouring to develop these factors; but their influence, however effective, is necessarily slow.

Another point is that, in certain areas, the increase in the consumption of fermented liquors with a low alcoholic content is tending to reduce the consumption of spirits—which is also happening in certain mandated territories where the consumption of wine and beer is on the increase. It therefore seems possible that, by encouraging the consumption of wine and beer and certain native drinks, some of which are foods as well as drinks, the consumption of highly alcoholic beverages can be reduced.

In the present circumstances, seeing that the absolute prohibition of the consumption of distilled liquors has not been introduced in the mandated territories, we can only try to make the best of the arrangements which have been recognised as most in accord with the provisions of the Covenant and the mandates. It was certainly with this intention that Sir Frederick Lugard, with his usual mastery and thorough knowledge of the situation, presented the note we are now considering.

He recalls the provisions of the Convention of St. Germain and points out how advantageous it would be if the Central International Bureau at Brussels, placed under the authority of the League, would send the Permanent Mandates Commission tables enabling it to ascertain whether the quantity of alcohol imported into the mandated territories is increasing or decreasing, and to establish a comparison between the quantity imported into one territory and the quantity imported into a neighbouring territory, and between the duties imposed in the different territories.

The Convention of St. Germain laid down :

(a) That a Central International Office should be established *under the control of the League of Nations*;

(b) That each of the signatory Powers should communicate to the Office and to the *Secretary-General of the League* an annual report showing the quantities imported and the duties levied;

(c) That the signatory Powers should endeavour to establish a uniform nomenclature and uniform measures against fraud (Article 2);

(d) That the local Governments should agree upon a uniform nomenclature for prohibited beverages (Article 3).

The Brussels Bureau has already furnished the Permanent Mandates Commission with the fullest possible information, but, if this information is to be of any real value at present, it must be more specifically adapted to the Commission's purpose. This cannot be done, however, unless the Secretariat of the Permanent Mandates Commission collects and classifies this information, and completes it by the means at its disposal in order to make easier a study of the information. It should be mentioned that the mandatory Powers, except Great Britain, have not yet submitted the report indicated in paragraph (b) above; nor has a uniform classification been agreed upon by the local Governments for prohibited liquors and liquors over the sale of which a strict control is to be exercised.

## I.

I would therefore propose that the Commission submit to the Council the following suggestion :

That the Council of the League of Nations propose to the various Powers the adoption, for alcoholic liquors, of a uniform classification—possibly that proposed by the Permanent Mandates Commission<sup>2</sup>—to be used by those Powers in their reports to the Central International Bureau at Brussels.

The terms employed to designate the alcoholic content of alcoholic liquors imported often make comparison difficult, and no uniformity has been achieved either in classification or in the standard measures introduced. This greatly complicates the examination and still more any comparison of the material in the possession of the Permanent Mandates Commission. Sir Frederick Lugard writes :

“ Comparison is rendered difficult when some returns refer to percentage of alcohol by weight, others by volume, and others by percentage of proof spirit; and when degrees are

<sup>1</sup> The alcohol distilled by the natives is generally very bad, being about equal in quality to trade spirits.  
<sup>2</sup> *Official Journal*, April 1927, pages 425-426.

calculated by Tralles or Sykes, and when alcohol is described as of such-and-such specific gravity, or as 'pure', or 'absolute', or when degrees are sometimes Fahrenheit and sometimes Centigrade or Centesimal, etc. Some returns include lemonades, vinegars, mineral waters, etc."

## II.

In view of the above, I think it would be desirable for the Permanent Mandates Commission to consider the best means of improving this situation, and I would submit the following proposal :

"That the Permanent Mandates Commission appoint a Committee to prepare a draft resolution for submission to the Council regarding the best method of attaining uniformity in the classification of measures of volume and those employed in calculating the alcoholic content of alcoholic liquors, in the terms of paragraph (c) above".

Before the information received by the Brussels International Bureau can yield the complete results which we have a right to expect, we must remember that the League of Nations has already more than once considered the question of alcoholism in the colonies and the ravages it may cause. Such a discussion took place in regard to mandates, for instance, at the last session of the Assembly, and Dr. Nansen made the following comments on the observations submitted to the Council by the Permanent Mandates Commission :

"With regard to the *liquor traffic*, the Committee would remember that the Council, in July 1922, urged the Mandates Commission to give particular attention to that subject. There were some encouraging features in the reports and some discouraging ones. He was happy to note that the Commission had succeeded in defining the technical terms concerning the liquor traffic, such as 'spiritous liquors', 'trade spirits', and 'intoxicating beverages', which were found in the B and C Mandates and in the St. Germain Convention of 1919. He understood that only one mandatory Power had yet expressed its definite acceptance of these definitions. Perhaps it might be useful if the Sixth Committee were to call the matter to the attention of the other Powers.

"On the other hand, it was discouraging to notice that, according to the statistics, the liquor traffic was steadily increasing in the mandated areas. The Mandates Commission might perhaps be asked to give its views on the causes of the increase and how it might be combated."

In my opinion, it would be well to give a clear and short account of what the Permanent Mandates Commission has done in the matter of alcoholism, in order that the efforts it has made to discharge its obligations may be known.

The consumption of alcoholic liquor has always been regarded of special importance by the Commission. It cannot but feel considerable anxiety at the tendency in many territories to an increase in the imports of such liquor. True, the situation—particularly if we compare these imports with the pre-war figures—has improved to a remarkable extent, especially as regards the quality of the liquor obtainable. But in order to follow with a full knowledge of the facts the development of this matter, the importance of which is increased by the fact that it is a permanent question, the Mandates Commission must be in possession of as full details as possible, while awaiting the information with which it may be furnished when the provisions of the St. Germain Convention are effectively observed.

## III.

I would therefore propose :

"That the Secretariat of the Permanent Mandates Commission should :

"(1) Make a summary of what the Permanent Mandates Commission has done in regard to the question of consumption of alcoholic liquor;

"(2) Prepare, with the means at its command, a comparative table of the consumption of alcoholic liquor in mandated territories and in certain neighbouring territories, with the object of showing :

"(a) The annual consumption of alcoholic liquor since the introduction of the mandate system, using as far as possible uniform measures of volume and alcoholic content in order to make the consumption comparable;

"(b) The Customs and other duties on alcohol;

"(c) The charges levied and the conditions imposed for the granting of licences for the sale of alcoholic liquor."

In conclusion, I deeply regret the causes which have temporarily deprived us of the assistance of our distinguished colleague, Sir Frederick Lugard, and have led our Chairman to entrust me with the duty of preparing a report on this question, which Sir Frederick Lugard would, of course, have treated with far greater mastery of the subject.

## ANNEX 9.

### PETITIONS.

#### A. Palestine.

*Petitions from Certain Turkish Subjects of Palestinian Origin, now living some in Honduras, others in Salvador and others in Mexico, dated April 23rd, June 10th, and September 19th, 1927.*

C.P.M.659(1).

REPORT BY MRS. ANNA WICKSELL.

1. In letters dated April 23rd, 1927, June 10th, 1927, and September 19th, 1927, respectively, eleven Arabs residing in Honduras, the Sociedad Fraternidad Palestina of San Salvador and the Palestinian Colonies of Monterrey, Mexico, state that they had applied, through the British consular authorities in these countries, for Palestinian citizenship, but that their applications had been refused on the ground that they had been absent from Palestine for a period of more than ten years. The applicants maintain that they were all born in Palestine and that they have not during their absence changed their nationality; those resident in Honduras add that they still own land in Palestine, and that, though their engagement in commerce has hitherto prevented their return to Palestine, they, each and every one of them, expect to return home at some future date; the San Salvador society complain that they have been refused passports to visit or return to Palestine.

All the petitioners protest against the decision of the High Commissioner of Palestine and claim to be registered as Palestinian citizens. The petitioners in Mexico also ask to be informed by what means native born Palestinians can acquire citizenship in their native land.

2. The observations of the British Government on the petitions from Honduras and San Salvador were forwarded to the Secretary-General in a letter dated October 25th, 1927, and the accredited representative explained to me that his Government would have nothing to add as regards the petition from Mexico and would not object to its immediate examination by the Commission.

According to the information given, under Article 34 of the Treaty of Lausanne the right of natives of any of the territories detached from Turkey habitually resident abroad to acquire the nationality of that territory is made subject to the consent of the Government exercising authority therein—which in this case is undoubtedly the British Government. In exercise of these discretionary powers, the British Government decided to entertain options for Palestinian citizenship only in the case of persons who could be considered to have maintained a substantial connection with Palestine. This principle was embodied in a rule according to which Turkish nationals, natives of Palestine but resident abroad, could acquire Palestinian citizenship under Article 2 of the Palestinian Citizenship Order in Council, 1925, only if they had emigrated from Palestine during or after the year 1920, or if, having emigrated before 1920, they had since returned to Palestine and resided there for not less than six months. In either case, the applicants were required to satisfy the High Commissioner that they intended within a reasonable period to return to Palestine and to reside there permanently. This latter condition is explained by the general undesirability of creating a class of persons permanently resident abroad who are entitled to British protection.

3. The legal right of the British Government to refuse the application of the petitioners cannot be contested.

4. There remains the question of equity. I can see no justification whatever for a person who has lived for more than ten years in a foreign country as a Turkish national, and who intends to stay there for an indefinite time, claiming the *right* to change the protection which Turkey has given him, and which is not complained of, for British protection. But if and when he actually returns to the country where he has been born and bred, it may be a little hard on him to have to seek naturalisation there on exactly the same footing as a genuine foreigner. Some European countries of late have granted to their old nationals, even if they have become the naturalised citizens of another State, a shorter residential qualification for regaining their old nationality than is required of real foreigners. In Article 7, section 5, of the Palestinian Citizenship Order in Council, it is, however, laid down that "the High Commissioner may in any special case, if he thinks fit, grant a certificate of naturalisation, although the two years' residence has not been within the last three years immediately preceding the date of the application".

5. With reference to the complaint that visas to return to Palestine are refused to the petitioners, it is stated by the mandatory Power that instructions are being issued to British consular officers to the effect that visas for Palestine may be granted, without reference to Jerusalem, to any persons who were born in Palestine and desire to return to Palestine either on a visit or for permanent residence, if they can prove that they were born in Palestine and still possess Turkish citizenship, and provided that there is no political or other objection to them on the ground of character, and that they are not, so far as it is known, suffering from any of the diseases

indicated in Regulation 12a under the Palestine Immigration Ordinance, 1925. Any one of the petitioners who really wants to return to Palestine will accordingly, subject to the above conditions, be allowed to do so, and can there in due course become a Palestinian citizen by naturalisation.

\* \* \*

My conclusion is that the claim of the petitioners to be immediately registered as Palestinian citizens is not justified.

### B. South-West Africa.

*Petition dated November 26th, 1926, from Certain Burghers of the Rehoboth Community.*

C.P.M.666.(1).

#### REPORT BY THE SUB-COMMITTEE.

In the report on its eleventh session, the Permanent Mandates Commission, by approving the conclusions presented by Sir Frederick Lugard on a petition dated November 26th, 1926, from certain burghers of the Rehoboth Community in South-West Africa, requested the Council "to urge the mandatory Power to forward to it Mr. Justice de Villiers' report without further delay, together with its own opinion on the report and the petition". The Commission added that, until these documents were received, it was obvious that it could take no further action. These conclusions were approved by the Council on September 8th, 1927.

Immediately after the close of the eleventh session, the Secretariat received for the Mandates Commission copies of Mr. Justice de Villiers' report, but the Commission has not received the observations of the mandatory Power on the petition which was communicated to it by the mandatory Power as long ago as December 21st, 1926, or on the report by Mr. Justice de Villiers, which is dated September 20th, 1926, or over a year ago.

The Commission regrets exceedingly the long delays which have occurred in the treatment of this question by the mandatory Power as explained in the report made by Sir Frederick Lugard at the eleventh session, and in particular that it is not yet in possession of the views of the mandatory Power on the petitions and on Mr. Justice de Villiers' report. As, however, these views are essential to a final consideration of the petition, the Commission has come to the conclusion that it can take no useful action except to repeat the request which was made to the Council in the report on its eleventh session, to the effect that the mandatory Power should be invited to inform the Commission as to the conclusion which it has itself drawn from Mr. Justice de Villiers' report and the decision which it has taken in consequence of that report.

### C. Western Samoa.

*Petition of Mr. Newton Rowe.*

C.P.M.664.(2).

#### REPORT BY M. LEOPOLDO PALACIOS.

The petition consists of a letter dated London, June 1st, 1927, signed by an ex-official of the Samoan Administration, to which is attached a copy of *Foreign Affairs* for the same month and year. The writer also sends copies of certificates, all of which are satisfactory, concerning his conduct, both when in the public service and since he left the Administration and entered the copra trade. The observations of the mandatory Power regarding the various points in the petition are dated Wellington, September 13th, 1927. The mandatory Power now states that the certificates were given to the petitioner as a favour to assist him in finding other employment; the mandatory Power maintains that the petitioner left the public service not for reasons of health, as stated in the certificates, but for insubordination and because he was "temperamentally unsuited" to his official position in the native administration owing to the fact that he had a Samoan mistress by whom he had a son still living, and on account of complaints made by the native chiefs in connection with other matters.

In his article in *Foreign Affairs*, Mr. Rowe deals with the general situation in Samoa, which is under the mandate of New Zealand, discusses the work of the Administrator, who, he says, keeps the people, both civilly and politically, in a state of almost complete submission, and is enabled to do so because a large part of the property on the islands belongs to the Government and also because he controls the elections and appointments to the so-called representative bodies. The author of the article states that, when some of the most important native chiefs wished to proceed to the mother country to exercise their right of appeal to Parliament, they were refused passports.

It also states that the "Fetu" (Boy Scout movement) shows signs of changing the Samoans from a race of gentlemen to a race of "hooligans" and that "the model village scheme, in practice, is mere vandalism". Accusations are also made regarding the increasing use of alcohol and intoxicants and administrative corruption.

In his letter, the writer deals chiefly with the question of corruption, and accuses the highest administrators, whom he mentions by name, of misconduct, dishonourable behaviour, and says that they are influenced by the relations between their wives, and by intrigue, favouritism and malice. He says that one of the Commissioners killed himself when about to be accused of sodomy. He complains particularly of the regrettable influence of Mr. Griffin, who was for many years Secretary of Native Affairs. Mr. Griffin is accused of protecting the undesirable persons who figure in this unedifying history, and is alleged to have invariably followed a policy destructive of all liberty of conscience and to have openly employed his power in the interests of the London Missionary Society in Samoa.

The mandatory Power answers the accusations of Mr. Newton Rowe point by point. It considers that, as Mr. Rowe occupied a low grade in the Administration, he could hardly have had an intimate knowledge of the questions he discusses, nor was he in a position to judge the persons in question. It denies the veracity of the greater part of Mr. Rowe's allegations, stating that the article is full of falsehoods, while an interpretation different from Mr. Rowe's is placed on other assertions made by the petitioner. It also states most categorically that Mr. Griffin never worked openly or in secret on behalf of the London Mission. Finally, it promises to send the Commission as soon as possible the report of the Royal Commission which is at present in Samoa conducting investigations into the administration of the territory.

Mention need only be made here of paragraph (4) of the New Zealand Government's observations :

"Mr. Rowe's expression of opinion that the late Mr. Griffin was incompetent is presumption. The former was merely a boy, while the latter had served in Samoa as a missionary for over twenty years and was one of the most highly esteemed persons in the territory. In tact, ability, knowledge of the natives and administrative efficiency he was unequalled. His death occurred prior to Rowe's letter."

As the allegations in this petition only concern the Permanent Mandates Commission in so far as they concern the general state of the administration of the territory, since personal questions of the kind mentioned, owing to their nature and private character, are not matters which the Permanent Mandates Commission can usefully examine, I propose that judgment on the matter be reserved until the Commission has received the further information to be given in the Royal Commission's report, which the mandatory Power has promised to send.

#### D. Western Samoa.

*Petition dated July 19th, 1927, from the Anti-Slavery and Aborigines Protection Society.*

C.P.M.665(1).

REPORT BY DR. KASTL.

1. The Secretary of the Anti-Slavery and Aborigines Protection Society draws the attention of the Permanent Mandates Commission to recent sentences passed on native chiefs of the island of Samoa under the New Zealand Mandate, and their deportation, and states that it would appear from the statements in the Press that several chiefs have been deported, and that the powers of the authorities in regard to deportation have been considerably widened by a new law.

He asks that enquiry should be made by the Commission especially into the reasons for these deportations, and whether the chiefs have been banished to territory outside the mandated areas, and, if so, to what place.

2. In reply to a letter of the Secretary-General of the League of Nations (No. 1/60890/9597), the Prime Minister of New Zealand states that, arising out of the continuance of the agitation referred to on page 4 of the report of the Government on the mandated territory of Western Samoa for the year ended March 31st, 1927, the Administrator of Samoa found it necessary to discipline certain Samoans. The punishment took the form of local banishment, under the provisions of a local Ordinance called the Samoa Offenders Ordinance, 1922. This Ordinance vested in the Administrator the power to order an offending native to remove from one part of the mandated territory of Western Samoa to another part of the same territory. In the meantime, by the passing of the Samoan Amendment Act, dated August 5th, 1927, local banishment by the Administrator requires the authority of the Governor-General of New Zealand in Council.

In his statement, the Prime Minister draws the attention of the Commission to the fact that the banishment of Samoans is included in the lists of complaints which have been made to the

New Zealand Government and which are at present being investigated by a Royal Commission appointed by the Government. The Act of Appointment requests the Royal Commission, *inter alia*, to enquire "whether, having regard to the Samoan native customs and to the due maintenance of government and order in the mandated territory, it would be prudent and safe to wholly repeal and abrogate all power to require a Samoan to remove for a definite period from one place on the island to another".

3. According to the letter of the Prime Minister of New Zealand and to the special statement made by Sir James Parr, High Commissioner of New Zealand, at the meeting of the Mandates Commission on November 3rd, the Royal Commission has just finished its enquiry, and the report of the Royal Commission will be sent by the New Zealand Government, as soon as it is available, to the Commission.

I have therefore come to the conclusion that it would be advisable to postpone the decision of the Permanent Mandates Commission on this petition pending the receipt of the report of the Royal Commission and the statement of the New Zealand Government on that report.

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ANNEX 10.

C.564.1927.VI.

REPORT TO THE COUNCIL ON THE WORK OF THE TWELFTH  
SESSION OF THE PERMANENT MANDATES COMMISSION

(Geneva, October 24th to November 11th, 1927.)

- The Permanent Mandates Commission met at Geneva from October 24th to November 11th, 1927, for its twelfth session, during which it held twenty-eight meetings, one of which was public. All its members—except Sir Frederick Lugard and M. Yamanaka—and the representative of the International Labour Organisation were present.

The Commission studied the annual reports on the administration of six mandated territories, as well as several petitions and certain questions of a general nature. The annual reports were considered in the following order, with the assistance of the accredited representatives of the mandatory Powers, whose names are given below :

1. *Iraq* (1926) :  
Mr. B. H. BOURDILLON, C.M.G., Counsellor to the High Commissioner for Iraq; and  
Mr. T. I. K. LLOYD, of the Colonial Office;
2. *Pacific Islands under Japanese Mandate* (1926) :  
M. N. SATO, Minister Plenipotentiary, Director of the Japanese League of Nations Office;
3. *Cameroons under British Mandate* (1926) :  
The Right Honourable W. G. ORMSBY GORE, P.C., M.P., Under-Secretary of State for the Colonies;  
Mr. H. R. PALMER, C.M.G., C.B.E., Lieutenant-Governor of the Northern Provinces of Nigeria; and  
Mr. T. I. K. LLOYD;
4. *Togoland under British Mandate* (1926) :  
Mr. W. G. ORMSBY GORE;  
Mr. H. S. NEWLANDS, Provincial Commissioner in the Gold Coast; and  
Mr. T. I. K. LLOYD;
5. *Western Samoa* (1926-27) :  
Sir James PARR, K.C.M.G., High Commissioner for New Zealand in London;
6. *Ruanda-Urundi* (1926) :  
M. HALEWYCK DE HEUSCH, Director-General at the Ministry of the Colonies.

The Commission is glad to take this opportunity of thanking once more all the mandatory Powers and their accredited representatives for the valuable assistance they have given it in its work this year as in the past. It is particularly grateful to the British Government for sending as representative at the twelfth session its Under-Secretary of State for the Colonies, and also, for the discussion in 1927 of each of the reports on the five territories under the Mandate of Great Britain, a high official having first-hand experience of the situation in these territories.

## GENERAL QUESTIONS

### 1. ECONOMIC EQUALITY : POSTAL RATES.

The Commission's attention has again been directed to the question of postal rates in the territories under A and B mandates. These territories are subject to a system of economic equality—, that is to say, the mandatory Powers are bound under the terms of the mandates to ensure in these territories, as between all States Members of the League and their nationals, complete economic, commercial and industrial equality. In most of these territories, however, if not in all, the mandatory Administrations have established, for communication with countries outside, postal rates which vary according to the destination. As a rule, correspondence despatched to the territory of the mandatory Power enjoys a lower rate than correspondence to the other States Members of the League. This system, it seems, is bound to favour to some extent the postal relations between the mandated territories and their Mandatories. It appears necessarily to involve in international competition a certain advantage for the commercial relations between the mandatory Powers and the mandated territories entrusted to them.

Accordingly, the Commission, whose members expressed the most divergent views, has been considering whether this practice is quite consistent with the strict application of the principle which it must do everything in its power to uphold.

On the other hand, the practical importance of the existing differentiation is not perhaps such as to call for intervention by the League.

With a view to forming a definite opinion on the matter, the Commission proposes, therefore, that the Council should request the mandatory Powers entrusted with the administration of territories under A and B mandates to furnish particulars concerning :

- (1) Their system of postal rates;
- (2) The reasons which have led them to adopt different rates;
- (3) The practical importance of the question from the financial point of view.

### 2. NATIONAL STATUS OF THE INHABITANTS OF TERRITORIES UNDER B AND C MANDATES.

The Commission would be glad to know what action the mandatory Powers have taken on the Council's resolution of April 23rd, 1923, regarding the national status of the inhabitants of territories under B and C mandates, and particularly on the fourth paragraph of this resolution.

### 3. FRONTIERS BETWEEN THE CAMEROONS UNDER FRENCH AND BRITISH MANDATE AND TOGOLAND UNDER FRENCH AND BRITISH MANDATE.

The Commission noted the declaration of the accredited representative of the British Government that, by common agreement, no important modifications of the frontiers between the spheres of the Cameroons and Togoland under British and French Mandate respectively are now considered necessary, and that the work of delimitation is being carried out with the minor rectifications which such an operation entails. When the work has been completed, the Commission would be glad to receive a map showing the final delimitation.

### 4. GENERAL AND SPECIAL INTERNATIONAL CONVENTIONS APPLIED IN THE MANDATED TERRITORIES.

The Permanent Mandates Commission has taken note of two lists drawn up at its request by the Secretariat. One indicates the general and special Conventions applied in each mandated territory, and the other shows the mandated territories in which each general international Convention is applied. These lists were drawn up on the basis of information figuring either in the annual reports of the mandatory Powers or in the *Treaty Series* of the League of Nations.

The Commission asks the Council to instruct the Secretary-General to forward a copy of these two lists to each mandatory Power, requesting it to check them, and to complete them if necessary.

Further, with reference to the Council's decisions of December 12th, 1923, and September 15th, 1925, the Commission suggests that the mandatory Powers should be requested to insert in their annual reports the data necessary to enable the Secretariat to keep these lists up to date.

### 5. GENERAL STATISTICS.

On September 4th, 1926, the Council instructed the Secretary-General to forward to the mandatory Powers statistical tables concerning the foreign trade, public finance, and the population of each of the mandated territories, with the request that they should revise and supplement

them. The Secretariat has informed the Commission that the revised tables have been received from all the mandated territories with one exception. The Commission proposes that these tables, which will undoubtedly be of great value both to the different organisations of the League and to the general public, should be reproduced in the *Official Journal*. Further, it would be well if the mandatory Powers would be good enough to supply the necessary information each year in their annual reports, so that the tables may be kept up to date.

## 6. FINANCIAL STATISTICS.

In so far as they are not given in the tables mentioned in the preceding paragraph, the Commission would be glad to find in future annual reports statistics which would permit the reader to judge of the financial development of the territory under examination. These statistics should, therefore, show year by year, from the entry into force of the mandate, both under main heads and in total :

- (a) Revenue, including sums received from the mandatory Power, as : (i) loans and advances; and (ii) non-recoverable grants;
- (b) Expenditure shown in the accounts of the territory, and also any sums expended directly by the mandatory Power on behalf of the territory (*e.g.*, defence) or its administration (*e.g.*, High Commissioner);
- (c) Deficit or surplus, and how met or disposed of;
- (d) Assets and liabilities at the end of the financial year.

## 7. RULES OF PROCEDURE : MODIFICATION IN ORDER TO MAKE THEM CONFORM TO RECENT DECISIONS OF THE COUNCIL.

The Rules of Procedure of the Permanent Mandates Commission were approved by the Council in their revised form on December 12th, 1923. Since then, the Council has taken various decisions which modify the Rules. The Commission considers that it would be desirable to bring the text of the Rules into conformity with these decisions, and to reproduce the text as thus revised in one document. It proposes that the Council should approve the following modifications :

*Rule 1, paragraph 1*, is at present worded as follows :

“The Permanent Mandates Commission will assemble for its ordinary session once a year at the seat of the League of Nations, as a rule in the second half of June.”

Experience has shown that the Commission is invariably obliged to meet more than once a year in order to carry out its ordinary work, and the Council having approved this procedure<sup>1</sup>, it would seem advisable to draft this paragraph as follows :

“The Permanent Mandates Commission will assemble in ordinary session at least once a year, at the seat of the League of Nations, as a rule in the second half of June.”

*Rule 3, paragraph 1*, is at present worded as follows :

“At any meeting, five members shall constitute a quorum.”

The number of statutory members having been raised from nine to ten<sup>2</sup>, this paragraph should read as follows :

“At any meeting, six members shall constitute a quorum.”

In accordance with the amendment to Rule 1, the Commission proposes that *the first sentence of Rule 4*, which at present reads :

“At the beginning of each ordinary session, the Commission shall elect from among its members, by secret ballot, a chairman and a vice-chairman, for the period of one year,”

shall be modified as follows :

“At the beginning of the first ordinary session of each year, the Commission shall elect from among its members, by secret ballot, a chairman and a vice-chairman, for the period of one year.”

*Paragraph 1 of Rule 5* is worded as follows :

“The Commission shall be put in possession, at latest before May 20th, of the annual reports which, in conformity with the provisions of paragraph 9 of Article 22 of the Covenant, it is constituted to receive.”

As a result of the decisions of the Council dated December 9th, 1925, September 4th, 1926, and March 7th, 1927, the Committee proposes that this paragraph should be drafted as follows<sup>3</sup> :

“The Commission shall be put in possession of the annual reports concerning Palestine, Syria, Camerons and Togoland under French mandate, Tanganyika, South-West Africa,

<sup>1</sup> See Minutes of the Thirty-second Session of the Council, *Official Journal*, February 1925, page 207.

<sup>2</sup> See Minutes of the Council, Forty-sixth Session, *Official Journal*, October 1927, page 1120.

<sup>3</sup> See Minutes of the Council, Thirty-seventh Session, *Official Journal*, February 1926, page 135; Forty-second Session, *Official Journal*, October 1926, pages 1239 and 1309; Forty-fourth Session, *Official Journal*, April 1927, pages 347, 348, 427.



New Guinea and Nauru before May 20th; and those concerning Iraq, Cameroons and Togoland under British Mandate, Ruanda-Urundi, Pacific Islands under Japanese Mandate and Western Samoa before September 1st of each year."

The *first sentence of Rule 8* is at present worded as follows :

" At the beginning of the ordinary session, the Commission shall undertake a separate examination and discussion of each of the annual reports submitted by the mandatory Powers."

The Commission feels that it would be desirable to draft this sentence in the following way :

" During the ordinary sessions, the Commission shall undertake a separate examination and discussion of each of the annual reports submitted by the mandatory Powers."

This change is justified not merely by the fact that the Commission meets more than once annually in ordinary session, but also because it seems unnecessary to lay down that the annual reports must be examined " at the beginning " of the sessions.

## OBSERVATIONS CONCERNING CERTAIN TERRITORIES UNDER A, B AND C MANDATES

The following observations have been formulated by the Permanent Mandates Commission after consideration of the situation in each territory in the presence of the accredited representative of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.

### TERRITORIES UNDER MANDATE A.

#### Iraq.

##### GENERAL OBSERVATIONS.

The Commission much appreciated the oral statement made by the accredited representative, for his clear treatment of the more important of the outstanding problems in Iraq permitted it to obtain a more intimate knowledge of the general situation there. The statement thus served as a useful supplement to the annual report, which is in the main the work of the different departments of the Iraq Government, but for which, as the accredited representative confirmed, the mandatory Power assumes full responsibility.

##### SPECIAL OBSERVATIONS.

1. *Protection of Minorities.*—The Commission would be glad to be informed of the measures taken in pursuance of the recommendations of the Mosul Commission concerning minorities, and to have precise information in regard to the circumstances which have retarded the adoption of these measures or which might be obstacles to the fulfilment of these recommendations.

2. *Foreign Relations.*—The Commission noted with satisfaction that, according to the accredited representative, the position on the Persian, Syrian and Turkish frontiers had improved since the annual report was drafted. It regrets that certain difficulties still exist in the relations between Iraq and Persia, and that a more normal relationship has not been established between these two countries.

3. *Economic Equality.*—The attention of the Commission was drawn to Article 8 of the Customs Duty Drawback Law of 1926, which laid down that " prohibition against payment of drawback upon the re-exportation of goods, or any specified goods or classes of goods, to any specified foreign country or place may be prescribed by Royal Irada". It would be glad to receive further information concerning the purpose and nature of this provision and the views of the mandatory Power as to its compatibility with Article 11 of the Treaty of October 10th, 1922, between Great Britain and Iraq.

The Commission noted that, according to Article 6 of the Anglo-Persian Oil Concession of 1926, the period of the original concession was extended by thirty-five years, to 1996. It thanks the accredited representative for having promised to forward a copy of the D'Arcy Concession of 1901, the Protocol of 1913 and the Agreement of 1925, which are mentioned in the Concession of 1926, and it would like information concerning the relationship which these arrangements may have to Article 11 of the Treaty of October 10th, 1922. These documents will allow the Commission to follow the problems involved with all the care for which they call.

The Commission would also like to receive a copy of the text of the concession granted to the Turkish Petroleum Company.

4. *Public Health.*—The Commission would like further explanations concerning the results of the constant decrease in the expenditure on public health, as well as on the measures taken to combat malaria and to reduce the rate of infant mortality, particularly in Basra.

5. *Economic Development.*—The Commission gave considerable attention to the economic situation of the country, which has suffered from a depression in trade during the last two or three years. It appreciated the information given by the accredited representative on a series of special points, and it would be glad if a comprehensive survey of important developments affecting the economic life of the country were included in future reports.

6. *Labour.*—The Commission is grateful for the more complete information in the report for 1926 concerning labour legislation and conditions of labour in the country. It would be glad to receive data concerning the recruiting, transportation and contracts of the workers coming from India.

7. *Education.*—The Commission notes with satisfaction that, although a considerable decrease in the administrative expenses of the Department of Education of the Iraq Government has been brought about during the last two years, the total expenditure on education has continued to increase. It will follow with interest such success as may be achieved in securing a competent corps of school-teachers, and will appreciate full information on this point.

8. *Religious Questions.*—The Commission is grateful for the information on the religious sects in the country which was furnished by the accredited representative.

It would appreciate precise information in the annual reports as to the use of Auqaf funds.

## TERRITORIES UNDER MANDATE B.

### Togoland and Cameroons under British Mandate.

#### OBSERVATIONS COMMON TO BOTH TERRITORIES.

*Public Health.*—The Commission notes the shortage of doctors in the territories of Togoland and the Cameroons, and hopes that the mandatory Power will make every possible effort to increase the higher medical staff available as well as the number of native assistants and dispensers.

The Commission appreciated the offer of the accredited representative to arrange to insert in future reports a statistical table showing the number of the medical personnel at work in each district in these territories, classified according to the positions held.

#### Togoland.

1. *Public Finance.*—The Commission notes that the mandated territory is debited with a part of the "expenses of raising" and a share of the service of certain loans obtained by the Gold Coast in recent years. It would like to have further information concerning the first of these items, and also to know what assets have been credited to the mandated territory as a result of these loans and the public works on which they have been employed.

The Commission noted the statement by the accredited representative to the effect that a proportionate share of the profits of the West African Currency Board would be credited to the mandated territory in the accounts published in future reports. It would be glad to receive eventually information as to the way in which this has been done and in particular to learn whether it will have retroactive effect.

The accredited representative informed the Commission that the mandatory Power was considering the advisability of introducing a system of native treasuries in the mandated territory. The Commission would be glad to learn of the conclusions reached by the mandatory Power on this matter.

2. *Labour.*—No reply was given in the annual report to the request made last year for "statistics regarding the number of labourers employed by various Government departments and for private enterprises in the territory". The Commission trusts that, as the result of the discussion with the accredited representative, the mandatory Power will be able to furnish the information desired.

3. *Liquor Traffic.*—Fuller information in future reports concerning the increasing amount of spirituous liquors introduced into the territory would be appreciated.

#### Cameroons.

#### GENERAL OBSERVATIONS.

The Commission regrets that the annual report for 1926 did not reach Geneva until more than a month after the date fixed by the Council.

It thanks the mandatory Power for having inserted in the report a valuable map of the Cameroons Province, showing the distribution of the tribes and the location of the administrative centres, schools and mission stations.

SPECIAL OBSERVATIONS.

1. *General Administration.*—The Commission will be glad to learn of the further steps taken to extend the administrative authority of the mandatory Power to those districts in the central part of the territory which have not yet been brought under control.

2. *Public Finance.*—The Commission would like to be informed of the results of such consideration as may be given by the mandatory Power to the problem of more properly apportioning the burden of taxation among the different classes of the native and European populations.

3. *Labour.*—Information concerning the further progress made towards the introduction of the new Labour Code mentioned in the report would be appreciated.

4. *Education.*—The Commission would be glad to be kept fully informed of any steps which the mandatory Power may consider it possible to take to establish rural schools in the northern districts of the territory, and of the success of the efforts made for the purpose of securing teachers for such schools.

5. *Ex-Enemy Property.*—The Commission begs to remind the mandatory Power that no reply has yet been received to the following question which was submitted to it as a result of the report adopted by the Commission at its seventh session :

“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 ?”

**Ruanda-Urundi.**

GENERAL OBSERVATIONS.

The Commission was distressed to learn of the famine from which the territory suffered in 1926 and which appears to have caused the death of many natives. It thanks the mandatory Power for the full information in the report on the emergency measures taken to minimise the effects of this scourge and to prevent its recurrence.

It is grateful for the complete collection of laws in force in the mandated territory up to the end of 1926 which was received from the mandatory Power, and also for the maps annexed to the report.

The annual report for 1926 was more than five weeks late in reaching Geneva, and the Commission trusts that the mandatory Power will find it possible in future to observe the date of September 1st, which was fixed by the Council.

SPECIAL OBSERVATIONS.

1. *Public Finance.*—The Commission notes with satisfaction the clearer and more complete way in which the financial statistics are presented in the report for 1926.

It would like to know the principles in accordance with which expenditure in the interests of the mandated territory and of the Belgian Congo, such as expenditure relating to the concessions at Kigoma and Dar-es-Salaam is divided.

2. *Labour.*—The Commission has heard with very great interest the details furnished by the accredited representative concerning the recruiting, transport and general treatment of workers enrolled for the service of the Union Minière of Katanga. It will follow with special attention the development of this experiment, and it hopes to find in future reports the most complete information on the matter.

3. *Education.*—The increase from 1926 to 1927 of about 60 per cent in the budget estimates for education was welcomed by the Commission.

4. *Mines.*—The Commission noted the offer of the accredited representative to insert in the next report full information concerning the granting of mining concessions.

TERRITORIES UNDER MANDATE C.

**Pacific Islands under Japanese Mandate.**

GENERAL OBSERVATIONS.

The Commission desires to express its thanks to the mandatory Power for the volume of laws, specially translated for the Commission's benefit, which was transmitted with the report, and for the detailed replies given concerning the observations made last year by the Commission and in answer to certain questions to be found in the Minutes of its tenth session.

SPECIAL OBSERVATIONS.

1. *Public Finance.*—The Commission fully appreciates the generosity displayed by the Japanese Government in making a considerable subsidy each year to cover the deficit incurred by the Administration of the Islands. It would be glad to have in the next report a table showing the total amount of such subsidies up to the year 1927 inclusive.

Further, it seems desirable, in order that the accounts for the mandated territory may be somewhat clearer, to establish a special budget for the annual revenue and expenditure of the Angaur mines and also the sums previously paid out of the local accounts for the purchase of those mines.

The Commission would be glad to learn by what methods equality in the payment of the poll-tax in cash and in copra is assured. It would also like to have information concerning the burden of taxation falling on an average on the native as compared with the non-native.

2. *Economic Development.*—The Commission has taken note of the offer of the accredited representative to have inserted in future reports more detailed information concerning land which contains phosphate rock. It would be glad to learn whether the natives receive an indemnity in return for the exploitation of the phosphate on their land.

3. *Education.*—The Commission highly appreciates the comprehensive information contained in the report concerning education and the efforts made in the matter of vocational education.

## Western Samoa.

### GENERAL OBSERVATIONS.

The full replies which were furnished by the mandatory Power to the observations adopted by the Commission last year, as well as to enquiries made orally by individual members at the tenth session, were greatly appreciated.

The Commission is grateful for the information which the mandatory Power and the accredited representative were good enough to furnish concerning the causes of the agitation in Western Samoa, and in particular for the report on the visit of the Minister of External Affairs to the territory. It is glad to note that a Royal Commission has been constituted to investigate the situation.

It is hoped that the Commission will be put in possession as soon as possible of the report of this Commission which was promised by the New Zealand Government, together with the observations of the mandatory Power, the conclusions which it has been led to adopt and the decisions which it may have taken in consequence of the report. Only when these documents are available will it be possible for the Permanent Mandates Commission to express its opinion on this important matter.

In order to supervise the observance of the mandates and to co-operate with the mandatory Powers with the most fruitful results, it seems desirable that the Commission should be kept fully informed each year of political movements of any consequence in the mandated territories. The Commission therefore noted with regret that no mention had previously been made of the underlying causes or the present agitation or of any symptoms of unrest which should have been brought officially to its notice before this year, particularly since references were found in some of the documents laid before it in 1927 to important signs of disaffection which had become evident in previous years.

The attention of the Commission was drawn to a speech in which the Administrator of the territory was reported as referring to the islands "as part of the British Empire" and to their inhabitants as "British subjects". The Commission was therefore glad to learn from the accredited representative that, in spite of the use of these phrases by the Administrator, the opinion of the mandatory Power on this question is in conformity with the principles of the mandates system as laid down in the Covenant and upheld by the Council and the Assembly.

### SPECIAL OBSERVATIONS.

1. *Public Finance.*—It would be of interest to the Commission to know whether the rents paid for lands belonging to the New Zealand Reparation Estates which are leased are credited to the budget of the territory.

2. *Economic Development.*—The Commission was greatly interested in the experiment by which the Administration is attempting to secure for native producers of copra a more equitable price by itself undertaking the marketing. It would be glad to have full information as to the methods used in carrying out any such operation and of the results obtained.

3. *Labour.*—The provisions of Section 17, sub-sections 7 and 18, of the Native Regulation (Samoa) Order of 1925 concerning the construction, maintenance and cleaning of roads and tracks under the authority of the District Councils make no mention of the payment of the workers employed. The Commission would be glad to be assured that these provisions do not in practice impose compulsory unpaid labour.

4. *Public Health.*—The Commission was glad to learn that, during the year, the mandatory Power had doubled the number of its dispensaries in the outlying districts.

5. *Population.*—The Commission desires to congratulate the mandatory Power on the fact that, although two epidemics of dysentery and influenza occurred during the year, the lowest death rate ever attained was recorded during this period.

## OBSERVATIONS ON PETITIONS

At its twelfth session, the Commission considered the petitions mentioned below, together with such relevant observations or information as were furnished in writing by the mandatory Powers or orally by their accredited representatives. Each of the petitions was reported on in writing or orally by a member of the Commission or by a Sub-Committee. After discussion, the conclusions of the reports, which are printed below, were adopted by the Commission. The written reports are reproduced as annexes to the Minutes<sup>1</sup>.

### 1. Palestine.

Three petitions from various Turkish nationals of Palestinian origin living in Honduras, San Salvador and Mexico respectively, dated April 23rd, June 10th, and September 19th, 1927 (C.P.M. 562, 628, 658).

Observations from the British Government, dated October 25th, 1927, on the first two petitions (C.P.M. 656).

Report (see Minutes, Annex 9. A.)

#### *Conclusions.*

The Commission is of the opinion that, both in law and in equity, the claim of the petitioners to be immediately registered as Palestinian citizens is not justified.

On the other hand, their attention might be drawn to Article 7, Section 5, of the Palestinian Citizenship Order in Council, which is as follows :

“The High Commissioner may in any special case, if he thinks fit, grant a certificate of naturalisation, although the two years' residence has not been within the last three years immediately preceding the date of the application.”

### 2. Togoland under French Mandate.

Petition dated June 7th, 1927, from Mr. Casely Hayford, on behalf of certain members of the Adjigo Clan (C.P.M. 631).

Observations by the French Government, dated October 1st and November 4th, 1927 (C.P.M. 631 and 668).

Oral report (see Minutes of the twenty-fifth meeting).

#### *Conclusions.*

The Commission has received from the same source a new petition, concerning the case of certain natives of the Adjigo Clan, which formed the subject, in the last resort, of a report attached to the Commission's report to the Council on the work of its eleventh session.

In view of the information furnished by the mandatory Power, the Commission was of opinion that no new facts had been adduced which could cause it to modify the decision taken in the matter at its eleventh session.

The Commission would like to know why a petition from the same person, dated November 4th, 1926, relating to the same question, and which is alleged to have been transmitted to the Commissioner of the French Republic in Togoland, has not been communicated to it.

### 3. South-West Africa.

(a) Petition dated June 8th, 1927, from Mr. E. J. E. Lange (C.P.M. 640).

Observations by the Government of the Union of South Africa, dated September 17th, 1927 (C.P.M. 640).

Oral report (see Minutes of the twenty-fourth meeting).

#### *Conclusions.*

No new fact having been adduced by Mr. Lange in his last petition, there is no reason for the Commission to modify its decisions of 1924 and 1925. Accordingly, the Commission decides that no action can be taken on Mr. Lange's present petition any more than on his previous ones.

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<sup>1</sup> The Commission does not consider it necessary to forward to the Council and Members of the League copies of the petitions and observations of the mandatory Powers relating thereto. It recommends, however, that copies of these documents should be kept in the League Library at the disposal of persons who may wish to consult them.

(b) Petition dated November 26th, 1926, from certain burghers of the Rehoboth Community (C.P.M. 546).

Observations from the Administrator of South-West Africa transmitted by the Government of the Union of South Africa, dated December 21st, 1926 (C.P.M. 546); and the report of the Rehoboth Commission.

Report (see Minutes, Annex 9. B.).

*Conclusions.*

The Commission regrets exceedingly the long delays which have occurred in the treatment of this question by the mandatory Power as explained in the report made by Sir Frederick Lugard at the eleventh session, and in particular that it is not yet in possession of the views of the mandatory Power on the petition and on Mr. Justice de Villiers' report. As, however, those views are essential to a final consideration of the petition, the Commission has come to the conclusion that it can take no useful action except to repeat the request which was made to the Council in the report on its eleventh session, and to suggest that the mandatory Power should be urged to give this matter its immediate attention.

**4. Western Samoa.**

(a) Petition dated June 1st, 1927, from Mr. Newton Rowe (C.P.M. 571).

Observations from the New Zealand Government dated September 13th, 1927 (C.P.M. 657).  
Report (see Minutes, Annex 9. C.).

*Conclusions.*

As the allegations in the petition under examination only concern the Commission in so far as they relate to the general state of the administration of the territory—since personal questions of the kind mentioned in the petition, owing to their nature and delicate private character, are not matters which can properly be examined by the Commission—it proposes that judgment on the matter be reserved until it has received the further information to be given in the report of the Royal Commission, which the mandatory Power has promised to send.

(b) Petition from the Anti-Slavery and Aborigines Protection Society of London, dated July 19th, 1927 (C.P.M. 620).

Observations by the New Zealand Government dated September 19th, 1927 (C.P.M. 662).  
Report (see Minutes, Annex 9. D.).

*Conclusions.*

The Commission has come to the conclusion that it would be advisable to postpone its decision on this petition pending the receipt of the report of the Royal Commission and the views of the New Zealand Government on that report.

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Genève, le 1<sup>er</sup> décembre 1927.

**SOCIÉTÉ DES NATIONS**

**COMMISSION PERMANENTE DES MANDATS**

**DOUZIÈME SESSION**

**COMMENTAIRES DES REPRÉSENTANTS ACCRÉDITÉS DE LA  
NOUVELLE-ZÉLANDE ET DE LA GRANDE-BRETAGNE AU  
SUJET DES OBSERVATIONS DE LA COMMISSION.**

**I. COMMENTAIRES DU REPRÉSENTANT ACCRÉDITÉ DE LA NOUVELLE-ZÉLANDE,  
AU SUJET DES OBSERVATIONS DE LA COMMISSION CONCERNANT LE RAPPORT  
POUR 1926-1927 SUR L'ADMINISTRATION DU SAMOA OCCIDENTAL.**

Londres, le 18 novembre 1927.

*Au Chef de la Section des mandats du Secrétariat.*

Je présume que la Nouvelle-Zélande aura une réponse à donner quant à l'observation signalant qu'« il semble désirable que la Commission soit, chaque année, tenue au courant des mouvements politiques de quelque importance dans le territoire sous mandat », et au passage regrettant qu'il n'ait pas été précédemment fait mention des causes sourdes de l'agitation actuelle ni des symptômes de mécontentement qui auraient dû être portés officiellement à son attention avant l'année en cours, notamment puisque l'on a trouvé dans certains des documents qui lui ont été soumis en 1927, l'indication d'importants signes de malaise, qui étaient évidents au cours d'années précédentes.

Je suis convaincu que la Commission permanente des mandats n'ignore pas qu'il se produit assez fréquemment dans le territoire, entre les différents groupes d'intérêts (y compris le Gouvernement) des différends et des désaccords auxquels la Puissance mandataire peut, à bon droit, ne pas attribuer une importance essentielle et qu'en conséquence elle ne croit pas devoir mentionner dans le rapport annuel. Somme toute, il s'agit d'une question de degré. Je crois que la Puissance mandataire reconnaîtra volontiers que les renseignements relatifs à tout mouvement pouvant manifesterment entraîner des conséquences graves doivent être communiqués rapidement à la Commission permanente des mandats. Je me permets toutefois de signaler que la Puissance mandataire répondra peut-être que les événements survenus en 1921 et 1922 n'ont pas été, à ce moment, considérés comme présentant une importance réelle.

J'espère que la Puissance mandataire, pour avoir omis de mentionner ces conflits qui paraissaient alors sans gravité, ne sera pas considérée comme ayant manqué de bonne foi à l'égard de la Commission permanente des mandats.

(Signé) J. PARR.

**II. LETTRE DU REPRÉSENTANT ACCRÉDITÉ DU GOUVERNEMENT BRITANNIQUE  
AU SUJET DES OBSERVATIONS DE LA COMMISSION SUR LE RAPPORT POUR  
1926 RELATIF A L'ADMINISTRATION DU CAMEROUN.**

Londres, le 22 novembre 1927.

*Au Chef de la Section des mandats du Secrétariat.*

J'ai l'honneur d'accuser réception de votre lettre du 15 novembre accompagnée d'un exemplaire du texte des observations de la Commission permanente des mandats sur les rapports relatifs au Togo et au Cameroun britanniques, pour l'année 1926.

Je n'ai aucune remarque à présenter sur les observations de la Commission, mais je tiens à vous exprimer mes regrets du retard qu'à subi l'envoi à la Société des Nations du rapport relatif au Cameroun. Les travaux de reproduction des cartes figurant dans ce rapport ont été l'une des causes de ce retard, mais j'espère pouvoir, dans l'avenir, hâter l'envoi du rapport.

(Signé) W. ORMSBY GORE.

Geneva, December 1st, 1927.

**LEAGUE OF NATIONS**

**PERMANENT MANDATES COMMISSION**

**TWELFTH SESSION**

**COMMENTS ON THE COMMISSION'S OBSERVATIONS BY THE  
ACCREDITED REPRESENTATIVES OF NEW ZEALAND AND  
GREAT BRITAIN.**

**I. COMMENTS BY THE NEW ZEALAND REPRESENTATIVE ON THE OBSERVATIONS  
OF THE COMMISSION CONCERNING THE REPORT FOR 1926-1927 ON THE  
ADMINISTRATION OF WESTERN SAMOA.**

London, November 18th, 1927.

*To the Head of the Mandates Section of the Secretariat.*

I expect that New Zealand will have something to say with regard to the observation that "the Commission should be kept fully informed each year of political movements of any consequence in the mandated territories", and to the expression of regret "that no mention had previously been made of the underlying causes of the present agitation or of any symptoms of unrest which should have been brought officially to its notice before this year, particularly since references were found in some of the documents laid before it in 1927 to important signs of disaffection which had become evident in previous years".

I am quite sure that the Permanent Mandates Commission must know that, not infrequently, there would be differences and disagreements in the territory between different interests (including the Government), which the Mandatory might well consider as not of substantial importance, and therefore scarcely worthy of mention in the annual report. After all, it is a matter of degree. I believe the mandatory Power will readily concede that information of any movement which obviously might lead to consequences of a serious nature should be communicated speedily to the Permanent Mandates Commission. I would suggest, however, that possibly the mandatory Power may be able to reply that events which happened in 1921 and 1922 were not then considered as of material importance.

I hope that the mandatory Power, which made no mention of these minor differences — as they then appeared to be — is not considered to have shown lack of good faith to the Permanent Mandates Commission.

(Signed) J. PARR.

**II. LETTER FROM THE ACCREDITED REPRESENTATIVE OF THE BRITISH  
GOVERNMENT CONCERNING THE OBSERVATIONS OF THE COMMISSION  
RELATING TO THE REPORT FOR 1926 ON THE ADMINISTRATION OF  
THE CAMEROONS.**

London, November 22nd, 1927.

*To the Head of the Mandates Section of the Secretariat.*

I have the honour to acknowledge the receipt of your letter of November 15th, forwarding an advance copy of the observations of the Permanent Mandates Commission on the 1926 Reports on British Togoland and Cameroons.

I have no comments to make on the observations of the Commission, but wish to express regret for the delay in forwarding the Cameroons report to the League. The reproduction of the maps in the report was one cause of the delay, but I hope to expedite the presentation of the report in future.

(Signed) W. ORMSBY GORE.

C. 359. M. 132. 1927 VI.

GENEVA, JULY 1927.

5 5

LEAGUE OF NATIONS

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S. d. N. 700 (F.) 650 (A.) 17/27. — Imp. J. BIÈRE, Bordeaux.

Genève, le 29 février 1928.

6

SOCIÉTÉ DES NATIONS

MANDATS

**OBSERVATIONS COMPLÉMENTAIRES DU GOUVERNEMENT  
BRITANNIQUE AU SUJET DE LA DÉCISION DU CONSEIL  
CONCERNANT LE RAPPORT DE LA COMMISSION PERMANENTE  
DES MANDATS SUR LES TRAVAUX DE SA DIXIÈME SESSION**

**Surveillance de la frontière entre la Syrie et la Transjordanie.**

[Traduction.]

Foreign Office, Londres, le 20 février 1928.

Monsieur le Secrétaire général,

Comme suite à la lettre du Foreign Office, N° W.4000/333/98, en date du 14 mai dernier<sup>1</sup>, j'ai l'honneur, d'ordre du Secrétaire d'Etat, sir Austen Chamberlain, de communiquer les observations ci-dessous relatives à la question soulevée par la Commission permanente des mandats, lors de sa dixième session, au sujet de la surveillance de la frontière entre la Syrie et la Transjordanie.

2. Je dois, en premier lieu, rappeler l'exposé fait par M. Mills au cours de la onzième session de la Commission (enregistré à la page 124 des procès-verbaux de ladite session). Cet exposé relatait les événements survenus dans la région de la frontière jusqu'au moment où des officiers français se rendirent à Asrak pour se mettre en liaison avec les autorités britanniques.

3. Sur la proposition du Haut Commissaire en Palestine, des officiers français se rendirent à Asrak, au début de juin 1927, et offrirent finalement des conditions si favorables pour le retour des réfugiés dans leurs foyers que les autorités britanniques ordonnèrent à ces réfugiés de quitter la région d'Asrak dans un temps donné. Environ sept cents réfugiés acceptèrent les garanties qui leur étaient offertes et furent rapatriés, tandis que les autres se rendirent dans une autre oasis, appelée Ameri, à quinze milles environ plus à l'est. Ils furent, par la suite, obligés de quitter également cette oasis et, le 25 juillet 1927, tous les réfugiés en question avaient quitté la Transjordanie.

(Signé) MONTEAGLE.

<sup>1</sup> Voir document C. 264. 1927. VI. ou *Journal Officiel*, volume VIII, N° 6, page 711.

6 APR 1928

Geneva, February 29th, 1928.

LEAGUE OF NATIONS

MANDATES

**SUPPLEMENTARY OBSERVATIONS OF THE BRITISH GOVERNMENT  
ON THE DECISION OF THE COUNCIL CONCERNING THE REPORT  
OF THE PERMANENT MANDATES COMMISSION ON THE WORK OF ITS  
TENTH SESSION.**

**Supervision of the Frontier between Syria and Transjordan.**

Foreign Office, London, February 20th, 1928.

*To the Secretary-General.*

Sir,

With reference to Foreign Office letter No. W.4000/333/98 of May 14th last<sup>1</sup>, I am directed by Secretary Sir Austen Chamberlain to offer the following observations on the question which was raised by the Permanent Mandates Commission at its tenth session, concerning the supervision of the frontier between Syria and Transjordan.

2. I am, in the first place, to invite reference to the statement made by Mr. Mills in the course of the eleventh session of the Commission (as recorded on page 124 of the Minutes of that session). This statement dealt with events in the frontier region up to the time when French officers went to Azrak to act in liaison with the British authorities.

3. At the suggestion of the High Commissioner for Palestine, French officers visited Azrak during the early part of June 1927, and finally offered such favourable terms for the refugees to return to their homes that these refugees were ordered by the British authorities to leave the Azrak area within a limited time. Some seven hundred of the refugees accepted the safeguards issued to them, and were repatriated accordingly, whilst the remainder moved from this area to another oasis named Ameri, some fifteen miles further east. They were subsequently removed from this oasis also, and by July 25th, 1927, all the refugees in question had left Transjordan.

(Signed) MONTEAGLE.

<sup>1</sup> See document C. 264. 1927. VI, or *Official Journal*. Vol. VIII, No 6, p. 711.

Genève, le 3 mars 1928.

SOCIÉTÉ DES NATIONS

**MANDATS**

**Sud-Ouest Africain**

**OBSERVATIONS COMPLÉMENTAIRES DU GOUVERNEMENT DE  
L'UNION DE L'AFRIQUE DU SUD SUR LES DÉCISIONS DU CONSEIL  
RELATIVES AU RAPPORT DE LA COMMISSION PERMANENTE  
DES MANDATS SUR LES TRAVAUX DE SA ONZIÈME SESSION.**

(Voir également document C. 612.1927.VI.)

[Traduction.]

Le Cap, le 10 février 1928.

*Au Secrétaire général,*

Me référant au rapport du représentant des Pays-Bas au Conseil de la Société des Nations sur la question de la souveraineté dans un territoire sous mandat C, rapport adopté par le Conseil lors de la quatrième séance de sa quarante-sixième session, tenue à Genève le 8 septembre 1927, je suis chargé de vous informer que le Gouvernement de l'Union de l'Afrique du Sud a pris acte des observations formulées dans ce rapport et n'a pas de remarque à présenter, étant donné l'opinion exprimée par le Conseil sur ce sujet.

(Signé) H. D. J. BODENSTEIN,  
*Secrétaire pour les Affaires  
étrangères.*

[Distributed to the Members  
of the Council]

**C. 73.** 1928. VI.

Geneva, March 3rd, 1928.

LEAGUE OF NATIONS

**MANDATES**

**South-West Africa**

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**FURTHER OBSERVATIONS OF THE SOUTH AFRICAN GOVERNMENT  
ON THE COUNCIL'S DECISIONS CONCERNING THE REPORT  
OF THE PERMANENT MANDATES COMMISSION ON THE  
WORK OF ITS ELEVENTH SESSION**

(See also document C. 612. 1927. VI.)

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Cape Town,  
February 10th, 1928.

*To the Secretary-General,*

With reference to the report of the Netherlands representative on the Council of the League of Nations in regard to the question of sovereignty in a territory under C Mandate, adopted by the Council at the fourth meeting of its forty-sixth session, held at Geneva on September 8th, 1927, I am directed to inform you that the Government of the Union of South Africa has noted the observations made therein and, in view of the opinion of the Council expressed thereon, has no comment to offer.

(Signed) H. D. J. BODENSTEIN,  
*Secretary for External Affairs.*

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Geneva, May 21st, 1928.

**LEAGUE OF NATIONS**

**MANDATES**

**Statistical Information concerning Territories  
under Mandate.**

*Note by the Secretary-General:*

The information contained in this document is published in accordance with the suggestion of the Permanent Mandates Commission (document C.564.1926.VI), approved by the Council at its meeting on March 5th, 1928 (*Official Journal*, 9th Year, No. 4, page 375). The statistical tables have been prepared by the Secretariat, and revised and completed by the mandatory Powers.<sup>1</sup>

The explanatory notes have been translated by the Secretariat.

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<sup>1</sup> Revised information concerning Syria and the Lebanon has not yet been received.

Publications of the League of Nations  
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1928. VI.A. 4.



## A Mandates.

IRAQ

POPULATION (1919) (a)			Financial or adminis- trative year	TRADE *			
By religious persuasion	By race			Gross Imports	Net Imports (excluding Re-exports)	Gross Exports (including Re-exports)	New Exports i.e. Local Produce (excluding Re-exports)
Mahommedan: Sunnite 1,146,685	Arab	2,206,192	1920-1921	23,51,46,263	15,33,73,108	10,58,02,464	2,40,29,309
Mahommedan Shi'a 1,494,015	Kurdish	499,336	1921-1922	19,39,46,431	4,61,22,189	16,32,71,713	1,54,47,471
Jewish 87,488	Persian	79,908	1922-1923	16,78,22,168	9,69,54,348	10,78,99,481	3,70,31,661
Christian 78,792	Turkish	60,493	1923-1924	18,14,84,113	8,78,61,386	13,57,91,335	4,21,68,608
Other 42,302	Indian	3,061	1924-1925	19,12,40,989	9,11,02,021	14,20,08,617	4,18,69,649
Total 2,849,282	European	292	1925-1926	17,76,74,818	9,69,67,656	12,09,27,975	4,02,20,813
	Total	2,849,282					

\* All figures are in rupees:  
13 1/3 rupees (at par) = 1 £ sterling.

(a) The figures given are those of a preliminary census taken in 1919.

(b) Expenditure on (1) the British garrison and (2) the High Commissioner's establishment has not been included in the table as it does not fall under either of the headings on which information is desired by the League.

(c) On the creation of the Iraq Government, the British Government assumed responsibility for the final deficit of the administration under military occupation.

## PALESTINE (EXCLUDING TRANS-JORDAN)

Calen- dar year	POPULA- TION	TRADE *							
		Imports		Exports		Re-exports		Transit to Syria	
		Merchandise	Specie	Merchandise	Specie	Merchandise	Specie	Merchandise	Specie
1920	673,193(a)	5,409,987	—	1,318,620	—	—	—	(e)	
1921	761,796(a)	5,871,878	—	1,416,368	—	82,868	—	141,689	—
1922	757,182(b)	5,471,667	109,465	1,070,171	283,197	187,328	1,512	347,699	—
1923	—	4,825,185	110,080	1,143,234	411,496	233,973	—	189,680	—
1924	681,245 (c)	5,266,349	187,222	1,200,812	117,275	141,842	24	136,138	—
1925	—	7,338,491	193,656	1,297,559	102,145	139,701	12	71,776	—
1926	887,000(d)	6,429,245	10,835	1,275,625	13,356	175,129	115	73,251	500

\* All figures are in Egyptian pounds: 1£.E. = 1.01571 £ sterling at par.

(a) Estimated.

(b) Census.

(c) Excluding nomad Beduin.

(d) Estimate including nomad Beduin.

(e) The figures for the transit trade from and to Syria are not given separately for 1920.

## A Mandates.

Area: 116,511 sq. miles (301,761 km<sup>2</sup>).

PUBLIC FINANCE *							
AMOUNT SPENT EACH YEAR BY THE MANDATORY POWER (b)		Revenue other than from external sources	AMOUNT SPENT ON:				Financial or administrative year
Loans and advances	Non-recoverable grants		Education	Agriculture	Public Health	Public Works (e)	
—	92,55,831 (c)	5,62,90,497	12,46,853	6,74,607	33,42,695	1,06,42,309	1920-1921
—	—	5,28,24,962	19,06,447	8,04,221	34,01,108	1,04,35,516	1921-1922
—	—	4,74,67,076	19,67,388	6,79,847	27,45,918	70,49,593	1922-1923
—	—	5,09,40,646	17,84,267	5,41,964	20,83,546	61,73,846	1923-1924
—	—	5,27,32,593	21,32,838	6,08,222	19,36,291	55,98,291	1924-1925
—	12,00,000 (d)	5,81,01,933	22,74,525	5,86,206	19,48,983	38,93,035	1925-1926

*Public debt:* Iraq's liability on account of the Ottoman Public Debt is not yet finally settled, but is approximately £T 6,772,142.

(d) Contribution to the cost of the Iraq Army.

(e) In the amounts spent on public works is included expenditure on irrigation which was as follows: 1920-1921, 46,67,295; 1921-1922, 30,31,911; 1922-1923, 35,49,518; 1923-1924, 33,11,266; 1924-1925, 23,76,553; 1925-1926, 15,91,302.

Area: 9,010 sq. miles (23,336 km<sup>2</sup>)

Transit From Syria		Financial or administrative year	PUBLIC FINANCE *						
			REVENUE FROM EXTERNAL SOURCES		Revenue other than from external sources	AMOUNT SPENT ON:			
			Loans and advances	Non-recoverable grants		Educa-tion	Agri-culture (g)	Public Health	Public Works (h)
—	—	1920-1921 **	Nil	—	1,108,528	48,827	30,270	118,240	153,660
3,736	—	1921-1922	„	—	2,312,243 (f)	88,158	66,421	142,931	101,785
45,807	2,208	1922-1923	„	287,625	1,764,585	89,232	55,438	114,147	213,901
45,415	192	1923-1924	„	234,606	1,633,893	97,278	52,055	91,355	143,877
61,002	—	1924-1925	„	187,200	1,913,872	100,099	51,096	82,329	150,495
48,752	2,370	1925-1926	„	198,024	2,541,067	101,392	63,775	83,276	211,647
33,811	9								

\*\* From *Public debt:* Palestine's liability on account of the Ottoman Public Debt is 1/VII/1920 to 31/III/1921 only. approximately £E. 3,284,429.

(f) Including £E. 314,721 in respect of taxes collected locally by the Ottoman Public Debt Administration prior to April 1st, 1921.

(g) For 1921-1922, 1922-1923 and 1923-1924, including Land Department and Land Registry, Survey Department and Department of Agriculture and Fisheries.

(h) Including Public Works Department, Public Works Recurrent, Public Works Extraordinary (not including Posts, Telegraphs and Telephones and Railways).

## B Mandates.

### CAMEROONS UNDER BRITISH MANDATE

Calendar year	POPULATION		TRADE * (a)		Financial or administrative year (b)	REVENUE EXTERNAL
	Native	Non-native	Imports	Exports		Loans and advances
1921	645,174	55	80,514	40,025	1920 Jan.-March 1921	Nil
1922	551,321	91	52,172	140,424	1921-1922	"
1923	632,303	85	57,869	74,363	1922-1923	"
1924	660,024	77	45,945	112,195	1923-1924	"
1925	687,375	183	238,636	126,668	1924-1925	"
1926	666,841	220	275,443	220,740	1925-1926	"

Public debt:  
Nil.

\* All figures are in £ sterling.

(a) Including specie, through Customs stations. The figures given above do not include imports and exports across the frontier between Nigeria and the British Cameroons. No reliable estimate of this trade is available.

(b) In 1921 the financial year which had previously coincided with the calendar year was altered to the period April 1st to March 31st.

(c) The non-recoverable grants are the estimated annual deficits which are met from the general revenue of Nigeria.

### CAMEROONS UNDER FRENCH MANDATE

Calendar year	POPULATION		TRADE *	
	Native	Non-native	Imports	Exports (e)
1920	?	?	47,242,438	49,245,085
1921	2,830,000	?	33,581,277	21,498,333
1922	?	722	33,427,960	25,236,660
1923	2,755,326	?	54,430,524	42,305,003
1924	2,771,132 (a)	?	73,947,426	66,955,692
1925	no census		126,086,353	111,183,596
1926	1,877,113 (b)	1,570	141,949,054	155,306,312
1927	1,900,000 (c)	2,000 (c)	200,000,000 (d)	175,000,000 (d)

\* All figures are in French francs.

(a) Summary census.

(b) See Report to the League 1926 (page 49) for explanation of the apparent decrease in the population.

(c) The native population is increasing slowly, while the European population is growing very rapidly.

(d) Estimates.

(e) Exports and re-exports.

(f) For 1920-1923 (inclusive), actual receipts less sums taken from the Reserve Fund and carry-over from the previous financial periods; for 1924-27, estimates only.

(g) Excluding expenditure on material.

## B Mandates.

Area: 34,236 sq. miles (88,671 km<sup>2</sup>)

### PUBLIC FINANCE \*

FROM SOURCES	Revenue other than from external sources		AMOUNT SPENT ON:							
			Education		Agriculture		Public Health		Public Works	
	Non-recoverable grants (c)	Government (d)	Native Admin. (e)	Government	Native Administr.	Government	Native Administr.	Government	Native Administr.	Government
12,296	57,832	—	907	—	3,177	—	5,872	—	2,735	—
16,589	6,102	—	425	—	973	—	1,610	—	4,186	—
50,630	51,574	13,178	1,936	—	4,423	—	7,321	—	19,023	—
50,057	56,299	27,098	2,923	1,271	1,001	—	9,244	21	15,410	2,786
53,338	66,324	21,055	4,224	1,866	459	14	13,159	278	13,689	2,711
58,201	71,507	34,257	4,850	2,143	813	14	10,124	364	16,351	3,662
30,770	85,153	38,654	4,472	3,016	1,157	16	10,886	578	16,642	5,075

(d) In calculating the non-recoverable grants and the Government revenue for the years preceding 1923-24, no account has been taken of the small Government revenue arising from the Northern Cameroons. The amount of such revenue, which cannot be accurately computed, was more than counterbalanced by Government expenditure. From 1923-24 onwards, the figures correspond with those in Appendix I to the Annual Reports.

(e) As the Native Treasuries in the Northern Cameroons were not fully organised before 1921-1922, no figures are available for the period prior to April 1st, 1921. The Native Treasuries in the Cameroons Province were not constituted until April 1st, 1922.

Area: 425,000 km<sup>2</sup> (164,094 sq. miles)

PUBLIC FINANCE *							Calendar year
REVENUE FROM EXTERNAL SOURCES		Revenue other than from external sources (local revenue) (f)	AMOUNT SPENT ON (estimates):				
Loans and advances	Non-recoverable grants		Native Education	Agriculture	Public Health	Public Works	
Nil	Nil	14,035,606	117,540 (g)	?	740,631	?	1920
"	"	13,284,790	242,200	106,830	889,015	?	1921
"	"	14,463,450	411,400	175,643	1,452,121	9,386,313	1922
"	"	21,072,720	387,655	163,360	1,435,446	8,295,000	1923
"	"	17,160,000	455,427	237,324	2,211,000	8,900,000	1924
"	"	18,600,000	580,945	346,750	2,381,000	16,464,351 (i)	1925
"	"	26,229,000	916,274	448,895	3,597,501	26,560,000 (j)	1926
"	"	41,768,350	1,011,695	561,497	7,824,503 (h)	22,120,643 (k)	1927

Public debt: (Loan from Togoland) 1927: Fr. 5,000,000.

(h) Special budget for public health and native relief for 1927.

(i) The sum includes (i) special budget 3,264,351 francs; (ii) construction budget 13,000,000 francs; (iii) public health budget 200,000 francs.

(j) This total includes expenditure figuring in: (i) the special budget 4,600,000 francs; (ii) supplementary railway construction budget (approved works in progress — 21,500,000 francs); (iii) the public health budget 460,000 francs.

(k) This total includes: (i) special budget 5,533,143 francs; (ii) construction budget 16,000,000 francs; (iii) public health budget 587,500 francs.

**RUANDA-URUNDI**

Calendar year	POPULATION		TRADE **	
	Native	Non-native *	Imports	Exports
1920	?	172	1,074,818	617,424
1921	?	482	1,676,486	551,532
1922	?	465	3,800,000	1,617,450
1923	?	524	7,828,000	6,019,649 (a)
1924	5,000,000 (estimated)	605	10,269,304	9,523,686 (a)

\* On December 31st.

\*\* All figures are in Belgian francs.

GENERAL NOTE.

It has not been possible to furnish for 1920 and 1921 the particulars asked for. In respect of the financial periods previous to 1923, the financial documents forwarded by the administration in Africa were not divided by the Central Administration according to the items of the budget. Furthermore, the budgets of these periods, which were drawn up in Africa, place under the one heading "Territorial Service" all the expenses relating to

**TANGANYIKA**

Calendar year	POPULATION		TRADE * (a)			Financial or administrative year
	Native	Non-native	Imports	Exports	Transit	
1919			1,737,640	1,994,016	144,591	1919-1920
1920			1,734,731	2,021,481	236,155	1920-1921
1921		17,438 (Census)	1,426,125	1,246,870	142,764	1921-1922
1922			1,386,212	1,441,584	270,866	1922-1923
1923			1,799,038	1,733,229	266,598	1923-1924
1924			2,062,646	2,695,264	693,092	1924-1925
1925	4,319,000 (Estimated)		2,863,917	3,007,879	1,355,602	1925-1926

\* All figures are in £ sterling.

(a) Excluding bullion and specie, but including Government imports, the amount of which is given separately in some of the Reports.

(b) Ordinary revenue — excluding railways.

Area: 55,500 km<sup>2</sup> (21,429 sq. miles)

PUBLIC FINANCE **							Calendar year
REVENUE FROM EXTERNAL SOURCES		Revenue other than from external sources (local revenue)	AMOUNT SPENT ON:				
Loans and advances	Non-recoverable grants		Native Education	Agriculture	Public Health	Public Works	
1,500,000	—	?	?	?	?	?	1920
1,500,000	—	?	?	?	?	?	1921
1,000,000	—	2,931,241	?	326,235	81,871	433,168	1922
1,200,000	—	3,424,793	151,526 (b)	205,936	122,000 (b)	624,162	1923
1,200,000	—	5,084,318	168,286 (b)	44,293	250,572 (b)	1,098,044	1924

Public debt (1924): Nil.

Agriculture, the Veterinary Service, Health, Public Works, Public Forces and Residencies. The expenditure on these different branches has only been clearly subdivided since the 1926 financial period onwards.

(a) The Reports (1922, page 17, 1923, page 24) point out that the figures (declared export value) fall short of the reality.

(b) Excluding construction of schools and hospitals; 1923: 147,573 francs, 1924: 95,000 francs (expenditure estimated 19,354 francs).

Area: 373,494 sq. miles (967,341 km<sup>2</sup>)

PUBLIC FINANCE *						
REVENUE FROM EXTERNAL SOURCES		Revenue other than from external sources (b)	AMOUNT SPENT ON:			
Loans and advances	Non-recoverable grants		Education (c)	Agriculture (d)	Public Health	Public Works (e)
	—	565,319	174	2,701	48,807	66,453
	316,000	790,467	3,106	11,061	90,787	166,131
	92,109	782,526	8,058	29,345	101,918	254,256
Total to 3.III.26 3,135,446	—	1,001,040	9,359	32,180	89,999	240,427
	—	1,073,779	11,024	34,742	91,341	191,432
	—	1,240,054	15,724	41,112	106,127	319,031
	—	1,570,571	28,491	46,138	147,703	256,824

Public debt (1926): 3,135,446 (interest bearing £2,059,938).

(c) Total expenditure on education. Separate figures for native education not given.

(d) Agricultural and Forestry Departments.

(e) Public Works Department, recurrent and extraordinary expenditure for Public Works.

**TOGOLAND UNDER BRITISH MANDATE**

POPULATION		Calendar year	TRADE * (a)	
Native	Non-native		Imports	Exports
187,939 (1921 Census)	20	1920	Not available	Not available
		1921	Not available	Not available
		1922	32,382	98,304
		1923	33,499	108,676
		1924	32,593	136,768
		1925	37,617	157,328

\* All figures are in £ sterling.

(a) The trade figures relate to the calendar year and include articles imported and exported across the frontier free of duty, but are exclusive of specie.

**TOGOLAND UNDER FRENCH MANDATE**

Calendar year	POPULATION		TRADE *	
	Native	Non-native	Imports	Exports
1920			26,111,670	22,758,091
1921	698,130 (a)	210 (a)	11,247,953	7,018,121
1922	730,544	263	10,107,453	17,197,281
1923	761,944	264	31,426,622	24,159,424
1924	747,144	293	54,925,943	61,171,420
1925	747,130	360	76,318,503	61,576,782
1926	742,428 (b)	380	99,047,677	79,377,154
1927	750,000 (c)	400 (c)	125,000,000 (c)	100,000,000 (c)

\* All figures are in French francs.

(a) Census of July 1st, 1921.

(b) Report to the League of Nations 1926 — add to this figure five natives who are French citizens.

(c) Estimated.

(d) Annuity on the loan granted to the Cameroons.

(e) The total revenue does not include the sums taken from the Reserve Fund amounting to 9,378,500 francs in 1925; 9,150,000 francs in 1926; and 11,200,000 francs in 1927.

(f) Actual ordinary receipts for 1920-1924 (inclusive); estimates for 1925-1927.

Area: 13,240 sq. miles (34,292 km<sup>2</sup>) approximately.

Financial or administrative year	PUBLIC FINANCE *						
	REVENUE FROM EXTERNAL SOURCES		Revenue other than from external sources	AMOUNT SPENT ON:			
	Loans and advances	Non-recoverable grants		Native Education	Agriculture	Public Health	Public Works
1921 (b)	Nil	Nil	1,849	2,880	573	1,528	16,369
1922	"	"	2,700	2,631	524	1,396	14,956
1923-1924	"	"	20,081	4,389	2,392	2,420	13,136
1924-1925	"	"	36,015	5,222	3,551	4,244	17,695
1925-1926	"	"	41,010	5,810	3,349	5,118	14,082

Public debt: Nil.

(b) Figures for 1920 not available.

Area: 52,000 km<sup>2</sup> (20,077 sq. miles)

PUBLIC FINANCE *							Calendar year
REVENUE FROM EXTERNAL SOURCES		Revenue other than from external sources (local revenue) (e) (f)	AMOUNT SPENT ON (estimates):				
Loans and advances	Non-recoverable grants		Native Education (g)	Agriculture (h)	Public Health (i)	Public Works	
Nil	Nil	2,556,323	?	?	?	—	1920
"	"	4,333,335	?	?	?	—	1921
"	"	4,301,048	197,150	80,497	334,780	—	1922
"	"	13,400,068	331,874	109,345	617,017	—	1923
"	"	15,302,747	462,939	150,867	732,484	—	1924
"	"	9,378,500	585,877	510,707	818,053	1,460,000	1925 (k)
250,000 (d)	"	14,737,200	720,970	839,826	1,626,278	2,839,500	1926
250,000 (d)	"	22,385,000	1,367,172	1,239,098	4,744,000 (j)	3,400,000	1927

Public debt: Nil.

(g) Public education and technical and vocational training.

(h) Agriculture, breeding and zoo-technical service.

(i) Hospital, infirmary, dispensaries, Public Health, ambulances, Sanitary Services, Public Relief, Native Medical Relief.

(j) Supplementary public health budget introduced for 1927.

(k) The 1925 figures are taken from the preamble to the 1927 budget.



### C Mandates.

#### NAURU

Calendar year	POPULATION		TRADE *		REVENUE EXTERNAL
	Native	Non-native	Imports	Exports	Loans and advances
1922	1,113	1,016	78,320	275,115	Nil
1923	1,164	903	53,684	520,870	"
1924	1,189	931	100,253	429,345	"
1925	1,220	954	65,575	339,790	"
1926	1,251	966	104,117	412,402	"

\* All figures are in £ sterling.

Public debt: Nil.

#### NEW GUINEA

Financial or administrative year	POPULATION		TRADE *		REVENUE EXTERNAL
	Native	Non-native	Imports	Exports	Loans and advances
1920-1921	(a)	3,173 (b)	661,441	673,992	—
1921-1922	251,017	2,927	468,711	499,197	—
1922-1923	335,258	2,979	516,455	630,892	—
1923-1924	378,512	2,944	485,634	718,535	23,925
1924-1925	378,701	3,045	537,940	858,990	2,000
1925-1926	417,918	3,132	568,339	1,105,158	2,000

\* All figures are in £ sterling.

(a) Figures not available.

(b) Census (1921 April 4th, subsequent years June 30th).

(c) Revenue under the head of "Appropriation of former years" has been included in the figures shown for "Ordinary Revenue". It may be explained that revenue under the head of "Appropriation of former years" represents repayments to revenue of expenditure met in previous years. As the amounts so repaid were shown as expenditure in former years, it is necessary that they be included in the revenue figures of subsequent years in order that a true balance between revenue and expenditure may be struck.

### C Mandates.

Area: 8.43 sq. miles (21 km<sup>2</sup>. 83)

PUBLIC FINANCE *						Calendar year
FROM SOURCES	Revenue other than from external sources	AMOUNT SPENT ON:				
Non-recoverable grants		Native Education	Agriculture	Public Health	Public Works	
Nil	11,181	—	—	1,050	1,444	1922
"	11,837	371 (a)	—	1,460	1,081	1923
"	18,199	572 (a)	—	2,225	2,859	1924
"	15,174	703 (a)	—	2,857	3,367	1925
"	16,424	872 (b)	—	3,042	1,893	1926

(a) Paid from Nauru Royalty Trust Fund.

(b) £606 paid from Nauru Royalty Trust Fund; £266 paid from Revenue.

Area: 91,300 sq. miles (236,465 km<sup>2</sup>)

PUBLIC FINANCE *							Financial or administrative year
FROM SOURCES	Revenue other than from external sources (c) (Internal revenue)		AMOUNT SPENT ON:				
Non-recoverable grants	Ordinary	Native Education Trust fund	Native Education	Agriculture	Public Health	Public Works	
—	193,957	—	—	(d) 5,500	(d) 25,000	15,100	1920-1921
—	257,506	5,325	12	6,719	30,474	28,922	1921-1922
10,000	249,286	16,358	8,067	5,690	41,254	20,107	1922-1923
—	248,744	5,092	18,955	7,533	43,123	47,754	1923-1924
—	242,755	8,512	9,171	7,987	52,556	33,656	1924-1925
10,000	259,018	10,914	6,486	9,761	52,906	22,771	1925-1926

The Public debt amounted to £23,925 on June 30th, 1924, £23,465 on June 30th, 1925, and £24,113 on June 30th, 1926.

(d) Owing to the system of classification of expenditure in force during the financial year 1920-1921, it is not possible to furnish exact figures in respect of expenditure on account of Agricultural and Medical Services in that year. As the staff engaged on those services during the year 1920-1921 was practically identical with that employed in the succeeding year, approximate expenditure figures for the Agricultural and Medical Services have been adopted for 1920-1921 based on the expenditure of 1921-1922.

## ISLANDS UNDER JAPANESE MANDATE

Calendar year	POPULATION*		TRADE**		REVENUE EXTERNAL
	Native	Non-native	Imports	Exports	Loans and advances
1920	48,505	3,717	972,764	2,179,613	Nil
1921	48,494	3,248	690,756	2,111,395	"
1922	48,487	3,470	1,831,719	1,769,818	"
1923	47,916	4,090	2,454,114	2,344,414	"
1924	49,328	5,097	2,513,393	3,535,474	"

Public debt: Nil

\* The figures given are as at June 30th (in 1920: October)      \*\* All figures are in yen.

### GENERAL NOTE.

The question marks indicate that the figures with reference to the years in question could not be supplied inasmuch as they refer to a period anterior to the creation of the Bureau of the South Sea Islands.

(a) This figure includes expenses for both native and non-native education.

(b) Items:	1924 Yen	1923 Yen	1922 Yen
Experiment station . . . . .	91,726	70,147	73,904
Sugar cultivation subsidy . . . . .	140,441	94,374	135,112
Subsidy for planting palm trees . . . . .	12,531	13,100	12,890
Stock farming . . . . .	2,743	3,596	4,553
Subsidy for cultivation of vegetables . . . . .	1,633		

(See Report 1924, page 47 ff.)

## SOUTH-WEST AFRICA (NOT INCLUDING THE CAPRIVI ZIPFEL)

Calendar year	POPULATION (a)			TRADE**		Financial or administrative year	REVENUE EXTERNAL
	Native	Coloured	European	Imports	Exports		Loans and advances
1921	177,462	30,845	19,432	1,211,364	1,587,305	1920-1921	—
1922	190,298	25,161	20,000	1,147,637	1,247,229	1921-1922	—
1923	—	—	—	1,301,304	2,672,094	1922-1923	—
1924	—	—	—	1,777,164	2,851,473	1923-1924	—
1925	186,175	—	24,468	2,189,851	2,690,021	1924-1925	—
1926	*	*	24,115	—	—	—	—

Public debt: Nil.

\* No census taken of native population.

\*\* All figures are in £ sterling.

### EXPLANATORY NOTES.

(a) *Population.* — The year 1922 shows a considerable alteration in the native population as compared with the figures furnished the previous year. The reasons for this are explained on page 10 of the Annual Report for 1922. No accurate estimate of the population was taken in 1923 or 1924. It was merely reported that the normal increase in the native population was being maintained.

The estimated figures for 1925 are given on pages 20 and 21 of the Annual Report for that year.

A census of the European population was taken in May 1926 and this shows the figure to be 24,115. The estimates furnished by the Magistrates at the end of 1925 were therefore very accurate. Most people proceeding from the territory to Europe leave about April so as to have the summer in Europe. There must have been a considerable number of absentees in May last. The latest estimates of the native population will be included in the report for 1926. These are not yet to hand.

(b) *Finances.* — The territory has no public debt. This is very clearly stated on page 18 of the Report for 1925. It is there shown that, so far from having a public debt, the territory has accumulated a very substantial surplus out of its revenue. The advances to the Land Bank, settlers, municipalities, etc., are naturally all repayable to the Administration and the railways constructed and public buildings erected are assets.

It follows that, apart from the amount of £1,810,000 referred to on page 18 of the Report for 1925 which was spent before the Mandate was granted, the Union Government has not been called upon to make any contribution to meet deficits. It is not anticipated that the Union Government will claim this £1,810,000.

Copies of the estimates of revenue and expenditure and of the section of the Auditor-General's report dealing with South-West Africa have been forwarded annually to the Permanent Mandates Commission. The latter shows in detail the revenue and expenditure, estimated and actual, under each head every year, and the general financial position of the territory.

The amounts shown under "Native Education" represent the total expenditure on education — European, native and coloured — during the years mentioned.

Area: 830 sq. miles (2,149 km<sup>2</sup>)

PUBLIC FINANCE **							Calendar year
FROM SOURCES		AMOUNT SPENT ON:					
Non-recoverable grants	Revenue other than from external sources	Education		Agriculture	Public Health	Public Works	
		Native	Non-native				
— ?	363,903	45,929 (a)		(b)	41,292	—	1920
?	?	?	?	—	—	—	1921
5,239,960	1,300,548	144,212	16,427	—	234,650 (c)	260,752	1922
3,000,000	2,540,863	112,267	15,520	—	251,320 (d)	211,673	1923
2,780,203	3,479,624	138,539	27,443	—	253,104	459,841 (e)	1924

(c) Hospital revenue: 10,267 yen (Report 1922, page 23), revenue for 1921.

" " 24,236 yen, revenue for 1922.

(d) " " 32,447 yen (Report 1924, page 92), revenue for 1923.

(e) This figure includes expenses for ports.

Area: 322,393 sq. miles (834,990 km<sup>2</sup>)

PUBLIC FINANCE ** (b)							
FROM SOURCES		AMOUNT SPENT ON:					
Non-recoverable grants	Revenue other than from external sources	Education	Agriculture	Public Health	Ordinary expenditure	Public Works (Capital extraord. expenditure)	Total
—	1,601,216	34,901	106,453	16,521	138,590	18,299	156,889
—	870,931	46,154	150,330	18,494	101,041	41,270	142,311
—	853,808	58,658	137,774	16,235	93,491	26,796	119,287
—	849,238	72,587	143,276	15,094	93,456	21,476	114,932
—	652,115	85,321	146,971	15,405	75,125	33,892	109,017
—	—	—	—	—	—	—	—

The education of coloured and native pupils was first subsidised in the financial year 1922-1923 and the expenditure has been as follows:

	£
1922-1923	431
1923-1924	3,668
1924-1925	4,709
1925-1926	5,450

This is reflected under *Vote 6 (Education)* on the following pages of the Controller and Auditor-General's reports for the respective years:

1922-1923,	page 389,	Item F.
1923-1924,	" 377,	" G.
1924-1925,	" 399,	" F.

The amount provided for native and coloured education for the current financial year which ended on March 31st, 1927, is £7,550.

With regard to Public Works, the information contained in the schedule is now supplemented by the amount spent on major works representing capital or extraordinary expenditure.

This information will be found on the following pages of the Controller and Auditor-General's reports:

Year	Ordinary expenditure	Extraordinary expenditure
1920-1921	Page 412	Page 422
1921-1922	" 449	" 453
1922-1923	" 391	" 395
1923-1924	" 383	" 384
1924-1925	" 405	" 405

In 1924-1925, major works which were formerly shown as capital or extraordinary expenditure were included in ordinary expenditure. The expenditure thereon amounted to £33,892 4s. 0d. and the Controller and Auditor-General's report gives full details thereof. For purposes of comparison with previous years, the amounts which formerly were shown as ordinary and capital expenditure respectively have been split in the return.

**WESTERN SAMOA**

Calendar year	POPULATION		Financial or administrative year	TRADE **	
	Native	Non-native (a)		Imports	Exports
1920*	32,479		1920-1921	561,153	386,587
1921	32,601	3,821	1921-1922	408,892	241,539
1922	33,685	3,716	1922-1923	282,939	365,610
1923	33,800	3,299	1923-1924	268,881	288,774
1924	34,817	3,048	1924-1925	274,803	361,418

\* Census as of December 31st, except in 1921 when as of April 17th.      \*\* All figures are in £ sterling.

(a) The gradual decline in the non-native population is explained by the fact that, since the beginning of 1921, the number of imported labourers has been steadily decreased. On April 17th, 1921, the total number of imported labourers was 1,755, whereas at December 31st, 1924, this number had been reduced to 919.

Area: 1,133 sq. miles (2,934 km<sup>2</sup>)

PUBLIC FINANCE **									
REVENUE FROM EXTERNAL SOURCES		Revenue other than from external sources	AMOUNT SPENT ON:				Financial or administrative year		
Loans and advances	Non-recoverable grants		Native Education	Agriculture	Public Health	Public Works			
£	s.	d.							
14,902	0	4	25,000	149,027	3,176	5,405	15,840	13,796	To 31/3/1920
29,434	3	10	16,000	119,569	5,237	4,444	22,690	15,418	1920-1921
49,229	1	2	16,000	115,250	6,846	3,787	25,715	12,549	1921-1922
20,776	16	8	24,000	109,917	6,556	5,748	23,995	21,191	1922-1923
5,657	18	0	19,140	111,774	7,609	3,031	24,425	24,738	1923-1924

120,000 0 0 Total.

25,000 0 0 Less amount written off as depreciation representing gift of that amount from New Zealand.

£95,000 0 0 Public Debt.

Geneva, May 15th, 1928.

LEAGUE OF NATIONS

9

**MANDATES**

**New Guinea**

**OBSERVATIONS OF THE AUSTRALIAN GOVERNMENT ON THE  
COUNCIL'S DECISION CONCERNING THE REPORT OF THE  
PERMANENT MANDATES COMMISSION ON THE WORK  
OF ITS ELEVENTH SESSION<sup>1</sup>**

Canberra, March 28th, 1928.

To the Secretary-General,

Sir,

With reference to your letter of September 20th, 1927, No. 1/61260/16460, relative to the report submitted by the Permanent Mandates Commission on the work accomplished during its eleventh session, I have the honour to transmit, for the information of the Council of the League of Nations and the Permanent Mandates Commission, the following replies to the Commission's observations in relation to the Territory of New Guinea, and to questions raised by members of the Commission during its examination of the Report on the Administration of the Territory of New Guinea for the year 1925-26.

**GENERAL OBSERVATIONS.**

**AREAS BROUGHT UNDER CONTROL OR INFLUENCE : INCREASES IN STAFF.**

Particulars of the increases in the district staffs necessitated by the progress made by the Administration in bringing new areas under control or influence are indicated in the following comparative table :

Office	Number of positions on June 30th, 1922	Number of positions on June 30th, 1927	Increase
Assistant District Officer . . . . .	10	15	5
District Inspector . . . . .	—	1	1
Assistant District Inspector . . . . .	—	1	1
Patrol Officer . . . . .	21	22	1
Medical Officer . . . . .	6	9	3
Senior Medical Assistant . . . . .	10	10	—
Medical Assistant . . . . .	11	20	9
Senior Clerks . . . . .	4	4	—
Clerks . . . . .	10	16	6
Totals . . . . .	72	98	26

The total number of permanent officers in the public service of the Territory has increased from 183 on June 30th, 1922, to 284 on June 30th, 1927.

<sup>1</sup> See : Report of the Permanent Mandates Commission (document A. 27. 1927) ; Minutes (document C. 348. M. 122. 1927. VI.) ; and resolution of the Council, dated September 8th, 1927 (*Official Journal*, VIIIth Year, No. 10, October 1927, page 1120).

#### STATEMENTS CONCERNING RESULTS OBTAINED IN THE VARIOUS DISTRICTS.

It is assumed that the statements mentioned by the Permanent Mandates Commission are the detailed statements respecting patrols to new areas. Several of these statements have been included in Part XII, District Administration, of the report for the year 1926-27.

#### APPOINTMENTS TO AND GENERAL CONDITIONS OF THE PUBLIC SERVICE OF THE TERRITORY.

Full information under this head will be found in Part I, §§ 5 to 25, of the report for 1926-27.

#### CONDITIONS IN THE NORTH-WESTERN ISLANDS REFERRED TO BY THE DIRECTOR OF PUBLIC HEALTH.

In February 1927, a special medical patrol, under the personal supervision of the Director of Public Health, proceeded to the North-Western Islands, but the report on the investigations made is not yet to hand. A reference to this patrol is made in the report of the Director of Public Health, published as Appendix C to the Annual Report on the Administration of New Guinea for the year 1926-27.

With a view to improving the diet of the natives of these islands, special efforts have been made by the Administration to encourage the cultivation of new food crops. The Department of Agriculture has despatched supplies of seeds and cuttings to the Islands, where bananas, beans and tapioca are now growing well.

Difficulty has been experienced in inducing the natives to replace taro with foods of greater value, but it is hoped that, by persistent effort, this difficulty will be overcome.

#### SPECIAL OBSERVATIONS.

##### 1. LABOUR.

(a) *Porterage*. — There is no provision in the law of New Guinea under which natives may be compelled to perform porterage work for the Administration.

All porterage performed for the Administration by natives is undertaken by them voluntarily and is adequately remunerated.

In this connection, attention is invited to § 79 of the report for 1926-27, under the head of "Forced Labour".

(b) "*Job Contracts*". — Information regarding the employment of natives on the basis of "job contracts" is supplied in § 75 of the report for 1926-27.

(c) *Payment of Taxes by Labour*. — Section 11 of the Native Taxes Ordinance 1921 provides that the Administrator, if he thinks fit, may, by order, permit any taxable native to pay any tax by labour, and that the amount of labour which shall be deemed to be the equivalent of payment in money shall be as prescribed.

It will be seen that the law provides that the Administrator may permit a native who so desires to pay his tax by labour, but that he cannot force a native to work in lieu of paying his tax.

As, up to the present, no natives have expressed a desire to pay their taxes by labour, no Order under Section 11 of the Ordinance has been made by the Administrator, and the amount of labour which shall be deemed to be the equivalent of payment in money has not been prescribed.

The Ordinance further provides :

(a) That taxes are payable only in such taxation districts as the Administrator prescribes ;

(b) That the rate of tax may vary in different districts ;

(c) That the Administrator may remit the whole or any part of the tax in favour of either individuals or districts.

The practice adopted in the Territory is to levy taxes upon such natives only as are able to pay in money.

If, however, a native who is able to pay his tax in money refuses to do so, he may be imprisoned.



## 2. FREEDOM OF CONSCIENCE.

A special part of the report for 1926-27 (Part XIV) has been devoted to the subject of Freedom of Conscience.

## 3. EDUCATION.

Particulars of the system of education in force in the Territory are furnished in § 106 of the report for 1926-27.

## 4. PUBLIC FINANCE.

The form in which the statements of revenue and expenditure of the New Guinea Administration are published in the Annual Reports is that in which the Administration is required by law to submit them. Part IX (Public Finance) of the report for the year 1926-27 has been compiled with the object of setting out as clearly as possible the financial position of the Territory as at June 30th, 1927, and it is hoped that this section will satisfy the Mandates Commission. Attention is specially invited to the tabulated statement contained in § 193.

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### Matters referred to by Members of the Permanent Mandates Commission during the Examination of the Report for 1925-26.

*Oath taken by Special Constables.* — The objection taken to the form of the oath administered to special constables has been noted, and consideration is now being given to the question of amending the form by the addition, after the words " His Majesty's subjects " in paragraphs (a) and (b) of Subsection (2) of Section 19 of the Police Offences Ordinance 1925, of the words " and of all other persons resident or being within the Territory ".

*Advisory Council.* — The suggestion of Senator Grant that two members of the Advisory Council should be elected has not been adopted.

When, however, the whole of the expropriated properties have been sold, it is proposed to give consideration to the question of establishing an Executive Council and a Legislative Council in New Guinea, somewhat on the lines of those existing in the Territory of Papua.

*New Guinea Act 1920-26.* — Subsection (1) of Section 14 of the New Guinea Act 1920 formerly read as follows :

" Until the Parliament makes other provision for the Government of the Territory, the Governor-General may make Ordinances having the force of law in the Territory. "

This subsection has been amended by Section 3 of the New Guinea Act 1926 by the insertion, after the word " in ", of the words " and in relation to ". As a result of this amendment, Ordinances made by the Governor-General under the authority conferred by the New Guinea Act now have the force of law in relation to the Territory in all places in which the New Guinea Act is in force, as well as in the Territory itself, and such Ordinances may now be invoked in Australia in relation to the Territory of New Guinea.

The object of the amendment was to facilitate the administration of the laws of the Territory and to overcome legal difficulties arising from the fact that the New Guinea Ordinances have hitherto operated only within the limits of the Territory.

There are many matters, such as land registration, in regard to which it is necessary that action be taken in Australia under an Ordinance in relation to the Territory.

*Upkeep of Roads.* — Information regarding the upkeep of roads is furnished in §§ 228 and 235 of the report for 1926-27.

The position in regard to the road now in course of construction in the Markham River Valley is the same as in the case of other public roads in the Territory outside of town areas. Where the road passes through or touches the boundaries of occupied land, the owners of the land, whether natives or non-natives, are responsible for the upkeep of the road in accordance with the provisions of the Roads Maintenance Ordinance 1922.

Where the road passes through unoccupied land, the Administration is responsible for its upkeep.

*Compulsory Cultivation of Land.* — Regulation 79 A, which was inserted in the Native Administration Regulations 1924 by Regulations made on October 28th, 1924, formerly read as follows :

“ 79 A.

“ 1. A District Officer shall order that every able-bodied male native in his district not under indenture shall plant every year such plants or crops as the Administrator may direct either on his own land or on any native reserve appurtenant to his village or on such other land as the District Officer may direct.

“ 2. A District Officer may order that every able-bodied male resident in any village in his district shall, in addition to planting the plants or crops hereinbefore mentioned, plant and harvest and provide suitable storage accommodation for such food crops as shall in the opinion of the District Officer yield sufficient food for such native and his family.

“ 3. The Administrator may appoint officers to be known as Agricultural Instructors with authority to superintend and to give such orders and instructions as shall be necessary for the proper planting and tending of plants and crops under the provisions of this Regulation and the harvesting and storing thereof. Any native who refuses or neglects to carry out any such order or instruction of an Agricultural Instructor shall be guilty of an offence. Penalty : Three pounds, or imprisonment for six months, or both.

“ 4. The Administrator may in his discretion exempt any native from all or any of the provisions of this Regulation.”

As the law authorities of the Commonwealth considered that this Regulation was inconsistent with Section 15 (2) of the New Guinea Act 1920-26, which provides that no forced labour shall be permitted in the Territory, the Regulation was amended by Regulations made on June 25th, 1925, in the following directions :

- (a) By omitting sub-regulation (1) thereof;
- (b) By omitting from sub-regulation (2) thereof the words “ in addition to planting the plants or crops hereinbefore mentioned ”; and
- (c) By omitting sub-regulation (3) thereof and inserting in its stead the following sub-regulation :

“ District Officers and officers of the Department of Agriculture may give such orders and instructions as shall be necessary for the proper planting and tending of crops under the provisions of this Regulation, and the harvesting and storing thereof. Any native who refuses or neglects to carry out any such order or instruction shall be guilty of an offence. Penalty : Three pounds, or imprisonment for three months, or both.”

*Native Population.* — The separate table showing the number of natives employed under contract has been inserted in the reports specially for the information of the Permanent Mandates Commission.

The large table containing figures respecting the enumerated and estimated native population has always contained a note to the effect that the totals shown therein are exclusive of indentured labourers (*i.e.*, natives employed under contract).

The total native population of the Territory is therefore to be ascertained by adding to the number shown as enumerated and estimated in the large table the number shown as employed under contract.

*The following information is submitted in reply to the questions put on behalf of Sir Frederick Lugard (page 50 of Minutes of Eleventh Session) :*

The total number of male adults shown in Table IV, page 40, of the report for 1925-26 is 93,227. This total, as the heading of the table indicates, is exclusive of indentured labourers. The total number of indentured labourers shown in Table VI, page 41, of the report for 1925-26 is 23,569.

The 17,537 male natives shown in Table XXVII, page 61, of the report for 1925-26, being indentured labourers, are not included in the 93,227 shown in Table IV. They are, however, included in the 23,569 indentured labourers shown in Table VI.

The figure 17,537 represents the number of male natives employed under contract on plantations. The remaining 6,032 comprise male natives employed under contract as members of boat crews, personal servants, messengers, etc., and also female natives employed under contract on plantations and to perform domestic duties.

The age at which a child is deemed to become an "adult" for the purpose of the native population statistics is 14 years.

*Uncontrolled Areas Ordinance.* — The provisions of the Uncontrolled Areas Ordinance apply to all persons, including missionaries and traders, but do not apply to officers of the Administration and natives. The object of the Ordinance is to regulate the entry into disturbed or uncontrolled areas of persons who, through lack of experience in dealing with natives or for any other reason, are considered likely to aggravate the difficulties of Administration officers in quelling the disturbances or bringing the areas under control.

*Roadless Vehicles.* — The Commonwealth Government is appreciative of the value of roadless vehicles for development work in Australia and in the Territories under its control, and special investigations into the question have been made, and are still being carried out by the Commonwealth Development and Migration Commission. Copies of the reports on the subject issued by the Commission are regularly supplied to the Administration of the Territory of New Guinea.

*Number of Natives employed on Medical Work.* — The following are particulars as to the number of natives at present employed on medical work and as medical "tultuls":

Natives employed on hospital staffs. . . . .	120
Natives employed on sanitary staffs (including prison labour). . . . .	259
Medical "tultuls". . . . .	1,753

*Expropriation Board Medical Services.* — While the Expropriation Board was an employer of native labourers, it was subject to the law of the Territory in regard to the provision of medical attention to its employees, in the same manner as a private planter.

The Expropriation Board, being in charge of a large number of plantations, had to create an extensive organisation for the medical care of its labourers.

As the plantations passed from the Expropriation Board to private planters, the latter automatically assumed the responsibility of the former for the medical care of the natives employed on the plantations.

*Mr. Lane Poole's Report.* — No action has yet been taken to put into operation the suggestions made by Mr. Lane Poole in regard to forestry in New Guinea.

(Signed) S. M. BRUCE,  
Prime Minister and  
Minister for External Affairs.

Geneva, May 14th, 1928.

LEAGUE OF NATIONS

10

**MANDATES**

**Nauru**

**INFORMATION FORWARDED BY THE AUSTRALIAN GOVERNMENT  
AFTER CONSIDERATION OF THE REPORT ON NAURU FOR 1926  
BY THE PERMANENT MANDATES COMMISSION  
AT ITS ELEVENTH SESSION<sup>1</sup>**

London, April 26th, 1928.

*To the Secretary-General.*

I beg to draw your attention to document C.348.M.122.1927.VI, pages 18-25 inclusive, and to the Report to the Council of the League of Nations on the Administration of Nauru during 1927, copies of which, I am advised by the Prime Minister of Australia, have been forwarded to the members of the Permanent Mandates Commission.

I have received statements containing supplementary information, which has been furnished by the Administrator of Nauru (Mr. W. A. Newman) in connection with certain matters which arose out of the examination of the report on Nauru last year. These statements also deal with observations made by the members of the Permanent Mandates Commission during the examination referred to, and are contained in the League of Nations document to which reference has been made above.

In order to facilitate reference, I propose to set out hereunder, in the order in which the subjects were discussed during last year's examination, such observations as have been made by the Administrator on the various points upon which Sir Joseph Cook was interrogated.

**GENERAL ADMINISTRATION.**

I understand that you were advised by letter on January 11th last of the appointment of Mr. W. A. Newman to succeed Brigadier-General T. Griffiths as Administrator of Nauru.

The report for 1927 has been compiled to some extent on a retrospective as well as on a current basis. It is thought that perhaps it would be preferable if each annual report should, as far as practicable, be self-contained and self-explanatory. This procedure would seem to be more especially advisable in the case of a small territory such as Nauru, where, beyond the normal progress and development from year to year, there is very little variation in current events.

**PETITIONS.**

It will be remembered that the Chairman of the Permanent Mandates Commission asked whether the inhabitants of Nauru were aware that they had the right to petition and whether any complaints had been put forward during 1926. In the report for the year 1927, on page 44, will be noticed the following statement :

“ The Chiefs and the people of Nauru are fully aware that they may, if they so desire, petition to the League of Nations. No petitions were received during the year 1927 ”.

<sup>1</sup> See : Report of the Permanent Mandates Commission (document A. 27. 1927) ; Minutes (document C. 348. M. 122. 1927. VI) ; and resolution of the Council, dated September 8th, 1927. (*Official Journal*, VIIth Year, No. 10, October 1927, page 1120).

### BRITISH PHOSPHATE COMMISSION.

Some misapprehension appeared to exist during the examination at the eleventh session regarding the powers of the British Phosphate Commissioners. On page 6 of the report for 1927, particular reference is made to the powers and functions of the Commissioners referred to.

With regard to the general interrogation on the subject of this Commission, I am informed that the replies of my predecessor set out the position with complete accuracy and, as explained on pages 29 and 30 of this year's report, the Nauruans now enjoy more generous treatment in respect of their rights as landowners than that to which they were subject under the conditions operating before Nauru became a mandated territory. Furthermore, the landowners have expressed themselves as being perfectly satisfied with the conditions provided under the new land agreement which came into operation as from July 1st, 1927 (see Appendix E to the report for 1927, page 52).

### ADVISORY COUNCIL.

Full information in regard to the Advisory Council is given on page 33 of this year's report.

### APPLICATION OF GENERAL INTERNATIONAL CONVENTIONS.

This also is the subject of a special paragraph on page 7, with regard to the reason for the non-applications to Nauru of Conventions adopted by International Labour Conferences.

### LABOUR.

The whole question in regard to overseas workers is dealt with at length in reply to Questionnaire No. 2 of the 1927 report, pages 7 to 10 inclusive, and particularly on page 9 a reference is made to the question of compensation to Chinese workers, which is provided for under the agreement, copy of which appears as Appendix D to the report, and an extract of which I quote hereunder :

" In case of accident whilst at work, an overseas worker receives full pay, together with rations and medical attention, during the time he is incapacitated, provided such time is not in excess of three months, after which time rations and medical attention only are provided until the employee is able to resume duty; and, if the worker becomes seriously injured whilst at work and remains despite medical attention unfit for further duty, he receives one year's pay as compensation and is repatriated at the employer's expense. "

On the general question of labour and its relation to accident and/or illness, I am to say that the Administrator has visited the fields regularly and has seen the men engaged upon the various kinds of work, and he considers that in no case could it be said that the work is unduly heavy or arduous. Although Nauru lies geographically in a position adjacent to the Equator, the climate is not really severe. The conditions under which the men live are highly satisfactory, particularly as regards food and sleeping accommodation. Recreational facilities are provided and the tasks allotted to the men are not unreasonable.

The British Phosphate Commissioners endeavour to the fullest possible extent to ensure a careful medical examination at Hong-Kong before the workers are embarked (indeed, it is to their interest to take this precaution), and on disembarkation at Nauru the men are subjected to careful and specialised examination. Notwithstanding the amount of care which can be exercised prior to the men leaving China, it is a matter of difficulty to detect in all cases instances of incipient disease.

### LIBERTY OF CONSCIENCE.

On pages 12 and 13 of the report for 1927, a full explanation, based on the information obtained from the Administrator's records, is given in respect of the apparently contradictory nature of replies in the 1926 report to paragraphs 5 and 7 of the Questionnaire. In addition, the question was raised by M. Palacios as to " what happened in the cases of natives who belonged to neither the Protestant nor Catholic Missions on the Island ". I am informed that there would appear to be no Nauruans who do not belong to either religion as adherents or as sympathisers.

### EDUCATION.

On page 17 of the report, it is made clear that each of the native schools is divided into three divisions.

I now propose to deal with the six questions raised by the late Mme. Wicksell, and the additional question which M. Palacios raised on the point of moral and/or religious training.

*First Question.* — The replies given by my predecessor set out the position accurately. The system of continuing the education of children for one year beyond the school-leaving age for the purpose of specialising in technical subjects for boys and in domestic arts for girls is giving complete satisfaction. The advantages which are being gained are most noticeable. The boys and girls are intensely interested in their post-school work, and in fact, in several cases, they voluntarily attend for still further tuition.

*Second Question.* — Marriage at the age of 16 or 17 is discouraged by the Administration as being too young.

*Third Question.* — The 1927 report contains, on page 17, detailed information in the nature of replies to the queries raised by the late Mme. Wicksell.

There are five Nauruan schools on the Island, including a school within the Leper Station Enclosure. Each school is divided into three divisions — Primary, Middle and Upper. Of the ten years of the school life of the normal Nauruan pupil, three years (from 6 to 9 years of age) are spent in the Primary Division, three years (from 9 to 12 years of age) are spent in the Middle Division, and four years (from 12 to 16 years of age) are spent in the Upper Division.

In the Primary Division the instruction is given in the Nauruan and English languages. In the Middle and Upper divisions the instruction is given in the English language, but the Nauruan language is used : (a) during reading lessons in the Nauruan language ; and (b) during reading lessons in English when required for the purpose of satisfying the teacher that the pupils understand the meaning of the passages read.

*Fourth Question.* — The teaching of the English language commences in an elementary stage while the children are in the Primary Division.

The aim of the Administration is to provide that every child on leaving school will have a sound knowledge, both written and spoken, of both the Nauruan and English languages. This knowledge is being kept up after school-leaving age. English books and newspapers are freely available. There is a library of suitable books at each school. A public library, which is being gradually built up, contains suitable books and is used and much appreciated by the older people.

*Fifth Question.* — Classes for the training of native teachers are held weekly. The length of training varies with the capacity and efficiency of the trainee. The system in operation also provides training in Australia of Nauruan youths considered suitable for appointment as teachers in the native schools. Two lads are at present in Australia undergoing training as teachers, and it is intended to send two more promising lads to Australia for the same purpose at an early date.

*Sixth Question.* — The amount quoted by the late Mme. Wicksell, £571 3s. 10d., was paid out of general revenue and included the salary of the European teacher in charge, whose duties also embrace the supervision of the native schools.

*Question by M. Palacios.* — Secular training is conducted at the Government schools and religious training by the missionaries. Moral training in its application to good citizenship is included in the secular educational curriculum of the Government schools.

The curriculum of the native schools is published at length and appears as Appendix H to the report.

#### PUBLIC HEALTH.

Last year, M. Freire d'Andrade asked how the campaign against leprosy was proceeding and what had been the success of the measures taken by the authorities. Full particulars in regard to the leper institutions and statistics and data in regard to leprosy are given in reply to paragraph IX, supplementary question No. 5, Public Health, in the 1927 report, pages 25 to 28.

#### LAND TENURE.

Particulars in regard to the land tenure and payment of royalties in connection with the mining of phosphate appear in the 1927 report, page 28 *et seq.*

#### JUDICIAL ORGANISATION.

These observations refer to two questions which were raised by the late Mme. Wicksell and which deal specifically with appeals from the District Court to the Central Court, and with a suggestion that it would be useful for the Commission to have some description of the cases which came before the Courts.

Particulars in regard to the constitution of the District and Central Courts appear in the 1927 report, page 44.

A magistrate sits on the District Court and the Administrator sits on the Central Court. Appeals lie from the District Court to the Central Court.

Complete records are kept of all cases coming before the Courts. In the report for 1928, a full statement of the cases coming before the District and Central Courts will be furnished.

**PUBLIC FINANCE.**

With regard to the query raised by M. Rappard as to the possibility of having the closed accounts of the Phosphate Commission for the period terminating on June 30th, 1926, these accounts appear as Appendix I to the present report, and I understand that the Administration was advised by the British Phosphate Commissioners that it was not practicable to provide the closed accounts for the year ended June 30th, 1927, in time for inclusion in the annual report for the same year.

The subject of the increased expenditure on the wireless installation at Nauru was raised by M. Merlin. This increase, as was pointed out by Sir Joseph Cook, was due to improvements and renewals necessitated in the operations. I am to direct attention to the fact that most of the existing apparatus has been in use since 1914, and is becoming more or less obsolete, rendering replacements and renewals essential. The greatest care, however, is being taken to ensure that economy is exercised in the provision of wireless replacements.

I very much hope that the foregoing information will prove of assistance to the members of the Commission in their examination of the report for 1927, and I shall be only too happy, if there are any points upon which you or they are not quite clear, to furnish additional information if it is so desired.

*(Signed)* Granville RYRIE,  
*High Commissioner.*

Geneva, June, 13th 1928.

LEAGUE OF NATIONS

MANDATES

Western Samoa

OBSERVATIONS OF THE NEW ZEALAND GOVERNMENT ON THE  
COUNCIL'S DECISIONS CONCERNING THE REMARKS  
CONTAINED IN THE REPORT OF THE PERMANENT  
MANDATES COMMISSION ON THE WORK OF ITS  
TWELFTH SESSION AND RELATING TO WESTERN SAMOA

New Zealand Government Offices,

London, June 7th, 1928.

To the Secretary-General.

Sir,

I have the honour to refer to that section of the Report of the Permanent Mandates Commission on the work of its twelfth session which deals with the Report on the Administration of the Mandated Territory of Western Samoa for the financial year ended March 31st, 1927.

In the course of that report, the Permanent Mandates Commission made some special observations (five in number), which were transmitted to the Government of New Zealand for comment. I have received a letter from my Government giving information in reply to these observations, and it seems to me advisable to send this information to you at once, seeing that a portion of it has some bearing on the Report of the Royal Commission which enquired into certain aspects of the administration of Western Samoa.

Information on other points contained in verbal questions which were put to me in the course of the deliberations of the Commission has been promised by the Government, and when it comes to hand it will be transmitted to you.

SPECIAL OBSERVATIONS.

I. PUBLIC FINANCE.

*Question.* — It would be of interest to the Commission to know whether the rents paid for lands belonging to the New Zealand Reparation Estates which are leased are credited to the budget of the territory.

*Answer.* — The rents paid for lands leased by the New Zealand Reparation Estates are not credited to the budget of the territory.

2. ECONOMIC DEVELOPMENT.

*Question.* — The Commission was greatly interested in the experiment by which the Administration is attempting to secure for native producers of copra a more equitable price by itself undertaking the marketing. It would be glad to have full information as to the methods used in carrying out any such operation and of the results obtained.

*Answer.* — Full information with respect to the experiment by which the Administration is attempting to secure for native producers a more equitable price for their copra will be found in the report of the Royal Commission and in the evidence and exhibits attached thereto.



### 3. LABOUR.

*Question.* — The provisions of Section 17, sub-sections 7 and 18, of the Native Regulation (Samoa) Order of 1925, concerning the construction, maintenance and cleaning of roads and tracks under the authority of the District Councils, make no mention of the payment of the workers employed. The Commission would be glad to be assured that these provisions do not in practice impose compulsory unpaid labour.

*Answer.* — The provisions of Section 17 of the Native Regulation (Samoa) Order of 1925, concerning the construction, maintenance and cleaning of roads and tracks under the authority of the District Councils, make no mention of payment of the workers employed for the reason that this is entirely community work and because the provisions are merely a statutory recognition of a system which has always been in accord with Samoan custom. The New Zealand Government will have no hesitation in giving the Permanent Mandates Commission their absolute assurance that these provisions do not in practice impose compulsory unpaid labour. As has been said, the labour is merely a community effort undertaken by the native people themselves.

### 4 and 5. PUBLIC HEALTH AND POPULATION.

*Questions.* — The Commission was glad to learn that, during the year, the mandatory Power had doubled the number of its dispensaries in the outlying districts.

The Commission desires to congratulate the mandatory Power on the fact that, although two epidemics of dysentery and influenza occurred during the year, the lowest death rate ever attained was recorded during this period.

*Answer.* — The New Zealand Government has noted with satisfaction the pleasure of the Commission at the good work of the Medical Department in the interest of the native people; but it is regretted that, owing to the pernicious influence of the Mau, the confidence of a large section of the native population of Western Samoa in the Medical Department has been shattered. This aspect of the Samoan situation was fully dealt with in the statement which was issued to the public, copies of which have been sent to the Secretary-General.

The Government greatly regrets to have to state that the Administrator reported by radiogram in January an outbreak of mild bacillary dysentery at Savai'i, where, it will be noted from the evidence given before the Royal Commission, it was expected to occur.

\* \* \*

The Permanent Mandates Commission, in its general observations, expressed regret that no mention had previously been made of the underlying causes of the agitation or symptoms of unrest which should have been brought officially to its notice before the year which was then under review. In commenting on this, the Government states that previous agitations or symptoms of unrest had nothing to do with the trouble which exists in Western Samoa to-day. The reason why they were referred to at all is made perfectly clear in the New Zealand State Paper A-4B of 1927. It will be noted that the Royal Commission has definitely found:

“ We are satisfied that, until the public meeting of October 15th, 1926, there was no real dissatisfaction amongst the Samoans with the Administration. ” (See page XX of the findings, under the heading “ The Mau, its Genesis and Growth ”.)

No reference was made in the earlier official reports to these previous native agitations or native unrest, simply because they did not in any way affect the course of administration or the ordinary work and progress of the territory. They were, however, the subject of comment and discussion in the public press of New Zealand, Great Britain and the United States of America, so that there can be no suggestion of any attempt to suppress knowledge of them.

(Signed) C. J. PARR,  
High Commissioner for New Zealand.

Geneva, June 29th, 1928.

LEAGUE OF NATIONS

12

**PERMANENT MANDATES COMMISSION**

**REPORT ON THE WORK OF THE THIRTEENTH SESSION  
OF THE COMMISSION.**

(Geneva, June 12th to 29th, 1928.)

*Submitted to the Council of the League of Nations.*

The Permanent Mandates Commission met at Geneva from June 12th to 29th, 1928, for its thirteenth session, during which it held 27 meetings, one of which was public. All its members—except M. Freire d'Andrade and M. Orts—and the representative of the International Labour Organisation were present.

The Commission examined the annual reports on the administration of seven mandated territories, as well as several petitions and various questions of a general nature. The annual reports were considered in the following order, with the assistance of the accredited representatives of the mandatory Powers, whose names are given below :

*New Guinea, 1926-27.*

Major-General Sir Granville DE LAUNE RYRIE, K.C.M.G., C.G., High Commissioner for Australia in London.

*Nauru, 1927.*

Major-General Sir Granville DE LAUNE RYRIE.

*Palestine, 1927.*

Lieutenant-Colonel Sir Stewart SYMES, C.M.G., D.S.O., Chief Secretary to the Government of Palestine, assisted by Mr. T. I. K. LLOYD, of the Colonial Office.

*Cameroons under French Mandate, 1927.*

M. A. DUCHÊNE, Councillor of State, Director of Political Affairs in the Ministry of the Colonies.

*Togoland under French Mandate, 1927.*

M. A. DUCHÊNE.

*Tanganyika, 1927.*

Mr. J. SCOTT, C.M.G., Chief Secretary to the Government of Tanganyika Territory, and Mr. E. G. MACHTIG, O.B.E., of the Colonial Office, assisted by Mr. T. I. K. LLOYD, of the Colonial Office.

*Syria and the Lebanon, 1927.*

M. Robert DE CAIX, former Secretary-General to the High Commissariat of the French Republic in Syria and the Lebanon.

The Commission further studied the report of the Royal Commission on the Administration of Western Samoa, communicated to it by the Government of New Zealand, and other relevant documents in the presence of the accredited representative of the New Zealand Government, Sir James Parr, K.C.M.G., High Commissioner for New Zealand in London, and Major-General Sir George S. Richardson, K.B.E., C.B., C.M.G., late Administrator of Western Samoa.

Publications of the League of Nations

V.I.A. MANDATES  
1928. V.I.A. 8.

## GENERAL QUESTIONS

### 1. LIQUOR TRAFFIC.

The Permanent Mandates Commission, having taken cognisance of the following resolution adopted by the Council on December 6th, 1927 :

"The Council requests the Permanent Mandates Commission, in collaboration with the mandatory Powers, to continue to give serious consideration to the causes of the increased importation of spirituous liquors into those territories under B mandate where such an increase is taking place, and to take steps to remedy this situation" :

1. Has the honour to call the attention of the Council to the summary of work already done by the organs of the League concerning the liquor traffic in the mandated territories, a summary reproduced as an annex to the Minutes of the present session ;
2. Recommends that the Council should request the mandatory Powers to undertake, as soon as possible, to revise and complete the memorandum (document C.P.M.713) drafted by the Secretariat, and containing statistics of importation and information concerning Customs tariffs, licences, etc., for each territory under B and C mandates ;
3. Expresses the wish that the mandatory Powers should inform the Commission to which parts of the territories under their mandate Article 4, paragraph 2, of the St. Germain Convention concerning the liquor traffic in Africa has been applied. The said article provides that the High Contracting Parties will prohibit the importation, distribution, sale and possession of spirituous liquors in those regions of the area referred to in Article 1 where their use has not been developed<sup>1</sup>.

### 2. ECONOMIC EQUALITY : PURCHASE OF SUPPLIES BY ADMINISTRATIONS OF MANDATED TERRITORIES.

The Permanent Mandates Commission recommends to the Council that it should request the mandatory Powers entrusted with the administration of territories under A and B mandates to furnish information on the following point : What regulations have been adopted or are generally followed by them when supplies are purchased by the public authorities of the mandated territories ?

### 3. TREATMENT EXTENDED IN COUNTRIES MEMBERS OF THE LEAGUE TO PERSONS BELONGING TO MANDATED TERRITORIES AND TO PRODUCTS AND GOODS COMING THEREFROM.

In its reports on the situation in Syria and the Lebanon for 1926 (page 176) and 1927 (page 100), the French Government drew attention to certain difficulties arising from the fact that Article 11 of the mandate for Syria and the Lebanon obliges these territories to apply without reciprocity their lowest Customs tariffs to goods originating in States Members of the League of Nations. The report for 1927 points out that, in their relations with almost all countries (except the adjacent countries with whom special Customs arrangements may be concluded under Article 11, Section 2, of the Mandate), the States under mandate are thus placed in a position of inferiority not in keeping with the League's solicitude for their welfare.

The mandatory Power expresses the opinion that it is for the Council of the League of Nations to induce the States Members of the League to remedy the situation.

Furthermore, in a letter dated May 14th, 1928 (document C.230.1928.VI.—C.P.M.717), the French Government requested the Secretary-General to forward for the information of the Members of the Council and of the Mandates Commission copy of a letter dated May 7th, 1928, sent by the French Minister for Foreign Affairs to Baron Lehmann, Liberian Minister in Paris: In this letter the French Government protests against certain measures taken by the Liberian Government, notably in virtue of an Act dated February 16th, 1928, forbidding foreign traders, belonging to countries not bound to the Liberian Republic by any commercial agreement, to trade in the hinterland of Liberia. According to this letter, the Syrians and Lebanese resident in the hinterland of Liberia had been ordered to wind up their businesses within a fortnight. The French Government having been entrusted, under Article 3 of the Mandate, with the

<sup>1</sup> Article 1 is as follows :

"The High Contracting Parties undertake to apply the following measures for the restriction of the liquor traffic in the territories which are or may be subject to their control throughout the whole of the continent of Africa, with the exception of Algeria, Tunis, Morocco, Libya, Egypt and the Union of South Africa.  
"The provisions applicable to the continent of Africa shall also apply to the islands lying within one hundred nautical miles of the coast."

diplomatic and consular protection of the nationals in Syria and the Lebanon abroad, protested against the attitude of the Liberian authorities and requested them to withdraw the exceptional measures taken in regard to the Syrian and the Lebanese nationals. It asked that, as reciprocity was assured in advance, Syrians and Lebanese should be entitled in Liberian territory to the same treatment as was secured to Liberians in Syrian and Lebanese territory. At the same time it proposed the formal sanction of this arrangement by an agreement to be concluded between the mandatory Power and the Liberian Government.

The Permanent Mandates Commission recalls the Council's resolution of September 15th, 1925, relative to the extension of special international conventions to territories under mandate<sup>1</sup> and the resolution of the Assembly on the same subject adopted on September 22nd, 1925<sup>2</sup>, ventures to call the attention of the Council to the situation above described, and hopes that it will be possible to arrive at a satisfactory solution without prejudicing the principle of economic equality stipulated in the mandate.

## OBSERVATIONS CONCERNING CERTAIN TERRITORIES UNDER A, B AND C MANDATES

The following observations have been formulated by the Permanent Mandates Commission after consideration of the situation in each territory, in the presence of the accredited representative of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.

### TERRITORIES UNDER A MANDATE.

#### Palestine and Transjordan.

##### 1. *Jewish National Home.*

The Commission has given its full attention to the difficulties which have been encountered in the efforts to make the Jewish settlement in Palestine economically self-supporting, and which have led to a restriction of Jewish immigration in order to make it proportionate to the economic capacity of the territory.

##### 2. *Jewish Agency.*

It would be of interest to the Commission to receive detailed information regarding the reorganisation of the Jewish Agency mentioned in the report.

##### 3. *Land Regime.*

The Commission hopes that it will be possible for the mandatory Power to give an account in the report for 1928 of the final settlement of the Arab complaint concerning the Barrat-Cæsarea lands.

##### 4. *Public Finance.*

The Commission noted with satisfaction that the profits which resulted from the introduction of a Palestinian currency would accrue to the Palestine Treasury as soon as sufficient reserves had been accumulated by the Currency Board.

##### 5. *Transjordan.*

(a) *Agreement of February 20th, 1928.*—The mandatory Power communicated to the Commission with the annual report a copy of an agreement between the United Kingdom and Transjordan signed on February 20th, 1928, which recognises the existence of an independent Government in Transjordan and defines and limits its powers. The Commission noted that the accredited representative considered that, in the view of his Government, the Council, by the decision of September 16th, 1922, which implements Article 25 of the Mandate, had approved this step, and also that the mandate would still remain in force after the agreement came into effect.

<sup>1</sup> " II. The Council:  
" Recommends that the mandatory Powers, and also all States, whether Members or not of the League of Nations, which have concluded special treaties or conventions with the mandatory Powers should agree to extend the benefits of such treaties or conventions to mandated territories if circumstances render such extension possible and expedient and if the provisions of these international agreements are consistent with the stipulations of the Covenant and the mandate. . . . (Official Journal, 6th Year, page 1363.)

<sup>2</sup> " The Assembly expresses . . . 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." (Resolutions and Recommendations of the sixth ordinary session of the Assembly, page 29.)

The Commission recognises that it is in accordance with the spirit of the Covenant and of the mandate for the mandatory Power to further the development of self-government, especially in the territories under A mandate. It has no doubt that the Council will take into consideration, especially under Article 27 of the Mandate, whether its formal assent is necessary for putting in force the agreement in question.

Since the Commission is charged with the duty of seeing that the mandate is fully and literally carried out, it considers it necessary to point out that, in particular, Article 2 of the Agreement, which reads as follows :

“ The powers of legislation and of administration entrusted to His Britannic Majesty as mandatory for Palestine shall be exercised in that part of the area under mandate known as Transjordan by His Highness the Amir . . . . . ”

does not seem to be compatible with the stipulations of the Mandate, of which Article 1 provides that :

“ The mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate. ”

(b) *Autonomous Administration*.—The Commission noted the offer of the accredited representative to arrange to insert in the next report information as to the number of autonomous municipalities existing in Transjordan and as to whether the municipal authorities were elected or appointed.

(c) *Statistics*.—The Commission expressed the hope that local conditions would soon make it possible for the mandatory Power to furnish general statistics concerning Transjordan in order that the tables which were published in accordance with the resolution of the Council of March 5th, 1928, might be completed.

(d) *Laws*.—The Commission noted the explanations given by the accredited representative as to the technical reasons which had hitherto prevented the mandatory Power from forwarding (in conformity with Article 24 of the Mandate) the texts of laws and regulations promulgated in Transjordan. It hopes that these difficulties may be overcome in the near future.

## Syria and the Lebanon.

### GENERAL OBSERVATIONS.

The Commission hopes that replies may soon be furnished to the various questions, raised in the report on the eleventh session, in regard to which information has not yet been supplied by the mandatory Power.

In view of the importance which the Commission attaches to clear and definite replies being always furnished in response to its observations, it would be glad if the mandatory Power would be good enough, in future, to communicate such replies either in a special chapter of the annual report, or in a separate communication, in accordance with the practice adopted by several other Governments.

The Commission would be glad to have information in future reports which would enable it to obtain a comprehensive view of the economic and financial development of the mandated territories.

### SPECIAL OBSERVATIONS.

1. *International Relations : Frontiers*.—The Commission thinks it should draw the attention of the Council to the information, given on pages 24 to 26 of the report, concerning the difficulties which have arisen in regard to the final determination of the frontier between the mandated territories and Turkey. It trusts that a satisfactory solution of this important question may soon be arrived at in accordance with the treaties.

2. *Organic Law*.—The Commission has learnt with satisfaction from the report and the accredited representative's statement of the calm which prevails in Syria and the Lebanon, and of the measures taken by the High Commissioner to ensure a peaceful atmosphere during the preparation for the local elections. It appreciates the liberality of the policy which is being pursued, and hopes that this policy will lead in the near future to the adoption of the Organic Law provided for in the mandate.

Nevertheless, while recognising that the country must be prepared for that emancipation which is the aim of the mandate by a policy that will gradually accustom it to self-government, the Commission hopes that, until that moment has arrived, the mandatory Power will retain such a measure of authority as will fully enable it to continue to direct and superintend this evolution, and to fulfil all its obligations to the League of Nations.

3. *Economic Equality*.—In order to obtain a clear idea of the manner in which the principle of economic equality is applied in Syria and the Lebanon, the Commission would be glad to receive information on the following points :

1. What are the principles followed in respect of transactions connected with public works ?
2. What are the conditions under which concessions dating from the Ottoman regime have been renewed or modified ?
3. Is the coasting trade open to vessels of all countries ?
4. What principles are followed in drawing up the official lists of prices (*mercuriales*) used for assessing values for *ad valorem* duties ?

4. *Labour*.—While recognising the economic and social obstacles which make it difficult to apply legislation concerning labour conditions in Syria and Lebanon, the Commission would be glad to be informed whether it would not be possible to make more rapid progress in this sphere, particularly as regards the inspection and protection of the labour of women and children. It noted the declaration of the accredited representative to the effect that the mandatory Power would institute an enquiry into this matter.

5. *Manufacture of and Trade in Drugs*.—The Commission will follow with interest the results of the efforts made to suppress the cultivation and export of hashish.

6. *Public Health*.—The Commission notes with satisfaction the effective measures taken by the health authorities in Syria, in co-operation with those of Palestine and Iraq, to prevent the cholera epidemic from spreading outside Iraq.

#### TERRITORIES UNDER B MANDATE.

##### Togoland and Cameroons under French Mandate.

#### OBSERVATIONS COMMON TO BOTH TERRITORIES.

1. *Replies to the Commission's Observations*.—The Commission recommends that the mandatory Power should give its replies to the observations made by the Commission as a result of the examination of the previous year's report, in a special document or a separate chapter of the annual report.

2. *Public Finance*.—The Commission had noted the information furnished by the accredited representative concerning grants made by the mandated territories to institutions in the home country and certain international organisations. It is sure that, in fixing the amount and the objects for which such grants are made, the mandatory Power will always see that the charges under this head are in fair proportion to the direct and indirect benefits which these territories may derive from the said institutions.

3. *Education*.—The Commission would be glad to know the approximate number of children of school age and the average percentage of school attendance in Government institutions and at the mission schools. The Commission hopes that, in future, information supplied by the mandatory Power will show a comparison not merely with the budget estimates but with the actual expenditure for past years.

4. *Alcohol, Spirits and Drugs*.—The Commission suggests that it would be advisable to exclude from the statistical tables in the report those beverages which, according to the definitions recently formulated by the Commission, are not to be regarded as intoxicating.

#### TOGOLAND.

1. *General Administration*.—The Commission appreciates the efforts made to collect detailed information about native customs. It is of opinion that the intended collection of information on the subject will be of great value to the Administration.

2. *Public Finance*.—The Commission would be glad to find in the next report, under a separate heading, details on the yield of the various direct and indirect taxes.

3. *Public Health*.—The Commission would be glad if particulars as detailed as possible could be inserted in the next report regarding the mortality in the prisons of the territory.

#### CAMEROONS.

1. *International Relations : Economic Equality*.—The Commission desires to draw the mandatory Power's attention to the fact that, under Article 2 of the Decree of September 14th, 1925, contained in the report for 1925, only books in the French language are exempted from import duty ; this would not seem to be consistent with the principle of economic equality.

2. *Public Finance.*—The Commission would be glad if a comparative table of the estimated and actual receipts and expenditure for the past financial years could be included in the next report.

3. *Education.*—The Commission suggests that the mandatory Power should consider the possibility of securing the help of the missions in educational work, if necessary by granting them subsidies.

4. *Alcohol, Spirits and Drugs.*—The Commission has noted with satisfaction the good results described in the report obtained by rationing the import of spirits. It would be glad if the next report would include a table indicating the quantity of the various categories of intoxicating beverages imported during previous years and the Customs duties imposed on these imports.

## Tanganyika.

### GENERAL OBSERVATION.

The Commission noted with great interest the account which is given in the report as to the results of the policy of indirect rule in Tanganyika and the consolidation of tribal units into homogeneous organisations.

### SPECIAL OBSERVATIONS.

1. *Defence of the Territory.*—The Commission noted that the mandatory Power would resist any attempt to increase the proportion of military expenditure of the British dependencies in East Africa at present borne by the mandated territory.

2. *Social, Moral and Material Condition of the Natives.*—Referring to the experiments made regarding native-grown cotton, the Commission was glad to be assured that the Administration, while encouraging the natives to grow food crops, will be cautious in its recommendations in regard to crops for export when it is uncertain that they would continue to command reasonable prices.

3. *Conditions and Regulation of Labour.*—The Commission appreciates the action of the Administration in further limiting the occasions upon which forced labour may be requisitioned and in taking steps for the gradual abolition of unpaid compulsory labour for village sanitation work.

4. *Public Health.*—The Commission would be glad to have regular information in future reports of the measures taken to combat leprosy.

It hopes to find in the next report information as to the number of the existing subordinate medical staff and their qualifications.

5. *Land Tenure.*—The Commission welcomed the enactment of legislation with the object of assuring to the natives legal title to the lands they occupy.

## TERRITORIES UNDER C MANDATE.

### Nauru.

1. *International Relations.*—The Commission again noted the statement made by the accredited representative to the effect that the question of the application of general international conventions to Nauru was receiving the serious consideration of the Australian Government. It hopes that information will be given in the next report as to the situation in this respect.

2. *General Administration.*—The Commission took note of the appointment of a new Advisory Council for native affairs consisting of sixteen chiefs, and hopes to find in the next report some information as to its methods of work.

3. *Public Finance.*—The Commission would be glad to learn in what way the financial interests of the mandated territory are represented in the settlement by the mandatory Power of the liabilities incurred by the territory to the Australian Department of Defence before and after the inception of civil administration; and also the principles which determine the settlement of this question.

4. *Judicial Organisation.*—The Commission noted from a reply given by the accredited representative that the Central Court of the Administrator exercises supreme power, without any right of appeal against its sentences.

5. *Conditions and Regulation of Labour.*—The Commission noted with satisfaction that a full account had been given in the report for 1927, in reply to a question raised the previous year, of the measures of protection that had been taken for Chinese workers. It would be of interest to know whether any provision had been made as regards indemnifying Chinese workers repatriated as unfit for service on account of sickness.

6. *Public Health.*—The Commission noted the information given by the report and by the accredited representative as to the situation in regard to leprosy. It will follow with great interest the measures taken to combat this disease.

### New Guinea.

#### GENERAL OBSERVATION.

The Commission would be very grateful to the mandatory Power if, to the summary of existing legislative provisions, could be added more detailed information as to the action taken under this legislation, all the more since information has reached the Commission which is of such a nature as specially to arouse certain apprehensions.

#### SPECIAL OBSERVATIONS.

1. *General Administration.*—The Commission would be glad to have full information as to the method adopted for the selection of native district chiefs (*luluais*), who are appointed by the Administration.

2. *Public Finance.*—The Commission would be glad to learn in what way the financial interests of the mandated territory are represented in the settlement by the mandatory Power of the liabilities incurred by the territory to the Australian Department of Defence before and after the inception of civil administration; and also the principles on which the settlement of this question is to be based.

3. *Conditions and Regulations of Labour.*—The Commission would appreciate further information as to the programme of the Administration for introducing the system of "free labour" in place of the present practice in accordance with which all labourers, including domestic servants, are employed under contracts which comprise penal sanctions for breach.

The Commission noted with satisfaction that the compulsory cultivation of land, except for the food supply of the native concerned, has been abolished.

The Commission would be glad to be informed of any measures which may be taken by the mandatory Power to assure the efficacy of the inspection of labour conditions.

It is hoped that information previously requested will be given in the next report as to the approximate amount of portage by natives required by the Administration each year.

4. *Education.*—It would be of interest to the Commission to know whether any steps could be taken to encourage the missions to appoint duly qualified educational inspectors.

5. *Public Health.*—In view of the shortage of doctors of British nationality mentioned in the report, the Commission would like to know whether the mandatory Power would be disposed to consider the advisability of appointing to the service of the territory medical officers of other nationalities or of subsidising the missions in order to enable them to increase their medical staff.

6. *Population.*—The Commission would be glad to have the fullest possible information in future reports concerning the decrease of the population or the danger of a decrease in any parts of the territory.

It noted that the statistics in the report showed a marked contrast between the number of male and female children in the territory, and would like to know whether this may be attributed to the practice of infanticide mentioned in the report.

### Western Samoa.

The Permanent Mandates Commission has made a detailed study of the report of the Royal Commission of Enquiry into the events which occurred in the Samoan Islands in 1926-27, and of the documents forwarded by the mandatory Power with this report. It also carefully considered the petitions addressed to it by the "Anti-Slavery and Aborigines Protection Society" of London, by a certain number of natives through Messrs. Findlay, Hoggard, Cousins and Wright, by Mr. Nelson and by Mr. Newton Rowe. It spent several sittings in studying the questions dealt with in these documents and heard the additional explanations given by Sir James Parr, representative of the mandatory Power, and Major-General Richardson, former Administrator of Western Samoa. A full account of the discussion of the Permanent Mandates Commission will be found in its Minutes, which it is essential to consult in connection with the following conclusions<sup>1</sup>.

<sup>1</sup> Document C.344.M.09.1928.VI.



It is the considered opinion of the Commission that none of the charges of any importance against the Administration which have been made in the various petitions has been substantiated and that none contains any evidence of policy or action contrary to the mandate.

On the contrary, the local Administration seems to have made every effort to improve the conditions of life of the native population, notably in regard to public health and education, as well as in regard to agricultural production and commerce.

The Commission cannot too strongly condemn the action of Mr. Nelson and those associated with him, who seem to have been inspired less by a desire for the public welfare than by personal ambition and interests. By unworthy means they have worked upon the minds of an impressionable people, who, prior to their propaganda, showed no disquieting signs of discontent. The Commission is satisfied that the Administrator acted with great patience—if not perhaps always with sufficient psychological insight—and showed a forbearance and confidence in the people which may have been misunderstood, and so to some extent may have undermined his authority. The lamentable absence of sufficient means to enforce the law which it was his duty to uphold placed him in an extremely difficult situation. This situation was made all the more delicate by the uncertain attitude of the Government.

The Commission has noted with satisfaction the action taken by the mandatory Power in setting up an impartial commission of enquiry and in communicating to the League its very full report. This report, with the evidence on which its conclusions are based, was of great assistance to the Permanent Mandates Commission in forming its own judgment. The presence before it of General Richardson, the responsible Administrator from 1923 to 1928, and the frankness of his statements were also very useful.

In view of the statement that the unrest in Samoa will probably continue until the League of Nations comes to a decision, the Permanent Mandates Commission considers it of the greatest importance that it should be clearly understood that the mandatory Power alone is responsible for maintaining law and order in accordance with the mandate.

The Commission is assured that adequate means for that essential purpose are now at the disposal of General Richardson's successor, and it trusts that the Samoans, when they realise that they have been misled, will resume their former attitude of confidence in the Administration, and that the mandatory Power will soon be able to re-establish peace and prosperity in Western Samoa by a policy both firm and liberal.

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## OBSERVATIONS ON PETITIONS

The Commission, in the course of its thirteenth session, considered the petitions mentioned below, together with such relevant observations or information as were furnished in writing by the mandatory Powers or orally by their accredited representatives. Each of the petitions was, as usual, reported on in writing or orally by a member of the Commission. After discussion, the conclusions of the reports, which are printed below, were adopted by the Commission. The written reports are reproduced as annexes to the Minutes<sup>1</sup>.

### 1. Palestine.

Letter dated April 30th, 1928, and memorandum on the development of the Jewish National Home in Palestine in 1927-28, from the Zionist Organisation.

Observations from the British Government, dated June 5th, 1928 (document C.P.M.728).  
Report (see Minutes, Annex 5 F).

#### *Conclusions :*

The Commission, while considering that, generally speaking, the observations of the mandatory Power, supplemented by the explanations of its accredited representative, were satisfactory, deemed it advisable to repeat the following recommendations made at its ninth session :

“ The Commission trusts that every effort will be made to hasten the survey, the completion of which will be of the utmost importance for the general development of Palestine and in particular for the establishment of the Jewish National Home.

“ The Commission hopes that means may soon be found to utilise to the full the possibilities of the land in the Beisan area. ”

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<sup>1</sup> As regards those petitions and observations of the mandatory Powers relating thereto, which the Commission has not considered necessary to forward to the Council and Members of the League, it recommends that copies should be kept in the League Library at the disposal of persons who may wish to consult them.

## 2. Syria and the Lebanon.

(a) Petition of the Lebanese Committee in Paris, dated June 13th, 1927 (document C.P.M.619).

Observations from the French Government, dated May 23rd, 1928 (document C.P.M.721).  
Report (see Minutes, Annex 5 B.)

### *Conclusions :*

The Commission holds that it is not necessary to submit to the Council any observations other than those which it formulated at its tenth session, namely, that the explanations of the mandatory Power were entirely satisfactory, and it hoped that the question of the prolongation of the period fixed for the formalities of opting would be decided as the petitioners desired. It decides that the petitions, the observations of the French Government and the text of the report submitted to the Commission by the Rapporteur shall be included in the Minutes of the present session as annexes.

(b) Petition of Mr. Ghaleb (document C.P.M.688).

Observations from the French Government, dated December 9th, 1927 (document C.P.M.688).

Report (see Minutes, Annex 5 C).

### *Conclusions :*

The Permanent Mandates Commission is of opinion that it has no power to consider this claim.

• (c) Petitions of Messrs. Chekib Arslan, Ihsan El Djabri and Riad El Soulh, dated September 1st, 1927, and October 20th, 1927 (documents C.P.M.625 and 683).

Observations from the French Government, dated May 23rd, 1928 (document C.P.M.722).  
Oral report (see Minutes of the twenty-second meeting).

### *Conclusions :*

The Commission considers that the report of the mandatory Power constitutes a complete reply to the petition of M. Chekib Arslan and his associates, in so far as the petition refers to the administration of the mandated territory. It consequently recommends that the Minutes of the session should be communicated to the petitioner together with these conclusions.

## 3. Togoland under French Mandate.

Petition from the "Bund der Deutsch Togoländer," dated August 9th, 1926 (document C.P.M.467).

Observations from the French Government, dated April 1st, 1927, and March 29th, 1928 (documents C.P.M.552 and 706).

Report (see Minutes, Annex 5 D).

### *Conclusions :*

The Commission, having noted the additional information forwarded by the mandatory Power, confirms the conclusion it reached at its eleventh session to the effect that the allegations of the petitioners are in all essentials without foundation.

## 4. Tanganyika.

Petition of Mr. Thawer, dated February 17th, 1927 (document C.P.M.684).

Observations from the British Government, dated November 28th, 1927 (documents C.P.M.684 and 685).

Report (see Minutes, Annex 5 A).

### *Conclusions :*

While abstaining from expressing any opinion whatever on the merits of the case, which is outside its immediate competence, the Mandates Commission, the prime concern of which is the welfare of the inhabitants of the mandated territories, might, however, express the hope that a favourable settlement may be found in the matter of withdrawing former German currency from circulation.

## 5. South-Western Samoa.

(a) Petition of Mr. Newton Rowe, dated June 1st, 1927 (document C.P.M.571).  
Observations of the New Zealand Government, dated August 3rd, 1927, and September 13th, 1927 (documents C.P.M.626 and 657).  
Report (see Minutes, Annex 5 E).

### *Conclusions :*

The Commission is of opinion that none of the allegations made by Mr. Rowe is worthy of special consideration and that the questions as a whole are covered by those which the Commission has considered in its final report to the Council, with regard to which it has given its conclusions.

(b) Petition of the " Anti-Slavery and Aborigines Protection Society ", dated July 19th, 1927 (document C.P.M.620).

Observations from the New Zealand Government, dated September 19th, 1927 (document C.P.M.662).

Report (see Minutes, Annex 5 G).

### *Conclusions :*

In view of the fact that the Permanent Mandates Commission has, at its present session, prepared a report to the Council dealing with the General Question of Samoan unrest and the complaints made against the local administration, it is not necessary to submit any special conclusions concerning the petition of the " Anti-Slavery and Aborigines Protection Society ", this petition having been taken into account in the preparation of the report.

(c) Petition dated March 9th, 1928, from certain natives of Western Samoa (document C.P.M.718).

Observations from the New Zealand Government, dated April 24th, 1928 (document C.P.M.718) and from General Richardson, dated June 15th, 1928 (document C.P.M.742).

### *Conclusions :*

The Commission considers that none of the charges of any importance made in this petition against the Administration have been substantiated and that the petition contains no evidence of policy or action contrary to the mandate.

(d) Petition, dated March 29th, 1928, from Mr. Olaf Frederick Nelson.

Observations from the New Zealand Government, dated April 19th, 1928 (document C.P.M.719) and from General Richardson, dated June 15th, 1928 (document C.P.M.744).

### *Conclusions :*

The Commission considers that none of the charges of any importance made in this petition against the Administration have been substantiated and that the petition contains no evidence of policy or action contrary to the mandate.

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

C. 341. M. 99. 1928. VI.

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Geneva, June 29th, 1928.

LEAGUE OF NATIONS

**PERMANENT MANDATES COMMISSION**

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**MINUTES**

of the

**THIRTEENTH SESSION**

**HELD AT GENEVA FROM JUNE 12th TO JUNE 29th, 1928**

Including the

**Report of the Commission to the Council**

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Publications of the League of Nations V.I.A. MANDATES 1928. V.I.A. 9.
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LEAGUE OF NATIONS

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PERMANENT MANDATES COMMISSION

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MINUTES OF THE THIRTEENTH SESSION

*Held at Geneva from June 12th to June 29th, 1928.*

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

The Marquis THEODOLI (*Chairman*) ;  
M. VAN REES (*Vice-Chairman*) ;  
Mlle. Valentine DANNEVIG ;  
Dr. KASTL ;  
Lord LUGARD ;  
M. MERLIN ;  
M. Leopoldo PALACIOS ;  
M. RAPPARD ;  
M. SAKENOBE.

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

*Secretary* : M. V. CATASTINI, Chief of the Mandates Section (replaced at certain times by Mr. Huntington GILCHRIST, member of the Mandates Section).

M. FREIRE D'ANDRADE and M. ORTS were not present at the session ; Mlle. DANNEVIG arrived at Geneva only for the tenth meeting. The following members were absent from certain of the meetings : M. RAPPARD from the second and the thirteenth meetings, Dr. KASTL from the twenty-fifth and twenty-sixth meetings.

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

Major-General Sir Granville DE LAUNE RYRIE, K.C.M.G., C.B., High Commissioner for Australia in London.

Lieutenant-Colonel Sir Stewart SYMES, C.M.G., D.S.O., Chief Secretary to the Government of Palestine.

Mr. T. I. K. LLOYD, of the British Colonial Office.

M. A. DUCHÊNE, Counsellor of State, Director of Political Affairs in the French Ministry of the Colonies.

Sir James PARR, K.C.M.G., High Commissioner for New Zealand in London.

Major-General Sir George S. RICHARDSON, K.B.E., G.B., C.M.G., late Administrator of Western Samoa.

Mr. J. SCOTT, C.M.G., Chief Secretary to the Government of Tanganyika Territory.

Mr. E. G. MACHTIG, O.B.E., of the British Colonial Office.

M. Robert DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon.

All the meetings of the Commission, except the first, were held in private.

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## FIRST MEETING

*Held on Tuesday, June 12th, 1928, at 11 a.m.*

Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade and M. Orts.

### 825. Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

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

I am happy to welcome M. Nobumichi Sakenobe, who has been appointed by the Council to take part in our work in succession to M. Yamanaka, whose resignation was a source of regret to us all.

It is with deep sorrow that I recall the great loss we have suffered since our last session by the death of Mme. Wicksell. Since the formation of the Commission, Mme. Wicksell had been conspicuous for her zeal, her ability and her devotion to the cause of mandates, and I feel sure I am expressing the views of all my colleagues when I associate the Commission as a whole with the universal expression of deep regret for her death.

The Executive Committee of the International Alliance of Women for Suffrage and Equal Citizenship has sent me the following letter asking me to convey its sympathy to the Commission :

[*Translation.*]

" At its recent meeting in England at the end of April, the Executive Committee of the International Alliance of Women for Suffrage and Equal Citizenship unanimously agreed that a message of condolence should be sent to the Mandates Commission on the death of one of its members, Mme. Anna Bugge-Wicksell.

" We should be very grateful if you would kindly convey this message to the members of the Permanent Mandates Commission in the name of the Alliance. Mme. Bugge-Wicksell was one of the foundation members of the Alliance, and remained a member until her death, at which time she was still doing important work at the head of one of our Committees. We have always greatly admired the ability and unswerving conscientiousness with which she assisted in the work of the Mandates Commission, and, knowing how highly her co-operation was appreciated by her colleagues, we realise how severe must be the loss they have suffered by her death.

(Signed) Emilie GOURD,  
*General Secretary.*"

I have also received several messages of sympathy from my colleagues, as well as from accredited representatives of the mandatory Powers and from a member of the Zionist Organisation.

The Council appointed on June 9th, 1928, Mlle. Valentine Dannevig to the vacant post on the Commission. She is a Norwegian, and is head mistress of the Vestheim Girls' High School. She has a great reputation as a teacher, has travelled widely, and as a member of the City Council of Oslo has gained a thorough practical knowledge of public affairs. As she has only been appointed recently, she will only be able to attend the present session as from June 17th.

I am glad to welcome the presence of Sir F. Lugard. I should rather say Lord Lugard, for, as you know, our distinguished colleague had the honour of being elevated to the peerage at the beginning of the year. By this act, his Sovereign recognised the importance of the services he has rendered to his country during his great colonial career. His valuable assistance, the lack of which we felt so severely last autumn, will be even more welcome on this occasion, since we are unfortunately deprived of the help of two of our distinguished colleagues—M. Freire d'Andrade, who has been seriously ill and is not well enough to stand the fatigue of the journey and of our meetings, and M. Orts, who is at present travelling in Africa.

As you know, I was unable to come to Geneva in March to be present when the Council discussed our last report. M. Van Rees was good enough to represent the Commission in my place, and I shall ask him in a moment to tell us what the Council did.

You will all have observed with what promptitude the New Zealand Government has informed us since our last session of recent developments in Samoa. The High Commissioner has sent us documents on several occasions, and we have received the full report of the Royal Commission, which will be considered at this session. I should like to draw attention to the Government's efforts to keep the Commission abreast of the situation in Samoa, which is a matter of the greatest moment to us.

I would also point out that the South African Government has noted the observations made on the question of sovereignty by the Netherlands representative in the League Council in September 1927, and has stated, in document C.73.1928.VI, that it has no comment to offer in view of the opinion expressed by the Council on the subject. This point seems to me of the first importance, and I am happy to observe that there is now complete agreement on the matter between the South African Government and the Mandates Commission.

As usual in the intervals between our sessions, members of the Commission have continued to display an active interest in the mandates question. As you know, M. Rappard recently gave in Berlin two lectures on the mandate system. Mr. Grimshaw attended the Missionary Conference held at Jerusalem in the spring, and I hope he will give us his impressions when the opportunity occurs.

The Press has shown, even more than hitherto, a marked interest in our work and in the mandate system in general. You have been kept informed of the various currents of opinion by the Secretariat, which has sent us extracts from the most important articles, sometimes in its monthly distributions and sometimes in special documents. I think I should mention that Sir Donald Cameron has published our Minutes as an annex to the *Official Gazette* of Tanganyika Territory (No. 12, 1928). The mandate system continues to interest students, and was dealt with these last months in several important publications.

In conclusion, I would like to emphasise the great importance attached by the Commission to its co-operation with the various representatives accredited by the mandatory Powers to assist it at this session. Several of them actually come from the mandated territories themselves, and it will be a privilege for the Commission to hear them explain the situation in the territories in whose administration they have taken part. On behalf of my colleagues, I should like to thank the British Government for asking Mr. Scott and Lt.-Col. Symes to represent it at our meetings, and the New Zealand Government for appointing General Richardson to give us details of the situation in Samoa.

#### 826. Statement by the Vice-Chairman on the Work of the Council relative to Mandates.

M. VAN REES, Vice-Chairman, spoke as follows :

You will recollect that, as the Commission's twelfth session did not end until November 11th, 1927, the Council was unable to examine the Commission's report in December, 1927, because the Minutes, to which the Council has always desired to refer, were not yet printed, and a certain amount of time had to be allowed to the accredited representatives of the mandatory Powers to submit any comments on the Commission's observations, and to the members of the Council to study the documents. The discussion in the Council was accordingly postponed till March 1928. The Chairman of the Commission, being unable to come to Geneva at that time, asked me to take his place, which I gladly did. I had accordingly the honour of being present at the Council meeting of March 5th last, at which the Belgian Government was represented. The Secretariat communicated to you at the time the documents relating to the Council's work in connection with mandates, but it may not be out of place for me to give a brief summary of the decisions reached.

On the proposal of M. Beelaerts van Blokland, Rapporteur, the Council requested the mandatory Powers to furnish the Commission with the particulars it desires regarding postal rates, the financial situation, and the application of international conventions to mandated territories. It also forwarded the Commission's request for information regarding the action taken on its resolution of April 23rd, 1923, concerning the status of the inhabitants of B and C mandated territories. It further approved the proposed amendments to the Commission's rules of procedure. As you are aware, the Secretariat has since published a revised edition of these rules, and also a document containing the statistics compiled during the last few years.

The Council instructed the Secretary-General to forward all the Commission's observations on the annual reports to the Governments of the mandatory Powers concerned, and to request them to take the requisite action. It likewise approved the Commission's conclusions on the petitions examined, and instructed the Secretary-General to bring them to the knowledge of the mandatory Power and of the petitioner concerned in each case. The Rapporteur stated the reasons which had led the Commission to express no opinion on the agitation in Samoa and to postpone the adoption of any final conclusions in regard to petitions relating to that territory.

At the same meeting, M. Beelaerts van Blokland paid a heartfelt tribute to the memory of our esteemed colleague Mme. Wicksell, and joined with us in regretting the resignation of M. Yamanaka. I myself also expressed the Commission's profound regret and distress at the loss of these two members.

827. **Statement by the Head of the Mandates Section.**

M. CATASTINI spoke as follows :

Since the Commission's last session, the Mandates Section has continued to carry out its regular work, as the Secretariat of the Commission and the Council, in connection with the matters with which it is specially entrusted.

As regards the collection of information, which is the Section's special work, every possible effort has, as usual, been made to keep the members of the Commission informed of administrative conditions in the fourteen mandated territories. Data are often late in reaching us and, owing to the distance, they are not always received very regularly, but the principal events occurring in the mandated territories are communicated to the members of the Commission as soon as they are known.

The Section has also performed the work specially entrusted to it by the Commission at its twelfth session.

*Liquor Traffic.*

In accordance with M. Freire d'Andrade's report, the Secretariat has prepared : (1) a memorandum summarising the Commission's work in connection with the liquor traffic ; (2) a document containing for each territory statistics of import, information relating to local manufacture and extracts from the legislative measures and Customs tariffs concerning intoxicating liquor.

*Mandates System and School Manuals.*

In accordance with the Commission's instructions, I drew the attention of the Secretary of the Comité on Intellectual Co-operation to the discussion which took place at the Commission's twelfth session with regard to school manuals. His reply was first communicated to M. Van Rees, the Rapporteur, who was good enough to write to me on the matter, and since then the whole of the correspondence has been laid before the members of the Commission in document C.P.M. 714.

*Statistical Data concerning Mandated Territories.*

The statistical data collected during the last few years, after being revised and supplemented by the mandatory Powers, have recently been published, in accordance with the Commission's suggestion which was approved by the Council last March. Although these data are of the greatest importance for all those who are interested in the mandates system, they possess the defects inherent in any body of statistics relating to countries not yet fully developed and under new administration. It will perhaps be possible, with the help of mandatory Powers which may furnish supplementary data, to issue them later in a revised form.

*Procedure to be followed in the Matter of Petitions.*

A summary of the procedure to be followed in the matter of petitions concerning mandated territories, adopted by the Commission at its last session, has been annexed to the Minutes and is now being sent in the form of a separate document to those persons whom it is necessary to keep informed of the rules in force regarding this matter.

*Ex-enemy Property (Seventh and Twelfth Sessions).*

As requested by the Commission, the Mandates Section has prepared questions concerning ex-enemy property, to be submitted to the accredited representatives, with a view to obtaining full information on the points which have not yet been cleared up.

*Rules of Procedure.*

In addition to this work, undertaken at the Commission's express request, the Section has published a revised edition of the Rules of Procedure of the Commission, including all the amendments approved by the Council.

*List of Decisions and Recommendations of the Council and Assembly in regard to Mandates.*

The list of decisions and recommendations of the Council and Assembly in regard to mandates prepared by the Secretariat for the Commission's last session (document C.P.M. 635)

has been sent with a personal letter to the accredited representatives of the mandatory Powers and to certain persons specially interested in the mandates system. The document in question appears to have been very favourably received and many letters of thanks emphasising its utility have reached the Secretariat.

*Lists of Official Documents.*

Lists of official documents forwarded by mandatory Powers for the use of the Permanent Mandates Commission have been drawn up for the territories with which the Commission is to deal at this session and will be circulated very shortly.

*Analytical Index of Minutes.*

The analytical index of the Minutes of the sixth to tenth of the Commission sessions was circulated recently.

*Bibliography.*

Lists of works in the Library relating to mandates were formerly prepared twice yearly by the Section, with the Library's assistance. The more logical arrangement was for the Library to draw up these lists with the help of the Mandates Section. The Library has accordingly prepared a list, which will be circulated immediately, and it will undertake this work in future.

*Date of Receipt of Annual Reports.*

The annual reports of the mandatory Powers were nearly all received this year by the appointed date, namely, May 20th. The order and dates of their arrival are given in the following list :

Annual reports	Administrative period	Date of receipt by the Secretariat
New Guinea .. .. .	1926-27	May 1st, 1928.
Nauru .. .. .	1927	May 7th, 1928.
Cameroons under French mandate .. .. .	1927	May 9th, 1928.
Togoland under French mandate .. .. .	1927	May 9th, 1928.
Palestine .. .. .	1927	May 19th, 1928.
Tanganyika .. .. .	1927	May 19th, 1928.
Syria and Lebanon .. .. .	1927	May 23rd, 1928.

Before giving the Commission the usual summary of the position in regard to the general questions recently under consideration and still outstanding, I should like to make two observations :

1. Judging by the reports which are to be examined at this session, it would appear that the mandatory Powers have duly borne in mind the desire expressed by the Council on September 15th, 1925, that they should insert in the titles of their annual reports the explicit statement that they are addressed to the Council of the League of Nations in conformity with Article 22 of the Covenant.

2. As regards the territories with which the Commission is to deal at its present session, nearly all the mandatory Powers have sent in the laws and official gazettes for the year under review.

*General Questions.*

With regard to the *supervision of the frontier between Syria and Transjordan*, the British Government on February 20th last forwarded supplementary information, from which it appears that by July 25th, 1927, some 700 refugees established at Azrak had returned to their homes in Syria and that the others had left Transjordan (document C.64.1928).

On December 6th, 1927, the Council, in pursuance of a recommendation of the Assembly, adopted a resolution requesting the mandatory Powers to communicate their views in regard to the *definition of certain terms concerning the liquor traffic* proposed by the Permanent Mandates Commission and transmitted to them in March 1927.

The Japanese Government stated on May 4th, 1928, that it was prepared to accept these definitions, to which, as the Commission has already been informed, the British Government adhered on May 14th, 1927. On May 16th, 1928, the Belgian Government informed the Secretary-General that it was prepared to accept the definitions, with one slight qualification. The New Zealand Government also stated on January 30th, 1928, that, in view of the policy applied in Samoa (complete prohibition of alcohol to all inhabitants of the territory), it did not feel called upon to submit any observations on the matter.



As regards other questions, such as the delimitation of the *frontiers between the Cameroons under British and French mandate and Togoland under British and French mandate* (third, fourth, sixth and twelfth sessions), *the application to mandated territories of general and special international conventions* and the requests for certain *financial statistics*, no replies have yet been received from the mandatory Powers. It should, however, be pointed out that the Commission's requests were not approved by the Council until March 1928, and that it was accordingly only on that date that they were forwarded to the mandatory Powers.

The position is the same with regard to two other points—the *request for information concerning postal tariffs* and the desire expressed by the Commission at its twelfth session to be kept informed of the action taken by the mandatory Powers on the resolution adopted by the Council in 1923 regarding *the status of the inhabitants of territories under B and C mandates*. The Commission's requests were not communicated to the mandatory Powers until March last, and so far the only reply received is from the Belgian Government, which forwarded information on the first-named question on May 30th, 1928, and stated on April 26th, 1928, that the description given to the native inhabitants of the territory under its mandate is "Nationals of Ruanda-Urundi".

As regards the last-named question, it was hardly possible to expect replies from all the mandatory Powers by the present session, in view of the time required for consulting the local authorities.

#### 828. Election of the Chairman and Vice-Chairman (Article 4 of the Rules of Procedure).

The Commission proceeded to hold these elections by secret ballot.

*The Marquis Theodoli was re-elected Chairman* by seven votes.

*M. Van Rees was re-elected Vice-Chairman* by seven votes.

The CHAIRMAN thanked his colleagues for this renewal of their confidence. He knew he could count on their indulgence, and would like to assure them once again that they, in their turn, might rely upon his zeal and goodwill.

#### 829. Comments on the Communications made by the Chairman and the Head of the Mandates Section.

M. RAPPARD, referring to a passage in the speech of the Chairman, thought that his colleagues would note with interest that M. Kastl had delivered a series of lectures in Germany on the working of the mandates. This was all the more important, as M. Kastl had only been a member of the Commission for a very short time and enjoyed a special esteem in his country.

As one who was connected with a university, he would venture to congratulate Lord Lugard on his being made an honorary doctor of the University of Cambridge. Doubtless, the services which he had rendered on the Mandates Commission counted for something in this new distinction.

With regard to the report of M. Catastini, the Commission should note with keen satisfaction the goodwill with which the mandatory Powers had replied to the questions addressed to them. Every year their collaboration was given in a more positive and precise manner. The report of M. Catastini explained why replies had not yet been received to the questions raised by the Commission in November last. Public opinion might, however, be unaware of the reasons for this delay. The questionnaires could only be utilised after they had been approved by the Council, and in the present instance the Council had only been able to examine them in March, the first session after they had received the Minutes of the Commission.

The information given by M. Catastini on the replies of the mandatory Powers was of special interest as various Governments had not yet agreed as to the procedure to be followed in replying to the special observations forwarded to them. Some of them sent their replies in the form of special reports; others embodied their replies in their ordinary reports; and others went so far as to take into account observations made during the discussions, even though these observations were not included in the report of the Commission. This was a fact which should be welcomed, since it showed that the mandatory Powers went even beyond what was requested of them. It would, however, be interesting to have a coherent view of the various methods followed by the mandatory Powers in replying to the questions and observations of the Commission.

M. CATASTINI said that the delay to which M. Rappard had just referred was caused by the preparation of the Minutes which it had been impossible to finish between November 11th, the closing date of the session of the Commission, and the beginning of December, the opening date of the Council session. The Mandates Commission had felt it necessary to indicate that it wished the discussions of the Council to be based not only on the report but also on the Minutes

relating thereto and which would be of great use in presenting the various decisions in their real significance.

As regards the replies of the mandatory Powers, M. Catastini noted that all the mandatory Powers had replied in one form or another to the observations of the Commission.

For Togoland and the Cameroons under French and British mandate, Tanganyika, Iraq, Syria and the Lebanon, no separate replies had been received, but information relating to the various points raised by the Commission was scattered through the annual reports for the following year.

For Ruanda-Urundi and Palestine, the replies were given in a separate chapter annexed to the annual reports.

For South-West Africa, the mandatory Power had forwarded, in addition to the report, a separate reply dealing with the specific questions raised in the report of the Commission to the Council.

For the other territories, such as Western Samoa, the Pacific Islands under Japanese mandate, Nauru and New Guinea, the mandatory Powers had not merely replied to the questions asked in the report of the Commission but had furnished, either in their annual reports or in separate replies, information concerning a certain number of questions which various members of the Commission had raised and which had not been incorporated in the report to the Council.

### 830. Adoption of the Agenda : Programme of Work of the Session.

The CHAIRMAN drew the attention of his colleagues to the fact that the provisional agenda which had been distributed included the examination of eight annual reports, namely, those relating to Palestine, Syria and the Lebanon, the Cameroons and Togoland under French mandate, Tanganyika, South-West Africa, New Guinea and Nauru. The members of the Commission would have noted with satisfaction that on this occasion all the annual reports, with a single exception, had arrived before the date fixed by the Council, namely, May 20th.

The report for South-West Africa had not yet been received. That fact was explained by the following letter, dated April 12th, 1928, from the High Commissioner for the Union of South Africa in London :

“ I have been asked by my Prime Minister, General Hertzog, to inform you that it is his intention that Mr. A. J. Werth, the Administrator of South-West Africa, should visit Geneva this year, and attend a session of the Permanent Mandates Commission for the discussion and examination of the annual report, and the report of the Honourable Justice de Villiers, if such could be arranged.

“ It is, however, not possible for the Administrator to be here during the June session, and in these circumstances my Prime Minister would be pleased if, this year at any rate, the discussion and examination of our annual report, together with the de Villiers report, be postponed until the October session of the Permanent Mandates Commission.

“ This would allow Mr. Werth ample time to attend the session, and it is furthermore hoped that the Commission would be prepared to avail itself of an opportunity to get into personal contact with the Administrator of that mandated territory.

(Signed) J. S. SMIT,  
High Commissioner.”

According to the regulations approved by the Council, the report for South-West Africa should normally be examined at the June session. The Chairman thought, however, that this year it would be well for the Commission to postpone the examination of the report to October. The Commission could not but welcome the decision of the Government of the mandatory Power to send the actual Administrator of the territory as accredited representative. The Administrator would doubtless be able to enlighten the Commission on a great number of questions relating to the territory.

The question whether the final examination of the petition of certain members of the Rehoboth community should also be adjourned to the October session was perhaps open to some doubt, in view of the fact that the Commission had, on several occasions, insisted on the advantages of a rapid solution. The benefit, however, which might result from the presence of the Administrator in the event of the Commission deciding to ask him for supplementary information seemed to the Chairman to be very much more important than the delay of a few months which this procedure would involve for a final liquidation of this question.

The Committee had before it the provisional agenda of the present session, and it would therefore be unnecessary to mention the various points. It would be sufficient to say that, since the distribution of the first edition of the provisional agenda a few weeks ago, several petitions relating to Palestine, Togoland and Samoa had been received, which, as they were all ready for discussion in accordance with the procedure in force, had been added to the agenda.

The absence of several of the members of the Commission unfortunately made it necessary to appoint one or two substitute Rapporteurs. It might be well, in conformity with the

procedure adopted at the last session, to ask certain members of the Commission to act as Rapporteurs for the items in the questionnaires and in the list of questions which were especially entrusted to M. Orts and M. Freire d'Andrade, who were absent.

The Chairman then asked the members of the Commission whether they had any other proposal to make in regard to the agenda or whether they wished to add any other questions.

The Chairman informed his colleagues that several accredited representatives had already notified the Secretariat of the dates on which they would prefer the reports with which they were concerned to be examined. The Commission, though it was always free to decide the order of its work, would doubtless agree to meet the wishes of the accredited representatives as far as possible. If the Commission saw no objection, he would notify the accredited representatives that the annual reports would be taken in the order given in the draft programme of work which had already been distributed (document C.P.M. 732).

M. RAPPARD, who had been asked to draw up a report on a very long Syrian petition, said he did not think he should prepare this report before hearing M. de Caix. It would therefore be difficult for him to submit the report before the end of the session, and he would ask the Commission in advance to excuse the fact that a document completed under such circumstances would necessarily be somewhat summary in form.

The CHAIRMAN replied that the Commission quite understood the position.

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## SECOND MEETING

*Held on Tuesday, June 12th, 1928, at 4 p.m.*

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Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade, M. Orts and M. Rappard.

### 831. Distribution of Work between the Members of the Commission.

The CHAIRMAN reminded the Commission of the plan adopted for the distribution of the various subjects between the members of the Commission.

Owing to the changes in the membership of the Commission, he proposed to modify as follows, for the present session, the distribution of the questions to be examined : *International relations and general administration*, M. Van Rees (replacing M. Orts) ; *Defence, armaments and munitions*, M. Sakenobe (replacing M. Yamanaka) ; *Education*, Lord Lugard, up to June 16th, and afterwards, Mlle. Dannevig (replacing Mme. Wicksell) ; *Liquor traffic, etc.*, Lord Lugard (replacing M. Freire d'Andrade) ; *Public health*, Dr. Kastl (replacing M. Freire d'Andrade).

M. MERLIN proposed to entrust M. Rappard, who was already dealing with " Public finance ", with the chapters referring to taxation, as the two subjects were connected, and he undertook himself to deal with the question of the economic and commercial regime<sup>1</sup>.

### 832. Form of the Annual Reports from Mandatory Powers.

Lord LUGARD noted that some of the Powers continued to arrange their reports in the order of the subjects in the old questionnaire, and even to print it in full in an appendix. This questionnaire had now been withdrawn. The Commission did not ask them to adopt any new questionnaire, but merely to substitute, for those which the Commission had itself at first tentatively adopted, the new headings and sequence of subjects, from which certain questions, e.g., judicial, had been wholly omitted.

The CHAIRMAN asked Lord Lugard to discuss the matter with the British authorities so that their annual reports might be drafted according to the order adopted by the Commission in the " List of questions " (document A.14.1926).

Lord LUGARD noted the wish expressed by the Chairman in the name of the Commission.

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<sup>1</sup> M. Rappard, absent from this meeting, declared subsequently that he accepted M. Merlin's proposal.

**833. Procedure to be adopted in examining the Report of the Royal Commission and certain Petitions on Western Samoa.**

The CHAIRMAN said that the agenda of the Commission included two classes of questions concerning Western Samoa arising out of :

- (a) The report of the Royal Commission ; and
- (b) A certain number of petitions.

*The Commission requested the Chairman to direct the debates on Samoa in accordance with the main outlines which it had drawn up.*

The CHAIRMAN proposed that, as the report of the Royal Commission also dealt with a considerable number of points raised in the petitions, the questions concerning these points should be asked during the examination of the report of the Royal Commission.

*Agreed.*

After some discussion, M. Van REES and Lord LUGARD noted that the New Zealand Government, in its letter of April 19th, 1928, apparently adopted the conclusions of the report of the Royal Commission (document C.P.M.719).

Lord LUGARD said that he had learned that Mr. Nelson was at present at Geneva and had received a letter from his legal adviser requesting an interview, with the object of introducing Mr. Nelson. He had refused the solicitor's request and he now wished to raise again the question of principle which, in his opinion, was one of great importance. He did not think that the members of the Commission could informally hear petitioners to whom the Commission was not permitted by the Council to give an official audience. When the question was discussed whether the Commission might hear particular petitioners, some members had expressed the view that no objection could be made to members of the Commission receiving these petitioners. He thought, however, that, if the members of the Commission could not receive petitioners in the presence of their colleagues, they should not receive them in private.

M. Van REES and his colleagues expressed their disagreement with this view.

After some discussion, the CHAIRMAN closed the debate, expressing his confidence in the tact and diplomacy of his colleagues and the opinion that there was no necessity to impose upon themselves a rule as regards this matter.

**834. Treaty between Great Britain and Transjordan dated February 20th, 1928.**

The CHAIRMAN summarised the Treaty concluded between Great Britain and Transjordan.

*The Commission decided to ask the accredited representative of the mandatory Power whether he had any declaration to make on the subject of the Treaty, and reserved to itself the right to ask other questions if they appeared to be necessary.*

**835. Petitions rejected as not deserving the Attention of the Commission.**

The CHAIRMAN, following the customary procedure, submitted the following report on the petitions which he had not considered to be deserving of the attention of the Commission :

Since the last session I have rejected the following petitions as not deserving the Commission's attention :

*A. Palestine.*

I. *Telegram from the "Pro Derechos Palestinos" Committee dated Santiago de Chile, November 2nd, 1927.*—I rejected this petition because its conclusions, which were drafted in very general terms, were contrary to the terms of the Palestine mandate.

II. *Letter from M. Joachim Pohoryles, who asks to emigrate from Poland to Palestine.*  
It appeared to me that this communication belonged to the category of those which could be regarded as "obviously trivial". Furthermore, M. Pohoryles' request for individual authorisation to go to Palestine did not seem to me worthy of the Commission's attention ; the petitioner ought in any case to have applied in the first instance to the mandatory Power, which from his letter he does not seem to have done. I therefore did not think it necessary to communicate the latter to the Commission and to the mandatory Power.

III. (a) *Letters from M. Marcel Meodar, dated Havre, December 6th, 1927, and January 11th, 1928.*—As the question raised by M. Meodar, viz., the nationality of persons of Palestinian origin and at present residing abroad, had already been dealt with in several petitions and comments of the mandatory Power, and as the Commission studied them at its last session, I did not think it necessary to communicate M. Meodar's letter to the Commission and to the British Government ; but I asked the Secretariat, as soon as the Council should have taken a decision

on this matter, to forward to M. Meodar for his information a copy of Mme. Wicksell's report on this subject, the conclusions of which were adopted by the Commission.

(b) 1. I have also dealt with a *letter from M. Isaie Lurie, dated Port Said, December 1st, 1927*, in the same way as M. Meodar's.

2. *M. Lurie* wrote again on March 22nd, 1928. As his letter only reproduced in substance petitions already communicated to the mandatory Power, as it contained no important new information, and as Mme. Wicksell's report giving full particulars had been forwarded to him, I did not consider that it should be circulated to the members of the Commission.

(c) *Telegram from the "Fraternidad Palestina" Society, dated San Salvador, November 20th, 1927*.—As this telegram, concerning the question of the nationality of Arabs of Palestinian origin, raised points which had been already examined by the Commission at its twelfth session, and which had indeed been brought to its attention by the "Fraternidad Palestina" Society, I did not think it necessary to circulate this telegram.

#### B. Cameroons under French Mandate.

*Letter from Mr. Briggs, dated Buea (Cameroons under British Mandate), November 23rd, 1927*.—Mr. Briggs complains of not having been able to obtain payment from a debtor living in Cameroons under French mandate, and draws attention to the attitude of certain French authorities in this matter. As this petition does not relate to the execution or interpretation of the provisions of the Covenant or of the Mandate, it did not seem to me that it could be accepted, particularly as the petitioner's complaint is in the category of those which come within the jurisdiction of the Courts of the mandated territory.

*The report was approved.*

#### 836. Request by a Government for the Communication of the Minutes.

M. CATASTINI read a letter received from a Government asking that the Minutes of the present session of the Mandates Commission relating to Samoa should be placed at its disposal. He reminded the Commission that a precedent existed. In 1927, when the report on Palestine was discussed, another Government had asked that the Minutes relating to the discussion should be communicated to it, and the request had not been granted.

The CHAIRMAN observed that the Minutes became public after the Council had approved them, and that they might be obtained by any Government at that moment.

*The Commission decided to abide by the procedure previously adopted.*

#### 837. Petitions : Appointment of Rapporteurs.

M. CATASTINI recalled that the study of the petition of Mr. Hayford had been entrusted to M. Orts, who had been asked to report on it. Would it not be necessary, in view of M. Orts' absence, to appoint another Rapporteur ?

M. MERLIN thought there was no objection to waiting for the report of M. Orts before examining the Hayford petition, since this petition was at least the tenth of its kind.

The CHAIRMAN wondered whether it would not be well to profit from the presence of the representative of the mandatory Power to examine this petition.

M. VAN REES agreed, on the request of the Chairman, to undertake the examination of the petition of the Zionist Organisation.

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### THIRD MEETING

*Held on Wednesday, June 13th, 1928, at 10.30 a.m.*

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Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade and M. Orts.

#### 838. New Guinea : Examination of the Annual Report for 1926-27.

Sir Granville Ryrie, High Commissioner for Australia in London, accredited representative of the mandatory Power, came to the table of the Commission.

The CHAIRMAN, on behalf of the Commission, extended a cordial welcome to Sir Granville Ryrie.

Sir Granville RYRIE, in acknowledging the welcome of the Commission, said that he was prepared to afford it every assistance in his power to enable it to do its work. While not an expert in the administration of the territory under review, he had done his utmost to obtain all the information possible. He was firmly convinced that it was the sacred duty of Australians, as the more enlightened race, to assist to the utmost of their power their more unfortunate brothers in the mandated territories.

He would like to take the opportunity of paying a tribute to Mme. Wicksell, whose death was a great loss, not only to the Commission but also to Australia, of which country she had been a very good friend.

The CHAIRMAN drew attention to the efforts made by the Australian Government to satisfy the Commission's requirements in regard to the report, which included a chapter giving a general survey of the administration.

#### *Status of Chinese born in the Territory.*

M. VAN REES referred to an article in the *Rabaul Times*, dated August 19th, 1927, containing a number of bitter complaints regarding their treatment, made by Chinese born in the territory. Did their treatment differ from that accorded to the Chinese immigrants ?

Sir Granville RYRIE replied that he was uncertain whether the Chinese in the territory could take out naturalisation papers. If they could, then those that did so would, of course, become British subjects ; if not, then they remained Chinese, and children born of them would take the nationality of their parents. As the Commission desired it, he would obtain further information on the point.

M. VAN REES pointed out that in Samoa natives were allowed to take out naturalisation papers.

Sir Granville RYRIE replied that he would ascertain whether this was the case in New Guinea. He thought, however, that New Guinea natives could also become naturalised. The article to which M. Van Rees had referred was anonymous and did not seem to merit too great attention.

#### *Establishment of an Executive Council and of a Legislative Council.*

M. VAN REES noted that no mention was made in the report of the establishment of a Legislative Council. Sir William Glasgow, an Australian Senator, had stated some time previously that the matter was under consideration. Had any result been reached ?

Sir Granville RYRIE was under the impression that the Legislative Council had already been established. He had seen a Press report to that effect.

Lord LUGARD pointed out that the Press report in question had been dated April 29th, 1928.

Sir Granville RYRIE said that he would telegraph for further information.

M. VAN REES drew attention to the following passage in the observations of the Australian Government on the Council's decision concerning the report of the Permanent Mandates Commission on the work of its eleventh session (document C.206.1928.VI) :

“ When the whole of the expropriated properties have been sold, it is proposed to give consideration to the question of establishing an Executive Council and a Legislative Council in New Guinea, somewhat on the lines of those existing in the territory of Papua. ”

Sir Granville RYRIE replied that he was unaware whether all the expropriated properties had yet been sold.

Lord LUGARD asked for information concerning the native representation on the Council. Were there to be native representatives or were the natives to be represented by white men or were they not to be represented at all ?

Sir Granville RYRIE replied that this information would be obtained.

#### *Report of the Conference between the New Guinea Administration and Representatives of the Missions in the Territory.*

Lord LUGARD referred to the Conference between the New Guinea Administration and representatives of the Missions in the territory. A report had been submitted which was of great interest, and contained the following passage :

“ In order to leave native government in the hands of the natives, native chiefs and councils should be recognised and given jurisdiction over all matters affecting natives, including the punishment of all crimes, except murder and poisoning. ”

What was the development of the native councils and the advisory councils? Would they still remain when the Executive Council had been appointed, or would they be abolished?

Sir Granville RYRIE replied that the Conference to which Lord Lugard had referred had taken place at a date subsequent to the period dealt with in the report before the Commission. He would, therefore, have to obtain the information requested. His impression was that the native councils and the advisory councils would remain.

The CHAIRMAN thought it would be sufficient if this information were included in the next report in accordance with the usual practice. The Commission had no desire unduly to press the mandatory Power to furnish information outside the period covered by the report, except in special circumstances.

Sir Granville RYRIE replied that he felt sure full details would be given in the next report, but he was prepared to ask for the information.

In reply to an observation by M. Van Rees, he said that the report on the Conference referred to by Lord Lugard had been forwarded to the Australian Government.

#### *Report of the Minister for the Interior on his Visit to New Guinea.*

The CHAIRMAN said that the Prime Minister, on September 29th, 1927, had stated that the Minister for Home and Territories had drawn up a report on his visit to New Guinea. Could the Commission be furnished with a copy?

Sir Granville RYRIE said he would ask if a copy could be forwarded. This also dealt with the period subsequent to that covered by the present report. He was unaware whether the Minister's report had yet been tabled.

M. RAPPARD thought that, while the Commission should not be too pedantic about dates, it had no absolute right to demand supplementary information concerning a period later than that covered by the report. On the other hand, it would surely be of great use to the High Commissioner if his Government sent him all information regarding the mandated territory as soon as it was available. If this administrative habit were acquired, both the High Commissioner and the Mandates Commission would benefit. It was natural that any information appearing in the Press, read by members of the Commission, excited their interest and led to questions.

Sir Granville RYRIE agreed with M. Rappard. He was willing to furnish information outside the period covered by the report if he found himself in a position to do so.

Lord LUGARD wished strongly to endorse the observations of M. Rappard. If the Commission confined itself solely to the consideration of the report before it, it would find itself unable to put many interesting questions, and when the time came for it to do so, the subjects with which they dealt would be out of date.

Sir Granville RYRIE explained that Parliamentary recesses lasting for as much as four or five months made it impossible immediately to table a report. This might have happened in the present instance.

#### *Unrest in certain Parts of the Solomon Island Group.*

M. VAN REES noted that, according to information given in the Press, serious trouble had occurred in a part of the Solomon Islands group, which had not been specifically mentioned. Were those islands part of the mandated territory?

Sir Granville RYRIE replied in the negative. The troubles had occurred only in the islands outside the mandated territory.

#### *Conditions of Appointment to the Public Service.*

In reply to a question from M. Van Rees, Sir Granville RYRIE explained that, other qualifications being equal, preference was given to ex-service men in filling posts on the Administration.

The CHAIRMAN enquired whether all persons admitted to the public service of the territory must be natural-born British subjects. If this were the case, such a provision practically excluded natives from the Service. Did not the Administration look forward to the time when some of them might be qualified for administration? Was there any system of gradual training? Did the Administrator possess any power in regard to the appointments to the service, or were they made solely by the Governor-General or by the Minister for Home and Territories?

Sir Granville RYRIE replied that at the moment only British subjects held posts in the public service. An effort was being made to educate the natives with, no doubt, the primary

object of fitting them to take posts in the service of the Government. It was quite impossible, however, to say at what date they would be qualified to do this. Reference to conditions of entry to the public service of New Guinea was to be found in the report for 1921-22 :

“ § 175. Only natural-born British subjects may be appointed to the service (section 11). All appointments are made by the Governor-General, or, on his delegation, by the Minister in control of the administration of the Territory or by the Administrator (section 12). In making permanent appointments, preference is given, subject to competency, to returned soldiers, *i.e.*, to persons who served in any British force with satisfactory record in the war of 1914-18 (sections 4 and 12). Appointments to the service may be permanent or for such periods as may be determined, and, except in special cases, are probationary for a period of six months (section 13). Appointments may be made of persons who, before confirmation of appointment, may be required to undergo a prescribed special course of training for the public service at a university or elsewhere, and in such cases the period of probation may be extended until the completion of the course of training (section 13); but no arrangements have yet been made for any training of persons appointed to ordinary administrative posts nor have any appointments to such posts yet been made subject to the undergoing of a special course of training. ”

The CHAIRMAN quite understood that the backward condition of the natives was such that progress in this matter must be very slow. Were there no native clerks, however, and had not a beginning been made ?

Sir Granville RYRIE replied that the state of civilisation of the natives was at the moment very primitive. Progress, however, had been made, and the system of natives assisting in the administration was described in the report. The village head-man, known as “Luluai”, was entrusted with supervising the social welfare of the village, and in these duties he was assisted by the “tultul”. This was the first step towards inducing the natives to take an interest in the management of their own affairs.

#### *General Administration.*

Lord LUGARD, with reference to the visit of the Minister for Home and Territories to New Guinea, referred to the debate in the Australian Parliament on September 28th, 1926, during the course of which Mr. Yates had urged that an enquiry should be conducted into the administration of the territory. At this time he said that certain “anomalies” appeared to exist. Lord Lugard had received a very disquieting letter from a very high authority, whose name he did not feel able to divulge; he could, however, assure the Commission of the absolute reliability of his correspondent. The Minister (he said) had been much upset by what he had seen in the mandated territory and the conduct of the Administration.

The Commission had received, two or three years ago, Colonel Ainsworth's report, which was also not of a reassuring kind. In order to allay fears which might or might not be justifiable, would it not be in the interests of the Australian Government itself to appoint an independent investigator, who had actual experience of administration, such a man, for instance, as Sir Hubert Murray, Administrator of Papua, whose duty it would be to carry out a complete investigation, someone whose reputation stood very high, and would command the complete trust both of Australia and of the Commission? The Australian Government had not entirely accepted the findings of Colonel Ainsworth, and the Commission was not aware to what extent some of his criticisms had received attention, nor had the Government apparently accepted the proposal of Mr. Yates.

Sir Granville RYRIE replied that he himself had every confidence in General Wisdom, the present Administrator of New Guinea, and knew him to be upright, conscientious, tactful and able. He was therefore surprised that any question should be raised concerning the administration, for he felt certain that General Wisdom had done and would continue to do his utmost to administer the territory satisfactorily. If the Commission desired the Australian Government to send Sir Hubert Murray, in the capacity of Royal Commissioner, to make a full report on the whole administration, Sir Granville Ryrie undertook to lay the proposal before the Prime Minister of Australia.

Lord LUGARD explained that the Commission could not possibly desire to name any particular person to carry out the enquiry asked for by Mr. Yates. He had only referred to Sir Hubert Murray as the type of investigator desired, who should possess the fullest confidence of everyone concerned, including the Government of Australia.

Sir Granville RYRIE pointed out that to ask Sir Hubert Murray to enquire into matters relating to the administration of New Guinea might lead to difficulties, in view of the fact that he was the Administrator of an adjoining territory, and would thus be called upon to investigate the actions of a colleague.



M. RAPPARD desired that the accredited representative should have no doubt as to the views of the Commission on this point. The ways and means of clearing up any misunderstandings which might exist with regard to the administration of New Guinea must, of course, be left entirely to the Australian Government. All that was necessary for the Commission was to ascertain the full facts. He wished entirely to endorse what Lord Lugard had said on this point. There was a certain amount of discrepancy between the information obtained from official sources and that coming from unofficial sources.

He desired to make a general observation regarding the report itself. After reading it, he had had the impression that it might have been written in Australia rather than in the mandated territory. It described not so much the real facts as the prescribed legislative and administrative regime of territory. The anatomy of the Administration was analysed and explained, but very little was said about what might be called its physiology. For example, the first part of the report amounted to a commentary on the existing legislation, but nowhere was there a statement of what action had been taken as the result of the legislation.

In Section 232, the report stated that the Administrator had personally "visited all the out-stations in the territory and paid several visits to the stations nearer to Raboul. As many 'luluais' and 'tultuls' as possible were interviewed by the Administrator, and an opportunity was afforded them of ventilating grievances and discussing matters of interest". Nothing would have been more interesting from the Commission's point of view than an account by the Administrator of such visits and his observations on the life of the inhabitants. The Commission's main, indeed its only, interest was to obtain a statement of the actual facts with reference to any mandated territory, for these were of importance not only to the League but also to the mandatory Power itself.

One of the main duties of the Commission was to make an impartial statement on the affairs in a mandated territory, as it found them after investigation, and nothing strengthened the hands of a mandatory Power more than a statement by the Commission endorsing the mandatory Power's policy. He did not think that the Commission would be able to give a full endorsement of the administration of New Guinea, as a result of the report submitted, which was too legal in character and did not contain sufficient facts to enable the Commission to obtain a really accurate picture of conditions in the territory. If everything in the report were as realistic and detailed as were the technical reports furnished by the Health and Forestry Departments, the Commission would have been fully satisfied.

Sir Granville RYRIE, referring to the unofficial sources of information referred to by Lord Lugard and M. Rappard, pointed out that such information might in many cases emanate from disgruntled individuals dismissed from the service of the territory and only concerned with their personal interests. He was not suggesting that this was the case in the present instance, but he desired to put the Commission on its guard. The proof, he thought, that the natives were not dissatisfied with the administration lay in the fact that, although they were well aware that they had the right to petition, no petitions had been received.

As far as he was aware, there was nothing in the report which could be described as incorrect or inaccurate.

Lord LUGARD said that his correspondent was not an ex-official of New Guinea, and M. Rappard, to whom he had shown the letter, would corroborate his view that it had the highest possible authority. He thought that the report of the Missionary Conference which was stated in a *Times* telegram to have made "almost a hundred recommendations" would probably throw some light on the matter.

In connection with the Advisory Council referred to in paragraph 3 of the report, he thought that it would be of interest to the Commission to have an occasional copy of the Minutes of this Council, for these Minutes would no doubt give the kind of picture for which M. Rappard had asked. In the same paragraph, reference was made to Ordinances of the Governor-General of the Commonwealth of Australia having the force of law in relation to the mandated territory. Would the accredited representative explain the procedure adopted in the formulation of these Ordinances?

Sir Granville RYRIE explained that the Administration made recommendations to the Governor-General, who gave effect to them by the promulgation of Ordinances.

#### *Appointment and Training of Cadets.*

Lord LUGARD noted that in paragraph 25 it was stated that eleven cadets had been appointed to the service in two years and that, according to paragraph 36, there were only thirty officers in the first division, including, he supposed, the departmental officers. He wondered whether these numbers were sufficient for the requirements of the administration.

Sir Granville RYRIE drew attention to the enumeration of the divisions of the service in the report on the territory for 1925-26. He understood that cadets would enter, not the first division, but the second. The Commission would already have read in the report for 1926-27 that, "as the most pressing need for trained officers was in connection with the positions

of district officer, assistant district officer and patrol officer, the eleven cadets referred to are being specially trained for employment on the staffs of the district offices ”.

Lord LUGARD pointed out that only five or six cadets were appointed each year.

Sir Granville RYRIE believed that the number of cadets appointed would always correspond with the requirements of the administration, which would be maintained at full strength.

M. VAN REES asked whether the thirty officers referred to in paragraph 36 of the report as constituting the first division were administrative officers exclusively or whether this number included technical officers.

Sir Granville RYRIE replied that the number included administrative and technical officers, the latter including an anthropologist, and medical and legal officers.

#### *Method of taking the Census.*

Lord LUGARD, referring to paragraph 81 of the report, noted the sentence : “ The census of native population is taken under ‘ the family group system ’. ” Would the accredited representative give particulars of this system ?

Sir Granville RYRIE said there were great difficulties in taking the census. The natives did not understand its object and concealed themselves to avoid interrogation. In villages of an exceptionally large population the natives separated into tribes, which automatically subdivided themselves into family groups. He was not, however, certain of the exact meaning of the family group system ; he concluded that it was some method which would enable an approximate census to be obtained. In the case of newly visited areas, the hut system was also employed, which enabled the officials to estimate the number of the inhabitants, which it was otherwise impossible to count.

#### *Village Councils.*

Lord LUGARD said that he had been struck by the interesting account of the village councils given in paragraph 83. Were steps being taken to promote these councils and had they been established only in the Morobe district or in the whole territory ?

Sir Granville RYRIE replied that he thought these councils were in existence in the whole territory. He knew that the Administration keenly encouraged the councils of chiefs for the purpose of discussing local affairs, and that all possible measures were being taken to encourage their increase.

#### *Appointment of Village and District “ Luluai ”.*

Lord LUGARD, referring to paragraph 84, noted that the village “ luluai ” was nominated by the people of his village, whereas the district “ luluai ” was nominated by the district officer. Would it not be desirable that the latter should also be selected by the natives themselves ?

Sir Granville RYRIE said that a district “ luluai ” was probably selected from the village “ luluais ”; this was, in effect, appointment by the natives themselves, as they elected their own village “ luluai ”— it was, in a sense, promotion.

#### *Measures taken as a Result of the Unrest at Nakanai.*

Lord LUGARD recalled the account given by Sir Joseph Cook in the previous year of the trouble at Nakanai. He had said that the trouble arose not from the prospectors but “ because the native police who were with the patrol officer had in some way interfered with the natives ”. Could the accredited representative inform the Commission whether any enquiry into the lack of control by this officer of his men had been made, and whether any action had been taken to prevent similar conduct which had led to the murder of Europeans ?

Sir Granville RYRIE said he could not, but would ask for information concerning the enquiry.

#### *Reasons for the Decrease in the Population.*

Lord LUGARD recalled that the report of the previous year had stated that the factors tending to decrease the population were “ the over-alienation of land for plantation purposes, lower food supplies, abortion and infanticide ”. Had any action been taken towards removing these factors ?

Sir Granville RYRIE replied that new measures had been taken for the prevention of alienation of land detrimental to the interests of the natives. Every effort had also been made to prevent a fall in the birth-rate.

*Officials : Number, Conditions of Service, etc.*

M. RAPPARD said that he wished to ask two questions concerning the officials. According to paragraph 14, the yearly leave of absence of an official was six weeks and it might be allowed to accumulate for as long a period as three years. Given tropical conditions, would the average Australian stand the climate for so long a period without any physical detriment? It should be remembered that nearly six weeks' leave of absence might have to be spent in travelling from and to the territory.

Sir Granville RYRIE replied that there was probably much to be said for this argument. On the other hand, the officers of the Administration were specially selected, largely with a view to their experience in tropical countries and their physical fitness to stand extremes of climate. Perhaps those from New South Wales would find the conditions more trying, but all the other members of the service were not troubled by them.

M. RAPPARD, referring to paragraph 21, asked whether it often happened that the officials of the service had interests in corporations making plantations on the mandated territory.

Sir Granville RYRIE thought that it was unlikely that there were such instances. If there were, it would be difficult to ascertain their number. If the corporations in which the officials were interested were duly registered, they would not be infringing the regulations of the public service. According to the Public Service Ordinance of 1922, an official might become a member or shareholder of any incorporated company or of any company registered under any Act in any State of the Commonwealth or elsewhere.

M. SAKENOBE asked how soon an official of the third division might expect to be promoted to the first division.

Sir Granville RYRIE replied that such promotion would largely depend on the number of vacancies occurring.

M. SAKENOBE asked whether there were any regulations regarding promotion.

Sir Granville RYRIE replied that provisions were contained in the Public Service Ordinances.

Dr. KASTL, referring to paragraph 36, noted that in 1927 there had been a decrease of one in the total number of officers as compared with the number of the previous year. On the other hand, there had been an increase of £3,000 in the budget. What was the explanation of this increase?

Sir Granville RYRIE replied that the increase was probably due to annual increments.

Dr. KASTL said that the explanation in the report was that there had been an increase in the district staff for the gold-fields. This explanation was not, however, conclusive, as there had been a decrease in the total number of the staff.

Sir Granville RYRIE thought that the increase in the budget might be explained by the appointment of a temporary staff to cope with special circumstances.

M. PALACIOS asked whether any information could be given as to the number of offences that had been charged against officers of the public services and of the percentage of cases in which charges of any importance had been sustained. Were there any cases on record of complaints made by natives against officers of the Administration, and was it considered difficult for natives to obtain satisfaction under such circumstances?

Sir Granville RYRIE replied that as there was no mention in the report of any instances of such offences, it could only be concluded that there had been no contravention of the Public Service regulations.

*Public Finance : Debt of the Territory.*

M. RAPPARD, referring to paragraph 179, noted that the essential source of revenue was constituted by import and export duties. Were the export duties the same for all countries of destination?

Sir Granville RYRIE replied in the affirmative.

M. RAPPARD, referring to the same paragraph, said that he had been struck by the mention of a credit for the year 1926-27 of £12, derived from income-tax. He presumed that this credit represented a sum that had been left over from money collected under the previous income-tax which had been repealed.

Sir Granville RYRIE replied that it probably represented a collection of arrears. The income-tax had been abolished and had been replaced by a tax on turnover.

M. RAPPARD understood that the amount quoted as having been derived from the sale of copra from Government plantations was a net sum, since there was no mention of the expenditure involved in the running of the Government plants.

Sir Granville RYRIE replied in the affirmative.

M. RAPPARD, referring to the expenditure on public works, understood that some items had been occasioned by a visit of a Public Works Committee to the territory.

Sir Granville RYRIE replied in the affirmative.

M. RAPPARD observed that the report of such a body might be of great interest to the Commission.

Referring to paragraph 189, he noted that the sum granted by the Commonwealth Government for the welfare of natives had not been entirely expended. Was there any particular reason for this ?

Sir Granville RYRIE replied that he was not aware of the reason why the entire sum had not been expended—the balance had, however, been carried forward.

M. RAPPARD said that he wished to ask a last question concerning the unpaid debt due to the Commonwealth of Australia. The Commission was informed that an agreement as to the actual amount of the liability would be reached shortly. He wished to know who stated the case for the territory in the discussion between the territory and the Administration.

Sir Granville RYRIE replied that he could not give this information immediately, but he would make enquiries.

M. RAPPARD said that the accredited representative would understand that this question was one of particular interest to the Commission, for it was not clear who represented the interests of the territory when those interests conflicted with those of the mandatory Power.

Sir Granville RYRIE said that he would obtain the information required.

M. VAN REES, referring to paragraph 193 of the report, said that he understood that the loans and advances in question were made, not by the Australian Government, but by the Commonwealth Bank.

Sir Granville RYRIE thought that a full explanation would be found in paragraph 188, where it would be seen that the amount of the loan effected in order to meet the "purchase of ships used in maintaining shipping facilities throughout the territory" was £23,000. This figure also appeared in the first column of paragraph 193. Again, the approximate total of the second column of paragraph 193 was about the same figure as the amount of the advance for the territory up to June 30th, 1927, given in paragraph 188.

M. VAN REES asked what was the actual amount of the debt at the present time. Was it as stated in the first column of paragraph 193—£30,002 ?

Sir Granville RYRIE replied that the public debt at the close of the year was £30,002.

M. VAN REES understood that the total debt for the year 1926-27, setting aside the military duty, had not been fixed.

Sir Granville RYRIE said that it was only possible to accept the figure in the report.

M. VAN REES asked whether it was to be understood that the sum of £6,500 mentioned in column 3 was to be included in the total, or was it separate ?

Sir Granville RYRIE replied that he had no information on this subject beyond what was contained in the report.

M. VAN REES, referring to paragraph 179, drew attention to the large increase in the amount derived from the native head tax. How could this increase be accounted for ?

Sir Granville RYRIE replied that every year, and even every month, fresh areas came under the control of the Administration.

#### *Native Taxes.*

M. MERLIN wished to raise two questions.

It was stated in paragraph 63 that the minimum monthly rate of wages for males was 5s., and, on the other hand, in paragraph 86, that the maximum rate of head tax should be 10s. The amount thus levied might therefore constitute 10 per cent of the native's annual earnings, which appeared to be excessive.

Sir Granville RYRIE said that he thought the maximum tax was seldom exacted. There were many exemptions granted both to individuals and, for special reasons, such as a period of distress, to entire villages. The individuals exempted were as follows :

Members of the native police ; natives who are under contract under the Native Labour Ordinance to work for the whole of the financial year, or whose period of engagement expires during the year ; natives unfit for work ; any native who is the father of not less than four living children by one wife ; native students in regular attendance at missions and native teachers exclusively employed in teaching at missions ; any " luluai ", " kukurai " or " tultul " and such other natives as the Administrator may prescribe by regulation.

He did not think that the imposition of this tax was harsh.

M. MERLIN thought that the information contained in the report was satisfactory as regards theory but not as regards practice. There was no indication that the maximum head tax might not be levied in every case.

He had also another objection to raise. Criticism had been made in other places of the practice of the substitution of the payment of tax in labour for payment of tax in kind, on the ground that labour of this kind might develop into forced labour.

Sir Granville RYRIE replied that it was only by the direction of the Administration that such a substitution could be effected. Further, it was distinctly stated in the report that this substitution was dependent on the consent of the native himself. The native was thus doubly protected and he did not think that the practice could give rise to any abuse.

In this connection, Sir Granville RYRIE read to the Commission a letter from the Prime Minister concerning the payment of tax by labour.

Mr. GRIMSHAW said that it was clear from the reply of the Australian Government to the Commission's observations of last year (document C.P.M. 206) that no native could be compelled to pay his taxes in labour and that none had so far expressed the desire to do so.

Lord LUGARD thought that it would be simpler if the native were to pay his tax from wages earned by labour.

Sir Granville RYRIE agreed that this might be the better course.

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#### FOURTH MEETING

*Held on Wednesday, June 13th, 1928, at 4 p.m.*

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Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade and M. Orts.

839. **New Guinea : Examination of the Annual Report for 1926-27 (continuation).**

*Public Finance (continuation).*

Dr. KASTL, with reference to the total expenditure on the Departments of Native Affairs and Agriculture (page 66 of the report), noted that a decrease under both heads had occurred as compared with the figures of the previous year. Was there any reason for this ?

Sir Granville RYRIE replied that he had also noted this fact, but was unable to give an explanation. Had an increase occurred, it would have been equally impossible to do so. It was too much to expect expenditure to be maintained at exactly the same figure each year.

Dr. KASTL pointed out that the decrease was somewhat large—about £400—in the case of the Department of Native Affairs, and about £1,500 in the case of the Department of Agriculture.

Sir Granville RYRIE said that, with regard to the Department for Native Affairs, the decrease might be due to resignations, as £351 of the £400 occurred under the heading "Salaries".

Mr. GRIMSHAW agreed. There was a partial explanation to be found on page 1 of the report, which contained an account of the amalgamation of certain districts which had possibly led to a reduction in the number of district officers.



Lord LUGARD noted that the total of the items of expenditure on Native Administration and Welfare had amounted to £110,462. The total revenue of the territory, however, was shown to be something over £305,000.

Sir Granville RYRIE replied that the sum of £110,462 did not cover the total expenditure on the various services. As an example, he referred to the Department of Public Health, which showed an expenditure of £37,714, whereas in the statement of expenditure out of revenue, shown on page 67 of the report, the actual expenditure amounted to over £52,000.

#### *Native Courts.*

Lord LUGARD, referring to paragraph 85, page 29, noted that the Administrator might make regulations ordering the affairs of natives with regard to various matters, including marriage and divorce, the succession to property, and even the disposal of the dead. Was he right in understanding from this that marriages and divorces were illegal unless approved by the district officer?

Sir Granville RYRIE replied that marriages and divorces were dealt with by the native courts. Village councils, composed of natives, existed and dealt with small social matters. They would probably be gradually developed until eventually they would form a native court. The whole matter was covered by the regulations applying to native ordinances (Laws of New Guinea, Volume 5, Regulations under Administrative Ordinance, Part IV).

#### *Arms and Ammunition.*

M. SAKENOBE noted that, under paragraph 102, no mention was made of natives being prosecuted under the Arms, Liquor and Opium Prohibition Ordinance for the illegal possession of arms or ammunition. Was it to be understood that no offences had been committed?

Sir Granville RYRIE replied in the affirmative. No offences on the part of natives with regard to arms or ammunition had been reported during the year under review.

M. SAKENOBE noted further that, by the terms of the Ordinance, the Administrator could supply natives with arms in cases of emergency. What was the reason for this provision?

Sir Granville RYRIE replied that it was to meet any sudden emergency, such as rioting. In such cases the native police could be reinforced by trustworthy natives chosen by the Administrator and armed by him.

#### *Penetration and Administration of New Areas.*

Lord LUGARD, referring to paragraphs 234 and following, asked (1) whether the police patrols described were under Europeans; (2) whether it was a fact that the new territory entered by police patrols was not immediately brought under administration; (3) if this were the case, what steps were taken to control the newly entered territory until it was brought under administration?

Sir Granville RYRIE replied: (1) the answer was in the affirmative; (2) the areas newly visited were not immediately brought under administration for lack of staff and for other reasons; (3) all patrols entered newly visited districts either under the direct leadership of the district officer or under a person appointed by him. When they left the district, they endeavoured to appoint a "luluai" and one or two prominent natives of the village or villages visited to form a village council and administer the territory until it could be taken under full administration.

Lord LUGARD pointed out that considerable information was given in paragraph 234 concerning hostilities which had occurred between natives in an uncontrolled area at Nakanai and a party of European prospectors. Would it not be advisable and possible to ensure that any new district was brought under Government control before Europeans, with the possible exception of missionaries, were allowed to penetrate into it?

Sir Granville RYRIE replied that it was inadvisable for Europeans to enter uncontrolled areas. It was very difficult, however, strictly to apply the law. The spirit of adventure led a certain number of Europeans to explore and prospect in uncontrolled areas, where they ran considerable risks from the natives. He quite agreed, however, that uncontrolled areas should be closed to Europeans until they were fit to be entered by them.

*Compulsory Labour. Portelage.*

Mr. GRIMSHAW called attention to the answers contained in the Australian Government's observations on the report of the Permanent Mandates Commission on the work of its eleventh session (document C.206.1928.VI) and to the information contained in the report.

He had already referred at previous sessions to compulsory cultivation of land. It now appeared that the original regulation on this subject had been amended. Under the old regulations it was laid down that "a district officer *shall* order that every able-bodied male native . . . shall plant every year such plants or crops as the Administrator may direct, etc.". The new regulations laid down that "district officers and officers of the Department of Agriculture *may* give such orders and instructions as shall be necessary for the proper planting and tending of crops, etc.". An important paragraph of the original regulations had also been deleted, and the position therefore now appeared to be that a native could only be compelled to cultivate sufficient land to support himself and his family and not for the purposes of export, for the feeding of porters or for other purposes. This change had been made in the regulations as the result of the opinion given by the Australian law officers, who had declared that the old regulations had not been in conformity with Section 15 (2) of the New Guinea Act 1920-26, and therefore contrary to the provisions of the mandate regarding forced labour. Was this interpretation of the action taken with regard to the compulsory cultivation of land correct?

Sir Granville RYRIE replied in the affirmative. There was no forced labour of any kind in New Guinea except to compel a native to grow sufficient food for his own use. The regulation in question was designed to protect him from his own indolence. He was also required to maintain the roads passing through or near his land. Such labour, however, was not heavy.

Mr. GRIMSHAW was glad to know that his interpretation of the amended regulations was correct. This interpretation of the forced labour clause of the mandate was of considerable interest to the Commission. It appeared quite clear that the upkeep and maintenance of roads passing through or near the land occupied by natives was compulsory. What happened, however, in regard to the construction of new roads?

Sir Granville RYRIE replied that these were constructed by voluntary labour paid at the usual rate. No compulsion was used. The native was only compelled to keep in proper repair roads once constructed.

Lord LUGARD pointed out that the regulation regarding the compulsory upkeep of roads applied also to Europeans.

In reply to a question by M. Van Rees, Sir Granville RYRIE explained that roads not passing through or near land occupied by natives or Europeans were maintained by the Administration.

Mr. GRIMSHAW, with reference to the question of portelage, pointed out that what he had desired was that information should be given on the approximate amount of portelage required by the Administration each year in the territory. Information on this point was available in the case of Papua. His desire had apparently been misunderstood for the report described fairly fully the conditions of portelage but not the amount required yearly. Could this information be contained in the next report?

Sir Granville RYRIE replied in the affirmative.

Mr. GRIMSHAW noted that the maximum weight per porter under the regulations was fifty English pounds, which was also the maximum in certain other areas. He might point out, however, that New Guinea was a particularly difficult country as far as portelage was concerned; the fact that the daily stage was fixed at twelve miles instead of the usual twenty miles was evidence of this. The load appeared to have been slightly increased. Under the German regime it had been forty German pounds, which were equivalent to about forty-five English pounds.

*Indentured Labour.*

Lord LUGARD, with reference to paragraph 63 of the report, asked whether women who undertook to work were required to sign a three-year contract?

Sir Granville RYRIE replied that all female labour was entirely optional. Women could work with their husbands if they so desired, in which case they signed a contract. No compulsion, however, was used.

In reply to a further question from Lord Lugard, Sir Granville RYRIE said that, under the Native Labour Ordinance of 1922, the District Labour Officer could confiscate the deferred pay of deserters if he desired to do so, in which case it was paid into the revenue.



Lord LUGARD enquired, with reference to paragraph 74, whether it was possible for a labourer to take service without signing a contract ?

Sir Granville RYRIE said that this matter was dealt with in Section 51 of the Native Labour Ordinance.

Lord LUGARD, with reference to paragraph 76, pointed out that it had been found that, "owing to the distances to be travelled between the various districts of the territory, it was impossible for the District Inspector to inspect all the districts with the desired frequency. Owing to the District Inspector being absent on long leave during the year, investigations and inspections . . . were confined to areas in the New Britain and Manus districts". Would it not be possible to appoint a larger number of district inspectors ?

Sir Granville RYRIE replied that the number of inspectors appointed was a matter for the discretion of the Administrator. He quite agreed, however, with the observations of Lord Lugard, to which he would draw the attention of his Government.

Mr. GRIMSHAW said that he wished to revert to the question of free labour that had been raised by Lord Lugard. He noted that practically all paid workers in New Guinea, including even domestic servants, were indentured; that was to say, they were under a system of penal sanctions in the case of breach of contract. He knew of no other area where such a situation existed. It was stated in the report that the objective of the Administration was the system of free labour, and he thought that every effort should be made to arrive at this objective.

Sir Granville RYRIE said that, in paragraph 74 of the report, it was stated that, although a system of free labour is one of the objectives of the Administration, the majority of the natives of the territory have not yet reached such a stage of development that would place them above the need for protection during the journeys between their villages and the place of employment. He agreed that it seemed peculiar that the situation was different from that of other territories, but on the other hand it was stated, in the following sub-paragraph of the paragraph he had quoted, that a certain measure of free or casual labour was provided for by the Native Labour Ordinance. It was clearly stated in the report that the objective of the Administration was to encourage free labour.

Mr. GRIMSHAW said that the matter might be looked at from another point of view. According to the report, the reason why free labour had not been established was that the indenture system provided protection for the native workers. It was usual, however, for protection to be provided also for free labourers. There was not, within his knowledge, any such provision in New Guinea. Further, there seemed to be some contradiction between the first sub-paragraph of paragraph 74, where it was stated that the natives were not sufficiently developed to dispense with protection, and the last paragraph, where it was stated that the Administration was considering the question of educating the natives in the advantages of free labour.

Sir Granville RYRIE said that the last paragraph proved that it was evidently the intention of the Administration to encourage free labour.

Mr. GRIMSHAW said that he wished to ask another question on the same subject. Was the Administration satisfied that the recruiting was always fairly and honestly carried out ? He based this question on the following passage in the report of the Medical Officer :

"One native of the village . . . could speak 'pidgin' and very nervously told us that the remainder of the village had gone to the beach. It appears that he had been 'pulled' six years previously while on a visit to a more southerly village—had worked for three years and had been back in his village for three years."

This might be an isolated case, but he would repeat his question as to whether all the necessary safeguards to the system had been provided, in order to ensure that no native should be tricked into signing an indenture.

Sir Granville RYRIE replied that every protection was afforded the native. Recruitment was strictly voluntary. All volunteers were subject to a medical examination and were then taken to the district officer, who fully explained the work that was expected of them, the term of the contract and all its conditions. They were then asked whether they still wished to accept the contract. In some cases the contract had been refused and the native then returned to his village. Apart from the information contained in the report, he could say, from his personal knowledge, that the conditions of recruitment were entirely fair. In this connection, he referred to paragraph 200 of the report for the year 1921-22.

Mr. GRIMSHAW thought that the guarantee of honest recruitment was another phase of the question that had been raised by Lord Lugard concerning the adequacy of inspection. Perhaps more might be done in this sphere. The reports might be collected and collated at a central office, and the lessons that they implied might be borne in mind. Had nothing been done to publish these reports ? They might be of useful guidance elsewhere.

He wished to draw attention to a point concerning the question of wages which had been raised by Dr. Kastl at the previous meeting. The report stated that the wages for an adult worker were five shillings a month. Now it seemed that under the penal sanctions some penalties were, in comparison with these wages, enormous. Thus, a labourer who sold or bartered his rations was liable to a fine of ten shillings, that was to say, his salary for two months. Again, neglect to perform the work prescribed by the contract might be punished by a fine which amounted to a fortnight's pay. There seemed in these cases to be great disparity between the wages and the penalty. Either the wages were too low, or the penalties too high.

Sir Granville RYRIE replied that much hard labour, such as the loading of ships, was remunerated at a wage of ten shillings a month.

#### *Religious Missions.*

M. PALACIOS agreed with certain of his colleagues, who had already made a similar request, that it would be very interesting to have the notes or reports concerning "a Conference which had recently been held between the Administration and the various religious missions in the territory under mandate," to which reference had been made in the Australian House of Representatives. He asked the accredited representative to be good enough to grant this request.

Referring to the report, M. Palacios noted (page 88) that by the German Missions Ordinance of 1926 effect had been given to Article 438 of the Treaty of Versailles. According to the statistics (paragraph 241), about 70 per cent of the missionaries in the territory were German. Could they be elected to the Boards of Trustees, to whom their former properties had been transferred?

Sir Granville RYRIE replied that in every instance the Board of Trustees was nominated by the ecclesiastical head of the particular faith of the mission concerned.

M. PALACIOS asked whether any Germans were trustees in actual fact.

Sir Granville RYRIE replied that a German mission would naturally nominate a German member to the Board.

#### *Education.*

Lord LUGARD understood that the mission schools were in no way subsidised.

Sir Granville RYRIE replied that this was the case. He understood that the mission schools had refused assistance on account of the accompanying conditions. They had, however, received gifts from the Administration, such as medicine, etc.

Lord LUGARD asked whether, in view of the fact that practically all the education was in the hands of the missionaries, it was not necessary that their schools should be inspected. Had any measures been taken for the appointment of inspectors?

Sir Granville RYRIE agreed with Lord Lugard that such inspection was necessary.

Lord LUGARD said that the Advisory Committee on African Education at the Colonial Office, of which he was a member, had suggested that the missions should appoint well-qualified supervisors to superintend the work of these schools, and that Governments should assist them with funds to enable them to do so. Would not such a system also be of use in New Guinea?

Sir Granville RYRIE thought that the suggestion was a good one. He would bring the matter to the notice of the Administration.

Lord LUGARD noted that the total number of European teachers was 249, while the total number of pupils was 34,168. Thus there was an average of 138 pupils to one European teacher.

Sir Granville RYRIE understood that a great number of mission schools were almost in the kindergarten stage. Of course, the teachers in these schools would be able to deal with a larger number of pupils.

Lord LUGARD asked what were the facilities for the education of white, Chinese and half-caste children.

Sir Granville RYRIE said that there was a good school at Raboul staffed by white teachers. Many of the pupils had got as far as the Technical School. The Technical School was conducted by the Administration, not by a missionary.

Lord LUGARD asked what was the percentage of non-native children of school age receiving education.

Sir Granville RYRIE said that, according to the report, the number of pupils attending the school at Raboul was 22, and the numbers of pupils attending the Chinese schools were 43, 57, and 11 respectively. There was also the school for Europeans at Kieta.

*Spirits.*

Lord LUGARD said that he had only one comment to make. According to the statement on page 51 of the report, the quantity of spirits imported was 8,098 gallons (besides 88,444 gallons of beer and 4,600 gallons of wine). Now the population of the territory, other than natives and Chinese, varied from 1,853 at the beginning to 2,145 at the end of the year (see table, page 91) including women and children. Did not this seem to be a very heavy consumption by non-natives ?

M. MERLIN said that he had calculated that the actual total amount consumed was above 32,000 litres.

M. RAPPARD said that the explanation no doubt was that some of the liquor filtered through to the natives. Had there been any sign of this ?

Sir Granville RYRIE replied in the negative. Liquor was very strictly controlled, and penalties for the infringement of the law were very severe. There had been no cases of drunkenness among natives. It was also quite possible that some liquor was sold to visiting ships, for there was nothing to prevent such a sale.

*Public Health.*

Dr. KASTL asked whether the Expropriation Board Hospitals had been closed down definitely or whether they would be reopened. According to the report, the owners of plantations were bound to give hospital treatment to their employees.

Sir Granville RYRIE replied that as the properties had only just been sold, the new owners were under the same regulations as before. There was no doubt that employers must provide medical attention at their own expense. He was sure that the same system would be enforced in the case of the purchasers of expropriated property.

He wished at this stage to speak of a subject that had attracted much attention in New Guinea and in Australia—the services of Mrs. Booth at the Edie Creek goldfield in September 1926. At great danger and expense to herself, Mrs. Booth had undertaken the laborious task of nursing 130 cases of fever, including 60 cases among natives. The Commonwealth Government and the Administration of the Territory had expressed their deep appreciation of her work.

He wished to draw the attention of the Commission to the conduct of this lady, which he was sure the Commission would fully appreciate.

The CHAIRMAN asked whether the mandatory Power would have undertaken the organisation of a medical service in the district if Mrs. Booth had not made the necessary provision.

Sir Granville RYRIE said that the situation had arisen owing to a rush of population to an unoccupied area, on account of the discovery of gold.

Dr. KASTL said that in the Australian Senate on November 3rd, 1927, Senator Payne had asked whether a campaign against venereal disease among the natives of New Guinea had been given up on account of lack of funds. The reply from the Government had been to the effect that enquiries would be made. Could the accredited representative give some intimation on this subject to the Commission ?

Sir Granville RYRIE referred the members of the Commission to paragraph 189 of the report, where it was stated that a sum of £1,760 had been expended on the special treatment of natives suffering from venereal disease. This was a large sum, and it proved that the Administration was continuing to grapple with this evil. He thought it should be commended for it.

*Recruitment of Medical Officers.*

Dr. KASTL said that the very interesting report by the Director of Public Health of the territory contained many references to the vacancies in the staff and the difficulties of filling them. On page 111, for instance, the following statement was to be found : " These vacancies (four officers having resigned or withdrawn during the year) are regretted, as it may not be possible to fill them except by the appointment of officers who have had no tropical experience, but if so the facilities for training available at the Australian Institute of Tropical Medicine . . . will be utilised as opportunity offers. " Again, in the chapter concerning vaccination (page 123), and mosquito eradication (page 124 and elsewhere), regret was expressed as regards the difficulties resulting from the shortage of staff.

Had the Administration considered the possibility of recruiting medical officers of other than Australian nationality ?

Sir Granville RYRIE could only reply that it was distinctly laid down that in the public service of the territory only British subjects could be employed on the staff of the Administration. Should he state in his report that the Commission had thought that other nationals might be admitted, and ask the Government if it would be prepared to agree to such an alteration? The Institute of Tropical Education at Townsville had not been established long enough to furnish the medical officers required.

M. RAPPARD said that the question concerned not only New Guinea but also all tropical mandated areas. This point had often been raised and it had received the attention of the whole world. It was not right that there should not be a sufficient staff to attend to the health of the people. Many countries belonging to the League had too many doctors, who were anxious for patients. There was therefore intolerable maladjustment: on the one hand, there were sick natives, wards of the League; on the other hand, medical practitioners without patients. This fact had been noted constantly in all tropical areas, and the question should receive serious consideration.

Sir Granville RYRIE said that, if there was not a sufficient number of competent men to administer to the health of the population, a principle might be sacrificed for the furtherance of the general health. He wished to know the opinion of the Commission regarding the action he should recommend. Should he state in his report that the members of the Commission wished to draw the attention of the Administration to the fact that people could not be allowed to die merely on account of a principle of restriction of nationality? The Administration might then think itself justified in considering what action it could take.

The CHAIRMAN thought that, if his colleagues agreed, this point might be held over. The Commission could then decide, after consideration of the subject in connection with the other reports, what course would be most desirable.

With reference to the remarks of the Chairman, Dr. KASTL suggested that it might be very useful to provide subsidies to the missions for the employment of medical officers and assistants.

#### *Epidemic Broncho-pneumonia. Depopulation.*

Dr. KASTL said that, on page 121 of the report, reference was to be found to a very serious epidemic of broncho-pneumonia among the Bainings, which had resulted in very heavy mortality (one-fifth of the whole population of this area—142 deaths out of 817 persons).

According to the following paragraph, the population of this area was "declining rapidly, probably from the introduction of malaria from the heavily-infested littoral, and the sudden and severe visitation described in the preceding paragraph had destroyed approximately 20 per cent of the population over and above the usual annual series". In view of the great importance of the question of depopulation in the Pacific Islands, it would be useful if the Administration could insert in the next annual report a chapter giving its views as regards the present situation and its causes in the mandated territory.

Sir Granville RYRIE said that he would inform the Government of this recommendation and that the subject would be dealt with in the next report.

#### *Nutrition of Natives.*

Lord LUGARD said that there had been much reference to the provision of a good diet for natives. Had any steps been taken to enforce the supply of this diet on the plantation owners?

Sir Granville RYRIE replied that there were penalties if the regulation concerning the diet were not complied with.

#### *Forests.*

M. VAN REES referred to the measures mentioned in paragraph 221 for the improvement of conditions in the territory. He would be glad if the next report could include some statement as to whether these measures had been found effective in practice.

Sir Granville RYRIE replied that he had no doubt that these measures would be dealt with in the next report. In any case, he would draw the attention of the Administration to this point.

#### *Land Tenure.*

The CHAIRMAN asked whether there was any ex-enemy property still on the market.

Sir Granville RYRIE said that some tenders had been accepted, and, according to the report for 1927, the entire property was in the course of sale.

Lord LUGARD reminded the Commission that it had been informed at the previous session by Sir Joseph Cook that "no native possessed the right of ownership over any land", and apparently all land in the territory not privately owned by non-natives was regarded as waste land or as Government-owned property. In paragraphs 194 and 196, however, of the present report "native-owned land" was mentioned.

Sir Granville RYRIE replied that the natives held land, and in more than one instance they had sold it to the Administration. There was a reference in the report to a native who owned a considerable plantation.

Lord LUGARD asked the meaning of the term "fiscus" in paragraph (b) of Section 194.

Sir Granville RYRIE replied that there was a German word "Fiskus" which meant exchequer or treasury.

Lord LUGARD enquired as to the meaning of the term "native reserves" used in paragraphs 29 and 194.

Sir Granville RYRIE replied that these were portions of land in the neighbourhood of villages set aside exclusively for the use of the natives living in the village.

#### *Native Compounds.*

Lord LUGARD, referring to the medical report, noted that there was a proposal to establish a compound for some 3,000 natives. Why had the compound system been chosen in preference to the model village system? Would it not be better for the natives in question to be provided with villages where they could live with their wives and families and grow their food crops?

Sir Granville RYRIE was uncertain of the use to which this compound would be put. The object was apparently to collect together a number of natives in order to teach them elementary health measures.

Lord LUGARD thought it would be difficult to induce the natives voluntarily to enter such a compound as free labourers.

Sir Granville RYRIE agreed that the model village system was probably better, although in South Africa there were very large compounds in which as many as 10,000 natives lived. These were admirably managed. He could not say, however, if the same practice would be successful in New Guinea.

#### *Demographic Statistics.*

M. RAPPARD said that he had been struck by one fact in the statistics of native population. There was an equal number of male and female adults, but the number of male children was considerably higher than the number of female children. He had read with great interest the report of the Public Health Department and the resolutions of the Pacific Health Conference. This Conference had considered that one factor in infant mortality was infanticide. Now, if these two facts were considered in connection, it would seem that the custom of infanticide must tend to be chiefly at the expense of female children.

He did not quite understand one passage in a resolution of the Conference [page 115 (Section 21(6)) of the report of the Public Health Department], in which it was stated that "instructions should be issued to native chiefs and councils and other native leaders . . . to encourage the people to aim at a high birth rate, and such measures as would prevent the present high rate of infant mortality". It might perhaps be wise to encourage a higher birth rate, although he would not now express an opinion on this point, but a higher birth rate would increase rather than decrease the amount of infant mortality.

Sir Granville RYRIE said that the only information at his disposal was that contained in the report itself.

He drew attention to the many other factors that the Conference had considered as occasioning the high rate of infant mortality. He was not, however, able to explain the preponderance of male children.

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FIFTH MEETING

*Held on Thursday, June 14th, 1928, at 10.30 a.m.*

Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade and M. Orts.

**840. Nauru : Examination of the Annual Report for 1927.**

Sir Granville Ryrie, High Commissioner for Australia in London, accredited representative of the mandatory Power, came to the table of the Commission.

The CHAIRMAN, on behalf of the Commission, desired to congratulate the mandatory Power on the report presented. It was very complete in all details, especially with reference to education and labour. Great trouble had evidently been taken in compiling it.

*Qualifications of the New Administrator.*

The CHAIRMAN noted that a new Administrator, Mr. Newman, had succeeded General Griffiths at Nauru. He would be glad if the accredited representative could give some information regarding the personality of Mr. Newman, for it was of the greatest importance that a man possessing all the necessary qualifications should be appointed as an Administrator of a mandated territory.

Sir Granville RYRIE said that he had known Mr. Newman for many years. He was very able and entirely suitable for the post to which he had been appointed. He had succeeded a very good Administrator in the person of General Griffiths. Sir Granville Ryrie felt sure that Mr. Newman was carrying out his duties in an entirely satisfactory manner. He had a great regard for him, and had no doubt whatever that the administration of Nauru was in most capable hands.

The CHAIRMAN thanked the accredited representative. He concluded that Mr. Newman had had experience of the administration of natives.

Sir Granville RYRIE replied that Mr. Newman possessed a very large administrative experience.

*Application of International Conventions.*

M. VAN REES said that on page 7 of the report a reference was to be found to the conventions and recommendations of the International Labour Conferences, which were in general considered to be not applicable to the mandated territory. No reference, however, had been made to the question of applying other conventions. This matter had been raised by the Mandates Commission at its previous session, and attention had been drawn to the fact that in four successive reports from the mandatory Power it had been stated that " the question of the application of general international conventions to Nauru is under consideration by the Governments responsible for the administration ". Did the fact that the report for 1927 contained no reference to this matter mean that no further attention was being paid to it, and, if this were not the case, what was the present situation ?

It appeared that the Slavery Convention (Geneva 1926), as well as extradition treaties between the United Kingdom, Estonia and Latvia, had been applied in Nauru.

Sir Granville RYRIE could assure the Commission that this matter was receiving the serious consideration of the Australian Government. He would draw attention to M. Van Rees' remarks in his report to the Prime Minister.

*Protection of the Interests of the Inhabitants : Constitution of a new Advisory Council.*

With reference to page 33, M. VAN REES noted that there were 65 male Europeans over 16 years of age resident in the island, and that 58 were employed by the British Phosphate Commission. Of what did the others consist ? He presumed that they were officials. If this were the case, why had it been necessary originally to establish an Advisory Council of four persons to protect their interests ? There seemed to be no private individuals on the

island at all, the white population being composed either of officials of the mandatory Power or else of employees of the British Phosphate Commission, a quasi-governmental concern.

He noted that the Advisory Council to which he had referred had been abolished, and that the native interests were represented by a new Advisory Council, consisting of sixteen members—the head chief, the deputy head chief, and the chief of each of the fourteen districts. As regards Chinese interests, one person only acted as liaison officer between the Chinese community and the Administrator. The European interests were presumably safeguarded by the officials.

Sir Granville RYRIE said that this was the case. The report said :

“ It has been customary for the senior executive officers of the Commissioner's staff to represent, when necessary, the interests of the European population in connection with any matters which may require the consideration of the Administrator. ”

In reply to the Chairman, he said that, as far as he was aware, the Administrator was present at meetings of the new Nauruan Advisory Council. He would verify this, and ask that a statement regarding the matter should be inserted in the next report.

*Public Finance : Financial Obligations of Nauru towards the Commonwealth  
Government : Economic Questions.*

M. RAPPARD noted that the territory was very prosperous owing to the phosphate royalty paid by the British Phosphate Commission.

The territory appeared to have two budgets—one covering the general administration and the other the Nauru Royalty Trust Fund. Both budgets obtained revenue from the phosphate royalties. On page 37 of the report it was stated that there was a fee of 6d. per ton payable by the British Phosphate Commissioners in respect of phosphate exported from Nauru. On page 34 the amount shown in the Administration General Funds as having been received as royalty on phosphate shipped was £8,050 2s.

On page 36 the amount credited to the Nauru Royalty Trust Fund from the same source was £1,400 13s. 5d. On page 38, however, it was stated that the quantity of phosphate exported in 1927 had been 318,185 tons ; calculated at a rate of 6d. per ton, the royalties derived by both budgets from the number of tons thus exported was appreciably less than the figures stated on pages 34 and 36.

1. Could an explanation of this discrepancy be furnished ? It appeared all the more striking in view of the fact that on page 67 the accounts of the British Phosphate Commission showed that phosphate shipments had amounted to 393,032 tons in the year ended June 1926.
2. Was M. Rappard correct in assuming that there were two budgets in the territory both in receipt of phosphate royalties ?
3. On what basis was the sum indicated as being derived from phosphate royalties calculated ?

Sir Granville RYRIE replied :

1. That the discrepancy was to be largely accounted for by the following facts : There was a possibility that the word “ shipment ” in the accounts of the British Phosphate Commission might be incorrect—it might have meant output, as the shipments for 1926 shown on page 38 amounted to 274,935 tons. Stocks probably had accumulated, upon which no royalties were paid until they were exported. In addition, the material extracted was not all phosphate, other base substances being included.

The phosphate royalty in the case of the Nauru Royalty Trust was calculated at 1d. until the new agreement came into force, and since then at 1½d. per ton. The fee (in effect, an export duty) payable by the British Phosphate Commission was 6d. per ton in respect of phosphate exported from Nauru.

2. The only official budget of the territory was the budget of the General Administration. The statement of receipts and expenditure for the Nauru Royalty Trust Fund was in the nature of a balance-sheet. That fund was kept entirely separate from the funds of the Administration.

3. The answer to the third question of M. Rappard was contained in the answer to this first question.

M. RAPPARD noted in the trading accounts of the British Phosphate Commission that, on the debit side, a figure was shown covering the cost of phosphate, the interest on the capital contributed to a sinking fund and *other charges*. He presumed that the royalties paid to the Administration were included under this last head.

Sir Granville RYRIE replied in the affirmative.

M. RAPPARD, referring to the cost of the military occupation of Nauru, noted that the Administration had been called upon to pay the sum of £9,605 11s. 6d., this being the balance of the amount due in reimbursement of the cost of that occupation. When the matter was discussed with the Australian Government, who had represented the interests of the mandated territory ?

Sir Granville RYRIE replied that they had been represented presumably by the Administrator.

M. RAPPARD pointed out that, as the Government of Australia appointed the Administrator, the negotiations must have been somewhat in the nature of a monologue.

Lord LUGARD recalled that a similar question had been put with regard to New Guinea. In the case of that mandated territory, the Australian Government had postponed a decision as to whether the territory should bear the cost of the military occupation. Why had it charged these expenses in the case of Nauru ? Did the accredited representative consider that this was a legitimate charge on the finances of the mandated territory ?

Sir Granville RYRIE replied that the reason why the Australian Government had decided to call upon Nauru to pay for the military occupation was because the mandated territory was well able to do so. The opposite was the case with regard to New Guinea, and for that reason it could scarcely be called upon to support such a charge. It was quite legitimate, in his view, that the mandatory Government should require the mandated territory to support the cost of such an occupation.

Dr. KASTL desired to know whether the accredited representative definitely considered that the mandated territory should be held responsible for expenditure of that kind.

Sir Granville RYRIE replied that he thought so.

The CHAIRMAN pointed out that the Commission had accepted the principle that the cost of the civil administration of a mandated territory during its military occupation should be borne by the territory. The Commission's decision in this respect, adopted at its eleventh session, was as follows :

“ It appears that the Commission was unanimous in supporting the principle that expenses incurred owing to war should be included under expenses borne by the mandatory Powers as participants in the war 1914-18.

“ As regards the second principle, . . . that advances granted by the mandatory Powers for administrative needs during the period of military occupation may justifiably be charged to the mandated territory, the Commission also seems to have reached agreement.”

He was anxious that further details be given regarding the paragraph on page 39, to which M. Rappard had referred, in which it was stated that the £9,000 odd, paid by the territory, included the cost involved by the control and upkeep of the wireless station:

Sir Granville RYRIE undertook to obtain further information.

M. MERLIN fully agreed with the principle that the mandated territory should not be called upon to pay any of the military expenses of the occupation, but only those incurred by the civil administration. He would point out, however, that mandated territories had been, in most instances, occupied by the military, who had also performed civil duties until a sufficient civil staff had been appointed. He did not think that, while maintaining the principle, the Commission need enter into great detail regarding the small island of Nauru, where the matter was of no great importance. The Commission should not forget that its first and foremost duty was to show itself to be severely practical in the criticism it made or the advice it gave. It was not a Commission composed of lawyers and should not therefore be too concerned with the purely legal aspect of any question.

Sir Granville RYRIE fully agreed with the observations of M. Merlin.

Lord LUGARD, with reference to the third table on page 35, noted a considerable increase in the cost of the Secretariat, which had risen from £3,388 in 1926 to £4,546 in 1927. Was there any reason for this increase ? It stood at £2,812 in 1923.

Sir Granville RYRIE was unable to give any reason.

M. RAPPARD asked the meaning of the expression “ poll-tax ” on the same page. He understood that there was a capitation tax graded according to nationality and levied on all the inhabitants of the island. Was the poll-tax the native capitation tax ?

Sir Granville RYRIE agreed. The poll-tax was that part of the capitation tax paid by the natives.

M. RAPPARD pointed out that, if the total amount of revenue shown as having been derived from the capitation tax was compared with the amount of tax payable per head multiplied by the number of the population, the two figures would be seen not to agree.



Sir Granville RYRIE submitted figures showing that the difference was only about £100 and this was probably accounted for by the fact that the number of Chinese workmen changed from time to time.

In reply to a question from Lord Lugard, he said that the £200 charged for auditing the accounts appeared very moderate in view of all the circumstances

Lord LUGARD pointed out that the revenue amounted to some £17,000 and that the total population of adult males was 396. This gave a figure of £43 of revenue per head of population, which was extraordinarily high. In view of this fact, could not the export tax on copra be abolished in order to encourage that industry?

Sir Granville RYRIE thought that it was in the interest of the Nauruans themselves for this tax to be paid, since, in times of adversity if no such tax existed, a national debt might possibly be contracted. The Nauruans were very prosperous, they did little work and found a ready market among the Chinese for such goods as they manufactured. It was no exaggeration to say that the life of the Nauruans was the easiest in the world. They were very happy and contented people, living in comparative luxury, and only a few did any work at all.

M. MERLIN pointed out that the position of Nauru was a very special one compared to that of other mandated territories. It was a tiny island, deriving great wealth from the exploitation of the phosphates which composed the whole of it with the exception of some 1,200 acres, including the area of the lagoons. Consequently, the amount of arable land available could not but be very small. Were the lagoons large? If so, then the production of copra could only be modest.

Sir Granville RYRIE had no information on this point. He did not consider the export of copra to be large.

M. MERLIN observed that the natives of Nauru only needed to do very little work to live prosperously. In spite of this fact, the budget was some £17,000 and the trade of the territory about £82,000. Out of this budget some £4,000 had been spent on the Secretariat and some £2,000 on the police—a total of £6,000 for administration alone. He found it difficult to believe that it cost so much to support the police. The only offences probably consisted in a disinclination to work and an over-consumption of palm wine on the part of the native. If this were true, was not the expenditure somewhat high?

Sir Granville RYRIE thought that the budget on the whole was very modest. The taxation was very fairly distributed and he could not but believe that the expenditure on the police was a necessary part of the expenses of the Administration.

Lord LUGARD pointed out that Table K, on page 38 of the report, while giving the quantities of exports, did not give their total value.

Sir Granville RYRIE said that the value of the total amount of phosphate exported, i.e., 318,185 tons, would be disclosed in the accounts of the Phosphate Commissioners—in fact, in Table N it would be seen that the exports for 1927 amounted to £438,149, which sum covered both phosphate and copra.

#### *Judicial Organisation.*

Lord LUGARD pointed out that, apparently, the Administrator had supreme power, without there being any right of appeal against his sentences.

Sir Granville RYRIE said that it seemed clear from the report that this was the case.

Lord LUGARD noted that the District Court was presided over by a single magistrate, and that the Central Court consisted of the Administrator and/or magistrates appointed to the Court. Was there more than one magistrate entitled to preside over the District Court?

Sir Granville RYRIE recognised that there was no information in the report on this point.

Lord LUGARD pointed out that the same magistrate might sit in both the District and Central Courts, and might thus hear an appeal against himself.

Sir Granville RYRIE drew attention to the fact that the report referred, in the case of the Central Court, to "magistrates" (in the plural).

Lord LUGARD asked whether there was any other magistrate than the Administrator himself.

Dr. KASTL said that he understood from the report that there were no district magistrates, and that the jurisdiction of the District Court was conducted by natives. The Central Court would be composed of the Administrator and of two other officers, the police officer and the medical officer.

Lord LUGARD understood that, in Dr. Kastl's opinion, what really happened was that several district officials were given powers as Justices of the Peace.

Dr. KASTL replied in the affirmative.

#### *Protection of Chinese Workers.*

Mr. GRIMSHAW said that the question had been raised last year of the protection of Chinese workers. He was glad to note that a full account was contained in the report under consideration of the measures of protection that had been taken for these workers. He was, however, a little uneasy on one point. Provision was made for the maintenance of the worker in the case of accident whilst at work, and for his compensation and repatriation in the case of serious injury. There was, however, no provision made for indemnity in the case of incapacity arising out of sickness.

Sir Granville RYRIE took note of this omission.

#### *Payments to Owners of Phosphate Land.*

Mr. GRIMSHAW noted that the payment to the natives by the Commissioners for phosphate bearing land worked had increased from £20 to £40 per acre. At the same time, the royalty paid by the Commissioners for a ton of phosphate exported had increased from 3d., to 7½d., of which 4d. went directly to the Nauruan landowner, instead of the 2d. formerly paid, 2d. went to the Administration to be held in trust by him for the Nauruan landlord—an entirely new provision—and 1½d. instead of 1d. was paid to the Administrator, to be used solely for the benefit of the Nauruan people. He thought that the Commission's attention should be drawn to these ameliorations, as a result of which the natives profited a little more from the riches of their island.

The CHAIRMAN thought that the allotment of a greater part of the royalty to the benefit of the Nauruan people might have been due to the observations that had been made by the members of the Commission.

#### *Freedom of Conscience.*

M. PALACIOS wished to thank the mandatory Power for the information in the report given in response to the question raised at the eleventh session regarding freedom of conscience, and also for the information given in its communication of May 14th, 1928 (document C.208). This information quite satisfied him.

#### *Education.*

The CHAIRMAN was glad to note the following passage in the report: "All the senior pupils of the schools receive instruction regularly in regard to the aims and objects of the League of Nations, particularly as to the functions of the League and the ideals for which it stands. It is considered by the Administrator that a knowledge of the history and development of the League of Nations is an essential part of the education of the rising generation of a territory administered under mandate." The Commission was grateful to the mandatory Power for this provision, which could, he thought, be regarded as an example to be followed.

#### *Public Health.*

Lord LUGARD asked whether there had been a decrease in leprosy as compared with the previous year.

Sir Granville RYRIE said that there had been an increase of one case. The Administration, however, fully realised the great increase of leprosy in the island of late years. Medical men and experts had all given the same reason for this, namely, the occurrence some years ago of a bad epidemic of pneumonic influenza. The whole population of the island had been afflicted by this epidemic, which had left many of them very emaciated. From that date an increase in leprosy had been noticed. Every possible measure was, however, being taken to eradicate the disease.

In reply to a question by Lord Lugard as to whether any lepers had been sent to Fiji, Sir Granville RYRIE replied that there had been no cases of the transfer of lepers.

Lord LUGARD noted that one of the measures introduced to combat the incidence of beri-beri was the restriction of the sale of sugar. It was well known that the consumption of over-milled rice was a provocative of beri-beri. He had not known, however, that the consumption of sugar was also proscribed.

Sir Granville RYRIE pointed out that there had been no case of beri-beri since February. Medical science must therefore have evolved a cure.

*Ex-enemy Property.*

Sir Granville RYRIE wished to make a statement in this connection. Since there was no reference in Annex 5 to the Minutes of the twelfth session of the Commission to the existence of ex-enemy property in Nauru, it was to be presumed that there had been no property in the island belonging to ex-enemy nationals.

The CHAIRMAN understood that the statement of the accredited representative covered the questions which the Commission had put in 1925 in its report on the work of the seventh session with regard to ex-enemy property. These questions had been as follows :

(a) Do any such estates remain unsold, and, if so, do they enjoy any preferential treatment?

(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?

Sir Granville RYRIE replied that his statement was meant to cover all these questions.

*Close of the Hearing.*

The CHAIRMAN said that the members of the Commission would not wish Sir Granville Ryrie to go away with the impression that the Commission had tried to make trouble and to raise petty points.

The Commission had full confidence in the Government entrusted with the administration of the island, and the fact that most of the questions put by its members related to minor points tended rather to show that no great difficulty had been encountered in the administration of the island.

Sir Granville RYRIE thanked the members of the Commission for the kind and courteous manner in which they had proceeded to the examination. He was not an expert but he had done his best to assist the Commission. He thought that the information furnished proved that the administration both of New Guinea and Nauru had been carried out in accordance with the spirit of the mandate. It had been to him a source of great pleasure to have been able to contribute to the welfare of the peoples in these territories.

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SIXTH MEETING

*Held on Thursday, June 14th, 1928, at 5.15 p.m.*

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Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade and M. Orts.

**841. Palestine and Transjordan : Examination of the Annual Report for 1927.**

Lt.-Colonel Sir Stewart Symes, accredited representative of the mandatory Power, came to the table of the Commission.

The CHAIRMAN, on behalf of the Commission, congratulated Lt.-Colonel Sir Stewart Symes on the new duties with which the British Government had entrusted him, and at the same time expressed his regret that he would be obliged to leave Palestine for Aden, of which place he was to be the Governor.

Lt.-Colonel Sir Stewart SYMES thanked the Chairman and the Commission for their congratulatory words.

*Earthquake in Palestine in July 1927.*

The CHAIRMAN said that the Council of the League of Nations had already sent a message of sympathy and condolence to the mandatory Power, and to the people of Palestine on the occasion of the earthquake which had occurred in July 1927, and which had resulted in considerable loss of life and much damage to property. The Permanent Mandates Commission desired to reiterate this expression of sympathy now that it had an opportunity of doing so before the accredited representative.

Lt.-Colonel Sir Stewart SYMES said that the concern shown by the Permanent Mandates Commission both at the time of the earthquake and on the present occasion had been, and would be, much appreciated by the people of Palestine. He would not fail to transmit to the proper quarters this further expression of the Commission's regret.

*Flag for the Territory.*

The CHAIRMAN was glad to note that " a warrant had been issued by the Lords Commissioners of the Admiralty, authorising the red ensign of His Majesty's Fleet defaced on the fly thereof by the word ' Palestine.' in a white circular field, to be used on board vessels belonging to inhabitants of Palestine ". This was perhaps the first example of a separate flag being allowed to a mandated territory, and showed that Palestine now possessed the beginnings of a merchant fleet.

*General Statement by the Accredited Representative : Self-governing Institutions :  
Economic Situation.*

Lt.-Colonel Sir Stewart SYMES desired, before the discussion of the report began, to give the Commission additional information regarding self-governing institutions in Palestine and Transjordan. The subject had received the careful attention of His Majesty's Government and of successive High Commissioners, not only with a view to the fulfilment of the obligations of the mandate, but also because the association of peoples in their own government was everywhere a cardinal principle of British administration. After nearly eight years' service in Palestine, Lt.-Colonel Sir Stewart Symes could claim to speak on the subject with knowledge and sympathy.

The observations of Sir John Shuckburgh at a previous session, and the description given by Sir Stewart Symes himself of the special difficulties of municipal government in Palestine, had doubtless enabled the Commission to understand the position. Local obstacles had hitherto prevented the institution of a Legislative Chamber more representative in character, as provided for by the Order in Council. The reason for this failure had been because the Arabs had refused to go to the polls. There had been indications that an important section of Arab public opinion now realised that this had been a mistake. No formal statement to that effect, however, had been made, nor had there been any serious effort to show this change of opinion. Consequently, from a constitutional point of view, the position was, in substance, the same as it had been in 1923. This, however, did not mean that no progress towards self-government had been achieved. On the contrary, close contact with village communities, local and municipal councils, town-planning commissions, Chambers of Commerce, etc., had convinced him of the growth of what might be called a civic spirit. That spirit and a right appreciation of the benefits of system and organisation were very noticeable during the past few years. It seemed as if flesh were gradually being formed around the skeleton of the old Turkish municipal system.

Naturally, some time would have to elapse before a very high standard of efficiency could be reached. The financial position of many of the local bodies was difficult, and they were not in all respects well regulated. A new municipal law had been drafted, and model by-laws were gradually being issued and adopted which would facilitate reforms. It could be stated with confidence, however, that satisfactory progress was being made in every branch of local government.

It was doubtful if this progress would have been so real had public attention been directed more exclusively to the more spectacular but scarcely more important work of legislation, much of it of a technical and formal nature. The Government had meanwhile been occupied with the preparation of a series of reforms which were urgently required for the country's welfare. The preparatory work for these reforms necessitated close enquiry and the collection of information

from all sections of the population. It was essential for the successful conduct of that enquiry that it should be carried out in an atmosphere free from political passion, and that had, fortunately, been the case.

These explanations were given in order to make it clear that the vital interests of the country had not hitherto suffered by the inability, in many respects to be regretted, to bring a more representative Legislative Council into being. The information which he had furnished, together with the annual report, contained, he thought, the answer to the general observations of the Permanent Mandates Commission made at its eleventh session.

Lt.-Colonel Sir Stewart Symes was at the Commission's disposal and would answer any further questions put to him. He would emphasise, however, a point of which the members were not ignorant. Many, if not most, of the troubles in Palestine were really inherent in the mandate which the mandatory Power was required to execute.

The Administration had been required to put, with all reasonable despatch, a small, poorly-developed country into a state in which it could receive immigrants in numbers, of a race not wholly agreeable to the majority of the local inhabitants, and having social and other needs of a very different kind. It had had, therefore, to create from local or imported personnel—and wherever possible it had employed local personnel—an administration essentially modern and therefore relatively costly. It had to spend a relatively high proportion of its revenue on the police and other forces engaged in maintaining public security. Money had to be obtained for the upkeep of this administration, but it had not been feasible or expedient to increase direct taxation. Reliance had therefore been placed on indirect taxation, the incidence of which tended to maintain a high cost of living. It was in the interests of all producers in Palestine, both Arabs and Jews, to reduce this high cost. In spite of difficulties, and with the assistance of the Government, a number of new industries had been established. A few of them had proved a complete failure, but most were in process of establishing themselves. For adequate extension, however, it was necessary to look to foreign markets, and, in order successfully to compete in these markets, costs of production must be reduced.

The cost of living affected not only industry, but also agriculture, which was much the largest and the staple industry in the country. The statistics in the annual report showed that the position of agriculture was improving; more local requirements were being supplied locally and exports of agricultural products had increased. Agriculture in Palestine, however, was not yet as flourishing as it might be, and until it reached that condition Palestine could not become prosperous and contented. Certain fundamental conditions must be supplied. These were, first, greater security of title; secondly, more individual ownership, and, thirdly, a simpler system of taxation, especially in regard to land taxes. It should then be possible to secure a better system of agricultural credits.

Reforms of this radical nature could not be executed in a hurry. A careful survey of property and judicial enquiry into titles must be carried out, and exact data obtained on which to base a revised system of taxation. The work had been started and the organisation for it was practically completed. If it were pursued with vigour, the requisite monies provided and, above all, the present peaceful conditions maintained, its successful accomplishment was only a question of time. It would undoubtedly provide foundations, which were now lacking, for both agricultural and industrial enterprise and, arising from increased prosperity, perhaps also new pediments on which could be constructed a bridge of common economic interests across the gulf of racial antipathies.

*Draft Agreement between the British Government and the Emir of Transjordan.*

To turn to Transjordan, the Commission would note that steps were being taken to implement the special provisions affecting that country in Article 25 of the mandate in accordance with the decision of the Council of the League of Nations dated September 16th, 1922. Copies of a provisional Agreement with the Emir Abdullah had been communicated to the Permanent Mandates Commission. That Agreement formulated the terms of a memorandum presented by His Majesty's Government to the Council of the League of Nations and approved by it. The Agreement gave legal effect to what had been for some time past the actual relations between His Majesty's Government and the Emir. That the mandate remained in full vigour was, he thought, made clear in the preamble and in Article 2, but special safeguards were contained in Articles 4, 5, 6 and 8, which had been inserted to preclude the possibility of legislation or other action by the Transjordan Government which could be considered inconsistent with the mandate or with any international obligation of His Majesty's Government. The Agreement was provisional inasmuch as formal ratification could not be made until after its acceptance by the Constitutional Government referred to in Article 2. An organic law required for this purpose and further to provide for the proper administration of the territory had been drafted, and would be published and communicated to the Permanent Mandates Commission in due course.

In Transjordan, as in Palestine, much useful experience in local government had been acquired during the past few years. This experience, combined with the fact that in Transjordan the general conditions were simpler in many ways and more indigenous, gave grounds for hope that the new arrangements there would prove satisfactory.

The CHAIRMAN thought that the Commission should be grateful to Lt.-Colonel Symes for his statement, the clearness and frankness of which did him credit. Probably, he had even anticipated many points which members of the Commission would have wished to raise. Since Lt.-Colonel Symes had concluded his statement by referring to the Agreement, which had not yet been ratified, between the British Government and the Emir of Transjordan, he would ask his colleagues whether they had any questions to put in this connection.

He would himself have one objection to make. Lt.-Colonel Symes had implied that one of the reasons for the proposed grant of local self-government to Transjordan was that the local conditions were less developed in that country. It did not seem to him to be logical to give greater independence to a more backward country.

Lt.-Colonel Sir Stewart SYMES, epitomising his reply, could only say that, taking an image, it was easier to work a simply constructed machine than a complicated one.

M. RAPPARD said that the question of Transjordan had always been a troublesome one. Although an Agreement had now been drawn up which, when ratified, would legalise the situation which had in practice existed from the beginning, the Commission had never had overmuch information concerning Transjordan, and the present report was also meagre. This was indeed inevitable in view of the indirect system of administration.

The Agreement might be considered from two aspects ; the form and the substance. With regard to the substance, namely, the grant of a great and growing measure of freedom to Transjordan, he did not think that it was in any way in conflict with the spirit of the A mandates. The position was more difficult, however, with regard to the form ; that was to say, the question of the extent of the co-operation of the mandatory Power with the League in the event of modifications in the mandate.

He inferred from the fact that the mandatory Power stated that the draft Agreement was to come into force as soon as ratified, that it was not at present intended that it should be submitted to the Council for previous approval. The nature of the special provisions for Transjordan contained in Article 25 of the Mandate had been defined at the meeting of the Council of September 16th, 1922, which read as follows :

“ Lord BALFOUR. . . . The object of these resolutions was to withdraw from Transjordan the special provisions which were intended to provide a National Home for the Jews west of the Jordan.

“ M. HANOTAUX stated that he was ready to approve the British memorandum, on the understanding that, in accordance with the explanations just given by Lord Balfour, it only aimed at maintaining in the area to the east of the Jordan the general regime of the mandate for Palestine.

“ The Marquis IMPERIALI was also ready to approve the memorandum, subject to the decision taken at the meeting of the Council in London on July 24th, 1922, with regard to the coming into force of the Palestine and Syria mandates.

“ Lord BALFOUR entirely agreed with the interpretation of the memorandum given by M. Hanotaux and the reservation made by the Marquis Imperiali. ”

It had therefore been clearly understood that the principles on the mandate for Palestine were to be maintained in Transjordan.

Moreover, in the report of Sir Herbert Samuel for the years 1920-25 to the British Government an indication was to be found that that Government intended to ask the further advice of the Council. On page 53 of this report, Sir Herbert Samuel had stated that he had been authorised to make an announcement, which was quoted. This announcement was to the effect that the British Government would recognise an independent government in Transjordan, subject to the approval of the League of Nations.

M. Rappard asked whether he was right in supposing that there had been a change of policy on the part of the British Government in connection with this fundamental point, since it was at present intended to dispense with the approval of the Council.

Lt.-Colonel Sir Stewart SYMES said that, so far as he was aware, the circumstances implied no change of policy on the part of His Majesty's Government.

M. RAPPARD said that he did not wish to create any unnecessary trouble, but that the Commission was placed in an embarrassing position. The duty of the Commission was to advise the Council on mandates. He had already drawn attention to the definition of the mandate for Transjordan made in the Council meeting of September 16th, 1922, with which Lord Balfour had concurred. The Commission was now, however, in the presence of an

Agreement of a different character ; that was to say, of the character to which Sir Herbert Samuel had referred in his report. The text of Sir Herbert Samuel's announcement was as follows :

“ Subject to the approval of the League of Nations, His Majesty's Government will recognise the existence of an independent Government in Transjordan under the rule of His Highness the Emir Abdullah, provided that such Government is constitutional and places His Britannic Majesty's Government in a position to fulfil its international obligations in respect of the territory by means of an Agreement to be concluded between the two Governments. ”

M. Rappard thought that it would be impossible to summarise more clearly and precisely the present position.

He spoke all the more freely since he agreed with Lt.-Colonel Symes that, *prima facie*, there was nothing in the provisions of the Agreement which seemed to be in contradiction with the spirit of the mandate. The point at issue, however, was one of League procedure, and he thought that the Commission could not disregard one of its obvious duties.

Lt.-Colonel Sir Stewart SYMES said that he would not enter into a legal discussion with M. Rappard. He thought, however, that perhaps M. Rappard had regarded the situation in Transjordan as being exactly the same as that in Iraq. In the case of Transjordan, the mandate, subject to the provisions mentioned in Article 25, would still remain in force after the new Agreement was effective. The view of His Majesty's Government was that the decision of the Council of the League of Nations already quoted gave authority to the mandatory Power to proceed forthwith with the application of the special provisions of Article 25 of the Mandate to Transjordan and that a reference back to the Council of the instruments giving effect to these special provisions was superfluous and unnecessary.

M. VAN REES said that he was not convinced. He understood that, if there were excluded from the Palestine mandate the passages mentioned in the British memorandum approved by the Council on September 16th, 1922, the remainder would constitute the Transjordan mandate. The memorandum of the British Government of 1922 could be considered as having given application to Article 25 of the Palestine mandate. A Transjordan mandate was therefore actually in existence. Now, however, the British Government had concluded an Agreement with Transjordan, which contained provisions different from those to be found in the Transjordan mandate. Either the Agreement did or did not cover all the provisions of the mandate for Transjordan. In the former case, there was no reason why the two instruments should co-exist. In the latter case, since the provisions of the mandate had not been reproduced textually in the Agreement, but had been reproduced in a different, and in some respects less detailed, form, this Agreement might indeed be considered as an instrument which, if it entered into force, might be contrary to the terms of the existing mandate. Thus, if the latter alternative were the case, Article 27 of the Mandate should be applied—in other words, the Council should consider the agreement reached.

He would add that the discussion seemed a little premature. The Agreement was not yet in juridical existence, for it was stated in Article 20 that “ the constitutional Government should be deemed to be provisional until the Agreement had been so approved ”.

He understood that, since 1922, the British Government had tended towards a definite policy concerning Transjordan. Thus in the Minutes of the fifth session of the Commission (page 88) the following statement of Sir Herbert Samuel was to be found :

“ Sir Herbert Samuel replied that the Emir had come to Transjordan on his own initiative and the British Government had made an arrangement whereby he should act as Administrator of that country for some time. That arrangement had continued until the Emir had gone to London in 1922. An agreement was then made between the British Government and the Emir Abdullah whereby the British Government recognised the independence of Transjordan, subject to the terms of the mandate, and placed it under the rule of the Emir Abdullah, provided that he fulfilled certain stipulations and undertook to rule in a constitutional manner. There had been a public declaration to that effect, but the terms of the agreement which was to be concluded had not been finally settled. When, however, it was concluded, the position of the Emir Abdullah would be regularised. ”

Again, there would be found in the Minutes of the eleventh session (page 111) the following statement of Sir John Shuckburgh :

“ We (the British Government) are now in the course of negotiating a treaty with the Emir, very much on the lines of the treaty which we negotiated with the King of Iraq, and which was accepted by the Council of the League as giving adequate effect in respect of Iraq to the terms of Article 22 of the Covenant. ”

M. Van Rees did not think that the decision of the Council of September 16th, 1922, could be regarded as having given, in a sense, an absolutely free hand to the mandatory Power to

make exceptions, in the case of Transjordan, to the existing mandate. Article 27 was a very important part of that mandate.

M. Van Rees added that, of course, he was considering the matter from the point of view of form. He did not wish in any way to criticise the substance.

M. RAPPARD fully agreed with the observations of M. Van Rees, with the exception of his opinion that the discussion was premature. If the Agreement was in violation of the mandate, the Commission could hardly say that it was not in order in discussing it until it came into force. The Commission could not then deplore an event that it might perhaps have prevented.

M. PALACIOS agreed with M. Rappard.

Lord LUGARD thought that there was a danger that the Commission might exceed its proper rôle in suggesting to the mandatory Power its duties *vis-à-vis* the Council. The position of the Commission and the difficulty which confronted it in this matter had been fully explained by M. Rappard, and his remarks would appear in the Minutes. Lt.-Colonel Symes had assured the Commission that the mandate would remain in operation, a fact that was clear, moreover, from the Preamble of the Agreement. He thought that this assurance and the explanation of M. Rappard had made the position clear, and that the Commission could go no further unless it were found that there was anything in the Agreement contrary to the mandate. It was for the Council, not for this Commission, to raise the point whether the Agreement should be submitted to it or not.

M. MERLIN wished to add another remark. In view of the remoteness of the territory and the uncertainty as to how it should be organised, discretion had been left, under Article 25 of the Mandate, to the mandatory Power. Although, however, facilities for administration had thus been given to it, he thought that the conclusions that the mandatory Power had drawn, as to the nature of the facilities, had been carried too far. Great Britain had been entrusted—he would not say with a mandate, for the term gave rise to confusion—with the trusteeship of Palestine and Transjordan. By Article 22 of the Agreement, it was now transferring this trusteeship to the Emir. This was a very important action, and should be subject to Article 27 of the Mandate. Neither the Council of the League nor the Commission could rest indifferent to such an innovation.

It had been suggested that the discussion of this subject was premature. The Agreement, however, although without executive force, was none the less in existence. It had been signed both by Lord Plumer and by the Emir. When this transfer of trusteeship had been made in the case of Iraq, the matter had been submitted to the Council.

The CHAIRMAN stated that, on the basis of Article 25, the mandate for Transjordan must be confined within certain limits, namely, the principles embodied in Articles 15, 16 and 18 of the Mandate for Palestine. In his view, the duty of the Commission would be to examine the new agreement with a view to ascertaining whether its terms were in conformity with these articles.

Lt.-Colonel Sir Stewart SYMES said he did not wish to enter into a discussion of legal points. The right of the Commission to criticise this or any similar document had not been questioned. He might go so far as to admit the thesis of M. Van Rees if—and M. Rappard had expressly recognised that this was not the case—there was anything in the Agreement which infringed the terms of the mandate as interpreted by the Council in its decision of September 16th, 1922. He did not think, however, that the Agreement could be considered as either invalidating or replacing the mandate. On the contrary, the view of the British Government was that it implemented the mandate, in accordance with the principle laid down by the Council of the League.

With regard to a point raised in the course of the discussion and concerning the protection of foreigners in Transjordan, he would draw the attention of the Commission to Clause 3 of Article 6 and to Article 9 of the Agreement, which contained special safeguards against infringement of the provisions of Article 18 of the Mandate.

M. RAPPARD wished to clear up a misunderstanding. In saying that there was nothing in the Agreement which seemed to violate the spirit of the mandate, he had not meant to imply that there was nothing in the Agreement incompatible with the mandate as it stood. The general tendency of the policy of the British Government towards Transjordan, the transfer of very broad powers to the local Government, was, he believed, in conformity with the spirit of paragraph 4 of Article 22 of the Covenant. On the other hand, he made a reservation. The mandate, in declaring that the mandatory Power, the tutor, should have full powers of the legislation, did not, he believed, provide for the delegation of these powers to the mandated territory, the ward. He did not think that any lawyer would defend such a position. If such action were contemplated, M. Rappard held that it involved a modification of the mandate, which it would be necessary to submit to the Council.

Dr. KASTL agreed with M. Rappard and with M. Merlin, but thought that it was not the duty of the Commission actually to decide whether the British Government should submit the Agreement to the Council. It was, however, the duty of the Commission to see whether the terms of the Agreement were compatible with Articles 15, 16 and 18 of the Mandate.

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## SEVENTH MEETING

*Held on Friday, June 15th, 1928, at 10.30 a.m.*

Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade and M. Orts.

### 842. Palestine and Transjordan : Examination of the Annual Report for 1927 (continuation).

Lt.-Colonel Sir Stewart Symes and Mr. Lloyd, accredited representatives of the mandatory Power, came to the table of the Commission.

#### *Collection of Laws of Transjordan.*

The CHAIRMAN pointed out that, in conformity with Article 24 of the Mandate for Palestine, the text of all laws and regulations promulgated during the year was to be annexed to the annual report. For some time members of the Commission had received an annual collection of the ordinances promulgated in Palestine. This had not, however, proved the case in regard to Transjordan. Up to the moment, neither the Commission nor the Secretariat had received a collection of the legislation promulgated in that territory, though the Secretariat received a copy of the *Official Gazette* of Transjordan ; that gazette, however, was published in Arabic.

In view of the fact that Transjordan was a mandated territory, and since it was not excepted from the provisions of Article 24 of the Mandate, would it not be possible for the mandatory Power to take the necessary steps in order that the Commission should receive regularly the laws and other regulations promulgated in Transjordan ?

Lt.-Colonel Sir Stewart SYMES undertook that every effort would be made to give effect to the desires of the Commission. The difficulty was one of translation. In most cases the laws promulgated in Transjordan corresponded with those of Palestine, but they were promulgated in Arabic, and the local translation staff was a very small one.

#### *Statistics regarding Transjordan.*

The CHAIRMAN pointed out that the general statistics supplied by the British Government with regard to the mandated territory of Palestine, published in accordance with the decision of the Council, did not include any information concerning Transjordan. Could any similar data be furnished for that country, in order that the statistical tables might be more complete ?

Lt.-Colonel Sir Stewart SYMES replied that the administration of Transjordan was still somewhat primitive. Even in Palestine, reliable statistics had been difficult to obtain, and it was the fixed policy of the Administration never to issue statistics upon which reliance could not be placed. As the administration of Transjordan improved, more statistics would become available, and every effort would be made to comply with the Commission's desire.

#### *Relations between Jews and Arabs.*

Lord LUGARD referred to information appearing in British newspapers regarding Arab-Jewish co-operation in Palestine.

1. Was the recently formed society known as the B'rith Shalom of importance in connection with the improved relations between the Arabs and Jews ?
2. Was the recently established Arab Liberal Party of importance in this connection ?

Lt.-Colonel Sir Stewart SYMES replied generally in the negative. There was no doubt that a greater spirit of toleration now existed than had formerly been the case, but too much political importance should not be attached to the social meeting of Arabs and Jews.

#### *Southern Frontier of Transjordan.*

Lord LUGARD referred to the fact that the Emir Ibn Saud had not recognised the southern boundaries of Transjordan. What was his attitude in this matter ?

Lt.-Colonel Sir Stewart SYMES thought that this question might be one of those which Sir Gilbert Clayton would discuss with Ibn Saud.

*Entry of Jews into Transjordan.*

M. VAN REES referred to the following passage in the Minutes of the eleventh session (fifteenth meeting) :

“ In reply to a further question from Sir F. Lugard, Sir John Shuckburgh explained that the policy of the mandatory Power was to leave it to the Government of Transjordan to decide whether or not it would admit Jews coming from Palestine. In view of its pledges, the mandatory Power could not bring any pressure to bear on the Government of Transjordan to allow them to enter. ”

According to Article 18 of the Mandate, the principle of equality extended to the exercise of any industry or profession.

M. Van Rees considered that this also covered the right of establishment. Jews settled in Palestine could claim Palestinian nationality, in which case they were not nationals of a State Member of the League, and could not therefore claim the equality stipulated in Article 18 of the Mandate. Were there any Jews, however, in Palestine who were not Palestinians, but nationals of Members of the League ? Those Jews, it would appear according to the terms of the mandate, should be allowed the right of free access to Transjordan.

Lt.-Colonel Sir Stewart SYMES said that, owing to the special provisions or limitations of the mandate over Transjordan, Jews could not enter that territory of right as they could Palestine. With regard to their entry into the country, they were subjected to the same regulations as any other foreigner.

M. VAN REES considered that Article 18 of the Mandate applied to Transjordan, and that no limitation had been put upon its provisions in 1922. This being so, Jews nationals of a State Member of the League could invoke Article 18 in order to enter Transjordan. They must therefore be treated in exactly the same way as the nationals of any other State Member of the League.

Lt.-Colonel Sir Stewart SYMES replied that they were so treated.

M. VAN REES thought that in that case the reply of Sir John Shuckburgh did not appear to be accurate. He had said that it was left to the Government of Transjordan to decide whether or not it would admit Jews coming from Palestine. This appeared to apply to Jews of any nationality.

Lt.-Colonel Sir Stewart SYMES thought that what Sir John Shuckburgh had meant was that Jews could not claim the special privileges in regard to Transjordan which they could claim in regard to Palestine.

M. RAPPARD was not quite clear as to the exact nature of the special privileges which Jews could claim in Palestine. For example, a Polish Jew who was a national of a State Member of the League had no more and no less rights than if he were merely a Pole, and not a Jew as well. Did he, because he was a Jew, lose any rights belonging to him as a Pole ?

Lt.-Colonel Sir Stewart SYMES replied that the special privileges related rather to Jewish immigration as a whole than to individuals. The question did not arise in Transjordan.

M. RAPPARD wondered why the question had never arisen before. A Polish Jew could, through his Polish nationality, claim the right to settle in the mandated territory. As a Jew, he could claim the privileges resulting from the measures taken to provide a national home for Jews in Palestine. It was, however, the duty of the mandatory Power not to allow Jews to enter Palestine in excess of the economic capabilities of the country. In pursuance of this duty, had the mandatory Power ever excluded non-Jews from entry in order to fulfil the stipulations regarding the Jewish national home ?

Lt.-Colonel Sir Stewart SYMES said that, as far as he was aware, no such case had arisen. The difficulty was, in fact, more apparent than real, for, in practice, it was mainly Jews who desired to settle in Palestine.

M. RAPPARD fully recognised the right of every country to limit immigration, but a mandated territory could not discriminate between nationalities ; it would be wrong, for example, to use the economic argument that saturation point had been reached in order to exclude non-Jews from Palestine. He quite understood, however, that the question was of theoretical importance for the moment.

Lt.-Colonel Sir Stewart SYMES said that the immigration laws were applied to every nationality without discrimination.

In reply to a question from Lord Lugard, he said that the number of Jews desiring to enter Transjordan was not great. Individuals went there to take up special work. There had originally been a little feeling on the subject in Transjordan owing to a fear that a mass immigration of Jews into the territory might take place. The fear had been to some extent allayed.

In reply to M. Van Rees, Lt.-Colonel Sir Stewart Symes said that he was under the impression that very few Jews had permanently settled in Transjordan. He thought that none of them were engaged in agricultural pursuits; they were mostly petty traders.

Lord LUGARD asked whether he was right in thinking that the Zionist organisations desired to extend their colonies into Transjordan.

Lt.-Colonel Sir Stewart SYMES said that it was common knowledge that Zionists had looked to Transjordan as a possible field for expansion.

#### *Jewish National Home.*

M. PALACIOS said that in the document entitled "Statistical Information concerning Territories under Mandate" prepared by the Secretariat and corrected by the mandatory Powers (document C.143.M.34) the tables for Palestine (excluding Transjordan) contained statistics on population and its increase, without, however, showing, as was the case with Iraq, the distribution of population according to religion and race. Information of this kind would be of the greatest interest. The tables did not show the source of the important increase of population during the last five years (1922, 755,182; 1926, 887,000). The increase had been due in great part to the Jewish immigration, as was shown by the various official reports of the mandatory Power. It was important that the statistical tables for Palestine should contain figures regarding the origin of the immigrant Jews in order that the Commission should be able to appreciate the development of the Jewish national home.

#### *Elections for the Municipal Council of Gaza.*

M. PALACIOS said that, by an order under the Municipal Franchise Ordinance of 1926, the High Commissioner had given instructions that fresh elections should be held for the municipal council of Gaza, since the elections for that Council were annulled by an order of the Courts. What were the circumstances connected with this case?

Lt.-Colonel Sir Stewart SYMES replied that irregularities had occurred in these elections. Complaint had been made and the Courts had confirmed the complaint, with the result that the elections had had to be annulled. The High Commissioner had therefore ordered the holding of fresh elections.

#### *Administrative Autonomy.*

M. PALACIOS recalled the observations of the accredited representative to the effect that progress had been made towards the establishment of self-government and that the Arab population of Palestine was showing a more conciliatory spirit. They had complained in former days of interference with municipal autonomy. It appeared that the chairman and vice-chairman of each municipal council were always appointed by the Administration. Was this the case and did such a practice continue to give rise to discontent?

Lt.-Colonel Sir Stewart SYMES answered the first part of the question in the affirmative. There appeared to be no discontent, however, for the official appointment of a chairman and vice-chairman of a municipal council had certain evident advantages. No difficulties in this connection had, he thought, as yet arisen.

M. PALACIOS asked how many autonomous municipalities there were in Transjordan, and whether the municipal authorities were elected or appointed.

Lt.-Colonel Sir Stewart SYMES undertook to insert this information in the next report.

M. PALACIOS enquired what control the Central Government of the territory exercised over the municipalities, how far they were independent, and to what extent the Central Government supervised their financial administration.

Lt.-Colonel Sir Stewart SYMES replied that, in general, Government control was exercised through the municipal law known as the Vilayet Law, which conferred on the Central Government certain powers of general control, especially in connection with the approval of the municipal budgets. The exercise of those powers was still very necessary.

Lord LUGARD enquired whether the budget of the municipal council was framed by themselves in accordance with the revenue obtained from the local rates.

Lt.-Colonel Sir Stewart SYMES said that, with one or two exceptions, municipalities had succeeded in balancing their budgets. In some cases a small Government grant-in-aid had been necessary to enable them to do so.

In reply to a further question from Lord Lugard, Lt.-Colonel Sir Stewart Symes said that the difference between the local and the municipal councils was mainly that the municipal councils were governed by the municipal law, which established a somewhat complicated and elaborate system suitable for application only to towns. At the outset, the civil administration had desired to develop local bodies in every way. It had discovered that the only means at its disposal for this purpose was to create municipalities. To do so, however, would in many instances have meant placing obligations on small villages and communities which they would have been unable to bear. For that reason a Local Councils Ordinance had been promulgated imposing far simpler obligations on such councils.

Lord LUGARD concluded that the village councils as at present constituted superseded such village committees as existed previously.

Lt.-Colonel Sir Stewart SYMES replied generally in the affirmative. In the case of Tel Aviv, a local council had been formed, as it was not possible to establish a municipality there at that time.

#### *Allitude of the Askenasic Jews.*

M. RAPPARD reminded the Commission of the number of petitions which had formerly been received from this sect. No petitions, however, had been received this year on the same subject. Was it to be concluded from this that the Askenasic Jews were now satisfied ?

Lt.-Colonel Sir Stewart SYMES said that the new Regulation for the Jewish community had been published but was not yet in full working order. The final draft of the regulation contained certain concessions to the points of view of the Askenasic section. He thought that they were not fully satisfied with the regulation, but it might be that they had decided to wait and see its practical operation before submitting further petitions.

M. VAN REES concluded that the Administration was waiting to see whether the opposition was subsiding and the opposition was waiting to see the effects of the Ordinance.

Lt.-Colonel Sir Stewart SYMES said that the necessary machinery for the elections was being elaborated. It had not yet been finished, and therefore the elections had not been held.

M. VAN REES said that the Commission had received a fresh petition from the Askenasic Jews, but that he understood it had been or would be withdrawn by telegram.

M. PALACIOS believed also that a telegram existed on this subject. There were at least two documents.

#### *Jewish Agency.*

In reply to Lord Lugard, Lt.-Colonel Sir Stewart SYMES said that he was unable to give details regarding the reorganisation of the Jewish Agency. The result of Dr. Weizmann's tour in America had not yet been made known.

#### *Immigration and Emigration : Economic Situation.*

M. RAPPARD noted from the figures supplied in the report that immigration into Palestine had decreased and emigration had increased. Was there a complete conformity of view between the mandatory Power and the Zionist Organisation regarding the restriction of immigration ?

Lt.-Colonel Sir Stewart SYMES said that, in present circumstances, the Administration and, he believed, the Zionist Organisation also, realised the necessity for restriction on the number of Jews entering Palestine immediately. The Zionist leaders, therefore, while reserving their right of criticism of the Administration, had refrained from opposing measures, the need for which was evident.

The CHAIRMAN reminded the Commission that, when Sir Herbert Samuel had appeared before it, he had pointed out that, whilst giving special privileges to Jews, the mandatory Power would have to be careful not to provoke a crisis. The entry of Jews into the territory would have to be restricted in accordance with the economic possibilities of the country. On page 5 of the report he saw that these views had been endorsed, for it was said, "The need for further restriction of immigration, which in three years 1924-26 brought a new population of more than 50,000 persons to the country, was nevertheless evident. It was clear that Palestine

could not in a short time absorb so large a number of immigrants, and that existing sources of supply were inadequate to meet the economic commitments of this population".

What the Chairman had therefore foreseen appeared to have occurred. The task of the mandatory Power was an ungrateful one. It was pressed, on the one side, by Jewish organisations, which complained that the number of Jews allowed to enter the territory was insufficient, while, on the other hand, the Jews who were already established realised the difficulties of remaining there. This was shown by the number of Jews that left the country, as compared with the number of those now entering it. It was essential, in his view, for the Commission always to urge that anyone entering the territory should be certain of obtaining work. If this were not the case, the first to suffer would be the original settlers.

Was the economic crisis due to bad harvests, or rather because too large a number of Jews had been allowed to enter Palestine in too short a time? It was essential, it appeared, to proceed slowly.

Lt.-Colonel Sir Stewart SYMES said that the facts in the report had been very fully and frankly stated. They bore out to an appreciable degree the views expressed by the Chairman. It was easier, however, for the Commission to give good advice in Geneva than for the Administration to put that advice into practice in Jerusalem. Part of the report referred to the extent of the crisis which, the Commission should realise, was on a very small scale. This fact rendered the question of the nice calculation of immigrants very difficult. The immigration figures from 1920 suggested that, if in 1925 the Administration had allowed, say, 25,000 instead of 33,000 Jews to enter Palestine, some of the present difficulties might never have arisen. To that extent, therefore, it pleaded guilty. Undoubtedly there had been too much optimism, both on the part of the Administration and on the part of the Jews. The economic situation had been thought to be more promising than actually proved to be the case. Provided, however, that the Administration maintained careful restrictions on immigration during the next few years, the situation should be remedied. He saw no need for undue apprehension or ground for pessimism in the near future.

M. RAPPARD said that an economic crisis was always a complicated matter, particularly so in a country like Palestine. In this case, it seemed to be due to a slackening of the generosity displayed by Jews outside Palestine rather than to local causes, for if the table of exports were examined it would be seen that they had never been higher than in 1927. Was it perhaps, therefore, a consequence of a crisis in Zionism itself?

Lt.-Colonel Sir Stewart SYMES replied generally in the affirmative. In order to support the surplus of Jewish population, capital had been required, and this capital had not flowed into the territory quite so quickly as had been hoped.

#### *Entry of Foreign Capital into the Territory.*

The CHAIRMAN reminded the Commission that he had more than once in past sessions pointed out the difficulties experienced by the Jewish colonists in Palestine. Declarations by Lord Balfour, Sir Herbert Samuel and others had been somewhat optimistic. The Chairman had no desire to be accused of not sharing those views, but he would be failing in his duty if he did not raise the following question: How long would it be before the Jewish population of Palestine would become less dependent on the assistance received from outside the territory? The contributions seemed now to be diminishing and he wondered whether there was less enthusiasm in this matter. If he might make use of an analogy, Palestine resembled a sick person who could not recover for an indefinite period of time, and the Administration should treat it as such. Was there not some danger that foreign capitalists who had invested their money in Palestine would get tired of sending help?

To sum up, would it be necessary to give the enterprise outside help much longer?

Lt.-Colonel Sir Stewart SYMES was unable to prophesy the exact date on which outside capital would cease to be necessary. The Zionist Organisation was anxious that the Jewish settlement in Palestine should be made self-supporting. Obviously, in order to settle a large number of Jews rapidly, certain artificial means had had to be used, which had necessitated a much larger expenditure of capital, a correspondingly greater risk and a considerable writing off of capital. Perhaps the writing off of capital had been greater than outside Jewry had anticipated. Perhaps the return on the capital invested had proved slower than had been hoped. He believed that ultimately the Jewish settlement in Palestine would become self-supporting in an economic sense and less dependent on monetary assistance from abroad.

#### *Land Tenure.*

M. VAN REES pointed out that the Zionist Organisation continued to complain that they had not been given a sufficient quantity of State land. The British Government had

commented upon the petition, and it seemed that its reply was satisfactory. On the other hand, it appeared that the land survey was not making very great progress. Would it not be possible to progress more rapidly, in order to settle which lands could be allotted to the Jews ?

Lt.-Colonel Sir Stewart SYMES regretted to say that, with all the good-will in the world, it was impossible for the Administration to proceed more quickly in the matter. As he had pointed out two years ago, small isolated properties were of little value for Jewish settlement. They needed large areas. The map that had been presented to the Commission last year showed how few State properties were of any considerable size. Questions of title were also involved and many of these would be cleared up in the course of systematic land settlement.

Lord LUGARD noted that on page 61 it was stated that Sir Ernest Dowson had acted as Commissioner of Lands until the middle of the previous year and had presented a report. Would it be possible to have his report or extracts from it ? Again, on page 23, it was mentioned that a full statement of the Palestinian legal system relating to land tenure had been compiled as a guide to land settlement officers. This statement would also be of value to the Commission.

Lt.-Colonel Sir Stewart SYMES did not think the report of Sir Ernest Dowson would be of interest to the Commission. He had come to Palestine in order to give general advice on land questions to the Administration, and he had given much valuable advice on these questions and also on the reform of taxation. He had also examined certain questions that had been raised by the Commission concerning lands, but his actual report was a technical one and really constituted a form of regulations for land settlement officers.

In reply to a question by Lord Lugard, the accredited representative said that Sir Ernest Dowson had been Director-General of Surveys in Egypt, and afterwards Financial Adviser to the Egyptian Government.

The statement mentioned on page 23 of the report was only a digest of the existing Turkish law. Since this law, in its entirety, was inaccessible to officers in the field, it had been epitomised in order that the officers might refer to it in the course of their work. It was, in itself, of no judicial validity.

Lord LUGARD asked whether the system of tithe commutation of land had proved successful.

Lt.-Colonel Sir Stewart SYMES said that the results had, on the whole, been encouraging. In order, however, to arrive at a final judgment concerning this experiment, more time was needed, and its application over a wider field. In the present year, the system had been applied over practically the whole country.

Lord LUGARD said that much had been heard of complaints of Zionists that Article 6 of the Mandate had not been applied. According to approximate calculations which he had made, it appeared that 17.2 per cent of the land was owned by 19.15 per cent of the Jewish population. If this calculation were correct, the deficiency on the part of the immigrants did not seem to be very considerable, so far as mere area was concerned.

Lt.-Colonel Sir Stewart SYMES said that the Zionists were not, and could not be, entirely satisfied, for their contention was that, if more lands were available, an increase of immigrant population would follow.

Lord LUGARD asked whether the Jews possessed an equitable proportion of cultivable land. Complaints had been made that they had received marshy or sterile land.

Lt.-Colonel Sir Stewart SYMES said that this was the usual criticism against the State grants. Much of the land that the Jews bought themselves was among the best in Palestine.

With reference to the previous observation of Lord Lugard, he would point out that the figures of population given on page 98 did not refer to the whole of the Jewish population in Palestine, but only to the Jewish population settled on the land.

M. RAPPARD said that mention had been made in the report of the previous year of complaints by the Arabs of the Barrat Cæsarea. The hope had been expressed that the matter would be settled. There was, however, no information on this subject in the present report.

Lt.-Colonel Sir Stewart SYMES said that the question had arisen as to who should bring an action in the Courts to decide the legal issue, the Government or the Arabs themselves. He did not know how this question had been decided.

M. RAPPARD said that he realised that proceedings of this kind took time, and especially in an Oriental country. In this particular case, however, the negotiations had dragged on for years.

Mr. GRIMSHAW asked whether some of the Baisan land had come into the market, and, if so, whether it was sold freehold.

Lt.-Colonel Sir Stewart SYMES replied that some of these lands had been sold by their proprietors, the beneficiaries under the Baisan Lands Agreement, who, once they had discharged their liabilities under the Agreement, obtained a free title to the land and could dispose of it like any other landowner.

Mr. GRIMSHAW understood that one of the results of this state of affairs had been that there had been a certain amount of speculation in land.

Lt.-Colonel Sir Stewart SYMES said that he did not think there had been many speculative dispositions of these lands.

Mr. GRIMSHAW enquired whether it was the case that lands had been purchased by Egyptians and Syrians, and whether these and other foreigners were treated on an equal footing with Palestinians in regard to the purchase of land.

Lt.-Colonel Sir Stewart SYMES replied in the affirmative.

Mr. GRIMSHAW did not know how far the complaints of the Zionists were justified with regard to their demand for the granting of as favourable terms as those given to outside persons ; for instance, the right of payment over an extensive period.

Lt.-Colonel Sir Stewart SYMES said that the Zionists wished for preferential treatment, which it was difficult to give to them, without an infringement of the terms and purpose of the Baisan Lands Agreement.

#### *Nationality.*

Lord LUGARD asked what percentage of Jews and of Arabs had now accepted the certificate of Palestinian citizenship.

Lt.-Colonel Sir Stewart SYMES said that those Arabs who were ex-Ottoman subjects and acquired Palestinian citizenship automatically were not required, under the conditions of the law, to apply for such certificates. The response of the Jews had been less than had been expected. He could not give immediately the figures for which Lord Lugard had asked.

The CHAIRMAN recalled that some years ago he had raised the question of double nationality. This question was a difficult one. To take a concrete example, were Jews who had emigrated from Poland considered in Poland as Polish nationals, and in Palestine as Palestinian nationals ? He noted that in the year 1927 some 3,000 certificates of citizenship had been granted to Jews. Might it not be foreseen that this question might give rise to difficulties in Palestine in the future, difficulties concerning military service, marriage, inheritance, etc. ?

Lt.-Colonel Sir Stewart SYMES said that the Administration had given due attention to this question. No emigrant could leave Palestine without a travel document in which his nationality, Palestinian or foreign, was stated.

He added said that the question of the renunciation of his nationality by a Palestinian depended on the law of the different countries. If the emigrant returned to Palestine, he would be required to present the original travel document.

M. RAPPARD asked whether there were any statistics of the number of emigrants of Palestinian nationality. He would not be surprised if the number were a small one.

Lt.-Colonel Sir Stewart SYMES said he had no information other than that contained in the report. He thought, however, that the Zionist organisation interested itself in this subject, and that the number, as M. Rappard had presumed, was very small.

On a question by M. Van Rees as to whether the acceptance by the British Government of the recommendations of the Third Conference on Communications and Transit, relating to double nationality, applied also to Palestine, the accredited representative said that he was not in a position to reply.

#### *Judicial System.*

Dr. KASTL drew attention to the following passage on page 45 of the report: " Fifty-nine persons were bound over under the Prevention of Crimes Ordinance 1923 ". What was the meaning of the term " bound over " ?

Lt.-Colonel Sir Stewart SYMES said that the law in question was one enabling the executive to give a very severe caution to any person whom it considered likely to commit an offence. This was a very useful measure, for it made a professional robber realise that the officers of the law had their eye on him. He was required to give a guarantee that he would not commit

an offence, and he knew that, if he did commit one, he would forfeit the guarantee. This measure was particularly efficacious in the case of agrarian crime. For instance, in cases of destruction of crops in villages, it was often impossible to get sufficient evidence for a court of law, although little doubt existed as to who were the persons responsible for an offence.

Dr. KASTL said that the *New Judæa* for August 12th, 1927, had published the following extract from the report of the Zionist Executive to the Zionist Congress :

“The hesitation caused by this suspicion (of the value of the Palestinian citizenship and certificates appertaining thereto) was aggravated by the existence of certain privileges enjoyable by foreigners in the matter of justice and imprisonment, etc., under the pseudo-capitulations surviving from the old Turkish regime.”

What were the privileges referred to in this passage, and upon what legal basis did they rest ?

Lt.-Colonel Sir Stewart SYMES said that, under the Palestine Order in Council, 1922, foreigners had the right of having their case heard by a British judge. Jews of European nationality could claim this right, but naturally those of Palestinian nationality could not. He thought that this was the explanation of the passage in question.

Lord LUGARD asked at what date the Government of Palestine proposed to give the Commission a revision of its laws in a single volume.

Lt.-Colonel Sir Stewart SYMES said that such a collection of laws had been published in 1926; but, since new laws were continually being issued, it was not quite up to date.

M. RAPPARD pointed out that certain rumours had been heard regarding the independence and incorruptibility of native magistrates and judges. Was it the opinion of the accredited representative that the exercise of the judicial powers by natives was satisfactory ?

Lt.-Colonel Sir Stewart SYMES replied that, on the whole, it had proved to be so. There had been a considerable improvement in the manner in which these officers were performing their duties.

In reply to a question by M. Rappard as to what means there were of dealing with injustice on the part of a native judge, the accredited representative said that the only means was impeachment. He added that a British judicial inspector had recently been appointed.

#### *Dead Sea Concession.*

The CHAIRMAN said he wished to ask the accredited representative certain questions concerning the Dead Sea concession. On November 30th, 1927, Mr. Ormsby Gore had made the following statement in the House of Commons :

“Four applications were received, and it was decided, in principle, to grant a concession to Major Tulloch and Mr. Novomeysky, based on their offer, provided that suitable terms and conditions could be agreed upon with them and that they furnished satisfactory financial guarantees. Negotiations on these points are still proceeding, and it is not possible at present to state what provisions the concession, if granted, will include.”

Could the accredited representative inform the Commission why the concession had been accorded, in principle, to Major Tulloch and Mr. Novomeysky before the mandatory Power had assured itself of the financial guarantees and had decided the terms and conditions to be accepted by the concessionnaires? Who were the other applicants and what was their nationality ?

On December 5th, 1927, Mr. Ormsby Gore had stated in the House of Commons that the Crown Agents were representing the Government of Palestine in their negotiations with Major Tulloch and Mr. Novomeysky, who were in principle the concessionnaires of the Dead Sea. Had it been the Crown Agents who had decided on behalf of the Government of Palestine to grant this concession in principle to these applicants rather than to others, and what was the extent of the powers of the Crown Agents ?

In an article in the *New York Times* of November 20th, 1927, M. Waldemar Kaempffert had stated that, during the military administration of Palestine, Lord Allenby had directed Major Tulloch, a well-known engineer, to examine the question of the riches of the Dead Sea. Had Major Tulloch's report been published ? Also, had this mission been considered as constituting a right of preference for the attribution of the concession and had the idea never occurred that this mission might give Major Tulloch an unfair advantage over his competitors ? It appeared, moreover, that Major Tulloch had been a former member of the Government staff. He would be glad if the accredited representative would give the Commission complete



information on the relations of Major Tulloch with the Palestinian and British Governments concerning this investigation.

The Chairman wished also to know how the mandatory Power had brought the system followed in the case of Major Tulloch into line with the principle of Article 18 of the Mandate.

Lt.-Colonel Sir Stewart SYMES said that the Crown Agents were the agents of the Colonial Office and had not exercised discretionary powers in this matter.

He was personally not aware that Major Tulloch had been a member of Lord Allenby's staff, or claimed to be, in any special sense, a minerals expert, and he doubted whether any report he might have made would be of great technical value. The idea that the mineral wealth of the Dead Sea might be profitably developed had occurred to many people.

The question was, of course, of great importance to Palestine. Applications to undertake the exploitation had been called for by a notice which was published in the newspapers. Several groups, including certain American and English groups, had put in applications, none of which was found wholly acceptable. A letter had been sent to these groups giving them an opportunity of revising their applications. He did not remember how many of them had replied, but, after careful consideration, it was decided that the most acceptable offer was that of Major Tulloch and Mr. Novomeysky. It had therefore been decided, in principle, to begin negotiations with them regarding the details of the concession. These negotiations were not yet concluded.

M. RAPPARD asked whether, at the second stage, the tender was still open to other parties.

Lt.-Colonel Sir Stewart SYMES replied in the negative.

#### 843. Telegram from the Askenasic Jewish Community.

M. CATASTINI read the following telegram dated Jerusalem, June 14th, 1928 :

“Preparing more material concerning Palestine Jewish community question which you may require when dealing with same and therefore request postpone dealing with our memoranda submitted first January and twenty-ninth April until another sitting.—Palestine, Agudath Israel Centre and Vaad Hair Ashkenasi.”

*The Commission decided to postpone the examination of these petitions to a later session.*

### EIGHTH MEETING

*Held on Friday, June 15th, 1928, at 4 p.m.*

Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade and M. Orts.

#### 844. Palestine and Transjordan : Examination of the Annual Report for 1927 (continuation).

Lt.-Colonel Sir Stewart Symes and Mr. Lloyd, accredited representatives of the mandatory Power, came to the table of the Commission.

#### *Economic Equality.*

##### *Application of the Trade Facilities Act.*

Dr. KASTL noted that the firm of Rutenberg had been granted a concession to develop electric power near the lake of Tiberias. For this purpose it had obtained a loan of £250,000 from the Prudential Company, and the British Government had furnished a guarantee. That guarantee stipulated that the various electrical appliances necessary must be bought in Great Britain. Was this the case ?

Lt.-Colonel Sir Stewart SYMES replied that the information was in substance correct. The loan granted to the Palestine Electric Corporation had been guaranteed by the Treasury under the operations of the Trade Facilities Act. In accordance with the provisions of that Act, it had been stipulated that the money raised by the loan should, so far as possible, be expended in England.

The CHAIRMAN desired to make a reservation regarding the operation of the Trade Facilities Act. He did not himself endorse the theory that a mandatory Power could, when

making advances to a mandated territory, insist that the sums thus obtained should be used to purchase goods coming exclusively from the territory of the mandatory Power.

Lt.-Colonel Sir Stewart SYMES said that the facilities afforded to the Palestine Electric Corporation could not have been granted except under the Trade Facilities Act, which contained this stipulation. The cost of the construction of the harbour at Haifa would be met out of the loan raised by the Palestine Government in 1927 and not by means of a loan guaranteed under the Trade Facilities Act.

The CHAIRMAN desired to reserve his opinion on the question of principle. Certain facts in the report left it open to doubt whether the principle of economic equality was observed in Palestine as fully as might be hoped.

M. RAPPARD said that the accredited representative might justly point out that Great Britain had been perfectly free to refuse credits to M. Rutenberg, and that it was in consequence equally free to grant these credits under any conditions it desired to impose.

Lt.-Colonel Sir Stewart SYMES pointed out that M. Rutenberg was a private individual.

M. RAPPARD agreed. Had M. Rutenberg ever sought to obtain credit anywhere else than in England? As far as he was aware, this was not the case. In addition to being a private individual, he was also a concessionaire from the Government. This being so, the arrangements which he had concluded to obtain the money necessary for his purpose might reasonably be expected to give rise to a certain amount of criticism on the part of the public opinion of those countries which had been debarred.

#### *Customs Agreements.*

M. RAPPARD referred to the following passage on page 101 of the report :

“ 7.—Q. Have any Customs agreements been made by virtue of Article 18 ?  
If so, give the text of such agreements.

“ A. The terms of an Agreement with Egypt on a reciprocal most-favoured-nation treatment basis have been settled in principle. ”

Article 18 of the Mandate stipulated that Palestine “ may also, on the advice of the Mandatory, conclude a special Customs agreement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia ”.

Could Egypt, however, be said to fall within this category ?

Lt.-Colonel Sir Stewart SYMES said that such an interpretation might seem to stretch the provisions of the article. In fact, however, this reference in the report was not relevant ; the Customs Agreement with Egypt, which was not made by virtue of Article 18 of the Mandate, should not have been included in the reply to the questionnaire. ”

M. RAPPARD pointed out that the mandatory Power, acting on behalf of Palestine, could not conclude any treaties which did not ensure equality of treatment, except with countries once wholly included in Asiatic Turkey or Arabia. Could not, however, a treaty containing the most-favoured-nation clause be considered as failing to ensure equality, since it granted preferential treatment ? It would appear, therefore, to be contrary to the stipulations of the mandate.

Mr. LLOYD explained that when Palestine acceded to a commercial treaty between Great Britain and a foreign State, it was always made clear that goods imported into Palestine from the foreign State would not be granted the special treatment accorded to Syrian goods. A stipulation to this effect had been put in the Agreement with Egypt. The system was exactly the same as that followed by States with Customs unions, who, when concluding treaties with foreign States, reserved the right not to grant those States the special treatment they gave to the States forming part of the Customs union.

M. RAPPARD took an example. Supposing Palestine imported cotton from Egypt and cotton from India. Under the terms of the Agreement concluded with Egypt, would Egyptian cotton enter upon more favourable terms than Indian cotton ?

Mr. LLOYD replied in the negative. The only cotton which would be treated on more favourable terms would be cotton imported from Syria.

M. RAPPARD concluded that Egypt, therefore, derived no particular benefit from the treaty.

Mr. LLOYD said that the adherence of Palestine to a commercial treaty concluded between Great Britain and a foreign State did not confer any advantage on that State, in view of the fact that all States Members of the League could claim equality of treatment in Palestine.

M. MERLIN said that a statement had been made, reported in the *Times* of September 2nd, 1927, to the effect that there was no Customs frontier between Palestine and the neighbouring territories, including Syria. Was this true, and had a decision to this effect yet been taken?

Lt.-Colonel Sir Stewart SYMES replied that no steps had been taken to remove the Customs barrier because it had already been reduced as far as possible. An agreement existed which regulated the various Customs arrangements between Palestine and Syria. A new agreement had recently been negotiated, but on this point it merely confirmed and described the *status quo*.

#### *Construction of a Harbour at Haifa.*

Dr. KASTL noted that it was intended to construct a new harbour at Haifa. Did the Administration intend to put the contract out to public tender?

Lt.-Colonel Sir Stewart SYMES said that this matter had been discussed in Parliament. So far as he was aware, the question of the method of construction was still under consideration. The report of the consulting engineers had not reached the Colonial Office when he left London.

#### *Report by Sir John Campbell to the Palestine Joint Survey Commission.*

Lord LUGARD asked whether the report of Sir John Campbell on the Zionist settlements had been published, and, if so, whether the Commission would receive copies.

Lt.-Colonel Sir Stewart SYMES said that the report had been called for by, and rendered to, the Palestine Joint Survey Commission, which was not an official Commission. He had not himself seen it. He was under the impression that it had not yet been communicated to the Palestine Government.

#### *Phosphate Deposits in Transjordan.*

In reply to a question from Lord Lugard, Lt.-Colonel Sir Stewart SYMES said that it had always been known that phosphate deposits had existed in Transjordan, but he would be surprised to learn that they had been discovered in commercial quantities.

#### *Decrease in the Number of Buffaloes.*

Lord LUGARD, with reference to the table on page 60, "Animal Census, 1920-27", noted a very large decrease in buffaloes. The numbers had fallen from 2,725 in 1920 to 596 in 1927. Was there any reason for this? Had they been attacked by disease?

Lt.-Colonel Sir Stewart SYMES said that a grievance of certain Arabs had been that the swamps in which the buffaloes had formerly lived had now been drained, with the result that the buffaloes had disappeared with the mosquitoes.

#### *Holy Places.*

M. PALACIOS pointed out, in regard to holy places, that the Commission provided for in Article 14 of the Mandate had not been appointed. Perhaps the same difficulties still existed to which Lord Balfour had referred at the private meeting of the Council held on October 4th, 1922. There still remained, however, Article 13. Generally speaking, the Commission had not received much information regarding the matters mentioned in this article. The reports said very little, and he therefore desired additional information either during the present session or in the next report.

Lt.-Colonel Sir Stewart SYMES said that it was impossible to promise that information would be included in the next report to the effect that the Holy Places Commission had met. Upon what subjects did M. Palacios require information? Every endeavour was being made to apply Article 14, but, unless difficulties arose or something went wrong, there was little to say on this question.

M. PALACIOS asked for information regarding the present position. What was happening? Were the interests connected with the holy places being suitably protected? The statements in the report were brief and merely referred the Commission to previous reports.

Lt.-Colonel Sir Stewart SYMES said that no new development had occurred in regard to the establishment of the Holy Places Commission. The Permanent Mandates Commission could take it that, in this connection, no news was good news.

### *Protection of Minorities in Transjordan.*

M. PALACIOS pointed out that Article 15 of the Mandate provided that there should be "no discrimination of any kind between the inhabitants on the ground of race, religion or language". In Transjordan, it appeared that there were apparently 10,000 Christians and 10,000 Circassians, against 220,000 Mohammedans. Had it been necessary for the mandatory Power to take any steps in order to carry out the above provision of Article 15 in the case of these Christians and Circassians? Did they live in separate communities, or were they scattered throughout the entire territory? To what extent did they have self-governing communities, and were those communities given legal recognition? Was there any danger of discrimination against those small groups as a result of the constitution of the legal government under the Emir; which was or would be almost entirely independent?

Lt.-Colonel Sir Stewart SYMES replied that the minorities in Transjordan were in the same legal position as those in Palestine. Both enjoyed the security of Ottoman law. There were one or two Christian tribes in Transjordan and in various villages. The Circassians lived separately in villages, but in the towns the population was mixed.

No serious complaints had been made with regard to oppression. Articles dealing with the protection of minorities would certainly be included in the new Organic Law of Transjordan.

M. RAPPARD asked, with reference to the Agreement, whether no change would occur in the legal position if the agreement were adopted "subject to the following provisions of the Palestine mandate". The Commission had been given to understand that the Agreement question had been concluded with the sole object of putting the mandate into force. Presumably, therefore, no change in the provisions of the mandate would take place. Could not a statement to this effect be added to the Agreement? To do so would perhaps allay the fears of those critics who were under the impression that the inhabitants of Transjordan might regard the Agreement as taking the place of the mandate instead of implementing it.

Lt.-Colonel Sir Stewart SYMES replied that, on the face of it, M. Rappard's proposal seemed unobjectionable, but he could, however, express no views upon it without the instructions of his Government.

M. RAPPARD expressed himself satisfied with this reply. He had raised the question because minorities appeared to be protected more clearly by the stipulations of the mandate than by those of the Agreement.

### *Religious Communities Ordinance*

Lord LUGARD, with reference to the Religious Communities Ordinance, asked: (1) whether any communities other than the Jewish communities had taken advantage of the provisions of the Ordinance; (2) what percentage of Jews had done so?

Lt.-Colonel Sir Stewart SYMES replied: (1) no other community had so far made application for the issue of a regulation; (2) it was impossible to ascertain the percentage of Jews in the community until the community registers had been published and the period of one month had elapsed within which those who did not wish to remain in the community could ask for their names to be struck off the registers.

### *Frontier Disturbances.*

M. SAKENOBE, with reference to page 74, noted that certain difficulties had occurred on the frontier of Transjordan in 1927. Were there no difficulties regarding the maintenance of order during the year under review? If so, what were the cause and nature of the difficulties? Was there any possibility of this frontier question being finally settled in the near future?

Lt.-Colonel Sir Stewart SYMES replied that no immediate trouble on the frontier was anticipated. The major cause of trouble had been the Druse refugees who had crossed the frontier. That cause had now been removed. Other difficulties were due to the fact that the frontier between Syria and Palestine from Hamme to the East had only been indicated and not clearly demarcated.

Some difficulty was experienced in obtaining an accurate demarcation of the frontier, but he hoped that this would be carried out soon.

M. SAKENOBE concluded that there were many tribes outside the frontier. Were these hostile to the inhabitants of Transjordan?

Lt.-Colonel Sir Stewart SYMES replied in the negative. There were, of course, the age-long disputes between the Bedouins and the villagers.

*Composition of the Transjordan Frontier Force.*

Dr. KASTL noted that no Jews had enlisted in the frontier protection force. Complaints had been made of this. Were these justified, and were there any reasons for refusing to recruit Jews?

Lt.-Colonel Sir Stewart SYMES drew attention to the statement on page 46 of the report which showed that there were twenty-six Jews in that force. The fact that it was mainly employed in Transjordan and served under rather unpleasant conditions from the European point of view limited the number of Jews who could, or who desired to, join it.

In reply to a question from M. Van Rees, he explained that both Jewish and Arab recruits had been refused if not physically suitable.

*Antiquities.*

The CHAIRMAN pointed out that the mandatory Power had on more than one occasion promised to publish a Law of Antiquities giving effect to Article 21 of the Mandate. He could only regret that it had not yet seen fit to do so, and once more reminded the accredited representative that Article 21 of the Mandate stipulated that such a law should be enacted within twelve months of the coming into force of the Mandate (September 29th, 1923).

Lt.-Colonel Sir Stewart SYMES said that an ordinance had been enacted in 1920 and was included in the volumes of laws furnished to the Commission. That ordinance was now being revised. The reason for the delay in the promulgation of the revised law was that the Director of Antiquities had been changed. The new Director had made certain amendments in the ordinance. It was now hoped that the revised ordinance would be published within a few months.

*Abolition of Slavery in Transjordan*

Mr. GRIMSHAW said that in the Note on the Abolition of Slavery attached to the letter from the British Government of July 29th, 1927, addressed to the Secretary-General of the League (document A.37.1927), it was stated that a law would be enacted to provide that "the personal freedom of dwellers in Transjordan shall be safe from aggression or interference". Had this law yet been enacted?

Lt.-Colonel Sir Stewart SYMES said he believed that provisions to this effect would be inserted in the Organic Law.

*Question of a Railway between Ma'an and Aqaba.*

M. MERLIN asked for details regarding the proposed railway from Ma'an to Aqaba. Was its construction really contemplated? If so, by what date? Why was it necessary? Would it be self-supporting? If not, who would bear the deficit? Finally, would not a good road better serve the purpose?

Lt.-Colonel Sir Stewart SYMES said that no practical proposal had been made to build a railway of this kind. It was unlikely that such a railway would be self-supporting at present.

Lord LUGARD said that it was reported that a proposal of this kind had been made. The railway was to be 60 miles long and to cost £1,000 per mile.

Lt.-Colonel Sir Stewart SYMES said that this information was probably taken from a report of some concession-hunter. Persons of this kind were always prepared to carry out the construction of a railway provided somebody else would pay for it.

*Labour.*

Mr. GRIMSHAW noted that a certain amount of factory legislation had now been enacted, and that Palestine was the only mandated area which had quite a considerable factory population. Had the Administration taken steps for the enforcement of this legislation by the creation of an inspectorial staff?

Lt.-Colonel Sir Stewart SYMES replied that the Government certainly intended to put this legislation into full effect. It had, however, only been enacted in the course of the last six or seven months. He was under the impression that inspectors had been appointed some time ago, although perhaps their names had not yet been published.

In reply to a question by Mr. Grimshaw, as to the department of the Administration to which these inspectors would be attached, Lt.-Colonel Symes said that they would work under the Secretariat and in close relation with the public health authorities.

Mr. GRIMSHAW noted that as yet there was no legislation on the question of wages, and that, as regards hours of labour, the only provision referred to the labour of children, whose working day was restricted to six hours.

Lt.-Colonel Sir Stewart SYMES said that the question of the insertion of a fair wage clause in contracts was being examined by a Special Commission, which had been set up by Lord Plumer. The report of this Commission had not been presented at the time when he left Palestine. The terms of reference of the Commission were very wide, and it would be open to it to express an opinion on the question of child labour.

Mr. GRIMSHAW said that complaints had been made concerning the condition of service of Government railway employees. It was alleged that they were sometimes required to work as much as twelve or thirteen hours a day, and it was further stated that a large proportion of the staff employed were what was known as "casual" labour.

Lt.-Colonel Sir Stewart SYMES did not know whether there was any truth in these assertions. In the case of the railways, special emergencies sometimes demanded a longer period of work. It was, however, the policy of the Government that an eight-hour working day should be maintained.

Mr. GRIMSHAW agreed that a regular eight-hour day was difficult at times to maintain, especially so far as the running staff of the railway was concerned. He thought, however, that this would not be so difficult in the case of the maintenance staff, and he urged, further, the advantages to be derived from the decasualisation of certain classes of maintenance workers.

Lt.-Colonel Sir Stewart SYMES thought that the complaint probably came from the Jewish side and that it related to the Arab methods of work. The Arabs liked to spread their eight hours of work over a period of, say, ten hours. The Government, in some cases, got over this difficulty by instituting payment by piece-work.

Mr. GRIMSHAW asked whether the Administration insisted upon the insertion of conditions concerning wages in contracts given out by the local authorities.

Lt.-Colonel Sir Stewart SYMES replied that there were difficulties in the way. He thought that the report of the Special Commission would probably deal with this and other means of preventing the possibility of sweated labour.

Mr. GRIMSHAW expressed the hope that after the presentation of this report a clause of this nature would be inserted in all contracts. With regard to child labour, he understood that such labour was on the decrease. There was still much being done, however, that would not be allowed in a modern State. He would suggest that this question also could be dealt with, in part, by means of clauses in contracts given out by the Administration.

Lt.-Colonel Sir Stewart SYMES said this difficulty did not arise in the Government service itself. In the case, however, of work done by a contractor, it was not easy to exercise the same control without unduly fettering the contractor.

Mr. GRIMSHAW said that in a country like Palestine where industry was developing rapidly, the Government, which was by far the largest employer, should play the part of a model one. The insertion of a fair wages clause in contracts, the prohibition of child labour, and the decasualising of the labour in Government service, were essential factors of such a policy. He thought that the recognition of the trade unions was another such factor. The Government, he understood, did recognise the trade unions to a certain point, but he would like to know how far on the road that point was.

Lt.-Colonel Sir Stewart SYMES said that the Government fully realised the importance of setting an example in raising the standard of treatment of workers. In the Government service, as much as possible had been done to ensure against grave abuses. With regard to the trade unions, there was a considerable movement in favour of these in Palestine. The unions were not, however, only unions of workers. They consisted in many cases of a mosaic of all classes, and there was reason to believe that much of the movement had a political trend. In view of the circumstances of Palestine, the Government had to deal cautiously with unions of this kind.

Mr. GRIMSHAW recalled that he had referred in a previous session to a case of importation of Egyptian workmen, who, it was alleged, had accepted a lower rate of pay than the

Palestinians could accept. There had been rumours that, recently, a certain number of Armenian workers had been imported from Syria to undertake building work in Haifa.

Lt.-Colonel Sir Stewart SYMES said that a few Armenians might have filtered through from Syria, but that Government policy was strongly against the importation of foreign labour. Had there been any attempt at wholesale importation, the Government would certainly have prevented it.

Mr. GRIMSHAW said that a recent number of the *Times* had reported a case of "conscription of labour" in order to combat an invasion of locusts.

Lt.-Colonel Sir Stewart SYMES replied that this was probably only a picturesque journalistic phrase. It was obvious that, when an invasion of locusts occurred, everyone on the spot had to assist in combating it. Apart from this necessity, there was an Ottoman law which enabled the Administration to call on villagers for their co-operation in this emergency.

Mr. GRIMSHAW had been much struck by the fact that in Palestine facilities for workers' savings were apparently non-existent. There was no system of savings banks. Could not the Administration introduce such a system through the Post Office?

Lt.-Colonel Sir Stewart SYMES said that this absence of facilities applied not only to the workers, but to the whole country. The suggestion had been made to the Post Office authorities that they should establish a savings bank, but the latter had replied that, in view of the complication entailed by the three languages, and the fact that the Post Office organisation had only recently been set up, they could not at that stage undertake such a task.

Lord LUGARD understood that Mr. J. E. F. Campbell had investigated the question of unskilled labour. Had his report been published?

Lt.-Colonel Sir Stewart SYMES said that Mr. Campbell was the Chairman of the Commission on Wages. He could not say whether his report had been published. It had not even been presented at the time when he had left the country.

Lord LUGARD noted that the Village Roads and Works Ordinance had instituted a system of local rate for the purpose of carrying out road improvements in village areas, while allowing the inhabitants to offer work in lieu of paying the rate. If, however, the rate were assessed on the whole village, how could any individual offer his labour instead of it? Would it not be better to impose a rate per adult male to be paid from wages and not by labour?

Lt.-Colonel Sir Stewart SYMES explained that the present system had been substituted for an earlier Turkish system under which the Administration was authorised to require compulsory work from the villagers in case of urgency. It had been pointed out that this system was open to the objection that it was very similar to that of the *corvée*. Under the present system the rate was divided among all the inhabitants of the village and each villager might either pay his contribution or, if he so preferred, undertake labour in place of payment.

#### *Education.*

Lord LUGARD drew attention to the following passage on page 37 of the report with reference to the labour schools: "The methods of teaching are peculiar; there is no regular discipline; leadership and authority are delegated to the children themselves; there is no fixed time-table, nor a definite syllabus". Why was such a system tolerated?

Lt.-Colonel Sir Stewart SYMES said he was sure that the criticisms were sound from the technical point of view, but it should be remembered that the Federation of Labour, which had instituted these schools in order to give the children some measure of education, was prevented by financial difficulties from attaining the standards that it might have desired. The schools should be judged by their results.

Mr. GRIMSHAW pointed out that there were many schools in England where the system of self-discipline was substituted for discipline from the outside and that these schools had succeeded in producing a very fine type of boy.

Lord LUGARD asked whether there was not a danger that the output from the highest class in the training colleges might be in excess of the number of teaching posts vacant.

Lt.-Colonel Sir Stewart SYMES said that this possibility had been considered but that there was no immediate danger. At the outset, one of the great difficulties had been to find qualified

teachers, and in many cases it had been necessary to appoint teachers who had not full qualifications. These teachers were now being removed from town to village schools and the graduates from the training colleges were replacing them.

Lord LUGARD asked whether the text-books had been revised in order to bring them up to modern standards.

Lt.-Colonel Sir Stewart SYMES said that the schools relied largely on Egyptian sources for the supply of text-books. There was only a small number of text-books in Arabic, and the staff of the Department of Education had not so far been able to devote much time to the local preparation of text-books.

Lord LUGARD said that the question of text-books in the British Colonies had engaged the attention of the Advisory Education Committee in London. Had the Palestine educational authorities any relations with this Committee?

Lt.-Colonel Sir Stewart SYMES did not know whether the Palestine educational authorities were in touch with this Committee. He doubted, however, whether this Committee would be concerned to any extent with the question of Arabic text-books.

Lord LUGARD drew attention to the statement on page 39 that the study of Arabic was greatly hampered in the elementary schools by a complete lack of children's literature. What improvement was to be expected in this respect?

Lt.-Colonel Sir Stewart SYMES said that for a long time very little suitable literature had been produced in the Arabic language. There had been an increase in the last twenty or thirty years, but the number of suitable books available was naturally very small in comparison with the number available in European countries.

In response to a question of Lord Lugard as to whether the Hebrew universities and the teachers' training colleges were residential, Lt.-Colonel Symes replied that he was unable to say what proportion of the students were in residence.

In reply to a further question by Lord Lugard as to whether the system of co-education in the secondary schools had proved successful, Lt.-Colonel Symes said he believed that the Jewish authorities had been satisfied with the results.

Dr. KASTL understood that there were three kinds of non-Government schools, Moslem, Jewish and Christian. The budget of the Educational Department for the year had been £104,000 and there had been a grant to the Jewish schools of £20,000. Since the Jewish population constituted a fifth of the whole population, the amount of this grant seemed reasonable. On the other hand, complaints had been made on the grounds that the Jewish pupils constituted 50 per cent of the entire number attending the schools and that the grant for the Jewish schools should therefore be larger.

Lt.-Colonel Sir Stewart SYMES said that Jews would naturally prefer that the grant should correspond to the proportion of Jewish pupils in the schools. The Government allotted the grant, however, on a population basis. Since almost all the Jewish child population attended school, the adoption of the former system would have had the result that a greater sum proportionally would have been spent on the Jews than on the Arabs, although the former were only a minority of the population.

Lord LUGARD asked whether the grant-in-aid was paid in a lump sum or whether it was allotted to the schools in various proportions.

Lt.-Colonel Sir Stewart SYMES said that £20,000 was paid over in a lump sum to the Jewish educational authorities, who exercised the same functions in the case of the Jewish population as the Government did in that of the Arab population.

In reply to a question by Lord Lugard as to whether in the case of the non-Jewish population the grant was allotted to the schools in various proportions, Lt.-Colonel Symes said that the grant was allotted on the basis of individual attendance.

#### *Traffic in Drugs.*

M. PALACIOS said that the report of the Cairo City Police for 1926 mentioned a considerable amount of smuggling of drugs as having taken place between Syria, Palestine and Egypt. Had the Palestine Government obtained much evidence of this traffic during recent years, and what special measures had been taken to put a stop to it? To what extent did smuggling across the Arabian desert take place?

The Cairo City Police report for 1925 had also suggested that the Egyptian Government might join forces with the Syrian and Palestinian Governments "to wage a concerted and



relentless war against the wholesale importers, to tighten up control at the Egyptian ports, continue to increase the penalties, demand the invariable expulsion of foreigners convicted of trafficking and increase the rewards paid for seizure”.

Had any such combined action, in fact, been taken and with what results ?

Lt.-Colonel Sir Stewart SYMES said that there was close liaison between the police in Palestine, Syria and Egypt, to some extent Cyprus, and to a less extent Iraq. There had been a conference between the heads of the different departments on the measures to be taken for the prevention of the traffic in drugs, and the number of cases that had been brought to light had shown the police control to be effective. He did not think there was any considerable smuggling of drugs on the Arabian frontier ; the general route was from Syria to Egypt, through Palestine.

#### *Statistics regarding Birth and Death Rates.*

Dr. KASTL drew attention to the table of births and deaths on page 41. Was there any particular reason for the increase in the death rate ?

Lt.-Colonel Sir Stewart SYMES thought that the increase was probably more apparent than real. In the earlier years it had been very difficult to enforce the system of registration and notification. The information obtained was, however, becoming more complete each year.

#### *Public Finance.*

M. RAPPARD, with reference to Item 7, “ Land Sales ”, to be found in the table of Revenue on page 76 of the report, asked :

1. Why had such sales been credited to ordinary revenue and not to a capital account ?
2. A paragraph on page 77 said that distilleries were in course of establishment. Why had these been established ?

Lt.-Colonel Sir Stewart SYMES promised to make enquiries on the first point.

M. MERLIN, with reference to M. Rappard's question on distilleries, pointed out that in Palestine these were exempt from excise duties. He concluded that the Administration had decided on this step in order to encourage distilleries.

Lt.-Colonel Sir Stewart SYMES said that distilleries were used also for preparing spirits for industrial purposes and it was therefore right that they should be encouraged. The number of distilleries was not being increased in Transjordan, for it was mainly a Moslem country. The distilleries merely distilled spirit which had hitherto been imported.

M. VAN REES asked why the grant-in-aid to the Transjordan Frontier Police had been so large.

Lt.-Colonel Sir Stewart SYMES replied that this grant had been made to enable the Transjordan Government to maintain the Arab legion. Without a subsidy, the revenue of Transjordan was not sufficient for the maintenance of a large force of gendarmerie.

M. RAPPARD said that he had been surprised to note that, although there had been a decrease in the grant made by His Majesty's Government towards the cost of the police, there had been an increase in the cost of that force. He concluded that this charge had been shifted to the shoulders of the local taxpayer.

Lt.-Colonel Sir Stewart SYMES said that the question might be looked at from another aspect. There had been a partial transfer of the burden that had been borne for many years by the British taxpayer.

M. RAPPARD asked for an explanation of the passage : “ In 1925-26 the sum of £E92,048 was paid in respect of annuities on account of the Ottoman Public Debt ; but these payments have since been suspended ”.

Lt.-Colonel Sir Stewart SYMES said that negotiations were in progress with a view to a settlement of the liabilities placed on Palestine in respect of the Ottoman Public Debt. Pending a settlement, the payment of annuities had been suspended.

M. RAPPARD thought that the Mandates Commission might congratulate itself on the fact that a Palestine currency had been introduced. He was not clear, however, who would benefit by the profits of the Currency Board. He understood that this Board was a British one.

Lt.-Colonel Sir Stewart SYMES said that when sufficient reserves had been accumulated contributions from the profits of the Board would be made to the Palestine Government. It was hoped that these profits would be considerable.

In reply to a question by Lord Lugard, Lt.-Colonel Symes said that the coins were minted in London.

M. RAPPARD asked why the Board could not obtain the profits immediately.

Mr. LLOYD said that a certain time must elapse for the building up of the necessary reserves. It was hoped that in two or three years the reserves would be sufficient to permit of the payment of a contribution.

M. RAPPARD understood that a sum of £1,000,000 out of the loan of £4,475,000 mentioned on page 13 was to be used for the purchase of railway and other assets from His Majesty's Government. This item of expenditure did not figure, however, in the table on page 14.

Mr. LLOYD said that this table only showed the amounts of payments made at November 30th, 1927. The payment of the sum to which M. Rappard had referred was made in January 1928.

In reply to a further question by M. Rappard, Mr. Lloyd explained that the sum of £1,463,889 shown on page 14 as having been spent on railways had been expended by the Palestine Government, in anticipation of the raising of the loan, on the purchase of the Jaffa-Jerusalem Railway, and on railway capital improvements. For this purpose, the Palestine Government had utilised its own surplus funds, and had borrowed monies from the Crown Agents.

M. RAPPARD pointed out that more than half of the entire loan which he had thought was intended for the construction of a harbour at Haifa and on the improvement of the port of Jaffa had been used for other purposes.

Lt.-Colonel Sir Stewart SYMES explained that the loan had been anticipated by borrowing money from the Crown Agents, with the result that works had been constructed at an earlier date than would otherwise have been the case. Palestine had benefited by this arrangement.

Lord LUGARD drew attention to the following passage on page 10 of the report :

“The Railway revenue in 1926-27 realised £E369,679, and the expenditure, other than capital, amounted to £E290,435, being an excess of revenue over expenditure of £E79,244. The capital expenditure during the year amounted to £E71,456. These figures include the cost of services rendered by the Railways to Departments and by Departments to the Railways, but do not include interest or sinking fund on debt charges.”

Were not these latter items charged to the railways ?

Lt.-Colonel Sir Stewart SYMES said that they would eventually be so charged. A separate railway budget in this respect was under consideration.

The CHAIRMAN said that a promise had been made at the eleventh session of the Commission that separate accounts would be kept for the various sections of the Hedjaz Railway in Palestine and Transjordan.

He referred to page 122 of the Minutes of that session. In the present report, however, only figures for the Palestine section appeared and there was no statement of the net revenue of the entire railway.

Mr. LLOYD drew attention to the statistics given on page 65 of the report. The Hedjaz railway had been worked at a loss, and at the present time the total debit of that railway was about £47,000.

M. RAPPARD understood that the reason for the discrepancy between the figures of railway revenue given on page 7 and those given on page 65 was due to the fact that the former figures were those for the calendar year and the latter those for the fiscal year.

Lt.-Colonel Sir Stewart SYMES replied in the affirmative.

*Means of Transport and Communications.*

M. MERLIN drew attention to the following passage on page 6 :

“ On the railways there was a falling-off of passenger traffic, particularly on account of the inability of the existing rolling-stock to compete successfully with motor transport. ”

All over the world train transport tended to be superseded by motor transport. The proper system, however, was to institute co-ordination between the two, in place of competition.

Lt.-Colonel Sir Stewart SYMES recognised that this was a serious problem. Two years previously a Board had been appointed to advise the Government on road policy. Lighter rolling-stock was on order, and it was hoped that faster trains might then be run at more frequent intervals to provide for passenger traffic.

M. MERLIN stressed the fact that the solution lay in the co-ordination of the two methods of transport. For some regions motor transport was more suitable and for other regions train transport. In France, certain railway services had incorporated motor services.

Lt.-Colonel Sir Stewart SYMES said that this principle had been recognised by the Palestine Government. One of the reasons, however, why, on certain routes, travellers preferred to travel by motor rather than by train was that the trains did not give all the facilities that might be expected. By endeavouring to improve the train service, the Government only wished to give the public reasonable facilities.

M. MERLIN understood that a cable was being laid between Cyprus and Haifa. Was this an undertaking of the State or a private one ?

Lt.-Colonel Sir Stewart SYMES replied that it was a private undertaking after agreement with the two Governments concerned.

In reply to a question by M. Rappard, Lt.-Colonel Symes said that the Sinai Railway had originally been a military railway, and was still the property of His Majesty's Government, though managed by the Palestine Railways Administration. The Petah Tikvah Railway was constructed partly out of funds provided by the inhabitants of that place, and its accounts were kept separately for that reason.

*Ex-enemy Property.*

Lord LUGARD recalled that the British Government had stated that in Palestine no ex-enemy properties had been liquidated under the Treaty of Versailles. Did this mean that there had been none to liquidate, and, if not, what had been done with them ? Had they been returned to their former owners or had they been taken over by the local Government ?

Lt.-Colonel Sir Stewart SYMES replied that, as far as he remembered, all ex-enemy properties had been returned to their former owners.

*Close of the Hearing.*

The CHAIRMAN, speaking on behalf of the Commission, thanked Lt.-Colonel Sir Stewart Symes for his collaboration and expressed regret that he would not be present on the next occasion when the Palestine report would be discussed. The Commission might be sure that Lt.-Colonel Symes' personal work had contributed in a large degree to the good results noted in the report.

Lt.-Colonel Sir Stewart SYMES thanked the Chairman for his kind words. He would always have a keen recollection of the kind manner in which he had been received by the Chairman and by all the members of the Commission.

Lt.-Colonel Sir Stewart Symes and Mr. Lloyd withdrew.

845. Letter and Memorandum submitted by the World Zionist Organisation, dated April 30th, 1928.

M. VAN REES noted that in the letter of Dr. Weizmann, President of the World Zionist Organisation, there were two petitions, one in paragraph 7, concerning the acquisition of vacant lands (Ust Stateland) for Jewish colonisation, and the other in paragraph 6 referring to

the fiscal reform contemplated by the British Government. The question had been discussed by the Commission last year. With regard to the fiscal reform, he was of the opinion that the British Government should be left to decide how and when this reform should be effected and that it was not for the Commission to intervene.

## NINTH MEETING

*Held on Saturday, June 16th, 1928, at 10.30 a.m.*

Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade and M. Orts.

### 846. **Togoland under French Mandate : Examination of the Annual Report for 1927.**

M. Duchêne, Director of Political Affairs in the French Ministry of the Colonies, accredited representative of the mandatory Power, came to the table of the Commission.

*Form of the Report : Replies to the Special Observations of the Commission : Inclusion in the Budget of the Mandated Territory of Expenses for Printing of Annual Reports and Representation at Geneva.*

The CHAIRMAN expressed his pleasure at the presence of M. Duchêne, who had again been appointed by the mandatory Power as its accredited representative.

He noticed that for the first time the report on Togo commenced by a chapter on general subjects, which gave much general information on the territory and the administration. It was satisfactory, in his view, to see that this practice was being followed.

He recalled that the Commission had often dwelt upon the value of the mandatory Power replying distinctly and always in the same form to the special observations of the Commission. The French Government had always been good enough to include in the annual reports replies to the questions asked by the Commission. Would it not also be possible to insert in each report a special section devoted to the replies to the Commission? These replies would thus be more evident than when dispersed throughout the report.

There was another question which had given rise, during the examination of the report on another territory, to an interesting discussion on a point of principle. In the budget and accounts for the French mandated territories for 1925, 1926 and 1927, the expenses of printing the report to the League of Nations and the share of each territory in the annual "sum allotted for the expenses of the permanent delegate of the Colonial Minister accredited to the Permanent Mandates Commission of the League of Nations" were charged to the local budget. It appeared that the practice of causing the budget of mandated territories to bear such expenditure had not been followed by other mandatory Powers. Generally, the reports in question were printed as parliamentary papers or else as part of the series of official documents of the mandatory Power, and a special item covering the expenditure of the accredited representative had never been included in the local budget of other territories. The territory of South-West Africa had, however, borne part of the special expenditure necessitated by the journey of Mr. Hofmeyer to Geneva. It would be of interest to the Commission to receive explanations regarding the reasons underlying the practice adopted by the French Government.

The Commission might perhaps ask whether this practice was quite in conformity with the spirit and provisions of the mandate which required the mandatory Power to submit an annual report to the League.

During the discussion (see Minutes of the twelfth session, pages 134 to 138) on the question of the inclusion in the local budget of the expenses of the special office for Ruanda-Urundi attached to the Belgian Colonial Office, M. Merlin had expressed the following view :

" He felt sure that the inclusion of such sums in the budget of the mandated territory was perfectly correct, although it raised a delicate point. . . . He agreed that strict law required the insertion of the sums in question in the budget of the territory, but he thought that the Belgian Government would certainly not be slow to recognise the advantage which it would gain in not raising the delicate question now under discussion. "

In support of the views of M. Merlin, M. Rappard has stated that :

" It would be dangerous to extend the principle of the financial autonomy of the territory to its extreme limit. There were a great number of charges which could legitimately be inserted in the budget of a mandated territory and which no mandatory Power, however, did so insert. Personally, M. Rappard would be glad if the mandatory Powers would avoid the system recently adopted by Belgium. "

M. DUCHÊNE spoke as follows :

I wish to reply, Mr. Chairman, to the various points to which you have drawn my attention.

The first of those points is concerned with the general development of the reports of the French Government. I thank you for having pointed out that we are endeavouring to indicate some new general subjects each year. We think that the reports should not repeat each other, and that the general subjects which are indicated from year to year should be varied as much as possible. Moreover, we are beginning to exhaust them.

This year, with the exception of the information on the demographic and sanitary situations and on the general organisation of the country, this part of the report is rather restricted.

In future, we will endeavour to find some new developments, in order that our reports may not consist solely of statistical tables, which would make them difficult to read for those who cannot follow the evolution of the country step by step.

The second observation of the Chairman concerned the particular questions with which the Commission deals each year, and to which it naturally desires that the mandatory Power should give exact replies. The French Government endeavours to give these in the reports which it has had the honour to present to the Commission. Chapter XIV of the present report actually contains the replies to the questions of the Mandates Commission. The Commission, however, has certain special points in view ; for instance, the control of liquor, with which it dealt last year. In the future, this subject might appear in a special chapter of the report. Since, as the Chairman has pointed out, other mandatory Powers have adopted this system, the French Government will refer to their reports and will adopt the same manner of presenting its information.

The third question relates to certain expenditure involved by the representation of the mandated territory at Geneva, or to expenditure which is probably of a similar nature. The question is whether this expenditure should appear in the budget of the territory.

The Chairman has pointed out that this is a question of principle on which there is some difference of opinion.

The thesis of the French Government is that this expenditure is incurred on behalf of the mandated territory, and even in its interest, since it is on its behalf that the Government is obliged to give explanations and to render account to the League of Nations. Quite naturally, therefore, this expenditure is included in the actual budget of the territory ; otherwise, it could only appear in the budget of the mandatory Power. In the latter case, however, another question of principle arises. Should not a clear distinction always be made between the budget of the mandatory Power and that of the territory under mandate ? We believe that this distinction is part of the very basis of the theory of the mandate itself. It is thus that the mandatory Power should act when it is dealing with revenue ; inversely, its action should be the same in the case of expenditure. These two questions are correlative. Such is the opinion of the French Government.

Moreover, the question at issue is rather one of principle than a fact of any importance, since the estimate of the expenditure for the Cameroons and for Togo is never realised. Moreover, the expenditure in question is very moderate.

The CHAIRMAN said that the members of the Mandates Commission were guardians of principles. The question had already been discussed, not merely from the theoretical point of view, in connection with a report of M. Archimbaud (see Minutes of the ninth session, pages 79 and following). It would appear that the mandatory Powers were under the misapprehension that it was the Commission itself that wished that all expenditure, of whatever kind, should necessarily be supported by the mandated territory. A further step even had been taken by the mandatory Power : the expenditure of metropolitan institutions dealing with colonial interests in general had been considered as being in the same category.

The Commission wished to check this tendency.

#### *Status of the Inhabitants of the Territory.*

M. VAN REES said that he had been very interested by a communication of M. Bonnacarrère, which appeared in the report on Togo for 1925, and according to which a Commission consisting of officials, of magistrates and of notables had been instituted, its object being to decide the details of a draft decree, creating the status of " citizen of Togo ", and determining the requirements for this status, both from the political and the juridical point of view. M. Bonnacarrère had reverted to this question in the report for 1926, and had given additional information. There was no mention of it, however, in the report for 1927. M. Van Rees realised that only an intermediate status could be established, as, moreover, M. Duchêne had already had occasion to explain very clearly. He would like to know, however, whether the work of the Commission had had any result.

M. DUCHÊNE said that the Commission had concluded its work, the results of which had been communicated to the Minister for the Colonies. It was a question of establishing, for the benefit of one class of native inhabitants of Togo, particular rights, the exercise of which would be limited to the territory itself.

The Ministry for the Colonies had entirely approved of the general tendency of this work. One scruple, however, had been felt. M. Duchêne did not know whether there was an equivalent in other languages for the French word "citoyenneté" ("citizenship"). The French meaning was: rights reserved to the inhabitants of a certain State. Was it possible to speak of a Togo "citoyenneté" without implying the existence of a State of Togo? This was the question with which the mandatory Power had been faced, and on account of which the reform, as proposed by M. Bonnacarrère, could not be carried out.

The French Government did not think that a mandated territory, at any rate a territory under the mandate system applicable to the countries of tropical Africa, could, even under the control of the League of Nations, be assimilated to a State. It appeared to the Government that to create a Togo citizenship (*citoyenneté*) and a State of Togo would be to exceed the rights that might be recognised as belonging to that territory and to its natives.

That part of M. Bonnacarrère's scheme which the French Government had retained—and this did not apply only to Togo—was the establishment of an *élite* class of natives. This was the expression which it had been thought proper to use, though it was not very satisfactory. An *élite* class ought not to be regarded merely from the point of view of services rendered or from rights which might be conferred upon it, but also from the point of view of moral perfection, which, however, could not be required from natives. The French Government merely regarded as falling within the category of the *élite* such original inhabitants either of a mandated territory or of a possession of another kind as might be distinguished from the ordinary class by their general education or by the services they had rendered. M. Bonnacarrère had suggested that natives put in this class should alone be considered to be suitable either to be members of the local councils or to fulfil certain administrative duties.

M. Duchêne added that this reform would very shortly be carried out.

M. VAN REES thanked M. Duchêne for his explanations. He had, indeed, anticipated this reply, for, on reading the two reports mentioned, he had realised that the establishment of a Togo citizenship (*citoyenneté*) was impossible, since Togoland did not exist as a State. He had, however, desired to put the question because it made it possible for him to note that France was the only Power which had paid special attention to the delicate problem of the status of the inhabitants of mandated territories. No other mandatory Power, it seemed to him, attached any importance to this question. The question, however, of the status of the inhabitants of these territories assumed, as regards the mandates system as a whole, a special significance in connection with the obligation, which was the basis of the system, to educate gradually, from a political point of view, the inhabitants of these territories in order that they might one day be in a position to govern themselves.

M. DUCHÊNE said that it was entirely in this direction that the French Government was moving, and the only reservation which it had made concerned the meaning of the word "citizenship" (*citoyenneté*).

#### *Composition of the Councils of Notables, and of the Administrative and Economic and Financial Councils.*

Lord LUGARD would have been glad to find additional information in the report on the Council of Notables. The details on pages 40 and 41 were very meagre. It was interesting for the Commission to know in what manner the natives shared in the government of their own communities.

M. DUCHÊNE took note of the observation of Lord Lugard. The general chapter of the next report would contain details, not only concerning the composition of the Council of Notables, which had already been furnished, but also concerning the main subjects which they had discussed.

M. VAN REES desired to know how many Councils of Notables had so far been established.

M. DUCHÊNE explained that there were six Councils of Notables.

Lord LUGARD noted that the Administrative Council included two native members. What was the proportion of the native members as compared with the total number of members of the Council?

M. DUCHÊNE replied that the Administrative Council was composed of nine members. He added that the Economic and Financial Council of the territory included nine native members.

In reply to an observation of M. Van Rees regarding the Council of Notables, M. Duchêne pointed out that the chapter on general information referred the reader to the report for 1923 (Annex to Chapter VI). It was for that reason that the last report did not contain details on the point. The next report would contain more detailed information on this point, which would be included in the chapter on general conditions.

#### *Number and Qualifications of the European Officials.*

The CHAIRMAN observed that 206 European officials were mentioned in the report. Were they all French?

M. DUCHÊNE replied in the affirmative.

The CHAIRMAN asked that in the next report the number of officials belonging respectively to the technical services, to the administrative services and to the districts, etc., should be stated.

In the previous year the representative of the mandatory Power had stated that it invariably sought to appoint the best qualified persons for service in mandated territory. He wished to know whether all the officials employed in the mandated territories at the moment came from the Colonial School, and whether their attention had been drawn to the delicate task before them.

M. DUCHÊNE replied that the officials of the general administration, that was to say, officials of the class of administrator, all went through the Colonial School. Those who passed the competitive examination were immediately appointed administrators on probation. Those who failed were first appointed to subordinate posts, and, in order to be appointed assistant administrators, they had to take a course at the Colonial School.

The 206 officials mentioned in the report did not all belong to the general administration. They included special agents, experts belonging to the Public Works Department, Posts and Telegraphs, etc.

M. VAN REES asked whether the mandates system was included in the programme of the Colonial School.

M. DUCHÊNE replied in the affirmative. He informed the Commission that he had even been instructed to give a course of lectures on the general organisation of West and Central Africa. The course consisted of twenty lectures, several of which would be devoted to the mandates system.

The CHAIRMAN said that a question had been raised in connection with another territory not under French mandate. It would also be of interest to ask it in connection with Togoland. Had the French Government defined the attitude which its officials should adopt in connection with their participation, either directly or indirectly, in private enterprises and in commercial or industrial concerns? Could the officials be on Boards of Directors, hold founders' shares or ordinary shares, be in possession either of inscribed stock or bearer shares?

M. DUCHÊNE said that this question had been under the consideration of the French Government in connection with the whole staff employed in extra-European territories under its authority. No official could belong to a Board of Directors or *a fortiori* be associated in any way whatever with a commercial undertaking.

The question whether officials could hold shares in one of these undertakings, either by being in possession of inscribed stock or by holding bearer shares, had not been considered. There was no prohibition on this point. It was obvious, however, that, if an official had a financial interest in an undertaking connected with the territory under his authority, the French Government would consider that he had been guilty of an indiscretion.

#### *Public Finance.*

M. RAPPARD noted that once more the administration of Togoland was suffering, if the expression were permissible, from an excess of financial prosperity. It would be interesting for the Commission to have clear information regarding the finances of the territory. The accredited representative was well aware that, when surpluses began piling up, the Administration was tempted to make use of them to meet requirements which were not of vital urgency.

The Commission, on the other hand, should be careful to recommend the reduction of the burden supported by the inhabitants to as great a degree as possible. In order to understand the exact nature of this burden, it would be useful for the Commission to have accurate information on the yield of taxation. According to French custom and the terms used by the mandatory Power in drawing up the budget, the report grouped all receipts under general headings, such as *impôts perçus sur les rôles*. The members of the Commission would be glad for these details to be included in the report. The accredited representative would probably refer to the documents containing the final accounts of the local budget. Obviously, it would be useful to have included clearly in the report itself details of this kind, which would enable the Commission accurately to survey the movement of taxation.

M. DUCHÊNE said that the mandatory Power had always borne in mind the desires of the Commission in this connection. It was true that the budget of Togoland showed a surplus each year, and it might be wondered whether the revenue derived from taxation was too high in proportion to the wealth of the population. The surpluses were paid into the Reserve Fund and the condition of this fund, itself perhaps too prosperous, had aroused the attention of the Permanent Mandates Commission at previous sessions. In the report for the previous year, the Administration had tried to include an account of certain developments which might give more information to the Commission both as regards the present state of affairs and as to the intentions of the mandatory Power.

In the first place, was the weight of taxation too heavy? As M. Rappard had pointed out, the population had appeared to suffer from the fact that the poll or capitation tax had been

too high. This had, in particular, attracted the attention of the Commission in the previous year, for its notice had been drawn to it by a petition from the Bund der Deutsch-Togoländer. At the eleventh session Mme. Wicksell had been instructed to examine this petition, which dealt with several questions, more particularly that of the poll or capitation tax. Mme. Wicksell had studied this question with great attention and had referred in her report (Minutes of the eleventh session, pages 215-217) to the capitation tax and its excessive increase since 1922. She had reached the conclusion that the increase which had occurred was certainly no higher than the amount of depreciation shown by the franc during the same period and that the complaint made had not been well founded.

As far as the position of the Reserve Fund was concerned, it was true that in an ordinary and extraordinary budget of about 30,000,000 francs it was surprising for the Reserve Fund to show a credit of 19,000,000 francs on December 31st, 1927. This figure, however, was lower than the figure for 1926. Further, the Commission would have realised, during the discussions which had taken place during previous years, that this sum was far from being of no use to the territory. Certain public works, the principal of which were mentioned in the report, had been paid for out of this fund. The works in question were the improvement of the town of Lomé, the reconstruction of railways, the improvement and upkeep of roads, the study of the question of prolonging the railway towards the north, the new wharf at Lomé, etc. All these works and studies were being continued. Moreover, the Reserve Fund would be automatically reduced when the railway was constructed.

The mandatory Administration had wondered, with some misgiving (see page 61), whether it would possibly have been better during these periods to have recourse to a loan, instead of meeting this expenditure by means of the Reserve Fund, and whether it would not have been wiser to make use of the loan method, as the burden would then weigh also upon the future generations which would benefit by the new works. This thesis might be maintained. However, loans at the present time were extremely onerous for the French Government and for the territories placed under its authority, on account of the general situation of the financial market. At the present time any loan, interest and sinking fund was equivalent to a charge of 10 per cent; in the case of certain loans, this charge had even been estimated at 12 per cent.

The Administration had concluded that the present system might be defended, a system which, moreover, would not continue indefinitely, for while there had been a considerable surplus of revenue in the past, this would doubtless not always be the case.

The largest payments to the Reserve Fund had been those of 1925 amounting to 17 million francs; in 1926, they had attained 11 millions, and for the year 1927 there was an estimate of only 5 millions. This procedure had allowed of an increase in the expenditure on public works without an increase in the budget, which showed for 1928 a slight decrease in comparison with 1927. It was possible that the surplus would become steadily smaller and that the time would come when the Reserve Fund, or at least its largest fraction, would have been utilised.

M. RAPPARD wondered whether the accredited representative could consider the insertion in future reports of a comparison of the final accounts for the coming years and of the yield of particular taxes, merely in order to allow the Commission to exercise its supervision more easily.

M. DUCHÊNE replied in the affirmative.

M. RAPPARD wished to know what was meant by the heading "liabilities" in the final accounts.

M. DUCHÊNE replied that this was a heading which always appeared in the budgets. It corresponded to the interest on sums advanced. Although Togo had not contracted any loan, there might be monetary loans of the Treasury issued while awaiting the collection of the taxes.

M. MERLIN recalled that he had drawn the attention of the mandatory Power to the high figure of the Reserve Fund, but from a special point of view. In consequence of the flourishing position of Togo, the mandatory Power found itself in possession of funds with which it seemed somewhat embarrassed. M. Merlin noted, however, that it was adopting a policy of which he highly approved; that was to say, the development of the equipment of the territory. The needs of all new countries were, so to speak, unlimited. In consequence, whatever the yield from taxes, they could not be reduced as would be the case in very civilised countries. The best policy of a mandatory Power which took into consideration the future consisted in expediting the organisation of the economic equipment at a rate in accordance with that of the yield of the taxes.

There was much to be done in Togo, in particular, the completion of the network of roads and the assurance of better conditions for the loading and unloading of goods. It was stated in the report that it was hoped that the new wharf would be completed in 1928. If this one were not sufficient, a second one should be constructed without hesitation. It was also thought desirable to extend the railway to Sokode. M. Merlin would be pleased to see continued rapidly the examination of the means to be adopted for this extension, in order that the railway might be constructed, if its utility were recognised.

To sum up, in a small territory there was no reason to fear that the Reserve Fund would remain unutilised, provided that action was rapid and that expenditure was carefully undertaken, the aim being above all the development of economic equipment, of the plantations and of agriculture. In his opinion, a population would never complain of the rate of the taxes if their yield were employed in economic equipment, which enriched all the taxpayers. M. Merlin thought that M. Rappard would agree with him on these various points.



M. RAPPARD approved of all these observations. He would only ask M. Merlin to add to the list of useful expenditure the expenditure on public health and education. The territory should not be considered merely as a source of riches. It should be considered also from the point of view of the moral welfare of the natives.

M. MERLIN entirely agreed on this point.

M. DUCHÊNE concluded from this exchange of views that the danger for Togo would be hoarding. This was what the Administration avoided as much as possible.

M. RAPPARD noted in the table on page 50 the item "Subsidies to Establishments of the Territory". To what did this refer?

M. DUCHÊNE explained that these were subsidies that might be given to certain interesting forms of agricultural enterprise. In another part of the report, reference was made to the encouragement given to agriculture.

M. RAPPARD drew attention to another fact which evidently was also the result of the financial prosperity of the territory, viz., the increase of the various subsidies. The list of subsidised establishments was becoming longer in proportion to the increase in the amount of the subsidies. Reference might be made to the budgets for 1925 (pages 24, 126, 177), 1926 (pages 22, 140, 197-200), 1927 (pages 16, 66, 91, 98). He would content himself with expressing the wish, in agreement he thought with all his colleagues, that Togo should not support more than its normal share of the expenditure on these subsidies. As there were colonies whose budgets had a deficit, it could be understood that the tendency of the Administration might be to levy large sums on territories the finances of which were flourishing. It was the duty of the Commission to draw the attention of the mandatory Power to this point.

M. DUCHÊNE, while recognising the aptness of this observation, pointed out that all the establishments mentioned on the list were of general interest in so far as Togoland was concerned. The Administration was careful, and continued to be careful, to see that the list did not attain undue proportions.

M. RAPPARD noted that, in the chapter on the Reserve Fund, a distinction was made between freely disposable funds and immovable investments; that was to say, investments not directly repayable—for example, Treasury bonds. On page 60 mention was made of seven Treasury bonds each for a million. This had been at a time when the French finances had been in a far less favourable condition than at the moment. Nevertheless, in investing in these seven bonds to the value of one million each—in other words, in bonds which were practically unmarketable—had not the territory been deprived of the plus value of these securities; that was to say, the profit obtained by other bearers of these bonds?

M. DUCHÊNE explained that this rule had been adopted in the case of the funds free for investment in Reserve Funds or elsewhere. The money was invested in public funds. The suggestion of M. Rappard could be followed and the money invested in private enterprises. There would perhaps be a plus value, but there would also be a risk.

M. RAPPARD wished only to express the hope that, in the investment of the surpluses, the Administration would keep in mind only the interests of the territory.

M. MERLIN pointed out that this was the case, and that a very convenient practice was being followed in the French colonies. The investments in question were short-term bonds, and if ready money were needed it could be procured at any moment. Such reserve funds could not result in the tying-up of money for a long period. If the money were invested in commercial affairs, it occasionally happened that ready money could only be obtained at a loss. The Treasury bonds bought were also fairly short-term, and they would not all become due at the same time. In this way, an investment was obtained which brought in a similar profit and which could be converted into cash at any moment. This, therefore, was of advantage not to the Treasury but to the territory itself.

M. RAPPARD said that the Commission could not venture to recommend the mandatory Power to make certain investments, but the principle which should guide it was that surpluses should be invested under the most favourable conditions from the point of view of the interests of the territory.

M. DUCHÊNE took note of the observations made, first to the effect that there should be retained in the Reserve Fund as large an amount of ready cash as possible; secondly, that excessive investment in funds not easily realisable should be avoided, that the money should be invested in something quickly saleable and that the safest form of investment should be chosen.

M. RAPPARD said that the Commission had made similar observations concerning other territories. It was quite natural that, when the mother country found itself in financial difficulty and when there were large surpluses available in a territory, an endeavour should be made to combine the two interests at the risk of not taking sufficient account of the interests of the territory.

He noted that token-money of the French Chamber of Commerce was still in circulation. Did it cover a large amount, or was this merely a survival of the old system?

M. DUCHÊNE replied that it was merely a survival of the former system; it was only because it had been impossible to get rid of this token-money that it was still there. It did not amount to a large sum and would disappear.

M. MERLIN pointed out that it was impossible to move in France without being in possession of token-money of the French Chambers of Commerce. Every coin of 50 centimes, or of 1 franc or 2 francs, in circulation in the country were guaranteed by the Chambers of Commerce, and the people were so accustomed to use these coins that it was no longer remembered that they were mere token-money.

M. RAPPARD would not press his point. He thought, however, that it would be in the interests of the territory to obtain some profit from the issue of currency.

The CHAIRMAN referred to a passage in the chapter on the Currency System (page 61), because he was personally mentioned in it. He did not wish to press the observations made at the end of the last paragraph of this chapter.

M. VAN REES doubted whether the observation in Chapter XV, Article 6, "Subsidies to Establishments of the Territory", was quite accurate. He thought this referred occasionally to expenses incurred abroad; for example, for the Economic Agency of the African Mandated Territories established in Paris.

He had thought that Article 6 contained all the subsidies supported by the budget. There were others, however, to be found in Chapter X, Article 9.

M. DUCHÊNE said that reference was made by M. Van Rees to Article 6, paragraph 10, "Subsidy to Cotoa", which was no longer given.

Lord LUGARD recalled that some years ago complaints had been made regarding the withdrawal from circulation of all currency except French currency. Was French currency alone used in the territory or was the currency of other nations allowed?

M. DUCHÊNE replied that foreign coins, especially the shilling, continued to circulate in the territory as long as it was impossible to do otherwise. He drew the Commission's attention to the paragraph in the chapter on the currency system which dealt with this question.

#### *Transport and Communications.*

M. MERLIN noted that there had been a slight falling-off in the railway traffic: 30,000 passengers and 2 million tons of goods (page 72). Was this falling-off due to the competition of the road transport services, as the Commission had had occasion to note in connection with another report discussed at the previous meeting?

M. DUCHÊNE replied in the negative.

M. MERLIN was glad to learn that mention was made of the construction of a lighthouse and wharf at Lomé. The coast in question needed landing facilities. The needs of Anecho were not less than those of Lomé. M. Merlin would be happy to learn of the construction of the railway in question, and drew the attention of the mandatory Power to this point.

#### *Agricultural Development.*

M. MERLIN, referring to page 81 of the report, noted that mention was made of subsidies to agriculture. He was unable to distinguish clearly between the agricultural stations and administrative plantations. A further point had engaged his attention. What was meant by the training of agricultural monitors at the station of Tové? What cultivation was carried out there? He was under the impression that experiments were being carried out in copra at Sokodé.

M. DUCHÊNE said that at Tové monitors for different products were being trained: cocoa, coffee, palm oil, cotton, food products. At Sokodé the coco-tree did not grow. Cotton was cultivated at the Agricultural Station at Nuatja.

M. MERLIN noted that a certain number of officials were in favour of the control of produce in order to achieve a certain degree of standardisation of production. This was an excellent step. He wished to know whether the persons concerned willingly agreed to it or whether there were objections. When the products reached European markets, was their reception better and did they profit from higher prices owing to this control?

M. DUCHÊNE replied that no opposition had been raised to the control mentioned by M. Merlin. This was one of the best branches of public service and possessed a comparatively large number of officials, including a controller and inspectors. Increasingly beneficial results might be expected.

M. MERLIN pointed out another useful attempt at improvement. He referred to the spread of agricultural education mentioned on page 82. The report did not state how the growth of the seed distributed to the natives was followed. It would be useful, in the next report, to describe not only the efforts made, but also the results. The work and money involved seemed to be wisely expended.

M. Merlin had been struck by the clear and detailed statement contained in this part of the report. He desired to congratulate the author as well as the Administration of the territory.

Lord LUGARD wished to know what was the number and extent of the private plantations in the hands of Europeans and of the administrative plantations mentioned on page 82.

M. DUCHÊNE was unable to supply the information asked for by Lord Lugard. He knew, however, that the proportion reserved by the Administration for its own plantations was very small. The only object was to improve production, and these plantations were merely used for experimental purposes.

Lord LUGARD asked whether there had been any difficulties in connection with labour on these plantations.

M. DUCHÊNE replied in the negative.

#### *Defence of the Territory.*

M. SAKENOBE noted that in Chapter II (page 26) the following sentence occurred: " . . . with a view to a better organisation of the police and of the defence of the territory in case of aggression ". This was merely a possible eventuality, he supposed, but he would like to know if there was any apprehension of such aggression.

M. DUCHÊNE said that there was no such apprehension. It would have been better to speak merely of internal security. The Annex contained details regarding the constitution of the police force.

The CHAIRMAN asked that the text of the Decree of August 9th, 1927, regarding the organisation of native reserve troops, should be communicated to the Commission next year.

M. DUCHÊNE agreed that this should be done.

#### *Representation of the Native Population on the Councils of the Territory.*

Lord LUGARD asked whether the natives who were members of the various councils only represented the educated section of the native population, or whether they were representative of the workers and peasantry.

M. DUCHÊNE replied that these representatives were notables, generally landowners. The Councils of Notables included, in fact, representatives of the country as well as of the towns.

Lord LUGARD explained that in West Africa the native members of the councils were generally drawn from a small educated class, and in most cases did not include the heads of the tribes in the interior.

M. DUCHÊNE replied that the class of natives forming the *élite* of the territory which the Administration was trying to establish, and to which he had already referred, would contain representatives of the native population belonging to the different classes. There was reason to suppose that these natives, when members of the local councils, would express varying points of view and thus neutralise the one-sided spirit which Lord Lugard feared.

#### *Freedom of Conscience.*

M. PALACIOS noted a marked increase in the Catholic element of the population, and a small decrease in the Protestant. Was there any particular reason for this?

M. DUCHÊNE said that entire freedom of conscience was allowed. He saw no reason for the fact mentioned by M. Palacios, except that conversions to Catholicism were perhaps more frequent than conversions to Protestantism.

#### *Education.*

Lord LUGARD noted that there were 3,600 pupils in the Government schools, but that it was not stated whether these were only boys, or boys and girls. Were girls given a special form of education?

M. DUCHÊNE referred to the chapter on the teaching of domestic economy (page 22). The schools were open to both girls and boys. Future reports would contain a separate account of both.

Lord LUGARD asked whether the accredited representative could give the proportion between the number of children of school age and the number of children actually attending the schools, both of the missions and of the Government.

M. DUCHÊNE replied that an endeavour would be made to make this calculation, at least approximately.

Dr. KASTL asked for the figures not only of the credit allotted to private education, but of the subsidies actually paid.

M. DUCHÊNE said that he had not the budget before him; the figures would be found in the final accounts.

TENTH MEETING

*Held on Monday, June 18th, 1928, at 10 a.m.*

Chairman: The Marquis THEODOLI.

Present: All the members of the Commission with the exception of M. Freire d'Andrade and M. Orts.

847. **Welcome to Mlle. Dannevig.**

The CHAIRMAN, in the name of the whole Commission, welcomed Mlle. Dannevig, whose universally recognised experience would be of great assistance to it. He was sure that Mlle. Dannevig would find that his colleagues would co-operate with her in every possible way in order to facilitate the task entrusted to her.

Mlle. DANNEVIG warmly thanked the Chairman.

848. **Togoland under French Mandate: Examination of the Annual Report for 1927**  
(continuation).

M. Duchêne, Counsellor of State, Director of Political Affairs in the French Ministry of the Colonies, accredited representative of the mandatory Power, came to the table of the Commission.

*Public Health.*

Dr. KASTL recalled that, at the last session, the Commission had referred to the fact that the health situation in the prisons was not very satisfactory, and had asked the various Governments to insert in their reports a short note about the health situation and the mortality in the prisons. He would be grateful if the next report could contain detailed information on the mortality in the various prisons in the territory. He did not intend to criticise the mandatory Power, but merely to ask that the Commission should be furnished, in regard to Togoland, with the same information as reached it in connection with the other mandated territories.

M. DUCHÊNE undertook to insert this information in the next report.

Dr. KASTL added that he wanted to draw the attention of the Commission to the fact that, in 1927, an epidemic of yellow fever and sleeping-sickness had broken out in Togoland. As M. Rappard had pointed out at the preceding meeting, the health situation in Africa as a whole had been steadily growing worse during the past few years. There was one case of yellow fever to 100 miles of coast in Togoland. Cases of leprosy were also slightly on the increase. The Commission would have to undertake an investigation, in the near future, of the health conditions in the African mandated territories as a whole.

M. DUCHÊNE agreed that a slight recrudescence of yellow fever had occurred during the previous year. This was a phenomenon which was not peculiar to French mandated territories alone, for it had been observed also in the Belgian and British mandated territories. The three Governments had agreed on the necessity of adopting certain common measures, and with this object the French Government had called a Conference in April 1928, which was to have been attended by representatives of most of the countries threatened, but unfortunately the representatives of the Belgian Congo had been unable to take part in it. A plan involving the adoption of general measures would probably be drawn up by the Health Committee of the League of Nations, to which the question had been referred.

No special recrudescence of leprosy had been noted. This disease had existed in Togoland for a long time and as the report stated, on page 36, a whole series of measures had been in operation for some time, the object of which was to limit the ravages of this disease and achieve its gradual disappearance.

M. RAPPARD said that the budget attached to the chapter on Public Health (page 56) contained estimates of revenue in Item 4 (subsidies) amounting to 2,950,000 francs, while the actual receipts were shown to be 1,800,000 francs. Did this sum represent a payment from the general budget to the public health budget? If so, it should, it seemed, be shown in the budget of general expenditure. Where was it?

Secondly, the Cameroons had granted a subsidy of more than 4,000,000 francs to the Committee instructed to study sleeping-sickness. Was a similar subsidy granted in the case of Togoland? Was this subsidy, which doubtless was destined for a work of general colonial interest, in proportion to the relative importance of the Cameroons?

M. DUCHÊNE replied that the subsidy from the local budget to the budget of the health service was included in Chapter XV, Item 5, paragraph 2, and in Chapter XX (Extraordinary expenditure).

Sleeping-sickness was not so urgent a problem in Togoland as it was in the Cameroons.

*Native Customary Law.*

Dr. KASTL noted that the question of collecting and codifying the native customary law in Togoland was being considered. This task was reasonable, but his experience in colonial administration had enabled him to observe that in this territory, as in the other colonial territories, so considerable a number of different practices existed that codification was, to say the least of it, inopportune and incapable of application to all the natives resident in the territory. The customary law established in this way could only be used as a guide and not as a code of law.

M. MERLIN agreed that it was dangerous to fix once and for all customs which were essentially changeable in nature and thus give the character of definite law to practices which were being constantly modified. It was obviously indispensable for the administrators to know the customary law of the district they governed, but they should avoid any attempt at codification. The continuous existence of law was assured mainly by legal practice, and it was subject to constant amendment by the promulgation of decrees. M. Merlin would therefore draw the attention of M. Duchêne and M. Bonnacarrère to the danger into which their legal tendencies might lead them. While the codification of customary law was justified in Annam, for an Annamite law existed, it would be dangerous to codify customs in writing, for they would become the binding law on all.

M. DUCHÊNE fully agreed. It was in accordance with this principle that the Government intended to apply certain schemes of the Administration for Togoland. These schemes were far more concerned with the collection of facts which it was indispensable to know than with the crystallisation of customs.

M. VAN REES emphasised the gravity of this question. He thought that the idea of M. Bonnacarrère was to note rather than to confirm the customary law of Togoland.

M. DUCHÊNE replied that M. Bonnacarrère might perhaps have gone further. He had, however, limited the scope of the work which he had undertaken. It was indispensable to possess a knowledge of the various customs and there was no question of crystallising them. M. Duchêne added that, as regards the local administration, custom was no more than a simple guide, as was proved by the local circular dated October 7th, 1926 (see *Togoland Official Journal*, October 15th, 1926, page 19).

M. VAN REES thought that it was impossible to lay too much stress on this question. Codification would be very dangerous, for the various customs differed not only from tribe to tribe but from one moment of time to the next. It was extremely difficult to ascertain the origin and meaning of customs. To do such a work thoroughly it would be necessary for specialists to undertake the study, lasting over a period of several years, of the native institutions and legal conceptions — of necessity very varied — resulting therefrom. This procedure had been adopted in the Dutch Indies for many years, without, moreover, any idea of codifying the rights and customs of the natives.

Lord LUGARD fully agreed. To codify this customary law would be a grave mistake. He noted with satisfaction that all that it was proposed to do was to collect useful information on this subject, especially as to the origin and fundamental motive which had given rise to any particular custom or law.

*Land Tenure.*

M. VAN REES recalled that, in virtue of a Decree dated August 24th, 1926, the natives could have put in writing their rights over some particular piece of land. The rights in question had not the same character as the property rights such as they existed in France. The native rights could be transferred to a non-native with the approval of the Commissioner of the Republic. In the case of such a transfer, the question arose whether the person acquiring the right had the power to register that right as a property right in the full sense of the term.

M. DUCHÊNE replied that this was a very delicate question. The property rights existing in Togoland did not correspond with the conception of European law. There was nothing to prevent a non-native purchaser from converting his position into one of full right of ownership by having recourse to the procedure of registration. This procedure compelled anyone opposed to the proposal to come forward. What amounted to a purging of claimants took place. If there was any opposition, the dispute was settled in the Courts. If there was no opposition, the right to hold the property became final and comprehensive.

M. VAN REES pointed out that it followed from M. Duchêne's reply that although, under the law, the right of the native was inferior to the European property rights, that right, if acquired by a European, became, by the fact of registration, a property right in the full sense of the term. As the native could only transfer his own property, it followed that, in reality, his right was not inferior to the European property right, in spite of the Decree mentioned above. M. Van Rees would like to know whether it was lawful for a native to register his right in the European land register.

M. DUCHÊNE replied in the affirmative. The two systems worked side by side. The same result might be achieved in two stages. A native acquired a provisional ownership over land and then perfected that ownership by means of the registration procedure.

M. VAN REES noted that this reply confirmed the deduction he had made.

*Ex-enemy Property.*

The CHAIRMAN reminded the Commission that at its seventh session it had recommended the Council to urge the mandatory Powers to furnish information on certain points concerning the present status, in the territories under their respective mandate, of property which had once been the private property of the nationals of ex-enemy States, and which had been liquidated by virtue of the Treaty of Versailles.

On December 9th, 1925, the Council had decided to submit this request to the mandatory Powers for their favourable consideration.

In the report submitted on this point by Lord Lugard during the twelfth session of the Commission (page 180) the Rapporteur had referred to the fact that, as regarded Togoland under French mandate, there were several questions to which a final reply did not yet appear to have been given.

These questions were as follow: Certain ex-enemy properties had been acquired by the local Government in the absence of any satisfactory private offer. Was the profit derived from these properties included in the receipts shown in the local budget? Was there any ex-enemy property other than land? What was the nature of that property, and how had it been disposed of? Had all the ex-enemy property now been sold? He asked the accredited representative if he could reply to these questions.

M. DUCHÊNE pointed out that the report gave a reply in the chapter on sequestered private property, in which it was stated that movable and immovable property having belonged to former German firms and sequestered had been entirely liquidated. The year 1927 had witnessed the purchase by the territory of important lands in the Agou, Bagina and Kpeme groups. This purchase was exercised in virtue of the Franco-German Agreements concluded on October 30th, 1926, and in virtue of the right conferred by the Decree of August 11th, 1920.

Numerous debts, amounting on December 31st, 1927, to 350,000 francs, remained to be collected.

M. RAPPARD asked how the right of purchase exercised by the territory could give rise to a debt in its favour.

M. DUCHÊNE replied that the right to purchase certain properties on the part of the territory must not be confused with the debts to be collected from the natives. There was no connection between these two questions. At the time of their departure, the German traders were both debtors and creditors *vis-à-vis* the natives. The official entrusted with the sequestration had been instructed to collect the credits due and to pay the debts. On the other hand, the territory, exercising the right to purchase an ex-enemy property, had paid the price in full to the Private Property Office and the question of debts to be collected on the occasion of these purchases had never arisen. On every occasion when the territory had not purchased, the possibility of submitting tenders had been open to everybody.

The CHAIRMAN asked of what the debts in question consisted. In general, when a purchase of land was effected, a deposit was paid, and possession was only complete when the entire purchase price had been paid. Anyone not paying that sum in full did not enter into possession and lost his deposit. Not only, however, was this not the case according to the report, but mention was even made of lawsuits. He wished to take this opportunity of laying stress on the utility of giving the replies of the mandatory Power to the observations of the Permanent Mandates Commission not in the body of the report but in a special chapter.

M. DUCHÊNE observed that, in certain cases, the total payment did not take place immediately.

He undertook to include a special chapter in the next report devoted entirely to replies to the questions put by the Permanent Mandates Commission.

M. VAN REES referred to the Decree ordering the purchase of the property situated in the Klouto District. This was a case of the exercise of the right to purchase.

M. DUCHÊNE had already pointed out that it was not always the territory which was the purchaser but that there were also private persons who submitted tenders.

M. RAPPARD would be glad to know what had happened to the ex-enemy properties, and who worked them at the moment. Had nationals of countries other than France, more particularly Germany, been allowed to acquire such property? Had any Germans returned to their former properties, as had been the case in Togoland under British mandate?

M. DUCHÊNE replied that German nationals were permitted to submit tenders since the commercial agreement concluded on October 30th, 1926, between Germany and France. In actual fact, he did not think that in Togo any German properties had yet been returned to their former German owners. He pointed out that details regarding purchases were included in Chapter XX (Extraordinary expenditure).

M. RAPPARD said that this question concerned the Commission only in so far as it influenced the welfare of the population of the territory.

The CHAIRMAN recalled that the Commission had to deal with this question which had been endorsed by the Council. The revenue accruing from these sales had been classed as "reparations", but these transactions should appear under budgetary expenses. He had not noticed in the budget a heading representing purchases of ex-enemy property.

M. DUCHÊNE said that the next report would give all the necessary details.

*Demographic Statistics.*

M. RAPPARD said that he might have refrained from making any observation, if the exactness of the statistics in question had equalled the amount of detail given. He felt, however, that he must speak on a question of method. This chapter gave most varied and minute details on the movement of the population in the most remote districts. If, as was stated in the report and as was quite natural, it had not been possible to undertake a demographic census, and it had been necessary to be content with approximations, it would seem to be impossible to give, as had been given, comparative tables of the population almost to a unit.

M. DUCHÊNE replied that this was information which was evidently not of absolute exactitude but which was none the less worthy of being presented to the Commission.

M. RAPPARD said that the expert statistician had done marvels, but that it could hardly be believed that it was possible to give such complete statistics, not only for births, deaths and marriages, but also for questions such as the rate of genital capacity or the rate of sterility. He asked that as much information should be given as the documentation allowed, but not more. In the present case he ventured to say that the information was really too complete.

M. DUCHÊNE said that he had thought that the development of this chapter on demographic information would attract the notice of the Mandates Commission.

This information was rather elastic and had been obtained from observations that had been made in each district, observations that were indispensable and normal, even if it were only for the purpose of estimating the fiscal capacity of the population.

The CHAIRMAN recalled that the Mandates Commission had placed its confidence in the mandatory Power. In order to retain this confidence it was necessary that it should believe that it was presented with information founded on fact. The very excess of this documentation, however, might give rise to some slight anxiety which might extend itself to the remainder of the report.

M. DUCHÊNE replied that this information was as sound as the circumstances permitted. In all the territories submitted to French authority, in Europe and outside of Europe, vast censuses had been undertaken, in which everyone had endeavoured, according to his means, to give as complete information as possible. The Administration presented its statistical tables with all the necessary reservations, but it believed that it was thus presenting a piece of sincere work which was as exact as the circumstances had permitted. Substantial and voluminous work had not been done for the sake of doing it, and the unusual bulk of this chapter was due to the exceptional circumstances constituted by this census.

**849. Cameroons under French Mandate : Examination of the Annual Report for 1927.**

The CHAIRMAN recalled that at the eleventh session M. Duchêne had said that Inspector-General Gubiand would return to France in the course of a few weeks and would present his report. This statement had been made on June 21st, 1927. Would it be possible to have a copy of this report ?

M. DUCHÊNE said that copies of this document would be sent to the Secretariat.

*Granting of Concessions.*

M. RAPPARD said that he had read in the French *Official Journal* of November 23rd, 1927, the account of a meeting of the Chamber in which a Deputy, M. Fontanier, had described in detail the abuses committed in French Equatorial Africa as a consequence of the excessive powers granted to the concessionaire companies. The Minister for the Colonies had recognised that certain of the abuses that had been pointed out to him could be attributed to the lack of control due to too small a staff. This situation, which was particular to French Equatorial Africa, did not concern the Mandates Commission. M. Rappard wished to ask whether the system of concessions in the Cameroons under French mandate was different from that to which attention had been drawn in the case of French Equatorial Africa and whether it had been possible to exercise in the mandated territory a more minute and efficient control.

M. DUCHÊNE replied that M. Fontanier had only expressed personal views which applied solely to French Equatorial Africa. At the basis of these criticisms was the system of the vast concessions that had been granted in 1899 and 1900. There were thirty-year-old concessions, the majority of which had disappeared, so that no more than six remained at present. The reproach had been made that these concessions had made it possible for companies to exploit the natives and to escape all control. There was nothing similar in existence in the Cameroons and M. Duchêne laid great stress on this point.

M. RAPPARD thanked M. Duchêne. This reply entirely satisfied him. Of course, he had only ventured to ask this question in view of the possibility that a situation similar to that which had been noticed in French Equatorial Africa might exist in the Cameroons.

*Frontier between the Cameroons under British and French Mandate*

The CHAIRMAN recalled that the annual report for 1926 on the Northern Provinces of Nigeria contained the following passages concerning the frontier between the British and French Cameroons :

“ The southern international frontier of Belue is not clearly defined. At present the French claim two villages. This question is at the moment the object of close study ” (page 8, paragraph 39).

“ Excellent relations have been maintained with the French. In May the Resident, accompanied by the official of the district of Dikwa, visited Marua, where an agreement confirming the international frontier was signed by him and by the Administrator of Marua ” (page 20, paragraph 18).

Would the accredited representative give additional information in order to explain or to complete these statements ?

M. DUCHÊNE replied that it was a case not of a modification but of an interpretation. The Commissioners of the two countries had traced the frontiers in such a way as to obviate the separation of any village from the ethnical group to which it belonged.

The CHAIRMAN asked whether all these questions of delimitation had been so settled as to satisfy the two parties.

M. DUCHÊNE replied in the affirmative.

*Composition and Duties of the Administrative Council.*

M. SAKENOBE noted that two native members had been appointed to the Administrative Council. According to what criterion had they been chosen ? Had their social position been considered, or did they represent certain interests ?

M. DUCHÊNE replied that only their personality had been considered. The composition of the Administrative Council appeared in the first chapter of the Decree (page 134).

In reply to a question by Lord Lugard, he said that the Council had no legislative power belonging to it by right. It was a consultative organisation, but consultation was obligatory, especially in the preparation of the budget. It was not obligatory for draft laws to be presented to it, except in the case of local finance. The attributes of the Council were stated in Article 10 (page 134).

After each consultation, the Minutes of the meeting of the Council were sent to Paris, where they formed part of the dossier.

*Public Finance.*

M. RAPPARD pointed out that the report on the financial year 1927 did not contain complete financial details, for when the document was being drawn up the results of the year 1927 had been known only in part.

There had often been occasion to render a tribute to the clearness of the French budgetary statements. He expressed the hope that the mandatory Power would always be worthy of this tribute. In the present case, it was difficult to obtain a general idea of the actual revenue and expenditure, which was all the more regrettable, since certain headings were of a kind that gave rise to legitimate curiosity ; thus, in the case of the financial year 1926, the estimate of the revenue had been 26 million, while the actual revenue had amounted to 54 million (page 35). In these circumstances, it seemed that the estimate had not been made with sufficient accuracy.

M. DUCHÊNE pointed out, in the first place, that advantage had been taken of this surplus to cover the additional credit in the actual course of the financial year. The disproportion pointed out by M. Rappard was due to the rapidity of the economic development.

M. RAPPARD asked that the mandatory Power should give a synoptic table of the revenue and expenditure planned and realised during several successive years.

M. DUCHÊNE replied that this table would be given.

The rapidity of the economic expansion had shown itself, in particular, by a great increase in the value of Customs receipts, as was shown by the comparative table, in which it was to be seen that the yield had amounted in 1924 to 10 million, in 1925 to 15 million, and in 1926 to 27 million. Consequently, of the 28 million difference between the revenue realised and the estimates, 12 million was due to the increase in the Customs receipts. It was true that the estimates of receipts were uncertain. The case could not be otherwise in a country which was evolving so rapidly, and in which the commercial yield underwent such marked variations.

M. RAPPARD said that he would not dwell on this point. He had full confidence in the mandatory Power, knowing, as he did, the traditional care with which budgets were prepared. He wished, however, to point out that such a considerable difference as that which existed between estimates amounting to 26 million and actual revenue amounting to 54 million bore witness to an excessive and regrettable financial pessimism.

M. DUCHÊNE said that mistakes might be made also from excess of prudence. The last three years had been taken as a basis. If suddenly there was a considerable surplus, it must be due to an event which it had not been possible to foresee.



M. RAPPARD observed that, taking the last three years as a basis, the estimates for 1927 should have been less than those of 1926, which would appear to be inadmissible in connection with a territory which was in process of full and rapid development.

M. MERLIN said that the three-year average was essential, and that Administrators would be called very severely to order if they did not observe it. He admitted, however, that it was too rigid, and, personally, he had been obliged on several occasions to amend it slightly. Nevertheless, he thought it might be taken as a basis, provided that it was not too strictly adhered to, taking into account factors in regard to which it was possible to exercise intelligence. If the detailed budgets which were received at the same time as the report were examined, a very exact idea could be formed of the position, as shown by the budgets of the last two years.

M. DUCHÊNE proposed to take the average of the Customs receipts during the last three years, which amounted to 17 million. As the year 1926 had been exceptionally favourable an estimate of Customs receipts amounting to 17,200,000 had been made for the period of 1927.

The actual income had amounted to 31 million. It was not possible to complain of this fact to the mandatory Power.

M. MERLIN thought that emphasis should, nevertheless, be laid on the necessity of not falling into error owing to excessive prudence. It was necessary to take the actual facts into account. To be punctual was not the same thing as arriving much too soon.

M. RAPPARD emphasised the disadvantage of employing a method of estimate which would result in errors, the more so as the Cameroons possessed a well-filled Reserve Fund. Moreover the Administration had taken careful account of the rapidity with which the territory was developing by increasing the rate of direct taxation.

M. DUCHÊNE observed that the Treasury had been able to devote between 1922 and 1928 total credits amounting to 75 million to carrying out important works of economic equipment—two railways, a port, the acquisition of naval material, the construction of dredging apparatus and 3,000 kilometers of roads, etc. It was thanks to the surplus that it had been possible to avoid issuing the loan of 25,000,000 francs which the French Government had authorised and guaranteed.

M. RAPPARD noted with some astonishment that the Councils of Notables, which had been asked to pronounce upon the increases in taxation, had not only decided in favour of the increases but had in certain cases taken the initiative in proposing them. These were model taxpayers. He did not wish to emphasise the matter unduly, but thought that the Mandates Commission would agree in wishing that the economic prosperity of the territory should be maintained, and that the Administration, while remaining faithful to its traditional prudence, would avoid undue taxation and would present budgets in which the final accounts did not belie too blatantly the estimates.

He pointed out that the tables comparing the percentage of estimated expenditure for 1928 and that for 1927 (page 39) must contain some error. The total of the first schedule gave 100 per cent, but the total of the second gave only 83 per cent.

M. DUCHÊNE said that there had been a mistake which would be put right. The establishment of the budget was particularly difficult in a country which was obliged to allow a considerable margin in its expenditure, and particularly to increase the salaries of its staff from year to year during a period in which preparations were being made for the stabilisation of the franc. Uniformity in the budgetary periods was almost impossible to realise. The Councils of Notables had adopted the attitude which had so much surprised M. Rappard, because they had noted that the use of the fiscal receipts was considerably increasing the prosperity of the country.

The CHAIRMAN noted that in the budget of expenditure and receipts for the Cameroons under French mandate for the period 1928, copies of which had been communicated to the Secretariat and to the members of the Commission, reference was made on page 136 to Item 5, "Subsidies" (3) and "Various Subsidies" (1). No detailed schedules corresponded to this reference. It would, nevertheless, be observed that page 137, on which the detailed schedule should have been given, appeared to have been suppressed.

It would be interesting to have this schedule, all the more so as the question of subsidies granted by the mandated territories, particularly those under French mandate, had been on several occasions discussed in the Commission.

Had the accredited representative any remarks to make on the fact that the above details had been suppressed in the copies sent to the Commission without a new schedule having been inserted?

M. DUCHÊNE replied that a budget had been approved in which analyses of these various subsidies had been given. The Commissioner of the Republic had asked the Government to be allowed himself to revise this distribution, as he had pointed out that various proposals had been put forward which he had not the power to control, and he had wondered whether all these subsidies would be useful. As the same situation had arisen in other colonies, a decision had been taken to create two Commissions with instructions to determine to what extent the various colonial budgets might, by means of subsidies, assist the scientific institutions and institutions of propaganda. It would have been possible either to leave in the report an inexact analysis of the subsidies, or to postpone the production of an exact schedule. As soon as the list was established, it would be communicated to the Mandates Commission.

M. RAPPARD wished to refer again to the subsidy of four million for the Sleeping-Sickness Commission and to express once more the hope that this subsidy, which was extremely generous and of undoubted general use, was not disproportionate to the importance of the territory.

M. DUCHÊNE said that this figure was in accordance with the views expressed by the Health Committee of the League of Nations, which showed a quite special interest in the campaign against sleeping-sickness. An endeavour had been made to assist the International Commission which had visited the Cameroons by making a serious budgetary effort.

## ELEVENTH MEETING

*Held on Monday, June 18th, 1928, at 4 p.m.*

Chairman : The Marquis THEODOLI.

Present : All the members of the Commission with the exception of M. Freire d'Andrade and M. Orts.

850. **Cameroons under French Mandate : Examination of the Annual Report for 1927** (continuation).

M. Duchêne, accredited representative of the mandatory Power came to the table of the Commission.

### *Northern and Central Railway.*

M. MERLIN asked what was the programme of the mandatory Power regarding the Northern and Central Railway. It seemed from the report that the plan of extending this railway had been abandoned.

M. DUCHÊNE replied that it had in fact been decided that the extension of this railway should be abandoned for the moment.

M. MERLIN said that he greatly regretted this decision.

### *Economic Equality*

#### *Exemption from Import Duties of Books written in French.*

The CHAIRMAN pointed out to the accredited representative that Article 2 of the Decree of September 14th, 1925, appearing on page 161 of the report for 1925, provided in particular for the exemption from import duties in the Cameroons of books written in French. It seemed that this exemption in favour of French books alone was contrary to the principle of economic equality.

M. DUCHÊNE recognised that the principle of economic equality might well be extended to books, and added that there would be no objection to suppressing this provision.

#### *Activities of the Economic Agency in Paris.*

The CHAIRMAN said that he had two questions to ask. For some years, an Economic Agency of the mandated territories, supported by the budget of the two African mandated territories, had been in existence in Paris.

1. Was the commercial propaganda of this Agency entirely restricted to France ?
2. Were the purchases made through this agency restricted to the French market, or were they made by means of tenders which were open also to foreign suppliers ?

M. DUCHÊNE replied that the propaganda of the Agency in question was universal and was not restricted to France. It sometimes edited small publications which were distributed in non-French as well as in French territory.

With regard to the tenders, which were decided, not by the Economic Agency referred to above, but by the General Colonial Agency, the only organ technically equipped for this purpose, these were open also to foreign suppliers.

M. MERLIN explained that there was nothing in common between the Economic Agency and the English Crown Agents. This Agency did not carry out transactions. Large purchases were all made through the Ministry for the Colonies. The Agency therefore consisted merely of administrative and propaganda offices.

The CHAIRMAN wondered if the Agency in question applied to foreigners when there were important works to be executed in the mandated territory, or whether it did not, on the contrary, refrain from informing foreigners of the undertaking of such works.

M. MERLIN pointed out that this question was related to that of economic equality, which was to be discussed at the next meeting.

M. DUCHÊNE replied that the Commissioners of the French Republic might well make use of the Agency in question as a means of approach to the organisations that might offer tenders for the execution of works. In any case, there was never any exclusion, in principle, of foreigners.

### *Pharmacies.*

Dr. KASTL noted that in the Decree regulating the pharmacies in the Cameroons, which appeared on pages 91 and 92 of the report for 1926, the following stipulation was to be found in the first article :

“ No one may engage in the profession of pharmacist, open a pharmaceutical laboratory, prepare, sell or issue any medicament in the Cameroons Territory under French mandate unless he has completed his twenty-fifth year and is in the possession of a pharmaceutical diploma delivered by the French Government after examination by the State Faculties or Schools ”.

Dr. Kastl said that he had read with care all the ordinances relating to economic equality, and that he had received the impression from these that the French Administration was endeavouring to apply this principle equitably in the Cameroons. It seemed that the Decree to which he had just alluded constituted an exception to this rule.

M. DUCHÊNE replied that, in the case of this Decree, the French Government had not looked at the matter from the commercial point of view, but from the point of view of the diploma. The object of the Government was to assure that persons acting as pharmacists should possess diplomas of which the French authorities were capable of judging. The same solution had been adopted in the case of the medical profession.

He added that in the French universities a system had been adopted according to which certain foreign and French degrees were considered as equivalent. This system enabled foreign students to acquire French diplomas more rapidly.

### *Native Courts.*

Lord LUGARD asked whether any attempt had been made to institute tribunals consisting solely of natives. In the case of offences and infringements of the law of minor importance, this kind of tribunal had been instituted in the British Cameroons, where the native courts dealt with matrimonial disputes, petty debts and small offences.

M. DUCHÊNE replied that there were no village tribunals in the Cameroons.

Lord LUGARD asked whether there was a Decree regulating this question. He knew of the Decree of 1924, but wished to know whether it had been modified.

M. DUCHÊNE replied that there was a more recent Decree, which had not appeared in the report, since it had been promulgated after the editing of the latter. He would be very pleased to forward the text to Lord Lugard.

Lord LUGARD thanked M. Duchêne ; he would be glad to see the Decree.

### *Organisation of Militia and Police.*

M. SAKENOBÉ noted that, according to the report, there were two kinds of police : the native guard and the militia. He asked whether these were two distinct police bodies with different functions. In particular, he asked whether one of these specialised in the maintenance of order, and the other in the defence of the territory.

M. DUCHÊNE replied that the native militia was charged with the defence of the territory while the native guard carried out, in particular, police duties.

M. SAKENOBÉ asked whether these police bodies received a different military training.

M. DUCHÊNE replied in the affirmative. If he remembered aright, the report on Togo, in which territory there was a similar organisation, gave information on this question, particularly on pages 114 and 115. The native militia was more thoroughly organised than the native police.

### *Issue of Licences to carry Arms.*

M. SAKENOBÉ thought that it was interesting to see that, according to the report (page 9), 485 licences to carry arms had been issued in 1927, while the figures for 1926 (see report for 1926, page 14) and 1925 (see report for 1925, page 6), were 929 and 1,170 respectively. Were there special circumstances explaining this very considerable decrease ?

M. DUCHÊNE replied that this decrease in the number of licences could not be explained by any special circumstance. A decrease had merely been noticed in the number of applications. Moreover, the figure 485, to which attention had been drawn, referred mostly to renewals. He thought that it might be concluded that all the inhabitants of the territory who wished for an authorisation to carry arms were now in the possession of this authorisation.

### *Construction of Model Villages.*

Lord LUGARD recalled that attention had been drawn in the previous years to the efforts of the administration to repeople unpopulated regions, by the creation of model villages on sites chosen by the Department of Agriculture. He asked whether measures of this kind had been taken in the Cameroons and what progress had been made, since he had not seen any mention of this matter in the report.

M. DUCHÊNE thought that these measures had been applied in the Cameroons. He could, at any rate, assure the Commission that the scheme had not been abandoned. He undertook to request that in the next report a description of the results should be inserted.

*Labour.*

Mr. GRIMSHAW thanked the mandatory Power for the very clear replies given to certain questions put by him at the previous session. He referred to the following sentence on page 8 of the report :

“ The Councils of Notables, far from protesting against labour on roads, tended rather to request the construction of roads, in some instances of questionable utility, without due reflection regarding the difficulties of the work. . . . The Administration has had to use the brake far more than the accelerator in this connection. . . . ”

Mr. Grimshaw hoped that the Commissioner of the French Republic would continue to use the brake in order that useless work should not be undertaken by these councils, who would use labour requisitioned for the purpose.

M. DUCHÊNE asked whether he was right in thinking that Mr. Grimshaw desired that the Administration should not continue to use native labour in order to develop the road system of the territory. At the moment, an important scheme was being carried out. It provided for the construction of a road making it possible to reach the frontier of French Equatorial Africa, where a similar road was under construction, the two portions being designed to join at the frontier.

Mr. GRIMSHAW, referring once more to page 8, said that he was unable to understand the mortality statistics in connection with the railway construction. He asked whether the percentage of 0.26, shown in the table on page 8, was the figure for the annual or monthly mortality. If it were annual, as was stated in the report, it was an extraordinarily low rate.

M. DUCHÊNE thought that the figure was a printer's error. In the rainy season the mortality was higher in the territory. For that reason the system of recording an average percentage per month and not per year was in operation.

Dr. KASTL concluded that the rate would be three per cent per annum.

Mr. GRIMSHAW noted that the total number of deaths was not given in the report. At the same time he criticised the method of calculating this figure, which did not appear to be that generally adopted in such cases. He noted that the basis of calculation appeared to be the total number of workers employed. But where there was a constantly changing body of workers, as in this case, it seemed to him more accurate to express the number of deaths as a percentage of the average number of workers in employment at any one time. Otherwise, the result might be absurd. For instance, if the whole body of workers was changed monthly, the present method of calculation would give a resultant mortality rate, which would be one-twelfth only of the rate shown by the usual method of calculation.

M. DUCHÊNE thought the observation of Mr. Grimshaw to be very sound. He would ask the Administration to take it into account in drawing up the next report.

Mr. GRIMSHAW asked whether any change had been made in the wages paid to requisitioned labourers. Figures given in previous reports, and by the High Commissioner when present at Geneva, seemed to him somewhat difficult to reconcile with each other. Moreover, he supposed that in the interval the change in the value of the franc would be reflected in wage rates. The present report omitted to refer to the matter. Was it the case that the wages paid were calculated according to the average wage in the locality in which the work was performed ?

M. DUCHÊNE replied that this was probably the case. This opinion was confirmed by the following sentence at the bottom of the second column on page 8 : “ The wage conditions, the length of service, food supply, health of workers, etc., were very similar to those prevalent in the main workshop of the Central Railway ”. The report of 1926 had given detailed information on the conditions applied to workers on that railway.

Mr. GRIMSHAW, referring to the reply on page 76 of the report, first column (c), concluded that the Administrators were forbidden to recruit labour for private persons. He asked that the text of the Decree on this matter should be forwarded to him.

M. DUCHÊNE replied that the labour system in the Cameroons was regulated by a Decree dated August 4th, 1922, completed by the Decree of July 9th, 1925. The latter had been completed by a circular issued in November 1925.

Mr. GRIMSHAW concluded that, since the work on the Central Railway had now been completed, no more labourers would be recruited for this purpose.

M. DUCHÊNE said that there had been a general disbanding as from January 1st, 1928.

Lord LUGARD noted that labourers for European planters were recruited by the native chiefs. Were these chiefs appointed by their fellow-tribesmen or by the Government ?

M. DUCHÊNE replied that the chiefs were appointed by the people. In most cases the Government had found them already in office.

Lord LUGARD asked in what conditions the recruiting of labour for European properties was carried out.

M. DUCHÊNE replied that the Administration did not deal with the recruiting of labour for private plantations. These labourers were recruited by direct contract concluded between the European planters and the natives.

Lord LUGARD asked whether any difficulties had been met with in recruiting labour for European enterprises.

M. DUCHÊNE replied that no difficulty had yet come to light. Although the total population was not very large, it was nevertheless sufficient.

#### *Education.*

Lord LUGARD asked whether officials of administrative rank and those belonging to the Department of Education were obliged to learn the language of the country. He wondered how the schoolmasters could be efficient teachers without knowing the language. He was under the impression that it was not compulsory for schoolmasters to know the native language.

M. DUCHÊNE replied that the schoolmasters were not compelled to learn the native language, but that circumstances in actual fact obliged them to acquire the rudiments of the local vocabulary. They were not required to pass any examination in the native language.

Lord LUGARD, referring to the tables on pages 12 and 14 of the report, noted that there were about 5,000 pupils in the Government schools and 6,000 in the mission schools. In view of the figure of the total population, he thought that these numbers showed a very fair percentage. What kind of instruction did school-children receive ?

M. DUCHÊNE replied that, if the unrecognised schools were taken into account, the number of pupils attending mission schools would be appreciably higher than the number of pupils in the Government schools. Many of the unrecognised schools were merely catechism classes. If, on the other hand, only recognised schools were taken into account, the number of pupils attending the official schools was somewhat higher than the number attending the mission schools. This was stated on page 16 of the report, the figure being 6,018 in the case of the official schools. Schools where trades were taught were included in these estimates.

Lord LUGARD asked that, in the next report, the mandatory Power should give more definite information on the various classes and grades of pupils. He also asked whether the Administration had contemplated introducing into the schools lessons on the aims of the League of Nations in general, and on the organisation of the mandates system in particular.

M. DUCHÊNE replied that it might well be that in the higher classes lessons on the aims of the League of Nations were given. He did not think that this subject had been introduced in the other classes.

Dr. KASTL noted, on page 14 of the report, that the number of pupils attending private schools was very considerable. The subsidies granted to these schools were not large if they were compared with the number of pupils. There were thirty-one non-governmental schools attended by about 5,000 pupils, including girls. The subsidies granted to them, however, amounted only to about 40,000 French francs, which was a very inconsiderable amount.

M. DUCHÊNE replied that this sum was merely a grant-in-aid. The mission schools were supported by the resources of the missions themselves. The subsidies would undoubtedly be increased if it were thought necessary to do so. Some of the missions lived very easily on their own resources, especially the American Mission.

The CHAIRMAN thought that, in view of the considerable financial surplus possessed by the Cameroons, it would be possible to encourage the missions.

M. DUCHÊNE understood that the Commission was expressing a recommendation to this effect, which it wished him to forward to the Government of the Mandatory Power.

M. SAKENOBE wished to make a general observation on the question of education. He laid stress upon the importance of primary education in the territories under mandates B and C, and, with a view to ascertaining the precise state of primary education in these territories, he suggested that the Mandates Commission should request all mandatory Powers to give in their annual reports statistics regarding the number of children under school-age and the average percentage of school attendance as well as the number of pupils. Statistics regarding the number of illiterates would, he observed, also be useful.

M. DUCHÊNE said that the French Administration would do all that was possible to comply with this request. Information of this kind would be approximate for a long time to come, as was the case with any information of a demographic kind.

M. RAPPARD regretted that the totals given on page 14 did not give more clear information, for they were not explained anywhere in the text of the report. He would especially refer, in

connection with the two last columns concerning primary certificates, to the very small number of successful candidates in comparison with the numbers who had sat for the examination. This lack of proportion seemed to show the small success achieved by education in the country.

M. DUCHÊNE replied that he had already stated, in connection with the discussion of the report on Togoland, that the missions were experiencing a certain amount of difficulty in obtaining the necessary schoolmasters. The result of this might be that education suffered. It was impossible to make a strict comparison between the results obtained from education in countries possessing a long-standing civilisation and the results achieved among these populations, whose degree of civilisation was still not very high.

M. RAPPARD noted, however, that the American Mission had a large personnel. The success it had obtained was small, since only 10 per cent of the very rare candidates who had presented themselves for the certificate of study had been accepted.

M. MERLIN observed that the programme of the missions was primarily a programme of religious instruction and the twenty-two teachers of the American Mission had probably been chiefly concerned in this religious instruction. A very obvious crisis had been noted in the recruitment of teachers for the Catholic Missions. Again, the American Mission gave its instruction in English, whereas the certificate of studies had to be passed in French. The great difficulty which had arisen in recruiting the teaching staff of the Catholic missions was sufficient to explain the modest success obtained by the French teaching establishments.

M. RAPPARD expressed the view that it would be a good thing to indicate that the Commission would be pleased to see progress made in the direction which he had indicated.

M. DUCHÊNE said he did not entirely share the opinion of M. Rappard. He thought that the results obtained were most interesting, considering how complex was instruction given to young natives, including, as it did, the rudiments of apprenticeship, instruction in agriculture, etc. He added that the Administration always showed itself very disposed to encourage the missions in their task of instruction.

The CHAIRMAN understood that the missions did not ask for any subsidy, but they could, no doubt, be encouraged were greater generosity shown.

M. RAPPARD ventured to insist again that in the next report the different tables should be accompanied by an explanation.

#### *Spirits.*

Lord LUGARD said that certain substances, such as vinegar, lemon juice and mineral waters were included in the tables of alcoholic beverages given on pages 10 and 11 of the report. These might well be omitted, since they confused the total of imported spirits.

M. DUCHÊNE replied that the table on page 11 gave an estimate in litres of the drink imported.

Lord LUGARD pointed out that the figures relating to gin and rum were low, particularly for gin, but there was no table of comparison with former years. It was not of interest to know whether the spirits were in bottles or casks.

M. DUCHÊNE replied that the figures were presented in accordance with Customs nomenclature, and that, in order to have an idea of the whole position, it was necessary to add figures given under the names of "spirits", "bottled brandies" up to "liqueurs".

Lord LUGARD said he thought it very desirable that the manner of presenting the figures for the Mandates Commission should be on a uniform basis for comparison with other territories.

He added that he would like to raise again, in connection with the Cameroons, the question he had put with regard to Togo relating to the equalisation in the future of duties between neighbouring territories.

M. DUCHÊNE explained that the problem was less serious in the Cameroons than in Togoland. In the Cameroons, a decrease in the consumption of liquor had been noted, and it would be seen further on in the report that the duties on spirits had been raised. At the present time, a special authorisation was necessary for the purchase of spirits. A strict supervision of the traffic was not so imperative in the Cameroons as in Togoland.

M. RAPPARD noted that an extremely interesting new scheme was now being put into effect in the countries under French mandate. This consisted in an attempt to ration the consumption of spirits. The system of rationing seemed to give better results than those obtained by a mere increase in the duty on spirits.

M. DUCHÊNE replied that, as he had pointed out in the discussion regarding Togoland, an increased duty on spirits was not the only method contemplated by the Administration of the territory, and that other methods had also been tried.

M. VAN REES asked whether rationing would be possible in Togoland.

M. DUCHÊNE replied that Togoland was an enclosed territory, and that, in order to obtain good results by rationing, it would be necessary to apply a similar system in the neighbouring

countries. The territory of the Cameroons, on the other hand, was more independent geographically, and there was less to be feared from smuggling than in Togoland.

Lord LUGARD recalled that it had been stated that very little smuggling of liquor took place on the territory, although the English tax on spirits was much higher than the French tax.

M. DUCHÊNE replied that there was only a very little smuggling in French territory, though there might well be very active smuggling in the neighbouring countries. However, as the French duties were the lowest, attempts to smuggle liquor would naturally be made from French territory.

Lord LUGARD asked the mandatory Power to give, in its next report, a table of the imports in previous years, and the Customs duties levied on these imports, so that a comparison might be made.

M. DUCHÊNE replied that it would be perfectly possible to draw up such a table. He would ask the Administration of Togoland and of the Cameroons to draw up a table of the imports of spirits, and the duties levied upon them in recent years as requested by Lord Lugard.

M. VAN REES expressed the view that the French Government should be congratulated on its attempt to ration the consumption of alcohol in the territory. He added that this attempt might be noted in the report to the Council until more detailed results were available.

M. DUCHÊNE explained that the result already obtained were very interesting.

Lord LUGARD asked whether rationing was the only means employed or whether the system of licensing was also in force.

M. DUCHÊNE replied that this system was also in force. The authorised imports for the year had been fixed at 700 hectolitres of pure alcohol. By making sales subject to certain formalities, however, this figure had not been reached.

M. MERLIN noted, on page II of the report, that commercial houses on the territory had not used the full allowance of spirit granted to them.

M. CATASTINI drew the attention of the members of the Commission to the memorandum prepared by the Secretariat and dated May 31st, 1921 (document C.P.M. 723). This memorandum dealt with the question of traffic in spirits in mandated territories.

M. PALACIOS said that, at a meeting of the Togo-Cameroons section of the "Union coloniale française", a letter had been read from the Director of the Economic Agency of the African mandated territories regarding the traffic in alcoholic liquors in the Cameroons. This letter referred to wines and alcoholic drinks delivered "as wages", and M. Enjalbert, commenting on this letter, had mentioned the "free distribution of wine to workmen". It was rather difficult to understand exactly in what this practice consisted. If it still existed, would the accredited representative be able to give certain information thereon?

M. DUCHÊNE replied that he had no special information on this question. The "Union coloniale française" was an association of commercial firms, and, as no abuse had been noted, it had been felt wise not to intervene in the association's activities. It appeared that the question raised by M. Palacios arose from a complaint formulated by persons who feared the possible abuse from these practices. He did not doubt that the Administration would do its best to support the views of the people to whom M. Palacios referred, if those fears were justified.

#### *Public Health*

Dr. KASTL noted that, on page 23 of the report, mention had been made of the valuable assistance rendered by the various religious missions, in connection with the sanitary work in the territory, and observed that the Administration had been glad to recognise the assistance given by certain members of these missions, which had been given a grant. He would be glad to know the exact amount of the moneys given under this heading.

M. DUCHÊNE replied that he had not the exact figure at hand, but he would take steps to inform Dr. Kastl.

Dr. KASTL asked whether the Administration of the territory was satisfied with the system allowing missions to give medical attendance.

M. DUCHÊNE replied that any form of medical attendance was welcome in these distant countries.

Dr. KASTL, referring to the figures of the budget of the Health Service, noted that in 1925 the estimates amounted to 3,122,000 francs, and expenses to 2,047,000 francs; in 1926 the estimates were 4,712,000 francs, and expenditure only 3,107,000 francs. He asked whether the difference between these figures arose from the lack of medical personnel, and whether means had been found to meet this dearth of qualified doctors.

M. DUCHÊNE replied that the number of the personnel of the Health Service was not yet as high as might have been wished.

The staff of doctors was now sufficient and the service was to a great degree assured, as might be realised by a reference to page 23 of the report, where it was stated that between January 1st and December 31st, 1927, the number of doctors had increased from 17 to 19, to which figure should be added the 11 doctors of the Permanent Sleeping-Sickness Mission, a disease which the Colonial Administration was strongly combating. Thus in 1927 there were—including the doctors employed in connection with railway construction—44 doctors in the Public Health Service of the Cameroons, a staff that had never previously been attained. All these doctors were on the budget.

*Land Tenure: Concessions: Ex-enemy Property.*

M. VAN REES noted that reference was made in the *Official Journal* of the French Republic of October 22nd, 1927, to a Decree for the reorganisation of the Commission on State domain and colonial concessions. What exactly were the functions of this Commission and did its activities extend to the territories under mandate?

M. DUCHÊNE replied that it was a Consultative Commission, the seat of which was at Paris, and that it only made decisions on concessions of a certain size. When a concession was considered to be very important, it had to be ratified by the Central Government.

M. VAN REES wished to refer again to the question that had been asked in the previous year by M. Orts concerning the concessions of the Colonisation Company for the French Congo, and of the French company of the Ouamé (see page 34 of the Minutes of the eleventh Session). M. Orts had pointed out that:

“ Under the terms of the Conventions published in the *Official Bulletin* of the French Colonial Office, these two companies had received full proprietary rights over certain land in the Cameroons, as compensation for renouncing concessions in the French Congo. The Convention did not state whether the land in question was part of the territory of the Cameroons under mandate or part of the territory which had been reincorporated in Equatorial Africa. ”

M. Van Rees recalled that M. Duchêne had undertaken to obtain definite information on this point. On page 21 of the report there was to be found a reply of the mandatory Power, which appeared rather vague. M. Van Rees had before him the text of the 1924 Convention between the French Government and the companies in question. In view of the fact that the question had been settled, he wondered how it could be said on page 21 of the report that “ the question was now being examined by the Colonial Department ”. Further, M. Van Rees drew attention to the fact that an exchange had been made between the land that these companies possessed in French Congo and the land in the mandated territory which they had been given gratuitously and with full proprietary rights. It seemed to him that it was the gratuitous character of these latter concessions which was of interest to the Mandates Commission.

M. DUCHÊNE remembered quite clearly the question that M. Orts had asked at the eleventh session. The point at issue had been whether the French Government, in order to retract concessions granted to certain companies in French Equatorial Africa, might in compensation grant to these companies a concession of territory under mandate. Since then, the French Administration had reopened negotiations with the companies in question, and had proposed to retransfer their concessions in Equatorial Africa, unless they preferred to receive corresponding concessions in the Cameroons, subject to the requirements of common law. A time-limit had been granted to the two companies for their decision, and this time-limit had not yet expired.

M. VAN REES understood that the attribution of a concession in the Cameroons would imply the payment of the regulation dues, since gratuitous concessions were contrary to the existing legislation.

M. DUCHÊNE replied that there could be no doubt on this point.

M. VAN REES concluded that the 1924 Convention with the two companies in question had not been given effect.

M. DUCHÊNE replied that the application of this Convention had been suspended.

M. VAN REES noted on page 77 of the report that the Decree of 1920 and the Ordinance of 1921 relating to land tenure were still in force in the Cameroons. He concluded from this that the same solution had not been reached in the Cameroons as in Togo. Did the mandatory Power intend to modify this legislation, which was not in accordance with a decision taken by the Council of the League on June 9th, 1926?

M. DUCHÊNE replied that the Administration of the territory had no objection to this modification, but that it involved certain difficulties that would have to be solved. He took note, however, of the desire of the Commission that the reform of the present system should proceed more quickly.

Lord LUGARD asked whether there were any concessions in the Cameroons besides the ex-enemy concessions.

M. DUCHÊNE replied that there were very few concessions in the Cameroons, especially concessions of any size.



The CHAIRMAN wished to repeat here the request he had made in connection with Togo. The Commission would like more complete information on ex-enemy property to be inserted in the report.

M. DUCHÊNE pointed out that, on page 21 of the report, a reply was to be found to the questions asked by M. Orts regarding the two companies mentioned above and regarding another German company. He would notify the Government of the territory that the Commission desired to have more definite information on this point.

The CHAIRMAN took note of M. Duchêne's promise.

*Demographic Statistics.*

M. RAPPARD noted that the demographic statistics on page 42 were not sensational. He drew attention, however, to the following statement which he thought particularly interesting :

“ One fact is certain : the districts in which the birth rate is highest are those which have remained almost entirely polygamous. The district in which the birth rate is lower is one which contains a very large proportion of monogamists. . . . Accordingly, one cannot but ask whether the condemnation of polygamy is legitimate, and wonder whether there is no appeal against this doctrinal and dogmatic condemnation.”

M. Rappard recalled that it had been previously stated that polygamy favoured rich old men to the detriment of young men of small fortune. The above statement seemed to be contrary to the previous observations, and this fact was worthy of note.

M. DUCHÊNE thought that too exact conclusions should not be drawn from observations of this kind. This was a case of a mere approximation, as in Togo. Moreover, the approximation of 10 to 15 per cent by the author of this statement gave ground for prudence in this respect.

M. RAPPARD replied that it was precisely this prudence which lent interest to the very clear statement that he had just quoted.

*Close of the Hearing.*

The CHAIRMAN thanked the accredited representative for his collaboration with the Commission and begged to recall that, up to the present, France had not given replies to the observations of the Commission, in a special document, but had confined itself to inserting in the report statements that might be interpreted as replies.

M. DUCHÊNE said that he would bear in mind the observations of the Commission and would transmit them to his Government.

(M. Duchêne withdrew.)

**851. Petition dated August 9th, 1926, from the “ Bund der Deutsch Togoländer ” (Document C. P. M. 724).**

M. VAN REES, Rapporteur, said that he had no question to ask the accredited representative in connection with this petition. He concluded, as was stated in his report (Annex 5 D), that there was no foundation for the complaints formulated in the petition.

*The Commission concurred.*

**852. Compilation of a Bibliography of Books and Articles on Mandates.**

M. CATASTINI said that during the last years bibliographic lists concerning mandates had been prepared by the Mandates Section, with the assistance of the Library of the Secretariat. The Library which would, as the Commission knew, soon be greatly developed, attached much importance to the compilation of these bibliographies, and would in the future undertake their preparation so that the lists would certainly be presented in a more scientific and more perfect form than hitherto.

The Library wished, however, to work in full agreement with the Mandates Commission, and for this reason had prepared a general plan of the bibliography concerning mandates, which would be distributed to the Commission. It was in accordance with this plan that the last list, which had been communicated to the Commission, relating to the works received during the last six months of 1927, had been drawn up. The Librarian would be grateful if the members of the Mandates Commission would inform him through the Secretariat, if occasion should arise, of any observations they might have to make in connection with this plan.

M. Catastini had been informed, on the other hand, that, if the budgetary situation permitted, the Library would be ready to compile and arrange for the printing of a general bibliography on mandates questions, relating to the works received between 1920 and 1927, which would therefore form the revised text of the lists previously distributed.

M. PALACIOS expressed the desire that the bibliographical list on mandates should be published, for it could not but be of great interest to those who were interested in this new institution, which was one of the most important attached to the League of Nations. He

thanked the Secretariat for already having taken action regarding the classification and possible publication of this list. He would be glad to see included among the general headings works regarding anthropological sociology, social psychology, the comparative study of customs and religions, etc.

## TWELFTH MEETING

*Held on Tuesday, June 19th, 1928, at 4 p.m.*

Chairmen : M. VAN REES, then the Marquis THEODOLI.

Present : All the members of the Commission with the exception M. Freire d'Andrade, M. Orts and M. Rappard.

853. **Western Samoa : Letter from Mr. Roberts, dated June 16th, 1928, regarding the Petitions of Mr. Nelson.**

**Syria and the Lebanon : Letter from the Emir Chekib Arslan, dated June 4th, 1928, to the President of the Council of the League of Nations.**

M. CATASTINI asked the Commission to decide how it would deal with the letters received from Mr. Roberts and the Emir Chekib Arslan. If the normal procedure applicable to petitions were followed, these letters ought to be communicated to the mandatory Power, whose reply might not arrive for six months. On the other hand, the mandatory Power might take umbrage if these letters were merely treated as pieces of information. He suggested that a copy of the two documents should be communicated to the accredited representatives of the Powers concerned, and that the Commission should ask them whether they were ready to make any reply on the subject of these letters. M. Catastini did not think that they contained any new facts necessitating prolonged enquiries.

M. MERLIN pointed out that the letter from Mr. Roberts, the lawyer employed by Mr. Nelson, was a mere commentary on the interrogation by the Commission of Sir James Parr at its twelfth session and was not a true petition. It could be communicated to Sir James Parr and to General Richardson in order that the matter might be settled.

As far as the letter from the Emir Chekib Arslan was concerned, it could be communicated to the accredited representative, who could be asked if he had any objection to referring to this letter during the discussion of the report on Syria, or whether he preferred that it should be sent to the mandatory Power. The Commission would comply with the wishes of M. de Caix in this respect.

Lord LUGARD entirely agreed with the last suggestion of M. Merlin concerning the letter from Mr. Roberts. It would be preferable to settle this matter immediately rather than to re-open it a year hence. If the High Commissioner and the accredited representative had no objection, this would be the best solution to adopt.

Dr. KASTL agreed with M. Merlin. The document in question was not a petition, but a reply from the lawyer employed by Mr. Nelson to the observations made by Sir James Parr during the last session on the personal character of Mr. Nelson.

M. PALACIOS and M. SAKENOBE agreed with the observations of M. Merlin and Lord Lugard.

*The above suggestions were adopted.*

854. **Liquor Traffic : Various Questions.**

M. CATASTINI said that the two documents drawn up by the Secretariat at the request of the Commission<sup>1</sup> (documents C.P.M. 711 and 723) contained : (1) a summary of the work of the organs of the League on the question of the liquor traffic ; (2) a comparative table of the consumption of liquor in mandated territories and in the neighbouring territories, in so far as statistics were available, in order to show the annual movement of the consumption of alcoholic liquor from the time when the mandates system had been introduced, as well as the Customs duties or other taxes imposed on the trade in alcohol. The Commission was in a position to note that information was lacking with regard to the consumption of liquor in neighbouring territories. On this point, the Secretariat was unable to present any clear and complete information. Further, as uniformity did not yet exist in regard to the terminology used, it was obvious that, generally speaking, the tables were neither complete nor uniform.

The ACTING CHAIRMAN thought that his colleagues would have been struck, not only by the importance of the memoranda submitted by the Secretariat but also by the success of the Secretariat in drawing up such complete documents, on which it deserved to be congratulated. The Commission would remember that the Council, as a result of the resolution adopted by the Assembly at its eighth ordinary session, had expressed the hope that the Commission would continue to deal in detail with the question of the liquor traffic. If for no other reason than from deference to the Council, some action should be taken on the documents prepared by the Secretariat, and the Commission should not content itself with merely printing them as an annex to the Minutes.

<sup>1</sup> See Minutes of the twelfth session, pages 130 and 193.

The Acting Chairman proposed that certain observations should be added to these documents, in order to make it clear, both for the Council and for the general public, that the Commission felt the greatest interest in the question of the liquor traffic. That would be fairly easy to do with the help of the Secretariat.

The work would consist in drafting a note which would either be inserted in the report to the Council in reply to its request, or else added to the report as an annex. The reply would contain a very concise description of the activities of the Commission in this field, based on the first note prepared by the Secretariat. The Commission would then point out that, as a result of the request of the Council, it had collected statistics and information of a legislative kind. Finally, these statistics, which the Commission would have to complete, would now make it possible to reply to the following questions :

(a) In what territories B and C, or in what portions of those territories, is the traffic in alcohol completely prohibited ?

(b) In what territories, etc., has the importation, sale, etc., of certain spirituous liquors been prohibited ?

(c) In what countries or parts of them is their import subject to a previous authorisation ?

(d) In what countries under B and C mandates or parts of them is the supplying of alcoholic liquors to the natives forbidden ?

(e) In what countries or parts of them is the native manufacture of alcoholic beverages prohibited or totally unknown ?

(f) In what countries or parts of them is the manufacture of such beverages subject to a special authorisation ?

(g) In what countries or parts of them has the import of such beverages considerably increased during recent years ?

(h) What are the causes of this increase according to the information of the mandatory Powers ?

The Commission would thus be able to submit to the Council and to the Assembly—particularly to Dr. Nansen—and to the general public, a proof of its activities and the results it had already achieved. It was undeniably true that the Commission had always done its best in this field, and that, thanks, in particular, to the efforts of Lord Lugard, it had induced the mandatory Powers to suppress the liquor traffic in so far as it was possible to do so.

The Acting Chairman would add that the document drawn up by the Secretariat had given him information which he had not possessed. For example, even though it was known that complete prohibition existed in Samoa, it was not known that it existed also in part of the territories under B mandate—to wit, the northern part of British Togoland. It was interesting to emphasise such facts.

Lord LUGARD pointed out that this prohibition was a consequence of the Brussels Act.

The Acting CHAIRMAN thought that that Act did not cover all alcoholic liquor, but only trade spirits.

Lord LUGARD replied that all spirits were covered. By the terms of that Act, no spirits could be imported into territories where no liquor traffic had existed at the date of the signature of that Act.

The ACTING CHAIRMAN observed that the Brussels Act had been followed by the Convention of St. Germain of September 10th, 1919. The whole situation, as regards the liquor traffic, was, he thought, governed by that Convention, which did not provide for complete prohibition, except in the case of trade spirits. As regards other spirituous liquors, only a severe control was imposed. If a mandatory Power had adopted measures preventing the trade in all spirituous liquors in certain territories, those measures did not seem to be required by the Convention of St. Germain. Moreover, no mention had been made up to the present of the existence of complete prohibition in any other part of the territories under B mandate with the exception of that part of British Togoland to which reference had been made. However that might be, Lord Lugard's observation did not invalidate or change in any degree the proposal previously made by the Acting Chairman. He added that it was the Convention of St. Germain which had inspired the provisions concerning the liquor traffic in countries under B mandate.

Lord LUGARD replied that the Brussels Act had established zones, in which prohibition existed, in all territories where the liquor traffic had not been in existence at the moment of the signature of the Act. The Convention of St. Germain had not made any change in this. The question of prohibition of trade spirits was quite separate. It had been decreed by the Convention of St. Germain, but did not affect the prohibited zones, since there was no import into them.

M. MERLIN pointed out that this discussion had no bearing on the point with which the Commission was now dealing.

The ACTING CHAIRMAN agreed. However, even if Lord Lugard's information were exact, and if liquor was entirely forbidden in certain parts of territories under B mandate, it appeared that, according to the document prepared by the Secretariat, the mandatory Powers themselves had not, for the most part, acted in conformity with this restriction.

Lord LUGARD explained that he had intended to ask M. Duchêne for details as to the zone where liquor was prohibited in territories under French mandate and recalled that a map had been attached to a memorandum previously submitted by him. He reminded the Commission that the areas in question affected not only mandated territories, but all territory in Africa. The prohibition zone had been strictly enforced in British mandated territories—both Togo and the Cameroons.

M. MERLIN read the passage of the Brussels Act to which reference had been made.

Returning to the proposals of the Acting Chairman, which he considered helpful, he added that the Secretariat report undoubtedly contained a great deal of interesting information, but that it was rather difficult to find, owing to the size of the document. He wondered whether the Secretariat could not prepare a *résumé*, bringing out certain of the facts, and correcting certain mistakes. It was necessary, for example, to establish a distinction between wines and *drinks* and raw spirits. In countries where the prohibition of spirits had become more strict, the consumption of wine and beer, which were not detrimental to health, was on the increase. This was an interesting fact, and M. Merlin therefore proposed an extension of the work entrusted to the Secretariat, so that the latter might furnish to the Commission a memorandum, expressing definite views which would be something more than a list of questions and their answers.

Lord LUGARD said that his regret at having been unable to attend the last session had been somewhat lessened when he heard that the duties of Rapporteur had been entrusted to M. Freire d'Andrade, who had performed them admirably.

M. Freire d'Andrade's memorandum, which appeared on page 190 of the Minutes of the twelfth Session, was an excellent analysis of the question, and Lord Lugard found himself entirely in agreement with his colleague. The memorandum contained, in the first place (page 193) a proposal that a committee should prepare a draft resolution for submission to the Council regarding the best method of attaining uniformity in the classification of measures of volume, and those employed in calculating the alcoholic content of alcoholic liquors, according to the terms of paragraph 6 (c) of the memorandum. He regretted that M. Freire d'Andrade was not taking part in the work of the present session, for his presence would have been indispensable if such a committee were to be appointed. If the Commission would give its approval to the suggestion, Lord Lugard proposed that the draft resolution to be prepared should be sent to M. Freire d'Andrade before being submitted to the Council. If it were so desired, the terms of the draft resolution might be widened to include certain of the points which the Vice-Chairman had raised.

M. Freire d'Andrade's report then referred to Dr. Nansen's request that the Mandates Commission should express an opinion on the causes of the increase in the liquor traffic, and the methods which it would be desirable to adopt in order to improve the situation. Lord Lugard ventured to insist on the value of this request, and hoped that M. Freire d'Andrade would be consulted.

In the third place, the Commission was asked to prepare a memorandum along certain given lines. The Secretariat had performed this task and, as the Acting-Chairman had said, the result was a most valuable document, which had necessitated a great deal of work. This report also showed that in certain cases, *e.g.*, in Ruanda-Urundi, the statistics submitted were valueless. For purposes of comparison, it was essential to know the alcoholic content of the spirits imported and also to know whether this was calculated by volume or by weight, so as to obtain a uniform basis for calculation. Lord Lugard would be very glad to examine these points with the Secretariat, with a view to finding out where its documentation was lacking, whether there was a real increase and, if so, what was the consumption in relation to the population of the area in which spirits were not prohibited, and what were the duties imposed by the various Powers. These were the principal points, but there were also others of secondary importance.

Mr. GRIMSHAW supported the observations of M. Merlin. He added that, as soon as the documentation was completed, it would be well to add, in a short preface, a *résumé* of the existing international agreements, such as the Brussels Act and the Convention of St. Germain, and a statement as to their present-day value. He recalled, for instance, that the Convention of St. Germain had been ratified by five Powers only.

M. CATASTINI wished to reply to the questions asked by the Acting Chairman. In the first place, he would emphasise the fact that, in its report, the Secretariat had already summarised the activity of the Commission in the study of the liquor question. It would be extremely difficult to summarise this *résumé* further. A more abridged document might be clearer for the members of the Mandates Commission, who had given special study to the question, but it would not be clear to the outside reader.

The Acting Chairman had further suggested that the Secretariat draw certain conclusions from the information it had received. M. Catastini had, however, already indicated that this second part of the report prepared by the Secretariat was far from perfect, as Lord Lugard had observed, and that its failings concerned the sources from which information had been obtained. It was therefore very doubtful whether it was not, to say the least, premature to draw conclusions from information which was obviously incomplete. He would suggest that the Commission wait until the report had been completed as far as possible, particularly if the Acting Chairman's suggestion to report to the Council were to be carried out. M. Catastini understood that M. Merlin desired that the Secretariat should prepare a report for the Commission itself, and in this case the difficulty would be rather less.

The ACTING CHAIRMAN replied that it was not necessary to think of obtaining a perfect report. The Commission would give what information it possessed, and would state what it knew. His only intention was to obtain the utmost benefit from the work of the Secretariat, but Lord Lugard's proposal would simply mean referring the whole matter to the next session in the hope that M. Freire d'Andrade would then be able to take part in the work. Again, even if the matter were taken up by correspondence, it would be impossible to complete it during the present session. The Acting Chairman pointed out, however, that, between this and the autumn session, the ninth ordinary session of the Assembly would be held and the Assembly would certainly refer to this question, particularly through Dr. Nansen. It was for this reason that he felt it necessary to obtain from the Secretariat such information as would enable the Commission to show the Council and the Assembly that it had not been inactive and that it had seriously considered the Council's invitation.

M. MERLIN said that it was on this point that he found himself in disagreement.

Lord LUGARD said that he had in no way desired to impede the work of the Commission. He merely felt that, if a Rapporteur were appointed, he should, before completing his report, get into touch with M. Freire d'Andrade.

He learned with great regret from the Acting Chairman that, in view of M. Freire d'Andrade's health, it would perhaps be unwise to ask him to give attention to this work. Under the circumstances, Lord Lugard withdrew his suggestion, which he had made out of courtesy to M. Freire d'Andrade.

M. MERLIN said that he was not quite clear as to what the Commission could say to the Council on this question. What the Council expected was definite recommendations or observations, but not objective memoranda. He thought that the only thing to do was to ask the Secretariat to prepare a memorandum for the Commission itself which might be sent to Dr. Nansen for his information. Such a memorandum could not, however, be considered as a recommendation to the Council.

The ACTING CHAIRMAN did not see why the Commission should not send the Council a memorandum containing the information in question. If, however, the Commission thought otherwise, this note might be merely annexed to the Minutes, and Dr. Nansen's attention drawn to it. The exact procedure to be followed was not very important, provided that something remained of the work which had been done by the Secretariat.

M. MERLIN said that he would support the Acting Chairman's proposal in its present form.

The ACTING CHAIRMAN added that, if the Secretariat document were annexed to the Minutes in its present shape, it would not be of much value to the Council or to the Assembly, because it was a bulky document and difficult reading. He therefore ventured to press his first suggestion, that a smaller and much more concise report be prepared, which would use the actual information already given to answer the questions which he had mentioned. At the beginning of the summary there would be a brief *exposé* of the activities of the Commission regarding this matter since 1921.

M. CATASTINI thought that the Commission agreed that no résumé should be made of the work of the Secretariat. He further repeated that it would be quite impossible for the Secretariat to draw scientific conclusions, on its own responsibility, from a document which was not complete.

The ACTING CHAIRMAN observed that it was not a question of adding to the Minutes a note for which the Secretariat would be responsible. The Secretariat would prepare it for the Commission, and the Commission would take the responsibility.

Lord LUGARD suggested that a table should be drawn up in which those points would be indicated by means of asterisks, on which it was not able to furnish details owing to the absence of information. That would be at the same time an excellent way of reminding the Council that certain Governments had not furnished the particulars for which they had been asked for several years.

M. CATASTINI observed that, in the work of the Secretariat, the cases in which data were lacking had been brought out by means of notes.

The ACTING CHAIRMAN, to bring the discussion to an end, asked the Commission what it thought should be done with regard to the work of the Secretariat.

M. CATASTINI said that he thought that, in the light of the discussion which had just taken place, the members of the Commission would be in a position to make concrete proposals on the following day.

M. MERLIN said he was opposed to the discussion being re-opened. Personally, he had simply asked that the copious documentation prepared by the Secretariat should be made more easily readable, so that those who wished to study it could draw conclusions from it. The Secretariat had already accomplished more difficult work, and the questionnaire very carefully drawn up by the Vice-Chairman could serve as a framework. Did the Secretariat think it could do this work? Once submitted to the Commission and approved by it, it would be added to the Minutes, and those delegates to the Assembly who were particularly interested in the question would find their information more easily in it than in the present mass of documentation.

M. CATASTINI did not think that the Commission would be able during the present session, to draw conclusions from the work already done. He proposed either that the Commission should present the Council with conclusions of another nature, or that it should allow more time so that it might be possible to formulate scientific conclusions.

The ACTING CHAIRMAN said that he thought it was easy enough to reply to several questions which he had enumerated, on the basis of the work already accomplished. If the Secretariat did not think so, he did not insist on this.

The Marquis THEODOLI took the Chair.

M. CATASTINI recalled that Lord Lugard had asked in his note, submitted at the Twelfth Session (see Minutes, page 190) :

(1) From what date the Convention of St. Germain became subject to revision.

[Article 9 of the Convention reads as follows :

“ The High Contracting Parties reserve the right of introducing into the present Convention by common agreement after a period of five years such modifications as may prove to be necessary ”.]

(2) If the Secretariat was in possession of any indications of the intention of the contracting parties to proceed to a revision of the Convention in virtue of Article 9 ?

The Mandates Section had consulted the Legal Section of the Secretariat on this question. That Section had replied that Article 11 laid down that the coming-into-force would take place for each Power from the date of the deposit of its ratification. From that moment, the Power would be in a line with the other Powers which had already deposited their ratifications. As the first ratifications, by the British Empire and Belgium, had been deposited on July 31st, 1920, it was from that date that the time-limit laid down in Article 9 should have begun to operate. The contracting parties would then have been able to introduce alterations into the Convention from July 31st, 1925.

With regard to the second point, the Legal Section had no indication as to the intention of the Contracting Parties to proceed to a revision of the Convention in virtue of Article 9. The Legal Section had suggested that the Mandates Section would eventually be able to consider whether the Central International Bureau set up by the Convention should be consulted or whether each of the High Contracting Parties should be consulted individually, since they were not very numerous.

The CHAIRMAN submitted to the Commission the following draft resolution, on which he believed that his two colleagues who were most interested in the question, M. Van Rees and Lord Lugard, were agreed :

“ The Permanent Mandates Commission, having taken cognisance of the resolution adopted by the Council on December 6th, 1927 :

“ (1) Has the honour to call the attention of the Council to the summary of work already done by the organs of the League concerning the liquor traffic in mandated territories, and which is reproduced as an annex to the Minutes of the present session (Annex 3).

“ (2) Recommends that the Council should request the mandatory Powers to undertake as soon as possible the revision of the second memorandum drafted by the Secretariat (statistics of importation, Customs tariffs, licenses, legislative measures) ;

“ (3) Decides to insert in its agenda for the next session of the Commission a study of the present situation (statistics and legislative measures) and of such measures as may be suggested by the Permanent Mandates Commission.”

M. VAN REES said he thought that the proposed resolution could be revised so far as its form was concerned. He understood that it would figure in the report of the Commission to the Council.

M. CATASTINI replied in the affirmative.

*The proposed resolution was provisionally adopted.*

855. **Various Questions relating to Economic Equality. Note by the Chairman** (document C.P.M.741).

The CHAIRMAN, in submitting his note, recalled that, during the twelfth session, the attention of the Commission had been drawn to a certain number of questions relating to economic equality, the chief of which were postal tariffs, concessions of various kinds in Iraq, the purchase of supplies by the Administration of mandated territories either for their own use or for public works. The following note which he had drafted on this subject and which indicated the stage at which the study of these questions had arrived, was read :

“ I. *Postal Rates.*

“ The members of the Commission will remember that, at its last session, the Commission recommended that the Council should request the Powers entrusted with the administration of territories under A and B mandates to furnish certain particulars concerning their system of postal rates.

" This request was approved by the Council at its session last March. In view of the short time available between then and now, this information could not be expected to reach the Secretariat in time for the present session and I therefore did not include this question in our provisional agenda. I hope that we shall be able to deal with it on the basis of the information furnished by the mandatory Powers at our autumn session.

" II. *Iraq: Miscellaneous Concessions.*

" The following was included among the observations concerning Iraq which appear in the reports on our twelfth session :

" ' The Commission noted that, according to Article 6 of the Anglo-Persian Oil Concession of 1926, the period of the original concession was extended by thirty-five years, to 1996. It thanks the accredited representative for having promised to forward a copy of the d'Arcy Concession of 1901, the Protocol of 1913 and the Agreement of 1925, which are mentioned in the Concession of 1926, and it would like information concerning the relationship which these arrangements may have to Article 11 of the Treaty of October 10th, 1922. These documents will allow the Commission to follow the problems involved with all the care for which they call.

" ' The Commission would also like to receive a copy of the text of the concession granted to the Turkish Petroleum Company.'

" My colleagues will remember that, at its last session, the Commission attached special importance to this question and appointed M. Kastl Rapporteur. The question was placed on the agenda of the present session, but we have not yet officially received the text of the Conventions in question. That being so, I propose, in agreement with M. Kastl, to postpone the examination of this item until our next session, when M. Kastl will no doubt be able to submit his report.

" III. *Purchase of Supplies by or for the Use of Administrations of the Mandated Territories or for Public Works.*

" This question was raised at the eleventh session and discussed at length during the twelfth (Minutes of the Twelfth Session, pages 63 to 67, 164 to 169). See in particular the Chairman's note (pages 64 and 65), which gives the history of the question and explains the points raised in connection with it.

" The Commission came to no final conclusion on the subject and referred it to the present session (see Minutes, page 169).

" It appears desirable that a step forward should soon be made owing to the intrinsic importance of the question. The information furnished by Mr. Amery with regard to instructions given to the Crown Agents to the effect that no orders should be placed outside the British Empire without special reference to the Secretary of State seems to be of great importance from the point of view of the application of the principle of economic equality.

" It is true that, as regards the B mandates, a special clause allows of an exception in respect of ' essential public works and services ' <sup>1</sup> and that for this reason the Commission was of opinion that no objection could be made to the application of a British Empire Clause so far as concerns purchases made on behalf of Tanganyika out of the East African loan.

" The question assumes quite a different aspect in the case of Palestine, since no exception of this kind applies to the A mandates.

" A loan has been issued for a considerable sum, the proceeds of which are partly intended for public works in Palestine.

" The purchases in connection with these works are probably being made and, according to Mr. Amery's statement, it would seem that the tendency is to reserve these purchases for British Industry.

" It appears important to obtain information on this point.

" In his remarks during the twelfth session, and more particularly in his verbal report (see pages 164, *et seq.*), M. Orts alluded to the danger of the Permanent Mandates Commission undertaking any preventive supervision. This objection would not seem to apply in the present case, where we are concerned with definite instructions. Accordingly, these instructions constitute an act of the Government, and no one can deny that the question is really urgent at this moment as regards Palestine. In fact, if before making observations the Permanent Mandates Commission were to wait until all the purchases from the proceeds of the loan had been made, its observations would be of very little value.

" In view of the absence of M. Orts, who is particularly interested in the question, I have no objection to postponing all discussion of principles until our autumn session, although I should like to emphasise the importance of this question.

" For the purposes of preliminary examination, it would seem desirable to ask at once for information on the facts of the case. To save time I will therefore propose the insertion of the following text in the report to the Council on the work of the present session :

" ' The Permanent Mandates Commission recommends to the Council that it should request the mandatory Powers entrusted with the administration of territories under A and B mandates to furnish information on the following point: What system do they adopt for the purchase of supplies by the public authorities of the mandated territories? ' "

<sup>1</sup> The question whether this exception is in accordance with the terms of the Covenant is one which it seems difficult for the Commission to raise.

With reference to point 3 (purchase of supplies, etc.) the CHAIRMAN asked his colleagues if, without waiting to consider the actual drafting of this recommendation, they were agreed to "ask the mandatory Powers dealing with mandates A and B to furnish particulars of the systems adopted by them with regard to the purchase of supplies by the public authorities of the mandated territories". The Commission could await the return of M. Orts before re-examining the question, seeing that the request addressed to the mandatory Powers would not prejudice the final solution.

M. VAN REES asked if a definite system in reality had been adopted by the mandatory Powers for purchases of this kind. The Commission only knew that the Crown Agents constituted the purchasing organisation for British territories, but it was necessary to ask whether in territories under B mandate, where the text of the mandate itself expressly excluded the application of the principle of economic equality in the matter of essential public services and works, the Powers concerned had found it necessary to adopt a special system for the purchase of supplies.

The CHAIRMAN observed that, as regards territories under B mandate, the Powers only reserved their freedom of action so far as essential public works and services were concerned.

M. VAN REES replied that the purchases in question constituted a beginning of the execution of public services.

The CHAIRMAN stated that in that case everything would be essential.

M. VAN REES agreed. In fact, the execution of all public works and services, being essentially a matter for the Government and not an economic one, was exempt from the principle of economic equality.

M. MERLIN said he thought that the Commission could only discuss this question when it had received the particulars for which it had asked.

The CHAIRMAN said he understood that M. Van Rees had no intention of raising the question of principle.

M. VAN REES replied that it was not his intention to do so.

M. MERLIN proposed to alter the wording of the question to the various Powers to read as follows :

"What regulations have been adopted or are generally followed by them when supplies are purchased by the public authorities of the mandated territories ?"

Lord LUGARD pointed out that, if M. Van Rees was right in his view and public works were excepted, there was no point in asking the question, as the Powers were perfectly free to act as they wished.

The CHAIRMAN explained that there was no question at present of either accepting or rejecting a principle. The Commission was merely asking for information.

*The recommendation was adopted with the amendment proposed by M. Merlin.*

**856. Procedure relating to Petitions : Interpretation of the Expression "Inhabitants of Mandated Territories" : Note by M. Van Rees.**

This note and its conclusions were read (Annex 4).

The CHAIRMAN recalled that this was not a point on which the commission wished to draw the attention of the Council, its only desire being to make clear its own point of view.

*The note was approved.*

**857. Question of the Proclamation of Martial Law in Mandated Territories : Resolution passed by the Executive Committee of the British League of Nations Union.**

M. PALACIOS recalled that he had been appointed Rapporteur on this question when it had been adjourned at the last session, owing to the absence of Lord Lugard. In view of the importance of the problem, he would be glad to have the discussion opened immediately so that he might learn the general opinion of the Commission before preparing his report.

Lord LUGARD reminded the Commission that he had not raised the question on his own initiative, but that, at the request of the British League of Nations Union, he had laid its resolution before the Permanent Mandates Commission to be dealt with as the Commission might see fit. He read in the Minutes of the twelfth session that he had expressed "objections"—he had no recollection of having done so.

The CHAIRMAN read the end of the Minutes of the twenty-third meeting of the twelfth session, which showed that M. Orts had raised a question of procedure and that Lord Lugard had stated that he would forward the resolution to the Commission without endorsing it.



M. MERLIN said that he agreed with M. Orts that this was one of the most serious problems which could arise. It was not sufficient, however, for suggestions to be made to the Commission by outside bodies for it to deal with the question proposed. This would establish a dangerous precedent.

Lord LUGARD replied that he had merely submitted the suggestion to the Commission without asking for it to be placed on the agenda. He would point out that the British League of Nations Union was an important body but, on the other hand, it had not approached the Commission directly in a formal manner. If the Commission did not wish to deal with the question, Lord Lugard did not wish to press it in any way.

M. MERLIN raised the preliminary question whether the Commission could take account of this suggestion. His point of view would have been the same if the resolution had been addressed to the Chairman.

M. PALACIOS said that the Commission had, in fact, discussed the character of and the procedure to be adopted regarding the document transmitted to it by Lord Lugard. He had said on that occasion what he felt regarding its nature and its gravity. Speaking as Rapporteur, he had no objection to the proposed decision of the Commission.

The League of Nations Union in London, if it were really interested in the question, would know how to bring the matter before the Commission in accordance with the regular procedure. Since he had been instructed by the Chairman to act as Rapporteur, he wished merely to consult his colleagues on the action that should be taken regarding such a disputed question.

*The Commission decided not to deal with the suggestion of the British League of Nations Union.*

**858. Liquor Traffic : Correspondence exchanged on March 1st and 12th, 1928, between the Secretary-General and the Central International Office for the Control of the Liquor Traffic in Africa.**

The following letters dated March 1st and March 12th, 1928, respectively were read :

“ With our letter of October 20th last, No. 519, we sent you two general tables for the years 1925 and 1926 concerning the liquor traffic in mandated territories and neighbouring districts.

“ We should be glad if you would inform us whether these tables have met with the approval of the Permanent Mandates Commission, for whom they were intended, and what observations, if any, have been made in regard to them. We should like to have information on the matter before asking the Governments concerned for the documents which we require to enable us to draw up the general table for the year 1927.

“ (Signed) Ch. SEEGER,

*Director of the Central International Office for  
the Control of the Liquor Traffic in Africa.”*

[Translation].

“ I have the honour to acknowledge the receipt of your letter of March 1st, 1928 asking us to inform you whether the tables concerning the liquor traffic in the African mandated territories and neighbouring districts, sent with your letter of October 20th last, have met with the approval of the Permanent Mandates Commission for whom they were intended, and what observations, if any, have been made in regard to them.

“ These documents were distributed to the members of the Permanent Mandates Commission at its twelfth session. On that occasion, the Commission had before it various proposals relating to the question of the liquor traffic, but decided—mainly owing to the absence of Lord Lugard, who is particularly interested in this problem—to postpone the examination of the whole question to its next session, which will take place in June next, when I shall not fail to draw the attention of the members of the Commission to your letter.

“ I beg to send to you under separate cover a copy of the Minutes of the Permanent Mandates Commission's last session, which have just appeared and which may perhaps be of interest to you.

“ For the Secretary-General :

(Signed) Vito CATASTINI,

*Head of the Mandates Section. ”*

Lord LUGARD expressed the view that it was for M. Catastini to decide whether this correspondence had led to satisfactory results. He would add, in reference to the insufficiency of the information asked for on the liquor traffic, that it was for the Central Office to obtain the required statistics in the proper form from the Powers concerned.

M. CATASTINI said that he understood it was desired that the Secretariat should ask the Central Bureau for the remaining figures.

Lord LUGARD hoped that the Bureau would be asked for the information to which he had previously referred.

M. CATASTINI said he would show to Lord Lugard his draft letter to the Bureau.

### THIRTEENTH MEETING

*Held on Wednesday, June 20th, 1928, at 6 p.m.*

Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

#### 859. **Western Samoa : Examination of the Report of the Royal Commission concerning the Administration of Western Samoa.**

Sir James Parr, High Commissioner for New Zealand in London, and Major-General Sir George S. Richardson, K.B.E., C.B., C.M.G., former Administrator of Western Samoa, came to the table of the Commission.

*Welcome to the Accredited Representative and Sir George Richardson.*

The CHAIRMAN, on behalf of the Commission, welcomed Sir James Parr, the accredited representative. The Commission had already had an opportunity of appreciating his competence and tact at the previous session.

He would also thank the New Zealand Government for having sent Major-General Sir George Richardson to sit as a colleague of the accredited representative and to answer any questions the Commission might see fit to put in connection with the administration of Western Samoa.

Sir James PARR wished to thank the Chairman, for his kind remarks, particularly in regard to himself. He was delighted again to meet the Mandates Commission. It was always a pleasant duty for him to come to Geneva and to lay before the Commission the position of the mandated territory of Samoa.

His conception of the relationship between the Mandates Commission and the mandatory Governments was one of partnership. There should be, and there would be between them, so far as he was able to control the matter, complete frankness and candour and a disclosure of all the facts with regard to the territory in question. Such was his conception of a great experiment that was being carried on in the world to-day with regard to the mandatory form of government, and he hoped that the Commission would agree that he was not entirely wrong in that conception.

So much with regard to himself. He wished now formally to present to the Mandates Commission his colleague Major-General Sir George Richardson, for five years Governor or Administrator of Samoa. His coming to Geneva was not merely a gesture of respect on the part of the New Zealand Government towards the Commission, though that was intended. The idea in the mind of his Government had been that Sir George Richardson should be completely at the service of the Mandates Commission to give it the fullest information possible with regard to the somewhat vexed question of Samoan conditions.

Sir George Richardson was present as a colleague of Sir James Parr, not merely as a witness. Naturally, Sir James Parr would take the senior position, the High Commissioner always being the senior representative. He counted himself fortunate, however, in having with him Major-General Sir George Richardson as his colleague. They were old friends of very many years' standing, and Sir George Richardson was a man—if he might be allowed to say so—who enjoyed the respect of everyone in New Zealand. He had been in his time a very distinguished soldier, and the soldiers of New Zealand always regarded him, not only as a commander, but as a personal friend. As a soldier, he possessed humanity and sympathy, and Sir James Parr ventured to think that a perusal of the records would show that he had given proof of qualities of humanity, sympathy and patience in dealing with the great problem in Samoa.

*Views of the Mandatory Power as regards the Findings of the Royal Commission.*

The CHAIRMAN, on behalf of the Commission, asked how far the Government of the mandatory Power endorsed the findings of the Royal Commission ?

Sir James PARR replied that it endorsed them entirely. His Government especially wished him to call the attention of the Commission to the report of the Royal Commission. The New Zealand Government was satisfied that that report correctly and impartially presented the facts. It was further of opinion that the conclusions of the learned Commissioners were sound.

Sir James Parr wished to say one word about the composition of the Royal Commission. It was set up for two reasons. In the first place, Major-General Sir George Richardson had demanded it. He had been appalled last year at the mischievous misstatements—Sir James Parr used the words advisedly—that were being sent out to the world about the situation in Samoa. He had felt that, in justice to himself and the Administration, an independent and impartial investigation of the whole situation should be carried out on the spot. Secondly, the Government had decided to set up this Commission because it had felt that the matter should be removed from party politics, and the only way to do this was to ask for an investigation by gentlemen of known integrity and impartiality who were outside the political parties of New Zealand.

The two Commissioners who had formed the Commission were men of the very highest reputation in New Zealand. Sir Charles Skerrett was the Chief Justice of the Supreme Court, and had been known to Sir James Parr personally for a lifetime. It was safe to say that he was one of the ablest and most distinguished lawyers in Australasia. He was not only an expert jurist, but he was a man who was respected by everyone in New Zealand for his ability, integrity and honesty of purpose. It would not be exaggerating to say that the whole community of New Zealand respected highly the Chief Justice of the Supreme Court. Sir Charles Skerrett was also Governor-General in the absence at any time of the Governor; he was the highest personage, next to the Governor-General, in New Zealand.

The other gentleman associated with Sir Charles Skerrett was Senior Judge MacCormick, a Judge of the Native (Maori) Land Court in New Zealand, a man accustomed to investigating the customs and traditions of the Maoris, who were first cousins of the Samoans. It was obvious that his special knowledge was taken into account in appointing him together with the highest judicial officer in New Zealand.

Sir James Parr had given this explanation in order to show that possibly no two other men in New Zealand could have been appointed who would have had better or higher qualifications for this important task.

As regards the question of the reputation for impartiality of these gentlemen, he would say that even the *Samoa Guardian*, Mr. Nelson's newspaper, the newspaper promoted and issued in Samoa by the half-dozen European leaders of the agitation, in a leading article said this :

“ The hearings were patient, and from all indications the scope of the investigation is very broad. The incredulous should now believe that all complaints and objections in the petition of the Samoans and in the reports of the citizens' committee will receive impartial treatment, unaffected by any party or political feeling. Its membership is a full guarantee of all these. The integrity of Sir Charles Skerrett and Judge MacCormick is, in our opinion, above suspicion and beyond reproach. ”

*Possible Causes of the Unrest: (a) Complaints of the European Population (Prohibition, Copra Policy, Alleged Extravagance of the Administration).*

The CHAIRMAN said that, if the accredited representative thought fit to make a statement, the Commission desired it to be confined to the following points :

1. What were the first symptoms of the unrest and the progressive development of the hostile attitude of the opposition to the Government ?
2. What repressive measures had been applied (a) of a military, (b) of a legislative, nature ?
3. What measures had been taken to calm the agitation ?
4. What was the present position ?

Sir James PARR replied that he was entirely in the hands of the Commission. He desired, however, to make a statement with regard to the scope of the enquiry of the Royal Commission, what it covered, what its results had been, and the views of the New Zealand Government upon it.

M. VAN REES, in connection with the first question of the Chairman, explained that what the Commission was anxious to obtain were the views of the mandatory Power on the principal immediate and deep-seated causes of the outbreak of agitation in Samoa, and of its development.

The CHAIRMAN, on behalf of the Commission, explained that, if the accredited representative preferred, Sir George Richardson could, of course, reply to any question put.

Sir James PARR suggested that the best procedure would be for him to make any statements of a general character and for Sir George Richardson to supplement them if necessary and answer any questions of detail.

The CHAIRMAN said that this procedure would fully meet the desires of the Commission. Could Sir James Parr reply to the questions which he had put ?

Sir James PARR said that he would reply in full to the questions and would, at the same time, give the views of his Government regarding the Royal Commission. He continued as follows :

“ I should like to point out that the Order of Reference of the Royal Commission is very wide; it covers all complaints. These complaints—and I must mention this fact in approaching the question of the causes—have been divided by the Royal Commission into two categories. First, the complaints of the white people, and secondly the complaints as regards native matters. There are different causes for each.

“ As regards the complaints of the whites, they may be classed briefly under three headings—prohibition, the marketing of copra by the Administrator on behalf of the natives as their agent and, thirdly, charges of extravagance in the Administration.

“ As regards the natives, the charges may be said to be first and generally that the methods of the Administrator have been tyrannical, that he has set himself up as a dictator, that he has taken measures abrogating old native customs, and that his administration of native affairs has been oppressive. That, in a few words, is the sum total of the charges.

“ All these matters were enquired into by the Royal Commission. The views of three hundred witnesses were heard ; the Royal Commission sat in four different places in Samoa, on the spot, for five weeks. They investigated the complaints of the whites, they investigated the complaints of the Samoans, and, I should say—before I pass to the question of the causes of the unrest—that the Royal Commission in every instance vindicated the Administrator. There has never been a more complete vindication of an Administration than that made by this Royal Commission. May I at this stage read a striking paragraph in the findings—page vi :

“ ‘ We think that it is a significant circumstance that with reference to the acts of the present and the previous Administrator, both on the European and Native sides of their administrations, no act of malfeasance, misfeasance or misconduct on their part, or on the part of their European officials, was charged by the complainants. At one time it was suggested that charges of this nature might possibly be made against the present Administration, but absolutely no evidence of such charges was tendered before us. Furthermore, except in respect of so-called orders of banishment, of orders for the deprivation of titles, and of orders requiring Natives to return from Apia to their homes made late in the year 1926, or in the year 1927 in connection with the operations of the Mau organisation—which will be later dealt with—no allegation was made that the Administrator or any of his Head Office officials had acted in a high-handed or arbitrary manner. The absence of such allegations speaks highly for the spirit in which the administration has in the past been conducted.’

“ Dealing now with the complaints, the first was prohibition. This is a very old complaint. The whites cannot get liquor except as medicine, and a fair amount of medicine—I hope the General will pardon me—is drunk, I am told, whether for the good of their health I know not. But prohibition is general ; it applies to both races, and the New Zealand Government is firmly resolved, notwithstanding the dissatisfaction of certain whites in a population of 40,000, to keep the prohibition of liquor still universal. It feels that no differentiation can be made between the natives and the Europeans with any degree of logic or reason. There is one difficulty, to which I should like specially to refer. It is said ‘ An Englishman likes his beer, and why should not he have it ? ’ Such is the attitude of some of our people.

“ In this connection, however, there is a difficulty which to my mind is fatal. I said there were 400 Europeans of pure blood in Samoa. There are also 2,000 half-castes. A very large number of the half-castes live with the Samoans in native fashion, not as Europeans. Now, according to the Samoa Act, a half-caste is, for all purposes, deemed to be a European. This creates a very serious difficulty sometimes, since many half-castes are not living as Europeans and therefore, for all practical purposes, are Samoans. So, if legislation were passed to the effect that Europeans should have liquor and the Samoans should not, the following extraordinary position would arise : the half-castes living with the Samoans would be entitled to whisky and wine and beer, but their uncles, their cousins or their aunts living with them could not get it, and there would be such confusion as to make control absolutely impossible. Further, as Sir George Richardson reminds me, the Samoans themselves, the natives, are very pleased that there is one law for them and the white man.

“ One extraordinary thing, one extraordinary anomaly, in this most extraordinary agitation, to my mind, is that Mr. Nelson and his half-dozen white agitating friends have succeeded in inducing the Samoans to petition you, or at any rate the New Zealand Parliament, to give liquor to their poor friends, the whites, who are without it. The Samoan petitioners do not ask for it for themselves, but they think the poor injured white man ought to have it, and they have put this in a petition—so easy is it to get a Samoan to sign anything that these few influential gentlemen on the beach desire.

“ Now, as regards prohibition as the cause of the unrest, I think it is obvious that there will never be satisfaction among the whites. We cannot hope for it. But you, Sir, or the League of Nations, have given us a mandate under which we are to study the interests of the natives above everything else, and the Parliament of New Zealand is resolved to keep prohibition universal in the interest of the natives.

“ I do not think I need say any more with regard to that. The Royal Commission found as follows (page vii of the report) :

“ ‘ It appears clear that the legislation has proved effective to prevent, so far as could reasonably be expected, the consumption of intoxicating liquor by Samoans.’

“ It has been reasonably effective. I think you will be satisfied to note that that is the opinion of the Royal Commission. The Samoan does not, as a rule, get liquor. His end would be soon in sight if he did so.”

M. VAN REES thanked Sir James Parr. He was sure that all his colleagues thoroughly agreed with the accredited representative on this point, and that everyone approved of prohibition itself. It would, however, be interesting to know whether the mandatory Power was of opinion that prohibition counted amongst the fundamental causes of the unrest.

Sir James PARR replied in the affirmative. He would proceed step by step and begin by taking the white man's grounds for complaint.

M. VAN REES pointed out that the Commission was already aware of the complaints made by the whites in connection with prohibition. No doubt prohibition had given rise to objections on the part of the whites, but could it be said that the resentment, to which these complaints bore witness, was one of the actual causes of the movement which had broken out ?

Sir James PARR replied in the affirmative. He added that Sir George Richardson, who had been in the country for five years, had said that it was one of the greatest causes of the white man's dissatisfaction that he could not get liquor whenever he wished.

M. RAPPARD thought it would be well, before proceeding further, to clear up this point entirely. It might appear a little subtle, but was, he thought, very real. The Royal Commission had, under its terms of reference, been expressly entrusted with the duty of investigating the complaints. Complaints were symptoms of unrest, but the Commission was interested in the real causes of the unrest. For example, when there was an election in the United States and there was an economic crisis, the election went against the Government in power ; that was to say, the real cause of the dissatisfaction with the Government was to be found in the economic conditions. But no one said so.

The Commission was interested—and it was for this reason that its task differed somewhat from that of the Royal Commission—in determining what the real causes of the unrest were, and not the alleged grounds of discontent.

Sir James PARR would endeavour to assist the Commission to get at the causes of the unrest. At the same time, he thought it equally important that the Commission should know first : (1) what were the charges and complaints, and (2) whether there was any reasonable cause for these charges.

The CHAIRMAN said that, if prohibition was a fundamental cause, why was it a matter which had not constantly arisen ? How had it come about that, in the reports for the previous years, no trace of the dissatisfaction caused by prohibition was to be found ? Prohibition had not been introduced recently, but had been in force for some years. It would therefore appear that the discontent must have been prevalent for some years also.

Sir James PARR thought that perhaps he was hardly at one with the Commission. Did the Commission desire him to deal with the dissatisfaction of the natives or of the white men ? He was trying, step by step, to show the reasons and causes of the discontent felt by the different parts of the population.

The CHAIRMAN said that what the Commission desired was not what he might describe as a second edition of the various documents already before it. It wished to receive a reply on the three points he had already mentioned.

Sir James PARR asked about whose feeling of discontent the Commission desired information. Was it the white man's or the Samoan's ?

The CHAIRMAN replied that it was for the accredited representative to tell the Commission this. Perhaps both or neither were discontented.

M. RAPPARD recognised that the distinction was difficult to draw. In order to make the meaning of the Commission quite clear, he would take the following case. The Commission did not wish it, but supposing for the sake of argument that the mandatory Power authorised the consumption of liquor, would the whites really be more contented ?

Sir James PARR replied that they undoubtedly would be.

M. RAPPARD enquired why they had not shown their discontent during the time that prohibition had been in force ?

Sir James PARR replied that they were always showing their discontent.

M. RAPPARD remarked that this had not been mentioned in the reports.

Sir James PARR explained that the whites had not made an agitation or organised public meetings on the subject, or petitioned the Commission. Prohibition, however, had been a cause working all the time against the Administration and this had been so apparent that it could almost be taken for granted. It had inclined many of the whites very strongly against the Administration all the time, and had made them more prone to agitation.

M. RAPPARD pointed out that for several years there had been no agitation although this cause was already in existence. That showed that there must have been some fresh cause to determine the agitation.

Sir James PARR replied that there was no one particular cause ; the causes were cumulative. He had been taking them in order and was now coming to the next one, namely, the marketing of copra, which was a very important question for the white traders.

M. VAN REES asked whether the complaints against prohibition had come only from private persons, or had the white officials associated themselves with those complaints.

Sir George RICHARDSON replied that the officials had not complained.

Sir James PARR passed next to the question of the marketing of copra. The dissatisfaction on this score synchronised very closely with the beginning of the interference by the whites in native matters. He ventured to suggest that this question of the marketing of copra by the

Administration had had something to do with the beginning of the trouble which had started with the natives at the end of 1926. Before October 1926, it might be said, speaking generally, that for three years the administration had been one with which the population was more than usually contented.

Sir George RICHARDSON said that there had been absolutely no open dissatisfaction in Samoa either on the part of the white population or of the natives up to the time of the holding of the combined meeting of Europeans and natives in October 1926. He knew, however, that some of the white residents had been dissatisfied with the liquor law and wanted it revised, and that the three elected European members of the Legislative Council—Mr. Nelson, Mr. Westbrook and Mr. Williams resented not having the power to revise this law. He also knew that those three persons wanted power over native matters over which he had resisted any attempts to give them control in the Legislative Council unless such matters had previously been referred to the native chiefs.

Such was the position in October 1926. There was no open agitation, but it was known that those three persons, who had called the meetings and had worked up the recent agitation wanted to achieve two objects—the revision of the prohibition law and power to intervene in native affairs.

The CHAIRMAN asked whether Nelson was a European ?

Sir George RICHARDSON replied that he was registered as a European. All half-castes were so registered, since they could not have any say regarding the communal lands of the natives.

Sir James PARR repeated that October 1926 was the important date as regards the beginning of the troubles, particularly with the natives. Just before that time, not only the question of prohibition, but also the question of the marketing of copra had been influencing the whites. Sir George Richardson had for years been receiving requests from the District Council—from the natives themselves—to apply the same system in mandated Samoa as existed in American Samoa. In American Samoa, the Government acted as the agent, took the copra from the native grower and sold it, deducting a small commission and giving the proceeds to the grower. In mandated Samoa, the traders fixed the price. There was no competition and the Government had never interfered.

So constant had been this agitation on the part of mandated Samoans for Government intervention that, eventually, in the year 1926, Sir George Richardson, after obtaining authority from the New Zealand Government (since it was an important matter of policy, he naturally asked the Government for authority), declared that he was prepared to take copra and send it to the High Commissioner for New Zealand in London for sale in the best market. A small commission would be deducted for the trouble taken and the proceeds would be handed to the natives, who at the same time would receive advances up to £15 a ton of the price in order that they might live and not be driven to the traders' stores to get credit, thus giving the trader a pull over them. Very large advances had been made against copra in this way. It was sufficient to say that the three or four trial shipments had realised the top price in the European market.

The Samoans could produce wonderfully good copra. It was their sole means of obtaining money. They produced a copra which the above experiment had shown to be second to none. The trader, however, gave the Samoan producer the same price for good and bad copra indifferently, with the result that there was no encouragement to the Samoan to grow good quality copra.

The result of the experiment was that the Administrator was able to give the Samoans nearly twice as much as they had been receiving from the traders. The Samoans said to him : " Our cousins in American Samoa are getting so much a ton, but we are getting about half that from the traders ", and so the results proved. There can be little doubt that in the mind of Nelson, who was the biggest copra buyer in the territory with forty stations all over the islands, there was created an antipathy towards the Administration which, in Sir James Parr's view, had very serious results.

In this connection, he would quote a sentence from page x, paragraph 2, of the report :

" It cannot be said that the conditions under which the Samoans sold their copra to the traders were just or reasonable."

M. RAPPARD asked when, in Sir George Richardson's view, Nelson became convinced that the Administration intended to enter the copra trade, when the policy of engaging in the copra trade had been publicly announced, and when it was put into effective operation.

Sir George RICHARDSON replied that the natives had brought up this matter at every Faipule Fono from the year 1923—the first year of his administration—until the time of his departure. He had promised them that, if they would produce good copra, he would get the Government to help them to ship it to England, just as the administration was helping European traders with their cocoa and copra. The natives had been very slow in taking up the idea of producing a superior quality of copra, but in 1926 he had been informed that the copra had been improving to such an extent that it would be possible to obtain a sufficient quantity to justify a shipment, in order to try the market and to see if it were possible to help the natives in this respect.

During 1926 and before the trouble started, it became known that the Administration would carry out this plan as soon as the Faipules from the different districts had assembled, when the Administrator would be able to make arrangements with each district. He went so far as to show to the President of the Chamber of Commerce the letter giving him the necessary authority. It was well known therefore, before the trouble started, that the Government was going to help the natives with their copra. The business community were all aware of the proposed policy. But no official announcement was to be made until the Fono of Faipules met in December 1926.

Sir George Richardson wished to make a further explanation. During 1926, he had been appointed a member of the Royal Commission to the New Hebrides. He had investigated the copra situation in the New Hebrides, in Fiji, in Tonga and in Tutuila, and had found that the French were giving the natives £5 or £6 more per ton in the New Hebrides than was being given in Samoa, in Fiji about £5 a ton more, in Tonga about £4 a ton more and in Tutuila about £9 a ton more. The natives insisted that the Government should do something, and the Administrator had felt that he could not wait later than the Fono in December. He then announced that he would take shipment from those districts where the copra could be handled and where the natives would produce the superior quality of copra to which Sir James Parr had referred.

M. RAPPARD asked Sir George Richardson whether, in his opinion, the improvement in the quality of copra noted between 1923 and 1926 was due to the hope that the policy recommended by the Faipules would be adopted by the Administration.

Sir George RICHARDSON replied that it had been hoped that, if the quality of the copra improved, the price on the London market would be greater, and that the merchants would give them the benefit of this. The quality of the copra did improve, and a higher price was paid in London for Samoan copra than the price given for what is called South Sea copra, which was notorious for its inferior quality. Nevertheless, last year he had had statistics prepared showing the average price paid to the natives in Samoa for their copra, which had proved to be only £10 6s. 11d.

M. RAPPARD did not think that the above reply quite answered his question. From 1923 to 1926 there had been an improvement in the quality of copra, and the Administrator had declared that he had replied to the repeated requests by the Faipules for Government intervention by saying that, when the copra improved, the Administration would consider the possibility of entering the market. He would like to know whether, in the view of Sir George Richardson, these repeated declarations had had any effect on the improvement in the quality of the copra produced by the natives.

Sir George RICHARDSON replied in the affirmative. Those declarations, together with a very great deal of propaganda on the part of the Administrator and on the part of the inspectors to encourage the natives to make better copra, had had considerable effect. Natives would never do any extra work unless they saw that they were going to get some benefit from it, and they were led to believe that, if they made better copra, they would receive this benefit, and it was for this reason that they had undertaken the work.

Mr. GRIMSHAW, referring to the price of £10 6s. 11d. just quoted by Sir George Richardson as the average price paid to the native for copra in 1927, asked whether, in view of the improvement which had taken place in the quality of the copra since 1923, there had been any change in the price paid to the natives between 1923 and 1926.

Sir George RICHARDSON replied that there had been no change in the price paid by the merchants and local traders.

Sir James PARR wished next to deal with the charge made by the whites regarding the extravagance of the Administration.

One of the causes of unrest was a belief, inculcated in the minds of some thousands of natives by Mr. Nelson and his Committee, that the Administration was inefficient and grossly extravagant, and that the taxes were being wasted by the Administration. Such reports were sedulously spread by Nelson and reported in the local opposition newspaper, and the natives became suspicious that all these services were costing far too much, that the white officials were overpaid, and so on. The natives were also frightened by gross untruths about the Government loan.

It would be sufficient to say that all these charges, made before the Royal Commission, broke down. The Royal Commission said very pointedly (page xi): "The evidence before us was avowedly confined to making a comparison between the Samoan expenditure and the expenditure in the Fiji and Tonga groups." This was the only evidence that was tendered in support of all the propaganda that had been going on and which had had so great an effect on the natives.

If the figures prepared by Mr. Nelson, Mr. Gurr and Mr. Smyth were correct, to say that there was great extravagance was to understate the position; but, fortunately, it turned out that the figures were absolutely false. Referring to the first comparison, made between Fiji, Tonga and Samoa (page xi), the report states:

"In the report at page 10<sup>1</sup>, a comparison is made between the costs of the Post and Telegraph and Telephone Departments of Samoa and Fiji. The cost of the Samoan

<sup>1</sup> "Report of Visit by Hon. W. Nosworthy, Minister of External Affairs, to the Mandated Territory of Western Samoa". (State Paper I—A. 4 B.)

Department is correctly stated to be £8,050 and the cost of the Fijian Department is stated to be £11,494. This latter figure, it is admitted, should have been £27,688. Mr. Gurr, in cross-examination, admitted that the correct comparison with the Samoan figures should be not with £11,494, but £27,000."

Quite a small mistake !!!

A second example occurred on the same page of the report (page xi) :

"In the report at page 10, a comparison is made between the expenditure in connection with the Department of Agriculture in Samoa and Fiji. The cost of the Samoan Department is correctly given as £3,250, and the cost of the Fijian Department is stated to be £4,195. The Fijian figure was admitted by Mr. Gurr to be entirely incorrect, and, instead of being £4,195, should have been £34,955."

He was wrong by over £30,000.

These were fair samples of the propaganda that had been deliberately spread abroad. They were palpable misstatements. The Royal Commission seemed too polite to say this; it said that it was very difficult to understand, but Sir James Parr would suggest that those figures could have been nothing else than gross misstatements made with a view to unsettling the Samoans. He would ask Sir George Richardson to tell the Commission of similar events which had occurred at the time of the German occupation of Samoa. They had nearly resulted in a war.

Sir George RICHARDSON referred the Commission to page 270 of the Royal Commission's report, on which was given the evidence of a native named I'iga. I'iga Pisa had been one of the natives deported to the Marianne Islands in 1908. He explained in his evidence how the minds of the natives were perturbed by information given to them to the effect that the German Government was wasting their money, and how suspicious natives were on such matters. On that occasion, the natives had come over in large numbers to Upolu, and war had been threatened. Governor Solf had dispersed them, and later on had had to bring warships, seize the ringleaders and deport them. The trouble had then promptly ended.

M. RAPPARD wished to summarise the information received up to the present. Of the three reasons for discontent on the part of the whites which had so far been discussed, one, prohibition, had existed since 1920, and could hardly therefore have produced violent effects suddenly in 1926. The second, extravagance, had been found to be without foundation, and therefore was not a real cause of discontent on the part of the whites; it might have been a cause of complaint on their part, but it was not a real cause of discontent. There remained therefore the question of copra, and it seemed to M. Rappard that, judging from the information given to the Commission, it was the Government intervention in the copra field which had been the real, determining cause of discontent on the part of the white population.

Sir George RICHARDSON considered that the original cause of discontent amongst three Europeans had been their desire for more power—the power to govern the country, the power to have something to say on native matters. The complaint about prohibition, or the discontent with regard to it, had always existed among a small number of the whites. He had asked many Europeans for their views on the liquor question. They had all replied: "We do not want the old days back again, we would vote against the sale of liquor or licences in this country, but we would like to get more liquor for ourselves when we want it."

The copra complaint was a very real one on the part of two or three, or several, merchants, —a very real one, indeed—but he would not like to say that it was the sole cause of unrest. The small traders, who did not deal in copra, said that it was of great benefit to the territory, that it brought more money into circulation. The quantity dealt with by the Administration had been very small. The output of copra in Samoa per year was about 12,000 tons, but to date the Administration had only handled about 400 tons, so that the anxiety felt had not been with regard to the present, but with regard to what might happen in the future. Just before leaving Samoa, Sir George Richardson had asked his Resident Commissioner in Savai'i what was the feeling among the traders in the district where the Administration was receiving copra for shipment. He had replied that those traders approved of it because the natives had more money, and, therefore, spent more in their stores.

Sir James PARR ventured to re-state the question to which M. Rappard wished to have a reply: Was the question of copra—at any rate in the minds of the predominant Europeans—a very strong cause of their determination to oppose the Administration?

Sir George RICHARDSON replied that it was one of the biggest and principal causes, but it was not the only one. The other two causes were those that had led up to this one, namely, the desire for power to control the natives themselves, and resentment that the Faipules under the system of self-government, should have so much power as regards native matters. He was absolutely certain on that point.

Lord LUGARD referring to the statement that there were about 400 pure-bred Europeans in the country, asked how many of them were partisans of Nelson. How many of them were identified with the Mau in addition to the three members of Council?



Sir George RICHARDSON replied that there were about six altogether. All the whites to-day were absolutely opposed to Mr. Nelson and to the Mau. They had sent a petition to New Zealand declaring their confidence in the Administration but had asked that their names should not be published because, in a small place like Samoa, they did not like to be publicly associated with any movement which might react on their business.

Lord LUGARD asked then whether it was a mistake to say that the agitation was an agitation on the part of the whites.

Sir George RICHARDSON replied in the affirmative. He wished the Commission clearly to understand that to-day all the whites were opposed to the Mau except the two or three on the Committee, who were associated with and had caused this agitation. He wished also to add that a large majority of the half-castes were very bitter on the matter and very much opposed to the agitation.

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#### FOURTEENTH MEETING

*Held on Thursday, June 21st, 1928, at 10.15 a.m.*

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Chairman: The Marquis THEODOLI.

Present: All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

860. **Western Samoa: Examination of the Report of the Royal Commission concerning the Administration of Western Samoa (continuation).**

Sir James Parr, High Commissioner for New Zealand in London, and Major-General Sir George S. Richardson, K.B.E., C.B., C.M.G., former Administrator of Western Samoa, came to the table of the Commission.

*Possible Causes of the Unrest (continuation): (a) Complaints of the European Population (continuation).*

The CHAIRMAN recalled that, at the previous meeting, Sir James Parr had concluded his examination of the grievances and complaints of the white population of the territory. He asked Sir James Parr to proceed with his statement.

Sir James PARR wished, before leaving the European aspect of the problem, to revert for a moment to the answer given by his colleague Sir George Richardson to the important question of Lord Lugard concerning the attitude of the rank and file of the whites towards the Administration. Lord Lugard had asked Sir George Richardson what was the attitude of the 400 whites of pure blood towards the Administration. Sir George Richardson had replied that—with the exception of the Nelson group of about half-a-dozen people—the white population was strongly for the Administration, and this reply, he thought, was worthy of special notice.

Sir George RICHARDSON said that an overwhelming majority of the white population had notified the New Zealand Government that they were not in sympathy with the Mau and had full confidence in the Administration.

Sir James PARR said that this was proved by written representations to the New Zealand Government. The great proportion of the 400 whites were in business and naturally, for business reasons, had asked that the names given in their communication to the Government as to their attitude should not be divulged.

M. RAPPARD asked when and by what constituency Nelson was last elected to the Legislative Council?

Sir James PARR thought that Nelson was elected in December 1926, that was to say, just at the commencement of the trouble, and by the white population.

At that time there had been no particularly strong feeling, judging from what General Richardson had told him.

M. RAPPARD asked whether the accredited representative had the impression that, if Mr. Nelson were to stand for re-election now, he would not be re-elected?

Sir James PARR replied that General Richardson had assured him—and that was his only means of knowing—that the feeling among the whites had completely changed to-day, as was witnessed by the document in the possession of the New Zealand Government which had been received from the white population.

Sir George RICHARDSON said that the document in question had been signed by very nearly the same number of persons as was to be found on the electoral roll. The great majority of the 400 whites now supported the Administration.

Sir James PARR wished to deal with one other point before passing *in medias res* with regard to the natives. What was the motive that had been in the mind of this group of disaffected whites? The more he heard about it and the more he thought about it the more he felt that pecuniary interest was the dominating factor in the case of the most influential of the disaffected whites.

He wished to refer once more to the vexed question of the copra scheme. How was it possible to ascertain what was in the minds of these people with regard to copra? On that point, he would refer to the fact that the disaffected whites, who were engaged in the trade, had lodged a very strong attack, both in New Zealand and before the Commission, regarding the copra scheme. It was known in New Zealand that Mr. Nelson made a strong point of the copra proposals and had criticised them severely.

Several of the whites who were interested in copra had given evidence before the Commission. It was interesting to turn for a moment to what they had said about the copra question, and in this connection he would refer the Commission to the evidence of Mr. Smyth, given on pages 188 and 189 of the report of the Commission. Mr. Smyth, who was one of the ringleaders, dealt in copra, and it was interesting to read what he had to say on this matter. The lawyer asks him: "Will you be kind enough to tell me the grievances of traders and business men against the Administration, leaving out Native grievances? [That was a very pertinent question.] I do not want you to justify them, but to give them categorically". The answer to this question was "I cannot think of any at present", and this from one of the men who had made much of the mischief.

Mr. Smyth was then asked: "So far as your mind is at present concerned your grievances against the Administration relate to the administration of Native affairs?" "I do not say that", said Mr. Smyth, "I should have said that the principal grievance of the Europeans was on finance". He was referring to the extravagance of the Administration, and so on. Now came the important part. The following question was asked Mr. Smyth: "Apart altogether from the suggestion that the expenditure in the Administration might have been more economical, the other grievances are mostly relating to Native administration. What do you say are the grievances under which traders and business men have laboured so far as the administration of the Samoans is concerned. You have told us of expenditure: do you want to refer to hospitals, for instance?" This was his answer: "Government interference in the copra trade".

Then he was asked "Anything else?", and he replied "I cannot think of anything else at the present time". Evidently the copra issue loomed largest with Smyth.

Although they did not refer to the subject of copra, the next two replies were not without interest. The lawyer asked: "Have you constituted yourself the protector and protagonist of Native interests, then? Do you not recognise that in the part you have taken in connection with the Mau movement you have put yourself forward as the protagonist of the interests of the Natives?" The answer was "That is so". The lawyer continued: "Have you any special interest in the welfare of the Natives?" (A.) "I just want to see the wrongs righted." (Q.) "You have no special interest except an altruistic interest in the welfare of the Samoans?" (A.) "Yes."

M. RAPPARD wished to return to the reply given at the previous meeting by Sir George Richardson to a question which he had ventured to put concerning the dates of the evolution of the copra policy. The policy was becoming fixed in Sir George Richardson's mind in the first half of 1926 and was publicly announced in December of that year and, he supposed, was applied at the beginning of 1927. Would General Richardson be good enough to tell the Commission why he had arrived at that conclusion at that date? The quality of the copra, according to the reports, had been improving, though not particularly rapidly, ever since 1923. What had convinced the Administrator that something had to be done to secure for the natives the benefit of a better price? Was it because the demands of the traders were becoming more and more unreasonable, the pressure on the territory more and more intolerable, or was it the result of the visit to Fiji? What were the reasons why this date had been adopted for the application of a new policy concerning copra?

Sir George RICHARDSON explained that the Fono of Faipules meets twice a year, in June and December. In June 1926, he had wished to introduce the scheme, to meet the demands which were becoming so strong that it was most difficult for him to resist the pressure. In every district to which he went natives complained against the Administration because of the copra prices. He had had a conference with his staff and with those who were engaged in the copra industry in the New Zealand estate, and they had found that there was not sufficient good copra to justify a shipment. For a shipment to be effective, that was to say, for it to be properly marketed and for a full report to be made, the shipment should amount to about 100 tons. The Administration found, however, that only small quantities here and there were being produced by some of the natives and that the bulk was not sufficient. He had then told the Faipules that if, at the next Fono, they could produce copra in sufficient bulk for a shipment, a shipment would be made.

In December 1926, reports had meanwhile been received that there was a sufficient quantity of good copra to justify trial shipments, the object of these being to test the market as to whether it would be possible to get a higher price, and it was on that account that the

policy was adopted at that time. He had wished to adopt it before, but it had been necessary to wait until a sufficient quantity of good copra was obtained to justify a shipment.

M. VAN REES enquired whether the experiments had been continued.

Sir George RICHARDSON said that five shipments had been made to date, and the experiments were still being continued. The total amount exported was only 400 tons up to the present and the results had proved that this copra was superior to that generally produced by the natives, and was equal to the best copra that was put on the London market.

Mr. GRIMSHAW said that General Richardson's reply a moment ago had seemed to clear up something which had remained somewhat obscure in his mind. Sir George had said yesterday, if he was not mistaken, that no official announcement of his policy in regard to copra had been made until December 1926.

His reply to-day, however, seemed to indicate that, at any rate, the Fono of Faipules knew in June 1926. He gathered that their meetings were public and were discussed so that the Government's intention to pursue this policy had been known amongst the population in general soon after June.

Sir George RICHARDSON explained that it had been known before June that he was working on the copra scheme.

Mr. GRIMSHAW remarked that Sir George had referred many times to the demand on the part of the Fono, or expressed in the Fono, that the Government should undertake this marketing of copra or should, at any rate, do something. How had that demand originated? Had it been spontaneous on the part of the natives? Did they receive intelligence from American Samoa or Fiji, or had it been suggested by the Administration.

Sir George RICHARDSON said that the natives of Western Samoa were inter-related with the natives of American Samoa, which was only 80 miles away. They travelled freely between the two places, and they knew before he had arrived there that the treatment in regard to copra given to the Samoans by the American Government was better than the treatment of the natives in British Samoa. Further, there is a Samoan village in Suva. Some of the Samoan chiefs visit Suva from time to time, and on coming back had compared the Fiji prices to the disadvantage of Samoa. The suggestions had originated with the natives themselves, and had been put to him at the first meeting of natives in 1923 when he had arrived in Samoa. They had been put at almost every meeting since. One chief actually said: "If you cannot help us, we shall be better under the American flag".

Dr. KASTL observed that, in the report of the Royal Commission, it was stated that the quantity of copra produced by the Samoans and available for export was about 12,000 tons, and General Richardson had just explained that the quantity taken over by the governmental scheme was about 400 tons. Were these 400 tons to be considered as part of the total production of 12,000 tons, or had the production of copra available for export considerably diminished since that time?

Sir George RICHARDSON replied that, in a normal year, the production of copra by the natives was about 12,000 tons. Last year, owing to the activities of the Mau, some districts had not worked as they should, and their production was about 10,000 tons. Only 400 tons had been taken out of that 10,000 tons as an experiment to test whether the Administration could help the natives to get a better price for their copra and whether it could induce them to produce what was wanted by the world's market—a superior quality of copra.

Sir James PARR asked his colleague to supplement his last answer by explaining what had been the result of the experiment for the native producer? How did it compare with the result given by the private traders?

Sir George RICHARDSON repeated that the average price paid to natives for copra last year had worked out at £10 6s. 11d. per ton. This would be seen in his annual report for last year, which was to be dealt with by the Commission at its next session. Those natives who had produced copra of a superior quality, which the Administration had shipped on their behalf, had received approximately £17 or £18 per ton.

Dr. KASTL wished to ask a question, in order to be able to compare the prices of £10 6s. 11d. and £17 or £18 per ton received by the natives. Had the copra taken over under the governmental scheme been specially chosen, or was it an ordinary copra, the same kind as was delivered to the traders?

Sir George RICHARDSON replied that the scheme had been initiated in order to teach the natives how to make what the world wanted, and instructions had been issued that the Administration would not ship one pound of copra unless it was of superior quality. It was not therefore the same as that taken to the ordinary trader, who would accept almost any kind of copra that the natives might offer them.

Mr. GRIMSHAW understood that, without action on the part of the Government, even this superior copra would have been sold to the traders at the normal average price, and not at a special, high-quality price.

Sir George RICHARDSON replied in the affirmative.

Sir James PARR repeated that the copra question had been a very disturbing element with some of the disaffected group, and one of the dominant motives in their minds in creating trouble. He would not weary the Commission by calling their attention to all the evidence, but would draw its attention to page 24, which contained a remark made by Mr. Dowling, who was a merchant.

Mr. Dowling had given considerable evidence against the scheme. He criticised the advances. He said: "General Richardson is advancing too much money. The Government will lose money. It is unsound financially". Then he was asked: "Is that your only objection?" His reply was as follows:

"Yes, coupled with what I said before. Every commercial man has an objection to the Government interfering in private enterprise. (Q) In what way is the Government interfering in your enterprise at present? (A) Not to any great extent, but what I am afraid of is the ultimate objective."

That answer was significant of the fears of the merchants.

Sir George RICHARDSON remarked that, up to the present, the Government had not interfered with them in any way. The quantity of copra involved was so small.

If the Administration had been able to prove that the natives could and would make superior copra for the world's markets, it was its intention later on to issue a local ordinance, based on experience, protecting the natives by fixing a minimum price to be paid for the very best or first-grade copra. The object of this experiment was to help the natives and to prove what the Administration could do.

M. VAN REES asked whether the ordinance in question had been issued.

Sir George RICHARDSON replied in the negative. Although the activities of the Mau had rather upset the experiment, it was still being continued with a view to ascertaining whether the natives would and could produce such copra.

M. VAN REES asked whether the natives themselves were aware of the fact that the Government intended to issue an ordinance, or was it only known to a few European traders?

Sir George RICHARDSON replied that, at first, it had existed only in his own mind that, if it were possible to make the scheme a success, the Administration would subsequently issue an ordinance. The Government did not wish to engage in private enterprise; it only wished to protect the natives.

M. VAN REES gathered, therefore, that General Richardson had not spoken to other people of the future intention of the Government.

Sir George RICHARDSON replied that he had spoken to some of the merchants in Apia, and had said that an ordinance would possibly be issued. He had also mentioned to some local merchants that they could solve the copra trouble in Samoa at any time if they would give the natives a better price for good copra, and so help to make them more industrious.

The CHAIRMAN asked Sir James Parr to proceed with his statement.

Sir James PARR said he would leave the copra question with the final observation that, in his view, its importance in regard to the agitation which began at the instance of a small group, and nobody else, in 1926, could not be overlooked.

With regard to the other point—namely, the charges of inefficiency and extravagance—he did not propose to take up much time. The Royal Commission had found that there was absolutely nothing in the charges, but Sir James Parr thought it his duty to point out just one fact. Some charges had been recklessly and, he thought, wickedly made. He would refer, as an instance, to the Medical Department. If there was one aspect of the administration in Samoa of which New Zealand was proud, it was the activities of the Medical Department. Its results were apparent and undeniable. At the present time the Samoans were increasing in number; their death rate was lower than it had ever been; the horrors of those tropical diseases, hookworm and yaws, had been dispelled by the efficiency of that department; the sanitation of the villages had been immensely improved, mother care had been instituted. In short, the work of the department had earned the encomiums of some of the highest authorities in the world. He needed only to refer to one made by Dr. S. M. Lambert, one of the heads of the Rockefeller Institute. On page xiv of the report he was quoted as saying:

"In Samoa we have a long-visioned Administration which is giving every support to a strong Native Department and a modern Department of Public Health, these two working hand-in-hand. Yaws is well under control, and may be eradicated in the near future. Hookworm control measures are well advanced, and will now be prosecuted with

the vigour given to the yaws campaign. Adequate sanitation, proper latrines, and pure water supply are gradually being installed in all villages. Definite plans are being undertaken for child-welfare work in Native villages with the new year."

On the same page of the report was a sentence by a very eminent authority, Mr. Buxton, a former Milner Research Fellow and now Director of Entomology in the London School of Hygiene and Tropical Medicine. Mr. Buxton said :

" It is, perhaps, not impertinent to state that New Zealand provides a public health service which might serve as a model to any small tropical country, and that the administration of that Department seemed to be characterised by vision and forethought."

Such was the impartial testimony of a man well able to judge. What, therefore, had been done to unsettle the natives and to undermine their confidence in the Health Department and in the hygienic measures adopted for their benefit? This little knot of men, the Nelson group in Apia, had spread all round among the natives the idea that the Health Department was costing too much and that it was inefficient. Everywhere their faith was shattered by mischievous propaganda.

Sir James Parr wished to conclude his remarks on this question by pointing out a passage in the report (page 63). Mr. Williams, who was referred to on that page, was a close colleague of Mr. Nelson, who framed the charges. The lawyer was cross-examining him and, after quoting the opinion of the experts, said: " Now, Mr. Williams, you heard that. Are you prepared now to withdraw, and apologise for, the report you made about the Medical Department in the face of that testimony? "—" Yes, I will withdraw ", replied Mr. Williams.

Could there be more potent proof of the utter irresponsibility behind these complaints?

Sir George RICHARDSON remarked that Mr. Williams did not carry out his promise.

Sir James PARR wished to read a little more of Mr. Williams' evidence :

" (Q) And you will apologise? (A) Yes, I will apologise. (Q) And will you do your best to let the Natives know what they have working for them in this country? (A) I will."

That was to say, Mr. Williams ignobly collapsed.

Sir George RICHARDSON repeated that Mr. Williams did not carry out his promise.

Sir James PARR, continuing, said that, in spite of his promise, Mr. Williams left the wrong ideas of the natives uncorrected, namely, that the Health Department was an extravagant and inefficient machine. He would make no comment, however, beyond the observation that the Mandates Commission must be very seriously disturbed as to the *bona fides* of a man who would wickedly traduce a splendid department of worldwide repute in order to upset the simple and credulous natives for whom all this work was being so well done.

*Possible Causes of the Unrest (continuation) (b) Complaints of the Samoan Population :  
Policy of the Mau : Native Self-Government : Banishments.*

Sir James PARR would pass now to the much larger and more important issue of the native troubles. He would not deal with this aspect of the problem at any great length, because the question, when considered carefully in the light of the evidence given before the Royal Commission, was not difficult to prove and to understand.

It was clear that for three and a-half years before 1926 the natives had enjoyed under General Richardson a period of comparative prosperity and were not seriously discontented or dissatisfied. As a proof of that, he would refer to the findings of the Royal Commission on page xx. He would try to help the Commission to get at the date when the native trouble really began and he would suggest that, before 1926, there had been no real trouble. The Royal Commission, on page xx, referring to the question of the Mau, its genesis and growth, said :

" We are satisfied that, until the public meeting of the 15th October, 1926, there was no real dissatisfaction amongst the Samoans with the Administration. There was in point of fact no satisfactory evidence of any dissatisfaction existing prior to that meeting."

The report went on to refer to Mr. Williams, the man who had had to apologise for his reckless charges. It said :

" Mr. Williams, a member of the Legislative Council, who was concerned in the creation of the organisation, at page 71 of the Notes of Proceedings gave evidence as follows [this was one of the complainants, not one of General Richardson's supporters] :—

" When would you say this unrest had commenced in Samoa? — I should say there was a certain amount of unrest about three years ago.

" When in your opinion, did it attain serious proportions? — There was growing unrest after the public meeting and from then on.

" Do I understand that there was no serious unrest before that? — There was dissatisfaction."

" But no serious unrest? — Oh, no—not serious unrest."

This was the admission of one of the strongest opponents of General Richardson. To continue the report (page xx) :

“ The evidence of all the Native Government officials was to the effect that there was no real dissatisfaction amongst the Natives with the Administration prior to Mr. Nelson's return in September, 1926. This is the opinion of Captain Bell, the Resident Commissioner of Savai'i, whose evidence is quoted later on. Certainly no satisfactory evidence was adduced before us from which we could infer the existence of any unrest or dissatisfaction amongst the Natives before this date.”

The CHAIRMAN, intervening, said that he must ask Sir James Parr not to tire himself by going through all the points raised in the report. All the members of the Commission had read the report ; they had studied it thoroughly and were well acquainted with everything in it. They had discussed it and had even appointed a Sub-Committee which had examined the whole documentation. The Commission was asking Sir James Parr to be good enough to give it the point of view of the Administration, and, above all, what were, in the view of the Administration, the fundamental causes which had given rise to such a situation.

Sir James PARR said that he was delighted to have the views of the Chairman, but that he could assure him he was under a misapprehension. He had no intention of going all through the long report. He was merely attempting to assist the Commission by discovering the broad facts as to when the trouble began, and then he had proposed to follow that up by suggesting where the trouble had originated. He thought the Chairman and himself were quite in accord, but he could see his way to abbreviating his remarks very much if the Commission assured him it had carefully studied the report.

Referring to the question asked by the Chairman as to what, in the view of his Government, were the causes of the dissatisfaction of the natives, Sir James Parr replied that, broadly speaking, it was due to the ambition to meddle in native affairs of three white men in the Legislative Council—Nelson, Williams and Westbrook. It was the ambition of these men, and notably of Mr. Nelson, to be something more than an Advisory Council to the Administrator upon European affairs. The wish was to elect Samoans to the Legislative Council when they could control this Samoan section themselves and thus obtain the opportunity to dominate the Government. Organised propaganda from these people upset natives easily susceptible to agitation.

The fact that the intrigue of these three men was the genesis of the Mau was abundantly clear. Mr. Nelson had returned to Samoa, after an absence of eight months, on September 24th, 1926. On the next day, a very important private meeting had been held in Mr. Samuel Meredith's house. Mr. Nelson had forgotten all about that meeting in his evidence in New Zealand and so had the others. Fortunately, a native chief who was present had let the cat out of the bag before the Royal Commission. Mr. Nelson had said he had completely forgotten this meeting which was, however, the genesis of the trouble. At that meeting, it had been decided to take a step fraught with the gravest consequences. Those three members of the Legislative Council had met two or three native chiefs, the foremost of whom was Lago Lago, a Europeanised chief who had just served a sentence of some months for theft.

Sir George RICHARDSON interpolated that the sentence had been, he believed, for two years, though he had been released earlier.

Sir James PARR said that, at that small private meeting held on September 24th, it was resolved to bring the natives into the agitation. Why ? On page 330 of the report, the reason was given by a European named Brewster, who had told the Commission what was in the minds of those three discontents, as they might be called.

On that page Mr. Brewster said : “ He (meaning Williams) said that without the Samoans at their backs they could do nothing ”, and further down on the same page, “... I told him that I would do whatever I could for him ; and then he mentioned about this meeting again, and he said, ‘ You should be there ; we are having about 500 Natives ’. Williams said : ‘ We will be strong enough, but without them we could do nothing ’ ”.

In plain words, the plan was to use the natives as a most powerful weapon against the Mandatory.

Such was the cause of the native trouble. It was then resolved to bring the natives—whom, he would suggest, had been reasonably satisfied with the Administration up to that date—into the agitation.

Lord LUGARD asked what were the names of the half-dozen men to whom Sir James Parr had referred. Were they all Nelsonites ? He understood that Nelson, Williams and Westbrook were involved.

Sir George RICHARDSON said that was so. Others he could think of at the moment were Gurr, Smyth and Meredith—a half-caste merchant. There was also a gentleman named Baxter, who had withdrawn later. There was also a Mr. Cobcroft and a Mr. Kurkmeyer, who withdrew immediately they knew that the natives were going to be brought in with the Europeans on political matters.

M. MERLIN asked whether Sir George Richardson could give approximate figures for the populations of Upolu and Savai'i respectively.

Sir George RICHARDSON replied that the population of Upolu was about 24,000 and that of Savai'i, 13,000.

M. MERLIN asked how many Europeans there were in Upolu.

Sir George RICHARDSON replied that nearly all the Europeans were in Upolu, with the exception of a few traders around Savai'i. Nearly all the Europeans lived in Apia, which was a political centre.

M. MERLIN asked whether Sir George Richardson could give the number of chiefs that had been expelled from the place where they resided previous to and after the institution of the Mau.

Sir George RICHARDSON said that, at the commencement of the Mau, there were in operation seven cases of natives who had been removed to other villages for offences. They might or might not have been chiefs. He was not sure. Those removed before the Mau had all been moved at the request of the natives themselves.

M. MERLIN asked how many chiefs had been expelled after the institution of the Mau.

Sir George RICHARDSON said that, from the commencement of the Mau up to June, nine months afterwards, when the Minister had made his visit, eight chiefs were ordered to remain in their villages, and from June up to the present time eight, he thought, had been moved to other villages.

M. MERLIN asked how many had been deprived of their titles.

Sir George RICHARDSON replied that these details were given quite clearly on page 484 of the report.

M. RAPPARD wished to make a general observation which, he thought, would help Sir James Parr and General Richardson to understand the aim of the Commission. The Chairman has said that the Commission was particularly interested in the real causes of the unrest, and Sir James Parr had answered that the real cause, in the opinion of the mandatory Power, was the inordinate ambition of three men. It was obvious that the Commission could not let the matter rest there. He did not suppose that there was a colony or a country in the world where three men having inordinate ambitions were not to be found, but fortunately most countries were in a state of order, if not of general contentment. Therefore, the ambition of these three men, which, he thought, was clear to the mind of any reader of all the documents, must have acted on a general situation which allowed for the outbreak of unrest and, for this reason, the questions of the Commission might seem tedious and pedantic. Sitting at Geneva, thousands of miles away, it was extremely difficult to visualise the general temper of the population, and it was only by detailed questions that the Commission could supply those elements which were absolutely indispensable. The fact that the Commission was inquisitive about these details did not at all imply that it disregarded the inordinate ambition of those three men. This ambition was obvious. But as a cause for upsetting order in two islands inhabited by some 40,000 natives it hardly seemed sufficient.

M. PALACIOS said that the question he wished to ask was inspired by the same thoughts as that of M. Rappard. He noted that, during this agitation, the cry "Samoa for the Samoans" had been raised. He would like to know whether that cry and that movement had played any important part in the agitation and whether, in those parts of Samoa which were not under the control of a mandatory Power, the cry "Samoa for the Samoans" had ever been raised.

Sir James PARR said that he thought perhaps he could best meet the desires of the Commission by inviting it to question him and General Richardson. He suggested, with all respect, that it was impossible for him to make a connected and useful statement if he were to be continually interrupted by questions. He had hoped to give the Commission a reasoned statement on the way in which an unfortunate state of affairs had arisen. His Government's view was that the people to whom he had referred were responsible, and he must bring that out. He had intended afterwards to show how the ambition of these few white people had expressed itself in certain actions and in an enormous propaganda with the natives. M. Rappard should wait to hear that. He did not wish, however, to continue if the Commission desired to shorten the proceedings. The Commission had apparently read the report, and he would be very glad indeed to answer any questions which might throw light upon the matter. He would, however, simply refer the Commission to the report, which was a very complete document.

The CHAIRMAN recognised that there must be order in the discussion and, before it was continued, he would ask his colleagues whether any of them had any other questions to put on the same lines as those which had just been asked by M. Palacios and M. Rappard. The Commission had to discover what factors, if any, had served as a cause or a pretext for the agitation.

Would Sir James Parr first reply to the question raised by M. Palacios as to whether the "Samoa for the Samoans" movement had been such a reason or pretext?

Sir James PARR said that, in his view, and he thought his colleague would agree with him, the cry "Samoa for the Samoans", which was now the definite policy of the Mau, is a matter of the present day—quite a recent matter. Before the natives had been drawn into consultations and public meetings with the whites, the Samoans had had no idea whatever of raising the demand for self-government. This agitation was a matter of evolution. It had reached the stage of a demand for self-government comparatively recently, and was now the main demand of a number of the disaffected Samoans.

M. PALACIOS asked whether there had been any "Samoa for the Samoans" movement in the other parts of Samoa which were under other Powers, or was that cry entirely confined to the territory under mandate.

Sir George RICHARDSON said that, in American Samoa, there was also a Mau. These two organisations were now communicating one with the other. The apparent object of the Mau in Tutuila, in American Samoa, was to alter the present form of government, to have a civil government instead of a naval station. He had heard it said that there was some truth in the statement that they also were agitating to govern themselves, but he could not prove it. The idea of "Samoa for the Samoans" was a mistaken idea which might have arisen partly from what he had taught the Faipules. He had taught them that the Administration was training them to look after their own affairs, so that some day, far distant, they might be able to play their full part in controlling their own affairs. The agitators had deliberately misinterpreted his words, and were using the term "Samoa for the Samoans".

Lord LUGARD asked whether the American Mau had been in existence long before the creation of the Mau in the mandated territory, or whether it had arisen afterwards. Secondly, he did not understand how the Samoans could imagine that they would get more self-government by abolishing the Fono and being represented in the Legislative Council. It seemed to him that the self-government which was being instituted by the Administration in the Fono was more satisfactory than any representation by one or two members in the Legislative Council could have been.

Sir George RICHARDSON said that, as regards Lord Lugard's first question, there had been incipient trouble in American Samoa for many years, approximately ten years, and there had been, during that time, a small organisation termed the Mau. In the first instance, the American authorities had sent out warships, and had given authority for the Commander to hold an enquiry. The Governor of American Samoa was apparently so worried that he had committed suicide before the arrival of the warships. An enquiry was held and a half-caste was found to have been responsible for stirring up the trouble. He was put on the warship and deported.

In answer to the second question, it was true that the Faipules and the natives all over Samoa realised that they had full representation in the Fono of Faipules. Up to the time of the Europeans' interference, they had repeatedly expressed to him their warm approval of their present system of representation, and had repeatedly told him that they wished to have their own Fono of Faipules to deal with their own affairs according to their own customs and in their own way rather than to have representation on the Legislative Council. Some of the Samoan chiefs had heard that one of the representatives on the Legislative Council, a European, had said: "If we get Samoans on this Legislative Council, we ought ultimately to be able to dispense with the Fono of Faipules".

This agitation to have representation on the Legislative Council had originated entirely with the Europeans. It had not been asked for by the Samoans, and those who were articulate and thoroughly understood what the Administration was trying to do, such as the Faipules and Government officials, had not wished to change the existing system in any way. He was satisfied that it was the only system which was suited to the present development of the native.

M. RAPPARD recalled that, in the course of the debate in 1923, Sir James Parr, who was then, he understood, Minister of Education, in introducing the Bill concerning the Legislative Council in Western Samoa, had declared that it was the intention of the Government to allow the Samoans to elect two of their own number to the legislature. He understood that this declaration had been approved by the Cabinet as a whole, but had not yet been put into execution. He would like to know whether this was correct and whether there was anything in the suggestion that this statement, which was looked upon as an unfulfilled promise by New Zealand, might have had something to do with the dissatisfaction of the natives.

Sir James PARR said that, in 1923, he had not been the Minister in charge of these islands. He had been Minister of Education in the Lower House. The Minister in charge had been Sir Francis Bell, who was in the Upper House.

The Bill in question had, of course, to be introduced in the Lower House, and he had been requested to take it on a brief put in front of him. The Bill did not provide, and the Act itself did not provide specifically, for the representation of the Samoans on the Legislative Council. If he remembered rightly, the Act merely provided that, by Order in Council, individuals—it did not mention Samoans at all, but the widest possible term was employed—might be appointed. M. Rappard had asked for an explanation of a remark made by Sir James Parr which would have to be read in conjunction with the whole context.

His recollection of the event was as follows: At the time in question, General Richardson had been practically the promoter of the measure to give elective representation on a body the members of which had hitherto been nominated. Sir James Parr's papers stated that it was the opinion of General Richardson—and he so stated it to the House—that an experiment might be tried not only of having three elected whites on the Legislative Council, but two Samoans also.

M. RAPPARD asked if they were to be elected members.

Sir James PARR replied in the affirmative. Such were the instructions he had received from the Department which had no doubt heard from General Richardson on the point. He



would now ask his colleague to explain why what had certainly been intended by the Department at that time (otherwise he would have had no reason for stating it) had not been carried out and why the two Samoans were not elected. This point was important as showing what had been in the mind of the Department and of General Richardson at the time, and he thought that some explanation was due to the Commission of what had taken place.

In conclusion, Sir James Parr wished to say that the whole tenor of his speech had been to the effect that this was an experiment in partial self-government of a very tentative character ; it was one which had not been made, so far as he was aware, in any other colony, and the details of it must be worked out by the Administrator on the spot.

There was one sentence in the speech he had made which struck him as quite apposite, but it was conveniently forgotten by critics. In his speech he said :

“ I am sure the House to-day recognises that its proper relationship and the proper relationship of our Government to the natives of Samoa is one of guardianship. In the implications of the mandate, they are under the care and tutelage of New Zealand. Representative or parliamentary government, under these circumstances, is entirely out of the question.”

M. RAPPARD asked Sir James Parr to be good enough to quote the passage in which he was alleged to have announced the policy of the Government to allow Samoans to be elected.

Sir James PARR quoted the following passage :

“ It has been well said that these people will have to be educated up to a proper appreciation of the duties and responsibilities of government before one could reasonably consider giving them representative or parliamentary institutions.”

M. RAPPARD pointed out that this was a negative statement.

Sir James PARR agreed. He wondered, however, why people who had made use of a sentence he had employed elsewhere did not also quote the above. What had been dominantly in his mind had been that these natives were under a state of guardianship.

M. RAPPARD thought the accredited representative would understand that he (M. Rappard) did not look upon this as a pledge given by the Government of New Zealand which had been unfulfilled. He was simply trying to establish whether a statement which had not been quoted, but which had been referred to and according to which Sir James Parr had announced the intention of the New Zealand Government not to establish representative institutions, but to give the Samoans the right to elect two of their number as members of the Legislative Council, had in fact been made, and if that statement had been used by the opponents of the Administration to stir up discontent.

Sir James PARR did not for a moment dispute the position. The sentence to which M. Rappard had referred was the following : “ Power is sought for certain representatives to be elected by the Samoan people and the white people on the islands ”. Certainly he had made the suggestion of Samoan representation. He thought it important that that point should be cleared up, and General Richardson could do this. He would ask his colleague to tell the Commission what had occurred later to change the instructions then given.

Sir George RICHARDSON said that, when he went to Samoa, he did not know a great deal about Samoan native administration, but he knew it was his duty to endeavour to train the native chiefs to govern themselves in accordance with the mandate, and he had worked very hard in that direction. Knowing that in Fiji and some other territories natives were represented on a Legislative Council and that Europeans elected their members, he had actually written to the Minister and suggested that provision should be made for elected European members in Samoa and, if possible, that natives should be put on the Council. By this means he would be saved the responsibility of nominating Europeans.

The Act to which Sir James Parr had referred was passed by the New Zealand Parliament, and its provisions were so wide that, if it had been possible, he could have appointed at least two native members on the Legislative Council. He had attended the Fono of Faipules and had found the men keen and anxious to learn and making progress in the way of governing and controlling their own affairs. He had proposed to them that two of them should sit on what he had called the Mixed Council. He himself had been in favour of this. To his surprise, the natives had not readily responded ; they seemed to be suspicious of something, and he had then asked them to think it over and let him know their answer at the next half-yearly Fono. He had not known at that time that the chiefs were very jealous of each other ; in fact, jealousy between the chiefs was one of the causes that was operating in the political trouble to-day. As there were 3,000 chiefs among 9,000 adults, it would be understood how difficult it was to please everybody under such conditions.

When the Faipules assembled again and gave him their answer it was in the negative. They said : “ We do not want to go on the Legislative Council ; we desire only our own Fono, which will enable us better to control our own affairs ”. Evidence was given by a very intelligent chief named Toelupe which was very clear on that point (page 285 of the report of the Royal Commission). When he discussed the matter with the Faipules, he realised that the proposal was premature and that it would not be helpful to put native members on this Council, and above all that two natives could not be found who would efficiently represent and satisfy all the different political parties in Samoa.

There was told a story in Samoa to-day about that very popular Governor, Dr. Solf. Dr. Solf went to an institution of the Missionary Society and offered a trophy to be given to the best student. There were about 120 students and he said: "I will leave it to you to elect the best student; you will carry out your own elections." The election was held, and when the voting papers were taken out of the box there were 120 names on them.

The Faipules at the present time did not want representation on the Council, and he was sure, having a full knowledge of the conditions in Samoa, that the present system, as referred to by Lord Lugard, was the proper system now and would be for some years. That system would better teach the natives and help them to look after their own affairs, and ultimately to stand alone in the way that the Mandates Commission of the League of Nations wished, than the putting of two members on the Legislative Council. The agitators, however, had seen in this an appeal to the vanity of other chiefs, and something which could be used as criticism against the Government. They thus caused suspicion and unrest amongst the natives who did not understand, but merely said: "The present system is wrong; we ought to have members on the Legislative Council". The natives generally did not want it.

Sir James PARR wished to ask General Richardson whether he had made known, after his consultation with the Faipules, the serious objections that had been raised to his proposal to elect Samoans to the Council, whether it had been made public property in Samoa, as well as his change of mind on the point subsequent to Sir James Parr's speech in Parliament.

Sir George RICHARDSON said that the Fono of Faipules was a very real and a very good institution with a formal system of working. The Fonos brought to him all the matters with which they dealt, they were put in the form of a resolution, and whatever was decided in each case was subsequently made the subject of a circular which was sent round to every district in Samoa. The Fono knew the decisions regarding this matter.

Sir James PARR understood, then, that the whole of the proceedings with regard to this election of Samoans were known.

Sir George RICHARDSON replied in the affirmative. They had been circulated in Samoa. In his next annual report, he had included a record of the complete proceedings of a Fono of Faipules for the information of the Commission.

Sir James PARR remarked that he had been quite justified in what he had said in Parliament. The Commission would have seen that the Administrator changed his mind afterwards.

M. RAPPARD wished to clear up one point, not as an explanation of any justified discontent that might exist, but as an explanation of the handle which it might have given to interested agitators. He referred to a passage in the Parliamentary debate to which reference was made by Mr. Holland, the author of a pamphlet. Sir James Parr, in the course of a debate, was interrupted by Mr. Veitch, who asked: "Are they Samoans?" Sir James Parr had replied:

"No. The Samoans put their views through to the Council of Faipules. I am obliged to the hon. gentleman for his interjection because it reminds me of the fact that we propose now to put on this Council two Samoans to be elected by the Samoans themselves, though that is rather ahead of my story. For the first time, the principle of election to the Council is recognised. It is proposed that the Governor-General should have power to say that these unofficial members shall be elected—two being Samoans and three being civilian Europeans in Samoa."

M. Rappard understood that Mr. Holland, who had participated in the debate, was the author of this pamphlet and was a member, he supposed, of the opposition. He would like to be quite clear on this point. In an agitation of this kind recourse was often had to unfair methods, and statements were taken out of their context. This was a method with which Administrators were familiar, and it was obvious that, in the course of the agitation, methods of that kind were adopted, and he supposed that there might be in this some explanation of the thirst for self-government that had, perhaps, been excited by reports unfairly spread regarding the declarations made on the plans of General Richardson. This was a point of some importance.

Sir George RICHARDSON agreed with M. Rappard. Unfortunately, Mr. Holland's remarks and the remarks of other people had been translated into the vernacular and circulated amongst the Samoans, who had been led to believe that they were the authoritative views of the Government of New Zealand, which was responsible for the welfare of the native. The circulation by the Mau of political speeches in New Zealand had done more harm in Samoa than anything else.

M. VAN REES wished very warmly to thank Sir James Parr and Sir George Richardson for the thorough explanations they had given yesterday and at the morning meeting. Nevertheless, those explanations did not make it possible for him to get a very clear idea of what could have provoked the agitation in this small territory. With the object of discovering both its basic and immediate causes, he had read very carefully the report of the Royal Commission. He wished to express his greatest admiration for the report, which had been extremely well prepared and of which the impartiality was beyond question. It had been drawn up by persons of the highest reputation both in New Zealand and elsewhere. He had, however, been struck,

when reading the report, by the fact that the two judges composing the Commission had confined themselves to examining the various complaints from the point of view of the legality of the actions of the Administrator. As soon as the legality of such actions had been established, the Royal Commission had concluded that the complaints were without foundation, which seemed all the more surprising in that Judge MacCormick, one of the investigators, had had some colonial experience, since it had been said that he was familiar with the customs, points of view and general mentality of the Maoris, who had been described as cousins of the Samoans.

As a result, the actual or possible psychological effect on the Samoans of the measures adopted towards them, even though those measures might have been perfectly legal, did not appear to have been the subject of any special or enlightening examination. It was for this reason that he had asked the accredited representative at the beginning of the discussion to be good enough to explain the views of his Government as to the fundamental causes of so wide an agitation which had broken out in so small and peaceful a country.

In reply to this request, it had been stated that the Government's view was that the whites had four causes of discontent, which were the following :

(1) Prohibition ; (2) The sale of copra by the Administrator ; (3) Extravagance of the Administration ; (4) The political ambitions of Mr. Nelson.

This reply only partially cleared up the situation, for, as M. Rappard had so justly pointed out on the previous day, prohibition could not be considered as a real cause, since this measure, of which the natives had not disapproved, had first been applied in 1920. It might, from the time of its application, have been disliked by certain non-natives, but it did not seem that it could be said to have provoked the sudden outburst of agitation in 1926. M. Rappard had also very wisely added that the charges of extravagance appeared unfounded and were not believed by their authors.

As regards the sale of copra by the Administrator, if the latter had adopted this policy, it was essentially in order to protect and favour the material interests of the natives. This policy could have affected only a small number of European traders, the principal of whom was Mr. Nelson. M. Van Rees quite realised that the action of the Administrator in this matter might have irritated certain traders because it threatened the future of their trade. It might, therefore, quite well have been one of the contributory causes of Mr. Nelson's discontent, and it may have been the final reason which induced him to proceed to extremes and to give full rein to that political ambition which the accredited representative had said was one of the real main causes of the disturbance.

Nevertheless, while retaining this point of view, M. Van Rees wished to look at these causes from another angle. In his view, the legality of certain measures adopted by the Administrator, while it could not be questioned, did not constitute the sole and final solution of the problem. He attached more importance to the application of those measures and their effect on the native mind. It was from this angle that he wished to examine what had happened, and to ask questions with this object.

He did not wish Sir James Parr to think that the speaker did not accept what he said, when he had pointed out that Mr. Nelson had played a large part in the agitation. He felt sure that Mr. Nelson had played such a part, but he was not yet convinced that his action was the only fundamental cause of the agitation.

The CHAIRMAN wished to explain that everything said by the members of the Commission during the discussion was said on their personal responsibility. The statement made did not, for the moment, express the united views of the Commission, which would only be set forth in the report to the Council.

He would like to ask Sir George Richardson one or two questions which might, he thought, complete that asked by M. Van Rees and perhaps make it easier for Sir James Parr to reply. The points on which he would like information were as follows :

First of all, Sir George Richardson had told the Commission that he had not previously been a specialist in native affairs or had much experience of them. When Sir George went to Samoa, did he find a staff already there and already organised or did he take with him other staff ?

Secondly, what had the relations between the Government and the traders previously been and what was the nature of the Government ? Was it a system of paternal government ? What were the relations between the traders and the natives ?

Thirdly, the Fonos met twice a year, but, between the meetings of the Fonos, were the natives in direct touch with the officials or only through the traders ?

In a word, during the first three years of Sir George's administration, before any trouble had started, what had been the nature of the general relations of the Government and those under its authority ? Was the Government paternal or bureaucratic ?

Lastly, in what way had Sir George become aware of the unrest ? Had he become aware of it suddenly, or were there gradual symptoms—complaints by the natives, grumbling on the part of the traders and so on ?

Perhaps it would be better to postpone the answer to these questions until the afternoon meeting.

FIFTEENTH MEETING

*Held on Thursday, June 21st, 1928, at 4 p.m.*

Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

861. **Western Samoa : Examination of the Report of the Royal Commission concerning the Administration of Western Samoa (continuation).**

Sir James Parr, High Commissioner for New Zealand and Major-General Sir George Richardson, K.B.E., C.B., C.M.G., former Administrator of Western Samoa, came to the table of the Commission.

The CHAIRMAN asked Sir James Parr and Sir George Richardson to be good enough to reply to the questions raised at the morning meeting by himself and M. Van Rees.

*Character of the Report of the Royal Commission. Methods of the Agitation.*

Sir James PARR spoke as follows : I feel that I cannot allow one or two matters raised by my friend M. Van Rees to pass unnoticed. I confess that I am a little dismayed at the view M. Van Rees takes of the Royal Commission. After paying it a compliment, M. Van Rees went on to say that practically all the Royal Commission had done was to find that the measures taken were legally justified and that all was for the best in the best possible world. I trust that is not quite the view taken by this Commission.

It is my duty to tell you, Mr. Chairman, that my Government is of opinion that the Royal Commission's report is the most valuable document that the world has yet received with regard to the Samoan question. My Government believes that the Royal Commission has stated with accuracy the facts as they are ; it believes that the report gives the true story of the whole business and of the causes for it. I trust this Commission will find that the Royal Commission's report is a testimony of impressive weight. I can assure M. Van Rees that it has had a considerable effect upon the public opinion of New Zealand and the world outside.

I come now to the difficulty in which my friend finds himself. M. Van Rees finds it difficult to understand how it is that such a large body of natives have attached themselves to this non-co-operative organisation against the Administration, in view of the fact—which is not disputed—that they had in their Administrator a man who was genuinely sympathetic, a man whose main purpose was to assist and befriend the natives in every possible way, and whose measures for their copra business, for their health and education and moral good have earned the admiration of many people outside Samoa. Why, then, asks M. Van Rees, are these natives against the administration ? The answer, if I may attempt it, is this : First, we have to understand the peculiar psychology and mental character of these Samoans ; there is no race quite like them. They are very simple and very changeable. They are easy prey for the agitator and they are most anxious to follow any new movement. In proof of that, on page xxvi of the report is given the evidence of Captain Bell when being examined by the lawyer. He was asked : " Are the Samoans prone to follow in any new venture or new experiment ? " He replied : " Yes, if I started a Salvation Army movement here, there would not be a mission Native in the place. " " That is because of the novelty of the thing and because of the big drum ? " " Yes. "

That is their exact disposition. They are very easily persuaded, prone to agitation and love a contest. You may say : Surely there has been some long-standing cause for their discontent, let us search for it. I join with you in the search and I confess that, with the facts before me, I am unable to discover any reason for disagreeing from the Royal Commission. The Royal Commission has stated positively that there was no unrest, no real discontent, among the natives before October 1926. I appreciate your desire to dig the earth before 1926 to see what is in the soil to cause the growth of trouble, but you dig to no purpose before that date. We have to accept this, I think, that, prior to October 1926, the natives were, on the whole, satisfied with the administration.

Let us come, then, to that date. What took place then to upset their faith ? Well, an unheard-of thing took place. Nelson challenged the Administrator and won before the whole native population. Nelson and others said : " We will hold a public meeting to which the Samoans will be invited, to which they will come and join with the whites, and they will discuss the politics of this country conjointly—native affairs and European affairs ". I do not know whether the Commission sufficiently appreciates that this was a breach of an unwritten law which exists in every territory of a character such as Samoa. When the natives and the Europeans come together like that, it always spells serious trouble, and sometimes war. It is discountenanced by every Colonial administration, because it means that the natives get into the hands of white wire-pullers.

General Richardson learned for the first time through a newspaper that a public meeting was to be called shortly before he had welcomed Nelson back from a visit to Australia in a speech, and Nelson had replied in terms of the most flattering character with regard to the Administrator, praising his impartiality and fairness and his desire for the public welfare. At the same time, Nelson had resolved the week before to hold this public meeting, which he knew must be dead against the wishes and policy of the Administrator, because it began a campaign of propaganda among an easily swayed and ignorant people. That was the cause of the native trouble—propaganda, organised propaganda from Apia; it began in September and October 1926. You may take it that a systematic campaign of unsettling the simple Samoan was then begun by people well in a position to accomplish their object. They were all either married to Samoans or were half-castes. They had peculiar advantages in dealing with these people for the purpose of corrupting their minds. And they had unlimited funds.

What methods did they adopt? A newspaper was created which circulated largely, containing untruthful statements about the Administration. There were forty or fifty trading stations which they were able to employ as centres for the dissemination of propaganda. In addition, they brought into the town thirty chiefs whose real grievance, I shall suggest to you, was that they were not Faipules themselves. They were jealous. They were anxious for power. These thirty chiefs were brought into Apia, the political centre, and for nine months hung about there, getting material from the whites—the “centre”—and disseminating that material throughout the length and breadth of the land by means of circulars, messengers, etc. An unceasing stream of propaganda against the Administration continued for nine months unchecked. There is the real cause of the mischief.

In addition, all through the country, wherever there was a trading station, messages were conveyed to the natives indicating that the Administration was treating them unjustly. In a sentence, M. Van Rees, I would tell you that my honest opinion is that this powerful machine of intrigue had the effect of creating in the hearts of the people—up to that time reasonably satisfied—the idea that they were a very ill-used race, that they were under a gross tyranny. This was not difficult. They follow the newest idea: they are the most fickle of people. A Samoan will hold an opinion to-day and renounce it to-morrow. He believes the latest story.

The natives have never yet properly heard the other side. A large number of these people have never heard the truth. Few have heard of the Royal Commission's report. Nor are all these adherents of the Mau voluntary and genuine adherents.

General Richardson can tell you an interesting story of the various methods of intimidation that were used to frighten these people and bring them in. What were some of the stories that were told to them? They are multitudinous, but let me take one or two. They were discouraged from paying taxes. That is always a popular line. They were asked: “Why pay a tax to the Government? What is the Government doing for you? Pay 5s. and join the Mau, which will obtain for you great benefits in the future. Trust the Mau.” And again: “When the Governor goes round the village on the malaga-visit and wants to talk to you, get away into the bush; don't talk to him. He may sway you.” It was stated before the Royal Commission that this was deliberately done in order to prevent the Governor telling the natives the truth. The fear of certain people was that the native's ideas about the Administration would immediately be corrected and put straight by the Governor. They were told that Mr. Nelson was going to the New Zealand Parliament, to get a “victory for Samoa” and that “Samoa was going to be reborn as a nation”.

Chiefs were got at by the prospect held out to them of a cheap trip to the New Zealand Parliament, and they in turn brought in their tribe or adherents.

This propaganda machine went on for nine months unchecked. You will say to me, Mr. President, “Why did you permit it? Why were no steps taken?” I will ask General Richardson to give you the reasons for the course he followed. But let me continue my subject.

General Richardson had, in September 1926, expressed a strong wish that these public meetings, which started at that time, should not take place. He sent his secretary to the second meeting with a document. The document practically said: “I desire the whites not to mix with the natives”. There was a long silence in this meeting and then Nelson said: “We will go on with the meeting. Why should we submit to intimidation?” They continued the meeting against the wish of the Administrator. They defied the Administrator. You will say, “Why was it permitted?” The answer is that he had no legal power to stop it. He had no power to punish the whites—none. He had no power to punish the natives except by banishment, as it is called, which really means ordering a native to go from one place to another. General Richardson tells me this morning that, looking back on it now, in the light of what happened, perhaps he should have been stricter to get authority and police earlier in the gradual evolution of the Mau.

By this time Mr. Nelson had become a most influential personage in the eyes of the natives. General Richardson, the Governor, was openly flouted before these people. During the first month it was a small thing, but a few hundreds saw it, and told their world, “The Governor counts for nothing. Nelson is the big man; he can do what he likes. He defies the Governor successfully.” General Richardson will tell you that, to some extent, he felt that his hands were tied. The Minister in charge of the Department had promised to come to Samoa to look into matters, and he felt, not unnaturally, that to take action against these people before the Minister came might prejudice the position. The Minister came to Samoa, and then the effect

of the agitation was seen. Thousands of them were gathered in from all over the place. A deliberate demonstration was made, many being ignorant of the purpose. They were having a holiday in Samoa. They were given ribbons. They marched and re-marched in the little capital. They practically took possession of the town when the Minister came, and the attitude then of the Mau and of Mr. Nelson, before the Minister, was of a very truculent and defiant character.

Mr. Nelson and his friends had found their power over these people. The Committee which had made all the trouble did not even call on the Minister when he came. He said: "I have come to hear what you have to say". They refused, but they made this demonstration, and the thousands of natives, seeing this, and seeing the Governor flouted and the Administration defied, got the idea, quite naturally, that the Administration was powerless and of no use to them.

Then followed a period of turbulent agitation. Mr. Nelson and his friends took the matter to the New Zealand Parliament. The Parliament initiated a political enquiry, an enquiry by a Committee. General Richardson found that the most mendacious statements were being made in New Zealand, he not being there to check them, and, further, that inaccurate propaganda was being spread through the world by Nelson and others. He therefore demanded a Royal Commission. The Royal Commission sat and heard the views of three hundred people, and found (briefly put) that there was no just cause or reason for this agitation.

I want you, if you will, to understand that the agitation had been a lengthy process of evolution. At the first meeting, very little was said about native affairs. The matter grew and grew, until now, through the success that has been allowed to the movement, the ambition of the native is to cast off New Zealand and the mandate, and institute Samoa for the Samoans. Such is their view now, but it was not so in the early stages.

I do not know whether I convey clearly to your minds the extraordinary nature of these people, their unusual psychology. They differ from all other natives. They have always been easily malleable by the man on the beach. Trouble arose in the consular days in the same way, because the whites began to interfere in native business. There was trouble in the German period. Dr. Solf had trouble with the natives for the same reason, the whites interfering with the natives, and to-day, alas! we are not immune.

I hope I have said sufficient to indicate that, in the view of my Government, first there was no real discontent before Nelson and his friends started this propaganda movement and, secondly, the discontent among the natives to-day had been caused entirely by false and cunning propaganda operating upon the minds of a very simple and credulous people. Their hearts are not in the Mau movement—I speak of a large number—they are intimidated. I believe that the originators, as far as the natives are concerned, those thirty chiefs, were influenced by the motive we spoke of to-day—jealousy of the Faipules. They wanted a job, they wanted an office. The idea of holding office appeals to the vanity of the Samoan chief. The agitators said, "Well, you may get an office in this way". That started the movement which has spread until to-day it has extended out of all proportion to its beginnings.

I do not know if you would care to hear General Sir George Richardson's view on this aspect of the matter. I shall not feel quite satisfied unless you do so, as he knows all the circumstances.

Sir George RICHARDSON. — You have been told very clearly by Sir James Parr how this movement evolved, but it is difficult to understand why so many natives associated themselves with it, in view of the fact that they were, up to the time of the combined public meeting arranged by the European Committee, thoroughly satisfied and had no complaints.

In the first place, the native ringleaders—the chiefs that were drawn together as a committee by Mr. Nelson and his colleagues—had an idea that they were going to get a free trip to New Zealand. Naturally, that encouraged them to work hard, and they forced their own people to join with them and to contribute funds.

Secondly, the movement was a new one; it gave interest and excitement to the simple native people who have not very much with which to occupy their time. It gave them opportunities for their beloved journeys or malagas round the island and to Apia, with the consequent feasts and Fonos.

Further, they stated they were told that they would be free from observing the various laws of the Administration, such as collecting the rhinoceros or coconut beetle, which involves half-a-day's work per week. They were also told they need not clean their villages or clean their plantations or do other work which was regulated for their own good.

They were also led to believe that they would not have to pay the Government tax, but only a tax to the Mau of five shillings for a Taulelea (*i.e.*, a man without a title) and ten shillings for a chief. They were told—and they apparently saw—that the Government would not punish them for joining the Mau. They had nothing to lose and everything to gain. Furthermore, and this was brought out in evidence (page 360), they saw that the real offenders were not punished and that the Government did nothing to stop propaganda in the vernacular in the *Samoa Guardian* instituted by Mr. Nelson. The big demonstration organised by Mr. Nelson's committee to impress the Minister appealed to them. They thought that those who belonged to the Mau belonged to the bigger organisation.

Then, later, intimidation was employed. Those in a village who did not belong to this Mau organisation found that they were not invited to certain feasts ; they were not allowed to go into certain Fonos to take their part in title cases. This was part of the scheme of the Committee to force a large number of natives to join with them. They did not even receive a certain share of communal foods. I have a document from a native telling me the story of how he and others were actually threatened with banishment by the Mau if they did not join, and they were also threatened with being deprived of their titles.

There is one case of a loyal native having his coconut trees—nearly a hundred of them—cut down because he said he remained loyal to the Government and would not join this organisation. There is another case of a chief having his life threatened because he said he was determined to be loyal to the Government. These and many other cases of intimidation caused the native to associate himself with the movement. He was not going to put up with inconvenience of that kind, when, by joining the Mau, he was with his brothers. In the mind of the average native the Mau was all right and good fun.

Such are some of the causes that have contributed towards the growth of the Mau.

Sir James PARR. — Sir George Richardson has told me something in conversation which I think you ought to know. I asked him just now : " What is the attitude of these people ? Are they vicious ? So far as the general body of them is concerned, are they inclined to use force or violence ? " His answer is interesting, and I should like you to hear it.

Sir George RICHARDSON. — I should look upon the majority of the Samoans in the Mau as children who have joined this movement and enjoy it. They are not vicious towards the Government. They do not display any great hostility, except that a few of the chiefs are really most anxious " to win " as they call it. As for the great majority of them, their hearts are not in it. They know it is wrong. Although many are in the movement, they are not really hostile in any way to the Administration.

Just before I left, some of the natives went to the Secretary for Native Affairs to get a passport to go to Tutuila. We allow these natives to travel if they have paid their tax. The Secretary replied : " Yes, you can go, but you have not paid your tax yet ". " Oh, yes ", replied one of the men, " we have ; we have paid ours to the Mau ". That will explain the attitude of the majority of them to-day.

Just before leaving, I sent for one of the ringleaders, as mentioned in the report, a native chief, and asked him why he had put himself in opposition to myself and the Administration, at which he shed tears, saying he was very sorry, but he was in the Mau and according to Samoan custom he could not get out of it until it was ended. I replied : " How can we end it then ? " He answered : " You could end it to-morrow if you could make all the chiefs Faipules ". He said : " They will hang on until they get an answer from the League of Nations ". They had been told that.

M. VAN REES, replying to the first part of the speech of Sir James Parr which had been addressed in particular to himself, said that he had spoken with a full consciousness of his responsibility as a member of the Mandates Commission. He had been the first to recognise the great value of the judges of the Royal Commission and of the work they have done, as he had been the first to recognise the great qualities and good intentions of the Administrator of Samoa. He could not, however, forget that the Permanent Mandates Commission had a duty to perform and that as a member he had to share in that duty. It was just because of the interest he took in the fulfilment of this duty that he had been a little disappointed when reading the report of the Royal Commission.

His disappointment was due to the exclusive manner in which the complaints, above all, those of the natives, had been examined.

He had hoped that the Royal Commission would have examined the measures taken by the Administration, not only from the legal point of view, but also from another point of view which could not fail particularly to interest the Mandates Commission. The absence of illegality was not always sufficient to justify the action of a colonial administration. Associated with the legality of this action was its psychological effect on the native mentality, which was quite different from that of Western populations. It was this aspect of the problem to which the Royal Commission did not appear to have attached the importance it deserved. M. Van Rees did not consider it necessary to insist on this point, which, moreover, did not require an explanation for anyone who was familiar with the mentality of the native. He did not think it necessary, therefore, to do more, for the moment, than thank Sir James Parr and Sir George Richardson for the supplementary information they had been good enough to give.

*Officials : Relations between the Administrator, the Traders and the Samoans.*

The CHAIRMAN asked Sir George Richardson to be good enough to reply to the questions which had been put to him at the end of the previous meeting.

Sir George RICHARDSON. — The first question put to me concerned the staff of Western Samoa. The staff there is permanent and does not change with the Administrators. My previous experience with natives was limited to Maoris and to Nieuve Islanders, of which I knew

something. I had experience of them also in the war, but I had no previous experience of Samoans, and I very quickly found on arrival in the territory that they were very different. I therefore maintained an entirely open mind.

There was one principle instilled into me from a study of Lord Lugard's works and those of other administrators, namely, that it was my duty to govern these people as far as possible through their chiefs and their native authorities. My native staff was controlled by a very exceptional and able man, who had had experience in Samoa for nineteen years as a missionary. He was highly respected by everyone and the natives had full confidence in him. I set to work to study the Samoans and their language, and I attempted to make no changes in Native Administration until I had been one year in the country and learned from the head of the native staff and the Faipules what were the true needs of the native race. I made no change in their customs; in fact, no change whatever has been made in any native customs during my regime except at the request of the natives themselves. The staff was efficient, but, as in nearly every case, there were individuals who were not as efficient as others, and during my time there I had to dispense with the services of several. I have been very strict in regard to the officials of the native department, realising that they must be sympathetic, firm and possess special qualifications for dealing with natives. It is very difficult to get a complete native staff possessing those qualities, but I wish to say that the native staff was well served by Mr. Griffin and his assistants when I went to Samoa.

The local staff is appointed by the Administrator. If a senior officer, head of a department, or a special official is required and cannot be obtained locally, the Administrator applies to New Zealand and he is selected by the Government. The policy I adopted was to help as far as possible the large number of half-caste Europeans to get employment in the Government service. A serious problem is developing in Samoa—the problem of knowing what is going to be the outlet and the future for the large number of half-caste boys there.

The next question asked me concerned the traders. The relationship between the Administration and the traders, right up to the time of this political agitation, has been very good indeed. When I went around the islands on my official visits, they called on me, I held conferences with them, talked freely, and they put matters before me. They frequently wrote to me and presented various problems. It should be remembered that these traders are nearly all employees only of merchants in Apia. This fact has been brought out in the evidence of the Royal Commission, where it is shown that the traders of Nelson & Co. were used to circulate documents and to collect funds for the Mau. A few of these traders do endeavour to interfere in native affairs. I had one case, before the present trouble arose, of a trader who was endeavouring to get the natives to form an organisation which would involve them selling all their copra to him and not to any other trader; in other words, to mortgage their crops. I moved that trader to another district, or ordered that he be moved. During the period of the Mau, there have been cases of traders interfering with native affairs, to which I took great exception. The Faipules have told me that the traders blame the Government for everything which displeases the natives. If the price of their lava-lava, their oil, their fishing gear, or other things they require appears to be too high, the trader tells them it is because of the Government. Therefore I would say that the traders do not all co-operate with the Government.

The next question is as follows: Do the natives readily approach the Administration direct or do they go through the traders? The answer is that they always go to the Native Office, they look upon the Secretary of Native Affairs as a father, and in many cases insist on seeing the Administrator. They are a peculiar people in that they always want to get the decision from the highest authority: they want to see the Governor; and a good deal of my time has been taken up in interviews and in settling native troubles. Since the Mau started, it has been the policy to tell the natives not to come, in any circumstances, to the Native Office or to the Administrator. I have asked the reason for this, and the answer has been (1) that those members in the Mau would tell the Administrator too much of what they were being told by the European Committee and (2) that the Administrator would talk them over and show them that they were wrong.

I wish to assure you, however, that they have always had the fullest confidence in the Administrator and in the Secretary of Native Affairs as their champions in defending their rights. Since I have learnt the language, it has been most difficult for me to make the native chiefs and others act constitutionally and go to their Secretary of Native Affairs. They would come to Government House and insist on seeing me personally, because they knew I understood them, and that, in itself, will prove that our Government was a paternal one. I would say that it could not be more so.

M. PALACIOS had been very interested to hear the reply of General Richardson to the Chairman's question with regard to the staff of officials. He would like to ask a question concerning a very detailed allegation made in a petition and which, in his view, called for a reply. The Commission had been told that one of the officials occupied a position of trust. Mr. Griffin appeared, from the petition, to have been rather sharply criticised. It had been said, in fact, that the whites were either pro-Griffin or anti-Griffin and that there was a keen difference of opinion between the two factions. Certain allegations had been made against that same official on the ground that he had given protection to some undesirable persons.



The petition had been sent by Mr. Newton Rowe. Had Sir George Richardson any more information to give with regard to what was said in that petition ?

Sir George RICHARDSON said that the information he had given in his report concerning Mr. Rowe represented the position exactly. He had no further information to give. It was always an unpleasant duty for an Administrator to dismiss or dispense with the services of any official. No Administrator would do so unless it were absolutely necessary in the interests of the natives or the country, because he knew only too well that in the majority of cases that person would immediately create some political trouble and make difficulties for the Administration and the Government. On all occasions when it had been necessary to dispense with the services of an official, he had been sorry to have to do so, and he had been sorry in the case of Mr. Rowe, but the situation had necessitated it. He had had his critics, because it had been necessary, in the course of duty, to punish people, and when people were punished they were dissatisfied—at any rate, that was so in Samoa.

M. PALACIOS asked whether Bigg-Wither was actually a protégé of Mr. Griffin's. Had there been any favouritism regarding him ? M. Palacios referred in this connection to paragraph 7 of the observations of Wellington dated September 13th, 1927.

Sir George RICHARDSON replied in the negative. He would tell the Commission the story of Bigg-Wither if it wished, but it could rest assured that he had been protected by nobody.

*Local Banishments: Maintenance of Authority Ordinances.*

Lord LUGARD wished to point out that the concern of the Commission was primarily with the mandatory Power, and only in a secondary sense with the agent on the spot. He thought his colleagues would agree with him, after what had been already said in the Commission, that they were fully satisfied that the mandatory Power had done everything possible to ascertain the rights and wrongs of the trouble. It had appointed two judges in order to raise the matter out of any party politics, and had sent General Richardson to answer any further questions by the Commission. Up to that point he, at any rate, did not feel that the mandatory Power could have done anything more.

The Royal Commission, however, had chiefly been concerned with investigating the local conditions and the actions of the Administrator, and so on, whereas the Commission regarded the matter from rather a wider point of view. He would like to know whether any of the Ordinances enacted by the Administrator and approved by the mandatory Power had been likely to give rise to any unrest. The laws prescribed a maximum penalty for an offence against the Ordinance, but that maximum penalty was very seldom inflicted. Had there been any cases in which a penalty had been inflicted which was inexpedient at a time of such crisis ?

Sir James PARR asked Lord Lugard whether he referred to the Ordinances made by the Legislative Council and the Administrator or to the Ordinances generally ?

Lord LUGARD said he referred to the Ordinances passed prior to the actual time of crisis. He knew that, in time of crisis, very special measures might have been enacted to suppress any dangerous occurrence. He referred, however, to the Ordinances prior to that date. Had there been in any of the Ordinances approved by the mandatory Power anything which was likely to cause unrest and smouldering trouble ?

Sir James PARR asked Sir George Richardson to reply to that question. He wished merely to say that he thought the Royal Commission had enquired quite exhaustively into any complaints that were made by the natives with regard to Ordinances, and had found that there had been no serious dissatisfaction with regard to them.

Sir George RICHARDSON said that the Royal Commission's report stated definitely that no evidence was submitted of any dissatisfaction prior to the Mau. He could speak quite candidly—there had been no dissatisfaction. One Ordinance had been brought into the limelight very much since the Mau started—namely, the Ordinance dealing with so-called banishments. That Ordinance had been in vogue during the German regime. It had been found necessary to code it under the British regime, and it was nothing more or less than a code of similar laws or ordinances in other native territories, but unfortunately it was designated "banishment" instead of—in the case of the British Ordinances—the "removal" of a native from one district to another. He could assure the Chairman and members of this Commission that there had been no dissatisfaction with regard to that Ordinance prior to the Mau.

It had been exercised very carefully, and he, together with Mr. Griffin, had used their influence to bring about reconciliation between natives who had been temporarily sent away. At the time of the Mau, there had been only seven current cases of natives who had been temporarily moved under that Ordinance and they would probably have been pardoned or sent back within a very short time. That was a small number, considering the population of 40,000 and the customs of the Samoans, who looked upon this punishment as the only punishment that they could understand, and the correct one to give for causing disturbances in native villages or trouble in families.

Sir James PARR wished in this connection to point out to Lord Lugard that the Royal Commission dealt very exhaustively with this question on pages xxxv to xl of the report. It had come to the conclusion that the orders, both before the Mau and after, had been regularly made after a proper investigation and a report by a competent quasi-tribunal, before which the person against whom proceedings had been taken was able to present his case, and after the report had been personally considered by the Administrator.

As regards the question whether the Royal Commission was of opinion that this power to order a native by way of banishment to go back to his village or to go to some part of the island ought still to be retained, its view was given on page xliii of the report :

“ At the enquiry there was no demand on the part of the Samoans that this power should be repealed. As we have said, it is incorporated in the customs and usages of Samoans, and even in recent years it has been on many occasions exercised on their application. ”

Lord LUGARD said he had not had in mind any particular Ordinance and certainly not the Banishment Ordinance. He had asked quite generally whether the Administrator thought that any of the Ordinances might have given rise to discontent among the natives.

Sir James PARR said he had emphasised the Banishment Ordinance because it was really the one about which much had been said.

M. VAN REES asked whether reference was being made to the 1922 Ordinance.

Sir George RICHARDSON replied in the affirmative.

M. VAN REES asked why that Ordinance had been promulgated in 1922. Had any events occurred which called for its promulgation ?

Sir George RICHARDSON replied that, in the years 1921 and 1922, the German laws, many of which had been made in the form of proclamations, were coded as Ordinances. This proclamation had been in force, and was being acted upon, but it had not been coded into an Ordinance, and in 1922 that Ordinance had been passed in the ordinary way, just as many other Ordinances had been, which were merely translations of the German laws with slight modifications.

M. VAN REES, referring to page xxxvi of the report of the Royal Commission, wished to know whether the seven persons banished before the Mau and the fifteen after the Mau had been chiefs or simple natives.

Sir George RICHARDSON could not say whether they were all chiefs. He would suggest there were about half-and-half. He could not tell from the names.

M. VAN REES asked whether the fifty-nine persons whose titles had been taken away were all chiefs.

Sir George RICHARDSON replied that they would be Matais, but of the fifty-nine referred to on page 484 of the report only a very few had had their titles removed.

M. VAN REES understood that the Matais were regarded as chiefs.

Sir George RICHARDSON said that was so, but all chiefs were Matais, *i.e.*, heads of families. All heads of families were Matais, whether they were important or only minor chiefs.

M. VAN REES asked whether they were only heads of families, or whether they were considered to be chiefs of a higher status.

Sir George RICHARDSON replied that all were heads of families, some chiefs of high rank and others ordinary Matais.

He pointed out that on page 484 was given a list of all the so-called banishments after the Mau, nearly all of which were merely cases of ordering natives to go home ; yet they had had to be called banishments under the law.

Sir James PARR remarked that perhaps home was a prison !

Sir George RICHARDSON said he could not even send the agitators back to their villages without invoking this Ordinance, as he had had to act in a constitutional way in accordance with the law.

M. VAN REES wished to draw attention to the Maintenance of Authority in Native Affairs Ordinance 1927, Article 3 of which read as follows :

“ 3. Every person is guilty of an offence and liable on conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding one year who speaks any words or does any act calculated or likely to undermine the authority of or to excite disaffection against any native authority. ”

Article 4 read as follows :

“ 4. Every person is guilty of an offence and liable on conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding one year who originates, repeats or publishes any false rumour or makes, repeats or publishes any false report or misleading statement, if such rumour, report or statement is of a nature calculated or likely :

“ (a) To undermine the authority of or to excite disaffection against any native authority ; or

“ (b) To undermine the authority of or to excite disaffection against the Government of Samoa among the Samoan inhabitants of the territory of Western Samoa or any section of such inhabitants, if in either case such person knew or reasonably might have known that such rumour, report or statement was of such a nature. It shall be no defence to a charge under this clause that the person charged did not know such rumour or report to be false or did not know or intend such statement to be misleading.”

He would like to know why the Administrator had thought it necessary to issue such a severe Ordinance.

Sir George RICHARDSON said that, at the time that the Ordinance had been introduced, propaganda was being spread about the island from the Committee of the Mau in Apia, giving false information about the Government and undermining the authority of the Faipules, who, up to the time of the formation of the Mau, had been doing splendid work and maintaining order in the territory. This false information had been doing a great deal of harm.

He had asked his chief judge to look up the laws of other native territories and to ascertain if it would be possible to introduce an Ordinance to deal with the situation. He had found that in other native territories of the British Empire an Ordinance existed which was practically the same as the present one, which he had drafted, and which, he thought, met the situation. He had sent it to the New Zealand Government and had asked for its authority to pass it in the Legislative Council. The situation had been such that the Ordinance was an absolute necessity and, but for the difficulties in carrying out the law owing to the attitude of the Mau, there would have been some persons punished under it.

M. RAPPARD asked what would have happened but for the operations of the Mau.

Sir George RICHARDSON explained that the police had been unable to function and to make arrests owing to the operations of the Mau.

Sir James PARR said that he gathered, therefore, that the Ordinance was a dead letter.

Sir George RICHARDSON replied that he had been unable to carry it out. The Commission did not realise that, in Western Samoa, he had had practically no police force to help him in maintaining law and order, and that the soil was particularly fertile for seditious propaganda. He had been powerless to prevent trouble caused under such conditions ; he had not had an efficient police force at the time or sufficient police. He had hoped that the Ordinance would act as a deterrent and would prevent people from continuing the trouble, but the Mau had issued propaganda among the natives even against this Ordinance, saying that the Government was issuing cruel and oppressive laws.

M. VAN REES did not quite understand how it had happened that an Ordinance which was a dead letter should be reinforced by a second Ordinance, called the Maintenance of Authority in Native Affairs (No. 2) Ordinance, 1928.

Sir George RICHARDSON explained that he had brought some forces into the country to help him to carry it out.

M. VAN REES asked whether the second Ordinance had been put into force.

Sir George RICHARDSON replied that it had been in force while the warships were there.

M. VAN REES asked whether people had been punished under the Ordinance.

Sir George RICHARDSON said that, under that Ordinance, he had arrested those who had been boycotting the stores, and they had been sentenced to six months' imprisonment.

M. VAN REES asked whether the Ordinances in question in any way affected the right of the Samoans to submit petitions to the League of Nations.

Sir George RICHARDSON replied in the negative.

M. VAN REES supposed that, if certain statements in the petitions were untrue, the petitioners would come under the above-mentioned Article 4, which dealt with a person “ who originates, repeats or publishes any false rumour or makes, repeats or publishes any false report or misleading statement ”.

Sir George RICHARDSON said he did not agree. That would be stretching a point too far.

M. VAN REES enquired whether the Nelson petition, for example, would fall under this article.

Sir James PARR wondered whether a lawyer would support M. Van Rees in that view.

*Information published in Samoa concerning the Nature and Functions of the League of Nations.*

M. RAPPARD wished to ask the accredited representative a question regarding the famous catechism which had been mentioned in the Press: (1) Did the mandatory Power assume full responsibility for the document, and (2) was it true that it had been made punishable for the natives of Samoa to contribute to the expenses of the printing of a petition, as he had been told?

Sir George RICHARDSON said that he had not read the catechism until he had reached England. It had arisen in the following way. During last year, the schoolmaster had been giving a course of instruction to native teachers and he had come to the Administrator for information about the League of Nations. Sir George Richardson had helped him and had given him quite a lot of questions to circulate around. He believed that one of the questions was as follows: "Does the League of Nations control Samoa?" He thought that the question had been incorrectly translated. In Samoan the word used for "control" and for "govern" was the same—*pule*. He had distinctly told the schoolmaster that the League of Nations did not *govern* Samoa, and that had been misrepresented.

He personally had been a great champion for the League of Nations, and had endeavoured to uphold it in every possible way. The question supplied by him had been obtained mostly, not from the League of Nations periodicals, as he did not receive all of them, but from *Haxell's Annual*. That document contained the following question: "If the natives send a petition to the League of Nations, what will happen?" He believed the answer was that the League would send it back again to the mandatory Power.

Sir George Richardson wished to say that the Government of New Zealand was in no way responsible for the catechism, which was merely intended for a class-room in a school in Samoa. He took the responsibility for having said that, if the natives sent petitions to the League, they would be sent back to the mandatory Power, because at that time the Mau was conducting propaganda to the effect that the Administrator could do nothing, that the New Zealand Government could do nothing, and that they were appealing to the League of Nations. There was a general feeling that the League of Nations was the government of Samoa. They wanted to get round the Government and round the Administrator.

He had told the natives all over Samoa that any petitions sent to the League of Nations must pass through him. That also was what he had intended the schoolmaster to imply when drawing up the catechism.

It was unfortunate and most regrettable that, all through the Mau movement, Mr. Nelson and his Committee had endeavoured to circumvent the Administrator. They had not come to consult him; they had tried to make the natives think that Mr. Nelson and his Committee were the people with whom they should deal, and that he (Mr. Nelson) would deal with the New Zealand Government and with the League of Nations.

It was true that the catechism had been made by a schoolmaster with his help, but it did not truly represent what he had told the schoolmaster and it certainly was not what he personally had told the chiefs and natives all over Samoa. He had told them that petitions must first come to him and they knew it.

M. RAPPARD did not want to discuss the details of this catechism. He simply expressed the opinion, which he trusted the Information Section of the Secretariat would note, that it would be advisable to have official League literature in the headquarters of the mandatory countries and administrations, since such documents as this catechism necessarily tended to destroy an essential element in the working of the whole system both between the administration and the administrated and between the mandatory Power and the League, namely, confidence. In this connection, he would refer to just two points in the catechism.

Point 15 asks:

"Why is Samoa called a mandate?"

"Because Samoa is one of the countries which was formerly held by Germany and was taken away from the control of Germany by the Great Powers in the Great War."

That was no explanation of why Samoa was a mandate, and there was no mention of the fact that the mandate was a trust, which was the essential point in that connection.

Point 21 asks:

"Should such person send a letter (petition) to the League of Nations, will the League receive it and give it any consideration?"

"No, they will return such a letter to the Government of the country, because the League of Nations is not a Government. It has no flag. It has neither army nor navy, but has only Committees made up of representatives from different countries who are there to consider and decide on matters for the advancement of the world and for the abolition of causes of wars."

Any natives, and even a man who had not the simplicity of mind of the native, reading that answer would conclude that the intention of the author was to minimise the influence of the League and to deter those to whom it was addressed from using the right of petition.

Sir George Richardson had told the Commission that the mandatory Power was not responsible for the catechism but that he assumed part responsibility for it with a schoolmaster, to whom he had supplied the ideas on the basis of which the document was drafted. Either the Administration assumed responsibility or it did not. If it assumed responsibility, the Commission had to discuss it. It had been stated, however, that the Administration did not assume

responsibility. If it disowned the document, had it taken any steps to let the natives know that the catechism—which had been widely circulated—misrepresented the facts, because, so long as a document published by an official and dealing with such a highly political matter had not been disowned, a native was justified in assuming that the document represented the views of the mandatory Power. In his opinion, the seriousness of the situation lay in this fact: it was quite obvious that confidence, which was specially necessary for the administration of a territory like Samoa (in the absence of a police force) was bound to be impaired by publications on behalf of the mandatory Power which were misleading, and which the enemies of the mandatory Power could show to be misleading. The simpler the mind of a native the more destructive to confidence was a document of this kind. He would like to hear General Richardson's views on this matter.

The CHAIRMAN said he was sure Sir James Parr would remember that, on November 3rd of the previous year, he had had occasion to draw the attention of the accredited representative to a speech delivered by the Administrator on the occasion of the celebration of the anniversary of the King's birthday, in which it was stated that Samoa was an integral part of the British Empire.<sup>1</sup> He had expressed the hope that the Government of New Zealand would take steps to make clear to the population the true position of the mandatory Power. A new case of this kind had occurred and could not be passed over in silence.

Sir James PARR complimented the Chairman on his excellent memory. He recalled the incident quite well, and he had assured the Commission at the time that the Government of New Zealand had no misconceptions as to the position of Samoa under the mandate. It knew the true position quite well.

With regard to the catechism, he hoped too much would not be made of this paper, drawn up by the schoolmaster. It was obviously the work, in thought and in language, of an unskilled hand, of a rather ill-informed person.

M. RAPPARD asked whether the document was a printed one and in the Samoan language?

Sir George RICHARDSON replied that the document would certainly have first been in the Samoan language, but it was not a printed document. It was just a typed document containing some questions for the teachers.

In answer to M. Rappard's question, he would be very glad, while in Europe, to co-operate with the Information Section and have a catechism corrected and drawn up suitable for circulation in Samoa, for the purpose of rectifying any errors contained in the document under discussion.

*New Zealand Loan: Possible Weakness of Administrator: Available Police Forces: Visit of Minister for Foreign Affairs: Conversations of the Latter with Mr. Nelson.*

The CHAIRMAN proposed that the various criticisms of the Administration should be dealt with in turn. Did any member wish to ask for further information concerning the provisions for the sale of copra?

*No observations.*

The CHAIRMAN asked if any of his colleagues wished to put any questions concerning the criticism regarding extravagance in the expenditure of public revenue.

Dr. KASTL referred to a statement made to the effect that complaints had been lodged regarding a loan by New Zealand to Samoa of £100,000, £150,000 or £200,000. Had there been any possibility of explaining to the natives (the Faipules) the situation as regards this debt?

Sir James PARR replied that so many untruths had been told to the Samoans about this loan that the Governor had felt it necessary to make a statement to them.

He had done so. The reference to it would be found on page xiii of the report. He had spoken to a very large assembly of natives and had explained the position.

The CHAIRMAN asked if any one wished to put any questions regarding the alleged abuse of power on the part of the Administrator.

M. RAPPARD said that, although there was certainly no suspicion of tyranny in his mind, he would like to ask a question which struck him as rather important. He could not escape the impression that, far from being tyrannical, the Administrator had been disarmed in face of the growing hostility.

He had read with great care and with great interest the Minutes of the two public meetings held in October and November 1926, in which Nelson had organised the opposition to the Government. At the beginning of the second meeting, an official had arrived on behalf of the Governor and had read a letter couched in the most courteous and almost deferential terms. After the reading of this letter, which was very moderate and guarded in tone, a motion had been put to the vote whether it was to be considered or not. It was not considered and the meeting went

<sup>1</sup> See *Minutes of the Twelfth Session*, page 103.

gaily on. Had Sir George Richardson, on looking back on the position, had any idea about the effect of allowing the expressed will of the responsible Governor to be thwarted in such a way? Was it not dangerous when dealing with a native population which was very ingenuous in the confidence it expressed towards the Administrator? He had been very much touched by declarations of native chiefs who had said, "Yes, we agree with Mr. Nelson, but we would not like to do anything which would in any way hurt the feelings of the Administrator". Looking back, did not the Administrator think that, if he wished his will to prevail, if he wished to assert his authority, the method adopted was hardly calculated to maintain order by consolidating his authority and by impressing his subjects with the absolute necessity for obeying his will? Was it not a pity that the Administrator had not asserted his will with greater force at the time to which he referred and which was the time when the trouble had begun?

M. MERLIN would like to ask a supplementary question. At the time when the trouble began, had the Administrator the police force necessary to enforce his decisions? He would like to know exactly what police force had been available.

Sir George RICHARDSON replied that about thirty police had been distributed around the island, the majority being in Apia. There were also two white and two half-caste police officials.

The position had now been corrected, and there was an adequate police force in Samoa.

M. MERLIN asked of what the police force consisted now that it had been reinforced.

Sir George RICHARDSON replied that there were about seventy white police and thirty or forty Samoans.

M. RAPPARD had asked him a very important question. He had touched on what Sir George Richardson considered to be the vital spot in the weakness displayed at the commencement of this trouble. When dealing with natives, it was necessary that offences against the law should be dealt with promptly. Two basic principles must exist in the government of natives: (1) there must be goodwill towards the Administration, and (2) they must know that they could not commit offences with impunity. Since the Mau, natives saw that they could commit offences and not be punished. At the commencement of the Mau, he had not had the power to deal with Mr. Nelson or with those who worked against the Administration by inciting the natives to continue the agitation. He had reported the matter to the Government of New Zealand, but, in view of the approaching visit of the Minister, nothing was done and he had even anticipated that the visit would end the trouble.

When he had sent his courteous letter to the chairman (Mr. Nelson) of the public meeting, he naturally thought that Mr. Nelson and the other elected members of the Legislative Council would co-operate loyally with him, as it was their bounden duty to do. That they did not do so was an unpardonable offence, in view of the fact that the principals were Legislative Councillors associated with him in the Council for the object of maintaining the peace, order and good government of the territory.

The weakness of the situation during this agitation was that the Administrator did not take strong action at the outset to settle the trouble.

M. RAPPARD thanked Sir George Richardson for his answer. He had referred to lack of power. Did that mean that he had not had the legislative power to begin judicial proceedings in virtue of the Ordinance of which the Commission had heard, or did he mean that he had not had the physical power to assure the execution of any writ he might at that time have issued?

Sir George RICHARDSON replied that he had neither the physical nor the legal power.

Sir James PARR wished to add one sentence. It was necessary for the New Zealand Parliament to pass an Act giving the Administrator power to deal as criminal offenders with those who had agitated and stirred up the natives so as to hinder and prejudice the government of the country. That power had been granted last year.

M. RAPPARD wished to emphasise the importance of this matter, and in connection with it he would like to ask another question.

Mr. Nelson, on September 1st, had been received by the Prime Minister and the Foreign Minister. He had corresponded freely with them and had negotiated with them on behalf of the territory, almost as if he had had the power to do so. On his return, he had been welcomed as a friend and as a prominent citizen by the Administrator. It was easy, of course, to look back, and at that time it might have been more difficult to look forward, but, looking back, did not the mandatory Power think that the treatment meted out to a man like Mr. Nelson was calculated dangerously to increase his feelings of self-importance, just as the extreme moderation shown in dealing with the public meeting was calculated to encourage insubordination, just as the publication of the catechism was calculated to undermine confidence and just as, also, that very severe Ordinance, which was issued without the power to carry it out, was calculated to weaken the authority of the mandatory Power?

It was easy now to recognise what might have been mistakes, but in order to be clear as to the attitude of the mandatory Power towards its policy during the last two years, M. Rappard would be grateful for a reply to those questions.

Sir James PARR saw an aspect of comedy as well as of tragedy about this phase of the matter. The Governor, as the best friend of Mr. Nelson, had supplied him with a letter of introduction to the New Zealand Prime Minister. Sir George Richardson had been absolutely unsuspecting of any evil intent in the mind of Mr. Nelson, and up to that time had regarded him as a genuine friend. The Prime Minister and the Minister for Foreign Affairs had received Mr. Nelson, who had introduced himself by means of this letter. There was no doubt that, at the interview, he had made unfavourable criticisms—for the first time, and behind the Administrator—of the Administration.

Sir George RICHARDSON said he had never heard what those criticisms were.

Sir James PARR, continuing, said that Mr. Nelson had gone back to Samoa and had used this interview as a trump card in the game. Precisely as M. Rappard had suspected, the interview had tended greatly to enhance Mr. Nelson's prestige. Mr. Nelson was received by the Prime Minister, who, of course, was quite unsuspecting of his real purpose. Certainly, in the light of to-day he would think that the Prime Minister would say that Mr. Nelson was the last man he would receive or trust upon the Samoan question. But every one had to learn. Nobody knew at that time quite the kind of person Mr. Nelson proved to be.

The interview accorded to Mr. Nelson was used with successful effect in unsettling the minds of the natives on his return to Samoa.

Dr. KASTL asked Sir George Richardson whether he had been informed officially by the Prime Minister of New Zealand of the results of the interview with Mr. Nelson and especially of the promise given to Mr. Nelson to send the Minister for Foreign Affairs to Samoa. Was it true that the only person in Samoa, after the return of Mr. Nelson, who knew something of the Prime Minister's decision to send the Minister for Foreign Affairs to Samoa was Mr. Nelson himself?

Sir George RICHARDSON did not know then and did not know now what was said at that interview. With regard to the promise to send the Minister to Samoa, he had been assured by the Minister himself that his coming to Samoa was in no way the result of the interview, but had been prearranged by him in his capacity as Minister. He had wished to make himself conversant with the local conditions.

*The remainder of the discussion was adjourned to the next meeting.*

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## SIXTEENTH MEETING

*Held on Friday, June 22nd, 1928, at 10.15 a.m.*

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Chairman: The Marquis THEODOLI.

Present: All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

862. **Western Samoa: Examination of the Report of the Royal Commission concerning the Administration of Western Samoa (continuation).**

Sir James Parr, High Commissioner for New Zealand, and Major-General Sir George S. Richardson, K.B.E., C.B., C.M.G., former Administrator of Western Samoa, came to the table of the Commission.

*Method of appointing Faipules.*

M. RAPPARD asked Sir George Richardson whether he thought that the complaint about the nomination, instead of the election, of Faipules was one that really reflected deep-rooted discontent among the natives, or if it was one of those grievances that had been suggested to them by the whites.

Sir George RICHARDSON was absolutely convinced that this alleged grievance had been suggested to the natives by the whites and had not existed prior to the Mau agitation.

Lord LUGARD asked whether the Faipules had always been paid, or whether that was a new system. A suggestion had been made that, because they were paid, they were not recognised by the Samoans.

Sir George RICHARDSON said they had always been paid. All native officials received a small salary. The salary of a Faipule was from £36 to £40 a year. He believed that this had excited a certain amount of jealousy. He had recently asked one of the chiefs how the Mau trouble could be ended. He had replied: "There are too many chiefs who are very jealous of each other but you could end it to-morrow if you made them all Faipules".

M. RAPPARD observed that the fact of being paid always excited jealousy, but he would like to know whether Sir George Richardson had the impression that it also rendered the Faipules who were paid less representative. Did the rest of the population look upon them more as officials of the Administration and less as chiefs belonging to their own social system?

Sir George RICHARDSON replied in the negative. There had never been any question of their being considered non-representative of their people until the commencement of the movement, which had had as one of its objects the undermining of the Faipule authority and of that of the Administration by creating feeling against native officials.

M. PALACIOS said that a good many references had been made in the various petitions to the method of appointing the Faipules, together with criticisms of the choice made. There were definite allegations, for instance, in the Rowe petition (document C.P.M. 571). He did not in any way endorse what Mr. Rowe had said, but he would like to know General Richardson's views on the allegations made in that petition, for example, regarding the Tolova case to which reference was made in *Foreign Affairs* for June 1927.

Sir George RICHARDSON said that Mr. Rowe's allegation was quite untrue. The Faipule mentioned in the petition was one Sir George had dismissed: he did not reappoint him. Great care was taken in the selection of Faipules by the Administrator. The Faipule in the first place must be one of the chiefs of high rank, and all the Faipules to-day were, with one or two exceptions, of the highest rank of chiefs in their districts.

Sir James PARR was aware that the Commission wished to form its judgment apart from the findings of the Royal Commission, but he hoped he would be permitted to refer to one paragraph in the report. It dealt exhaustively with this question, which, it said, was the most important charge against the Administration. On page xxx the following passage occurred:

"We are satisfied that there is no foundation for this, the important charge made against the administration of Sir George Richardson. We are satisfied that he did consult the people of the district before appointing a Faipule and assured himself that the appointment would be an agreeable one to them. We are satisfied that this was also done during Colonel Tate's administration. We are satisfied that no complaint was ever made as to the method of the appointment of Faipules by the Administrator until after the meeting of October 1926. It was then taken up by the Mau as a cry or slogan against the Administration."

Sir George RICHARDSON wished to explain to the Commission that the law did not provide for the nomination by the people of the district of their Faipules, but during his regime he had introduced this system with a view to teaching the natives some day to elect their Faipules in accordance with modern methods. His efforts in this connection had not been successful, and as regards one district he had been waiting for two and a-half years for the chiefs to nominate one of their number. They had been unable to agree amongst themselves and he had been informed that each of them wanted to be appointed Faipule. They had stated that they would prefer the Governor to make his selection and to name the individual. The agitation of the Mau, however, had created the idea of election, which he knew could not be carried out.

#### *Medical Tax.*

Dr. KASTL had gathered from the report that the Ordinance regarding the medical tax was issued before Sir George Richardson had gone to Samoa. From experience with natives in Africa and elsewhere, he understood that they were very particular regarding medical treatment. They did not like to be forced to undergo medical treatment against their own wishes. He would ask whether the Medical Ordinance introducing a tax for medical treatment had been instituted in spite of the fact that a number of the natives might not have had adequate access to medical treatment on account of the distance they lived from a hospital or from a medical staff. Had any enquiries been made from the Faipules or from the District Councils, through the chiefs, regarding the introduction of the medical tax? The natives might have felt that they had not adequate access to medical treatment, or they might not have wished to have it. They might have preferred, in the event of falling ill, to be treated according to their own customs, and might not, therefore, have wished to pay the tax for medical treatment. He would ask, therefore, whether enquiries were made before the medical tax was issued.

Sir George RICHARDSON said that the decision to levy a medical tax or to call for a medical contribution by the natives had been taken prior to his arrival in Samoa, but it had not been coded as an Ordinance. The Ordinance was made shortly after his arrival there. It had been based on the fact that the Faipules themselves had, after consulting their people, agreed to make the contribution. At that time, the people of Samoa had been full of disease. Thousands of the natives were covered with sores and it was known that their anæmic condition during epidemics was largely the cause of the high death rate. He had therefore laid it down as a principle that medical service must, as far as possible, be placed within the reach of all in Savaii, as well as in Upolu. It had been difficult to do this. It involved the training of boys to be medical practitioners, the training of a large number of nurses, the establishment of medical dispensaries all around the islands, and of additional hospitals. A large amount of money had been spent in that way. The position at the present time was very satisfactory, and medical attention was practically within the reach of all. He had, however, heard from Savaii that the natives there did not receive the same attention as those in Upolu who lived in close proximity to the hospitals. He had therefore told the Faipules that it was his wish to reduce the £1 medical tax as much as possible, and he had considered the possibility of making it less in those districts where the natives were not able to get immediate attention at the hospitals. After consultation with the Faipules, however, it had been thought better to make the tax uniform, because so many natives travelled; they went to Apia and other hospital centres and thus got medical attention.



In 1927, therefore, the poll and medical taxes had been consolidated, making the total a personal tax of 36s., which included free medical treatment for all. This was less than that in Tonga and slightly less than that in Tutuila. The Administration, however, had gone one step further and had said that, in order to avoid contracting debts, which natives used to do at the traders' stores in order to obtain the money wherewith to pay their taxes, they could if they wished pay their tax in copra. The price allowed by the Administration for tax copra would represent to the native the equivalent of 26s. at current prices paid by the trader, which would be the lowest taxation of any Polynesian natives in the South Seas.

It was true that several years ago, natives had objected to receiving medical attention. The Samoans, in some cases, had preferred their own methods of treatment, which the doctors had reported as dangerous and in many cases fatal, and it was necessary to popularise the medical service by tact, kindness, and by showing good results. He could safely say that the natives now had great confidence in the Medical Department in spite of the attempt of one of the agitators to undermine that confidence at the political meetings. The great cry to-day on the part of the natives was, "Give us more doctors, give us more nurses, and increase our medical service," in spite of the fact that the Administration was spending 20 per cent of its revenue on that service.

Dr. KASTL wished, in order to avoid misunderstanding, to state that he quite appreciated the provisions made by the Administration of Samoa for medical attention. It had created the best possible service. He had merely referred to the disinclination of the natives to pay a medical tax.

*"Fine Mat Malagas."*

M. RAPPARD wished to have Sir George Richardson's views on the complaint made by various petitioners that the suppression of the "fine mat malaga" custom had had a great deal to do with the discontent of the natives. He quite realised the social dangers of those institutions which tended to excessive and extravagant hospitality and consequently to the impoverishment of the natives. It seemed, however, that the natives were very much attached to these customs, and he would like to have Sir George's views on the necessity and the expediency of combating them.

Sir George RICHARDSON said that, as he had explained yesterday, not one native custom had been changed by him except at the request of the natives themselves, and only two or three native customs had been touched at all. The "fine mat" custom was one, and it had been the first to be represented to him by the Faipules as being harmful, for it caused poverty in certain villages visited by these large parties. It was also harmful because the natives incurred heavy debts at the stores for kegs of salt beef used for entertaining their visitors. Plantations were neglected by the visiting party, while the hosts' plantations were more or less used up. The Faipules had urged that the practice should be stopped. It was the custom that, when there was some important wedding, the commemoration of the building of a Fale, or the granting of a title to some person, large parties would come from different parts of the islands and bring "fine mats" to make presents to the hosts. They would remain for some days, probably passing through a number of villages where they would also be fed. During their stay there would be feasting, and then, at the end of the ceremony, there would be an exchange of "fine mats" given to different chiefs and Tulafales. He believed that that portion of the ceremony was the cause of much dissatisfaction and trouble. The presentation of "fine mats" not only caused trouble, but in former days had been known to cause wars because of the dissatisfaction at the way the "fine mats" were distributed to different people.

He had had quite an open mind on the question, and had merely carried out the wishes of the Faipules by issuing an exhortation. They had said, "Let us agree to discontinue this custom forthwith as a trial", or, rather, they had said this at his suggestion. He had not wanted to make a permanent law on any custom which he knew might disturb the people. No law therefore had been made, and it had been agreed to discontinue the "fine mat malagas" for three years. Subsequently he had travelled around the island from district to district, and had always asked this question: "What about the fine mat resolution?" With one or two exceptions, all had agreed that it was a good thing.

When the Mau agitation had started, it was quite easy for agitators to appeal to certain chiefs pointing out that this resolution was against their interests and should not be carried out. Chiefs could be appealed to on this question quite easily, because they were the beneficiaries; they received the "fine mats". That was why he had been surprised that the Faipules who, in their capacity as chiefs, would benefit by receiving "fine mats", had themselves made the proposal, because they must have realised it was against their personal interests. They evidently realised that it was for the good of Samoa. He was satisfied that it would be a good thing to make the exhortation a law. It was not a law to-day, though the Faipules had asked him to make it so. In order to pacify the Mau, he had said to the chiefs: "You have the power in your own hands; if any particular district wants its fine mat malagas, so far as I am concerned you have only to say so and you can have them".

M. RAPPARD wished to raise a point in this connection. Sir George Richardson had been good enough to tell the Commission very often that he had taken certain action in full consultation with, and with the approval of, the Faipules. M. Rappard thought that most of the

members of the Commission had received the impression that the Samoans were of an extraordinarily fluctuating disposition, and had a way of verbally agreeing with suggestions while withholding their real approval. He wished to ask Sir George Richardson whether he thought that, by consulting the Faipules, he had really got to the bottom of the native mind in most cases, or had he sometimes been disappointed to find that even unanimous Faipule recommendations were disavowed by themselves and by other people later ?

Sir George RICHARDSON said he had known of that peculiar characteristic of the Samoans, and therefore very early in his career in Samoa had urged the Faipules always to open their hearts to him, to tell him exactly what they thought, and not to mind about giving him offence. He had told them not to try to be courteous and to say what they believed he would like to hear. He had constantly talked to them in this way until they had become by no means tools in his hands. They had grown to have the utmost confidence in him and would tell him candidly what they thought and what their people thought.

He had been able, moreover, to obtain the views of the people by going each year to every district, meeting all the chiefs and talking matters over with them. The Samoan expressed himself freely if he was displeased, and he could assure the Commission that the Faipules would always speak to him quite freely and candidly.

M. VAN REES asked whether the Samoans as a whole were known to be an obedient people with a respect for authority.

Sir George RICHARDSON replied in the affirmative. This characteristic had been quite conspicuous prior to the agitation of the Mau.

M. VAN REES desired to know, while noting the above reply, whether the Samoans were, in a general way, able to distinguish between an Ordinance, an exhortation or a resolution, all originating with the authorities.

Sir George RICHARDSON said that the Faipules did so distinguish. He felt bound to admit that at one stage they did look upon every resolution passed by the Fono of Faipules as law. There was really only one word in Samoan for order or for law, namely, *Tulafono*. Nevertheless, they all understand the difference between a resolution and a law to-day.

#### *Local Banishment and Deprivation of Titles.*

M. VAN REES wished to have some additional information regarding the application of the Samoa Offenders Ordinance. Certain figures were given on page xxxvii of the report and others on page xxxix. On page 484, there were still other figures. It would be of interest if a small table could be prepared indicating more clearly the effect of the Ordinance in question.

Sir James PARR said that the table on page 484 had been drawn up for the Commission and was correct.

M. VAN REES replied that the table of which he had spoken, which, moreover, he did not ask to have immediately, might contain replies to the following questions :

1. What was the total number of persons who had been ordered to leave their place of residence : (a) before the establishment of the Mau ; (b) since its establishment ?
2. How many of them were chiefs ?
3. What rank was held by these chiefs ?
4. Was there still any chief who had not yet been allowed to return to his village ?

As regards the deprivation of titles the following questions arose :

1. How many persons were deprived of their titles ?
2. What rank did they hold ?
3. Were there still some persons whose titles had not yet been restored to them ?

Lord LUGARD said he could not find the reference, but in some of the papers he had read he had seen it stated that the Royal Commission had said that it could not enquire into the question of deportations because they had been carried out under an Act of the New Zealand Parliament and therefore were not within its terms of reference. Was not banishment also an Act of Parliament ?

Sir James PARR said that this question had been specially referred to the Royal Commission under the Order of Reference ; it had been asked to say whether, in its opinion, " it would be prudent and safe to repeal and abrogate all power to require a Samoan to remove for a definite period from one place on the islands to another ".

Lord LUGARD asked whether, in spite of banishments being covered by an Act of Parliament, the Terms of Reference included them but excluded deportations.

Sir James PARR replied that there had been no deportations before the Royal Commission sat.

He wished to call the attention of M. Van Rees and Lord Lugard to a statement on page xl of the report, which seemed to him to give valuable information regarding this question of local banishment, as it was called. The Commission said :

“Some fifty-nine orders in all were made, affecting fifty individuals. Forty-two orders directed Natives to return to their homes from Apia or to remain in their home village of Apia or its environs, and eight orders directed Natives to remove to other villages than their own home villages. Some of these orders were to continue in force for a period of three months, and some for a period of twelve months. Of the total orders made some thirty-nine were disobeyed, and it was found advisable not to enforce them. These fifty-nine orders are the orders which were mostly complained of before us.”

Sir George RICHARDSON said that only eight natives were ordered to go to other villages.

Sir James PARR remarked that he feared these orders had been largely blank cartridges.

Lord LUGARD asked whether it was advisable or expedient to make these orders if there was not the power to enforce them.

Sir George RICHARDSON said he had not realised that he had not the power to enforce them until he tried to do so. At the time the orders were made, he had not realised that the Mau natives would resist the police, or even that they would not accept a summons.

Sir James PARR hoped he was justified in concluding, from the almost complete disobedience to these orders, that they had not been a really live factor in influencing the natives against the Administration. They had treated them with contempt; that was the danger and not any hardship.

Sir George RICHARDSON said the banishments had not in any way caused the trouble; the trouble was already there.

M. VAN REES observed that the passage to which Sir James Parr had referred gave the orders issued after the establishment of the Mau, but others had been referred to which were issued before its establishment.

Sir James PARR said that the orders referred to were to be found on page xxxvii under domestic offences and matters of conduct.

Sir George RICHARDSON said that, before the Mau had been formed, there had been very few cases of banishment, and only occasionally requests had been submitted by the natives to have persons removed from their village, who were causing trouble through committing adultery and other offences against Samoan native customs. If those offenders had been left in their villages, it might in some cases have led to murder, and that was why they were removed. There were only seven current cases of natives removed from their village at the commencement of the Mau, and these would probably have been pardoned in 1926, and he thought had, in fact, all been pardoned in 1927.

He was quite satisfied that banishments effected before the Mau had been formed were in no way a cause of dissatisfaction among the natives themselves.

M. MERLIN asked how many cases there had been since the Mau had been formed.

Sir George RICHARDSON said the statistics were given on page 484 of the report.

M. MERLIN observed that the figure given on that page was fifty-nine. He understood that seven or eight chiefs had been ordered to be banished.

Sir George RICHARDSON said there would have been no cause for those banishments if Nelson's Committee had not stirred up trouble. Of the fifty-nine mentioned, nearly all were cases of natives who had been ordered to go back to their own villages. They could not justly be called “banishments”.

Lord LUGARD asked whether any similar orders of banishment were operative in American Samoa.

Sir George RICHARDSON could not say what banishments were carried out in that territory, but the custom was the same.

M. RAPPARD did not attach great importance to the statistics of these deportations, but he had been surprised by the statement made by Sir James Parr that, inasmuch as the deportations ordered after the Mau trouble were not carried out, they could not have been a cause for discontent. It seems to him that orders issued and resisted were the best possible symptom of trouble and at the same time were the cause of trouble. The fact that no hardship had ensued because the orders had been violated did not seem to him to be a reason for disregarding those orders as a cause of discontent.

Sir James PARR pointed out that the answer had been given by General Richardson, who was on the spot. He had said that these orders did not need to be considered seriously as a cause of unrest and disaffection. The natives had treated the orders as if they did not exist. They had not feared them, they had despised them.

Sir George RICHARDSON added that they were simply defying the Administration in that as in other things.

Sir James PARR observed that it was general defiance of the whole Administration that was evident.

*European Membership on the Legislative Council.*

The CHAIRMAN noted that one of the complaints which had been made by various petitioners—it had also appeared in the Press—was that the chief judge of the territory, Mr. Woodward, was allowed to sit as a member of the Legislative Council. He asked why the Administration had been prompted to arrange for the inclusion of the chief judge as a nominated member of the Legislative Council and if it was in conformity with the principles of good administration that the representative of the highest judicial power in the territory, who might be called on to hear cases regarding the application of certain legislative measures, should himself participate in the introduction or discussion of legislation.

Sir George RICHARDSON said that the appointment had not led to any difficulty. Samoa was a very small territory and the Administrator had a very small staff. He was not a lawyer and would not sit in the Legislative Council unless one of his colleagues upon it had been able to give legal advice. Mr. Woodward had therefore been nominally made a member of the Legislative Council so that he could be in attendance in case the second lawyer was away on leave or on duty and not able to be present. He had sat only on one or two occasions when it had not been possible for the Crown Solicitor to be present.

Lord LUGARD said he had been told several times that the European members of the Legislative Council could not interfere in native affairs, and Mr. Nosworthy, the Minister for External Affairs, had emphasised that point when he visited Samoa. Why could they not interfere? Any Ordinances which affected native affairs were brought before the Legislative Council, and he presumed the European members could vote against them if they wished. A unanimous unofficial vote carried a great deal of weight. His point was that they had an opportunity of exercising any influence which they wished to exert.

Sir George RICHARDSON said that all native matters requiring to be embodied as laws were brought before the Legislative Council, but he had made it a rule that no native matters should be put before it until he had consulted the Fono of Faipules and thoroughly satisfied himself that the proposals were in accord with the interests and wishes of the natives. He thought that the elected European members had chiefly objected to the fact that he, together with the Government, having obtained the wishes of the Faipules and made up their minds that a certain native law or regulation required to be passed and brought before the Legislative Council, were in the majority and would pass the law or regulation in native interests; the elected members, however, certainly had a voice in discussing and advising on all matters that were put before the Council.

Lord LUGARD asked whether the record of the proceedings of the Legislative Council were sent to New Zealand, so that the decisions taken might be known by the authorities.

Sir George RICHARDSON replied that they were circulated. Arrangements were now being made for the Minutes of the Legislative Council to be sent to the Mandates Commission in future.

*Trading Licences.*

M. RAPPARD, referring to the question of these licences, wished merely to note that apparently something had gone wrong with them. The Royal Commission recognised that some action had been taken which was not strictly in accord with the legal rights of the Administration. Could Sir George Richardson give the Commission any information as to the causes and results of this irregularity?

Sir George RICHARDSON replied that, when evidence had been brought to him that Mr. Nelson's traders and others had been circulating Mau propaganda and collecting funds from the natives, he had set up a small Committee consisting of the Crown Solicitor, the Collector of Customs, and one other person to deal with this matter and to write letters warning them and calling upon them to show why their licences should not be cancelled. Later, direct evidence had been obtained, and complaints had been made by native chiefs themselves against certain traders.

In order to act as a deterrent and to check this movement, he had asked the Crown Solicitor to cancel the licences of three traders, which, he understood, had been done. He had learnt subsequently that, while a small independent trader was granted a personal licence from the Collector of Customs, those who were merely employees of a mercantile firm, such as Nelson & Co., which had about forty traders around the islands, had not been given personal licences. The licence for Nelson & Co. merely had an endorsement on it for each trader employed; so that, while the cancellation of licences had been ordered and should have been effective, the traders had had no personal licences to cancel, so that legally the cancellation was invalid.

As soon as the position was clearly ascertained, orders were given that every trader must have a personal licence.

M. RAPPARD asked for information regarding the passenger boat licence.

Sir George RICHARDSON replied that the boat had been owned by one of the chiefs, who had been ordered to be removed from Apia to a village about a mile and a-half away, Papaliulu.

#### *Individualisation of Family Lands.*

M. VAN REES, referring to the question of the individualisation of family lands, dealt with on page xxxiv of the Royal Commission's report, observed that the resolution relating to the division of family land was only optional; it would in no way be compulsory. The text of the resolution itself said (document C.494.1927.VI[C.P.M. 634]): "In order that every Samoan shall reap the reward of his own labour and benefit by his own efforts, it is desired . . . ." On the other hand, it then went on, "The land in each district will be surveyed by the Government. To each taxpayer who has no land will be allocated one block . . . ." Moreover, Article 13 said :

"The change from the present system of owning and cultivating land will necessarily be slow. It cannot be made all at once, but steps will be taken to bring about the change by district councils issuing as many new land titles as possible to the young men and others who are now without land."

The Minutes of the meeting of the Commission held on November 4th, 1927, page 122, included a statement by Sir James Parr to the effect that the natives were constantly being encouraged by the Administration to have and acquire more holdings. It was known that it was not intended to make the reform compulsory, but was it inconceivable that the native supposed this to be an order rather than an option? This impression certainly might have been created, which might explain the lack of enthusiasm shown by the Samoans in connection with this reform instituted for their happiness. The Royal Commission has only examined the reform from the legal point of view. It was regrettable that the possible psychological effect of the measure had not been taken into consideration.

Sir George RICHARDSON said it must be remembered that, in the first place, the natives, through their Faipules, had asked for this provision to divide up land; secondly, that the natives had a form of local self-government. Their district councils controlled all matters in the district, and it was left to each district to act upon the resolution if it wished, with the help of the Administration. It was fully understood that there was no law; the scheme had been proceeding satisfactorily until one or two Europeanised natives in Apia had had to find some means of creating agitation or some alleged cause of discontent. The question of the division of land had not been a cause of discontent, except, perhaps, in one or two districts where a few people might have thought that their own chiefs were not dividing up the land properly. He could assure the Commission, however, that there was no dissatisfaction. The matter was in the hands of the natives themselves, and, only the day before he left Samoa, natives from one district had come to him asking him to arrange that a large area of land should be divided up between individuals.

M. VAN REES thought it might be concluded that no pressure had been brought to bear by the Administration.

Sir George RICHARDSON agreed. It must be kept in mind throughout that the alleged grievances were in the first place made by Europeans, who did not understand what was happening in matters of native administration.

#### *Native Petition.*

Lord LUGARD asked Sir George Richardson if he had seen the draft of the native petition.

Sir George RICHARDSON replied in the affirmative.

Lord LUGARD said it had been suggested somewhere in the papers before the Commission that the petition had actually been drawn up by Mr. Slipper, the legal adviser of the Mau. Did the petition bear any indication of that? Was it in the handwriting of a European or were there any other indications that it had been drawn up by Europeans?

Sir George RICHARDSON replied that evidence had been brought to him from natives that Mr. Slipper had drawn it up. He could not give proof of this, but he was quite confident that he had done so. The petition had been typed, but there were corrections on it which he believed to be in Mr. Slipper's handwriting.

#### *The Mau: Influence and Legality.*

Lord LUGARD asked whether any ordinance existed empowering the Administrator to declare an organisation to be an illegal organisation. Had the Mau ever been declared to be an illegal organisation?

Sir George RICHARDSON said it had not formally been declared an illegal organisation. The last Maintenance of Authority Ordinance provided that the Administrator could take action against any illegal organisation, but did not legally define the word "Mau". He did not remember whether the "Mau" was specifically mentioned in a proclamation he had issued when that Ordinance was passed.

Sir James PARR said he thought that action could only be taken against individuals.

Lord LUGARD observed that it had been said that the Mau comprised something like 90 per cent of the population, while Sir George Richardson, he thought, had said that the figure was more like 60 per cent. According to the pictures seen by the members of the Commission, there had been enormous demonstrations when Sir George Richardson left Samoa. Were the people of the Mau demonstrating in his honour?

Sir George RICHARDSON replied that, when he left Samoa, there had been a very large demonstration of several thousand people who had given a very enthusiastic send-off and made patriotic speeches. There had also been a demonstration of a large number of Mau natives in Apia. As regards Lord Lugard's first question, he had asked each Faipule, at the last Fono of Faipules held in February 1928, to tell him how many of the people were in the Mau. He had taken down the figures they had given him and had worked it out that about 40 per cent were still loyal and about 60 per cent were in the Mau. He had also been told that, in the case of most of the natives in the Mau, their hearts were not in it, but they had been intimidated and forced into it.

*Information published in Samoa concerning the Nature and Functions of the League of Nations*  
(continuation).

M. RAPPARD wished to refer to two documents in his possession about which he would like to have Sir George's opinion. The first was an extract from the paper *Foreign Affairs* of October 1927, which was published in London. It stated:

"But the Commission should take note of the report that the Rev. F. G. Lewis, Secretary for Native Affairs, has circulated throughout Savai'i, in the Samoan language, a telegram in which the following passage occurs: 'The Associated Governments of all the world have passed a law thus: No complaint of any nature from any country under any mandate or protection such as Samoa will be able to be presented to the League of Nations, which will be unable to receive them.'"

He would like to know whether Sir George Richardson knew of this document, and what was his opinion of it?

Sir George RICHARDSON was unable to say whether it was true or not.

M. RAPPARD pointed out that the telegram was reported to have been issued during his period of office.

Sir George RICHARDSON replied that there had been so much propaganda of that kind that he had taken no notice of the Press.

M. RAPPARD supposed that the same answer would apply to an extract from the *Samoa Guardian* of December 1st, 1927, in which it was stated that two documents had been issued to the Faipules by the Administration since the Royal Commission left Samoa, and that in the second of these it was stated by the Administration that Samoans could not present a petition to the League. He supposed that this was a reference to the so-called catechism.

Sir George RICHARDSON replied that Toelupe's evidence with regard to the *Samoa Guardian* was quite apropos and sufficient. He remarked (page 288) that everything he said had been misconstrued and misrepresented for purposes of propaganda.

The CHAIRMAN asked Sir George Richardson to be good enough to give more details.

Sir George RICHARDSON said that the extract mentioned by M. Rappard referred to the document sent out by the schoolmaster called a catechism which had been referred to the New Zealand Government and on which the Commission would receive a full report from it.

Sir James PARR asked M. Rappard who had supplied him with the extract?

M. RAPPARD said that the Secretariat had received the *Samoa Guardian*.

Sir George RICHARDSON appealed to the Commission not to place much credence in the *Samoa Guardian*.

M. RAPPARD replied that the Commission did not attach undue importance to it. It received a lot of documents, a great many of which were, of course, quite negligible.

Sir James PARR wished to make one observation with regard to the statements attributed to the Governor concerning the relative constitutional positions of the mandatory Power and the League. It had been evident to him in London that, during the last two months, an organised attempt had been made, by one well-known person to sow as much dissension as possible between the League and the mandatory Power.

Sir George RICHARDSON added that it was intended to discredit him also.

Sir James PARR continuing, said he could assure the Commission that reports of this kind had been circulated broadcast and, with one exception, all the newspapers, who now knew Mr. Nelson and his friends, had treated those reports as they deserved.

They had ignored them as obvious and interested propaganda against the mandatory.

The CHAIRMAN said that the members of the Commission fully understood the position. At the same time, seeing that Geneva was so far away from Samoa and that certain persons would seize every opportunity of causing misunderstanding, Sir James Parr would understand how important it was that each of the subordinates, even ordinary schoolmasters, should be prevented from making any public statements or doing anything which might lay the Administration open to such insinuations. He was sure Sir James Parr realised the necessity for preventing any action being taken which might enable such persons to represent Sir George Richardson as a man who did not understand his mission and his duty *vis-à-vis* the League of Nations, or the mission and obligations of the Permanent Mandates Commission.

Sir James PARR entirely agreed, and wished to suggest that, in order to obviate any further misunderstandings and to prevent disagreeable incidents in the future, he should collaborate with the Chairman and M. Rappard in framing a simple statement of the true relationship between Geneva and New Zealand that would be understood by the simple minds of the Samoans.

#### *Naval Demonstration 1928. The Present Situation.*

The CHAIRMAN thanked Sir James Parr and asked Sir George Richardson to explain as briefly as possible, in the first place, at what time he had made up his mind that a naval demonstration was desirable, secondly, of what the demonstration consisted, and thirdly, what was its effect.

Sir George RICHARDSON said that on February 8th he had called the Faipules together and had said: "Your duty now is to help the Administration to end this trouble and I want you to meet with the Chiefs of the Mau in a friendly way and induce them to put all their troubles before you and myself and settle the matter." A delegation of Faipules had gone to see the Mau Committee and had sent letters to it. They had been treated very discourteously by the Mau Committee and all efforts to bring them together were unavailing. Sir George had then sent a letter to the Mau asking the chiefs to come and see him; it was a very courteous letter, to which they replied, refusing to come. The Mau chiefs had been freely spreading information among the natives that Mr. Nelson had sent them letters of encouragement telling them not to do anything until he returned victorious from the League of Nations, and not to fear the white police. One of the European leaders of the Mau had been reported to him for telling the natives that New Zealand would not do anything to the Mau, and dared not do anything because the League of Nations would prevent it.

Large numbers of natives had been put into a uniform consisting of a blue *lava-lava* made by the firm of Nelson & Co. and called themselves the "Mau Police", saying that they were organised to maintain order among their own people, but it was well known that their object was to resist the action of the Government police. There were between 300 and 400 of the "Mau Police". They had talked somewhat violently and started to boycott the stores along the main street of Apia. Sir George Richardson had ordered the Government police to arrest any natives that were seen intimidating others, and preventing them from entering stores, but he did not succeed in getting one arrested. The real Samoan police had been quite ineffective. A number of residents, including planters and others had come to him and said that the attitude of the Mau natives was so threatening that the New Zealand Government should support him by force to do something to put an end to the Mau. One of the managers of a big mercantile firm in Apia had informed him that he was satisfied that Mr. Nelson, prior to leaving Samoa, had actually organised this boycott. He said: "I thought before that he (Mr. Nelson) was sincere, although I know his attitude in regard to this agitation is wrong. I now have evidence to prove that he is not sincere, and I am satisfied that he arranged this boycott before he left Samoa."

Sir George Richardson had then sent a radio message to the New Zealand Government, saying: "My police are ineffective, please send warships here so that I can land some of the marines to support police action." The warships arrived on February 21st. He had sent to the Commodore a radio message, prior to the arrival of the ships telling him that he wanted some marines to land immediately the ships arrived, as he intended to arrest a few of the ringleaders, and bring them before the Court to punish them. The Commodore had replied that he could not do that, nor could he take any action without the approval of the Government. Nothing could be done, therefore, until after the arrival of the Commodore and his Conference with the Administrator. The ships arrived and no force was landed. The Samoans saw the ships and made the remark: "They are only scarecrows to scare the birds away; they will do nothing."

There had been no legislation enabling him even to remove the people in uniform off the streets, and it had been necessary for Sir George to pass an Ordinance declaring Apia to be a disturbed area and enabling him to take action against these demonstrators. He had assembled the

Legislative Council to assist him in passing an Ordinance which was a special measure to deal with the emergency. Two members of that Legislative Council who belonged to the Mau Committee had had to do one of two things : either vote for the Ordinance and show that they wished to maintain peace, order and good government, or vote against it and show that they were in favour of the illegal action of the Mau natives. They had resented his calling the Legislative Council together urgently, as he had given the members only about six hours' notice—and they had made this a pretext for getting up and leaving the Council Chamber without taking part in the debate. No one, therefore, had been present except the official members, the Commodore of the Fleet and other Naval Officers when the legislation had been passed.

While it might have been thought that the presence of warships would be sufficient to counteract the hostile attitude of the Mau, he had realised that it would not be sufficient unless the offenders were made to feel that the Government had power to deal with them, and he had been prepared to arrest the offenders, to punish them and do what he thought would bring about peace, order and good government.

On the next day, the Ordinance had been issued, together with a proclamation explaining that the warships had not come to fight, but to maintain law and order, and that the two following things must be done : The natives must cease wearing the uniforms and cease boycotting the stores. They were to obey the laws and go quietly home. This order had been translated into Samoan and circulated around the villages.

He had been powerless under the constitution of civil government to deal with an emergency of this kind in the absence of a law to enforce authority. The natives were still in such a position that in certain matters they could be governed better without constituted laws, but in this case he had had to have those laws.

On the following morning—February 23rd—he had arranged for the landing of two parties of men from the ships. The beach was about 800 yards long, and the Mau natives were assembled, in uniform, all along this beach armed with heavy sticks. The Commodore had landed one party from the ships at one end and another party at the opposite end of the beach with instructions that they were to move along, collect the people assembled there and arrest them. This move had been a great surprise to the Mau natives who were collected and put into Vainea gaol. There were about 300 of them. It might interest the Commission to know that many of them had even looked upon the affair as a joke, as some of those who were in uniform at the back of the town heard about it and ran in to join those who had been arrested.

In reply to a question by the Chairman, he said that Mr. Nelson had left Samoa at that time.

The number of natives that had been arrested was large, but he felt that, if he could see personally all these people of the Mau, he would be able to explain matters to them, convert them and induce them to become law-abiding. The Judge had addressed them and convicted them of intimidation in connection with the boycotting of the stores. He awarded them six months' imprisonment. There were no gaols in Samoa big enough to accommodate such a large number of persons, the one prison in Samoa being merely a prison farm, where prisoners were sent to cultivate the land, and from which they could walk away if they wished.

As it was not possible to keep all these people in gaol he had visited them after they had been sentenced to six months' imprisonment and had held Fonos with them for two or three days telling them of their foolishness, telling them the truth and explaining matters to them. The ringleader had made a most complimentary speech in reply and had said that they had now learned the truth, that the Administrator had shown them that he understood them, and that he had shown them the door to peace and prosperity. Sir George had thought that this might be effective and that perhaps if he said : " I will take your word " the trouble would be ended. After they had expressed regret—I knew that nearly all of them had agreed to do as I had asked them—they had said : " The Governor is right, and we ought to accept what he says ". On the assumption that they would appreciate his leniency, he had then told them to go back to their homes and observe law and order.

On the following day, the leading chief of this Mau party had told him that they did not want to accept any of the things he had previously conceded to them—or had asked them to carry out, viz :

To use the Powers they had under the Native Regulations Order in Council and act constitutionally by deciding for themselves, through their own district councils, the questions of " fine mat malagas ", division of land, and other native matters.

If they were displeased with any Faipule, the district council was to state its reasons and nominate another chief for the position.

To end the " Mau " and obey the laws ; all parties again to work together for the welfare of their country.

The chief stated that all they wanted was " Samoa for the Samoans " and to govern the country themselves.

It had been reliably reported to Sir George that the ringleader had openly stated to the Mau chiefs : " If we accept the Administrator's advice, the Mau will end and Mr. Nelson will not be able to bring us the victory—therefore we must not be satisfied with anything less than self-government."

What therefore had been the effect of his action in releasing these offenders ? The boycott had been stopped ; but the Committee remained in Apia receiving and circulating propaganda and said : " We will carry on until Mr. Nelson comes back from the League of Nations with victory."



M. RAPPARD asked what happened to the Mau police in blue *lava-lavas* ? Did they disband?

Sir George RICHARDSON said that they still continued to walk about, some of them wearing uniforms, but they had ceased their aggressive attitude.

The loyal natives had been very much annoyed, and had asked for permission to fight. They said : " The Government has too many laws. Let us settle this thing in our own way. " Toelupe and a few of the very leading chiefs had said ; " You will never govern the country in this way. If New Zealand allows Mr. Nelson to go round spreading stories throughout the world, and if people are not deported and properly punished, you cannot govern them. You ought to do as was done in German times. "

The object of the movement throughout had been to undermine the native authorities and to undermine the Administration. These people had an excellent and democratic organisation set up in accordance with native custom. No more effective or more democratic organisation could be found anywhere than that in Samoa, but owing to the Mau agitation the natives were not making use of it. The Mau was simply waiting to-day for some decision, although it was fully aware that the movement was wrong. Sir George Richardson regretted that it had not been possible to take some action ; he had told the Commission quite candidly from his heart that no punishments had been inflicted because the Government did not wish previously to prejudice the position.

Sir James PARR said that his colleague's statement had been made with his full consent, in order that the Commission should be fully informed of everything that was in his mind.

The CHAIRMAN thought that all the members of the Commission would agree with him that the principle of authority must be maintained. The existence of the Mandates Commission should not, in his view, hamper in any way the local authorities in their efforts to maintain order and respect for authority, for such a situation would constitute an unfortunate example for the other territories. He would think it most unfortunate if the three or four hundred persons who had been arrested could believe that they had been able to avoid their sentence of six months imprisonment simply by reference to Geneva.

That was the very last thing that the Commission desired. On the contrary, it wished the New Zealand Government to know that it was strongly supported by the Commission in its efforts to maintain order and respect for the authorities. The first duty of a mandatory Power was to maintain order, and to prevent any unjust and illegal assumption of authority by anybody.

M. RAPPARD thought the position was quite clear. The Commission owed a very great debt of gratitude to Sir George Richardson and Sir James Parr for their frankness. The Commission, as such, knew only the mandatory Power. It judged the acts of the Mandatory and when Sir George Richardson acted, he acted as the mandatory Power. When he was prevented from acting, for whatever reason, it was the mandatory Power which did not act. Although the Commission felt the warmest sympathy for Sir George in the position in which he found himself, it could not split the responsibility between him and the mandatory Power.

In M. Rappard's view, this point was so essential that it would doubtless be cleared up in the report of the Commission. The mandatory Power was in the position of a tutor. A tutor who did not punish his ward when the ward was obviously insubordinate was not only too good a tutor, but was a bad tutor ; he was not doing his duty. Deference for the League should not prevent the mandatory Power from maintaining good order. A mandated territory was not like a colony. In a colony the mother-country could do what it liked ; it could encourage anarchy if it desired to do so. In a mandated territory, however, its first duty was to maintain order, and its agents must be put in such a position that they could maintain order ; they must be supplied with police, gaols and other things that were necessary. It was most unfortunate that the League of Nations and the Mandates Commission should be invoked by anyone to prevent a Government from carrying out its first duty, which was the maintenance of order.

Sir James PARR said that there was nothing which had been said by the Commission during the last three days which he welcomed more. His Government would be delighted if the utmost publicity were given to the opinions of the Commission.

The CHAIRMAN said that the Commission wished to know whether the troubles still existed, as appeared to be the case, judging from a newspaper cutting in the possession of the Commission.

Sir James PARR asked to be allowed to deal further with what the Chairman and M. Rappard had just said. It was abundantly clear that the illicit organisation known as the Mau still continued and that the functions of government by the mandatory Power were more or less paralysed. His Government would be glad if the Commission would go so far as to say that this illicit organisation should cease, and he invited the Commission to say in its report that it agreed with the Royal Commission that it was no use for the mandatory Power to endeavour to function with the Mau functioning against it.

The CHAIRMAN explained that the conclusions of the Commission were drawn up at the end of the hearing, and the Commission, of course, could not take the responsibility of intervening in any way in the local administration. Naturally in this case, as in the case of other mandated territories, the Commission would express its earnest desire that, if order had not yet been re-established, it should be re-established as soon as possible. The Commission had not yet taken a decision.

M. RAPPARD thought Sir James Parr might inform his Government that the Mandates Commission was a consultative commission to the Council. Its duty was not to correspond directly with Governments, but to give the Council the benefit of its advice. Its report was of course drafted on its own responsibility, but it was not a pronouncement to the world or to any Power; it was merely advice to the Council, and therefore anything which the Commission might do must not as a rule become public property until the Council had approved its conclusions.

Sir James PARR fully appreciated the position.

M. MERLIN said that the mandatory Power acted with full freedom and had full authority to administer exactly as it liked; it had full responsibility. The Mandates Commission did not interfere in any way in the administration, which the mandatory Power carried out as it thought best. The Mandates Commission might afterwards criticise the administration and examine the causes of situations which might arise and it might make suggestions as to what had been done and what might be done in the future. The mandatory Power, however, had full discretion in all cases.

Sir James PARR said that these expressions of opinion were most valuable.

The CHAIRMAN asked if Sir James Parr could tell the Commission something about the instructions given to the successor of General Richardson.

Sir James PARR replied that a new Governor had recently been appointed who was supplied with ample white police. He had instructions to continue to use all possible patience with the natives, but to govern firmly.

Dr. KASTL observed that, in Article 9 of the Samoan Offenders Ordinance, 1922, it was stated: "No prosecution for any offence under this Ordinance shall be heard save by the Chief Judge of the High Court of Western Samoa". Would it be correct if he were to state in his report on the petition from the Anti-Slavery, and Aborigines Protection Society that a fair trial, according to Article 9, was given to everyone prosecuted under the Samoan Offenders Ordinance, 1922? It was stated in the petition that the people prosecuted under that Ordinance had not had a fair trial; they had not been heard by the Chief Judge of Samoa.

Sir James PARR asked with what offences the petition dealt.

Dr. KASTL replied that it dealt with local banishment and deprivation of title.

Sir James PARR said that the Royal Commission had examined every case and had found, without exception, that the individual had been given full opportunity to explain and to make his defence.

Sir George RICHARDSON observed that the Ordinance did not imply that the Chief Judge was *personally* to try the case. Had Dr. Kastl interpreted it in the sense that he was obliged to do so?

Dr. KASTL said that he had. The Ordinance said: "No prosecution for any offence under this Ordinance shall be heard save by the Chief Judge of the High Court of Western Samoa".

Sir George RICHARDSON agreed. All cases were heard by a Commissioner of the High Court—either by the Crown Solicitor, the Chief Justice, or the Secretary of Native Affairs, who were Commissioners of the High Court. All the cases were dealt with as High Court cases.

Dr. KASTL said that the Ordinance referred only to local banishment and deprivation of title.

Sir George RICHARDSON replied that the Ordinance was strictly carried out.

*Officials: Petition of Mr. Newton Rowe.*

M. PALACIOS said that the Royal Commission had not dealt with the questions asked during the last session when the petitions were being discussed. Apparently the Royal Commission had taken the line that charges should only be investigated if "they were put forward and supported by complainants". Was not this taking rather a narrow view of the terms of reference of the Commission? This would particularly seem to be so as regards complaints of the behaviour of individual officials and other cases.

It was clear from an extract from the Western Samoa Budget for 1926-1927 (Appendix I—Details of expenditure for the year ending March 31st, 1925) that in previous years several cases concerning the behaviour of officials had been dealt with by the mandatory Authorities. He would refer to the following items:

	£	s.	d.
28e Expenses <i>re</i> W. S. Cooper's case (ex-Resident Commissioner of Savai'i)	19	8	2
28f G. Bigg-Wither enquiry . . . . .	99	0	0

Nothing had been said about these cases in the annual reports and they had apparently not been discussed by the Royal Commission.

What was the "Foster Case" mentioned in several petitions?

Sir George RICHARDSON said that the Royal Commission had dealt with every case submitted to it by petitioners or anyone else, and had given every opportunity for complaints to be brought before it.

M. PALACIOS said that last year the Commission had asked for certain information on these and other points, and the mandatory Power had promised to furnish this information.

Sir George RICHARDSON said that he had no information other than that already given.

M. PALACIOS observed that the mandatory Power had promised further information on the points dealt with in the Newton Rowe petition. Accusations were made, for example, regarding the manufacture of liquor by officials, and many accusations had also been made regarding their morals, etc. The schools, the police, freedom of conscience and public morality had been brought into question.

Sir James PARR said he remembered being asked for information regarding Rowe last November, and he had no doubt that he had sent on to his Government whatever had been said. He did not remember the exact particulars, but he trusted that the Mandates Commission would find time to look carefully at Mr. Rowe's petition. It was an extraordinary document.

As regarded the questions raised by M. Palacios, he asked that General Richardson might be allowed to take them away with him, when he would see what he could do about them. His Government considered, however, that Mr. Rowe was not a person entitled to a great deal of credit.

Sir George RICHARDSON said he could give the answers quite shortly. With regard to the manufacture of liquor by officials he would point out that every white person in Samoa made a hop-beer, a mild beer for drinking, but he felt certain that no officials made what could be called an intoxicating liquor; at any rate, they did not do so to his knowledge.

With regard to the second question, the expenses mentioned by M. Palacios had been incurred in connection with enquiries into the Cooper case in 1922. It had been found that he had made a serious error of judgment and had caused some trouble with native chiefs, and an enquiry had been held. It was decided that Cooper should be relieved of his position, as he had not the temperament necessary for an official dealing with natives.

He hoped that the Bigg-Wither enquiry would not be investigated fully because the unfortunate man was dead. He had committed suicide. Sir George had received information regarding this particular individual and he had immediately set up an enquiry, but unfortunately the man had committed suicide before evidence could be obtained.

Sir James PARR understood the position as follows: Mr. Rowe had pursued Bigg-Wither. Bigg-Wither had committed suicide, and Rowe had now dragged the matter forward in a petition.

Sir George RICHARDSON said the information regarding Mr. Bigg-Wither had been given to him by a Missionary, but he could not use the information. He had set up an official enquiry which had been unable to carry out its investigations owing to the death of the official.

Sir James PARR thought it was largely a question of morals.

Sir George RICHARDSON said that, as regards the Foster case, information had reached him that this man had been guilty of misconduct. He had put the matter into the hands of the police, but they could not obtain evidence. Nevertheless he had sent him away from the country because he knew that the rumours would undermine his influence as an official in the Administration.

He wished to assure the Commission that every case of irregularity whatsoever that had been reported to him had been most strictly investigated.

Sir James PARR said that the Government endorsed that statement.

#### *Close of the Examination.*

The CHAIRMAN wished to thank Sir James Parr and Sir George Richardson for the frankness and goodwill they had shown when replying to the questions of the Commission. He would recall that the annual report on Samoa was not before the Commission, which was only dealing, at present, with the report of the Royal Commission. The report on Samoa would be considered in October and November next, when he hoped to see Sir James Parr and Sir George Richardson again and to receive from them news to the effect that order had been re-established.

Sir James PARR asked whether the Commission would report to the Council of the League on the questions that had been discussed, and if so, when?

The CHAIRMAN indicated the procedure to be followed. The Commission first had a discussion with the accredited Representative, after which it drew up its own report for the Council. The report would be sent to Sir James Parr, who might desire, in his turn, to make comments on the observations of the Commission. The observations of the accredited representative would be sent to the Council at the same time as the report.

Sir George RICHARDSON wished to say what a great pleasure it had been to him to come before the Commission. He had been made to feel quite at home and he had spoken candidly and had been treated most courteously. He desired to thank the members for their kindness to him.

SEVENTEENTH MEETING

*Held on Friday, June 22nd, 1928, at 4 p.m.*

Chairman : The Marquis THEODOLI.

Present: All the members of the Commission with the exception of M. Freire d'Andrade and M. Orts.

863. Tanganyika : Examination of the Annual Report for 1927.

Mr. Scott, accredited representative of the mandatory Power, came to the table of the Commission.

The CHAIRMAN said that the Commission was very glad to welcome Mr. Scott. The members of the Commission had very pleasant memories of the assistance which he had given them in the past.

He would like to thank the accredited representative, on behalf of the Commission, for the admirable account which was given in the report of the effects of indirect rule in the mandated territory (Appendix II, page 95 of the report).

*General Statement by the Accredited Representative.*

Mr. SCOTT thanked the Chairman for his welcome, and said it was a great pleasure to attend the Commission for the second time in connection with the report on Tanganyika.

He would make a few remarks of a general nature on the report, partly as a summary of the more important matters with which it dealt, and partly as a supplement to the information it contained.

*Form of the Annual Report.*

It would be noted that the form of the report differed from that of previous reports. The general question of the form of colonial annual reports had been examined by a Committee in the British Colonial Office, and the Secretary of State for the Colonies had, on the advice of this Committee, asked the different Governments to conform as far as possible with its recommendations.

The Tanganyika report did not conform entirely with the recommendations of the Committee to which he had referred. To avoid confusing the Commission, it had been kept as far as possible in the usual form, but certain changes had been made in accordance with the recommendations of the Colonial Office Committee. He hoped that the form in which the report was presented would be acceptable to the Commission.

The greatest care had been taken to supply, as far as possible, all the information for which the Commission had asked, either in its observations or at the eleventh session, at which Sir Donald Cameron was present. It was hoped that no omissions had been made.

*Native or Indirect Administration.*

With regard to native administration, there was very little to add to what Sir Donald Cameron had said a year ago. He would mention, however, the recent formation of native administration in the Lindi province. He took a special interest in this development, because it had occurred during Sir Donald Cameron's absence last year when he had been administering the government.

Full extracts from the reports of officers on the spot were included in the report, and he hoped the Commission would find them of interest. They showed the very promising results of the decision to introduce the system of native or indirect administration in that province.

A few days ago he had received from Sir Donald Cameron a communication which threw further light on the introduction of the indirect system there. In some of the tribal councils it had been found that some of the Wakulungwa, or native headmen, were sitting on the councils without being duly qualified to do so, since the number of people or villages they controlled was too small. When this had been pointed out to the council, a certain number of the Wakulungwa, of their own free will, had offered their resignations, realising that their position was not sufficient to justify their inclusion as members of the council and as salaried headmen under the native administration. This incident showed the spirit which animated the latest form of native administration in the country.

The movement towards the federation of native administrations, mentioned in last year's report, had extended with still more satisfactory results. The Usukuma federation in the Tabora province had absorbed three more chiefs who had previously stood out. These chiefs had agreed to join the federation of their own free will, realising the benefits which would be enjoyed by themselves and their people if they did so.

The system of establishing paramount chiefs over tribes which had hitherto been under several separate authorities had been extended, particularly in the Mwanza province, with very satisfactory results.

In general, the system of native administration had made good progress, and the Governor, who might be called the author of the system, so far as Tanganyika was concerned, was fully satisfied with it.

There were points of contact at which the native administration affected other branches of the government of the country. In this connection, he would refer to the activities of the native administrations in setting up agricultural stations for the trying-out of seeds, the distribution of seeds and plants, the extension of ploughing and other agricultural activities for the benefit of the people.

In the administration of justice, the native courts were playing an increasingly important part. They dealt with a very large number of cases of petty crime, which would otherwise be left untried or would be submitted to the European courts presided over by the district officers. The work of the subordinate European courts had thereby been very appreciably reduced. In the matter of maintenance of law and order, Sir Donald Cameron had referred last year to a possible reduction in the number of police employed. He was glad to say that a very considerable reduction in the native ranks of the police had taken place as a direct result of the institution of native administration.

The native administrations had been specially active in the matter of education, and had done particularly good work in setting up special native administration schools in some of their own areas.

The native administrations had organised a staff of tribal dressers, trained by the Medical Department but paid for by the native administrations. The number of these dressers and the usefulness of their work had increased in a very remarkable degree, so much so that the present report showed an appreciable decrease in the number of out-patients attending the Government hospitals.

In the matter of the control of the spread of the tsetse fly, the work of the native administrations was increasing in usefulness.

Finally, in the matter of supplying labour to private employers, the native administrations were undertaking the work of tracing deserters — that is, natives who had been recruited in their homes and had deserted from the plantations on which they were employed. The Labour Commissioner, in his report for 1927, stated that this was a development which would be carefully encouraged, and which would be of great advantage both to the natives and to the employers of labour on the different plantations.

#### *Population Statistics: Trade.*

An increase in the general and railway revenue was shown in the report, and a corresponding increase in expenditure, both of which increases showed the continued progress of the country. There was also an increase of the population, both native and non-native, which, in one or two instances, was remarkable. There were later figures than those given in the report. On page 15 of the report, paragraph 16, the four figures given for Portuguese Indians, Arabs, Baluchis, and unclassified non-natives, amounted to a total of 5,580. The latest figure for the total of those four groups was 8,800. The figure for the natives, given in the paragraph below, was estimated at 4,319,000, but, according to the latest information, the figure was 4,423,000. A further census of the native population would be taken in April, and these figures would appear in the next report.

The total figures for trade, given on page 42 (imports, exports and transit), showed a very satisfactory increase on the previous year's figures; a larger increase, in fact, over the figures for 1926 than was shown in 1926 over the figures for 1925.

#### *Public Health.*

With regard to the Medical and Sanitary Department, the report and the estimates of revenue and expenditure for the current year showed an increase in the number of staff employed, and an increase in the amount of funds voted for medical and sanitary work. In particular, further attention was being devoted to maternity and child welfare work, to the training of African dispensers, to the extension of the system of tribal dressers, and to the cure and prevention of venereal diseases.

### *Education.*

Under the head of education, the Commission would note a considerable increase of staff and an increase of funds voted for the furtherance of the education of the natives of the country. The increase in expenditure was mainly due to the expansion of the system of grants-in-aid to missions for the schools which they conducted under the terms of the new African Education Ordinance and the regulations framed under it. Additional funds had also been voted for opening a girls' school in Tabora, the first effort of the Government to undertake the education of girls, and for setting up a central school for Indian children in Dar-es-Salaam. Monies had also been voted for the instruction of the children of Europeans in some of the main centres.

Perhaps the most important matter touching the progress of African education at the moment was the training of teachers. Progress had naturally been slow, but teachers were being steadily trained, though at first in small numbers. It was hoped that the numbers would increase considerably as years went on. This was a matter which was receiving the most anxious consideration both of the Governor himself and of the Director of Education.

### *Land Tenure.*

He called attention to the enactment of legislation confirming the titles of native occupiers of land all over the country. This matter had been raised by a member of the Commission two years ago, and it was one to which the Governor had given very careful attention. An ordinance had been passed which gave the native a title as good as a written document or right of occupancy under the Land Ordinance. That ordinance, No. 7 of 1928, had been passed since the end of the year under review.

### *Labour.*

Labour matters had caused anxious thought during the past year. Increased staff was being provided for the Labour Department, and more money was being voted to carry on the work of the Department. The report of the Labour Department by Major Orde-Browne for the year 1927 had been circulated to the members of the Commission. The most striking points were the improved conditions of labour on the plantations, the improvement in the method of transport of labour from long distances to the plantations in remote parts, the measures taken to combat and prevent disease among labourers, and the saving of labour by the introduction of agricultural and other machinery on plantations.

There were paragraphs in the report dealing with the important question of forced labour, a policy against which the Governor had steadfastly set his face, and which had been discussed in full in the Legislative Council early this year. Other paragraphs dealt with the question of the requisitioning of labour by native authorities, another very important matter, and it would be seen that most of the outstanding points had been, for the present, satisfactorily settled by the instructions issued by the Governor.

He had just received the copy of a bill, reference to which was made in the report, intended to regulate the use of porters on the roads. This bill was to have been presented to the Legislative Council at Dar-es-Salaam early that month and had no doubt already been passed into law.

Another bill, to which reference was made in the report, had also now been presented to the Council. This bill restricted to the Labour Commissioner the power to issue permits to recruit labour; it authorised employers to make deductions from the wages of labourers for offences against sanitary rules; it prohibited the arrest of deserters without a legal warrant; it abolished the penalty of imprisonment without the option of a fine for certain offences; and it provided for the compulsory medical inspection of contract labourers before they were enrolled.

### *German Missions.*

In conclusion, he would like to inform the Commission that the Government of Tanganyika had recently decided to hand back to the German missions their former properties in the territory.

The CHAIRMAN thanked Mr. Scott for his statement and asked the members of the Commission whether they desired to ask Mr. Scott any questions of a general character.

### *Health Statistics of the Kahama District.*

Lord LUGARD said that Sir Donald Cameron had referred to a plan for collecting reliable statistics in the Kahama district. Had any progress been made with this proposal?

Mr. SCOTT said that very fair progress had been made in the epidemiological survey of the district. A European medical officer had been stationed there with European nursing sisters and native assistants. Several hospitals had been built and maternity clinics installed. The work as planned by Sir Donald Cameron and Dr. Shircore was in process of execution. It was too early yet to expect any definite results or even to present any formal report.

#### *Population.*

Lord LUGARD, referring to the statistics of population on page 15 of the report, asked how many of the Europeans were permanent settlers and how many were merely agents of absentee estate-owners. It would, further, be interesting to know the number of male adult settlers, planters and traders as compared with women and children.

Mr. SCOTT said that no such statistics had been collected, so that he could not at the moment give them in the form requested. Information could, if desired, be given in the next report.

#### *Legislative Council.*

Lord LUGARD enquired whether the composition of the Legislative Council was now complete. Were there any native members of the Council?

Mr. SCOTT said there had been no change since the previous year. There were still two non-European (that was to say, Indian) members of the Council.

#### *Equalisation of Railway Rates between Kenya and Tanganyika.*

Lord LUGARD said that Sir Donald Cameron, in referring to the railway policy of the Administration, had said that its principal object was to ensure the transport of goods into and out of the country in the cheapest possible way. Did the agreement as to railway rates which had been made between the governments of Kenya and Tanganyika give effect to this policy? Were the new rates favourable to the mandated territory?

Mr. SCOTT said that, generally speaking, the process of the equalisation of the railway rates as between the two territories had taken the form of mutual concessions. The high rates prevailing in Kenya had in some cases been reduced more nearly to the level of the rates in Tanganyika, and certain rates in Tanganyika had been raised or lowered to bring them to the level prevailing in Kenya. He had discussed the matter before leaving the country with Sir Donald Cameron, who hoped that the process of equalisation would be completed by July 1928. Sir Donald Cameron had asked him to assure the Commission that the question was being carefully watched from the point of view of native interests and that he was satisfied that the natives would not be prejudiced by any of the changes made. Sir Donald Cameron had, in two cases where the Kenya rates were high and where the Tanganyika Administration had been asked to raise their rates to a corresponding level, refused to do so, as he thought the higher rates would prejudice native interests.

#### *Use of the Port of Mombasa for Export Trade.*

M. MERLIN referred to the arrangement under which goods from the northern area of Tanganyika were despatched via the port of Mombasa. Was the despatch of these goods via Mombasa economically justified by the fact that Mombasa was nearer and more accessible to the areas of the mandated territory in question than the port of Tanga? Was there not a risk of the interests of the mandated territory being prejudiced by the new arrangement owing to the fact that goods were to be sent to a port outside the territory, with the result that the territory might be deprived of the profits arising from this traffic? What was the precise reason for the change of route, and did the mandated territory gain or lose by the arrangement?

Mr. SCOTT replied that traffic went to Mombasa in preference to Tanga because the former port possessed better facilities for dealing with ships. The harbour and anchorage were better and there was a large number of head or branch offices of various business firms situated in the town. This was not the case with the port of Tanga. There was no question of any new arrangement in this connection having been made. Produce had gone to Mombasa ever since the Voi-Kahe link had been working for ordinary traffic.

M. MERLIN concluded that the fact that part of the export trade from the mandated territory passed through the port of Mombasa was for purely economic reasons.

Mr. SCOTT agreed.

*Publication in the Mandated Territory of Extracts from the Minutes of the Permanent Mandates Commission.*

The CHAIRMAN referred to the fact that the Government of Tanganyika had published an edition of the Minutes of those meetings of the Mandates Commission during its eleventh session at which the annual report on Tanganyika for 1926 had been examined. Any step which was taken to make the work of the Commission known in the mandated territories was all to the good. Nevertheless, he could not but note that in the reproduction of the Minutes to which he had referred several omissions occurred. For example, on page 12 of the special edition published by the mandatory Power, under the heading "Constitution and Powers of the Legislative Council", part of the original Minutes had been omitted. On page 31 also, at the end of the chapter concerning public health, a reply by Sir Donald Cameron to an observation by Madame Wicksell was also omitted. The Chairman thought that, if the Minutes were to be reproduced, they should be published in their entirety.

The Governments of all States Members of the League received the Minutes, and had the right to as many copies as they desired. This, of course, especially applied to the Governments of States holding mandates. He felt sure that the Secretariat would do its utmost to meet the wishes of the mandatory Powers if they would be good enough to make them known.

Mr. SCOTT said that he was not in a position to discuss the omissions, as the matter was not one with which he had himself dealt. He would take note of the Chairman's observations.

The CHAIRMAN emphasised the fact that he was not criticising the mandatory Power. It was perhaps, however, ignorant of the fact that it could obtain as many copies of the Minutes as it wished.

Mr. SCOTT replied that he thought that that was appreciated, but that probably Sir Donald Cameron had wished to circulate among officials in the territory those parts of the Minutes which were of special interest to them. For this purpose, he had arranged to reprint extracts in the form of a pamphlet which was more convenient than the somewhat bulky volume of the full Minutes of the session.

The CHAIRMAN pointed out that the Secretariat might also make arrangements to publish the Minutes of the Commission recording the discussion of the Annual Report on Tanganyika separately.

M. RAPPARD said that if it were clearly indicated that the pamphlet prepared by the Government of Tanganyika contained only extracts, no possible objection could be taken.

*Alleged Inaccuracies in the Report regarding German Administration.*

Dr. KASTL had read the interesting report (1926) of the Labour Department with great care. Several observations in it in regard to former German practices had, however, given him great dissatisfaction, for the statements were quite unfounded. He would also refer to Appendix II of the main report, which contained observations of a similar character. For example, it was stated that "German rule lasted thirty years, of which period some twenty years were noteworthy for a succession of wars and expeditions against the natives". And, further on, a passage occurred to the effect that the Germans had broken up the tribal organisation owing to its democratic character and had weakened several tribes by distributing fragments of them among several administrative districts. In this way the so-called Akida system had been established over a large part of the country. Statements such as these should not appear in the official report of a mandatory Power, which was circulated to States Members of the League, including, therefore, Germany.

He desired to know whether the Administration endorsed the observations of the chief native commissioner who was responsible for the report reproduced in Appendix II. During the German occupation, four-fifths of the territory had been under the tribal system. The German administration had had invariable recourse to that system, except in cases where it had found that it had already been abandoned. Part of the territory, before the entry of the Germans, had been under the Arab Akida system, which had existed for many years prior to 1884, the date of the German entry.

Mr. SCOTT said that if any incorrect statements had appeared either in the report or its appendices, the Tanganyika Government would no doubt be willing to correct them, if it were satisfied of their inaccuracy.

*Customs Policy.*

M. RAPPARD, with regard to Customs policy, said that Sir Donald Cameron was reported to have informed the Joint East African Board at its meeting in June 1927 that "Tanganyika had given a pledge not to change its tariff without consulting its neighbours". He had then been asked "whether the protectionist duties of Kenya would be perpetuated". Sir Donald Cameron had apparently replied that they would have to be accepted as coming under the pledge. The report of the meeting further stated:



“ An appeal having been made for a reduction of Customs duties on building materials in order that better housing accommodation could be provided for commercial and plantation staffs, Sir Donald Cameron said that, at the Governors' Conference, the Governors of Kenya, Uganda and Tanganyika had agreed to reduce rates on building materials, but the Finance Committee of Kenya had objected and nothing had therefore been done. ”

It would seem from these statements that, in fact, Tanganyika had not only promised to consult its neighbours before changing its tariff, but, in practice, did not alter its rates unless an agreement had been reached. In consequence of an objection by Kenya, it thus apparently become impossible to import building materials into Tanganyika at a reduced rate. Was this situation compatible with the provisions of the mandate ? It was true that Article 10 authorised the mandatory Power to constitute the territory into a Customs union with the adjacent territories, but only on the condition that “ the measures adopted to that end had not infringed the provisions of this mandate ”. Under Article 3, the mandatory Power had undertaken “ to promote to the utmost the material and moral welfare and social progress of its inhabitants ”. If, therefore, the effect of a Customs union was detrimental to the welfare of the inhabitants of Tanganyika, could such a union properly be maintained under the provisions of the mandate ?

Mr. SCOTT understood M. Rappard to enquire whether the position was that, in view of the refusal of the Kenya Finance Committee to reduce the rates on building material, Tanganyika could not do so. He could assure the Commission that the opinion of the Kenya Finance Committee had had no influence whatever upon the attitude of the Tanganyika Government in regard to the reduction of duties on building materials. After an exhaustive examination of the whole question, the Tanganyika Government had reached a conclusion, quite independently of the Kenya Finance Committee, to the effect that there was no case for reducing the duties.

M. RAPPARD thanked the accredited representative for his explanations. He had raised the point because he did not wish it to appear that the consumers in Tanganyika were suffering for the benefit of the producers in Kenya.

In reply to a question by Lord Lugard, Mr. SCOTT explained that the fact that there was no mention of discontent on the part of the Indian population in the territory showed that no such discontent existed.

M. RAPPARD enquired, in connection with the petition from Mr. Thawer, whether any settlement had yet been reached in regard to the claim of the holders of German pre-war notes.

Mr. SCOTT had no information as to whether the particular case of Mr. Thawer had been settled. The general situation was that certain offers had been made to the claimants to effect a composition. In some cases these offers had been accepted, but in a large number they had been refused, and the matter was still under negotiation.

*Relations between the Territories of Central and Eastern Africa : Commission set up to study the Question.*

M. VAN REES, with reference to the special Commission appointed to consider the advisability of some form of closer union between the territories of Central and Eastern Africa, noted that the commission had been touring in East Africa early in 1928. Had it finished its enquiry ?

Mr. SCOTT said that the Commission had returned to England in May 1928. Enquiries on the spot had been completed, but he understood that the Commission's report would not appear for some time.

*Public Finance : Currency.*

M. RAPPARD thanked the mandatory Power for the chapter on finance in the report. It was much fuller than in past reports and included information especially asked for by the Commission.

The territory appeared to be prosperous, as was shown by the increasing surplus. He noted, however, that the hut and poll tax had been increased, although it already provided 40 per cent of the revenue. Was there any reason for this ? Was it a matter of policy or due to a desire on the part of the Government to equalise the incidence of taxation ? He referred to this matter, because Sir Donald Cameron had specially raised it at the last session.

Mr. SCOTT replied that no increase in the hut and poll tax could be or had been made without the express sanction of the Governor. No proposal to increase the tax would be made without a very good reason. The provincial commissioners made such a proposal only after consulting the chiefs and the people in every instance. For example, he himself had visited the Mbeya district, in which the tax had been increased from 6s. to 10s., and had discussed the question in “ Baraza ” with the chiefs and people. They had agreed to this increase because the reasons for the lower rate in that district than in the

neighbouring districts had disappeared. The people of the district were now able to pay the same amount of tax as their neighbours, owing to improved communications and a general increase in prosperity. The chiefs themselves had desired the tax to be raised in the expectation that the amounts paid into the native treasury, which was entirely expended on native affairs, would thereby be increased.

In reply to a further question from M. Rappard, Mr. Scott explained that all receipts from the hut and poll tax were credited to revenue, and the approved proportion was then paid into the native treasuries.

Lord LUGARD pointed out that there was no item in the expenditure columns showing the amount of the native share of the hut and poll tax.

Mr. SCOTT explained that the payment of the share of this tax to the native administrations was included under the expenditure heading "district administration". There was an item in the estimates of the territory of £143,000 in respect of payments to native administrations, which represented a percentage of the total revenue derived from the tax.

M. RAPPARD noted that the railways produced a surplus, but that the posts and telegraphs were run at a heavy loss. Was there any reason for this?

Mr. SCOTT replied that the reason was to be found in the fact that the railways were run as a commercial concern. All services performed by the railway on behalf of the Government were paid for and included in its receipts. This was not the case in regard to the posts and telegraphs, as the Government departments, while paying for services rendered by the railway, did not pay for those rendered by the Post Office. This fact would largely account for the deficit of some £13,000 on the posts and telegraphs mentioned in the report.

M. RAPPARD asked whether any profit was made by the Government of Tanganyika on the issue of paper money and currency.

Mr. SCOTT said that the currency of Tanganyika, in common with that of other East African territories, was managed by a Board sitting in London. Profits would accrue from the issue of currency, but the Board had been in existence for a few years only and no profits had yet been declared. When a settlement of account took place, any profits would be distributed among the local governments concerned, and Tanganyika would receive its share. The same system was in use in West Africa, where profits from the issue of currency had been made and duly shared among the various territories.

Lord LUGARD asked the meaning of the item "accounting entries £19,964", on page 19 of the report.

Mr. SCOTT replied that it represented contributions under the Widows and Orphans Pension Scheme.

#### *Agriculture: Development of the Cotton Cultivation and Industry.*

M. MERLIN referred to the paragraph on page 30 regarding native-grown cotton. The information in that paragraph was similar to that furnished in the report for 1926, which had stated that "low prices also rule for cotton, and substantial quantities were burned in the annual cleaning after harvest, growers having considered that the prices offered were not on the level that made it profitable to pick and transport". The report for 1927 stated that "good harvests of first-grade cotton were obtained . . . but the quantities offered were small through discouragement at the low prices of the previous year, the effect of these being almost disastrous to the cotton industry of Rufiji".

This situation was also referred to in an article by Major C. L. Walsh, Director of a leading group of English companies interested in sisal growing in Tanganyika. In an interview published in the *East African Standard* of May 7th, 1927, he complained that the Tanganyika Department of Agriculture was "rather disposed to take the view that the marketing of the crops that it had induced the natives to grow was none of its concern". The author of the article went on to say that the native, who might have grown cotton instead of food crops, would naturally be bewildered if he found that he could not sell this new crop at a remunerative figure. What were the views of the mandatory Power on this situation? Were the fears expressed justified?

He would take this opportunity of uttering a warning concerning the danger of inducing the inhabitants of a territory to undertake cultivation the produce of which could not ultimately be sold at a good profit. This had occurred on more than one occasion in French colonies, with the result that the natives complained.

Mr. SCOTT fully agreed with M. Merlin. It was, indeed, very unfortunate that, after the Government had encouraged the natives to grow cotton, the market price had fallen so low as to give the native producer the idea that he was being deprived of the proper value of his crop. No one regretted this fact more than the Tanganyika Government. It was not, however, correct to say that the cotton crop had been quite unsaleable in 1927. The price had been reduced, but the crop was saleable though at a rate far lower than the abnormally high prices ruling in 1926. The native, however, had been disgusted to find that he could not obtain those high prices, and had, in some instances, burned the crops rather than sell at a lower figure. The native did not yet understand the fluctuation of market prices. This was not altogether surprising, but he was gradually beginning to

appreciate the economic factor of rise and fall in selling prices, with the result that in future good cotton crops would, he hoped, no longer be destroyed.

M. MERLIN would once more emphasise the danger of urging the natives to grow crops when it was uncertain that they would continue to command reasonable prices. The greatest prudence must be shown in any recommendation of this nature.

M. VAN REES referred in this connection to a circular regarding agriculture and labour in Tanganyika territory (document C.P.M.583), in which directions were given to encourage the natives to grow industrial crops. It was clear that this circular had been drafted with the best intentions, but was there not a danger that it might be interpreted to mean that this cultivation was compulsory ?

M. MERLIN thought that the Government of Tanganyika was doing useful work in urging the natives to grow crops. His sole concern was that the right crops should be chosen, and that the Government should make sure that they would command reasonable prices over a period of years. He fully approved of the principles contained in the circular mentioned by M. Van Rees.

M. VAN REES also agreed with the principles in the circular, but urged that they should be very prudently applied.

Mr. SCOTT said that the Government had issued definite instructions that food crops should always be chosen in the first place, and then economic crops. The food of the territory must first of all be assured.

M. RAPPARD asked whether any part of Tanganyika had ever been threatened with famine, as had been the case in the neighbouring Belgian mandated territory, which was more fully populated.

Mr. SCOTT replied that no really severe famine had occurred for the last four or five years. The central province was the most liable to famine, because it was the driest and the most dependent upon a regular rainfall. Anxiety was thus created if there was a delay in the rains there. Last spring the rains had only just come in time. There had, however, been no serious shortage of food supplies for four or five years.

M. SAKENOBE asked whether the Tanganyika Government contemplated establishing a cotton-spinning industry locally. Every year the import of cotton piece-goods was increasing by enormous quantities.

Mr. SCOTT replied that native cotton-spinning in Tanganyika existed to a limited extent, and had been practised in certain parts of the territory for many years. The method employed was a slow one, and only a rough cloth was produced. It was not an undertaking on a commercial scale. At present it was more profitable to export the raw cotton, and the Government did not contemplate initiating industry at present.

M. MERLIN said that he was pleased to note that ploughing had been introduced among the natives (page 32 of the report). Were the ploughs used steam or hand ones, and which kind was more suitable to the country ?

Mr. SCOTT said that the reference in the report was to hand-ploughs. They were drawn by cattle and were used extensively by the natives. With regard to the question as to which kind was the more suitable, the soil varied so much that it was impossible to reply. No-doubt, in the case of very hard tracts, steam ploughs were more suitable.

#### *Animal Husbandry.*

M. MERLIN noted that, as a result of the campaign against rinderpest, the number of deaths from this disease, which in 1922 had been 26,691, had been reduced by 1926 to 7,390. What was the total head of cattle ?

Mr. SCOTT replied that there was approximately one head of cattle to each inhabitant, and therefore a total of about four and a-half millions.

M. MERLIN noted that there was a meat-preserving factory at Mwanza, which was to be assisted by a Government subsidy. Was the number of cattle large enough to meet the requirements of this factory ?

Mr. SCOTT explained that the number of cattle was too great for the extent of the pasture in that area, and that, owing to shortage of pasture, large numbers of cattle died every year. The Government had decided to subsidise this factory in order to make use of the surplus, and so assist the natives in disposing of their cattle economically.

#### *Foreign Trade.*

M. RAPPARD noted that, according to the comparative table of the volume of trade on page 42, in 1924 and 1925 the exports had exceeded the imports, in 1926 the two had been equal, and in 1927 there had been an excess of imports. What was the significance of these figures ?

Mr. SCOTT replied that the excess of imports over exports in 1927 was largely accounted for by Government imports for railway and other works.

M. RAPPAED said it was gratifying to see that the exports were increasing regularly.

*Use by the Indians of the Road between Kilosa and Ifakara.*

M. VAN REES said that the *African Comrade* for September 2nd, 1927, had published correspondence between the Indian Association and the Government of Tanganyika, concerning the use of the road between Kilosa and Ifakara. It appeared that the contractor had refused to allow Indians to use this road, although he had permitted Europeans to do so, and that, upon complaints being made to the Government, the road had been made available equally for all communities. It would be interesting to know how it had happened that even for a temporary period the Indians had been refused equality in this connection. Would it not be desirable for instructions to be issued to ensure that difficulties of this kind would not occur in the future ?

Mr. SCOTT said that the incident referred to in the *African Comrade* had been an insignificant quarrel between local Indians and the road contractor. The Indians had telegraphed to their association in Dar-es-Salaam, requesting it to take up their case with the Government. A mountain had been made out of a mole-hill. There was no necessity to issue a comprehensive order as there was no likelihood of such an incident occurring again.

*Transmission to the Commission of the Laws of Tanganyika for 1927.*

The CHAIRMAN said that he had been informed that, in consequence of a misunderstanding, it had not been possible to send the copies of the volume on the legislation of Tanganyika for 1927, intended for the use of the Permanent Mandates Commission, before the examination of the annual report. The British Government had, however, prepared three collections of the ordinances, etc., of 1927, which had been forwarded recently to the Secretariat. It was certainly regrettable that all the members of the Commission had not been able, as was usually the case, to study the annual report and the legislation together. The Commission should, however, be grateful to the British Government for having done its best to remedy the delay that had occurred in the transmission of the laws in question.

Mr. SCOTT said that the Tanganyika Government much regretted that the volume on legislation had not been completed in time. This was due to accidents, a breakdown of a printing machine and the illness of one of the staff. Everything possible would be done in the future to avoid such a failure to forward the volume at the proper time.

*Judicial Organisation.*

Dr. KASTL pointed out that, while the annual reports had mentioned the fact that the administration of justice was carried on under the High Court of the territory, no mention had been made of any right of appeal beyond this High Court. Did such a right exist, and, if so, to what tribunal or tribunals was the appeal made ?

Mr. SCOTT said that there was a Court of Appeal known as the East African Court of Appeal. It was composed of judges of the High Courts of all the East African dependencies. It held sessions periodically in different parts of East Africa and heard appeals against decisions of the High Courts of the various dependencies. There was, of course, a still higher appeal to the Privy Council in England.

Lord LUGARD noted that it was proposed to place the native courts under the exclusive supervision of the administrative officers in their administrative capacity, instead of, as at present, under their supervision as Commissioners of the High Court, and that the necessary legislation was in draft at the end of the year. Had this legislation reached a further stage ?

Mr. SCOTT replied that the requisite legislation was of a difficult nature and had not yet been completed, the Governor having, to his regret, been compelled to give prior attention to more urgent legislation.

*Defence of the Territory.*

The CHAIRMAN said that, in a speech at Dar-es-Salaam in December 1927, Sir Donald Cameron had mentioned the fact that one of the arguments raised in Kenya in favour of federation was that a greater proportion of the burden of defence could thereby be thrust

upon Tanganyika. In this connection, Sir Donald Cameron had stated that "Tanganyika had eight companies of infantry, Uganda three and Kenya six". Tanganyika was therefore keeping the reserve force or the bulk of it at its own expense. Had any modification been made in this arrangement of the military forces? The accredited representative would understand that the reason why this subject interested the Commission was that it concerned the budget of the territory. The Commission did not wish the funds of the territory to be employed for external purposes.

Mr. SCOTT said that he could assure the Commission that the Tanganyika Government would resist any attempt, on the part of the neighbours of Tanganyika, to make the territory contribute more than its proper share of the expenditure on defence. The eight companies of King's African Rifles serving in Tanganyika had recently been reduced to seven.

M. RAPPARD pointed out that there was another aspect of the question of the defence of the territory that interested the Commission, namely, the prohibition against employing troops recruited in the territory for purposes other than the defence of the territory itself.

Mr. SCOTT said that the company which had been reduced consisted of troops recruited from outside the territory. The number of troops of this kind stationed in the territory was thus smaller than before.

#### *Labour.*

Mr. GRIMSHAW said that the information given on Labour was very complete, and complied with the requests of the Commission. He considered that certain of the measures taken in regard to the regulation of labour were admirably designed to bring about amelioration in the condition of the workers and to avoid certain abuses commonly met with in similar areas. He wished particularly to draw the Commission's attention to the measures taken with a view to the gradual abolition of all forms of unpaid compulsory labour, including village sanitation work. He noted that in one area a paid sanitary corps had been formed, and that the policy of providing local funds for this purpose in other areas was in course of being adopted. In view of the discussion in the Commission and elsewhere concerning the interpretation of the forced labour clauses of the mandates, he had no doubt that the development of this policy would be followed with great interest.

On the other hand, he saw regularly newspapers of the territory, and, although he did not credit these with complete authority, he had noted in them indications of a demand for forced labour on the part of the white population. Could the accredited representative give the Commission information on this point?

Mr. SCOTT said there was no doubt that such a demand existed. Correspondents, and even editors of local newspapers, had written that the only method of working plantations would be by the forcing of labour by the Government. The question had been raised at the Legislative Council meeting last January, and had been repudiated by the Governor under the terms of the mandate. At that time, the Governor had issued a sort of challenge to the non-official members of the Council, inviting them, if they were in favour of forced labour, to bring the matter up for full discussion in Council. The Governor had received no response to this challenge, and had, indeed, been supported by all the non-official members of the Council in his condemnation of forced labour.

Mr. GRIMSHAW said that a further matter concerning forced labour had been brought to his notice, though it did not appear to be mentioned in the report. He understood that Sir Donald Cameron had issued instructions that forced labour was not in future to be requisitioned for one of the purposes which had been legally permissible, namely, the loading and unloading of ships. Was this the case?

Mr. SCOTT said that no doubt the Governor's instructions had been obeyed.

Mr. GRIMSHAW said that labourers recruited by an agent were always under contract. Were voluntary labourers also under contract?

Mr. SCOTT replied that labourers recruited by employers or their agents were almost invariably engaged under a formal contract under the ordinance. Labourers not so recruited (and these were about four times the number of recruited labourers) were not as a rule engaged under formal contract, though it was, of course, open to such employees to enter into a formal contract at any time. The latter class of labourers generally preferred not to enter into a contract of service.

In reply to a question by Mr. GRIMSHAW as to what protective legislation existed for these labourers, Mr. Scott said that the only legislation applicable was the Master and Native Servants Ordinance, and the relevant articles of the Indian Penal Code.

Mr. GRIMSHAW asked whether, when Ruanda-Urundi had been a part of the territory, that area had supplied labour for Tanganyika.

Mr. SCOTT said that he had no definite information on this point. He had never heard, however, that Ruanda-Urundi had been a source of supply of labour prior to the present regime.

In reply to a question by Mr. Grimshaw as to whether, in view of the fact that Ruanda-Urundi was over-populated, there had been any recent demand in Tanganyika to obtain labour from there, Mr. Scott replied in the negative.

Lord LUGARD also wished to congratulate the Administration on the excellent report on labour in 1927. He wished to ask whether there was still a migration of labour into Northern Rhodesia, or whether it had been checked, in view of the fact that Tanganyika was itself short of labour.

Mr. SCOTT replied that he believed that the flow of labour was in the other direction. He had never heard of the migration of labour from Tanganyika into Rhodesia. If any such migration existed, it would be inappreciable.

#### *Education.*

Mlle. DANNEVIG said that she had been much interested by the description on page 63 of the report of the girls' boarding school at Buigiri, which seemed to constitute a new achievement in the educational sphere. It seemed to her that it was being worked on excellent principles, such as the maxim: "If you want a thing, make it", and that the programme was a very interesting one. Was this a unique school of its kind in Tanganyika, and, if so, might it be expected that efforts would be made to institute other schools of the same kind?

Mr. SCOTT said that it would be realised that this school was a mission school, and not a Government one. It had been selected for special comment in the report, but he could not say whether it was unique. He was sure, however, that other mission schools were run on the same lines, and that it would be the desire of the Administration that they should continue on those lines.

Lord LUGARD said that the report on education was very satisfactory, and he was glad to note that there was an increase in the expenditure on public education. He wished to ask whether the provisions of the 1927 Ordinance concerning unauthorised schools had had a good effect.

Mr. SCOTT said that, while under the ordinance it was necessary for every school to be registered, only those schools could earn a grant which complied with the conditions laid down in the regulations made under the ordinance. It was too early to say whether the new law had had a good effect, but it would no doubt do so.

M. RAPPARD said that he had been impressed by the observation in the education report of 1926 that danger might be expected from the education of natives on lines which did not fit them for agricultural work. Was there any real danger from this quarter?

Mr. SCOTT said that there had been no sign of native unrest.

#### *Public Health.*

Dr. KASTL said that, according to the newspaper *The Tanganyika Opinion*, there were about 3,000 lepers and 40 leper camps in Tanganyika, and that certain provision had been made for the care of lepers. It would appear, however, from the article that more up-to-date methods might be used in attempting to cure the disease. The annual reports of the mandatory Power seemed to give very meagre information with regard to leprosy in the territory. The report for 1926 contained no reference to the problem, although a few lines were devoted to it in the report for 1925. Even the medical report for 1924, consisting of 200 pages, devoted only four lines to this disease. It mentioned, however, a memorandum by the Governor on the subject. Perhaps copies of this memorandum would be of interest to the Commission, in order that it might appreciate the position of the territory in this respect. Dr. Kastl would ask the mandatory Power also to inform the Commission regularly in future reports of the steps taken during the year under review for the care of lepers, and for the provision of the most up-to-date remedies for their treatment.

Mr. SCOTT said that he would take note of this request, and that more information would be given in the next report.

Lord LUGARD asked whether the Government medical officers were allowed to engage in private practice.

Mr. SCOTT said that at present, in the absence of a sufficient number of private practitioners, medical officers were allowed private practice.

Lord LUGARD asked that information should be given in the next report as to the number of sub-assistant surgeons, dispensers and tribal dressers, and their qualifications.

Mr. SCOTT took note of this request. He wished to point out an error on page 57 of the report. The figure given for 1927 of the deaths per 1,000 to average number of prisoners should read 18.8.

*Land Tenure: Ex-enemy Property.*

M. VAN REES asked for an explanation of the term "Kiwanja holdings".

Mr. SCOTT explained that this term referred to a system of land tenancy according to which non-natives occupying public land paid a rent based on the value of the house on that land. It was a survival from the previous system of land tenure, and, being incompatible with the existing Land Law, was gradually being abolished.

In reply to a question by Lord Lugard as to whether native chiefs could dispose of land, Mr. Scott said that one of the principal powers of the native chiefs was to distribute communal land among the members of their tribes.

Lord LUGARD noted the following statement on page 69 of the report: "Except with the approval of the Secretary of State, no single right of occupancy may be granted to a non-native in respect of any area exceeding 5,000 acres". According to a statement of Sir Donald Cameron, however, there did not seem to be anything to prevent a non-native from taking several contiguous blocks of land.

Mr. SCOTT said that this was the case, but that it did not nullify the legislation. Each block was sold only on certain conditions in regard to development. In the case of the purchase of several blocks, each of these would have to be developed on the same basis.

In reply to a question by Lord Lugard, as to whether special financial facilities were granted to non-natives for the purchase of land, Mr. Scott replied in the negative.

M. RAPPARD recalled that Sir Donald Cameron had stated that the policy of the Administration was opposed to the grant of large concessions to the white population. Had there been a change in this policy?

Mr. SCOTT replied that there had been no change in the attitude of the Government in this respect. For certain purposes, however, such as sheep and cattle ranching, the grant of fairly large areas was necessary, and this could be secured by the alienation of adjacent blocks.

In reply to a question by Lord Lugard as to whether any of the German missions had sold mission land, Mr. Scott said that no definite information had been received that any such sale had taken place.

The CHAIRMAN recalled that the Permanent Mandates Commission had recommended at its seventh session that the mandatory Powers should communicate to the Commission, in so far as the territories under their mandate were concerned, information on certain points with regard to the present situation of the estates which had formerly been the private property of ex-enemy nationals and which had been liquidated under the Treaty of Versailles. The Council, on December 9th, 1925, had commended this request to the consideration of the mandatory Powers.

Lord Lugard, in his report presented to the Permanent Mandates Commission at its twelfth session (see Minutes, page 180) stated that, as regards Tanganyika, no reply had been given to the following question:

"Does the mandatory Power see any objection . . . (in default of bidders at reasonable prices) to giving the mandated territory the opportunity of acquiring them?"

Nor had a reply been given to the following questions:

"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?"

"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?"

Mr. SCOTT took note of these questions, but was under the impression that they had been already answered in the reply of the British Government.

*Forests.*

Lord LUGARD noted that only 1 per cent of the territory was under forest. Would it not be desirable to devote some of the vacant land to afforestation?

Mr. SCOTT replied that a certain amount of land was being used for this purpose each year. Although the amount was not great, progress was nevertheless being made.

*Close of the Hearing.*

The CHAIRMAN, on behalf of the Commission, expressed his gratitude to the mandatory Power for the care with which it had supplemented the annual report by means of several

departmental reports, such as those on education, public health, labour and public finance. The Commission was also grateful to the mandatory Power for having appointed as its accredited representative an official with such a thorough knowledge of the administration of the territory.

Mr. SCOTT thanked the Chairman for his kind words, and said that he had been very pleased to assist the Commission on a second occasion.

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### EIGHTEENTH MEETING

*Held on Saturday, June 23rd, 1928, at 10.30 a.m.*

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Chairman : The Marquis THEODOLI, succeeded by M. VAN REES, Vice-Chairman.

Present : All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

#### 864. Observations of the Commission on the Administration of Nauru.

The Commission examined the text of the draft observations on the administration of Nauru.

After an exchange of views, *the draft observations were adopted with certain amendments.* (For final text, see Annex 7.)

#### 865. Observations of the Commission on the Administration of New Guinea.

The Commission examined the text of the draft observations on the administration of New Guinea.

After an exchange of views, *the draft observations were adopted with certain amendments.* (For final text, see Annex 7.)

#### 866. Observations of the Commission on the Administration of Palestine and Transjordan.

The Commission commenced the examination of the draft observations on the administration of Palestine and of Transjordan.

*The continuation of this examination was adjourned to a later meeting.*

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### NINETEENTH MEETING

*Held on Monday, June 25th, 1928, at 10.15 a.m.*

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Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

#### 867. Observations of the Commission on the Administration of Palestine and Transjordan (continuation).

The Commission continued the examination of the draft observations on the administration of Palestine and Transjordan under British mandate.

After an exchange of views *the draft observations were adopted with certain amendments.* (For final text, see Annex 7.)

#### 868. Western Samoa : Observations of the Commission on the Report of the Royal Commission of Enquiry on the Events which occurred in the Samoan Islands in 1926-27.

The CHAIRMAN informed the members that, in addition to the preliminary draft prepared by M. Merlin and by himself, Lord Lugard had prepared another draft of the proposed report of the Commission on the Samoan question.



*Form and Scope of the Report of the Commission to the Council.*

M. RAPPARD said that, while he agreed in principle with the other members of the Commission, he did not think it possible to present the observations of the Commission in so concise a form as that proposed by the Chairman and M. Merlin. Public opinion in New Zealand and other countries attached very great importance to the events that had taken place in Samoa. The report of the Commission would probably be ready before the Minutes of the present session, and the public would expect to find in this report a general summary of the question, a statement of the situation and an analysis of the troubles that had occurred, as well as of their causes, without which it was to be feared that it would be considered that the Commission had neglected the importance of the problem.

In his opinion, the note prepared by the Chairman and M. Merlin should be preceded by a short statement. Attention was drawn in this note, in the first place, to the fact that the territory in question was small both in extent and in population. These circumstances, however, did not in any way diminish the importance of this territory for New Zealand, which had no other mandate, nor for the League of Nations, which could not neglect its duties as a guardian on the pretext that the pupil was not very important nor very rich. Nor was the fact that no blood had been shed a reason for not attaching to the events that had occurred all their real importance. Moreover, the Commission knew that the present situation in Samoa was such that the Administration was prevented from carrying out its duties.

The observations of the Commission should be clear enough to enable the reader to obtain a general idea of the question without having to await the publication of the final Minutes and without having to refer to press news, which was often prejudiced.

The CHAIRMAN said that he did not see any reason why the Commission should, in the present case, adopt a procedure different from that which it had adopted in the case of its other reports. On the other hand, it appeared to him that the Minutes might be ready at a date early enough to enable the delegates to the Assembly to make themselves acquainted with their contents.

M. RAPPARD thought that, if any analogy were to be made, it should not be with the ordinary reports of the Commission. There had been no occasion for the Commission to examine at this session the annual report of the New Zealand Government on the administration of Samoa, a report which would be examined in October. If an analogy might be made, it could only be with the Bondelzwarts affair or with the Syrian affairs. The reports on those two questions, however, had occasioned much larger documents than that suggested by the Chairman or even than that which he himself had in mind. The document that he contemplated would be only half as large as the report on the Bondelzwarts affair and would be much less voluminous than the report on Syria.

On the other hand, no doubt it was for M. Catastini to inform the Commission of the date when the final Minutes of this session would be published. It appeared, however, that it would be difficult to complete them before the end of the first fortnight in August. They should be ready to be forwarded to the Governments by that date, for after that the delegates of a large number of countries would already be on their journey to Geneva and they would not have time to read the Minutes at Geneva before the opening of the session of the Assembly.

The CHAIRMAN begged M. Rappard to state at once the form that he considered should be given to the observations of the Commission on the report of the Royal Commission.

M. MERLIN thought that it would be well first to have a general discussion on the question. No doubt, after there had been an exchange of views in the Commission, it would be comparatively easy to conciliate the various points of view.

M. CATASTINI said that he very much hoped that the final Minutes of the session would be ready for September. On the other hand, M. Rappard had suggested that the observations of the Commission should contain a statement of the facts, as had been the case in the Bondelzwarts and Syrian affairs. In those two cases, however, the Commission had not stated the facts, but had dealt with a whole group of particular questions. In the present case, the point at issue, therefore, was whether the Commission should or should not follow the same system.

M. PALACIOS agreed with M. Rappard that the observations of the Commission should be somewhat more detailed, more reasoned and better worked out. He pointed out that, at present, it was a question only of the form of these observations and not of their substance.

M. RAPPARD explained that, according to his idea, it was not a question of transferring to the observations everything that had been said by the Commission. What was necessary was that a document countersigned by the whole Commission should give the uninformed reader an idea of what had happened.

On the invitation of the Chairman, M. Rappard sketched what should, in his opinion, be the scope of the report of the Commission on this question.

A short introduction would indicate the procedure followed by the Commission and would mention the petitions that it had received and the observations that it had made concerning those petitions. The note would also define the task of the Commission and

its responsibility and would formulate the desirable recommendations. For this purpose, it would be necessary to explain the situation and to state the cause of the troubles that had occurred. In the first place, it would be mentioned that the population of the territory was about 40,000 and that it included, besides the natives, 450 white and 2,000 half-caste inhabitants. Why had these half-castes been discontented and how had they been able to create a general discontent among the natives ?

With regard to the half-castes, the Commission had noted, in the first place, that the discontent was limited to a certain number of individuals and especially to Nelson. There would no doubt be reason to dwell on the character of Nelson, and principally on his vanity, which had perhaps been swollen by the importance that the Administrator and the Government of New Zealand had attached to this person. Probably the half-castes had been excited against the Administration in consequence of the policy followed by the latter of assuring for the natives a better price for their copra, and no doubt also by the prohibition measures.

With regard to the natives, the Commission had no ground to believe that, left to themselves, they would have shown serious discontent. How, therefore, had the half-castes been able to stir up the natives ? It should be realised that some of these half-castes, and particularly Nelson, were rich, intriguing, and active in political affairs, that they had no fear of employing all kinds of means of action, and that they had even gone so far as to endeavour to create a movement towards independence with the cry of " Samoa for the Samoans ", a movement which, as had been learnt, had already shown itself elsewhere, and on other occasions. It was also possible that the Administration itself had unconsciously provided a weapon for these agitators, on account of certain imprudent speeches that had been made in the Parliament by representatives of the Government concerning the election of natives in representative councils.

Tribute should be rendered to the disinterestedness, and to the reforming zeal of the Administrator, while recognising that this zeal had perhaps sought to achieve certain reforms too hastily. In the case of public health, the Administration had done excellent work, which its adversaries had presented to the natives in a false light, as was true also in the case of land tenure and fine mat ceremonies. It should be noted that the Administrator had not always had the means of accomplishing what he had wished and of assisting his authority. He had, therefore, thought it indispensable to increase the severity of his ordinances to impress the natives ; but, owing to the lack of police at his disposal, these had remained without any effect on the natives, and the Administrator had thus failed to maintain order after the discontent had become overt.

As to the responsibilities, the Commission should be extremely severe towards Nelson, who had deliberately and almost treacherously stirred up native discontent, without any substantial public motive. The Commission should do what it could to deprive him of the prestige which he had apparently enjoyed with the natives. It should, on the contrary, praise the efforts of the mandatory Power, while making some reservations with regard to the too flattering treatment that it had granted to Nelson, whose prestige it had unwittingly enhanced. On the other hand, it was regrettable that certain desires for independence had been unduly flattered by means of speeches made in the New Zealand Parliament, and that the Administrator had thought it his duty to have recourse to threatening ordinances at a time when he had not the means of enforcing his will. This, moreover, did not in any way justify Nelson or his associates.

With regard to the recommendations of the Commission, the latter should in the first place approve Nelson's deportation, which should be maintained as long as he refused to give securities for submission. It was necessary, moreover, that the mandatory Power should ensure the authority of the Administration by placing at its disposal the police forces, and perhaps the prisons, that were necessary. The Commission would request the mandatory Power to continue its work of reform, while taking prejudices into account, to resort above all to the force of persuasion, sedulously to avoid any appearance of misrepresentation such as that to which the publication of the so-called League of Nations catechism might have given rise, and to rely on the work of time, which did not always seem to have been sufficiently appreciated. The population of both Samoa and New Zealand should be made to understand that neither the Permanent Mandates Commission nor the League of Nations wished to deprive the Administration of the mandatory Power of its necessary freedom of action — far from it — and that nothing originating in Geneva should ever be allowed to weaken the authority of the mandatory Power.

The CHAIRMAN thought that the Commission might approve the observations of M. Rappard. For his part, he would only ask M. Rappard to summarise, as far as possible, the observations that he thought should be made in a few sentences which the Commission would examine one by one.

M. MERLIN noted that the members of the Commission were more or less in agreement on the substance of the question. The case was not the same with regard to the form that should be given to the observations of the Commission. Despite the arguments of M. Rappard, he did not think that the Commission should allow itself to present a statement of the question, and even the summary presented by M. Rappard made evident the dangers to which the Commission would thus be exposed. The Commission would have to give details on a large number of points ; it would thus be compelled to recognise, according to the case, that one or other of the parties was in the wrong, in such a way that, on each point of detail, the Commission would provide new weapons for the adversaries in the event of future controversies.

In his opinion, the Commission should remain strictly within the scope of its duty, which was to present observations to the Council, to draw conclusions from the exchanges of views that had taken place, and to add recommendations to these. If the Commission were to do more than this, it would expose itself, for reasons which were not of primary importance, to criticism, and perhaps to more serious disadvantages.

The aim of M. Rappard seemed to be to inform public opinion. Public opinion, however, would be informed by the conclusions of the Commission, and almost at the same time by the reading of the Minutes. It would see from these that the Commission, on this occasion, as on all others, was fully aware of its duty, and that the discussion had been fully detailed.

M. Rappard had very rightly pointed out that the territory should not be neglected merely because it was very small. It was incontestable that the population of Samoa was under the indirect guardianship of the Commission, and logically the arguments of M. Rappard were just. There was, however, a scale of interest which should be borne in mind, that the territory was one of barely 3,000 square kilometers, populated by 37,000 inhabitants, of whom about 450 were Europeans and 2,000 assimilated half-castes. In this microcosm had occurred the events that had been discussed. This agitation had gained some renown, on account of the fact that there was, on the island, a man of recently acquired wealth, enriched as a result of the war, and who had become one of the largest dealers in copra. It was natural that, with his growing fortune, this man should have wished to play an important public rôle.

What grievances had really been raised? Prohibition? It had applied to 2,500 individuals, and even this was not certain, for many of the half-castes did not live according to European customs. The sale of copra? This question closely concerned Mr. Nelson and his supporters. However, the measures adopted were restricted, as they only applied to 400 tons out of a total trade of 12,000 tons. No doubt Nelson had regarded this measure, above all, as a threat for the future. Prohibition of residence? Of 3,000 chiefs these measures applied at the most to only 50 or 70 of them, and the prohibition had not been observed in many cases.

Even though the Commission had to guard carefully in the interests of the population of any territory under mandate, it should not allow itself, under the influence of a well-directed political and Press campaign, to attach to these events an importance which they did not possess. According to M. Rappard, public opinion had been greatly stirred by these facts. In England, however, the complaints of the discontented had only been welcomed by a single newspaper. A good deal of information had been available regarding this matter, but it was certain that Nelson had done much to spread it throughout the world.

By attributing too much seriousness to what had happened, the Commission would give the impression that a well-directed campaign might make itself heard as far away as Geneva, and would be sufficient to ensure action on the part of the Permanent Mandates Commission.

A statement of Sir James Parr had greatly impressed M. Merlin :

“ Everyone is awaiting the decision of the Mandates Commission, and until this decision is known the agitation will continue. ”

It would be regrettable for the Commission, an organ of control and not of government, to be compromised in this affair. It should guard against lending itself to the scheming of ambitious men anxious to profit by its distant and necessarily slow intervention. In reality, the whole matter had been directed by three men, and above all by one, Mr. Nelson.

To sum up, no statement should be made which might result in dangerous developments. It would be desirable merely to give conclusions in the ordinary form of recommendations. No doubt, the Administration had been too weak. There had been a Governor who had not immediately taken the necessary decisions. He had not, however, had the means of so doing : he only had forty police for the whole of Samoa. Moreover, M. Merlin pointed out that, in the note that he had prepared in agreement with the Chairman, he had referred briefly and without entering into detail to these various factors : the weakness of the Administration, the errors that had been committed, etc., while adding praise regarding other parts of the administrative work which had been done. This note also mentioned Nelson without there being any risk of entering into polemics. If, as far as the form was concerned, it seemed to be drawn up a little too diplomatically, it did not differ in substance from the conclusions of M. Rappard. Moreover, the drafting of this note might be amended in any way that the Commission might desire.

M. PALACIOS thought that the more the roots, the causes, the complexities of the question were examined the greater possibility there would be of the Commission reaching agreement. With regard to the extent and the form of the report to the Council, he would, for his part, support M. Rappard's point of view rather than M. Merlin's. It would be well to take into account the excitement shown by public opinion, although this excitement should not be exaggerated. The problem implied questions of principle which were of intrinsic importance, whatever the extent of the territory under mandate in question.

With regard to the substance of the report, he thought that perhaps it would be well to weigh more carefully the words addressed to the mandatory Power in the draft note of the Chairman and of M. Merlin. It was true that the mandatory Power had done nothing that was in opposition to the mandate. Nevertheless, it had obviously made mistakes, and had sometimes given proof of inexperience. The draft reply under examination stated somewhat too finally and exclusively that the mandatory Power had been lacking in

decision and in firmness. He agreed, for his part, that there should be an express recognition of the efforts of New Zealand in the task of promoting the culture and civilisation of Samoa.

On the other hand, M. Palacios did not agree with M. Rappard on the expediency of including in the Commission's report to the Council a condemnation of certain individuals who were already in exile; he doubted that it was for the Commission to take such action and thought that it would thus expose itself to the risk of venturing on paths that would be rather dangerous at present, and would be particularly dangerous in the future. In his view, it would be enough for the Commission to concern itself with the facts and, at the most, to take a decision, in conformity with the principles applicable to the case, unfavourable to the allegations of the petitioners. To attempt to condemn individuals, however, specifying at the same time the reasons for which they were blamed, without having been able to hear these individuals and without weighing each of the proofs and legal considerations raised, might make the verdict an unjust one. It should be remembered that the "Mau" existed not only in Samoa under New Zealand mandate, but also in American Samoa, and in other islands also. It would appear that this was perhaps a nationalist movement, due no doubt to historical and ancient causes. If it were certain that this were the case, the problem would even arise of deciding on the conduct which a mandatory Power of the League of Nations, charged with a sacred trust of civilisation, should follow if it found itself confronted by the gradual or violent pressure of influences working for emancipation. This question could give rise to a long discussion, but one point seemed to be quite clear: it could not go further, in repressing this movement, than the Powers which possessed the remainder of the islands as colonies without any international control. Moreover, it was continually being demonstrated at the present time how movements that were believed in the beginning to be weak and artificial suddenly triumphed, and how individuals who were considered to be undesirable, and were expelled and banished to-day, readily came into power on the morrow. It would be impossible, therefore, too strongly to recommend prudence on this point to a consultative, independent and impartial Commission, such as the Mandates Commission.

To sum up M. Palacios' view, therefore, the report of the Commission to the Council should be much more comprehensive and explanatory in form, and much more conciliatory in tone.

M. CATASTINI asked whether, contrary to custom, the present discussion regarding the observations of the Commission on a report transmitted by the mandatory Power should appear in the Minutes.

M. RAPPARD replied that this would depend on the conclusion of the discussion. If as a result of the discussion a short report were to be prepared without any statement of the reasons that had led to it, he would ask that his observation should be recorded in the Minutes, which would thus give the grounds for an opinion of which the recommendations of the Commission would only be a brief summary. If, on the other hand, the Commission were to decide to present a more detailed report, there would be no reason to include this discussion in the Minutes.

M. MERLIN said that his reasons for not being in favour of a lengthy statement caused him to oppose the insertion of the present discussion in the Minutes. He felt much anxiety concerning the distant influence of what was said in the Commission, and he feared that one or other party would utilise it for their own ends and that in this way the real object of the Commission, namely, the creation of a calm state of mind, would not be realised. Less thought should be given to what should occur in the Commission than to what might occur in Samoa.

DR. KASTL associated himself with M. Merlin's observations.

Lord LUGARD said that, on the whole, he was in agreement with M. Merlin. If it were sought to draw up too long a report, it would be very difficult to obtain a text acceptable to all, as the prolonged discussions had already shown. It would be best to seek a compromise, and this seemed possible on the basis of a text somewhat fuller than that suggested by the Chairman and by M. Merlin. Agreement should first be reached on the principles which would form the basis of this text. There were three principal divisions of the question on which agreement should be obtained:

1. All the members of the Commission were, he thought, agreed in condemning the attitude of Nelson and of his associates.
2. They were also, he thought, in agreement in considering that General Richardson had not been sufficiently supported by the mandatory Power, since he had not been given the necessary means of enforcing the laws approved by the Mandatory for maintaining law and order.
3. Further, that the Mandatory had done everything in its power to investigate the causes of the trouble in Samoa, and the actions of the local Government, by appointing an impartial tribunal to enquire into the matter on the spot.

As to the conduct of General Richardson, some members appeared to think that he had been too weak, and that he had acted unwisely in associating himself with Nelson at first, only to find out afterwards that he was not a very pleasant individual. M. Rappard had not referred to this aspect of the question and rightly so, for there was disagreement on this point. For his part, Lord Lugard thought that General Richardson had been placed in a

very difficult position, and that he had acted with discretion and great forbearance, and had done everything possible in the circumstances. On the other hand, in the course of his hearing, General Richardson had shown himself to be absolutely frank, had indeed been his own critic. However, if there were disagreement on this point, it would be better to leave it entirely on one side.

There was another consideration to which attention had not yet been drawn. At the height of the crisis, when the Administrator should have been on the spot, it appeared that the mandatory Power had sent him on a six weeks' mission to the New Hebrides and other places, and during his absence the discontented faction had had a free hand in directing its propaganda. When the Administrator returned, the agitation had developed and it appeared to have been too late to suppress it. The Commission might perhaps draw attention to this fact, for it was primarily concerned with the action of the Mandatory, which accepted full responsibility for the actions of its agent.

M. PALACIOS was not as optimistic as Lord Lugard regarding the unanimity of the Commission. In any case, however, he was sure that everyone would agree with the views expressed regarding the absolute frankness of Sir George Richardson. He wished to state that he had always considered that Sir George Richardson had acted in the most honourable manner.

M. VAN REES said that he had not yet been able to arrive at a final opinion from the exchange of views that had taken place. He had full confidence in the wisdom and in the tact of M. Rappard, and he would therefore like to have before him the text of the note, the scope of which had been indicated by M. Rappard, in order that he might see how, after having made a statement on the situation, M. Rappard would pass to the conclusions and recommendations. Indeed, in his opinion it would not be possible to separate the two elements and to be content with the formulation of conclusions without a preliminary statement. He proposed, therefore, that the discussion should be adjourned until the Commission had before it the text that M. Rappard would be prepared to draw up.

The CHAIRMAN asked Lord Lugard whether he agreed that M. Rappard, having heard the opinions stated in the Commission, and particularly the observations of M. Palacios, should draw up his note, while modifying, if he thought it necessary, his original idea. For his part, the Chairman was more closely in agreement with M. Merlin, and in any case he would prefer that this question should not give rise to majority and minority reports.

M. MERLIN suggested that M. Rappard, after the exchange of views which had taken place, should prepare a note in such form as he should think fit. After this had been done, the note might be compared with that of Lord Lugard and that of the Chairman and himself. A small drafting committee, under the chairmanship of M. Van Rees, might be formed to undertake this work of comparison. M. Rappard might be asked if he could not modify his original idea while taking into account the observations that had been exchanged.

M. Merlin added that the important point in the present case was the form to be given to this note and not the substance of the question, on which all the members of the Commission were agreed. The point at issue was whether the Commission wished to present a statement of the situation or merely to formulate a recommendation.

M. RAPPARD thought that to constitute a small committee would be a loss of time. He shared the opinion of M. Merlin that there was agreement on the substance of the question. The only problem that arose was whether the Commission wished that its observations should be clearly understood by the public. M. Rappard, for his part, would be prepared to accept a simple recommendation, on the condition that the grounds for the judgment would be found in the Minutes. If public opinion only formed its judgment on a mere recommendation, the Commission would expose itself to the reproach of having neglected the importance of the question, an importance which was real.

This was, indeed, the first occasion on which a mandatory Power had declared to the Commission that it found itself incapable of accomplishing its administrative task. No doubt it was only a question of 40,000 individuals, but their lot was of direct interest to the Commission. A reproach was often made to the League that it was too exclusively European. If the Commission were not to attach to the events that had occurred in Samoa in the middle of the Pacific the same importance as if they had occurred at the gates of Geneva, the non-European countries would perhaps think that the League was not showing a sufficient interest in them. If the Minutes could be ready sufficiently early, and if they contained the present discussion, M. Rappard would accept the proposal of M. Merlin.

M. MERLIN stated that he had never wished to treat lightly the events in Samoa. If he had referred to the relative importance of those events, it had been in order to place the Commission on its guard against interested campaigns, and to prevent it from giving to these incidents more importance than they deserved. All territories under mandate, whatever their size and their situation in the world, should be treated by the Commission equally seriously; but each event should have attributed to it its intrinsic value.

The CHAIRMAN said that the Secretariat would do what was necessary to ensure that the final Minutes of the session would be ready for September 1st.

M. MERLIN added that those Minutes would contain the present discussion.

Dr. KASTL thought that it would be simple to add to the note suggested by M. Merlin a paragraph containing a brief statement of the facts which were at the basis of

the complaint, while giving references as regards the details to the Minutes of the Commission. On the other hand, M. Merlin's note might be slightly modified by a more express condemnation of the agitation of Nelson and of the Mau, and by pointing out, also, that the Administration had issued too many judicial acts and had not undertaken enough practical measures which would have been better understood by the native population. A tribute should be paid to the local Administrator, to his goodwill and to his patience, which had perhaps been excessive.

Finally, as Lord Lugard had said, it was no doubt the mandatory Power itself which had the largest share of the responsibility for what had occurred, for it had not given to the Administrator the necessary powers and means, either for putting an end to the agitation at the right moment or for preventing the continuation of this agitation. What interested the Commission was the re-establishment of order and the reinstallation of a real administration in Samoa.

M. VAN REES also agreed that the note of the Commission should not contain a statement of the facts if a record of the discussion were inserted in the Minutes.

M. PALACIOS said he was not in agreement with the first part of Dr. Kastl's speech.

The CHAIRMAN suggested that Lord Lugard, M. Merlin and M. Rappard should draw up, in agreement, a note in the sense that had been indicated.

Mlle. DANNEVIG associated herself with the observations of M. Merlin and of Lord Lugard and thought that the report of the Commission should be short and not detailed, as M. Rappard had first suggested. It seemed to her, on the other hand, that the note proposed by M. Merlin dwelt too much upon the errors of the Administrator. She thought, with Dr. Kastl, that it would be just also to pay attention to the errors of the mandatory Power.

M. RAPPARD said that he felt a grave scruple upon this point. A mandatory Power acted either directly or indirectly through an agent, but it was hardly possible to make a distinction in this respect, in order to establish, with regard to the errors that had been committed, particular responsibility for either of the parties.

The CHAIRMAN said that the Commission should not forget the nature of its task; it had not met to make an investigation and to look for the person who had been responsible for the faults that had been committed, but to send to the Council its observations on the administration by the mandatory Power. It could not distinguish between a Minister, a Parliament, or an Administrator. No doubt the Commission had based its judgment, to certain extent, on the statement of the accredited representative. The Commission having arrived at a decision, the task that remained to be done was to prepare a draft report and the Chairman was convinced that M. Merlin and M. Rappard would have skilful enough pens for this purpose.

M. PALACIOS supported the suggestion that the preparation of the note should be entrusted to a small drafting committee.

M. SAKENOBE thought that it would be difficult for the members of this drafting committee to come to agreement on a text if the Commission had not first agreed on the principles to be followed concerning the form that the observations should take.

M. RAPPARD said that, if it were stated in the recommendation of the Commission that this recommendation had been based on the grounds indicated in the Minutes, he would abstain from entering into the details of these grounds in the report of the Commission itself.

*The Committee agreed that Lord Lugard, M. Merlin and M. Rappard should draw up a text in common agreement.*

#### 869. Syria and the Lebanon : Examination of the Annual Report for 1927.

M. Robert de Caix, late Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon, accredited representative of the mandatory Power, came to the table of the Commission.

##### *General Statement by the Accredited Representative on the Situation in Syria and the Lebanon.*

The CHAIRMAN said that this year the Commission should give a particularly warm welcome to M. de Caix, who had made a long journey in Syria, and had undertaken special work largely in order to facilitate the task of the Commission. The accredited representative of the mandatory Power, whose high integrity was known to all, had wished to be in a position to enlighten the Commission from all points of view and with his usual frankness, and the Chairman thanked him in advance for the statement that he would make regarding his journey, which would certainly be of assistance to the work of the Commission.

M. DE CAIX spoke as follows :

I do not wish to make a statement which would be a duplicate of the report, since this report was drawn up in Syria while I was there, and since I have sought to ensure that it should be as complete and, above all, as clear as possible. I only wish to draw the attention of the Commission to certain leading features of the present position and to make a rapid synthesis, which does not appear from the reading of the report.

I must, in the first place, state that, after the troubles in 1925 and 1926, complete calm reigns in Syria and in the Lebanon. I was able to travel there day and night without finding any kind of relic of these troubles.

There are reasons to believe that this calm will last. I have spoken with many Syrians, even with those who are commonly called extremists. I am very far from feeling that they are willing to recommence an adventure such as that of the insurrection; certainly, the insurrection was a serious disappointment to them. I add — I persist in believing it — that the insurrection was not an enterprise planned beforehand, but the result of an opportunity that was given to the discontented elements by a local accident which had occurred at Djebel Druse. It is by means of an agreement with the mandatory Power that the nationalists, even the advanced ones, now hope to realise their claims. This does not mean that there may not be serious misunderstandings between them and the mandatory Power concerning which of its powers the latter may eventually give up.

But while awaiting difficulties that may occur — difficulties which, I repeat, would be, in my view, much more in the realm of discussion than that of violent action — I have noted that collaboration is in the minds of all. The elections took place in complete calm, and, I may add, in complete freedom — at any rate, in so far as the mandatory authorities were concerned. I was present at the elections of the first degree at Damascus and in that region. I then went to the elections of the second degree at Homs, at Hama, and in a voting district in the neighbouring country. I saw there people voting calmly with every appearance of freedom. Complaints were made that pressure was exercised by certain Syrian authorities. I find it difficult to believe that pressure was not exercised by such measures as were available to the ruling classes in a country where there are very few land-owning peasants and men whose position and security assure to them their independence; but the High Commissioner did not intervene in order to ensure that the elections would have a certain result. No doubt, if it had been otherwise, there would not have been elected a good number of those who were previously determined opponents, several of whom had just profited from an amnesty which enabled them to present themselves for election. The same liberal attitude has been observed since then. The President and Vice-President elected by the Assembly had been opponents of the mandate, and, according to information received from Syria, the members of the Commission entrusted with the drafting of the Syrian Constitution were largely people holding the same views.

M. VAN REES asked whether the Chairman and Vice-Chairman were both extremists.

M. DE CAIX. — The two persons in question were in the most open opposition to the mandatory Power, and even to the mandate. I have, moreover, had conversations with these two men, and, although one felt the possibility of a good deal of divergence of opinion between them and those responsible for the mandate, they expressed a very definite wish to collaborate.

If the figures given by the elections are summarised, the following results are obtained: the Constituent Assembly now sitting includes among the seventy persons of whom it is composed about twenty men belonging to the extreme opposition. The rest of the members have less marked views and were mostly elected in the country districts. The majority no doubt desire, above all, practical improvements in the administration, and justice. It was obvious, however, that they would be strongly influenced by the group holding the most clearly defined points of view and who could be counted as orators.

M. VAN REES understood that ten members were indefinite as regards their views.

M. DE CAIX said that about forty or fifty members could be considered as more or less vacillating. The others formed a resolute nationalist phalanx.

The CHAIRMAN asked the accredited representative whether the members of the opposition and influential chiefs, with whom he had had conversations, were aware of M. de Caix's position *vis-à-vis* the Mandates Commission, or whether both the natives and the authorities thought that M. de Caix had travelled in Syria in a purely personal capacity.

M. DE CAIX — All the Syrian political notabilities know me very well. They read the newspapers; they know that I was for a long time Secretary-General and Acting High Commissioner. Many do me the honour to magnify too much the part I have played and are determined to consider me as the author of the majority of the legal measures of which in their opinion they have to complain. When I arrived, I received a deluge of telegrams signed by a large number of persons, referring with bitterness to the part I had played and expressing the hope that I would be converted to sounder ideas as regards Syria. I was accused of presenting matters to the Mandates Commission under the falsest colours. None of those with whom I spoke was unaware to whom he was speaking.

So much for Syria. In Lebanon the situation, in so far as concerns relations between the representatives of the mandate and the national Government, is more advanced. As you know, the Constitution is already in existence. It has even undergone a partial revision and a Government exists which works in constant, and I may say friendly, contact with the mandatory authorities. In the Lebanon there are no serious difficulties between these two bodies and their relations are even excellent. This, however, does not mean that everything is for the best in the Lebanese administration. The incontestable goodwill and intelligence of the Government are thwarted by old and deep-rooted habits of mind, and also by a Parliament, many of whose members make it their main preoccupation to keep in favour with their clientele, regardless of the evident necessity for certain reforms.

Further, in spite of the advice of the Mandatory and of the fact that the Government is fully conscious of this necessity, the reforms proposed in order to ensure economy and also better justice and a better administration drag on indefinitely.

You will probably ask me what material improvement I have noted since I left the country almost five years ago. Obviously, progress has been made. For example, the schools are more numerous. I do not wish to speak at length on this subject since you have statistics in the report. The quality of the teaching and of the teaching staff is improving. Public assistance is making great efforts. The Health Service is working as it never worked before; it is certain that it has rendered a conspicuous service to Syria and Lebanon this year by preventing the invasion of the cholera epidemic which was so seriously rampant in Iraq. Unfortunately, malaria has spread in the south of Syria on the Hauran plateau on account of the movements of the population resulting from the insurrection. The Syrian authorities do not appear to be prepared to appropriate a sufficiently large proportion of the sums allocated for their programme of public works to combat as energetically as they should and as was desired by their health advisers the propagation of larvæ, thus putting an end to what is becoming the most serious scourge of an entire district.

I should mention in passing — questions will no doubt be put to me on this subject — the efforts made to improve the position of the refugees from Anatolia, most of them Armenians. The remarkable power of adaptation and energy of these people, who are not, however, altogether free from faults, facilitate this work. I was impressed by what I saw in the Armenian agricultural centres that I visited in the north.

The land survey is making progress. The effort made to give property the steady basis which was hitherto lacking is producing results.

As regards material progress, what impressed me most was the development of the road system. The main roads are almost everywhere finished or in active construction. It is possible to go in a day by motor-car from Beirut to Aleppo via Latakia. The same can be done via Homs and Hama, although for a long distance it is necessary to take the desert track, the road not yet being finished.

Many good experts even think that the network actually finished, or in the course of construction, has reached the limit that a country like this can reasonably support. It has no mineral wealth. If there are any minerals, they have not yet been discovered.

At present there are only two mining undertakings at work in the Levantine territories under French mandate, namely, the asphalt mines at Latakia and another undertaking of the same kind in south Lebanon. Only agricultural production and trade need roads and provide the necessary budgetary resources for their upkeep. In a country where, pending major irrigation works, the agricultural output is not large, except in certain districts, a road may lay upon a province charges which are out of proportion to the means of development that it provides. A road is still less necessary in that the long dry season makes motor traffic possible over the desert tracks during the whole of the period required for the transport of the products of the soil, at any rate, throughout the inland plain. After the completion of the main road system, the work required to give the country the means of communication that are necessary to and sufficient for its economic system consists in the improvement of tracks with bridges and ramps to allow of the passage of certain ravines and the levelling of certain rocky sections.

In reality it is not so important to create means of transport as to create the wealth to be transported. In this connection, there is much to be done. When travelling in Syria one cannot but be struck by the poverty of the rural centres. The primary cause is the climate. Syria, like all south Mediterranean countries, is a country of rain in winter and of drought in summer, *i.e.*, a country in which the harvest is very poor when the rain in the spring is insufficient. We have heard of the fat and lean kine. This year it is a country of lean kine. Everywhere except on the sea coast the grain crop is absolutely wretched and the people will have a bad year to get through.

Another cause of poverty — a less serious one, to be sure, which might perhaps be more easily remedied — is the land tenure system, the lack of capital of the peasants. The majority of the villages in the inland plain are very poor. In many places the inhabitants live in mud and reed huts in the winter, while in summer they camp out a few hundred yards away from these huts in Bedouin tents. This habit might lead to the belief that certain districts are inhabited exclusively by nomads. Only a minimum of capital is required to put up these huts; I have even heard mentioned a sum as low as 12 Syrian gold pounds.

Almost all the peasants who are very poor work on the land under a hire system which involves contracts of the most varied descriptions and is accompanied by usury. Money or material is lent to the fellah at very burdensome rates of interest. Small landlords are few in a country where the latifundia cover the greater part of the soil, and do not yet seem to have ceased to earn money from the land. Apart from a few exceptional villages, there is in the Syrian countryside no economically independent population. This position may, no doubt, be partly explained by the temperament of the fellahs. There are wide districts where these fellahs are the sons of Bedouins, in whom the traditions of nomadism have not been completely replaced by the mentality of the peasant bound to the soil. Pending the preparation of the land survey and in view of the serious defects still existing in the judicial administration, ownership is insecure, just as it is rare among people of small substance. This insecurity adds to their carelessness and lack of providence. These reasons taken altogether explain the aspect of a countryside where one practically never



comes across any work indicating efforts which expect results in a more distant future and where it is possible to cross an entire district without seeing a single fruit tree.

This position can only be altered by a series of administrative and economic measures. The climate must be improved by planting trees which, in time of drought, will draw water from depths to which cereals do not reach, and, first and foremost, by irrigation wherever possible.

Afforestation is going on in certain parts. I noticed this more particularly in the small State of the Alaouites, which showed evident progress — perhaps because in this country, where the Administration is practically a direct one, politics do not act as a brake on progress. It should be noted in passing that the dry cultivation of cotton has reached a very interesting stage, for an American variety appears to be acclimatising itself very well and gives good commercial products without any sign of degeneration. This crop is more flourishing than is indicated in the report, which was drawn up before my visit to this district. It has yielded sufficient profit to enable the growers to buy enough seed to put 5,000 hectares under cotton. This seems to be true of the entire sea-coast zone.

The country, however, can be transformed only by irrigation works, which will provide it with lands where the crops will no longer be dependent on the caprice of the rains. Investigations have been begun, and they can be concluded and the work put in hand as soon as political stability has made possible the execution of long-term programmes either by the State or by concessionnaires. The financial means exist; as you have been able to see from the 1927 report and from earlier reports, the budgets of the different States show a surplus.

First framed in 1921, they showed a surplus as early as 1923 and, apart from one or two incidental difficulties in the case of certain of them, they have since then always been in a satisfactory position. If you bear in mind as well the surplus of receipts derived from the common budgets and the existence of considerable sums to be distributed as a result of the release of the funds reserved for the Ottoman Debt, you will observe that there exist in Syria and the Lebanon the financial resources required for the development of the country by irrigation, which will alone, I repeat, free it from its present economic insufficiency.

Unfortunately, the political unrest which still continues in the principal State, Syria, is an obstacle, especially as regards foreign undertakings which might assist in the development of the country. It discourages the long-term investments that are required for works that will bring economic development. This leads me to mention in conclusion the policy followed in the countries under A mandate.

This policy, it cannot be doubted, tends to make the mandatory Power's task of advice, reform and assistance much more delicate. It creates obstacles to action by the Mandatory in the governmental and administrative life of the country. While there can be no question that it does to a large extent conform to the spirit of the A mandates, which does not regard the "communities detached from the Ottoman Empire" as being still in complete political infancy, it renders more difficult the exercise of the Mandatory's responsibilities as they result from the contractual instruments and from the interpretation given thereto in practice by the League of Nations.

The exercise of the mandate must necessarily be modified in a case where it is linked up with elected assemblies and the Governments emanating therefrom. Whatever the rights and powers of the Mandatory and the reasons which it has for exercising them, it is called upon to do so with a certain amount of reserve and subject to certain delays.

However real, for the moment, desire for co-operation shown by our former Syrian opponents, a desire which, in my view, is too well justified by the general position to allow me to doubt of its sincerity, it would be optimistic to say that the views of these men, who have acquired and could not fail to acquire great influence in the Assembly, are really in harmony with the ideas of the mandate as they result from the contractual instruments and from the manner in which the Mandates Commission interprets the Mandatory's responsibility, judging by the great number and variety of the questions which you put to its representatives. It does not appear that the ground upon which these people now manifest a desire to co-operate is really that laid down in the mandate. The traders of the most active party in the Assembly did not accept the mandate recently, and they were not reconciled to it by the fact that it is a provisional regime. Now that a Constitution is being framed in Syria and that new institutions are being set up, they tend to regard it as an obsolete regime which should be replaced as soon as possible by that of a treaty of alliance with the Mandatory.

M. VAN REES asked whom the accredited representative meant by Syrian party leaders.

M. DE CAIX. — I mean the most conspicuous members of the Constituent Assembly now sitting.

I have told you that one of them asked me if we insisted strongly on the term "mandate". He did not seem to me altogether to grasp the observation that there was no need to take offence at this word when the thing actually existed and could not cease to exist by a stroke of the pen.

M. VAN REES understood that these people were leaders belonging to the extreme parties.

**M. DE CAIX.** — It would be difficult and perhaps not even quite fair to define the political appellations of the parties, when I have just shown you that there is an endeavour to modify political attitudes. I might merely remark that the men of whom I have spoken are those who have hitherto made a profession of uncompromising nationalism with regard to the mandate.

Their views, moreover, are no novelty to the Commission. You have, in the past, remarked, in the petitions from their friends, this opposition to the very principle of the mandate. A new petition which came before me recently testifies to it once again. The writers, who ascribe to the mandatory Power a certain policy with the object of denouncing it, wax wroth at the idea that the Mandatory will force the hand of the Constituent Assembly and will come "before the League of Nations with a Constitution recognising the mandate and other restrictions to the freedom of Syria . . ."

I do not discuss this subject. I merely note a state of mind which, if it is not perhaps that of the mass or even of the majority of the men elected to the Constituent Assembly by the last Syrian elections, animates an important group, and one to which the existence of a deliberative assembly opens a new field of action.

Those of the men representing this opinion whom I met spoke to me in a way which convinced me that, even if they do not aspire to the immediate and categorical abolition of the mandate, they do in point of fact wish to diminish its force, so that it would merely be a diplomatic and military cover which the Mandatory would still continue to afford them while ceasing to intervene to any appreciable extent in the government and administration of the country.

**M. PALACIOS** referred to the statement made by the Taggeddine Ministry on February 17th, 1928, in which it was said that:

"The collaboration between France and Syria will not be really harmonious and fruitful until the relations of the two States are regulated by treaty, a treaty which should be submitted to the Syrian Parliament for approval and which would define the scope and limit the duration of the reciprocal obligations assumed under the mandate."

**M. DE CAIX.** — That declaration was, in fact, less accentuated, but it should be observed that the majority of the Ministers were beaten at the elections.

*The continuation of the statement was adjourned to the following meeting.*

## TWENTIETH MEETING

*Held on Monday, June 25th, 1928, at 4 p.m.*

Chairman: The Marquis THEODOLI.

Present: All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

870. Syria and the Lebanon: Examination of the Annual Report for 1927 (continuation).

**M. de Caix**, accredited representative of the mandatory Power, came to the table of the Commission.

*General Statement by the Accredited Representative on the Situation in Syria and the Lebanon (continuation).*

**M. DE CAIX** continued his statement as follows:

I outlined this morning the most important points which I observed in the course of my journey in Syria and in the Lebanon, and I concluded by telling you the state of mind of the leaders of the Syrian nationalist movement with regard to the mandate. As I told you, I noted as a result of my conversations with these leaders that, in their view, the mandate should cease to exist from the moment when the country would have a Constitution. Further, they seem to think that, in substitution for the mandate, a treaty should be concluded between them and the mandatory Power in order to regulate the relations of the two parties.

I did not attempt to ascertain exactly the way in which the people with whom I conversed understood a treaty of that kind, and I had no right to do so. From what I have been told, however, I think I may infer that, in their eyes, the Mandatory's sphere of action should be very appreciably reduced, and that, even if it were to retain certain advisers to the Ministers at Damascus, it would probably no longer have any advisory or supervisory agents in the provinces. They, I believe, considered in any case that the intelligence officers, on whose activities I shall have certain observations to submit to the Commission, should be discharged and not replaced in the administrative areas by any equivalent mandatory organ which would give the representative of the mandate effective means of supervision.

One cannot help remarking on the incompatibility that exists between a mandate conceived in this way and the — if I may so call it — detailed responsibility which the Commission ascribes to the mandatory Power to which it puts questions and makes recommendations concerning all fields of administrative life in the mandated territories. It may even be wondered whether there is not a certain incompatibility, if not between the objects of the mandate and the system which is rapidly developing in the country, at least between this system and the responsibilities which the contractual instruments lay upon the Mandatory until such time as its work is achieved and it is relieved of its task.

I do not mean to say by that that the mandatory Power thinks that the introduction of this regime releases it from the responsibilities which it has assumed, nor that the Mandatory admits that the treaties to be concluded between it and the Governments can replace the mandate instead of merely facilitating its application, which would be effected in accordance with regulations drawn up in agreement with the native authorities. If I understood the situation in this way, and if I thought that the Mandatory would be prepared to adopt this course, I would not have mentioned possible misunderstandings between it and those who now talk of co-operating with it ; I merely wished to show as clearly as possible the way in which the Syrian political question at present affects the mandate, and the difficulties which the Mandatory is bound to encounter in discharging its responsibilities.

It is necessary to bear in mind the character which the Mandatory's task assumes as soon as it is confronted by elected assemblies, the most energetic members of which scarcely conceive that sovereignty can be limited by the existence of the mandate, and believe those assemblies to be the equal in right of the Parliaments of the full-grown Western nations.

If one adds that these assemblies will necessarily be preoccupied with the interests of their constituents, that they will tend to protect them against action by the Mandatory, it will be understood what difficulties the latter will have to overcome in order to effect successful reforms and to impose on the administrations the discipline that is required by the welfare of the country. I am not here to ask whether this situation is advantageous or not for the country ; what is important at the present moment is that the situation should be fully known to the Commission. The situation is such that the difficulties which the mandatory Power has clearly indicated with regard to the Organic Law, by asking for an adjournment *sine die* necessitated by the procedure adopted for its preparation cannot fail to recur whenever the Mandatory has to intervene in the legislative or administrative life of the country placed under its charge.

This is a point on which I could not fail to throw particular light in any statement on the general situation as I have recently remarked it in Syria and the Lebanon.

The CHAIRMAN thanked M. de Caix for the remarkable account that he had given of his journey in Syria.

#### *Working of the Electoral System.*

M. RAPPARD said that he had followed this statement with great interest, and had been particularly impressed by what M. de Caix had said of the working of the electoral system. M. de Caix had witnessed the working of this system both in the case of the first and of the second degrees, and the Commission had not been surprised to hear him affirm that there had been no pressure on the part of the mandatory Power. M. de Caix had added, however, that a certain amount of pressure might have been exercised by the local authority, but that this escaped all control. M. Rappard would like to know whether the secrecy of the ballot was fully assured by the technical organisation for the voting.

M. DE CAIX replied that it was extremely difficult to ensure secrecy of ballot in a country where the majority of the electorate was illiterate ; in fact, the voters asked other people to write their voting cards for them. It should be noted that the position was the same even as regards the elections of the second degree, and for this reason it was to be regretted that the electoral law did not prohibit illiterate men from becoming voters of the second degree.

M. de Caix had himself seen at Hama electors of the second degree withdrawing to a corner of the ballot hall to dictate to a scribe the names to be placed on their cards. This system presented two dangers. On the one hand, it was possible that the scribe would write other names than those that had been told him ; and, on the other hand, it was to be feared that he would reveal how the elector had voted. There was still less secrecy, in view of the fact that certain voters, in order to be sure that the names written on the cards were those they had dictated, showed them to a third person.

There were yet other causes which falsified the electoral consultations. M. de Caix had already described the economic conditions of the peasants. It could readily be appreciated how easy it was to influence the votes of men who had no independence and who were, for the most part, indebted to individuals who wished, under the new regime, to retain authority, either for themselves personally or for some member of their family.

#### *Policy of the Mandatory Power regarding the Preparation of an Organic Law and the Economic Development of the Country.*

M. RAPPARD said that he had read with particular interest the statement of the High Commissioner of the French Republic, which specified the general lines of the policy of the mandatory Power. Incidentally, he observed that this statement, dated July 14th, 1927, was twice mentioned in the text as having been made on July 26th.

His attention had been drawn to the following statement of M. Ponsot :

“ If it (the mandatory Power) wishes to base the new order above all on the adherence of the populations, it cannot forget the charge with which it has been entrusted, and, if an agreement cannot be reached, it would take any initiative calculated to maintain order and to assure the future, of which it would inform the League of Nations. ”

M. Rappard had no observations to make on this statement. He had, however, been much impressed by the manner in which the President of the Council had commented upon it in the Tribune of the Chamber of Deputies. M. Poincaré had stated that France intended to draw up, if possible in agreement with the populations under mandate, an Organic Law. If such an agreement, however, could not be reached, it would be drawn up independently of these populations. If it were only a question of taking an initiative calculated to maintain order and to assure the future, the mandatory Power could obviously do this, but would the strict observance of the terms of the mandate be assured if an Organic Law were drawn up without the agreement of the populations under mandate ?

M. Rappard drew the attention of the accredited representative to the following passage in the report :

“ The High Commissioner assured himself during his stay in France that the French market would be able to interest itself in the economic development of Syria and of the Lebanon. ”

By “ French market ” it was obvious that the French bankers were meant, and not the Government. Had the High Commissioner done well in referring in his proclamation to this ? There was no doubt that the French market would interest itself in the economic development of Syria and of the Lebanon in so far as it would profit it to do so. M. Rappard wondered whether it was within the scope of the High Commissioner publicly to solicit a national market for business which was not official ; was not this to expose oneself to the reproach of not respecting sufficiently scrupulously the principle of economic equality ?

M. DE CAIX observed that the first question of M. Rappard might be summarised as follows : Was it recognised that the mandatory Power, in the event of its being confronted by a complete lack of support on the part of the local authorities, has the right to establish an Organic Law without agreement with those authorities ? For his part, he was not called upon to settle this question : it was within the province of the Council of the League. The point raised by M. Rappard concerned the actual essence of the mandate.

The whole of the passage referred to by M. Rappard showed that the High Commissioner had had in mind only the relations between the various States. These States, however, had no common organism. If no agreement were reached among them, it would be necessary for the Mandatory to act as arbitrator. M. de Caix did not think that intervention by the Mandatory between the States could be criticised, whatever opinion was held as regards the drawing up of the Organic Law.

As to the second point raised by M. Rappard, M. de Caix pointed out that the High Commissioner, on his return to Syria, after a journey to France, wished to make the populations realise the value of living in peace, thereby assuring the economic development of the country and he made use of an argument which they could understand better than any other. He told them that if they took part in political agitation they would delay the development of the country. In order that they might appreciate this better, he pointed out to them that he had communicated, in Paris, with bankers, who had declared their readiness to interest themselves in that development, on condition that the country had a stable and regular political regime.

M. VAN REES recalled that some years previously the Commission had already examined the first question raised by M. Rappard. It had then been unanimous in recognising that, if an agreement could not be reached concerning the drawing up of an Organic Law, the mandatory Power would be obliged to dispense with this agreement, it being understood that it would ask for the consent of the Council.

M. DE CAIX pointed out that a discussion on this subject, at the moment when the Syrian Assembly was in session and when it might be necessary to discard decisions which were contrary to the mandate or to public order, might make the task of the Mandatory more difficult.

M. RAPPARD entirely agreed with M. de Caix. The mandatory Power could not be asked to do the impossible and could not promulgate an Organic Law which was contrary to its views.

He attached much less importance to the second point that he had raised. He had wished merely to draw the attention of the accredited representative to a declaration which, in his view, was not very expedient.

#### *Establishment of a Casino at Beirut.*

At the session in June 1927, M. RAPPARD had ventured to state that one of his friends on his return from Syria had told him that the mandatory Power was thinking of allowing a casino to be established at Beirut. M. de Caix had replied that when he himself had been in Syria with General Gouraud some business men of the country had wished to establish a gambling house but that they had, in fact, been confronted with the opposition of the mandatory Power. Some weeks after, M. Rappard had read that the Parliament of Lebanon

had passed a law providing for the establishment of such a house, fifty per cent of the revenue of which was to be given to the Government. Clearly, it was regrettable that the Commission should be better informed by occasional tourists than by the accredited representative.

M. DE CAIX pointed out that the law had been passed after the session of June 1927. It had, moreover, been contemplated for several years. If gambling had finally been authorised in the Lebanon, it was because it had been realised that its prohibition would favour secret gambling, which was dangerous for the public and did not benefit the State in any way. Experience had shown that it was quite useless to attempt to prevent gambling in this country.

M. RAPPARD did not wish now to press the question of the establishment of a casino at Beirut. He had only wished to emphasise how advantageous it was for members of the Commission to obtain as much information as possible from the accredited representative.

#### *Raising of Martial Law in the Territory.*

Lord LUGARD said that he had read in the *Correspondance d'Orient* an order of February 15th, 1928, declaring that martial law had been raised. Martial law had therefore existed at the end of the year under review. The Commission had, however, been told that it had long ceased to exist. At what date had it disappeared ?

M. DE CAIX replied that martial law had been raised by an order of January 1925. Until that time it had existed, in principle, in all the countries under French mandate. It had, however, been reinstated in the Damascus district at the time of the disorders that had occurred there, and had not been raised until the beginning of the present year.

#### *Situation of Armenian Refugees.*

Lord LUGARD asked for information on the position of the Armenian refugees. The impression received from the voluminous papers circulated to the Commission was that the mandatory Power had given all the assistance in its power. It was difficult, however, to estimate the condition of the refugees who had gone to settle in the territory, and whether asylum was being given to others.

M. DE CAIX said that the Armenians had arrived in Syria especially in the years 1921 and 1922. Practically no more came at present, since there were no more in Turkey. In the course of the years 1921 and 1922, the mandatory Power had spent considerable sums in order to help the refugees until they were themselves able to supply their needs. Further, thanks to subscriptions, on the one hand, and to some contributions by the States under mandate on the other, their final settlement was gradually being accomplished.

The Armenians who had taken refuge in Syria now amounted to between 80,000 and 100,000. The majority of them had settled in the north ; a fairly large colony (about 20,000) had, however, settled at Beirut.

Efforts were made in their favour in two directions : the final settlement of the town artisans and the settlement in the country districts of the Armenian agriculturists and the rural artisans.

M. de Caix had visited the Armenian quarters at Aleppo and Beirut, and had noted a great improvement in the position of the refugees. At Aleppo, particularly, they had succeeded in establishing trades to such an extent that this town was becoming really important from the industrial point of view, thanks to a body of workers of a much better quality, as regards many trades, than that which had been found there previously. At Beirut, the quarter reserved for the Armenians was not large enough, but, thanks to subscription funds, houses in reinforced cement were being built in a new quarter, and might soon shelter a fairly large number of Armenian families. In this way the Armenian quarter, where conditions were steadily improving, would no longer be congested.

The fact should be faced, however, that the Armenian artisans settled in Syria were very numerous in comparison with the buying power of the country. An unemployment crisis might occur at any time, but if the situation gave grounds for anxiety, it was none the less true that, for the moment, the Armenians of the town centres lived on their own work ; some of them were becoming wealthy, were leaving the temporary houses where they had been installed, were opening shops in the towns, at Aleppo and Beirut, and would become in a few years some of the most important traders in the country.

Agricultural colonies had been created for the Armenian agriculturists and seemed to be successful. M. de Caix had visited the Armenian colony settled in the alluvial plain surrounding the Lake of Antioch ; this was an extremely fertile district. He had also visited the district of Djebel Mousa to the north of the mouth of the Oronte. In both places he had seen recently constructed Armenian villages which would, it seemed, be very successful.

It had been necessary to provide for these colonies a provisional but authoritative administrative regime. At the head of the village was placed a chief who, with the more or less formal consent of the heads of families, directed the whole life of the community, distributed the work, shared the first harvests, etc. During a certain number of months, a true communal and almost military system was instituted, and the decisions of the village chiefs were carried out rigorously. This was a temporary arrangement until the houses could be built and the land cleared, so that each peasant could work on his own land. The

accredited representative had seen in the plain of Antioch a newly founded village; the houses built of clay were very superior to those of the villagers in the district. The Armenian population settled in this country was more developed from the economic point of view than the other elements of the population in the north of Syria.

The mountain Armenians who had come from Zeitoun had settled in the Djebel Mousa, the last outpost of the Amanus above the lower valley of the Oronte. There, too, a village chief directed the work of the colony. The people of Zeitoun settled in this district, where they found old Armenian villages which seemed to have existed since the early ages. They were extraordinarily energetic and would soon have transformed the waste land given to them.

There were two striking facts in all these Armenian centres: the cleanliness of the houses and the considerable number of children.

In short, M. de Caix thought that, if order were to reign for some time in Syria, all Armenians capable of working on the land would have a very fair livelihood, for in this domain there was no unemployment to be feared. Further, a great number of artisans would succeed in finding a good position, and certain of them would even become rich, for this population was a most progressive element economically.

#### *Collection of Laws of the Territory.*

The CHAIRMAN wished to ask the accredited representative some general questions. He pointed out that it was necessary that the members of the Commission, who dealt particularly with the juridical aspect of the administration of the territories under mandate, should receive regularly the collection of laws.

M. DE CAIX replied that the only official documents were the Bulletins of the Acts of the High Commissariat and of the States. Copies of these documents were sent to the Commission.

The CHAIRMAN recalled the following stipulations contained in Article 17 of the Mandate:

“ The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of this mandate. Copies of all laws and regulations promulgated during the year shall be attached to the said report. ”

M. DE CAIX pointed out that it was absolutely impossible to publish all the laws in an annex to the report, as a complete set of the texts issued by the High Commissariat and by the States would make a large volume. The Commission, however, already received all the legislative publications of the countries under mandate.

He added that the Red book which had been sent to the Permanent Mandates Commission was not an official collection; it was a publication for which an official of the High Commissariat had assumed responsibility.

#### *Distribution to the Officials of League Documents relating to the Territory.*

The CHAIRMAN recalled that the Permanent Mandates Commission had recommended in 1925 that the most important documents published by the League concerning mandates, particularly the Minutes of the Commission, should be distributed to the officials of the territories under mandate. In the case of the Cameroons and Togo under French mandate, the mandatory Power had asked for a considerable number of copies of the Minutes which were, it seemed, distributed regularly to the officials on the spot.

The Chairman wished to know whether the expediency of such a distribution in Syria had been contemplated.

M. DE CAIX said that he had enquired into this matter with M. Ponsot. It had been decided that a copy of the Minutes of the Commission would be forwarded to each of the delegations of the High Commissariat, in order that those interested might refer to them.

He added that the discussions of the Commission were very well known in the territories under mandate; the local Press gave much space to them.

M. RAPPARD asked whether the opposition newspapers presented the discussions objectively or in a prejudiced manner.

M. DE CAIX said that they gave long accounts of the discussions, sometimes interspersed with agreeable remarks concerning the accredited representative.

#### *Duties of the Intelligence Service of the Administration.*

The CHAIRMAN asked the accredited representative whether he could give some explanation concerning the demands of the native population for the suppression of the service of Intelligence Officers.

M. VAN REES said he well remembered that this service had given rise to several discussions in the Permanent Mandates Commission, which had received various complaints on this point. For his part, he was convinced that, as long as the mandate existed, this

service could not be abolished. It provided means of observation with which the mandatory Power could never dispense in the execution of the task entrusted to it. The officers in question were practically the only agents capable of giving the High Commissariat exact and detailed information on what was actually happening in the country. Consequently, it was obvious that great discrimination should be exercised in the choice of these agents.

M. Van Rees wished to know whether these agents were included in the civil service ; that was to say, whether they had temporarily left the army, or whether they still belonged to it. In the latter case, he wondered whether it would not be well to enlist them in the civil service, in order that they might no longer be dependent on the Commander-in-chief, but solely on the High Commissariat.

M. DE CAIX explained that, as the first High Commissioners had been chosen from among the military, they had naturally shown a tendency to organise the country somewhat on the lines of the army. They had therefore established an Intelligence Service which was at once political and military, and was composed exclusively of officers. These officers had been under the command of the army of occupation which had constituted at that time the High Commissariat. At the same time, in so far as their policy was concerned, they had been under the orders of the delegates of the High Commissariat in the States, delegates who had become more and more frequently civilians. The Intelligence Service had a military head, a member of the High Commissariat.

This organisation as a whole had been maintained, but it was tending to change, since at the present time the High Commissioner was a civilian. The Intelligence Service was under the charge of the Secretary-General of the High Commissariat, who had full authority over the officer at the head of the service. The central office of this organisation was less necessary than the officers who were distributed throughout the country, no matter whether they worked under one direction or another.

M. de Caix wished to state that he had never realised the value of these agents so much as in the course of his last journey. Going recently to Syria, without being occupied, as formerly, with the work of the general Secretariat, he had been able to see a considerable number of these officers at work and had noted that the only person capable of informing not only the High Commissioner but also his delegates to the States of the abuses that might be committed was the Intelligence Officer of the district. He alone was in contact with the population. In the course of his last tour of inspection, M. de Caix had been accompanied by some of these officers ; he had then seen how useful was their rôle and how varied their work. Homage also should be paid to the services rendered by their wives, who lived often under painfully isolated conditions and who assured contact with the native families.

M. de Caix had wished to render a tribute to these officers, of whom ill had too often been spoken. Obviously, certain persons had been all the more anxious to denounce the abuses that might occasionally have been committed by some Intelligence Officers, in that the clairvoyance of many of these agents of the mandate was really the principal complaint against them.

In short, this organism was evolving. The officers of the service in the Homs-Hama district were at present under a civilian who was an Administrative Counsellor of the Sandjak. Even if it were wished to set up a civilian organ of control, the greater part of its elements could only, at any rate at first, be found in this service. If an attempt were made to set it up immediately, the staff would have to be recruited largely from among the Intelligence Officers.

It was interesting to note that at present an appreciable number of these officers spoke Arabic well, and were able to converse with the inhabitants without an interpreter. On the whole, M. de Caix thought that the service was working under much better conditions than at the time when he had been at Beirut.

M. VAN REES noted in the report that this Intelligence Service included sixty-seven officers belonging to the normal staff and six officers belonging to the temporary staff. What was this temporary staff ?

M. DE CAIX replied that these officers filled positions which were not, as a rule, intended for Intelligence Officers.

#### *Alleged Delegate of the Government of the Lebanon at Paris.*

M. VAN REES pointed out that reference had been made in the issue of May 12th, 1927, of the newspaper *La Syrie* to a delegate of the Government of the Lebanon at Paris. What were his duties ? What were the relations of this delegate with the High Commissariat at Beirut, on the one hand, and with the French Government at Paris on the other ?

M. DE CAIX replied that Pasha Auguste Adib was not a permanent delegate, but that he had merely been delegated by the Government of the Lebanon to enter into discussion with the representatives of the creditors of the Ottoman Debt. The Government of the Lebanon had no delegate at Paris.

#### *Defence of the Territory.*

M. SAKENOBÉ had noted with pleasure in the report of this year that order had finally been re-established, which had permitted of a reduction in the number of the French troops

garrisoned in Syria, and of the additional troops that had been sent, but elsewhere in the report an increase was to be noticed in the strength of auxiliary troops.

Might the figure of the forces at the end of 1927 be considered as representing the peace-time average? Did the increase in the strength of the auxiliary troops involve a proportional increase in the budget of the mandated territory, or did the French budget support part of the expense incurred by this increase?

M. DE CAIX believed, without being able to make a definite statement on the point, that it was intended to increase the strength of the auxiliary troops. It was difficult to distinguish between the peace and the war strength of troops consisting of voluntary recruits which had not yet any trained reserves.

The sum of ninety-three million francs mentioned on page 37 of the report practically covered the expenses of the native troops of the countries under mandate — the auxiliary and suppletory troops. It was not only in order to meet the additional expenditure occasioned by the increase in the strength of the auxiliary troops that the contribution of the States under mandate had been raised. It was because, in reality, it had been considered right that they should be asked to contribute more to the military expenditure of the Mandatory, since their financial resources enabled them to do so and since the mandatory Power could not be asked to expend indefinitely very considerable sums for the maintenance of troops in a country under mandate. Moreover, it might be realised from the report that the expenditure of the mandatory Power continued to be much higher than the contribution of the States.

Lord LUGARD asked whether there were African natives among the troops or the police forces. If so, he would like to know what was the attitude of the populations to these troops.

M. DE CAIX replied that the term "French troops" did not necessarily imply that these troops were composed of Frenchmen from the home country. It had indeed been observed that it was preferable to employ, at least in the infantry, North Africans, since the climate in Syria closely resembled their own. The troops of the army of occupation were composed principally of African sharpshooters, the Frenchmen being reserved for special corps, such as the artillery, aviation and engineering corps, etc.

He had never heard of the slightest complaint being made of the presence of these African soldiers who, in general, were peaceful.

M. RAPPARD recognised that this was a very delicate question in which it was difficult for him to intervene. He had been struck, however, by the fact that the report, which gave very detailed information on the composition of the police forces, gave no information on the composition of the French military troops. Everyone with whom he had had occasion to converse on Syrian affairs had been unanimous in drawing attention to the fact that the mere presence of soldiers of Equatorial and Northern Africa as representatives of the mandatory Power gave the population, which was easily offended, the impression of a taunt. This sentiment, moreover, seemed natural enough. If the Syrians accepted only with grumbling the guardianship of people of an indisputably superior culture, it would be surprising that they should submit without friction and without humiliation to the presence of troops who evidently had very fine qualities but who could not appear to them as representatives of a superior civilisation.

He asked, therefore, whether the mandatory Power was not contemplating the possibility of a progressive reduction and, if possible, of the elimination in the territory under mandate of the elements the presence of which seemed calculated to injure good understanding between the Mandatory and the population under its administration.

M. DE CAIX replied that it would be going too far to suppose that the black troops were there as guardians and entrusted to any extent with the moral and intellectual education of the Syrian population.

Furthermore, he pointed out that there was very little contact between the Senegalese and the Syrian population. There had occasionally been some incidents between the Algerians and the Syrians, because the Algerians spoke Arabic and this made intercourse between the two elements easier. On the other hand, the Senegalese did not speak the same language as the Syrians and did not take part in local life; they were simple people and generally very peaceful. They were, moreover, very well officered and disciplined.

M. de Caix had not heard of any incidents due to the presence of these troops and did not think that M. Rappard's fears were justified.

The CHAIRMAN asked what was the strength of the troops.

M. DE CAIX replied that, as the country was calm, it had been possible to reduce the number to about 15,000 men, other than those recruited in the country.

#### *Justice.*

DR. KASTL pointed out that the Turkish laws in force in Syria had not been fully translated into Arabic and that the existing translations of them were often imperfect. In these circumstances, it happened that the judges often could not make use of a text of the laws which they had to apply drawn up in a language which they knew.

Furthermore, there was no codification of the legislation of the country and it was often difficult to know what Turkish laws remained in force, although some information



on this subject was given on pages 44 and 45 of the 1927 report. Could the accredited representative give some information on this point, which Dr. Kastl had noted particularly on page 190 of the May 1927 number of the *Asie française*.

In the second place, was there any plan for establishing some unity in the civil, penal and commercial codes applicable to the different States of the territory under mandate? Was it not necessary to undertake this work in the civil and penal domain, in view of the constant movement of the population from one State to another, instead of limiting the work to the commercial domain, as was explained on page 45 of the report?

M. DE CAIX replied that he had never heard of anyone complaining that the magistrates could not read the text of the laws they had to apply. He had heard it said — in the early days of the occupation — that certain tribunals did not possess any code and consequently judged as they thought right.

The substitution at a future date of better codes for the Ottoman Codes was at present being studied. This work, which had been accomplished to a large extent, was not yet complete; when it was so, it would be necessary to have the codes adopted by local laws, which would require some time. At present, all the Ottoman laws which had not been formally modified by ordinance of the High Commissariat or by legislative acts of the local Governments were still in force.

With regard to unity of legislation, obviously in the case of commerce such unity would be of value; but, as was mentioned on page 45 of the report, on certain points this unity was not perhaps necessary and was not even desirable on account of the differences between the various populations. Thus it was probable that a modern code of personal status, which would be applicable to everyone who was inclined not to remain subject to the justice of the religious tribunals, might be adopted in the Lebanon much sooner than in Syria.

He ought to be all the better informed concerning the point of detail mentioned by Dr. Kastl since he was himself a member of the Committee which published the *Asie française*. He was quite prepared to recognise that the magistrates did not always know well the law they had to apply, but this was the first time that he had heard it said that they were ignorant of it owing to the absence of a translation in Arabic.

Lord LUGARD said that he had noted that a new civil code was being studied. He asked whether a new penal code was also being prepared.

M. DE CAIX pointed out that the penal code was being remodelled in the same way as the civil code. Mention had been made of the civil code because it had reached a further stage of preparation than the penal code.

#### *Control and Administration of the Wakfs.*

M. PALACIOS said that the report gave very interesting and systematic information regarding the control and administration of the Wakfs. Nevertheless, it would be interesting to be able to appreciate a little more completely certain general ideas which were not quite clear from reading the report. Much was said in different parts of the report of Wakfs of different kinds: Khairies, Zoriek, Mazbouta, Mulhaka. It might be that the Commission would have been able to form a clearer and more complete idea of the system if it had received the draft codification mentioned on page 77. M. Palacios would be very glad to see it.

M. DE CAIX replied that it was very easy to meet this wish. He had been informed of two drafts when passing through Beirut; one related to the Wakfs, the other was a modern code of personal status.

#### *Contribution to the Paris Mosque.*

M. PALACIOS pointed out that in one number of the review *Correspondance d'Orient* of 1927 it was stated that a gift of 100,000 francs had been sent by the State of Syria to the Paris Mosque. Had not this gift occasioned any protest on the part of the Christian communities?

M. DE CAIX said that he had never heard of any complaint being made in this respect.

#### *Economic Equality: Relations with the States Members of the League, and with Contiguous States.*

M. VAN REES drew the attention of the members of the Permanent Mandates Commission to the following paragraph of the report (page 100):

“ In the previous report, a statement was made of the position of the States under mandate resulting from Article 11 of the mandate for Syria and Lebanon, which obliges them, without any reciprocity, to give goods originating from the States Members of the League of Nations and the United States of America the benefit of their Customs tariffs. It was only with the adjoining countries that this article left open to the States under mandate the possibility of obtaining Customs privileges by stipulating that the Mandatory or the local Governments, acting under its advice,

may also conclude, on grounds of contiguity, any special Customs arrangements with any adjoining country.

"No doubt this provision was of interest, since the exports of the States under French mandate to the adjoining countries represented 36 per cent of the total quantity exported, but in their relations with almost all the other countries the States under mandate were in an inferior position, which was not in accordance with the solicitude that the League wished to show on their behalf. It was for the Council to induce the States Members of the League to remedy this situation."

This was a particularly interesting question to which, moreover, reference had already been made in the previous report on the situation in Syria and the Lebanon (page 176), and which had been the subject of a discussion at the eleventh session of the Commission (see Minutes of Eleventh Session, page 149).

As M. de Caix had then said, the question raised a claim of principle. It indicated in a general way that the mandated countries were required to apply the most-favoured-nation clause to all States Members of the League of Nations :

"Reciprocity, however, did not exist, since all the mandated territories did not *ipso facto*, enjoy most-favoured-nation treatment in those countries in respect of which they were required to apply it under the very terms of the mandate".

If it were remembered that the mandates system placed the mandated territories under the protection of the League and that, moreover, it was the League which, through its organ, the Council, imposed, by specific clauses in each different mandate, the application to the territories under mandate — at any rate to those in categories A and B — of the principle of economic equality, a fact which amounted in practice to granting to all States Members of the League most-favoured-nation treatment, it did not seem in any way illegitimate to claim that those States should grant the same treatment to the territories under mandate.

M. Van Rees recalled that, in 1925, the Council had taken a decision under which the mandatory Powers and all States Members or non-Members of the League which had concluded private conventions or treaties with the mandatory Powers, were requested to "agree to extend the benefits of such treaties or conventions to mandated territories if circumstances render such extension possible and expedient and if the provisions of these international agreements are consistent with the stipulations of the Covenant and the mandate".

He wondered, however, whether that was the only step that could be taken in this connection on behalf of the mandated territories. Was it not possible to consider as well a suggestion by which the States Members of the League would be requested, for the reasons given above, to grant, at any rate in matters of trade, the application of the system of reciprocity to the mandated territories? For this purpose, a simple change in the Customs tariffs in force in those States would suffice to give effect to a desire which appeared justified by equity itself.

M. Van Rees wished to draw his colleagues' attention to another question raised in a letter from the French Government dated May 14th, 1928, a copy of which had been sent officially to the members of the Council and to the Permanent Mandates Commission (document C.P.M. 717). This letter forwarded an exchange of correspondence between the French Government and Baron Lehman, Liberian Minister in Paris, containing a protest against the treatment which was said to have been imposed upon certain Syrian and Lebanese traders established in Liberia.

In this matter the only help, he thought, which the Commission could give the mandatory Power would be to bring the matter to the attention of the Council with a reminder of its decision of September 15th, 1925. The people affected were persons who, although living outside their country of origin, nevertheless continued to enjoy the protection of the League, and with whose interests the Mandates Commission was therefore bound to concern itself.

M. MERLIN did not share M. Van Rees' view. At first sight he thought that the mandatory Power should be allowed to regulate this question directly with the Powers concerned. To submit the question to the Council would be to give it too general a scope.

M. DE CAIX wondered if it would not, nevertheless, be well for the Council to settle the question of principle of the relations of countries under mandate with the mandatory Powers. In his opinion, this would obviate a loss of time.

Lord LUGARD said that he would have liked to ask M. Duchêne whether the protest of the French Government applied to the treatment given to all French nationals, or whether this protest only concerned the nationals of the territory under mandate, who were entitled, when resident in foreign countries, to the consular and diplomatic assistance of the mandatory Power.

M. VAN REES pointed out that the Syrians had been excluded while the French had been admitted. A treaty with the French existed which had not been extended to the Syrians.

M. RAPPARD asked that this question should be set aside for consideration at a later date, since the Commission had not sufficient documentation on this subject.

*Agricultural Banks and Credits.*

M. MERLIN wished to refer to the following statement on page 94 of the report :

“ The aim of the increased rate of interest is to procure the return to the agricultural bank of a clientele of depositors who abandoned it in consequence of the loss of the deposits made before 1919. In the Syrian agencies of the Ottoman Agricultural Bank these deposits, which amounted to more than 200,000 Turkish gold pounds, were removed by the Turks at the time of the evacuation of Syria and it had not been possible to recover them ”.

Was there no means of procuring the restoration of these deposits, which were not State deposits but private ones which had been unjustly removed ?

M. DE CAIX said that he was not informed concerning the action that might have been taken. He would enquire into the matter.

M. MERLIN said that he would like information regarding the agricultural loans mentioned in the report. What was the guarantee of these loans ?

M. DE CAIX replied that they were loans made to landowners, and that the guarantee was constituted by the value of the property.

*Silk Cultivation.*

M. MERLIN drew attention to the passage on silk cultivation on page 96 of the report :

“ Too large a part of this harvest is still used in the spinning of rough silk on the looms of the country, but in spite of the slump in the silk market, and the temporary trade crisis which has followed it, the progress of spinning has been in proportion to the increase in the number of mulberry trees, and the improvement in the methods of cultivation. ”

He wondered whether, in these circumstances, it would not be well to send the silk in raw cocoons to European manufacturers. Perhaps also these raw materials might meet the needs of the population.

M. DE CAIX replied that it was indeed possible that some coarsely-spun silk was employed in the country. Since, however, the Syrians were very good traders, the producers would not sell any of their cocoons to the less-well-equipped spinning factories if they could sell them all to others.

*Customs Administration.*

M. MERLIN noted on page 98 of the report that there were 64 French agents employed in the general inspection of the Customs, including the auxiliaries. What was the number of the native agents ?

M. DE CAIX replied that the native agents were much more numerous than the French ones, but that he could not give an exact figure.

M. MERLIN asked whether the Customs control was being carried out satisfactorily.

M. DE CAIX replied that the Customs duties gave much revenue which might be taken as a proof that the Customs service was working properly. There might, however, be a certain amount of fraud. This was all the more difficult to prevent, since the coast was at least 475 kilometers long, and since it was possible everywhere to disembark goods without the least difficulty during the calm summer months.

*Foreign Trade and Trade Balance.*

M. MERLIN noted on pages 101 and 102 of the report that there was a very marked difference between imports and exports. In 1927, the imports had amounted to 438,000 tons and the exports to only 114,000 tons. In these circumstances, how was it possible to secure a balance in the accounts ?

M. DE CAIX recognised that in Syria and the Lebanon the imports had always exceeded the exports. The country would have been bankrupt a long time ago — that was to say, incapable of paying for the surplus imports — if there had not been a counteracting factor. This factor was as follows : Many Syrians had capital invested abroad, and, moreover, the Turkish armies, and afterwards the English and French armies, had spent very large sums during the war. Last year also, more than 300 millions of the French budget had been spent in the country. These were means of payment for the country without which the chronic deficit and the trade balance could not be explained. This deficit, however, was smaller than it had formerly been.

M. RAPPARD asked whether account should not also be taken of the circulation of tourists in the territory.

M. MERLIN pointed out that about 5,000 tourists came to the country. He wished to know to what extent this element affected the financial situation of the country.

M. DE CAIX replied that there were well over 5,000 tourists, since account must be taken of the Egyptian Summer tourists, who were very numerous.

He added that a large quantity of the imported goods were re-exported, Beirut and other ports being centres of distribution. There was thus a smaller deficit than would appear at first sight.

LORD LUGARD pointed out that, according to the statements in the report, the position had not improved — far from it. The difference between the imports and exports had increased, and the unfavourable balance of this year was greater than that of the previous year.

M. MERLIN said that he had been impressed by the statement on page 127 of the report regarding the regularity of the circulation in postal packets. In 1925, as in 1926 and 1927, the total was still 92,000. The items varied, but the total remained the same.

M. DE CAIX said that he did not see how this matter could be explained. He would see that the figures were verified. As regards the increase in the trade deficit to which Lord Lugard had referred, it was no doubt accidental, since it did not correspond with the general movement, which had continued for eight years, towards a steady improvement in the trade balance.

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## TWENTY-FIRST MEETING

*Held on Tuesday, June 26th, 1928, at 10.15 a.m.*

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Chairman: The Marquis THEODOLI.

Present: All the Members of the Commission with the exception of M. Freire d'Andrade and M. Orts.

871. Syria and the Lebanon: Examination of the Annual Report for 1927 (continuation).

M. Robert de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

### *Postal Tariffs.*

DR. KASTL said he understood that, according to the terms of a proclamation of the High Commissioner dated March 1st, 1928, the postal tariff between Syria and France and between Syria and the French dependencies would be regulated on the basis of the internal tariff of France and Syria. Dr. Kastl wondered whether it was in conformity with the principle of economic equality to introduce a regulation which implied a difference in treatment in postal tariffs between French territory and other countries.

M. DE CAIX replied that the postal tariffs between the two countries were the same as in the interior of Syria and France. As regards the interpretation of this regime from the point of view of economic equality, he felt that it was not the duty of the accredited representative to express an opinion. It was rather for the League of Nations itself, after hearing the explanations of the mandatory Power, to express a view on what was or was not in conformity with the principle of the mandate and with that of economic equality.

The CHAIRMAN recalled that at its twelfth session (Minutes of the Twelfth Session, page 198), the Commission had asked the mandatory Powers to furnish information on this subject. He felt personally that the regime in force in Syria as regards postal matters was contrary to the principle of economic equality. He would, however, ask Dr. Kastl to wait until the replies had reached the Commission, which would then take up the question again.

DR. KASTL said that he would not insist on the Commission taking a decision at present. He merely wished to note the existence of this internal postal tariff, in view of the decision which had been taken last year to adjourn the question to the present session while awaiting the replies of the Governments.

M. VAN REES expressed the view that all that the Commission could ask at the moment was that the accredited representative would endeavour to hasten the reply of the French Government.

M. DE CAIX said that it would be very easy to obtain a reply on this subject, save as regards the financial repercussions, which would call for a certain amount of study. He happened to know that this question was now being examined.

M. RAPPARD understood that this differential treatment had been in force only for a short time. He believed that, up to this year, France and Syria had treated all Powers on the same footing in their relations with Syria, and that the alteration had only been introduced during the current year.

M. DE CAIX thought, though he was not sure, that the decision dated back to the first weeks of 1928.

*Economic Equality: General Considerations.*

The CHAIRMAN recalled that the question of economic equality of treatment had always been of great interest to him, but that the answers to the questions which he had put in this matter had always been a little vague. The principle of economic equality was perhaps the only one in the whole of the mandatory system which would make it possible for the commercial and industrial interests of every Member of the League of Nations to participate in the riches of the country. The laws and regulations observed this principle, but their value depended entirely on the way in which they were enforced. On each occasion, the accredited representative had always replied with his usual readiness that the Customs officials had, of course, received proper instructions and that they were applying tariff regulations impartially to merchants of any nationality.

Unfortunately, from information in his possession, it appeared that in Syria, for example, the Customs services attempted to favour French nationals. The Chairman could not do better than turn to the information which he found, not without surprise, in the *Quarterly Economic Bulletin* giving official prices in countries under French mandate. The question concerned *ad valorem* duties. He found on page 605 of the *Bulletin* a price list in which it was stated, for example, that, in the case of Swiss Gruyère cheese, the estimated value was 16 gold piastres per kilogramme whereas that of French cheese was only 12 piastres; in the case of foreign rice coming from Carolina or Japan, the estimated value was from 190 to 265 piastres, whereas for rice from Saigon and Madagascar, it ranged from 170 to 185; the estimated value of foreign flour was from 200 to 205 piastres, that on French flour from 180 to 190 piastres; for French vermouths, it was 65 piastres and for Italian vermouths from 110 to 130, etc. It was clear from this, that goods of French origin were given preferential treatment.

He wondered what system was really being followed. There was no doubt that abuses could exist anywhere and the Commission had noted other cases. It was, however, rather surprising to find that such differences should be placed on record in lists of prices which were official in character. Could the accredited representative inform the Commission whether this was a mistake or whether it was the result of the enthusiasm shown by the Director of Customs at Beirut? The Chairman felt it necessary to ask questions each year on this subject, but up to the present he had only had the oral replies of the accredited representative. *Verba volant, scripta manent*, and he would like to have some written replies.

In this connection, the Chairman recalled also the request made to M. Duchêne concerning Togo and the Cameroons. The Governments of other mandatory Powers had adopted the practice of presenting in a separate chapter of their report the replies to the special observations of the Commission, while the replies of the French Government were scattered throughout the report. In this respect, the system adopted by the British Dominions was excellent and the Chairman hoped that the replies would be given separately in the next reports of the French Government.

The Chairman added that, in the *Quarterly Economic Bulletin of the High Commissariat of the French Republic for Syria* for the third quarter of 1927, on page 631, there was published a certain Decree, No. 1508 of July 25th, 1927, providing for the entry into force in Syria of Article 7 of the Commercial Treaty of September 8th, 1926, between France and Greece. The purport of this article was that, in the territories under French mandate, as in the French possessions, "silkworm cocoons of Greek origin" would receive "identical treatment in all respects" to that of goods of French origin. Of course, there was no objection to be made to this Decree, no more than to the provision of the Treaty since, under the mandate, Greek goods of all kinds should receive on their entry into Syria exactly the same Customs duties treatment as French goods. The Decree and the reference made in the Treaty to the territories under French mandate seemed therefore to be quite superfluous. Perhaps these provisions had only been made as a matter of form, and was it not the case that the goods of the fifty-two countries Members of the League were entitled to the same treatment as French goods?

M. DE CAIX said that he had not as yet given a precise reply to the Chairman's observations because the alleged facts concerning infringements of the principle of economic equality were somewhat vague. The accredited representative had asked whether the complaints of the traders related to definite points and no such point had been mentioned to him. The case was different this year, for the Chairman had referred to specific cases. At first sight, the list appearing in the *Market Prices Bulletin* gave an impression of good faith, because it was not easy to believe that an official document would quote figures the precise object of which would be to set on one side the principle of economic equality. The accredited representative was not able to justify the values given to the produce of the different countries. He admitted that such-and-such a figure was open to discussion, but he would only reply to certain points.

In the first place, it was certain that people generally liked Swiss Gruyère cheese better than Gruyère of another origin; similarly, in Japan, Indo-Chinese rice was imported for less refined use in order that it might be possible to export Japanese rice, which was more appreciated. On a certain number of points the estimates of the Syrian Customs might therefore be entirely justified. The accredited representative was far from wishing to assert that they were always above reproach, and he would point out to the High Commissioner that the lists in question gave cause, at first sight, for surprise, so that the administration should justify or change them. In any case, the accredited representative did not believe that a fixed system was adopted by the Customs officials. He knew personally the head of this service, a very careful and efficient official, who had done his best to carry out the instructions to observe scrupulously the principle of economic equality. Moreover, it was certain that he had never received any other instructions.

The CHAIRMAN fully recognised the necessity of providing the Customs services with market prices for their guidance, for the system of accommodation invoices existed in all countries; the invoices however, as was quite natural, might well be examined more favourably when the entries were in the very language of the country to which the service in question belonged. The Chairman would not ask the accredited representative to take the trouble to read the numerous letters, complaints and insinuations — sometimes uncivil towards the Commission and towards himself — that he had received. He would not press the question any further, provided that the necessary orders were given and that the gravity of this observations was realised on the spot.

M. DE CAIX said that he could do no more than transmit to Beirut the observations that had been made before the Mandates Commission. With regard to the complaints made against the Customs, however, he must point out that the French traders themselves overwhelmed the Beirut Customs service with complaints of its organisation, its offices, etc. He was not surprised, therefore, that complaints were received from foreign traders.

In the second place, the same traders often echoed the complaints of their native correspondents of the market, for no European houses, so to speak, themselves traded in the interior of the country, where the inhabitants were first-class traders. There was, therefore, still one further chance that the complaints might be prejudiced.

DR. KASTL referred to the newspaper *La Syrie* of May 12th, 1927, which contained complaints by various contractors in Aleppo regarding cases where contracts for public works in Alexandretta and Antioch had been allocated privately and without public tender. The contracts concerned works involving a figure of four million francs. In the same article it was stated that this system of direct and private adjudication was the rule in contracts for public works for sums not exceeding 500,000 francs. Had any regulation been adopted concerning contracts for public works in Lebanon and in Syria, and were the statements of the newspaper in question exact?

M. DE CAIX said that he did not know the details of the case that had just been mentioned. He would mention this fact to Beirut. Nor did he know whether it was the case that works to the amount of 500,000 francs might be attributed directly and without calling for tenders. He had, however, ground for believing that this was the case, for the French regulations, from which the Syrian ones were probably copied, allowed of a minimum below which private contracts were permitted.

M. MERLIN said that, to be exact, no tenders were offered in such a case, but works under a certain figure were granted directly. This was a procedure that was often followed.

M. DE CAIX added, with reference to the publicity of the texts, that, since the texts were certainly local government ones, it was in the publications of those Governments that they would ultimately be found. He would refer this question also to Beirut.

Moreover, it might be that the complaints that the newspaper *La Syrie* had echoed had been inspired by the discontent of certain contractors of Aleppo. It should be realised that, in certain cases, the tender of the party making the lowest offer could not be accepted. It often happened that individuals who were, in fact, incapable of doing the work properly offered tenders at no matter what price. In the case of well-established houses, the awarding procedure was praiseworthy and advantageous; but, when unrealisable contractors had to be dealt with, the question was sometimes more difficult, and, in seeking to advance equality and free competition, the Administration would be exposed to the danger of injuring both the works themselves and the finances of the territory. Moreover, the accredited representative did not think it likely that a well-established European house would not be granted the award if it offered the lowest price, and he knew of cases in which the award had been granted to non-French houses.

M. RAPPAED asked for an explanation of the Decree limiting the right to free Customs admission to products imported through a port of the States under French mandate. This right seemed to exist at the expense of the goods coming by land, and might amount to an infraction of the principle of economic equality.

M. DE CAIX was not sure of the aim of this measure; he understood that it was intended to facilitate control. As a matter of fact, industrial material only entered the country through the ports.

M. RAPPARD said that, obviously, if the Administration desired, in fact, to promote French trade and industry, while endeavouring to spare the accredited representative any difficulties when he appeared before the Permanent Mandates Commission, the administration would always have the final word against the Commission. He wished therefore to ask a question: Was this Customs service which took such care to observe the regulations permeated with the sentiment that France had given her word of honour loyally to apply the principle of economic equality? Did the Customs officials know that it was a matter not only of administration, but actually of a principle of international law which France was bound in honour scrupulously to respect?

M. DE CAIX repeated that the instructions given were based on the obligations incurred under the mandate; he was convinced that no official belonging to the Customs or any other administration would attempt to elude them. Moreover, those officials were technicians before everything else and, as such, were much more mindful of the technique of their work than of the general political system within which they were.

The accredited representative would transmit M. Rappard's observation, however, to the High Commissioner. Further, the Minutes of the Commission were to be found in the offices of all the principle services dependent upon the High Commissariat, so that the agents of the Mandatory could form a more and more clear appreciation of the mandate system.

#### *Concessions.*

The CHAIRMAN said that he wished to raise a question which appeared to him to be a difficult one. According to Protocol XII annexed to the Treaty of Lausanne, the Mandatory is fully subrogated as regards the rights and obligations of Turkey towards the nationals of the other contracting Powers, and companies in which the capital of the nationals of the said Powers is preponderant, who are beneficiaries under concessionary contracts entered into before October 29th, 1914, with the Ottoman Government or any local Ottoman authority". It was extremely difficult to pass judgment on the concessions granted by the Turkish Government before 1914. The Chairman quite understood that the mandatory Power should revise and readapt these concessions, in the interest of the country under mandate, and for other reasons. On page 110 and the following pages of the report, reference was made to the control of the concessionary companies instituted by the High Commissariat by an Ordinance of July 19th, 1923. The Chairman neither would nor could examine point by point and concession by concession whether the principle of economic equality had been respected in all the readaptations of the concessions. He knew that several of them had been renewed or modified. The question had been raised in connection with Iraq.

In a cutting of the *Temps* of March 19th, 1928, reference was made to the concession of 4,700 hectares of asphalt deposits in the neighbourhood of Lattakia: valid for a period of 75 years. Was this a new concession or had the original concession been extended? On what terms had the concession been granted? Would the accredited representative be good enough to give the Commission the complete text of the arrangement? By what means had the interests of the country in general been safeguarded; that was to say, did the State receive a royalty on the development of the deposits or did the company pay a royalty annually to the Government? Moreover, had the High Commissariat chosen the right moment to renew the concessions, at a time when the States had just had their elections and when their Parliament was in session?

In addition to the information given in the various annual reports concerning the granting of concessions, the Chairman would have liked to have found mention of the concessions that had been renewed or modified, and also of the principles followed by the Administration, etc. The accredited representative would perhaps say that he did not think that a well-established European company would have been systematically ousted, but the question was the way in which the tenders had been announced to the public. The Commission wished to know whether, as regards any large undertaking, the fact was announced only in the official gazette of the country, or whether all other countries could know of it.

M. MERLIN pointed out that it would not be possible to publish such announcements in the *Official Journals* of all countries.

The CHAIRMAN agreed on this point. He also pointed out that in the *Bulletin* of Syria and the Lebanon, dated October 15th, 1927, reference was made to a readaptation of a concession in accordance with the provisions of the Treaty of Lausanne. Mention was made of an extension "according to the period for which the company had been dispossessed during the war". No other details, however, were given.

M. MERLIN pointed out that such action was taken everywhere.

The CHAIRMAN said that he did not wish to raise a legal point in this connection. He only asked whether the report could not give details which were of great practical interest, above all in connection with large public undertakings. He did not ask the accredited representative to give an immediate reply, but he thought that the chapter on public works, which moreover was a very interesting one, was worthy of completion.

M. DE CAIX said that he could not reply immediately to the questions that had just been put to him. For the moment he would restrict himself to pointing out that the control service referred to on page 110 of the report was not specially entrusted with the readaptation of the concessions. In practice, this service could give information to the High Commissioner if certain concessions were to be readapted, but its main duty was to ensure that the contracts of the concessions were carried out year by year in circumstances enabling the States concerned to receive the benefits provided for under the concessionary act.

At the present moment, moreover, all the concessions subject to the Treaty of Lausanne had already been readapted. The reports had already spoken of these, but the accredited representative did not see any objection to asking Beirut to communicate the contracts in question, although he would not conceal from the Commission that their reading would be toilsome, for they were very technical. The list of the companies in question was given in the report (page 111). It was not very long.

With regard to the publication of the tenders, the accredited representative had himself seen announcements concerning them in the Syrian newspapers. He would ask for details on the time-limits applied in the case of these announcements. Moreover, since the beginning of the mandate, no new concession of any size had been granted.

The accredited representative did not know the origin of the concession of the asphalt deposits at Lattaquié. He added that, doubtless, in Syria there was not now a single free mine: prospecting permits had been asked for and obtained for all possible mineral substances and even imaginary ones, and the Government had been forced continually to limit the territorial claims of those who requested these permits. The exploitation of the deposits at Lattaquié was no doubt merely a concession granted in virtue of a former permit to prospect.

M. VAN REES asked his colleagues whether they did not think that the principles which had been referred to in this meeting should be discussed by them later. If he had rightly understood it, this discussion had not touched on the substance of these principles, but only on their application, regarding which the Commission wished more detailed information. Neither Dr. Kastl, the Chairman, nor M. Rappard had intended, he thought, to deal with the principles themselves; if the case had been otherwise, M. Van Rees would have had many observations to make. He would, however, withhold his views in order to express them later in the presence of M. Orts, who was entrusted with a report on some questions relating to the principle of economic equality. He wished, however, to mention to his colleagues that it should not be concluded from his silence that he entirely agreed with their observations, even concerning the application of these principles.

#### *Coasting Trade.*

M. SAKENOBE asked whether coasting trade was open to boats of any flag.

M. DE CAIX said that, although he was not *au courant* with the texts relating to this question, he was sure that he could reply in the affirmative. There were certain foreign ships which came into the ports of the country and took or delivered goods coming from or going to other ports. They were consequently engaged in coasting trade.

#### *Frontier between Turkey and Syria.*

M. VAN REES referred to the chapter of the report on page 24 and the following pages with regard to the determination of the frontier between Turkey and Syria. It was said that the Turkish Government had not accepted the decision of the arbitrator concerning the territory known as the *bec de canard*. What the Commission wished to know was not stated in the report, namely, what was the position at the moment as regards this part of Syria? This territory had been attributed to Syria, but was it still administered by the Turks?

M. DE CAIX replied that part of the territory in question was at the moment in the hands of the Turks. No doubt, the latter had taken advantage of the fact that they had concentrated troops on the Mesopotamian frontier in order to establish a series of military outposts there, and it was after their establishment that French outposts had also been created to the south of the Turkish outposts. The district was thus partly occupied by the French and partly by the Turks.

As regards the legal position, the accredited representative would refrain from speaking on this point, since negotiations were in progress between the two Governments; all that he could say, judging from clear statements that he had heard at Paris and Beirut, was that a new discussion concerning the frontier to be fixed could not be included henceforth in the dispute. If the Turks persisted in contesting the Danish General's right to act, as he had done, as arbitrator, the only question remaining would be whether their point of view was justified or not. The mandatory Power was not called upon to reopen a discussion regarding the delimitation of a territory of which it was in charge and of which it could not abandon any part. The discussion must be confined to the question of the validity of the arbitration by the Danish President of the Mixed Delimitation Commission.

M. RAPPARD thought that, in these circumstances, perhaps there was cause for the Permanent Mandates Commission to make good use of that collaboration of which much had been said. It was stated in Article 4 of the Mandate for Syria and the Lebanon



that " the Mandatory shall be responsible for seeing that no part of the territory of Syria and the Lebanon is ceded or leased, or in any way placed under the control of a foreign Power ". The Commission noted that, in the present case, part of the territory under mandate was occupied by a foreign Power. Perhaps there was ground for the Commission to draw the attention of the Council to this fact.

M. DE CAIX replied that, in his capacity of accredited representative, he could not but consider that the opinion of the Council would be a useful element in obtaining recognition of the fact that the thesis of the mandatory Power as regards the value of the award given was well founded.

M. RAPPAED stated that he intended to recommend his colleagues to raise the question in the report to the Council.

#### *Frontier between the Jebel-Druse and Transjordan.*

M. VAN REES observed that page 74 of the annual report of the British Government on the administration of Palestine for 1927 contained the following paragraph :

" A misunderstanding as to the *de facto* administrative boundary, which is not entirely superimposed on that laid down in the Anglo-French Convention of 1920, led to a collision of Beni Sakhr tribesmen with Syrian troops, in which the Beni Sakhr suffered some casualties. The establishment of cholera control posts near the Syrian frontier was also complicated by uncertainty as to the boundary. "

Had the accredited representative any information to add to the particulars supplied by the British Government ? Was there any prospect of realising an early cessation of the uncertainty which existed regarding the frontier in question ?

M. DE CAIX said he had not had any news of this matter at Beirut. It could only refer to the boundary between Jebel-Druse and Transjordan. A mixed Anglo-French Commission had, in 1923, only determined on the spot the boundary between the two mandated territories from the sea as far as the valley of Yarmouk. As regards that part of the frontier to the east as far as the Tigris, no work had been done on the spot. The frontier had only been roughly determined under the agreement of December 23rd, 1920, by geographical points which, however, were quite definite. The point where it passed to the south of the Jebel-Druse was at Imtan, which was considerably to the north of the boundary of the country where the Druses had cultivated land, or at least pastorage.

The French military outposts had been established in the Druses territory south of the frontier of 1920. If there had been a conflict with the Beni Sakhr, possibly due, *inter alia*, to the uncertainty as to the exact boundary, there was, on the other hand, no difficulty in the relations between the French and British authorities on the two sides of the boundary.

#### *Official Languages.*

The CHAIRMAN asked if any official instructions existed which made it obligatory for French officials to understand Arabic after a certain period of time.

M. DE CAIX replied that there were no administrative rules on this question. A certain number of officials were not in direct contact with the people. On the other hand, many of the intelligence officers were beginning to speak Arabic. Apart from them, however, there was scarcely anyone in direct contact with the people, except the French technical experts in the service of different States, who were not, however, officials of the French Government.

M. MERLIN added that a large proportion of the cultured element of the population spoke French.

#### *Labour.*

Mr. GRIMSHAW stated that no legislation for the protection of labour had yet been announced, though a bill providing for workmen's accident compensation had been rejected by the Lebanon Parliament. Could M. de Caix give further information concerning this bill and the circumstances of its rejection ?

M. DE CAIX said that he would ask for particulars on this question from Beirut. He had not heard any mention of the debate to which reference had been made.

Mr. GRIMSHAW said that, with regard to the conditions of work of women and children, the report stated that it seemed difficult to organise any useful system of inspection. It was common knowledge that these conditions were at times far from being good. Useful legislation had, however, been adopted and put into force in other territories and under similar conditions. Could not the mandatory Power examine the possibility of such a measure ?

M. DE CAIX replied that the great difficulty was that there was not, properly speaking, any factory labour; even at Aleppo, ten to fifteen workers in each factory was the maximum figure. There was scarcely anything in the country but domestic workshops, regarding which official interference was very difficult. The introduction of legislation would necessitate very prolonged study, and also that the local parliaments should become familiar with the treatment of such questions which the Mandatory could not settle without having first invited the native authorities to deal with them. They were being encouraged to do this. Up to the present, however, they had interested themselves very little in political matters. In order to apply any legislation which might be promulgated, an organised administration was necessary, which would develop a certain routine in this matter. The Syrian and Lebanese administrations were still far from this.

Mr. GRIMSHAW said that he recognised the enormous difficulty of work of this nature, but it was known, by testimony from all sides, how bad were the conditions under which children sometimes worked in Syria. He asked the mandatory Power not to lose sight of the possibility of insisting that local authorities should study the question, either by the appointment of a staff of inspectors or by using the means of inspection already existing.

On the subject of payment of taxes in labour (pages 89 and 90) he thanked the mandatory Power for the translation of the Ottoman Law of 1329. He recalled, however, that this law was no longer in force outside the mandated territories. Turkey having now enacted modern legislation, it was a little abnormal that the ancient legislation should still be in force only in the mandated territories. In what exactly did "payments in voluntary work" consist?

M. DE CAIX remarked on the interest of the suggestion made by Mr. Grimshaw with regard to the creation of an inspection of labour. Even if the High Commissariat organised, or should cause to be organised, this system of inspection and should regulate the conditions under which it should function, the most serious difficulty would arise when it became necessary to pass to the means of carrying out the conclusions of inspectors. As he had said the day before, it would, in the first place, be difficult to get laws passed; but, even when they were passed, it would be still more difficult to ensure their application. It had already been stated that the problem touched a large number of small workshops; moreover, it was necessary to deal cautiously with these ancient industries, which only survived with great difficulty, and there was a risk that onerous measures, no matter how well intentioned they might be, might result in final destruction.

As regards the payment of taxes, perhaps the old legislation was no longer applied in Turkey, and it might be better to introduce new laws in the country under mandate; but he did not think that new legislation would alter to any great degree the actual fact that the immense majority of the taxpayers paid in money. Further, it could not be said that the tax in question (25 francs) was excessive.

Payments which took the form of voluntary work supplied by the populations wishing to have a road were very closely controlled; for example, among the Alaouites. In Syria, the French administration very much mistrusted this system, as it wondered to what extent these payments were free and spontaneous. It should be observed, however, that it might happen that certain centres would remain without means of communication if the system of prestation did not exist. Nevertheless, the attention of the mandatory Power had often been drawn to the risk of abuse, and the accredited representative could quote cases in which it had not allowed these offers of work to be accepted if there was reason to suppose that they were not sufficiently spontaneous.

Mr. GRIMSHAW pointed out that there appeared to be a certain contradiction in the paragraphs given on page 90 concerning prestation in Syria and the Alaouite State, for it was stated that legal prestations were not furnished, whilst a little later the number of days of work done by the prestations was given.

M. DE CAIX said he would reserve his reply until he had been able closely to study this passage of the report, which he could not do during the meeting.

Mr. GRIMSHAW understood that the changes which had taken place or were about to take place in the constitutional organisation of the States under mandate would modify the relations between these States and the mandatory Power. As a result, the local authorities, elected or otherwise, would possess direct administrative power to a far greater extent than was the case to-day. He hoped that in the making of these new arrangements certain of the principles upon which the mandatory system rested would be safeguarded. He recalled that the treaty between Iraq and Great Britain included a clause forbidding forced unpaid labour. Was it the intention of the French Government to introduce in future treaties similar clauses for the protection of labour?

M. DE CAIX stated that he had not said that the mandatory Power was going to alter in any way the obligations under which it was placed by virtue of the mandate which it had assumed. It was only a question of facilitating the application of the mandate by means of agreements with the Governments of the country. He had meant to say that the application of the mandate would be made more difficult from the fact that the mandatory Power would soon be faced with Parliaments which were inclined not to recognise the limitations imposed by the mandate on their right of decision.

So far as the possible treaty was concerned, it was certain that it would contain clauses giving the same guarantees as the treaty between Great Britain and Iraq. Clauses prohibiting compulsory labour without payment could easily be included. He would, however, draw the attention of the French Government to this point.

Mr. GRIMSHAW, after an exchange of views with the accredited representative, expressed the hope that the mandatory Power would continue to consider that it was a primary duty to take care that the policy of these new States would be directed towards securing more satisfactory conditions for the working and agricultural classes.

M. DE CAIX said that he willingly accepted this suggestion from the Permanent Mandates Commission in support of the policy which the mandatory Power proposed to follow and for which it was reproached by various sections in the mandated territory. He added that the expression "new governments" should be used and not "new States", as the States in question had already existed for nearly eight years.

M. PALACIOS said that, while he admitted that it was necessary to proceed with care, he supported the suggestions of Mr. Grimshaw about the regulation of labour. The present report contained very few details on this subject. On the other hand, the notes sent by the mandatory Power to the Secretariat were eloquent on this matter, and he regretted that they had not been published. He had learnt many interesting things regarding Syrian industries but had obtained a rather pessimistic impression with regard to the regulation of labour. The institution of a labour code had previously been suggested. The Commission had realised that this was perhaps too great or too premature an ambition, but could not at least some progress be accomplished towards the regulation of labour? In countries of this nature, domestic labour was easily confused with the exploitation which was too often behind labour in the home. He had read some notes which had been sent to the Secretariat and had noted that the Commission to draw up a labour code did not meet and that there was not any great promise as regards the protection of the labour of women and children. The Mandates Commission had been told that there must be no risk of impeding an industry which only survived with difficulty. But would women and children who worked at home, if they were exploited by outside contractors and paid starvation wages, be refused protection? The newspaper cuttings which the Secretariat had communicated to the Commission were full of complaints in this respect as regards the mediæval countries of the East. He proposed that the mandatory Power should be asked if anything was being done or if anything could be done for the protection of the women and children in factories and those working at home.

M. DE CAIX said he thought that it would be perfectly easy to ask for the institution of an enquiry on this question, and that most of the intelligence officers would have no difficulty in collecting on the spot particulars of the hours of work and the average profit which the families made from their work. On the other hand, the mandatory Power could hardly go so far as to intervene. Starvation wages had been mentioned, but it was necessary to remember that certain of these industries had great difficulty in selling their products. In most cases the work was done by Moslem families in circles in which it was difficult to penetrate; interference of this kind was completely foreign to the customs of the country and to the habits of the Government of the country. The Turks had brought only political influence to bear on the territory and had interfered scarcely at all in the economic and above all in family life. A policy of the kind suggested would therefore be a complete innovation. He would ask the High Commissioner to undertake the proposed enquiry, but he felt that the Commission should show great reserve in these requests for intervention.

M. PALACIOS said he would ally himself with the remarks of the accredited representative, but asked that the enquiry should concentrate on finding out to what extent the question concerned domestic labour or labour in the home. If the artisans were really working under conditions of domestic labour after the manner of their ancestors, it would be a good thing to encourage that type of industry. In it the artisan was independent and his own master; the position was not the same where outside contractors exploited these unfortunate people. The collective factory such as was condemned by Le Play must be guarded against. Further, if young girls were working together in a factory, intervention was necessary, for this raised the questions of wages and days of labour which were outside the scope of family labour.

Mr. GRIMSHAW suggested that the enquiry should also cover the sanitary conditions under which children worked — for example, in the cigarette factories.

M. RAPPARD recalled the fact that the accredited representative had mentioned roads of strategical importance which the military authorities wished to construct, but in connection with which they sometimes found themselves in opposition to the civil authorities. Were the troops themselves employed in making these roads when they were not engaged in military work? Were they put at the disposal of the civil administration?

M. DE CAIX replied that the troops did a considerable amount of work.

#### *Traffic in Drugs.*

Lord LUGARD stated that, in the report of the Advisory Commission on Traffic in Opium and other Dangerous Drugs, the Cairo police had stated that the import into Egypt of hashish from Syria had in no way decreased. In both countries the names of the

traffickers, it was stated, were well known. The question was whether it was possible to organise better the campaign against smuggling. Was it possible to increase the police forces which dealt with the traffickers, and above all to apply more strictly the laws prohibiting the growing of hashish, in order that better results should be attained ?

M. DE CAIX said that he knew that the mandatory Power had endeavoured to suppress the growing of hashish, that regulations had been drawn up to this effect and that their proper execution had been attempted. He was surprised to hear that imports into Egypt had increased, since production had certainly diminished, in spite of the resistance with which the prohibition to cultivate had been met even by certain Notables.

M. PALACIOS added that, in the report of the Cairo police, quoted by Lord Lugard, which dealt with the year 1925, it was said also, as regards hashish, that the Egyptian Government would be able to collaborate with the Governments of Syria and Palestine "with the object of undertaking a common and merciless war against the wholesale importers, to make more strict the control in Egyptian ports, to give increased powers to officials, and to ask for the expulsion of foreigners known to be concerned in the traffic, and, finally, to increase the amount of rewards paid on the occasion of any successful seizure". Had the Governments in question collaborated in this way, and, if so, with what results ?

M. DE CAIX replied that the Customs authorities of the two countries were in constant co-operation with the object of preventing the passage of forbidden products. It could thus be said that collaboration existed.

(The continuation of the discussion was adjourned to the next meeting.)

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## TWENTY-SECOND MEETING

*Held on Tuesday, June 26th, 1928, at 4 p.m.*

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Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

872. Syria and the Lebanon : Examination of the Annual Report for 1927 (continuation).

M. de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

### *Prison System.*

M. SAKENOBE noted that prisoners condemned to penal servitude for longer than two years were placed at the disposal of the military authorities for labour on public works as long as workshops had not yet been constructed in the various prisons (pages 48 and 49 of the report). (1) Was this practice general throughout the mandated territory or did it only apply to Syria ? (2) Why were the prisons placed under the military authorities ?

M. DE CAIX replied : (1) That the practice was general in the mandated territories but more prevalent in Syria than elsewhere, owing to the larger number of prisoners in that State. In the Lebanon and in the Alaouite State convicts were often set to do outside labour. The reason for this practice was that the labour in the prisons had not yet been properly organised. (2) Prisoners were under the military authorities because these were in a better position than any others to control them, and, moreover, because they were building a certain number of roads in the southern part of the territory and were using military and convict labour for that purpose. The troops comprised a number of re-enlisted men who had completed their training and thus were free for other duties.

In reply to a further question from M. Sakenobe, M. de Caix said that the prison labour was paid.

*Education.*

Mlle. DANNEVIG observed that the mandatory Power appeared to have taken note of the observations of Mme. Wicksell at the previous session in regard to an improvement in the standard of teachers. Success had been achieved everywhere except in the Lebanon, where the level of education seemed to be unsatisfactory. She was sorry to see that the local Government had cut down the budget of education considerably, and asked if it might be raised again next year.

M. DE CAIX concluded that Mlle. Dannevig was referring to the suppression of the inspection of schools in the Lebanon. This was perhaps wrong, but, as the accredited representative had already pointed out, the independence enjoyed by the local governments was so wide that the Mandatory was unable to intervene forcefully and rapidly in all details of the administration. If the Lebanese Chamber failed to make the necessary budgetary appropriations for the inspection of schools, inspection could not be continued and the Mandatory could only exercise its authority in order to remedy an evil, when that evil had become serious and chronic.

The Commission should not think that pupils trained in private schools were less well educated than those attending the normal schools. Pupils who had obtained Government scholarships enabling them to enter private schools certainly reached the standard of education they would have reached if they had passed through the normal schools.

Lord LUGARD enquired whether the University and the large training school at Damascus were residential.

M. DE CAIX replied that he had never been informed that there were any resident undergraduates at the University. The University was conducted on lines similar to those of European universities and courses were delivered by the various professors. The students lived in the city and only came to the University for the lectures. There were, however, boarders in the public or private secondary schools.

Lord LUGARD enquired whether the Administration favoured the establishment of residential schools as being better for the inculcation of discipline.

M. DE CAIX replied that when parents desired to send their children as boarders to the secondary schools they could do so. No compulsion, however, was used.

It would be quite contrary to the usual practice for the students in the University to be residential. Professors might take some pupils as boarders, as was done in certain countries, but he did not think that this practice existed in the mandated territory, since it was not in accordance with oriental custom.

*Public Health.*

Dr. KASTL thought that the Commission could express its satisfaction at the measures adopted by the mandatory Power for Syria in co-operation with the mandatory Power for Palestine, in order to prevent the epidemic of cholera raging in Iraq from spreading to Syria and Palestine.

In the annual *Medical Bulletin* of the State of Syria for 1926 was to be found a very interesting chapter on leprosy in Syria. According to this report, the leper homes were in a very poor condition. It would consequently be interesting to be informed of the action taken on the recommendations contained in this report, principally because the question of leprosy was not mentioned in the annual report on the administration of the territory for 1926 and only one paragraph (page 72) regarding this question was to be found in the report for 1927. Did the mandatory Power intend to improve the condition of the leper homes and conduct a more energetic campaign against this disease?

M. DE CAIX replied that leprosy was not a common disease, either in Syria or in the Lebanon. It was the intention of the mandatory authority to take steps for the foundation, in the neighbourhood of Damascus, of a modern establishment which would receive lepers from all the States in the mandated territory. He would enquire as to what action had been taken as a result of the report in the annual *Medical Bulletin* referred to by Dr. Kastl.

M. VAN REES drew attention to the *Monthly Epidemiological Report* of the Health Section of the Secretariat of the League dated February 15th, 1928. It gave figures showing how susceptible were the Syrian emigrants in West Africa, especially in Senegal, to yellow fever. He presumed that the Syrian Government was aware of this situation.

M. DE CAIX replied that the mortality from this disease was well known in Syria, for Syrian emigrants maintained close correspondence with their friends and relatives remaining in Syria. The Syrian emigrants in Senegal, however, found so many chances of earning money that they would certainly, in no case, hesitate to take the risks to health involved by the climate.

*Land Survey.*

M. VAN REES, referring to the table on page 137 of the report, asked for explanations regarding the extent of the area surveyed in the district of Homs-Hama. The number of hectares shown as having been surveyed before 1927 was given as 105,620. In 1927, the area surveyed had not increased according to the table, which, however, gave the total number of hectares surveyed as 44,450.

M. DE CAIX said that the figure 105,620 was certainly a copying error or else it included the whole area in which the preliminary triangulation had been carried out, but where the survey, in the strict sense of the term, had not yet been completed.

M. VAN REES noted that great progress with the land survey was being made. Could the mandatory Power, however, entrust to the local governments the task of keeping this survey up to date, when once completed, so as to avoid running the risk that it would have to be repeated in a fairly near future? Did the Syrians themselves support the efforts of the Administration to carry out this survey, for example, by the proper registration of any changes in the title of land which occurred?

M. DE CAIX replied that, as long as proper administrative discipline existed, no danger need be apprehended. The Land Department was under the authority of each State. It would be entrusted with the upkeep of the survey as soon as the latter had been completed by the Régie.

Obviously, there would be no use in drawing up the survey unless steps were taken to ensure its preservation. The people of the country recognised its importance. The danger lay in the apathy which had for centuries been a feature of every Oriental administration.

*Ex-Enemy Property.*

The CHAIRMAN recalled that the Commission at its seventh session had recommended the Council to ask the mandatory Powers to furnish information on certain points concerning the present status in mandated territories of property formerly the private property of nationals of ex-enemy States and which had been liquidated under the terms of the Treaty of Versailles.

On December 9th, 1925, the Council had decided to forward this request to the mandatory Powers.

In the report submitted at the Twelfth Session of the Permanent Mandates Commission by Lord Lugard (Minutes of the Twelfth Session, page 180), it was stated that no reply had been received from Syria on this subject. It appeared, however, that certain rights and interests connected with German, and perhaps with Turkish, nationals still existed.

M. DE CAIX would bring the observations of the Chairman to the notice of the Administration. The articles of the Treaty of Versailles had, as far as he was aware, been carried out. The property in question had been transferred to religious establishments of the same order.

*Economic and Financial Situation of the Territory.*

The CHAIRMAN said that the Commission desired to have a general picture of the economic and financial situation of Syria. It was somewhat difficult to obtain this from a perusal of the report, owing to the large number of statistics presented.

M. DE CAIX said that his general statement, together with the report, had furnished on this point information to which it would be difficult to add anything. The economic and financial situation was improving beyond all possibility of doubt. Nevertheless, the 1928 harvest being a very bad one, owing to the dry spring, an economic crisis was to be feared. The only way of improving the situation was to increase production by all possible means and to make it more varied. Trade had already been developed as far as was possible. There was a number of very energetic traders in Syria and the Lebanon, but it appeared that production could not be enhanced to any considerable degree except by irrigation works.

*Bank of Syria and Lebanon.*

The CHAIRMAN reminded the Commission that the Bank of Syria and Lebanon had been transformed, and that information had been furnished at a previous session in regard to the various changes made by the Administration in the statutes of the Bank. He noted that the following loans had been made by the Bank to the local governments in the mandated territory:

- £50,000 to the State of Syria for agricultural banks;
- £10,000 to the municipality of Beirut for public works, and
- £2,500 to the municipality of Saida for the establishment of gasoline tanks.

On what terms had these loans been made, what was the interest paid on them, and what was the general procedure followed by the Bank in connection with the making of loans ?

M. DE CAIX replied that, as the Commission was aware, the Bank had two departments : a note issue department and a capital department, which dealt with ordinary banking operations. These two departments were quite separate. Commercial operations were not of great importance.

He was unable to say what interest was borne by the loans mentioned by the Chairman, but it was certainly not greater than the States in question would have had to pay had they obtained the money elsewhere. As the Bank had no monopoly in this matter, it was subject to the conditions of the market. The Bank had granted a number of short-term agricultural credits, and was perfectly free to do what it thought desirable in this connection just as the local governments were perfectly free to contract loans wherever they could do so most favourably.

The CHAIRMAN pointed out that the Bank of Syria and Lebanon was a private concern which had been granted the privilege of note issue. Regulations concerning loans to the Administration must have been adopted. From information on page 155 of the report, it appeared that the Administration held as a fixed term deposit some one and a-half million pounds sterling earmarked for the discharge of the Ottoman Public Debt. No information was given as to the manner in which this money was invested or who received the interest upon it. Could this sum be used for the short-term agricultural credits, or for other loans, such as those granted by the Bank of Syria and Lebanon, until it became necessary to use it for the liquidation of the Ottoman Public Debt ?

M. DE CAIX replied that the sum in question was deposited with the Bank and the interest paid to the local States. The sums specially deposited for a fixed period or reserved for the Ottoman Public Debt could not be touched except by the authority of the mandatory Power.

#### *Subscriptions.*

The CHAIRMAN thought that the Commission appreciated the scruples which had determined the refusal of the Government of the Cameroons to consider opening a subscription on behalf of the victims of the disasters in Madagascar. Such a subscription from a mandated territory for the benefit of another territory would, indeed, encounter an objection of principle arising out of the nature of the mandate, which was a guardianship exercised by the mandatory Power, in the name of the League of Nations, over populations which were still minors.

He had been informed that the Government of Syria had decided to subscribe 50,000 francs for the construction of the "Maison de la Chimie" in Paris, and 100,000 francs was also to be subscribed for a mosque in Paris. He was uncertain how far the Commission could endorse these decisions, although the financial situation of the State of Syria did not appear to be bad.

M. DE CAIX pointed out that there was a considerable difference between countries under A mandate and countries under B mandate. In countries under B mandate it was the mandatory Power itself which authorised any such subscriptions.

Nevertheless, a country under mandate A like Syria enjoyed a fairly wide measure of independence in this respect as in others. The President of the Syrian State had doubtless wished to give evidence of the interest taken by his Government in science when he made a contribution to the "Maison de la Chimie". In the case of the mosque, an appeal for funds had been made in various Mohammedan countries, and the Syrian Government had responded for similar reasons.

The CHAIRMAN replied that the accredited representative was perfectly justified in drawing such a distinction between A and B mandates. The President of the State of Syria, however, was appointed by the mandatory Power, who was responsible for the maintenance of order and good government in that country. It did not therefore seem possible for the mandatory Power to dissociate itself entirely from such an action.

M. DE CAIX replied that the financial situation of Syria was satisfactory, since there was a surplus. The French High Commissioner could scarcely be expected to exercise his right of veto in the case of subscriptions which the Syrian Government thought it right to give.

The CHAIRMAN thanked the accredited representative for his explanations. He had no desire to criticise Syria in this respect.

#### *Hedjaz Railway.*

The CHAIRMAN, referring to the Minutes of the Eleventh Session, page 148, reminded the Commission that M. de Caix had stated at that session that the surplus profits from the Hedjaz Railway were paid to the Board of Directors of the Railway. The annual report for 1926 showed that the surplus had amounted to more than three million francs by the end of 1925. Could the accredited representative inform the Commission of the use to which that surplus had been put ?

M. DE CAIX replied that it had been used entirely for the upkeep of the railway and its general improvement in the eastern section. It had, however, always been understood that when the surplus profits grew sufficiently large they would be expended on improving the poorest parts of the railway which lay outside Syria and Palestine. Information on this subject was given on page 115 of the report for 1927.

#### *Kurdish Immigrants.*

Lord LUGARD said that information published by the Press had led him to believe that a fair number of Kurdish immigrants had entered the mandated territory. Had they been encouraged to do so in order to keep in check the Bedouin tribes ?

M. DE CAIX replied in the negative. The immigration of Kurds had not been encouraged. There were two kinds of Kurdish immigrants : first and foremost certain tribes of Kurdish shepherds who crossed and re-crossed the frontier as the seasons changed, and the agricultural workers who crossed into Northern Syria, and assisted in agricultural work at certain times of the year.

A number of Kurdish refugees fleeing before the repression of the Kurdish revolt by the Kemalists had settled in Syrian territory. There was no more reason for refusing to admit them than for refusing to admit the Armenian refugees who had arrived in such vast numbers.

As regards the possibility of there being any general encouragement of this immigration, such a tendency could certainly not be ascribed to the mandatory authority. In a general way, if the Kurds were better workers than the Bedouins, they were not appreciably more tractable.

#### *Political Situation in Syria and Responsibility of the Mandatory under the Mandate.*

M. VAN REES recalled that, during the nineteenth meeting of the present session, he had reserved the right to make certain observations on the political situation in Syria, after having heard the detailed information given by the accredited representative on the subject.

In the course of his general statement which had preceded the discussion of the Commission, M. de Caix had explained that the High Commissioner for Syria was now faced with a turning-point in the political life of the country, and that he was, in consequence, confronted with great difficulties. According to these observations, the Constituent Assembly was at the moment discussing the drafting of the Organic Law. That Assembly was composed in great part of nationalists, who, in principle, were hostile to the mandate. Another section of it, far more numerous than the extremists, was composed of persons who for various reasons showed signs of falling more or less under the influence of the former.

M. de Caix had informed the Commission that it might perhaps be expected that the resolutions of this Assembly would be directly contrary to the terms of the mandate, and that, according to statements made by certain of its members, it was not improbable that it would take a decision, which, while making no reference to the mandate, would contemplate the adoption of a line of conduct which was incompatible with the legal status instituted under the mandate now in force ; in other words, the Assembly would decide in favour of a political regime which would leave to the mandatory Power, in virtue of a treaty to be concluded, only a certain amount of political influence, and would refuse it, in principle, all interference in the progress of internal public affairs. Such a situation certainly gave cause for grave anxiety, for, from the detailed information which had been given, it was clear that the country was in no way ready as yet freely to govern itself, from which it followed that the active control of the mandatory Power would still have provisionally to be exercised in conformity with the stipulations of the mandate, control which, moreover, was indispensable if the mandatory Power was to be in a position to fulfil its obligations towards the League of Nations. This control must therefore imply the right to intervene whenever the responsibility for the good administration of the country, assumed by the Mandatory towards the League of Nations, necessitated such intervention. This would appear to be a most important point which must be kept in mind.

It was obvious that, during the period covered by the entry into force of the Organic Law and of the institution of government which would result from it, the direct action of the mandatory Power must gradually become less, in order to give place to the activity of the properly constituted local organisations. Nevertheless, since this Organic Law did not require the automatic and immediate abolition of the mandate, it followed logically that, so long as the mandate had not attained its final object, it was the mandatory Power, and the mandatory Power alone, which had to continue to bear the responsibility towards the League of Nations for the satisfactory working of the administration of the country.

Whatever might be the form of the new political system, it seemed obvious that the responsibility of the mandatory Power as described above, and twice recognised by the Commission as necessary so long as the mandate continued (see Minutes of the Fifth Session, page 100, and Eleventh Session, pages 143 and 144), must be safeguarded by some means or other, which meant that the right of the mandatory Power to oppose any action or practice essentially contrary to the mandate would have to be maintained. It would be inconceivable and intolerable to allow a constitution to be established, and to grant powers which would make it possible to act against the terms of the mandate and completely destroy it.



This being so, the only possible form of new regime defining the relations between the mandatory Power and the States under mandate was one which would ensure the application of the mandate, and therefore one which only embodied a method of execution of the mandate and not a new order of things replacing the principles for which the mandate stood.

It was in this sense that he understood — and he thought that the Commission ought to understand — the political evolution of the country during the period when the mandatory Power, by its aid, advice and control, had not yet completed its work of assisting the population to attain its majority, and consequently to furnish the necessary guarantees showing that it possessed a government fit to administer the territory according to the usual Western practices. This was the ultimate object of the mandate, and only the mandatory Power, which was the sole judge in the matter, could state when that object had been achieved.

M. Van Rees asked the accredited representative whether the views which he had expressed agreed with those of the mandatory Power. If not, how had the mandatory Power considered that it should proceed if the anticipated demands were made?

M. DE CAIX replied that, in his preliminary statement, he had never contemplated the possibility of any legal modification in the position of the mandatory Power, whatever form of government might be set up now or in the future in the territories under mandate. He had merely meant to say that the situation that was developing in Syria and the Lebanon made the exercise of the mandate much more delicate. There was, of course, no question of modifying the Mandatory's responsibilities towards the League but, in point of fact, it had become more difficult for the Mandatory to fulfil its duties.

As regards the proposed treaty, he was unable to give any interpretation of it because the matter was at present only under consideration, but if a treaty of this kind were concluded it could not be different in character from that assumed by M. van Rees in the remarks he had just made. The treaty would not alter the terms of the mandate, but its object would be to carry out the obligations of the mandate, with the help of the States concerned.

M. VAN REES said that this matter was the most important with which the Commission had yet had to deal in connection with Syria and the Lebanon. It seemed to him, therefore, that the question which had been raised should be mentioned in the report of the Commission to the Council.

The CHAIRMAN said that the Commission would take note of the proposal of M. Van Rees, which would be discussed when the Commission considered its observations on the report for Syria and the Lebanon for 1927.

*Replies of the Mandatory Power to Questions put at the Eleventh Session of the Commission.*

The CHAIRMAN pointed out that no reply had been received as yet to questions put a year previously in connection :

- (1) With forced residence ;
- (2) With the right of military requisition ;
- (3) With regard to infantile mortality in the territory ;
- (4) With regard to the budget of the High Commissariat.

He hoped that M. de Caix would undertake to furnish replies to these questions before the next session, and pointed out that a verbal reply on the part of the accredited representative, though of great interest to the Commission, was not so satisfactory as would be the written replies of the mandatory Power.

M. DE CAIX said, in answer to the fourth question (*budget of the High Commissariat*), that the information on this point was contained in the report. It included the total figure of the expenses incurred by the mandatory Power for the organ of the mandate. There was no need to publish the details of this budget in the report, as it formed a chapter in the French budget.

With regard to *forced residence*, he possessed the statistics and would communicate them immediately to the Commission. He wished, however, to point out that they were constantly changing, that the number of persons liable to forced residence was very small, that it was continually decreasing, and could not in any case be given except as a very provisional figure.

As regarded *military requisitions*, these had never occurred except during the period of martial law. Recently they had been restricted to the district of the Euphrates, which was the wildest part of the territory. He would ask for further information.

It was impossible to give exact statistics of *infantile mortality*, as there was no means of compiling them in a country where civil registration was still very imperfect.

*Petition from the Lebanon Committee in Paris regarding the Question of Option for Nationality under the Treaty of Lausanne.*

M. RAPPARD said that the report of the mandatory Power contained a full reply to the petition from Chekib Arslan, which covered the whole administration of the mandatory Power.

M. PALACIOS said that the question which formed the subject of the petition from the Lebanon Committee in Paris had been submitted on many occasions to the Commission and examined by the latter. The question was that of the option for nationality in connection with Articles 30 and 34 of the Treaty of Lausanne.

In its new form, the present petition added very little to the previous one of June 16th, 1926. In its observations, the mandatory Power replied to all the points involved. The annual report, indeed, gave a good deal of information and much consideration to the question (especially on page 29). Obviously, it was not within the power of the French Government, as a signatory to the said Treaty, to modify on its own account the definite stipulations of Article 24, which fixed August 6th, 1926, as the latest date on which the right of option could be exercised. Nevertheless, might it not be that the extension of the period granted to the Turkish optants referred to on page 27 of the report would encourage certain hopes in the petitioners ?

M. DE CAIX replied that the cases raised in the petition and in the report were different. The mandatory Power had no authority to prolong the period of option laid down by the Treaty of Lausanne, but only power to prolong the period during which Turkish optants in Syria and the Lebanon might remain in the territory without being expelled. It was this period which had been prolonged.

The CHAIRMAN thanked the accredited representative for the information which he had given to the Commission.

(M. de Caix withdrew.)

### 873. Petitions concerning Syria and the Lebanon : Method of Procedure.

After an exchange of views, the Commission asked the three Rapporteurs, M. PALACIOS, for the petition from the Lebanon Committee of Paris ; M. VAN REES, for the petition from M. Louis Usuf Ghaleb, and M. RAPPAED, for the petition from Chekib Arslan, to submit their observations, based on the discussion in the Commission, for its approval.

It was understood that, as regarded the petition from Chekib Arslan, the extract from the Commission's report to the Council containing its observations upon it would be forwarded to the petitioner, who would at the same time be informed that he should consult the Minutes of the Commission for further particulars.

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## TWENTY-THIRD MEETING

*Held on Wednesday, June 27th, 1928, at 10.30 a.m.*

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Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

### 874. Observations of the Commission on the Administration of Togo and the Cameroons under French Mandate.

The Commission examined the draft observations on the administration of Togo and the Cameroons under French mandate.

After an exchange of views, *the draft was adopted with certain amendments.*

### 875. Western Samoa : Observations of the Commission on the Report of the Royal Commission of Enquiry on the Events which occurred in the Samoan Islands in 1926-27 (continuation).

The Commission examined the draft observations, drawn up by the Sub-Committee composed of Lord LUGARD, M. MERLIN and M. RAPPAED, on the report of the Royal Commission on the Administration of Western Samoa.

Lord LUGARD explained that, when the Commission had met, three different proposals had been put before it — by the President and M. Merlin, by himself, and by M. Rappard. M. Rappard's proposal had not been presented in writing, but he had suggested the preparation of a much more detailed report. The Commission would remember that

M. Rappard had withdrawn his suggestion when he found that the majority of the Commission were opposed to it, on condition that the record of the discussion should be included in the Minutes and that the report to the Council should refer expressly to the Minutes in order that the conclusions should be fully understood. Dr. Kastl had suggested that the various complaints and allegations formulated in the petitions should be simply stated without any detailed observations regarding them. The majority of the Sub-Committee had thought that it would be best to omit altogether reference to these allegations, etc., if it were not possible to go into them fully. Finally, M. Merlin had withdrawn his proposed text, and had suggested amendments to the original text proposed by Lord Lugard. It was therefore this amended document that the Commission now had before it.

M. PALACIOS said that, though he had agreed with M. Rappard as to the importance which should have been attached to the drawing up of the report on the events in Samoa, and though he had ventured to discuss, at the nineteenth meeting, the notes submitted by the President and M. Merlin, it would be easily understood that he could not accept the text now proposed by the Sub-Committee. The draft under discussion seemed to indicate a change in the attitude of the Commission, after certain declarations of the accredited representative.

Not only did it not embody the compromise which had been proposed by M. Rappard, but it even omitted the considerations regarding the mandatory Power suggested by M. Merlin. On the other hand, it laid stress on the condemnation of the men in opposition whose ambition and desire for wealth were alleged as reasons for the rebellion.

He was afraid that if that text were adopted by the Commission, universal opinion would interpret it as encouraging further deportations, a more extensive suppression of privileges and the placing of additional obstacles in the way of the presentation of petitions, a more active centralisation and absorption of property and persons, and the strangling of any nationalist movement, however weak, by the severest methods. The system of suppression might in fact become more severe in the islands of Samoa, under the League of Nations mandate, than in those which were exclusively colonies and under the national control of other Powers.

In his opinion, the reasons for the unsatisfactory state of affairs were much more complicated, even though the responsibility of the group of persons mentioned in the note was recognised. The colonial history of the whole of Samoa, which was well known, ought to be taken into account. In his opinion, a basis for the exculpation of the mandatory Power and of the gentlemen who occupied the highest positions in its administration should be sought in the complex character of the history to which he had referred.

Instead of reflecting an attitude which might aggravate matters in the islands and which might appear to the great body of world opinion to be in contradiction with the principles of the mandate system, the text approved by the Commission should be capable of a more conciliatory interpretation. The underlying principles were: severity against crimes and disturbances when they arose; great care in the selection of the administrative staff, especially at the present time when public opinion was excited and likely to become even more disturbed; and the establishment of legal measures whereby the mandatory Power, without an appearance of weakness but rather with a full consciousness of its duty, might receive with sympathy and discernment any representations which appeared to be justified.

Lord LUGARD completed his statement by informing the Commission that the Sub-Committee had not had sufficient time the previous evening to complete the discussion on its report. He had suggested to his colleagues the addition of a new paragraph; and they had agreed as to its purport, but not as to the exact words. The paragraph was added in order to give expression to the very important comments of the Chairman with regard to certain remarks made by the accredited representative of New Zealand.

Lord Lugard then read the document which he and his colleagues on the Sub-Committee had prepared.

M. VAN REES stated that he had been quite ready to accept the original proposal of M. Rappard. He recognised, however, that it would be very difficult at the moment to amend the report in such a way as to make a much more detailed document of it, and he found himself finally in agreement with the three members of the Sub-Committee.

The CHAIRMAN understood that Lord Lugard was proposing that there should be added to the text, in some form to be determined, what he himself had said to the accredited representative on the subject of the responsibility of the mandatory Power for maintaining order.

Lord LUGARD said that this had been his intention.

The CHAIRMAN said that, in his opinion, the Commission should seek some way of satisfying the scruples of M. Palacios.

M. VAN REES said that M. Palacios seemed to be completely opposed to the opinion of the majority of the Commission.

M. PALACIOS said that he did not merely possess scruples. His conception of the matter was entirely different. He had noted the unanimous opinion of the rest of the Commission and recognised, as Lord Lugard had said, that a great deal of time would be necessary to remodel the report. He would not therefore embark further upon a long and detailed discussion nor would he make any different proposals. Provided that his observations were recorded in the Minutes, he would simply abstain when the time came to take a vote.

M. MERLIN remarked to M. Palacios that the draft drawn up by the Sub-Committee only contained a strong condemnation of the acts of Nelson and the manner in which he had made use of the movement of the Mau and in no part of the draft had the Sub-Committee either condemned or approved the actions of this group, which were considered to be completely outside the question. Perhaps these remarks would calm the scruples of M. Palacios.

Dr. KASTL said he did not think that M. Palacios ought to attach excessive importance to the movement of the Mau. In his opinion, that movement had not a genuine nationalist character. It was simply the artificial creation of Nelson, who profited by the simplicity of the natives to influence them. If the movement of the Mau had had a nationalist character, he would agree with M. Palacios. But that was not the case, and he asked his colleague to remember this consideration when the question came to the vote.

M. PALACIOS replied that he had only spoken of the movement of the Mau as an example. In his opinion, the troubles had been due to complex causes.

M. RAPPAED stated that this incident of Samoa was regarded by the members of the Commission in rather different ways. He was amongst those who thought that a state of affairs existed in Samoa favourable to an outbreak of dissatisfaction independently of the acts of Nelson. If he had agreed to the formula adopted by the Sub-Committee, this was in order that a conclusion should be reached, and because he had obtained essential satisfaction in the reference expressly made to the Minutes. He asked M. Palacios, whose ideas on the subject were very similar to his own, also to be content with this reference. It would even be possible to mention in the draft report that very different opinions had been expressed in the Commission and that these would be found in the Minutes. The members of the Commission should remember that there were certainly some principles on which all of them were agreed. As the Commission had not yet begun to examine in detail the document submitted by Lord Lugard, perhaps means could be found to harmonise all these views. M. Palacios ought to remember the fact that the method proposed to the Commission was a very liberal one: The members would agree to the shortest possible document and their various opinions would be found in the Minutes.

The CHAIRMAN said that he would put a preliminary question to M. Palacios: What did all the members of the Commission desire? Simply to restore peace and tranquillity, while safeguarding the prestige of the mandatory Power. All the members of the Commission, M. Rappard especially, had up to that time made concessions in their own views. Evidently M. Palacios was battling with his conscience, but all the members of the Commission should fix their attention on the final object to be attained. Even in asking for the simple insertion of an explicit declaration in the Minutes, was not M. Palacios risking the creation of further trouble?

The Chairman was not asking him to agree immediately with the text submitted by Lord Lugard, but to give the point mature consideration.

Mlle. DANNEVIG was not sure that she had realised the exact meaning of the remarks which M. Palacios had made. However, if her colleague thought that the report did not take sufficient account of the sentiments of the inhabitants of Samoa, perhaps several slight alterations could be introduced into it. For example, at the end of the report, the words occurred: "to re-establish peace and prosperity in this small territory". Perhaps the adjective "small" could be suppressed. Also the expression a little higher up: "An impressionable population which before this propaganda had not shown any sign of discontent", could be replaced by a less categorical wording. It was perhaps by reason of the fact that she herself came from a small country that she was in a better position to appreciate the possible susceptibilities of the inhabitants of this territory.

M. MERLIN supported the previous remarks of the Chairman. The Commission was neither an institute of moral and political science charged with studying the problems from a theoretical point of view, without considering the result of the truths they unveiled, nor a tribunal having to judge the case, according to the dictates of heart and conscience without considering the possible consequences of the sentence. It was a gathering of persons who had acquired some experience of conditions in far countries.

The members of the Commission should always remember, when taking a decision, that they were, so to speak, operating upon a living body which was extremely alive and which reacted very readily. They were not then free to lay down the law and the strict truth, but they ought to take the utmost account of the consequences of their work and of their decisions. For this reason, he asked M. Palacios thoroughly to reflect in his heart and his conscience upon the attitude which he would adopt.

If, as the Chairman had observed, the Commission gave the impression that it was divided on such a problem, opposing elements would profit by this to prepare fresh trouble in tiny Samoa, and would find a fresh argument for the continuation of this agitation, which

all the members of the Commission wished to be speedily discontinued. It was equally true that the importance of what had occurred should not be exaggerated. These were really village incidents, and it was not necessary, on account of extreme conscientious scruples, to risk defeating the object in view, which was to restore peace to this territory.

Replying to the remarks of Mlle. Dannevig, M. Merlin added that it was on his suggestion that the Sub-Committee had introduced into the draft report the words "small territory". He had not done so without reflection. Perhaps the terms would awake certain susceptibilities amongst the Samoans, but it would also recall them to a sense of proportion. They had not the right to involve the Permanent Mandates Commission and the Council and the whole League of Nations in those petty quarrels.

As the Chairman, who was widely experienced, had said, if it were necessary in such a matter to confirm the views of those who were in the right, it was not, however, necessary to lead them to attribute an undue importance to themselves again, if it were necessary to contradict them, this would be done in such a way as not to excite ill-feeling. But what was perhaps a more delicate matter in the work of the Commission was this obligation always to show a wide understanding of psychology.

He would like to draw the attention of the Commission, and in particular of M. Palacios, who was an exceedingly scrupulous and conscientious man, to these considerations before he took a decision.

Lord LUGARD said that he thought that all the members of the Commission were in some measure in sympathy with M. Palacios, and that they also shared certain of the views of M. Rappard. Personally, he saw at least two practical reasons in favour of the conclusions of the Sub-Committee :

(1) If the Committee had wanted to draw up a summary of the complaints and allegations made in the petitions, and to state the reasons for its decision regarding each one of them, it would have been extremely difficult to agree on the text of a report, as these practical debates had already shown.

(2) If the Commission submitted a long report in the sense previously indicated by M. Rappard and suggested to-day by M. Palacios, there was no doubt that hardly anyone would find time to read it.

The CHAIRMAN proposed that his colleagues should reflect further at leisure on the text which had been submitted to them, and on the observations which had been exchanged so that they could continue the discussion with more concrete ideas.

M. PALACIOS said that he thought his colleagues would agree that it was not his custom systematically to cling to his point of view. It seemed to him, however, that there was such a radical difference between the opinion of the majority of the Commission and his own conception of things that, in spite of his utmost goodwill, he had to ask himself whether this discussion could lead to a solution. He asked Mlle. Dannevig's pardon for not having made his remarks very clear, perhaps owing to his insufficient knowledge of French. The declaration which he proposed to ask to be inserted in the Minutes would be clearer.

He felt bound to observe that for the majority of the Commission the Samoan question was a police question ; he considered it in quite another light. In the opinion of the Commission, there were only three or four people involved ; with this he did not agree. The Commission thought that the Administration ought to have acted with more vigour, while his attitude was that if it were advisable to show severity, in cases of crime, it was necessary not to suppress opinion, but to enter on a well-considered and well-directed path of conciliation. The Chairman and M. Merlin had referred to the effect that would be produced in the territory by the final decision of the Commission ; M. Palacios doubted whether it was for the Mandates Commission, an advisory and technical body, to adopt an active rôle. That was rather for the Council.

In any case, no one could ever find in his point of view anything which might foster culpable agitation or revolt or ignore the urgent necessity of ensuring that the principle of authority and government should triumph. In this connection, he was only in disagreement with his colleagues as regards the methods to be adopted. But he differed from them also on a question of principle. It was for that reason that he had said he would abstain from voting. However, if amendments were presented and if he found in them the means of agreeing with his colleagues, he would do his utmost to do so, provided that his observations were included in the Minutes.

The CHAIRMAN observed that the final Minutes would be published simultaneously with the report of the Commission. Consequently, those interested would find the ideas of each of the members of the Commission very clearly expressed in the Minutes.

*The Commission agreed.*

(Further discussion of the question was postponed to the next meeting.)

TWENTY-FOURTH MEETING

*Held on Wednesday, June 27th, 1928, at 4 p.m*

Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

876. Liquor Traffic : Extent of Prohibition Zones in Africa.

Lord LUGARD presented his note, restating and completing an earlier proposal submitted by M. Freire d'Andrade at the twelfth session (document C.P.M. 749).

He recalled that the Brussels Act had stipulated the absolute prohibition of spirits in those zones in which their consumption had not yet been established. The Convention of St. Germain had also reaffirmed this prohibition, and it was now proposed to enquire from the mandatory Powers the precise boundaries of these areas of total prohibition. Under these international acts, Europeans and alien natives could procure spirits, but for the indigenous natives there was complete prohibition as to the sale, gift or possession of spirits. It was proposed that the mandatory Powers should be invited by the Council to furnish precise information as to the frontier lines of these zones in the mandated territories under their control.

M. VAN REES said he had originally been in agreement with the proposal, but was now rather undecided. The question before the Commission related to one of the three Conventions which Article 126 of the Treaty of Versailles had substituted for the Brussels Act. Hence, in so far as the trade in alcohol was concerned, the provisions of the Brussels Act had been annulled. In 1919, Article 1 of the Convention of St. Germain had established a zone covering the whole of Africa, with the exception of certain parts specially mentioned. In that zone the high contracting parties were to determine, in virtue of Article 4, paragraph 2, those parts in which the use of spirits had not yet developed, and to prohibit in a categorical manner their import, sale and possession, not only for all the natives, but for all the inhabitants as well. The only question, therefore, was to ascertain how this provision had been applied in the territories in Central Africa under mandate.

Lord LUGARD said it was correct to say that the Brussels Act had been abrogated by the Convention of St. Germain, in so far as the signatories of the Convention were concerned. The Brussels Act had been signed by fourteen contracting States, while the Convention of St. Germain only bound the States which had taken part in the war of 1914-18. The Brussels Act therefore remained in force for the other signatories. Article 4 of the Convention repeated, he thought, word for word the provision contained in the corresponding article of the Brussels Act.

He had never heard this interpretation, which the British Government had accepted, called in question ; he believed that the French Government had also accepted it.

M. MERLIN was in complete agreement with this observation.

M. VAN REES pointed out that Great Britain, France and Belgium were signatories to the Convention of St. Germain, and since there were no mandated territories in Central Africa other than those under British, French and Belgian mandate, the Convention of St. Germain applied to all the territories under mandate. It was therefore left to the mandatory Powers mentioned to determine those parts of the territories under their mandate in which the use of alcohol had not yet developed.

Lord LUGARD observed that this was just what his draft resolution requested them to do.

M. MERLIN said that he could speak the better on this matter since he had been a member of the International Commission which in 1919 had drafted the Convention of St. Germain. As Lord Lugard had correctly stated, the Brussels Act had been re-examined and the Convention substituted for it. The only legal document which ought to be taken into account was the Convention. He agreed with Lord Lugard's resolution, with the exception of the following passage : " The districts where the use of spirits has not yet developed will continue to be regarded as prohibition zones. " It was the high contracting parties who should themselves determine, in accordance with their knowledge of the situation, those parts of their territory to which alcohol had not yet penetrated, and where it should be prohibited altogether.

He proposed the following wording :

"The Permanent Mandates Commission expresses the wish that the mandatory Powers should inform the Commission to which parts of the territories under their mandate, Article 4, paragraph 2, of the St. Germain Convention, concerning the liquor traffic in Africa, has been applied. The said article provides that the high contracting parties will prohibit the importation, distribution, sale and possession of spirituous liquors in those regions of the area referred to in Article 1 where their use has not been developed."

Lord LUGARD agreed.

*The resolution as amended was adopted, and it was decided that it should be submitted to the Council amongst the general observations.*

**877. Contributions or Gifts made by the Mandated Territories to the Mandatory Power, to its Colonies or to Institutions maintained by it : Note by the Chairman.**

The CHAIRMAN proposed that M. Van Rees should be nominated Rapporteur on this subject for the next session.

He presented the following note which he had drafted :

"The question of contributions and free gifts granted by mandated territories to institutions not belonging to those territories has on several occasions engaged the attention of the Permanent Mandates Commission.

"The following principles might, I think, be followed by the Permanent Mandates Commission in forming a judgment on these matters :

"(a) The general principle of the 'sacred trust of civilisation' referred to in Article 22 of the Covenant. This conception is further strengthened by the idea that the mandatory Powers should carry out their task in a spirit of disinterestedness (see Notes from the Principal Allied and Associated Powers in reply to the German Note, June 1919);

"(b) Tutelage implies that one of the parties is still a minor and needs the guidance of a guardian who is responsible for all financial and other decisions affecting the management of the minor's property, the latter having no voice in fiscal matters.

"In practice, the application of these principles would necessarily appear to be as follows :

"1. Subsidies were admissible in the case of institutions by which the mandated territories profited *directly* and *immediately*. In the case of institutions whose expenses were shared between several territories, the Permanent Mandates Commission should be acquainted with the principle of the allocation.

"2. Subsidies which infringed the principle of economic equality were in no case admissible: repayment of Customs duties, etc. (see on this question the discussion at the eleventh session).

"3. Great caution ought to be exercised as regards contributions of a philanthropic character (see on this subject the discussion at the eleventh session: 'French Camerouns')."

M. MERLIN proposed the following wording in paragraph 1 of the conclusions :

"Subsidies are only admissible in the case of institutions by which the mandated territories benefit, etc."

The CHAIRMAN quoted as an example the grant of a subsidy to the "Maison de la Chimie" in Paris. This was a useful and necessary appropriation, by which the mandated territories might benefit, but he wondered what was the direct and immediate interest for Togoland.

M. MERLIN replied that this example had been well chosen, but if it were a question of a subsidy to the Pasteur Institute, for example, he would immediately give his agreement, although in that case there was no direct and immediate interest.

M. VAN REES wished to insist upon the necessity for extreme caution and upon the danger which he apprehended. It was possible to lay down certain rules determining the doctrine of the Commission, but care must be taken not to make these rules public. The Commission had not yet sufficient experience to enable it to make a public pronouncement and to risk having to contradict itself in a case which had not yet come before it.

M. MERLIN did not see any inconvenience in informing the mandatory Powers that the Mandates Commission was prepared to welcome only subsidies by which the territories could be said to profit morally and materially. This was nothing more than an indication; it was for the mandatory Powers to conform to it.

Lord LUGARD thought that the mandatory Powers would be justified in taking exception if they received instructions on a point upon which they alone had the right to take a decision. The most that could be done was to say that, when the mandatory Power had occasion to examine any subsidy, it should base its judgment upon certain principles.

The CHAIRMAN observed that the terms of his note were sufficiently reserved and cautious. For example, it contained the following passage: "In practice, these principles should be applied in the following manner . . .".

M. MERLIN observed that the Commission definitely reserved its right to examine each question as it arose. It was simply a matter of summarising and preserving in the Minutes of the session certain declarations of principle which it had been possible to establish up to the present.

M. VAN REES declared that, so long as there was no question of a recommendation to the Council, he would not insist.

M. MERLIN proposed the following text:

"(1) Subsidies are only admissible if they concern institutions or works which can be said to benefit the mandated territories materially or morally. In the case of institutions or works subject to common expense between several territories, the Commission will endeavour to see that each contribution shall be proportional to the profit derived therefrom by the mandated territory in question.

"(2) Subsidies or contributions which attacked the principle of economic equality are in no case admissible."

Finally, he would suppress paragraph 3, which was contained in paragraph 1.

*The text as amended was adopted.*

878. Western Samoa : Petition of Mr. Newton Rowe : Report by M. Palacios.

M. PALACIOS submitted his report.

Lord LUGARD thought that it was beneath the dignity of the Commission to examine in detail a petition of this nature, in which a man who had been dismissed from his office on account of incapacity had made a series of horrible charges against men, one at least of whom was now dead. He proposed that the Commission should restrict itself to stating that, after having examined this petition, it had thought it unworthy of further attention.

M. PALACIOS asked whether it was Lord Lugard's view that all mention of this petition should also be suppressed in the report to the Council.

Lord LUGARD said that he had suggested the terms he would propose to use.

M. PALACIOS pointed out that if Lord Lugard's proposal were to be followed, and if it were stated that Mr. Newton Rowe was unworthy of a reply, this would be to go further than the mandatory Power, which had replied point by point to the various counts of the accusation. He recalled that M. Rappard had pointed out at the last session that it was difficult to speak so severely of anyone because he had left the Administration.

M. MERLIN proposed a new draft.

M. PALACIOS agreed.

Following on a suggestion of Lord Lugard, M. MERLIN pointed out that the Permanent Mandates Commission might itself formulate a conclusion, but could not modify the conclusions that had been put forward by a Rapporteur whom it had nominated. The question was completely changed. If the Permanent Mandates Commission did not associate itself with M. Palacios' conclusions, it might formulate other conclusions if it so wished, and in this case it should nominate another Rapporteur.

M. PALACIOS much preferred the text of M. Merlin's conclusion to that of Lord Lugard, and was ready to adopt it.

The CHAIRMAN explained the position: the Commission had before it a report of M. Palacios, the conclusions of which M. Merlin, with the approval of the author, had slightly altered. The Chairman thought that this report had been accepted by the Permanent Mandates Commission. Lord Lugard, however, had just proposed a modification of the greatest importance. It was for the Commission to see whether it would associate itself with M. Palacios' conclusions, or whether Lord Lugard would insist on his text.

Lord LUGARD said that he was expressing the same ideas as M. Palacios, while somewhat enhancing their severity; Mr. Rowe appeared to be a discredited individual who had formulated accusations, some of them of a scandalous nature, against a number of persons, unsupported by evidence.



M. PALACIOS contested the right of the Commission to state that anyone was a discredited person, without having heard and examined facts and proofs. He proposed that he should consider this question with Lord Lugard, so that an agreement might be reached at the next meeting.

*M. Palacios' proposal was adopted.*

879. **Western Samoa: Observations of the Commission on the Report of the Royal Commission of Enquiry on the Events which occurred in the Samoan Islands in 1926-27.**  
(continuation).

The following revised text of the observations of the Commission, submitted by the Sub-Committee, were read :

" The Permanent Mandates Commission has made a detailed study of the report of the Royal Commission of Enquiry into the events which occurred in the Samoan Islands in 1926-27, and of the documents forwarded by the mandatory Power with this report. It also carefully considered the petitions addressed to it by the Anti-Slavery and Aborigines Protection Society, by a certain number of natives through Messrs. Findlay, Hoggard, Cousins and Wright, by Mr. Nelson and by Mr. Newton Rowe. It spent four days in studying these questions and heard the additional explanations given by Sir James Parr, representative of the mandatory Power, and Major-General Richardson. A full account of the discussion of the Permanent Mandates Commission will be found in its Minutes, which it is essential to consult in connection with those conclusions.

" It is the considered opinion of the Commission that none of the charges of any importance against the Administration which have been made in the various petitions have been substantiated, and that none contain any evidence of policy or action contrary to the mandate.

" On the contrary, the local Administration seems to have made praiseworthy efforts to improve the conditions of life of the native population, notably in regard to public health and education, as well as in regard to agricultural production and commerce.

" The Commission cannot too strongly condemn the action of Mr. Nelson and those associated with him, who seem to have been inspired less by a desire for the public welfare than by personal ambition and interests. By unworthy means they have worked upon the minds of an impressionable people who, prior to their propaganda, showed no disquieting signs of discontent. The Commission is satisfied that the Administrator acted with great patience and perhaps even with excessive forbearance and confidence, but the lamentable absence of any means to enforce the law which it was his duty to uphold placed him in an extremely difficult situation. This situation was made all the more delicate by uncertainty as to the attitude of his Government and the delayed visit of the Minister for External Affairs.

" The Commission was happy to note the action taken by the mandatory Power after the open outbreak of discontent. It appreciated the setting up of an impartial committee of enquiry and the communication of its very full report. This report, with the evidence on which its conclusions are based, appreciably helped the Permanent Mandates Commission in forming its own judgment. The presence before it of General Richardson, the responsible Administrator from 1922 to 1927, and the frankness of his statements were also very useful in this connection.

" The Commission is assured that adequate means for maintaining law and order are now at the disposal of General Richardson's successor, and it trusts that the Samoans, when they realise that they have been misled, will resume their former attitude of confidence in the Administration, and that the mandatory Power will soon be able to re-establish peace and prosperity in this small territory."

M. VAN REES thought that the second paragraph did not give a faithful picture of the course of the discussion. He would like to see a reference there to the observations of several members as regards the psychological aspect of the problem.

Dr. KASTL proposed that the end of the fourth paragraph should be modified and that the passage explaining that the position had been made still more delicate by the delay previous to the visit of the Minister for Foreign Affairs should be suppressed.

M. MERLIN thought that Dr. Kastl's amendment should be placed in the middle of the paragraph in question, after the following passage :

" The Commission is satisfied that the Administrator acted with great patience and perhaps even with excessive forbearance and confidence . . . "

Then would come Dr. Kastl's amendment. The text would continue as follows :

" Further, the lamentable absence of any means . . . " (no alteration in the remainder).

Dr. KASTL thought that the local administration would thus be unduly criticised. He had intentionally chosen the place where he proposed that his amendment should be inserted, because the troubles had resulted from the uncertainty that was felt as to the Government's attitude.

M. MERLIN replied that the zeal in the regulation of the welfare of the natives shown by General Richardson had been previous to the hesitation of the Government. This honourable man, who received, moreover, well-deserved praise, would have no ground for complaint concerning the report, but it should, in spite of all, be openly recognised that his zeal had taken a form which a cautious Administrator would have avoided.

M. RAPPARD thought that agreement might be reached on a passage which might read as follows :

“ With too much forbearance and confidence and zeal for progressive reform, for which the population did not seem prepared. ”

Lord LUGARD pointed out that General Richardson had learned the native tongue ; he had lived on terms of very good understanding with the natives and had never instituted reforms unless he had been asked for them beforehand. He saw no ground for the allegation of lack of psychological knowledge of which General Richardson was accused.

Dr. KASTI thought that ground was to be found in the fact that all his actions had been inspired by this idea of obtaining the welfare of the natives by force.

Mr. GRIMSHAW believed that not one of the reforms concerning which General Richardson was accused of excessive zeal could be instanced as having occasioned trouble. He pointed out, further, that none of them had, according to the Administration, been adopted, save at the request of and in collaboration with the natives, as represented in their Fono.

M. RAPPARD referred, in particular, to the exhortation for reform concerning “ fine mats.” The native population had seen no difference between this exhortation and a formal Decree and, doubtless, Mr. Nelson had been able to lead them to believe that the Administration was going to intervene in order to abolish a custom which they wished to maintain.

Mlle. DANNEVIG asked what was the motive of the Commission in formulating its reproof of the Administrator in the words “ excessive forbearance ”. It seemed to her that it might be preferable to find another expression which could not be misunderstood as the Commission's advice to act with greater severity in future.

M. RAPPARD replied that what had taken place should be explained. If the discontent of the Samoans were attributed to General Richardson's excessive zeal and devotion, the position would be elucidated, and at the same time the Administration would be placed on its guard against similar excesses.

M. MERLIN pointed out that M. Rappard's amendment did not mention excessive reforms. It was to the reformer's zeal that attention should be drawn. It was his clear impression that General Richardson, in his wish to act rightly, had laid down too strict regulations for a population which had a complete horror of any regulation. Conflict had occurred between a military temperament, which liked to see order reigning on every side, and a population which could not stand rigid regulations. Thus had arisen the disagreement for which neither of the two parties could be held responsible.

The CHAIRMAN proposed that M. Van Rees, M. Rappard, and Dr. Kastl should seek a common formula and should present it at the next meeting.

*This proposal was adopted.*

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## TWENTY-FIFTH MEETING

*Held on Thursday, June 28th, 1928, at 10.30 a.m.*

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Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of M. Freire d'Andrade, Dr. Kastl and M. Orts.

### 880. Observations of the Commission on the Administration of Tanganyika.

The Commission examined the draft observations on the administration of Tanganyika.

After an exchange of views, the draft observations were adopted with various amendments.

### 881. Tanganyika : Petition dated February 17th, 1927, from Mr. R. E. B. Thawer of Dar-es-Salaam : Report by M. Rappard.

A report by M. Rappard was read and adopted (Annex 5 A).

882. **Togoland under French Mandate : Petition from Mr. Casely Hayford, dated December 1st, 1927, and Observations of the French Government, dated March 31st, 1928.**

Lord LUGARD thought that this petition (document C.P.M.709), which had been pending for three years, should be settled at the present session.

M. MERLIN said that, if the petition had been an urgent one, he would indeed have considered that the matter should be settled immediately. As, however, this was not the case, he proposed, in view of the absence of M. Orts, that the matter should be adjourned. He would, however, be very pleased to hear Lord Lugard state his opinion at the present moment.

Lord LUGARD said that this petition was, he thought, the origin of the Commission's reference to the Council regarding the right of audience. The Commission had never asked that petitioners should be allowed to appear before it, but had pointed out to the Council that in certain cases it was impossible to come to any conclusion in the absence of the petitioners. This petition was a case in point. Each year the same complaints were brought up by the same petitioners. Each year the mandatory Power gave the same replies and the Commission was not in a position to arrive at any conclusion. The obvious course seemed, therefore, to refer the petition to the Council to be dealt with by it, with a statement of the reason for so doing.

M. MERLIN did not see how the Commission could ever finish with a certain class of petitions ; whether it was the petition of the Emir Chekib Arslan that was in question, or that of Mr. Hayford or of Mr. Lange, the Commission always found the same complaints and the same names recurring.

M. Merlin said that he intended, moreover, to submit at the next session a scheme the object of which would be to regulate the procedure with regard to petitions in a different way from that which was adopted at present.

Lord LUGARD explained that he was not for a moment suggesting that the Commission should hear witnesses. He only wished to point out that the petition in question had already been presented on several occasions to the Commission, which had not the means of forming a judgment upon it, and the Council should be so informed.

The CHAIRMAN thought that, if the Commission must appeal to the Council on a general question, this was an additional reason for waiting until M. Orts should arrive, out of deference to him.

Lord LUGARD did not think that the Commission's work should be delayed because one of its members was absent.

M. MERLIN recalled that in the previous year the Commission had postponed a question out of courtesy to Lord Lugard. As the Chairman had said, the Commission could not refer the matter to the Council in the absence of the Rapporteur, M. Orts.

M. RAPPARD thought that there was a misunderstanding. Lord Lugard had pointed out that there were petitions concerning which the Commission could not arrive at any conclusion. These were the petitions to which the Commission might draw the attention of the Council, on the ground that it could not itself take a decision regarding them.

M. MERLIN maintained his previous observation. He instanced the case of M. Lange's petitions, the Rapporteur for which had formerly been M. Beau. Henceforth, he himself had the duty of presenting a report on M. Lange's petitions, and he was obliged to come to the same conclusion as his eminent and lamented predecessor. Moreover, it was for this reason that he proposed that his report on this subject should not be written but merely oral.

If Lord Lugard's proposal were to have the indirect effect of leading the Council to inform the Commission that it might itself hear petitioners, M. Merlin would be expressly opposed to it. Without wishing at present to give other reasons, he would restrict himself to pointing out that such a decision would be far from resulting in a cessation of petitions.

Lord LUGARD repeated that he was altogether opposed to the hearing by the Commission of petitioners from a mandated territory. The Commission had, however, previously pointed out to the Council that there were occasional cases in which it could reach no conclusion, because it could not hear petitioners and because the knowledge it possessed was insufficient to enlighten it. The Council had replied that in no case should the Commission hear witnesses, and Lord Lugard welcomed a definite pronouncement on this point.

The case of the Lange petition which M. Merlin had pointed out was quite different, since the Commission had informed the petitioner that this matter was outside its competence. Chekib Arslan's petitions covered the whole field of administration, and he had been referred to the Minutes. In the particular case of the Hayford petition, the Commission had before it a petition supported by evidence ; on the other hand, the statements were denied and the evidence was disputed. The Commission could not therefore come to a conclusion, since it was not in a position to know which party was in the right. He thought that this was a proper opportunity for referring the subject to the Council, since it was a case in which, other means of judgment being lacking, it was impossible for the Commission to proceed further.

The CHAIRMAN said that the present discussion showed that the Commission should await the arrival of the Rapporteur. If Lord Lugard and other members of the Commission thought that the latter should take this opportunity to make observations on the subject at its next session, they had only to present a report, and he would see that it was discussed at that session.

M. RAPPARD agreed that it was very difficult to discuss so important a question in the absence of M. Orts ; all the more so since it was a case not only of a question of principle but also of a decision to be taken on the facts themselves.

*The Commission decided to postpone the examination of the petition of Mr. Hayford.*

883. Syria and the Lebanon : Petition dated June 13th, 1927, from the Lebanese Committee of Paris : Report by M. Palacios.

A report by M. Palacios was read and *its conclusions adopted* (Annex 5 B).

884. Western Samoa : Observations of the Commission on the Report of the Royal Commission of Enquiry on the Events which occurred in the Samoan Islands in 1926-27 (continuation).

The Commission examined the draft report submitted to it.

M. CATASTINI explained that the Secretariat had joined in one text the part of the observations that had already been accepted, at any rate in principle, by the Commission, and the text which had been drawn up on the previous evening by M. Rappard and Dr. Kastl.

The Commission examined sentence by sentence the text submitted to it.

M. RAPPARD thought that, in view of the importance of the subject to be discussed and in order to make the proceedings shorter, it should be decided that the members of the Commission would withhold until the last meeting their final approval of the text.

With reference to the fourth paragraph, Mlle. DANNEVIG feared that the words "excessive forbearance" would give the impression that, in the view of the Commission, the Administration of the Mandatory should have shown more severity. She did not think, however, that this was the meaning which the Commission intended.

M. RAPPARD explained that the passage referred to the case in which the Administrator had taken certain sanctions for which he had not had the means of ensuring respect. A really firm Administration would not generally need to resort to sanctions, while on the other hand a weak authority would need to do so.

The CHAIRMAN added that the attitude that should be taken towards the natives of such territories might be compared with that which teachers should adopt towards their pupils. If a teacher showed signs of hesitation, he might be forced to act rigorously.

After discussion, *the Commission agreed on a new text suggested by Mr. GRIMSHAW, Lord LUGARD and M. RAPPARD.*

Lord LUGARD said that Dr. Kastl, before leaving, had urged that the Commission should transfer paragraph 6 to the end of the report. This paragraph constituted in effect a recommendation and read as follows :

"The Commission was informed by the accredited representative that, until the verdict of the League of Nations was received in Samoa, the unrest would continue, and he expressed a wish that the Permanent Mandates Commission should give immediate publicity to its view that the agitation ought now to cease."

M. MERLIN thought that the Commission should consider the matter carefully before adopting Dr. Kastl's suggestion. In his opinion, the last paragraph of the draft submitted to the Commission constituted the true conclusion of the report.

M. RAPPARD added that the penultimate paragraph also constituted a recommendation. In his view, if the paragraph that Dr. Kastl had asked to have transferred were to be retained in its present position, it would be necessary to modify the drafting of the second part. If the Commission were to decide that it would make a public statement to the effect indicated, it should do so on its own account and not in order to meet the wish of the accredited representative.

The CHAIRMAN wondered whether the paragraph in question should not be entirely suppressed.

Lord LUGARD said that the object of quoting Sir James Parr was to show, on the one hand, how completely the function of the Commission — which was purely advisory to

the Council — was misunderstood, both by the accredited representative and by the people of Samoa, and, on the other hand, to intimate to the Council that an immediate pronouncement was desired by the mandatory Power.

M. VAN REES did not think that this paragraph would be understood in the sense that Lord Lugard believed. It would seem that the Commission was asking the Council to make a clear statement, the effect of which would be that the Council would, at a later date, be charged with the responsibility of what was happening at Samoa.

Lord LUGARD thought that it would be well to draw the attention of the Council to the fact that people in Samoa had quite mistaken ideas as to the relations of the League of Nations and the Mandates Commission towards the administration of a mandated territory.

M. RAPPARD proposed that, if the Commission decided to suppress this paragraph, there should be added at the beginning of the penultimate paragraph a sentence to this effect :

“ On account of certain misunderstandings which seem to have occurred, the Commission ”, etc.

In connection with the penultimate paragraph, M. VAN REES asked whether it should not be made clear that it was to the League of Nations that the mandatory Power only was responsible for respect of the law and maintenance of order.

M. MERLIN said that the view that should be made clear was that the mandatory Power had been mistaken in considering, apparently, that it should await the Commission's decision before doing what it had to do.

Lord LUGARD suggested that the addition proposed by M. Rappard should be amended to this effect :

“ In view of the fact that it has been said that the population of Samoa was awaiting the decision of the League of Nations, the Commission ”, etc.

The CHAIRMAN thought it essential to make clear that the mandatory Power was *always* responsible for the respect of the law and for maintenance of order.

M. VAN REES wondered whether this addition was not superfluous.

Lord LUGARD recalled that it had been suggested that a paragraph to this effect should be added :

“ The Commission appreciates the desire of the Government of New Zealand to avoid, in this case, the use of armed force. ”

M. RAPPARD thought that the Commission might add a remark to this effect elsewhere in the report. All the members of the Commission were in agreement in regretting the weakness which the Administration of Samoa had shown, but the Commission should consider the distant effects of its discussions. If, in the course of a few years, serious incidents were to occur in any territory, certain persons might refer to the discussion on the Samoan affair in order to discover what had been the Commission's attitude on that occasion. At the time of the Bondelzwarts affair, the Commission had deplored the excessive use of force.

The CHAIRMAN replied that a text in the sense suggested by Lord Lugard might completely ruin the effect which was sought by the Commission.

M. VAN REES added that the object of the report in question was particularly the Samoan affair and nothing else. The present text was sufficient to make clear the Commission's attitude in this matter.

*The text of the report was approved with some formal modifications.*

M. PALACIOS, while recognising that the text of the Commission regarding the Samoan question had been much improved in the course of the discussions, said that he could not vote for it, because it still contained proposals that were contrary to the principles which he had defended at previous meetings. He had therefore abstained from voting, and wished his abstention to be recorded in the Minutes without any explanation other than those which were already included therein.

885. Western Samoa : Petition, dated March 29th, 1928, from Mr. Olaf Nelson, and Petition dated March 9th, 1928, from Certain Natives of Western Samoa.

*The Commission adopted the following conclusions regarding these petitions :*

“ The Commission considers that none of the charges of any importance made in this petition against the Administration have been substantiated and that the petition contains no evidence of policy or action contrary to the mandate. ”

886. Palestine : Telegram from the Arab and Christian Congress on the Question of Autonomous Government.

M. PALACIOS explained that he himself had received at the same time as the Chairman a telegram from the Arab and Christian Congress held at Jerusalem on June 20th, 1928, urging that the mandatory Power and the Permanent Mandates Commission should take account of the claims of this Congress concerning autonomous government, and the introduction into Palestine of a democratic and parliamentary regime.

The CHAIRMAN said that he had replied that he could not take this telegram into consideration unless it were transmitted through the mandatory Power.

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TWENTY-SIXTH MEETING

*Held on Thursday, June 28th, 1928, at 5 p.m.*

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Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of M. Freire d'Andrade, Dr. Kastl and M. Orts.

887. Observations of the Commission on the Administration of Syria and the Lebanon.

The Commission examined the draft observations on the administration of Syria and the Lebanon.

*Organic Law.*

The CHAIRMAN wished to make certain observations regarding the chapter on Organic Law.

There was arising, in countries under mandate A, a situation in law and in fact, or simply in fact, to which he had given serious attention.

In the case of Iraq, a regime had been set up which was very different from that which had been intended when the system of mandates was instituted and from those which had been instituted in other countries under A mandate. Later, Transjordan had been allowed to conclude with the mandatory Power a treaty which seemed to limit the power of the latter to meet the responsibilities incumbent upon it by virtue of its mandate. The accredited representative for Transjordan had referred to the fact that the mandatory Power remained responsible for all matters concerning foreign affairs and external relations, which would appear to imply, *inclusio unius exclusio alterius*, that its responsibility was lessened on other points where supervision by the mandatory Power should nevertheless remain necessary to ensure the progress which was the direct object of the mandatory system.

Furthermore, the accredited representative for Syria and the Lebanon had felt impelled to point out to the Commission, in a general survey of these countries, that, although the legal position had not altered — that was to say, the mandatory Power was still responsible to the League of Nations as regards all matters covered by the mandate — the regime instituted in Syria and the Lebanon would, in point of fact, make it more difficult for the Mandatory to fulfil its responsibilities.

The mandatory Power had already pointed out — and the Council had accepted its statement — that the vote of an elected Assembly was necessary in order to ask for the indefinite prolongation of the time-limit laid down under the mandate for the promulgation of the Organic Law. If the same procedure were to be accepted for all legislative action, without the mandatory Power being able to reserve the right to remedy serious omissions or mistakes on the part of native authority, those measures which were most necessary for the progress of the mandated territory might be indefinitely postponed, with inevitable repercussions on the administrative work. Thus, the mandatory Power would be treating the mandated territory just as if the mandate had ceased to exist and the result required by Article 22 of the Covenant had been already obtained. This was a conclusion which could not be reached without the agreement of the League of Nations, and the information which the Commission had obtained regarding countries under A mandate would compel it to regard such a conclusion as at least premature.

The Commission could only regard with satisfaction the pursuit of a liberal policy by mandatory Powers in the countries entrusted to their charge. The exercise of their liberty was the best school in which to teach the populations in countries under A mandate to govern themselves. But until they were thus able to abandon the provisional regime instituted by Article 22 of the Covenant, it appeared necessary that this liberty should

be enjoyed under the effective supervision of the mandate. Apart from assuring the rights and interests of foreigners and of the country's foreign relations, the mandate aimed at general progress in administrative and social matters. The mandatory Power was responsible to the League of Nations for this progress and was bound to maintain means to ensure it. A system by which the mandatory Power would be in a position to maintain its political position without yielding the results aimed at by the mandate would not be in accordance with tractual obligations of the Mandatory to the League of Nations.

The Chairman added that, in agreement with M. Van Rees, he proposed to substitute a new text for the draft submitted to the Commission by the Secretariat, which reads as follows :

"The Commission has duly noted the information given by the accredited representative regarding the causes which have again delayed the preparation of the Organic Law. The Commission fully recognises the difficulties which the mandatory Power is encountering in this sphere and desires to assure it of its wholehearted support. It earnestly hopes that the mandatory Power will succeed in the near future in reaching the agreement with the authorities of the mandated territory which is contemplated by the mandate."

Lord LUGARD, referring to the remarks of the Chairman, observed that the mandatory Power was not only bound to ensure progress in the territory, but also to protect minorities.

The CHAIRMAN replied that he was prepared to include a statement in the text to meet the views of Lord Lugard, but he believed that the mandate for Syria did not contain any obligation with regard to minorities.

M. VAN REES confirmed the remark of the Chairman.

The CHAIRMAN said that he did not feel it necessary to quote examples to illustrate the text which he proposed to include in the observations. If the Commission were to allow the present tendency with regard to Syria to develop further, there would be a danger that at some time the accredited representative might say that the mandatory Power could not undo what had already been done. It was for the League of Nations to decide the exact time when the ward was no longer in need of a guardian.

Lord LUGARD expressed his general concurrence with the text proposed by the Chairman.

Referring to the passage in the draft text of the Chairman regarding the preparations for the Syrian elections, M. RAPPARD asked whether elections had not actually taken place both in Syria and in the Lebanon. He knew that a change of ministry was about to take place in the Lebanon.

M. VAN REES replied that there were no elections in the Lebanon. All the statements which had been made referred only to Syria.

M. RAPPARD expressed the view that there was no incompatibility between the text submitted by the Chairman and that of the Secretariat, which referred to another question, that of the Organic Law. It would be wise to retain a reference to this subject in the observations of the Commission, in order to show that it had not lost interest in it.

The CHAIRMAN felt that an addition to his own text from the text of the Secretariat would only weaken, for a mere question of detail, the observations of the Commission.

M. RAPPARD observed that it was not merely a question of detail. It was a provision in the mandate.

Lord LUGARD supported the suggestion of M. Rappard.

M. VAN REES said that, like the Chairman, he was afraid that the proposed addition would only weaken the new text submitted to the Commission and would give the opponents of the mandate a new pretext to raise again these questions.

M. RAPPARD suggested that the Chairman should add a small sentence in his report referring to the Organic Law.

*The text submitted by the Chairman was completed by an addition to this effect.*

*The draft observations on Syria and the Lebanon were adopted with certain amendments.*

888. Syria and the Lebanon : Petition of M. Louis Yusuf Ghaleb: Report by M. Van Rees.

*A report by M. Van Rees was read and adopted (Annex 5 C).*

M. CATASTINI asked whether the Commission felt it advisable to reply to the petitioner by a reference to the last sentence of the report of M. Van Rees, which read as follows :

"In any case, whether he be Lebanese or not, it seems clear that the Mandates Commission has no power to consider this claim."

M. VAN REES said that this was his intention.

*The Commission adopted M. Catastini's proposal.*

889. Togoland under French Mandate : Petition dated August 9th, 1926, of the " Bund der Deutsch-Togoländer " : Report of M. Van Rees.

- *A report by M. Van Rees was read and adopted (Annex 5 D).*

M. VAN REES proposed to reply to the petitioners that their statements were regarded as without foundation.

*This proposal was adopted.*

890. South-West Africa : Communication from M. Lange.

M. MERLIN recalled that M. Lange had submitted various petitions in 1925. The Rapporteur had then been his eminent and lamented predecessor, M. Beau, who concluded that the petitions should be rejected. Last year M. Merlin had been led to reach a similar conclusion. To-day there was, properly speaking, no petition from M. Lange, as the document in question was addressed to the King of England. The Commission would appreciate the courtesy of the South African Government in communicating this document to it for information, but it had not really taken official cognisance of it and could not do so. M. Merlin therefore felt that it was not the duty of the Commission in the circumstance to deal with this communication.

After some discussion between M. VAN REES, M. MERLIN, Lord LUGARD and M. CATASTINI, the Commission approved M. Merlin's point of view.

891. Treatment extended in Countries Members of the League to Persons belonging to Mandated Territories and to Products and Goods coming Therefrom : Text proposed by M. Van Rees for insertion in the Commission's Report to the Council.

*This text was adopted with certain amendments.*

892. Western Samoa : Observations of the Commission on the Report of the Royal Commission of Enquiry on the Events which occurred in the Samoan Islands in 1926-27 (continuation).

M. RAPPARD recalled that he had asked for a further revision of the text of the observations on the report of the Royal Commission before its final adoption. He believed that the Commission had agreed to this request. He feared that, after the departure of the members of the Commission, the Secretariat would be placed in an embarrassing position if the text which had been drawn up after so many alterations still proved somewhat incoherent.

The CHAIRMAN proposed that any slight drafting alterations in the text should be decided upon by M. Merlin, M. Rappard and himself.

*This proposal was adopted.*

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## TWENTY-SEVENTH MEETING

*Held on Friday, June 29th, 1928, at 10.30 a.m.*

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Chairman : The Marquis THEODOLI.

Present : All the members of the Commission, with the exception of M. Freire d'Andrade and M. Orts.

893. Western Samoa : Petition of Mr. Newton Rowe : Report by M. Palacios (continuation).

The CHAIRMAN reminded the Commission that M. Palacios and Lord Lugard had been asked to reach an agreement on the conclusions of the report on the petition submitted by Mr. Newton Rowe. He was under the impression that Lord Lugard wished that in the conclusions, reference should be made to the personality of Mr. Newton Rowe.

M. PALACIOS explained his report (Annex 5 E).

Lord LUGARD said that he did not ask so much for a personal condemnation of Mr. Newton Rowe as for a condemnation of the kind of petition which he had submitted. If, however,



the Chairman thought that what was said in the report met the case, and if M. Palacios felt himself unable to agree with him, Lord Lugard would not press the point.

*The Commission approved M. Palacios' report and adopted the following conclusions:*

*"The Commission is of opinion that none of the allegations made by Mr. Rowe is worthy of special consideration and that the questions as a whole are covered by those which the Commission has considered in its final report to the Council, with regard to which it has given its conclusions."*

**894. Palestine : Letter dated April 30th, 1928, from the Zionist Organisation : Report by M. Van Rees.**

The CHAIRMAN thought that it would be sufficient to communicate to the Zionist Organisation the conclusions reached by M. Van Rees.

M. VAN REES agreed. The Commission had adopted a recommendation to this effect a year previously. He thought that all that was necessary was to repeat the recommendation.

*The report of M. Van Rees was adopted (Annex 5 F).*

**895. Western Samoa : Petitions dated July 19th, 1927, and June 8th, 1928, from the Anti-Slavery and Aborigines Protection Society : Report by Dr. Kastl.**

*The conclusions of the report were adopted (Annex 5 G).*

As regards the petition from the Anti-Slavery and Aborigines Protection Society dated June 8th, 1928, regarding the "catechism" relating to the League of Nations, the Commission was of opinion that it would be desirable to await the observations of the mandatory Power on this petition before taking a decision.

**896. Date of the Next Session.**

After an exchange of views, it was decided that the next session should begin, in principle, on October 24th, 1928.

**897. Examination of the Report to the Council on the Work of the Thirteenth Session.**

*The preamble of the Report and the chapter of the Report dealing with General Questions were adopted with various modifications.*

**898. Annexes to the Minutes of the Thirteenth Session.**

*It was decided that M. Rappard should assist the Secretariat in preparing the annexes to the Minutes of the present session.*

**899. Public Health : Note by Dr. Kastl.**

In reply to a question by Dr. Kastl, the CHAIRMAN explained that the note was not on the agenda of the present session. It would be discussed in October.

**900. Liquor Traffic : Letter from the Central Bureau at Brussels.**

M. CATASTINI read a letter which he had received from the Central Bureau at Brussels. It would be sufficient, he thought, to acknowledge it.

The CHAIRMAN thought there was no need for the Commission to take any decision in regard to the letter.

M. MERLIN added that it was for each member of the Commission to submit his observations if he desired.

M. CATASTINI explained that he had communicated this letter to the Commission, in the first place, because it had been addressed to it, and, secondly, because it was the Commission itself which had sent the table in question to the Brussels Bureau.

**901. Close of the Session.**

M. MERLIN said that the Vice-Chairman (M. Van Rees), had desired to entrust him with the accomplishment of his usual task at the end of the session. He would, therefore, propose a vote of thanks to the Chairman before the members separated.

He was sure that he was fully interpreting the feelings of his colleagues in thanking the Chairman for the manner in which he had presided over the work of the session. The Chairman had followed with unflagging attention the discussions over which he had presided

and had displayed a remarkable lightness of touch, leaving members to develop arguments freely and fully; sometimes, in fact, beyond that which was strictly necessary. At the same time, he had been careful that the discussion should not go off the point, that the various views expressed should contrast but should not oppose each other, and that the way should always be left open for the necessary compromise. Without the activity with which the Chairman had presided over the discussions of the Commission and without the somewhat quick wit of his replies, much of the interest of the meetings would have been lost.

In his capacity as a man of the world and with that display of charm of manner which was truly Roman, the Marquis Theodoli had for nearly seven years maintained a spirit of true intimacy among the members of the Commission, which had been both delightful and valuable, for in many cases it had facilitated the solution of delicate problems.

The CHAIRMAN cordially thanked M. Merlin for his observations. He congratulated his colleagues on the excellent work which they had done during the session; they had touched on some questions of particular importance which they had discussed with their usual competence. The Permanent Mandates Commission had again, in his view, merited its character of being one of the Committees which gave the greatest satisfaction to the League.

The Chairman thanked the Secretariat, especially M. Catastini and his staff. He expressed his own regret and that of all his colleagues at the forthcoming departure of Mr. Gilchrist and, at the same time, hoped that the connection between Mr. Gilchrist and Geneva would not be broken. He would also present the Commission's compliments to Mlle. Bonna and her colleagues on the Secretariat, whose work had been greatly increased by the session of the Commission. He instructed M. Catastini to inform the Secretary-General how satisfied the Commission was with the zeal of the Secretariat.

Mr. GILCHRIST thanked the Chairman and the other members of the Commission for their remarks. The compliments paid should go to the whole Section, and particularly to M. Catastini, to whom was due in great part the spirit of co-operation and unity which prevailed throughout the Section.

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ANNEX 1.

C.P.M. 708 (2).

AGENDA OF THE THIRTEENTH SESSION  
OF THE PERMANENT MANDATES COMMISSION.

- I. Opening of the Session.
- II. Election of the Chairman and Vice-Chairman.
- III. Examination of the Annual Reports of the Mandatory Powers :
  - Palestine, 1927.
  - Syria and the Lebanon, 1927.
  - Cameroons under French Mandate, 1927.
  - Togoland under French Mandate, 1927.
  - Tanganyika, 1927.
  - South-West Africa, 1927.
  - New Guinea, 1926-27.
  - Nauru, 1927.
- IV. Report of the Royal Commission on the Administration of Western Samoa.
- V. Petitions :
  - (a) Palestine.
    - (1) Petition of the Agudath Israel (Jerusalem) dated January 4th, 1928, and letter from the British Government dated March 9th, 1928.  
(Rapporteur : M. Palacios.)
    - (2) Letter dated April 30th, 1928, and memorandum on the development of the Jewish National Home in Palestine in 1927-28, from the Zionist Organisation, with observations thereon by the British Government dated June 5th, 1928.
  - (b) Syria and the Lebanon.
    - (1) Petition of the Lebanese Committee in Paris dated June 13th, 1927.  
(Rapporteur : M. Freire d'Andrade, replaced by M. Palacios.)
    - (2) Petition of M. Ghaleb, and observations of the French Government.  
(Rapporteur : M. Van Rees.)
    - (3) Petitions of M. Chekib Arslan and others dated September 1st, 1927, and October 20th, 1927.  
(Rapporteur : M. Rappard.)
  - (c) Tanganyika.

Petition of Mr. Thawer dated February 17th, 1927, and observations of the British Government dated November 28th, 1927.  
(Rapporteur : M. Rappard.)
  - (d) Togoland under French Mandate.
    - (1) Petition from the "Bund der Deutsch-Togoländer" dated August 9th, 1926, and observations by the French Government.  
(Rapporteur : M. Van Rees.)
    - (2) Petition from Mr. Casely Hayford, dated December 1st, 1927, and observations by the French Government, dated March 31st, 1928.
  - (e) South-West Africa.

Petition of certain members of the Rehoboth Community, dated November 26th, 1926.  
(Rapporteur : Lord Lugard.)
  - (f) Western Samoa.
    - (1) Petition of Mr. Newton Rowe, dated June 1st, 1927, and observations of the New Zealand Government, dated August 3rd, 1927, and September 13th, 1927.  
(Rapporteur : M. Palacios.)
    - (2) Petition of the "Anti-Slavery and Aborigines Protection Society", dated July 19th, 1927, and observations of the New Zealand Government dated September 19th, 1927.  
(Rapporteur : Dr. Kastl.)
    - (3) Petition dated March 1928 from certain natives of Western Samoa, and observations thereon by the New Zealand Government dated April 24th, 1928.
    - (4) Petition from Mr. Olaf Frederick Nelson, and observations thereon by the New Zealand Government dated April 19th, 1928.
  - (g) Report of the Chairman on Petitions considered as being unworthy of Attention.
  - (h) Procedure in regard to Petitions — Interpretation of the Expression "Inhabitants of Mandated Territories" :

Note by M. Van Rees.

- VI. Communication from the South African Government dated February 24th, 1928, forwarding supplementary documents from M. E. J. E. Lange. (Rapporteur: M. Merlin.)
- VII. General Questions :
- (a) Economic Equality.
- (1) Purchase of material by the administrations of the mandated territories either for their own use or for public works. (Rapporteur: M. Orts.)
- (2) Prolongation of the Anglo-Persian Oil Company's concession in Iraq. (Rapporteur: Dr. Kastl.)
- (b) Liquor Traffic.
- (1) Resolution of the Council, December 1927.
- (2) Note by Lord Lugard. Report and note by M. Freire d'Andrade. Memorandum from the Secretariat as the result of a suggestion made by M. Freire d'Andrade.
- (3) Information furnished in 1927 by the Central International Bureau for the Control of the Liquor Traffic in Africa.
- (c) Notification to the League of the Proclamation of a State of Siege. Memorandum from the British League of Nations Union. (Rapporteur: M. Palacios.)

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ANNEX 2.

C.P.M. 731 (1).

LIST OF DOCUMENTS<sup>1</sup> FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES:

A. <i>Palestine and Transjordan,</i>	E. <i>Tanganyika,</i>
B. <i>Syria and the Lebanon,</i>	F. <i>Nauru,</i>
C. <i>Cameroons under French Mandate,</i>	G. <i>New Guinea,</i>
D. <i>Togoland under French Mandate,</i>	H. <i>Western Samoa.</i>

A. PALESTINE AND TRANSJORDAN.

1. Annual Report, 1927.
2. (a) Proclamations, Regulations, Rules, Orders and Notices. Annual Volume for 1926.
- (b) Proclamations, Regulations, Rules, Orders and Notices. Annual Volume for 1927.
- (c) Ordinances. Annual Volume for 1927.
3. *Official Gazette* of the Government of Palestine.<sup>2</sup>
4. Report, dated June 26th, 1925, by Sir Anton Bertram and Mr. J. W. A. Young upon Certain Controversies between the Orthodox Patriarchate of Jerusalem and the Arab Orthodox Community (1926).<sup>2</sup>
5. Agreement between the United Kingdom and Transjordan signed at Jerusalem, February 20th, 1928 (Cmd. 3069).
6. Palestine Electric Corporation Ltd.—Balance-sheet as at December 31st, 1927 (C.P.M.736).
7. Staff List showing Appointments and Stations, on December 31st, 1927.
8. (a) Observations dated May 14th, 1927, of the British Government on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Tenth Session. (C.264.1927.)
- (b) Supplementary Observations dated February 20th, 1928, of the British Government on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Tenth Session (C.64.1928).

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<sup>1</sup> Documents received by the Secretariat primarily for any of the technical organisations (*cf.* Opium Committee) or other Sections of the Secretariat (*cf.* Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned below.

<sup>2</sup> Kept in the archives of the Secretariat.

9. Observations, dated November 25th, 1927, of the British Government on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Eleventh Session (C.596.1927).
10. Observations, dated October 25th, 1927, from the British Government, concerning the Petition from MM. Sikaffy and other Arabs living in Honduras and from the "Sociedad Fraternidad Palestina" of San Salvador (C.P.M.656).
11. (a) Letter of September 2nd, 1927, from the British Government, forwarding a statement dated November 1st, 1926, from the Central Agudath Israel Jerusalem (C.P.M.624).  
(b) Petition, dated January 4th, 1928, from the Central Agudath Israel Jerusalem, transmitted by the British Government on March 9th, 1928 (C.P.M.699).
12. Observations, dated June 5th, 1928, from the British Government on letter dated May 30th, 1928, and Memorandum on Development of Jewish National Home in Palestine 1927-28 from Zionist Organisation (pamphlet annexed) (C.P.M.728).
13. Petition, dated May 29th, 1928, from the Ashkenazic Jewish Community and Observations thereon dated June 8th, 1928, from the British Government (C.P.M.737).

#### B. SYRIA AND THE LEBANON.

1. Annual Report.
2. *Bulletin of the Administrative Acts, etc., issued by the High Commissioner of the French Republic.*<sup>1</sup>
3. *Official Journal of the State of the Alaouites.*<sup>1</sup>
4. *El Acima*, Official Review of the Syrian State (up to the end of 1927).<sup>1</sup>
5. *Economic Bulletin of the Mandated Areas.*<sup>1</sup>
6. Budget of the Republic of the Lebanon — financial year 1928.
7. Budget of the State of the Alaouites — financial year 1928.
8. Documents handed in by M. de Caix during the Commission's eleventh session:<sup>1</sup>
  - (a) Commercial Convention between the Government of the French Republic and the Sultanate of Nejd, dated March 19th, 1926;
  - (b) Syrian-Turkish Customs Agreement, dated June 8th, 1926;
  - (c) List of Officials tried and sentenced by the Lebanon Courts for acting *ultra vires* since the Institution of the Mandate;
  - (d) List of Officials prosecuted for acting *ultra vires* in the State of the Alaouites;
  - (e) List of Syrian Gendarmerie Officers brought to trial for acting *ultra vires* since the Institution of the Mandate;
  - (f) Return of Officials brought to Trial for acting *ultra vires* since the Institution of the Mandate in the State of Syria;
  - (g) List of Officials prosecuted, since the Institution of the Mandate, before the Court of Appeal of the Vilayet of Aleppo (State of Syria);
  - (h) List of Officials prosecuted, since the Institution of the Mandate, in the Criminal Court of the Vilayet of Aleppo (State of Syria);
  - (i) List of Officials brought to Trial for acting *ultra vires* in the Sanjak of Alexandretta (State of Syria) since the Institution of the Mandate;
  - (j) Note on Labour Contracts (Lebanon, Jebel Druse, State of the Alaouites, Damascus district, Vilayet of Aleppo);
  - (k) Note on the Native Industries Crisis in the Large Towns;
  - (l) Note on the Labour Code;
  - (m) Note on Contributions in Labour;
  - (n) Note on the Protection of Female and Child Labour;
  - (o) Note on the Central Committee for Relief to Refugees. Questions concerning Relief to Armenian Refugees.
9. Observations of the French Government, dated December 9th, 1927, on the Case of the Petitioner M. Ghaleb (C.P.M. 688).
10. Observations of the French Government, dated December 9th, 1927, concerning Various Petitions which are alleged to have been handed into the Mandatory Authorities for Transmission to the League of Nations, but have not reached the Secretary-General through the Intermediary of the Said Authorities (C.P.M. 688 and 713).

<sup>1</sup> Kept in the archives of the Secretariat.

11. Observations of the French Government on the Petition (C.P.M.619) from the "Lebanese Committee of Paris," transmitted on May 23rd, 1928 (C.P.M.721).
12. Observations of the French Government on the Petition of M. Chekib Arslan, M. Ihsan el Jabri and M. Riad el-Sulh (C.P.M.625), transmitted on May 23rd, 1928 (C.P.M.72).
13. *Syria*, a Review of Oriental Art and Archæology, Vol. VIII, 1927, four numbers.
14. Letter from the French Government, dated May 14th, 1928, forwarding the Text of a Protest handed in to the Liberian Minister in Paris, against the Application of the Differential Measures instituted by the Liberian Law of February 16th, 1928, to Citizens of the French Mandated Areas in Syria and Lebanon residing in Liberia.
15. Statistical Information transmitted by the French Government on June 9th, 1928.<sup>1</sup>

#### C. CAMEROONS UNDER FRENCH MANDATE.

1. Annual Report for 1927 (with printed Appendix of Laws).
2. *Official Journal* of the Cameroon Territories under French Mandate.<sup>1</sup>
3. (a) Budget of the Cameroons — financial year 1927.  
(b) Budget of the Cameroons — financial year 1928.
4. Closed Accounts for the Cameroons — financial year 1925.
5. Guide to Colonisation in the Cameroons (second edition).
6. *Monthly Bulletin* of the Economic Agency for African Mandated Territories.<sup>1</sup>
7. Album entitled "The Cameroons under the French Mandate, 1927," containing views of the territory and photographs of native types, presented by the French Government.

#### D. TOGOLAND UNDER FRENCH MANDATE.

1. Annual Report for 1927 (with printed Appendix of Laws).
2. *Official Journal* of the Togoland Territories under French Mandate.<sup>1</sup>
3. Budget of Togoland — financial year 1927.
4. (a) Closed Accounts for Togoland — financial year 1925.  
(b) Closed Accounts for Togoland — financial year 1926.
5. *Monthly Bulletin* of the Economic Agency for African Mandated Territories.<sup>1</sup>
6. (a) Observations by the French Government, dated August 8th, 1927, on a Petition by Mr. Casely Hayford, dated June 7th, 1927 (C.P.M.631).  
(b) Letter from the French Government, dated October 1st, 1927, on the Petition which Mr. Hayford claims to have made on November 4th, 1926 (C.P.M.631).  
(c) Further Observations by the French Government, dated November 4th, 1927, on the Petition referred to under (a) above (C.P.M.668).  
(d) Observations by the French Government, dated March 31st, 1928, on a further Petition by Mr. Hayford, dated December 1st, 1927 (C.P.M.709).  
(e) Observations by the French Government, dated June 13th, 1928, on a Petition by Mr. Casely Hayford, dated November 4th, 1926 (C.P.M.743).
7. Supplementary Observations by the French Government, dated March 29th, 1928, on the Petitions submitted by the "Bund der Deutsch-Togoländer," on June 27th and August 9th, 1926 (C.P.M.706).

#### E. TANGANYIKA.

1. Annual Report, 1927.
2. *Tanganyika Territory Gazette*.<sup>1</sup>
3. Ordinances and Subsidiary Legislation for 1927.<sup>1</sup>
4. (a) Annual Report by the Treasurer, 1925-26.  
(b) Annual Report by the Treasurer, 1926-27.

<sup>1</sup> Kept in the archives of the Secretariat.

5. Annual Report of the Labour Department, 1927.
6. Future Policy in regard to Eastern Africa (Cmd. 2904).
7. Annual Medical and Sanitary Report, 1926.
8. Annual Report of the Medical Laboratory, 1926.
9. Annual Report of the Education Department, 1926.
10. Legislation :
  - (a) Education Ordinance, 1927.
  - (b) Education Regulations, 1928.
  - (c) Ordinance to amend the Mining Ordinance 1920 No. 10, 1927.
  - (d) Ordinance to amend the Land Ordinance 1923, No. 7, 1928.
  - (e) Regulations made under the Master and Native Servants Ordinance 1923 — Government Notice No. 46 (April 8th, 1927).
  - (f) Regulations made under the Master and Native Servants Ordinance 1923 — Government Notice No. 77 (May 20th, 1927).
  - (g) Mining Regulations, 1927.
11. Tanganyika Territory Blue-Book, 1926.
12. Proceedings of the Legislative Council. First and Second Sessions (one volume and one supplement to the *Gazette* of January 27th, 1928).
13. (a) Map of the Tanganyika Territory. 1 : 2,000,000, December 1926.  
(b) Map of the Tanganyika Territory showing the Native Authorities. 1 : 2,000,000. February 1928.<sup>1</sup>
14. Observations dated July 5th, 1927, by the British Government on the Decision of the Council concerning the Report of the Permanent Mandates Commission on the Work of its Ninth Session (C.385.1927).
15. Letter, dated October 5th, 1927, from the British Government forwarding Statistical Information.<sup>2</sup>
16. Observations of the British Government, dated November 25th, 1927, on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Eleventh Session (C.596.1927).
17. Further Observations, dated January 12th, 1928, from the British Government on the Council's Decisions concerning the Report of the Permanent Mandates Commission on the Work of its Eleventh Session (C.14.1928).
18. (a) Petition dated February 17th, 1927, from Mr. Rajabali Esmail Thawer and Observations thereon from the British Government, dated November 5th, 1927 (C.P.M.684).  
(b) Letter, dated November 28th, 1927, from Mr. Ormsby Gore, concerning the Petition of Mr. Thawer (C.P.M.685).
19. Note dated June 8th, 1928, from the Colonial Office, relating to Tanganyika Legislation (C.P.M.735).

#### F. NAURU.

1. Annual Report, 1927 (Ordinances and Regulations annexed).
2. Government *Gazette*.<sup>1</sup>
3. Letter, dated January 11th, 1928, from the Australian Government announcing the appointment of Mr. W. A. Newman as Administrator of Nauru (C.P.M.696).
4. Letter, dated April 26th, 1928, from the High Commissioner for Australia in London, relating to the Observations of the Permanent Mandates Commission contained in its Report on its Eleventh Session (C.208.1928).

#### G. NEW GUINEA.

1. Annual Report, 1926-27.
2. Laws of the Territory of New Guinea, 1926.
3. *New Guinea Gazettes*.<sup>1</sup>
4. Reports 1, 2 and 3 of the Anthropologist of the Territory of New Guinea (Mr. E. W. P. Chinnery) (2 volumes).

<sup>1</sup> Kept in the archives of the Secretariat.

<sup>2</sup> Information included in document C. 143. M. 34. 1928.

5. Map of New Guinea showing :
  - (a) Areas under complete Government Control.
  - (b) Areas under Government Influence.
  - (c) Areas under Partial Government influence, and
  - (d) Areas penetrated by Patrols (1927).
6. Report of the Royal Commission on the Edie Creek (New Guinea) Mining Leases.
7. Letter, dated July 23rd, 1927, from the Australian Government, forwarding Statistical Information with regard to the Area, Population and Trade of the Territory of New Guinea.<sup>1</sup>
8. Observations of the Australian Government dated March 28th, 1928, on the Council's Decision regarding the Permanent Mandates Commission's Report on the Work of its Eleventh Session (C.206.1928).

#### H. WESTERN SAMOA.

1. Comments, dated November 18th, 1927, by the Accredited Representative of New Zealand on the Observations of the Commission concerning the Report for 1926-27 on the Administration of Western Samoa (C.582.M.206.1927.VI).
2. Report of the Royal Commission concerning the Administration of Western Samoa.
3. Letter, dated January 30th, 1928, from the New Zealand Government, with, as annexes, the Samoa Amendment Act, 1927, and the text of a statement issued by the Rt. Hon. the Prime Minister to the Press and Public of New Zealand on January 22nd, 1928 (published in the *Evening Post*, January 24th, 1928) (C.P.M.715).
4. Communications from the High Commissioner of New Zealand in London.
  - (a) Letter, dated December 9th, 1927, forwarding Copy of a Cablegram giving a Summary of the Report of the Royal Commission (C.P.M.686).
  - (b) Letter, dated January 20th, 1928, forwarding Copy of four Reuter's Cables on the Deportation from Western Samoa of Messrs. Nelson, Gurr and Smyth (C.P.M.691).
  - (c) Letter, dated January 25th, 1928, forwarding a Copy of a Reuter's Cable relating to a Statement made by Mr. Coats, Prime Minister (C.P.M.692).
  - (d) Letter, dated February 21st, 1928, forwarding Copy of a Cablegram announcing the despatch of Two Cruisers to Western Samoa (C.P.M.697).
  - (e) Letter, dated February 25th, 1928, announcing the Despatch from New Zealand of the Report of the Royal Commission (C.P.M.701).
5. Observations, dated April 19th, 1928, from the New Zealand Government, on Mr. Nelson's Petition (C.P.M.719).
6. Letter, dated April 24th, 1928, from the New Zealand Government, forwarding a Petition from Certain Natives of Western Samoa and its Observations thereon (C.P.M.718).
7. Legislation, etc.
  - (a) Samoa Commission of Enquiry Order, 1927.
  - (b) Samoa Amendment Act (N. Z. No. 7, 1927).
  - (c) Legislative Council Debates — Session of 1927.
  - (d) Native Personal Tax Ordinance (No. 4, 1927).
  - (e) Taxation Licensing and Revenue Amendment Ordinances (No. 5, 1927).
  - (f) Maintenance of Authority in Native Affairs (No. 2) Ordinance (No. 1, 1928).
  - (g) Water and Water Powers Conservation Ordinance (No. 2, 1928).
  - (h) Registration of Live-Stock Brands Ordinance (No. 3, 1928).
  - (i) Samoa Port and Telegraph Amendment Order, 1928.
8. Report on Trade, Commerce and Shipping, 1927.
9. Letter, dated January 30th, 1928, from the New Zealand Government, relating to Liquor Traffic (C.234.1928).
10. Observations from the New Zealand Government on the Council's Decisions regarding the Observations made by the Permanent Mandates Commission during its Twelfth Session (C.323.1928.[C.P.M.740]).

<sup>1</sup> Information included in document C.143.M.34.1928.



11. Letters, dated June 15th and 17th, 1928, from General Sir George Richardson transmitting his Comments on: (1) Petition of Mr. Nelson, and (2) Petition from Certain Natives of Western Samoa (C.P.M. 742, 744, 745).
12. Summary of Native Political Trouble in Samoa given by General Sir George Richardson on June 16th, 1928.
13. Index to Report of the Royal Commission given by General Sir George Richardson on June 16th, 1928.

### ANNEX 3.

C.P.M. 711 (1).

## THE LIQUOR TRAFFIC IN MANDATED TERRITORIES : MEASURES TAKEN BY THE ORGANS OF THE LEAGUE.

*Memorandum by the Secretariat prepared in accordance with the wish expressed by the Permanent Mandates Commission at its Twelfth Session.*<sup>1</sup>

### I. Introduction.

Article 22 of the Covenant provides, in paragraph 5 concerning B 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 traffic, the arms traffic and the liquor traffic".

Moreover, paragraph 6, relating to C mandates, stipulates that the safeguards provided in the case of B mandates "in the interests of the indigenous population" shall also be applied to C mandates.

In the text of the various B mandates, the following regulation is found :

"The mandatory Power shall exercise a strict control over the sale of spirituous liquors."<sup>2</sup>

The following provision has been introduced into C mandates, Article 3 :

"The supply of intoxicating spirits and beverages to the natives shall be prohibited."

No mention is made regarding the liquor traffic in territories under A mandates, either in the Covenant, the Mandates for Palestine and Syria, or in the various documents relating to Iraq.

### II. Examination of Annual Reports : Questionnaires.

The Council, on July 18th, 1922, at its nineteenth session, adopted the following resolution after having approved the texts for B mandates :

"Whereas, under the terms of Article 22 of the Covenant, the mandatory Power entrusted with the administration of the mandated territories of Central Africa must be responsible for the prohibition of the abuse of the liquor traffic ;

"Whereas, on the other hand, under the terms of B mandates, the mandatory Power will be required to exercise severe control over the liquor traffic ;

"The Council of the League of Nations,

"Conscious of the gravity of the danger for the native populations of Central Africa arising from the scourge of alcoholism :

"Recommends that the mandatory Powers should do everything in their power in order that their administrations shall protect the populations from the dangers aforementioned, and requests the Permanent Mandates Commission to investigate most carefully the measures taken by the mandatory Powers in this connection and to report to the Council on the application of the provisions in the mandates regarding alcoholism."<sup>3</sup>

The problem of the liquor traffic had as a matter of fact engaged the Commission's attention from its first session.

The questionnaire drawn up by the Commission on this occasion for territories under B and C mandates contained the following questions :

### "IV. Sale and manufacture of alcohol and intoxicants.

- "1. What steps are being taken to assure the prohibition of abuses of the liquor traffic ?
- "2. How is the campaign against alcoholism organised ?
- "3. What are the effects of these measures (statistics relative to the import and to the local manufacture of alcoholic liquors, etc.) ?
- "4. What are the countries of origin of alcoholic liquors, other than wine and beer, imported into the territory ?"

<sup>1</sup> See Minutes of the Twelfth Session, pages 130 and 193.

<sup>2</sup> See Article 5, paragraph 5, of the Mandates for Ruanda-Urundi and Tanganyika ; Article 4, paragraph 5, of the Mandates for the Cameroons (under British and French mandates) and for Togoland (under British and French mandates).

<sup>3</sup> Council Minutes, Nineteenth Session, *Official Journal*, No. 8, 1922, page 793.

In the "List of Questions" drafted at the ninth session to take the place of the former questionnaires, the liquor traffic was the subject of still more detailed enquiry; Section Q, dealing with the problem of alcoholism and drugs, contains the following questions on alcohol:

- " 86. Are the natives much addicted to the use of alcohol and spirits ?
- " 87. What is the accepted definition of the terms 'liquor traffic' and 'trade spirits' ?
- " 88. Have legal measures concerning the liquor traffic been enacted to give effect to the Mandate and the Convention of St. Germain of September 10th, 1919 ?
- " 89. Is there any licensing system for the sale of imported alcoholic liquors ?
- " 90. What are the import duties on (a) spirituous liquors, (b) wines, (c) beer and other fermented beverages ? Has any limit of strength of (b) and (c) been adopted ? Are the duties higher or lower than those in the neighbouring countries ?
- " 91. What are the quantities of each class imported each year for the last five years, and what are the principal countries of origin ?
- " 92. What steps are taken to prevent smuggling and the illicit traffic in imported alcohol and spirits ?
- " 93. Is the process of distillation known to the natives ? Have any measures been taken to restrict (a) the manufacture, (b) the sale, (c) the consumption of intoxicants manufactured by the natives ?
- " 94. Is any encouragement given to communities or associations which, for religious or other reasons, are trying to suppress the use of these intoxicants ? "

It need hardly be said that, when the Commission has examined the annual reports, many further questions have been put to the accredited representatives regarding the measures adopted against the liquor traffic in the various mandated territories. An idea of the importance attached by the Commission to this problem may easily be gained by glancing through the Minutes of its sessions; the mandatory Powers have usually devoted a considerable portion of their annual reports to this subject, and are giving more and more detailed information and statistics.

The Commission has frequently embodied in its "Special Observations" on the various territories remarks on the liquor problem<sup>1</sup>.

At its eighth ordinary session the Assembly adopted, on September 23rd, 1927, the following resolution:

"The Assembly . . . asks the Council to request the Permanent Mandates Commission, in collaboration with the mandatory Powers, to continue to give serious consideration to the causes of the increased importation of spirituous liquors into certain territories under B mandate, and to the steps which have been taken to deal with this problem."<sup>2</sup>

At its forty-eighth session, the Council adopted consequently on December 6th, 1927, the following resolution:

". . . The Council requests the Permanent Mandates Commission, in collaboration with the mandatory Powers, to continue to give serious consideration to the causes of the increased importation of spirituous liquors into those territories under B mandate where such an increase is taking place, and to the steps to remedy this situation."<sup>3</sup>

### III. *General Information and Statistics.*

The Commission has not been content with merely asking for information when dealing with the annual reports. It has also endeavoured to obtain a general idea of the growth in the consumption of alcoholic drinks in the mandated territories and of the legislative measures adopted to check this consumption.

At its second session, the Commission expressed the desire that the Secretariat should draw up a comparative table showing the alcohol and intoxicants imported annually into all mandated territories together with Customs duties imposed upon them<sup>4</sup>.

<sup>1</sup> Several mandatory Powers have taken action on the Commission's observations by adopting special laws enabling them to provide fuller statistical data regarding the consumption of spirits in their mandated territories (see, for Ruanda-Urundi, Minutes of the seventh session, page 216, and the ninth session, page 219, and for Togoland under British mandate, Minutes of the sixth session, page 108, and the tenth session, page 183).

<sup>2</sup> Resolutions and Recommendations adopted by the Assembly during its eighth ordinary session, page 33.

<sup>3</sup> *Official Journal*, No. 2, 1928, page 126.

<sup>4</sup> See Minutes of the second session, page 24.

Mr. Ormsby Gore suggested that this table might be based upon a return which had been prepared by the British Government under the terms of the Convention of St. Germain.

Acting on this decision, the Secretariat prepared, for the third session of the Commission, a document giving a résumé of the available statistics and the laws in force in each territory.<sup>1</sup>

At its fifth session on November 6th, 1925, the Commission adopted the following resolution on a proposal put by Sir F. Lugard:<sup>2</sup>

"The Permanent Mandates Commission, taking note of the fact that the Bureau set up at Brussels in connection with the Liquor Traffic still continues to operate there, is of opinion that duplication of work would be avoided and information useful to the Commission would be obtained if the Bureau were invited to send each year to the Commission, if possible, about four weeks before its June session, up-to-date information, including:

- "(a) The quantity and nature of spirits imported into mandated territories and adjoining colonies and protectorates in Africa;
- "(b) The amount of the duties imposed in the territories referred to above;
- "(c) One copy of all laws promulgated on the subject during the preceding twelve months, and any other information they may consider would be useful to the Commission.

"The Permanent Mandates Commission accordingly requests the Council to invite the Bureau to do so".<sup>3</sup>

At its seventh session, the Commission had various information put before it by the Brussels Bureau, which, however, it found incomplete.<sup>4</sup> In view of the fact that the Permanent Mandates Commission received direct copies of laws enacted in all mandated territories, it considered it unnecessary that the Brussels Bureau should forward copies of such laws. It requested, however, that the statistical data (quantities imported and duties imposed) should henceforth be given in greater detail and more uniformly.

In accordance with the Commission's recommendation, the Bureau was requested to send annually, a fortnight before the autumn session of the Permanent Mandates Commission, statistics in the form below for each of the following territories separately:

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<sup>1</sup> Documents C.P.M.51 and 51 (a).

<sup>2</sup> See Minutes of the Fifth Session, pages 159-161.

<sup>3</sup> The Central International Office for the Control of the Liquor Traffic in Africa was set up in virtue of Article 7 of the Convention relating to the Liquor Traffic signed on September 10th, 1919. The text of this Article is as follows:

"A Central International Office placed under the control of the League of Nations shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the importation and manufacture of spirituous liquors under the conditions referred to in the present Convention.

"Each of the High Contracting Parties shall publish an annual report showing the quantities of spirituous beverages imported or manufactured, and the duties levied under Articles 4 and 5. A copy of this report shall be sent to the Central International Office and to the Secretary-General of the League of Nations."

Up to the present (May 1928), the British Empire, France, Belgium, Japan and Portugal have ratified this Convention.

In a letter to the Council, the Belgian Government took the initiative of establishing this Bureau. The Council considered the question on January 11th, 1922, and decided:

- (1) That the Bureau should be established at Brussels.
- (2) That it should be required to conform to the general principles laid down by the Council for international bureaux coming under its control.

Moreover, the following special provisions were embodied in the resolution adopted on that day:

"That, in order to ensure closer relations between the Office and the Secretariat, the following conditions be observed:

"(1) That copies of all returns be sent quarterly to the Secretary-General, and that the latter be empowered to invite the Office, if necessary, to take requisite steps with the interested Powers to expedite the returns provided for under the Convention;

"(2) That the Secretary-General be at liberty to ask the Office for any information he may require with regard to the liquor traffic in Africa.

"(3) It is understood that, if at any time extra duties are imposed on the Office involving the Members of the League, the Council reserves the right of considering the question of the seat of the Office; and, further, that the establishment of this public International Office under the direction of the League of Nations elsewhere than at the seat of the League should not serve as a precedent in dealing with international bureaux in the future."

(Council Minutes. Sixteenth Session. *Official Journal*, No. 2, 1922, page 91.)

<sup>4</sup> Minutes of the Seventh Session, pages 140 and 209.

*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.

	Quantity imported (at 50° centesimal)	Duty per unit (at 50° centesimal)	Remarks
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 . . . . .			

At its tenth session, on November 13th, 1926, the Commission noted the information furnished in 1926 by the Brussels Bureau and also a report by Sir F. Lugard on this subject<sup>1</sup>. The Permanent Mandates Commission decided, in view of the above report :

"To convey to the Brussels Bureau its appreciation of its courtesy and to suggest to the Bureau that an annual return of this kind would be of great value to the Permanent Mandates Commission in its efforts to carry out its duties in regard to the control of the traffic in mandated territories, pointing out at the same time that no return had been received from French Equatorial Africa."

In his report, Sir F. Lugard drew attention to the fact that the British Government<sup>2</sup> had pointed out, on May 20th, 1926, that the terms of Article 7 of the Convention of St. Germain, in virtue of which Governments signatory to the Convention were forwarding various reports to the Brussels Bureau, do not require any statement ;

- (a) As to the amount of alcohol contained in the spirits imported ;
- (b) The amounts of the various kinds of spirits ; or
- (c) The amount of wines, beers, or other fermented liquor.

In its letter to the Bureau, the British Government, moreover, pronounced two opinions which, according to Sir F. Lugard, are of great value to the Permanent Mandates Commission :

- (a) "That alcoholic content should be expressed by the percentage of alcohol by weight and not by volume" ;
- (b) "That 'wines' should be admitted and classified as such if they do not contain more than 20 per cent of pure alcohol by weight."

In October 1927, the Brussels Bureau forwarded to the Secretariat for the Permanent Mandates Commission two general tables for the years 1925 and 1926. The Commission did not take note of these documents at its eleventh session, as the consideration of questions relating to the liquor traffic had been adjourned to the next session (June 1928), chiefly

<sup>1</sup> Minutes of the Tenth Session, pages 178-180.  
<sup>2</sup> See document C. P. M. 449.

owing to the absence of Sir F. Lugard. This fact was duly notified to the Bureau, which, in a letter dated March 20th, 1922, asked that it might be notified whether the tables in question had met with the approval of the Permanent Mandates Commission, and of any observations to which they might have given rise. The Bureau said that it was important for it to have this information before requesting the Governments concerned to furnish the documents necessary for drawing up a general table relating to the year 1927.

#### IV. *Definition of Terms.*

The Permanent Mandates Commission has on several occasions been concerned with the interpretation of terms relating to the liquor trade which occur either in the Covenant, the Mandates, or the Convention of St. Germain, relating to the liquor traffic (September 10th, 1919), and which are applicable to territories under B mandates.<sup>1</sup>

At several meetings of the Commission, in particular at its seventh session (meeting of October 24th, 1925),<sup>2</sup> the question has been raised whether there is any disagreement between the provisions of the Covenant relating to the liquor trade ("the prohibition of abuses such as... the liquor traffic") and the terms of B and C mandates in this matter. The Commission does not, however, seem to have arrived at any final conclusion on this matter.

At its fourth session on July 7th, 1924, the Commission noted the existence of certain differences of opinion as to the exact meaning of terms employed in the Covenant and in the Convention of St. Germain. It formed the opinion that it would be advantageous if an authoritative definition were given of such phrases as :

"The liquor traffic",  
"Trade spirits",  
"Spirits",  
"Spirituous liquors",  
"Distilled beverages", and  
"Non-alcoholic beverages".

While recognising that the task of defining these terms was the work of experts, it invited the attention of the Council to the definition given by the Secretary of State for the Colonies to the British Parliament on May 7th, 1924, which was as follows :

"'Liquor traffic' means the importation of cheap distilled liquors for sale or barter as an article of trade with African natives. Such distilled liquors are generally known as 'trade spirits'."

The Commission moreover suggested that the terms "spirits" and "distilled beverages" are identical, and proposed that they should be defined as alcoholic non-fermented liquors containing more than the specific amount of pure alcohol (say 12°); "non-alcoholic beverages" should similarly be defined as beverages which do not contain more than the specific amount of alcohol (say 2°).

While the definition of trade spirits referred to above might be considered true in fact, the Permanent Mandates Commission recognised that something more precise was needed for the purpose of Customs duties.

At its thirtieth session, on August 29th, 1924,<sup>3</sup> the Council decided to call the attention of the mandatory Powers to the resolution adopted by the Mandates Commission and to the comments of the French representative thereon,<sup>4</sup> and to request them to inform the Council of their views on this subject in order to furnish the Mandates Commission with a basis for its investigations.

On September 22nd, 1924, the Assembly also expressed the hope that the mandatory Powers would take such action as might be necessary to give effect to the resolution adopted by the Council at the request of the Permanent Mandates Commission.<sup>5</sup>

On December 9th, 1925, the Council reminded the mandatory Powers of this request.

At its fortieth session on June 9th, 1926,<sup>6</sup> the Council, having had the opinions of all the mandatory Powers, requested the Commission to consider the views expressed and to inform the Council of such conclusions as it might reach.

The Commission proceeded to a fresh investigation of this problem at its tenth session, on November 16th, 1926,<sup>7</sup> and recommended to the Council the following interpretations :

<sup>1</sup> Article 8 of the Mandates for the Cameroons and Togoland and Article 9 of the Mandates for Ruanda Urundi and Tanganyika.

<sup>2</sup> See Minutes of the Seventh Session, pages 87-91, 152-154.

<sup>3</sup> See *Official Journal* for October 1924, page 1287.

<sup>4</sup> Document A. 26. 1924.

<sup>5</sup> See volume of Resolutions adopted by the Assembly at its Fifth Ordinary Session, page 44.

<sup>6</sup> See *Official Journal* for July 1926, pages 367 and 946.

<sup>7</sup> Minutes of the Tenth Session, pages 79 to 82, 133, 181 to 182.

"The expression 'spirituous liquors' (the term 'spirits' is identical) used in the B mandates and in the above-mentioned Convention shall be taken to mean :

"(a) All distilled beverages ;

"(b) All fermented beverages to which distilled products have been added so as to contain over 20° of pure alcohol by weight ;

"The expression 'trade spirits of every kind', used in Article 2 of the Convention of St. Germain, shall be taken to mean 'cheap spirits utilised as articles of trade or barter with the natives'.

"In C mandates, the expression 'intoxicating beverages' should be taken to mean 'any beverages containing more than 3° of pure alcohol by weight'."

On March 7th, 1927, the Council noted these recommendations and instructed the Secretary-General to forward them to the mandatory Powers.

As a result of this decision, the British Government, in a letter dated May 30th, 1927,<sup>1</sup> notified its acceptance of the proposed definitions.

The Assembly, during its eighth ordinary session, adopted, at the meeting of September 23rd, 1927, a resolution congratulating the Permanent Mandates Commission on its success in defining the terms under discussion and expressing the hope that all the mandatory Powers would soon be able to indicate their acceptance of these definitions. The Council resolved, at its meeting of December 6th, 1927, to make a request to the mandatory Powers in this sense. The Government of Japan has recently notified its acceptance of the proposed definition, and the New Zealand Government stated that, in view of the policy applied in Western Samoa (entire prohibition of alcohol to all the inhabitants), it did not consider it necessary to present observations on this subject.

By its letter dated May 16th, 1928, the Belgian Government notified the Secretariat that it was prepared to accept the definitions recommended, with one slight qualification.<sup>2</sup>

#### V. *Equalisation of Import Duties on Alcoholic Beverages in Certain Mandated Territories.*

The report on the third session contains the following recommendation adopted on July 27th, 1923 :<sup>3</sup>

"The Mandates Commission,

"Recognising that dissimilarity in the duties imposed on spirituous liquors imported into mandated territories gives rise to smuggling from contiguous territories, and may be a cause of friction ;

"Recommends that the Governments of France and Great Britain be invited to agree that the duties levied on spirituous liquors imported into the territories placed under their mandate in Africa should not be less than the duties in the adjoining territories on similar spirits of equal strength ;

"And further that, in order to maintain this uniformity of duties, it is desirable that the two Powers should consult with each other from time to time with a view to assimilating their laws and regulations applying to the duties on import of spirituous liquors ".

At its twenty-seventh session, the Council<sup>4</sup> decided to forward the recommendation of the Commission to the British and French Governments and to suggest that these Governments should consider what action should be taken, regard being had to the possibility of establishing an *ad valorem* duty.

In the course of the discussion, Lord Robert Cecil, the representative of the British Government, made certain reservations owing to the practical difficulties involved, particularly as regards the suggestion of an *ad valorem* duty, because such a duty would impose a heavy burden on the comparatively innocuous wines and spirits of good quality, whereas the cheap spirits would be more lightly treated.

In the report on the work of the fourth session<sup>5</sup> (June-July 1924) the Commission noted that the two Governments had entered into negotiations and that, from the statement of their accredited representatives (M. Duchêne and Mr. Ormsby Gore), it would appear that, in spite of the differences in the Customs systems, administrative traditions, and currencies, as well as of the fluctuations in the exchanges, a favourable issue of these negotiations might be anticipated. The Commission noted with regret the increased import of alcoholic liquor in Togo and the Cameroons, but learnt with satisfaction that the two mandatory Powers were disposed to take steps to prevent this increase by adopting the methods which it had recommended ; it expressed the hope that the negotiations might lead to an understanding in the course of the next administrative year.

<sup>1</sup> Document C. 264. 1927. VI.

<sup>2</sup> Document C. 234. 1928. VI.

<sup>3</sup> Document C. 519. 1923. VI, page 2.

<sup>4</sup> See the *Official Journal* of February 1924, page 334.

<sup>5</sup> Document A. 15. 1924, page 2.

On August 29th, 1924, the Council, at its thirtieth session,<sup>1</sup> adopted these views.

The Commission has constantly called the attention of the mandatory Powers to the matter, at subsequent sessions of the Permanent Mandates Commission,<sup>2</sup> but it would seem that no final solution has yet been reached, mainly owing to monetary and administrative difficulties and to different interpretations of terms. There appears to be a considerable divergence of views as to the importance to be attached to smuggling in the territories in question.

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#### ANNEX 4.

C.P.M.727.

#### RULES OF PROCEDURE IN RESPECT OF PETITIONS: INTERPRETATION OF THE EXPRESSION "INHABITANTS OF MANDATED TERRITORIES".

*Note by M. Van Rees.*

The Chairman asked me to examine the question of what is to be understood by the expression "inhabitants of mandated territories" employed in the Rules of Procedure in respect of petitions: I therefore beg to submit to my colleagues the following observations.

The expression "inhabitants of mandated territories" either denotes a legal relationship or is only the statement of a fact.

If the first conception is adopted, the term "inhabitants" of a territory denotes the "nationals" of that territory, so that subjects of other countries who reside there cannot be considered as inhabitants of the mandated territory.

If, however, the second conception is adopted, any person established in the territory, whatever his nationality, is an "inhabitant" of that territory.

It appears to be in this latter sense that the term in question has been employed in the Rules of Procedure in respect of petitions.

The British Government's memorandum of July 24th, 1922, concerning the right of petition by inhabitants of the mandated territories, only considers a single category of petitions, described in the introductory sentence of this memorandum as follows:

"His Majesty's Government have had under consideration the method of submitting petitions to the League of Nations by communities or sections of the *populations* of mandated territories."

The procedure proposed in this matter therefore only related to petitions coming from persons (individuals or juridical persons) belonging to the *population* of the territory, *i.e.* persons residing in the mandated territory.

On the other hand, in the recommendation adopted by the Third Assembly at its plenary meeting on September 20th, 1922, the extension of the right of petition to a second category of petitioners was suggested. This recommendation distinguishes between (a) petitions emanating from the "inhabitants" of mandated areas, and (b) petitions concerning the welfare of these inhabitants emanating from "other sources".

The final Rules of Procedure endorsed by the Council on January 31st, 1923, maintain this distinction.

Their first paragraph deals with petitions addressed to the League of Nations "by communities or sections of the populations" of mandated territories, and the second paragraph states that this refers to petitions from "inhabitants" of these territories, while the third paragraph deals with petitions which might be received by the League of Nations "from any source other" than that of the inhabitants themselves.

It therefore seems to be reasonably certain that, as regards the application of the Rules of Procedure, the *de facto* situation of the petitioner is decisive, and that any petition emanating from an individual or a juridical person *residing* in the territory must be subject to the procedure laid down in paragraphs 1 and 2, paragraph 3 being applied to any other.<sup>3</sup>

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<sup>1</sup> See *Official Journal* of October 1924, page 1286.

<sup>2</sup> See Minutes of the Fifth Session, page 36; the Sixth Session, pages 31-33 and 146; the Seventh Session, page 46, and the Ninth Session, pages 72 and 87.

<sup>3</sup> This is also the view taken by the Secretariat. If we examine the list of more or less doubtful cases which the Secretariat has drawn up for the Mandates Commission (Appendix), it will be seen that in two cases only has a different interpretation been adopted from that outlined above, namely, in the case of the petitions of Mr. John Robertson and of M. Louis Ghaleb.

Appendix.

DEFINITION OF THE EXPRESSION  
"INHABITANTS OF MANDATED TERRITORIES" — PROCEDURE ADOPTED IN VARIOUS CASES  
OF PETITIONS EXAMINED BY THE PERMANENT MANDATES COMMISSION.

Memorandum by the Secretariat.

*Petitions by M. Lange.*<sup>1</sup>

M. Lange lived in South-West Africa for many years. His family still resides there, and he himself does not appear to have acquired another fixed domicile, although he has been in London since the beginning of 1927. He sent in petitions in 1923, 1924, 1925, 1926 and 1927. The first petitions were received through the mandatory Power. That of May 1st, 1925, was addressed direct to the Secretariat, which returned it to M. Lange and reminded him of the procedure to be followed (paragraph 1 of the Rules of Procedure). The same occurred with the petitions received in May 1926 and June 1927. The last petition was again forwarded through the mandatory Power on September 17th, 1927.

*Petitions by Mr. Casely Hayford on behalf of Certain Members of the Adjigo Clan of French Togoland.*<sup>2</sup>

Mr. Hayford lives at Accra (Gold Coast), but has sent in his petitions on behalf of certain members of the Gaba family, residing in the mandated territory, whom he represents. He has always sent in his petitions through the mandatory Power, and has therefore complied with the provisions of paragraph 1 of the Rules of Procedure. The Commission has also considered them in pursuance of this paragraph.

*Petitions from the Lebanese Committee in Paris.*<sup>3</sup>

This petition emanates from persons who are not domiciled in the mandated territory, but in the home territory of the mandatory Power concerned. After studying the question, the Secretariat came to the conclusion that the petition ought to be considered under paragraph 3, since the Rules of Procedure at present in force do not provide for any exception in cases of this kind.

*Petition by Mr. Will Stuart.*<sup>4</sup>

The case of Mr. Will Stuart was treated in a similar manner. The petitioner, who sent to the Permanent Mandates Commission a protest against the frontiers between Angola and South-West Africa, is not an inhabitant of the mandated territory, but is domiciled in the territory of the mandatory Power concerned. His petition was considered under paragraph 3.

*Petitions by Mr. John Robertson.*<sup>5</sup>

Mr. Robertson lives in the Province of Natal (Union of South Africa), but has sent in a number of petitions alleging that he is the holder of various concessions in the mandated territory of South-West Africa.

Mr. Robertson is therefore not an inhabitant of the mandated territory, but his petitions are based on the economic interests which he claims to possess therein; his petitions were received through the mandatory Power and were considered in the light of the provisions of paragraph 1 of the Rules of Procedure.

*Petition by Mr. Newton Rowe.*<sup>6</sup>

Mr. Newton Rowe is an official who is a British subject and has for several years been in the service of the administration of Western Samoa. As he now lives in London, his petition was considered as emanating from a person outside the mandated territory and was accepted under paragraph 3 of the Rules of Procedure.

<sup>1</sup> See documents C. P. M. 96 (2), 252, 297, 640, 669 and 704 and Minutes of the Fourth Session, pages 127-128; the Fifth Session, pages 127-128; the Sixth Session, pages 81-82, 181; the Seventh Session, pages 140, 220, and the Twelfth Session, pages 62, 204-205, 155.

<sup>2</sup> See documents C. P. M. 427, 438, 536, 550, 589, 631, 668, 679, and 709, and the Minutes of the Ninth Session, pages 91-92, 230-231; the Tenth Session, page 154, and the Eleventh Session, pages 40-41, 206, 215.

<sup>3</sup> See documents C.P.M. 458, 506, 516, 529, 619 and 721 and the Minutes of the Tenth Session, pages 152-156, 158, 191-192, 147-148.

<sup>4</sup> See documents C.P.M. 460 (1), 487 and 597 and the Minutes of the Tenth Session, pages 21, 43, the Eleventh Session, pages 106, 219-220.

<sup>5</sup> See documents C. P. M. 102 and 228, and the Minutes of the Fourth Session, pages 128-132, 138, and the Sixth Session, pages 79-81, 162-165, 181.

<sup>6</sup> See documents C. P. M. 571, 626, 657 and 664, and the Minutes of the Twelfth Session, pages 124-127, 77, 205, 130-131, 163-164, 195-196.



*Petitions by M. Ghaleb.*

M. Louis Ghaleb was born in the Lebanon, but lives in Serbia, where he has resided for twenty years. He claims from France, as the mandatory Power for the Lebanon, a passport and assistance in claiming war damages. His case did not appear to answer strictly to any of those contemplated in the different articles of the Rules of Procedure.

After considering the question, the Secretariat expressed the opinion that M. Ghaleb's petition should be treated on the same footing as those emanating from inhabitants of the mandated territories, and that paragraph 1 of the Rules of Procedure should be applied to it. This was done in accordance with the following considerations :

Paragraph 3 establishes the procedure for petitions which concern the inhabitants of mandated territories, but are received from a source other than the inhabitants themselves. A petition from a person, who left the Lebanon twenty years ago to live in Serbia, concerning failure of the mandatory Power to secure him compensation for losses suffered in Serbia would not seem to answer this description. M. Ghaleb cannot be treated for the purposes of the same petition as an inhabitant and not as an inhabitant, *i.e.*, as an inhabitant in so far as he is the person whose interests are the subject of the petition, and as not an inhabitant in so far as he is the petitioner.

M. Ghaleb's petition was therefore returned to him with the request that he should forward it through the mandatory Power. M. Ghaleb having informed the Secretariat that he had followed this procedure, but the petition never having reached the Commission, the Chairman of the Permanent Mandates Commission asked the mandatory Power for information on this point<sup>1</sup>. The latter, after asking for copies of a number of M. Ghaleb's letters, informed the Commission that the French Government was unable to accept the Secretariat's view that the clauses of paragraph 1 of the Rules of Procedure should be applied to this petition. The French Government does not consider that M. Ghaleb should be regarded as an inhabitant of the mandated territory, and the petition should therefore be treated as having been duly addressed to the League of Nations, and communicated to the mandatory for any comments it may consider desirable (paragraph 3 of the Rules of Procedure).

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ANNEX 5.

C.P.M.707 (1)

REPORTS ON PETITIONS.

A. TANGANYIKA.

*Petition dated February 17th, 1927, from Mr. R. E. B. Thawer, Dar-es-Salaam<sup>2</sup>.*

Report by M. W. RAPPARD.

1. During the twelfth session of the Permanent Mandates Commission (see Minutes, page 85), the Chairman brought to the attention of Mr. Ormsby Gore, Under-Secretary of State for the Colonies, accredited representative for the British Government, the fact that Mr. R. E. B. Thawer, of Dar-es-Salaam, had informed the Secretariat that he had forwarded a petition for transmission to the League of Nations to the Tanganyika Government, but that the latter had stated that it was unable to forward this petition because it felt that the matters contained in it were not within the competence of the League. Mr. Ormsby Gore promised to examine the question of the non-transmission of the petition upon his return to London.

The Commission will note with much satisfaction the prompt action taken by the British Government, which, immediately the matter was brought to its attention, took steps with the local authorities to have the petition forwarded to the Colonial Office for transmission to the League. Mr. Ormsby Gore has, moreover, informed us that the proper procedure to be followed in the future has been explained to those concerned.

2. The documents received from the British Government (forwarded by the Foreign Office on October 5th, 1927) comprise :

(a) The petition itself, signed by Mr. R. E. B. Thawer and dated February 17th, 1927, with various annexes ;

(b) Copy of a letter dated June 22nd, 1927, from the Acting Chief Secretary of Tanganyika Territory to the petitioner ;

(c) Note made by the Chief Secretary on an interview between the Governor of Tanganyika Territory and representatives of the "Ismailia Council" and the "Merchants' Union" on January 12th, 1927.

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<sup>1</sup> See documents C. P. M. 688, 712 and 713, and the Minutes of the Eleventh Session, page 163.

<sup>2</sup> See documents C. P. M. 684 and 685.

3. In his petition, Mr. Thawer calls the attention of the Mandates Commission to the considerable losses which have been incurred by inhabitants of Tanganyika Territory as a result of the fact that claims in respect of German notes (partly currency notes issued before the war, partly "interim notes" issued during the war) issued in the Territory have not yet been settled. The Administration of Tanganyika has pointed out to the petitioner and to others that the matter must be settled by an award to be given by the Anglo-German Mixed Arbitral Tribunal.

The petitioner expresses no objection to filing a suit before the Arbitral Tribunal. On the other hand, he urges that the Permanent Mandates Commission should give the matter its attention and use its influence in the way of a settlement. It is suggested that a special commission "be appointed to investigate, decide and settle our claims on the spot. . . ."

4. I think my colleagues will agree with the view expressed in the letter from the Acting Chief Secretary of Tanganyika Territory dated June 22nd, 1927, in so far as he maintains that the Permanent Mandates Commission is hardly competent to deal with claims of this nature. As a matter of fact, in dealing with petitions, the Commission had always held that it was only to examine complaints which concerned the observance of the Covenant or of the mandates. In the present case, complaints are made, not of the action or inaction of the mandatory Power, but of the result of legislation passed in the mandated territory long before the establishment of the mandates system — legislation which, as a result of subsequent general economic developments, has proved very prejudicial to the inhabitants of the mandated territory. It would certainly seem that the matter of compensation for losses incurred as a result of such legislation is one which must be settled between those who have suffered the damage and the German Government. The mandatory Power will undoubtedly, as far as it is within its powers, give all possible assistance to the inhabitants of the territory under its mandate in putting forward these claims. There is no evidence before us that it has not done so. On the contrary, the petitioner expressly states that "it must be made clear from the beginning that I do not address this communication in any spirit of complaint or accusation against the present administration, which is doing all it can for us".

5. While abstaining from expressing any opinion whatever on the merits of the case, which is outside its immediate competence, the Mandates Commission, the prime concern of which is the welfare of the inhabitants of the mandated territories, might, however, express the hope that a favourable settlement may be found in the matter of withdrawing former German currency from circulation.

C.P.M.758 (1)

#### B. SYRIA AND THE LEBANON.

*Petition from the "Lebanese Committee in Paris", dated June 13th, 1927.*

Report by M. Leopoldo PALACIOS.

This petition reached us through the usual channel, and is accompanied by the observations of the French Government, dated May 23rd, 1928.

It is, in effect, a reiteration of the preceding petition, if not a rejoinder to the Council decision of March 7th, 1927, approving the observations of the Permanent Mandates Commission, which, at its tenth session, had examined the Committee's petition, dated July 16th, 1926, dealing with the same questions and based on substantially the same arguments.

The Permanent Mandates Commission has, up to the present, found no reason which could cause it to modify its opinion in regard to the point at issue, namely, that, under Article 34 of the Treaty of Lausanne of July 24th, 1923, in its opinion it is the French Government which exercises authority in these countries detached from Turkey, and that, in consequence, its authorisation must be obtained in order to acquire nationality by option in Syria and the Lebanon. The formula to which the "Lebanese Committee in Paris" objects is not only in accordance with the spirit and letter of the Treaty, but is also in accordance with the terms of the Mandate itself, Article 3 of which places the foreign relations of the territories in question within the "exclusive" competence of the mandatory Power.

The petition would appear to raise a new point in so far as it gives vent to a protest against (a) the increase in the number of Armenians declared to be nationals of the Lebanon without the authorisation of the Government of the country and (b) the fact that no steps have been taken to prolong the period of two years stipulated for the option to which reference is made in the last two lines of the same Article 34 of the afore-mentioned Treaty.

The mandatory Power considers that the naturalisation of the Armenians is justified by Article 30 of the Treaty of Lausanne and by the decisions of the League of Nations which have advocated and approved these humanitarian efforts.

On the other hand, the protest of the Lebanese Committee with regard to the failure to prolong the time-limit appears quite clearly to be based on the last part of the observations of the Permanent Mandates Commission, as approved by the Council, in which it is stated: "It hopes that the examination of the question of the extension of the date fixed for the fulfilment of the formality of option will result in a decision favourable to the petitioners."

The French Government states that it cannot, acting entirely on its own authority, modify one of the formal stipulations of the Treaty of Lausanne.

I would therefore propose that the Mandates Commission should not submit to the Council of the League any observations other than those already formulated, unless any new facts or arguments which have not as yet been examined come to its knowledge and, further, that the text of the petition and the observations of the French Government in this connection should be published, together with the present note, in order to elucidate this problem, to reach, if possible, an understanding and secure a definitive solution.

C.P.M.712.

C. SYRIA AND THE LEBANON.

*M. Louis Yusuf Ghaleb's Claim.*

Report by M. VAN REES.

M. Louis Yusuf Ghaleb, who says that he is of Lebanese origin, has been domiciled for about 20 years in Serbia (Laskovitz). He complains of losses incurred as a result of the war in Serbia and Lebanon, for which he has received no compensation.

His complaints are set out in the documents which form dossier C.P.M.688 and, in particular, in a statement by the claimant dated October 28th, 1925, and in an additional letter dated April 11th, 1926.

The French Government explains its attitude towards these complaints in its letter to the Secretary-General dated December 9th, 1927.

\* \* \*

Does this claim come within the Mandates Commission's terms of reference ?

In order that the Commission may take a decision with regard to a petition — assuming that this is a petition according to the rules of procedure in respect of petitions — the claim must be made by an inhabitant of the mandated territory or, if it is made by a person residing outside that territory, must concern the inhabitants of the territory.

The petition must also, according to the rules established by the Commission itself<sup>1</sup>, concern some legislative or other act on the part of the mandatory Power contrary to the provisions of the Covenant or the mandate, or it must draw attention to the absence of some legislation, whereby the petitioner is deprived of rights that he could legitimately claim under the terms of the Covenant or the mandate. M. Ghaleb's claim, however, refers to facts which, according to himself, occurred before the establishment of the mandates system ; it is entirely unconnected with the application of any principles of this system.

M. Ghaleb does not ask for the righting of any wrong caused by the mandatory Power in Syria or in the Lebanon in execution of its mandate ; he alleges that he has suffered war losses for which he demands compensation from France. On what grounds ? He does not explain his grounds, nor does he even state that he opted in due course under Article 34 of the Treaty of Lausanne for Lebanese nationality.

In any case, whether he be Lebanese or not, it seems clear that the Mandates Commission has no power to consider this claim.

C.P.M. 724.

D. TOGOLAND UNDER FRENCH MANDATE.

*Petition dated August 9th, 1926, from the "Bund der Deutsch-Togoländer".*  
(See documents C.P.M. 467, 552 and 706.)

Report by M. VAN REES.

The petition dated August 9th, 1926, from the "Bund der Deutsch-Togoländer" was recently examined by the Mandates Commission at its eleventh session.

The Rapporteur (Mme. Wicksell) proposed the adoption of the following conclusions (see pages 17-19 of the Report to the Council on the Work of the Eleventh Session of the Commission) :

" The Commission finds the allegations of the petitioners to be in all essentials without foundation.

" It will be glad to receive the further information which was promised by the accredited representative of the mandatory Power, in particular concerning the death of the chauffeur in Palimé "

These conclusions were approved by the Commission at its meeting on June 22nd, 1927, (see Minutes of the Eleventh Session, pages 41 and 42).

It decided, however, to await the promised information before giving any definite reply to the petition.

<sup>1</sup> See Minutes of the Twelfth Session, page 177.

The French Government gave this information to the Commission in a letter dated March 29th, 1928, addressed to the Secretary-General, with which was enclosed a file containing :

(1) A circular from the Commissioner of the French Republic in Togoland addressed to seven European officials who served in the Klouto area in 1925. In this circular, which refers to the allegations contained in the petition from the "Bund der Deutsch-Togoländer", the French Commissioner asks these officials to state whether they had any knowledge of the murder of a chauffeur in the Palimé district and of maltreatment inflicted on a native by French policemen engaged on the construction of a road ;

(2) The replies of these officials, who all state on their honour that they had no knowledge of the alleged facts.

I therefore propose to reply to the petitioners that their allegations have not been found to be correct.

As regards Mme. Wicksell's observations in paragraph 3 of her report (prohibition to import foreign currency into Togoland), I would draw my colleagues' attention to the information given on page 61 of the French Government's annual report on Togoland for 1927.

C.P.M.754 (1).

E. WESTERN SAMOA.

*Petition from Mr. Newton Rowe, dated June 1st, 1927.*

Report by M. Leopoldo PALACIOS.

The text of the petition referred to, and an account of the procedure followed in regard to it, will be found in the *Minutes of the Twelfth Session of the Permanent Mandates Commission*, more particularly on pages 195-196. Little progress has been made in regard to this question since it was first considered in November 1927. Judgment on the matter had been reserved, pending the receipt of the New Zealand Royal Commission's Report, which the mandatory Power had promised to send. This report, however, which considers in detail a large number of economic, social, political and administrative questions referred to in the petition, does not touch upon others, such as education, liberty of conscience, and the selection of officials and their morality.

In various communications sent by Mr. Newton Rowe to the Mandates Section of the League of Nations Secretariat, he declared that his relations with a Samoan woman and the birth of his child took place after he had left the service of the Colonial Administration and of this he has furnished proof. Sir James Parr and General Richardson, when speaking before the Mandates Commission, added nothing to the statements already made by the representative of the Mandatory Power at the preceding session, or to the observations sent from Wellington on September 13th, 1927, in reply to the petition.

However, whereas Mr. Newton Rowe's petition dated June 1st, 1927, regarding the events reported does not really constitute a specific appeal, but merely formulates complaints with a view to an improvement in the general administration of Western Samoa ;

Whereas the Permanent Mandates Commission decided at its last session that personal questions of the kind mentioned, owing to their private and intimate character, only concerned the Commission in so far as they afforded a possible indication as to the general state of the administration ;

Whereas the Permanent Mandates Commission, at its present session, will have to submit a report to the Council of the League of Nations on the mandatory administration of New Zealand in view of the troubles which have arisen in Western Samoa and the abnormal conditions of which complaints have been made :

I am of opinion, in conclusion, that none of the allegations made by Mr. Rowe are worthy of special consideration and that, for the questions as a whole, they are covered by those which the Commission has considered in its general report to the Council and with regard to which it has given its conclusions."

C.P.M.766.

F. PALESTINE.

*Letter, dated April 30th, 1928, from the Zionist Organisation.*

Report by M. VAN BEES.

The Secretary-General received, through the mandatory Power, a memorandum from the Zionist Organisation, together with a covering letter dated April 30th, 1928, addressed to the High Commissioner for Palestine.

The mandatory Power forwarded to the Secretary-General its observations concerning these documents on June 5th, 1928.

\* \* \*

The Zionist Organisation's memorandum furnishes detailed and useful information on the work of the Organisation on behalf of the Jewish National Home during 1927-28, and more particularly on the measures taken in conjunction with the mandatory Power to remedy the effects of the economic crisis in Palestine.

In paragraphs 6 and 7 of the covering letter, the Zionist Organisation complains of the system of taxation at present in force and also concerning the question of the acquisition of State lands, more especially in the Beisan area.

The observations of the mandatory Power, supplemented by the verbal explanations of its accredited representative, appear, generally speaking, to satisfy the Commission. I think, however, that the Commission would do well to repeat the following recommendation made during its ninth session :

“ The Commission trusts that every effort will be made to hasten the survey, the completion of which will be of the utmost importance for the general development of Palestine and in particular for the establishment of the Jewish National Home.

“ The Commission hopes that means may soon be found to utilise to the full the possibilities of the land in the Beisan area. ”

C.P.M.762 (1)

#### G. WESTERN SAMOA.

*Petitions dated July 19th, 1927, and June 8th, 1928, from the Anti-Slavery and Aborigines Protection Society.*

Report by Dr. KASTL.

#### I. *Petition dated July 19th, 1927.*

The Secretary of the Anti-Slavery and Aborigines Protection Society draws the attention of the Permanent Mandates Commission to recent sentences passed on native chiefs of the island of Samoa under the New Zealand mandate, and their deportation, and states that it would appear from the statements in the Press that several chiefs have been deported, and that the powers of the authorities in regard to deportation have been considerably widened by a new law.

He asks that enquiry should be made by the Commission especially as to the reasons for these deportations and whether the chiefs have been banished to territory outside the mandated areas and, if so, to what place.

In reply to a letter of the Secretary-General of the League of Nations (No. 1/60890/9597), the Prime Minister of New Zealand states that, arising out of the continuance of the agitation referred to on page 4 of the report of the Government on the mandated territory of Western Samoa for the year ended March 31st, 1927, the Administrator of Samoa found it necessary to discipline certain Samoans. The punishment took the form of local banishment under the provisions of a local ordinance called “The Samoa Offenders Ordinance, 1922”. This ordinance vested in the Administrator power to order an offending native to remove from one part of the mandated territory of Western Samoa to another part of the same territory. In the meantime, by the passing of the Samoan Amendment Act, dated August 5th, 1927, local banishment by the Administrator requires the authority of the Governor-General of New Zealand in Council. (It is stated that the Administrator's powers have not been widened.)

In his statement, the Prime Minister draws the attention of the Commission to the fact that the banishment of Samoans is included in the lists of complaints which have been made to the New Zealand Government and which are at present being investigated by a Royal Commission appointed by the Government. The Act of Appointment requests the Royal Commission, *inter alia*, to enquire “whether, having regard to the Samoan native customs and to the due maintenance of government and order in the mandated territory, it would be prudent and safe wholly to repeal and to abrogate all power to require a Samoan to remove for a definite period from one place on the island to another.”

According to the letter of the Prime Minister of New Zealand and to the special statement made by Sir James Parr, High Commissioner of New Zealand, at the meeting of November 3rd, 1927, the Royal Commission had just finished its enquiry, and the report of the

Royal Commission would be sent by the New Zealand Government as soon as it is available to the Commission. Therefore the Permanent Mandates Commission postponed its decision until the report of the Royal Commission and the observations of the New Zealand Government had been received.

The Permanent Mandates Commission, at its present session, carefully considered the complaints laid down in the petition, which have also been specially examined by the Royal Commission. The Permanent Mandates Commission came to the conclusion that no chief or any other native had been deported from Western Samoa. The punishments referred to in the petition took only the character of local banishment within the mandated territory. Under the provision of a local ordinance called "The Samoa Offenders Ordinance 1922", the Permanent Mandates Commission furthermore ascertained that the power vested in the Administrator to order an offending native to remove from one part of the mandated territory of Western Samoa to another part of the same territory has not been widened.

## II. *Petition dated June 8th, 1928.*

The secretaries of the Anti-Slavery and Aborigines Protection Society have sent to the Permanent Mandates Commission a translation of an official circular issued by the "Administration of Samoa to the people of Western Samoa last year". The petitioner expressed the opinion that the terms of the circular, if the text is authentic, more particularly those of Article 21, are inaccurate and misleading and would deprive the natives of mandated territory of a recognised right. The petitioner asked the Permanent Mandates Commission to endeavour that steps be taken to make it clear, in a form which "may be understood by the people of Samoa, that the right to petition the League of Nations exists, but that it should always be done through the Government of the mandated territory".

The Permanent Mandates Commission examined the complaints of the petitioner and ascertained that the circular referred to is not an official circular, but a document used by a European schoolmaster for the information of his pupils. The representative of the mandatory Power assured the Commission that the necessary steps would be taken to remove the circular and to give full and proper knowledge to the inhabitants of Western Samoa of their recognised rights.

## III.

In view of the fact that the Permanent Mandates Commission has at its present session prepared a report to the Council dealing with the general question of Samoan unrest and the complaints made against the local administration, it is not necessary to submit any special conclusions concerning the petition of the Anti-Slavery and Aborigines Protection Society, this petition having been taken into account in the preparation of the report.

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## ANNEX 6.

C.P.M.619.

PETITION DATED JUNE 13TH, 1927, FROM THE "LEBANESE COMMITTEE IN PARIS" AND OBSERVATIONS THEREON BY THE FRENCH GOVERNMENT, TRANSMITTED ON MAY 23RD, 1928.

### A. PETITION.

Paris, June 13th, 1927.

*To the Secretary-General.*

[*Translation.*]

In your letter of March 14th, 1927, No. I. 57158-I/52260/4284 in reply to our petition of July 16th, 1926, you informed us that, on March 7th, 1927, the Council of the League of Nations examined the Report of the Permanent Mandates Commission on the Work of its Tenth Session, and approved the Commission's observations on our Committee's petition.

You were good enough to send us the conclusions reached by the Permanent Mandates Commission in regard to our petition, which are as follows:

I. As regards the formula by which the French Government makes the acquisition of Lebanese nationality by Lebanese emigrants conditional on its authorisation, the explanation given by the mandatory Power is that this formula had been included in the declaration in order to give legal effect to Article 34 of the Treaty of Lausanne which, in the cases in question, requires the consent of the Government *exercising authority* in the territories detached from Turkey.

We would point out that this stipulation is in flagrant contradiction with Article 1 of the draft Mandate drawn up by France and England and adopted by your Commission in August 1922:

" The Mandatory shall frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and the Lebanon.

" This organic law shall be framed in agreement with the native authorities, and shall take into account the rights, interests and wishes of all the population inhabiting the said territory. The Mandatory shall further enact measures to facilitate the progressive development of Syria and the Lebanon as independent States. "

How can the Commission ensure the progressive development of the Lebanon as an independent State when the latter's consent is not required for the acquisition of nationality by its nationals ?

We would also draw your Commission's attention to the dangerous situation which has arisen in the Lebanon owing to the fact that the several thousand Armenians who have entered our territory are acquiring Lebanese nationality merely by consent of the mandatory Power, and are participating in the administration of public affairs. As a matter of simple justice, we request your Commission's consent to the Lebanese Government being equally competent to decide in cases where foreign nationals opt for Lebanese nationality.

II. With regard to the prolongation of the period fixed for the fulfilment of the formalities of option, this matter is — we regret to have to say — still under consideration and nothing has yet been done. The danger which we feared and had pointed out has, in fact, arisen. Many of our compatriots have been unable either to acquaint themselves with, or to carry out, the formalities of option stipulated by the Mandatory and have been forced by the requirements of travelling or of business to take on the nationality of the countries in which they are living.

We therefore earnestly desire to draw your attention once again to the dangers which are jeopardising the future of Lebanese nationality. We have the greatest confidence in your Commission's zeal, which has been constantly displayed in safeguarding the rights and liberty, and in promoting the independence, of all the small States entrusted to its vigilant supervision.

*The Chairman.*  
(signature)

*The Secretary.*  
(signature)

#### B. OBSERVATIONS.

[*Translation.*]

The petition of the " Lebanese Committee of Paris " concerning the conditions governing the exercise of the right of option conferred by Articles 34 and 36 of the Treaty of Lausanne, calls for the following observations by the French Government :

1. Article 34 of the Treaty of Lausanne formally states that the validity of the option exercised under that Article by natives of the said country desirous of acquiring the nationality of that country is subject to the consent of the Government " exercising authority " in the country concerned. The procedure of option was introduced early in 1925, at which period neither the Grand Lebanon nor Syria had any political statute or constitutional government. The formula protested against : ". . . the present declaration shall involve the acquisition of Syrian (or Lebanese) nationality as from the day on which, with the consent of the French Government, it shall have been registered by the Syrian (or Lebanese) Government . . . " was therefore the only possible one which conformed to the letter and spirit of the Treaty.

Moreover, in practice, the French Government has never on any occasion made use of the right conferred upon it by this restrictive clause.

2. It is untrue that, as implied in the petition, the mandatory Power favours the settlement of emigrants in Syrian and Lebanese territory. It has merely facilitated the settlement and means of existence of emigrants from neighbouring countries whom — for certain well-remembered reasons, and owing to *force majeure* — it had to admit, from 1918 to 1922, to settle in the countries under its mandate. This essentially humanitarian work, which in no sense partakes of any systematic immigration policy in regard to foreigners is being carried on with the assistance of the International Labour Office and the High Commissariat for Refugees.

Moreover, it was in virtue of the provisions of Article 30 of the Treaty of Lausanne, and not as the result of a decision by the mandatory Power, that refugees of Turkish origin acquired *ipso facto* the nationality of the country in which they were resident on the date of the entry into force of the Treaty (August 6th, 1924).

3. It is not within the power of the French Government, as a signatory of the Treaty of Lausanne, on its own authority to amend the formal provisions of Article 34 of that Treaty, which stipulate that the right of option must be exercised before August 6th, 1926.

ANNEX 7.

REPORT ON THE WORK OF THE THIRTEENTH SESSION  
OF THE COMMISSION.

(Geneva, June 12th to 29th, 1928.)

*Submitted to the Council of the League of Nations.*

The Permanent Mandates Commission met at Geneva from June 12th to 29th, 1928, for its thirteenth session, during which it held 27 meetings, one of which was public. All its members—except M. Freire d'Andrade and M. Orts—and the representative of the International Labour Organisation were present.

The Commission examined the annual reports on the administration of seven mandated territories, as well as several petitions and various questions of a general nature. The annual reports were considered in the following order, with the assistance of the accredited representatives of the mandatory Powers, whose names are given below :

*New Guinea, 1926-27.*

Major-General Sir Granville DE LAUNE RYRIE, K.C.M.G., C.G., High Commissioner for Australia in London.

*Nauru, 1927.*

Major-General Sir Granville DE LAUNE RYRIE.

*Palestine, 1927.*

Lieutenant-Colonel Sir Stewart SYMES, C.M.G., D.S.O., Chief Secretary to the Government of Palestine, assisted by Mr. T. I. K. LLOYD, of the Colonial Office.

*Cameroons under French Mandate, 1927.*

M. A. DUCHÊNE, Councillor of State, Director of Political Affairs in the Ministry of the Colonies.

*Togoland under French Mandate, 1927.*

M. A. DUCHÊNE.

*Tanganyika, 1927.*

Mr. J. SCOTT, C.M.G., Chief Secretary to the Government of Tanganyika Territory, and Mr. E. G. MACHFIG, O.B.E., of the Colonial Office, assisted by Mr. T. I. K. LLOYD, of the Colonial Office.

*Syria and the Lebanon, 1927.*

M. Robert DE CAIX, former Secretary-General to the High Commissariat of the French Republic in Syria and the Lebanon.

The Commission further studied the report of the Royal Commission on the Administration of Western Samoa, communicated to it by the Government of New Zealand, and other relevant documents in the presence of the accredited representative of the New Zealand Government, Sir James Parr, K.C.M.G., High Commissioner for New Zealand in London, and Major-General Sir George S. Richardson, K.B.E., C.B., C.M.G., late Administrator of Western Samoa.



## GENERAL QUESTIONS

### 1. LIQUOR TRAFFIC.

The Permanent Mandates Commission, having taken cognisance of the following resolution adopted by the Council on December 6th, 1927 :

“ The Council requests the Permanent Mandates Commission, in collaboration with the mandatory Powers, to continue to give serious consideration to the causes of the increased importation of spirituous liquors into those territories under B mandate where such an increase is taking place, and to take steps to remedy this situation ” :

1. Has the honour to call the attention of the Council to the summary of work already done by the organs of the League concerning the liquor traffic in the mandated territories, a summary reproduced as an annex to the Minutes of the present session ;

2. Recommends that the Council should request the mandatory Powers to undertake, as soon as possible, to revise and complete the memorandum (document C.P.M.713) drafted by the Secretariat, and containing statistics of importation and information concerning Customs tariffs, licences, etc., for each territory under B and C mandates ;

3. Expresses the wish that the mandatory Powers should inform the Commission to which parts of the territories under their mandate Article 4, paragraph 2, of the St. Germain Convention concerning the liquor traffic in Africa has been applied. The said article provides that the High Contracting Parties will prohibit the importation, distribution, sale and possession of spirituous liquors in those regions of the area referred to in Article 1 where their use has not been developed <sup>1</sup>.

### 2. ECONOMIC EQUALITY : PURCHASE OF SUPPLIES BY ADMINISTRATIONS OF MANDATED TERRITORIES.

The Permanent Mandates Commission recommends to the Council that it should request the mandatory Powers entrusted with the administration of territories under A and B mandates to furnish information on the following point : What regulations have been adopted or are generally followed by them when supplies are purchased by the public authorities of the mandated territories ?

### 3. TREATMENT EXTENDED IN COUNTRIES MEMBERS OF THE LEAGUE TO PERSONS BELONGING TO MANDATED TERRITORIES AND TO PRODUCTS AND GOODS COMING THEREFROM.

In its reports on the situation in Syria and the Lebanon for 1926 (page 176) and 1927 (page 100), the French Government drew attention to certain difficulties arising from the fact that Article 11 of the mandate for Syria and the Lebanon obliges these territories to apply without reciprocity their lowest Customs tariffs to goods originating in States Members of the League of Nations. The report for 1927 points out that, in their relations with almost all countries (except the adjacent countries with whom special Customs arrangements may be concluded under Article 11, Section 2, of the Mandate), the States under mandate are thus placed in a position of inferiority not in keeping with the League's solicitude for their welfare.

The mandatory Power expresses the opinion that it is for the Council of the League of Nations to induce the States Members of the League to remedy the situation.

Furthermore, in a letter dated May 14th, 1928 (document C.230:1928.VI.—C.P.M.717), the French Government requested the Secretary-General to forward for the information of the Members of the Council and of the Mandates Commission copy of a letter dated May 7th, 1928, sent by the French Minister for Foreign Affairs to Baron Lehmann, Liberian Minister in Paris. In this letter the French Government protests against certain measures taken by the Liberian Government, notably in virtue of an Act dated February 16th, 1928, forbidding foreign traders, belonging to countries not bound to the Liberian Republic by any commercial agreement, to trade in the hinterland of Liberia. According to this letter, the Syrians and Lebanese resident in the hinterland of Liberia had been ordered to wind up their businesses within a fortnight. The French Government having been entrusted, under Article 3 of the Mandate, with the

<sup>1</sup> Article 1 is as follows :

“ The High Contracting Parties undertake to apply the following measures for the restriction of the liquor traffic in the territories which are or may be subject to their control throughout the whole of the continent of Africa, with the exception of Algeria, Tunis, Morocco, Libya, Egypt and the Union of South Africa.

“ The provisions applicable to the continent of Africa shall also apply to the islands lying within one hundred nautical miles of the coast. ”

diplomatic and consular protection of the nationals in Syria and the Lebanon abroad, protested against the attitude of the Liberian authorities and requested them to withdraw the exceptional measures taken in regard to the Syrian and the Lebanese nationals. It asked that, as reciprocity was assured in advance, Syrians and Lebanese should be entitled in Liberian territory to the same treatment as was secured to Liberians in Syrian and Lebanese territory. At the same time it proposed the formal sanction of this arrangement by an agreement to be concluded between the mandatory Power and the Liberian Government.

The Permanent Mandates Commission recalls the Council's resolution of September 15th, 1925, relative to the extension of special international conventions to territories under mandate<sup>1</sup> and the resolution of the Assembly on the same subject adopted on September 22nd, 1925<sup>2</sup>, ventures to call the attention of the Council to the situation above described, and hopes that it will be possible to arrive at a satisfactory solution without prejudicing the principle of economic equality stipulated in the mandate.

## OBSERVATIONS CONCERNING CERTAIN TERRITORIES UNDER A, B AND C MANDATES

The following observations have been formulated by the Permanent Mandates Commission after consideration of the situation in each territory, in the presence of the accredited representative of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.

### TERRITORIES UNDER A MANDATE.

#### Palestine and Transjordan.

##### 1. *Jewish National Home.*

The Commission has given its full attention to the difficulties which have been encountered in the efforts to make the Jewish settlement in Palestine economically self-supporting, and which have led to a restriction of Jewish immigration in order to make it proportionate to the economic capacity of the territory.

##### 2. *Jewish Agency.*

It would be of interest to the Commission to receive detailed information regarding the reorganisation of the Jewish Agency mentioned in the report.

##### 3. *Land Regime.*

The Commission hopes that it will be possible for the mandatory Power to give an account in the report for 1928 of the final settlement of the Arab complaint concerning the Barrat-Cæsarea lands.

##### 4. *Public Finance.*

The Commission noted with satisfaction that the profits which resulted from the introduction of a Palestinian currency would accrue to the Palestine Treasury as soon as sufficient reserves had been accumulated by the Currency Board.

##### 5. *Transjordan.*

(a) *Agreement of February 20th, 1928.*—The mandatory Power communicated to the Commission with the annual report a copy of an agreement between the United Kingdom and Transjordan signed on February 20th, 1928, which recognises the existence of an independent Government in Transjordan and defines and limits its powers. The Commission noted that the accredited representative considered that, in the view of his Government, the Council, by the decision of September 16th, 1922, which implements Article 25 of the Mandate, had approved this step, and also that the mandate would still remain in force after the agreement came into effect.

<sup>1</sup> "II. The Council:

"Recommends that the mandatory Powers, and also all States, whether Members or not of the League of Nations, which have concluded special treaties or conventions with the mandatory Powers should agree to extend the benefits of such treaties or conventions to mandated territories if circumstances render such extension possible and expedient and if the provisions of these international agreements are consistent with the stipulations of the Covenant and the mandate. . . . (Official Journal, 6th Year, page 1363.)

<sup>2</sup> "The Assembly expresses . . . 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." (Resolutions and Recommendations of the sixth ordinary session of the Assembly, page 29.)

The Commission recognises that it is in accordance with the spirit of the Covenant and of the mandate for the mandatory Power to further the development of self-government, especially in the territories under A mandate. It has no doubt that the Council will take into consideration, especially under Article 27 of the Mandate, whether its formal assent is necessary for putting in force the agreement in question.

Since the Commission is charged with the duty of seeing that the mandate is fully and literally carried out, it considers it necessary to point out that, in particular, Article 2 of the Agreement, which reads as follows :

“ The powers of legislation and of administration entrusted to His Britannic Majesty as mandatory for Palestine shall be exercised in that part of the area under mandate known as Transjordan by His Highness the Amir . . . ”

does not seem to be compatible with the stipulations of the Mandate, of which Article 1 provides that :

“ The mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate. ”

(b) *Autonomous Administration.*—The Commission noted the offer of the accredited representative to arrange to insert in the next report information as to the number of autonomous municipalities existing in Transjordan and as to whether the municipal authorities were elected or appointed.

(c) *Statistics.*—The Commission expressed the hope that local conditions would soon make it possible for the mandatory Power to furnish general statistics concerning Transjordan in order that the tables which were published in accordance with the resolution of the Council of March 5th, 1928, might be completed.

(d) *Laws.*—The Commission noted the explanations given by the accredited representative as to the technical reasons which had hitherto prevented the mandatory Power from forwarding (in conformity with Article 24 of the Mandate) the texts of laws and regulations promulgated in Transjordan. It hopes that these difficulties may be overcome in the near future.

## Syria and the Lebanon.

### GENERAL OBSERVATIONS.

The Commission hopes that replies may soon be furnished to the various questions, raised in the report on the eleventh session, in regard to which information has not yet been supplied by the mandatory Power.

In view of the importance which the Commission attaches to clear and definite replies being always furnished in response to its observations, it would be glad if the mandatory Power would be good enough, in future, to communicate such replies either in a special chapter of the annual report, or in a separate communication, in accordance with the practice adopted by several other Governments.

The Commission would be glad to have information in future reports which would enable it to obtain a comprehensive view of the economic and financial development of the mandated territories.

### SPECIAL OBSERVATIONS.

1. *International Relations : Frontiers.*—The Commission thinks it should draw the attention of the Council to the information, given on pages 24 to 26 of the report, concerning the difficulties which have arisen in regard to the final determination of the frontier between the mandated territories and Turkey. It trusts that a satisfactory solution of this important question may soon be arrived at in accordance with the treaties.

2. *Organic Law.*—The Commission has learnt with satisfaction from the report and the accredited representative's statement of the calm which prevails in Syria and the Lebanon, and of the measures taken by the High Commissioner to ensure a peaceful atmosphere during the preparation for the local elections. It appreciates the liberality of the policy which is being pursued, and hopes that this policy will lead in the near future to the adoption of the Organic Law provided for in the mandate.

Nevertheless, while recognising that the country must be prepared for that emancipation which is the aim of the mandate by a policy that will gradually accustom it to self-government, the Commission hopes that, until that moment has arrived, the mandatory Power will retain such a measure of authority as will fully enable it to continue to direct and superintend this evolution, and to fulfil all its obligations to the League of Nations.

3. *Economic Equality*.—In order to obtain a clear idea of the manner in which the principle of economic equality is applied in Syria and the Lebanon, the Commission would be glad to receive information on the following points :

1. What are the principles followed in respect of transactions connected with public works ?
2. What are the conditions under which concessions dating from the Ottoman regime have been renewed or modified ?
3. Is the coasting trade open to vessels of all countries ?
4. What principles are followed in drawing up the official lists of prices (*mercuriales*) used for assessing values for *ad valorem* duties ?

4. *Labour*.—While recognising the economic and social obstacles which make it difficult to apply legislation concerning labour conditions in Syria and Lebanon, the Commission would be glad to be informed whether it would not be possible to make more rapid progress in this sphere, particularly as regards the inspection and protection of the labour of women and children. It noted the declaration of the accredited representative to the effect that the mandatory Power would institute an enquiry into this matter.

5. *Manufacture of and Trade in Drugs*.—The Commission will follow with interest the results of the efforts made to suppress the cultivation and export of hashish.

6. *Public Health*.—The Commission notes with satisfaction the effective measures taken by the health authorities in Syria, in co-operation with those of Palestine and Iraq, to prevent the cholera epidemic from spreading outside Iraq.

#### TERRITORIES UNDER B MANDATE.

##### Togoland and Cameroons under French Mandate.

#### OBSERVATIONS COMMON TO BOTH TERRITORIES.

1. *Replies to the Commission's Observations*.—The Commission recommends that the mandatory Power should give its replies to the observations made by the Commission as a result of the examination of the previous year's report, in a special document or a separate chapter of the annual report.

2. *Public Finance*.—The Commission had noted the information furnished by the accredited representative concerning grants made by the mandated territories to institutions in the home country and certain international organisations. It is sure that, in fixing the amount and the objects for which such grants are made, the mandatory Power will always see that the charges under this head are in fair proportion to the direct and indirect benefits which these territories may derive from the said institutions.

3. *Education*.—The Commission would be glad to know the approximate number of children of school age and the average percentage of school attendance in Government institutions and at the mission schools. The Commission hopes that, in future, information supplied by the mandatory Power will show a comparison not merely with the budget estimates but with the actual expenditure for past years.

4. *Alcohol, Spirits and Drugs*.—The Commission suggests that it would be advisable to exclude from the statistical tables in the report those beverages which, according to the definitions recently formulated by the Commission, are not to be regarded as intoxicating.

#### TOGOLAND.

1. *General Administration*.—The Commission appreciates the efforts made to collect detailed information about native customs. It is of opinion that the intended collection of information on the subject will be of great value to the Administration.

2. *Public Finance*.—The Commission would be glad to find in the next report, under a separate heading, details on the yield of the various direct and indirect taxes.

3. *Public Health*.—The Commission would be glad if particulars as detailed as possible could be inserted in the next report regarding the mortality in the prisons of the territory.

#### CAMEROONS.

1. *International Relations : Economic Equality*.—The Commission desires to draw the mandatory Power's attention to the fact that, under Article 2 of the Decree of September 14th, 1925, contained in the report for 1925, only books in the French language are exempted from import duty ; this would not seem to be consistent with the principle of economic equality.

2. *Public Finance.*—The Commission would be glad if a comparative table of the estimated and actual receipts and expenditure for the past financial years could be included in the next report.

3. *Education.*—The Commission suggests that the mandatory Power should consider the possibility of securing the help of the missions in educational work, if necessary by granting them subsidies.

4. *Alcohol, Spirits and Drugs.*—The Commission has noted with satisfaction the good results described in the report obtained by rationing the import of spirits. It would be glad if the next report would include a table indicating the quantity of the various categories of intoxicating beverages imported during previous years and the Customs duties imposed on these imports.

### Tanganyika.

#### GENERAL OBSERVATION.

The Commission noted with great interest the account which is given in the report as to the results of the policy of indirect rule in Tanganyika and the consolidation of tribal units into homogeneous organisations.

#### SPECIAL OBSERVATIONS.

1. *Defence of the Territory.*—The Commission noted that the mandatory Power would resist any attempt to increase the proportion of military expenditure of the British dependencies in East Africa at present borne by the mandated territory.

2. *Social, Moral and Material Condition of the Natives.*—Referring to the experiments made regarding native-grown cotton, the Commission was glad to be assured that the Administration, while encouraging the natives to grow food crops, will be cautious in its recommendations in regard to crops for export when it is uncertain that they would continue to command reasonable prices.

3. *Conditions and Regulation of Labour.*—The Commission appreciates the action of the Administration in further limiting the occasions upon which forced labour may be requisitioned and in taking steps for the gradual abolition of unpaid compulsory labour for village sanitation work.

4. *Public Health.*—The Commission would be glad to have regular information in future reports of the measures taken to combat leprosy.

It hopes to find in the next report information as to the number of the existing subordinate medical staff and their qualifications.

5. *Land Tenure.*—The Commission welcomed the enactment of legislation with the object of assuring to the natives legal title to the lands they occupy.

### TERRITORIES UNDER C MANDATE.

#### Nauru.

1. *International Relations.*—The Commission again noted the statement made by the accredited representative to the effect that the question of the application of general international conventions to Nauru was receiving the serious consideration of the Australian Government. It hopes that information will be given in the next report as to the situation in this respect.

2. *General Administration.*—The Commission took note of the appointment of a new Advisory Council for native affairs consisting of sixteen chiefs, and hopes to find in the next report some information as to its methods of work.

3. *Public Finance.*—The Commission would be glad to learn in what way the financial interests of the mandated territory are represented in the settlement by the mandatory Power of the liabilities incurred by the territory to the Australian Department of Defence before and after the inception of civil administration; and also the principles which determine the settlement of this question.

4. *Judicial Organisation.*—The Commission noted from a reply given by the accredited representative that the Central Court of the Administrator exercises supreme power, without any right of appeal against its sentences.

5. *Conditions and Regulation of Labour.*—The Commission noted with satisfaction that a full account had been given in the report for 1927, in reply to a question raised the previous year, of the measures of protection that had been taken for Chinese workers. It would be of interest to know whether any provision had been made as regards indemnifying Chinese workers repatriated as unfit for service on account of sickness.

6. *Public Health.*—The Commission noted the information given by the report and by the accredited representative as to the situation in regard to leprosy. It will follow with great interest the measures taken to combat this disease.

## New Guinea.

### GENERAL OBSERVATION.

The Commission would be very grateful to the mandatory Power if, to the summary of existing legislative provisions, could be added more detailed information as to the action taken under this legislation, all the more since information has reached the Commission which is of such a nature as specially to arouse certain apprehensions.

### SPECIAL OBSERVATIONS.

1. *General Administration.*—The Commission would be glad to have full information as to the method adopted for the selection of native district chiefs (*luluais*), who are appointed by the Administration.

2. *Public Finance.*—The Commission would be glad to learn in what way the financial interests of the mandated territory are represented in the settlement by the mandatory Power of the liabilities incurred by the territory to the Australian Department of Defence before and after the inception of civil administration; and also the principles on which the settlement of this question is to be based.

3. *Conditions and Regulations of Labour.*—The Commission would appreciate further information as to the programme of the Administration for introducing the system of "free labour" in place of the present practice in accordance with which all labourers, including domestic servants, are employed under contracts which comprise penal sanctions for breach.

The Commission noted with satisfaction that the compulsory cultivation of land, except for the food supply of the native concerned, has been abolished.

The Commission would be glad to be informed of any measures which may be taken by the mandatory Power to assure the efficacy of the inspection of labour conditions.

It is hoped that information previously requested will be given in the next report as to the approximate amount of portage by natives required by the Administration each year.

4. *Education.*—It would be of interest to the Commission to know whether any steps could be taken to encourage the missions to appoint duly qualified educational inspectors.

5. *Public Health.*—In view of the shortage of doctors of British nationality mentioned in the report, the Commission would like to know whether the mandatory Power would be disposed to consider the advisability of appointing to the service of the territory medical officers of other nationalities or of subsidising the missions in order to enable them to increase their medical staff.

6. *Population.*—The Commission would be glad to have the fullest possible information in future reports concerning the decrease of the population or the danger of a decrease in any parts of the territory.

It noted that the statistics in the report showed a marked contrast between the number of male and female children in the territory, and would like to know whether this may be attributed to the practice of infanticide mentioned in the report.

## Western Samoa.

The Permanent Mandates Commission has made a detailed study of the report of the Royal Commission of Enquiry into the events which occurred in the Samoan Islands in 1926-27, and of the documents forwarded by the mandatory Power with this report. It also carefully considered the petitions addressed to it by the "Anti-Slavery and Aborigines Protection Society" of London, by a certain number of natives through Messrs. Findlay, Hoggard, Cousins and Wright, by Mr. Nelson and by Mr. Newton Rowe. It spent several sittings in studying the questions dealt with in these documents and heard the additional explanations given by Sir James Parr, representative of the mandatory Power, and Major-General Richardson, former Administrator of Western Samoa. A full account of the discussion of the Permanent Mandates Commission will be found in its Minutes, which it is essential to consult in connection with the following conclusions<sup>1</sup>.

<sup>1</sup> Document C.341.M.99.1928.VI.

It is the considered opinion of the Commission that none of the charges of any importance against the Administration which have been made in the various petitions has been substantiated and that none contains any evidence of policy or action contrary to the mandate.

On the contrary, the local Administration seems to have made every effort to improve the conditions of life of the native population, notably in regard to public health and education, as well as in regard to agricultural production and commerce.

The Commission cannot too strongly condemn the action of Mr. Nelson and those associated with him, who seem to have been inspired less by a desire for the public welfare than by personal ambition and interests. By unworthy means they have worked upon the minds of an impressionable people, who, prior to their propaganda, showed no disquieting signs of discontent. The Commission is satisfied that the Administrator acted with great patience—if not perhaps always with sufficient psychological insight—and showed a forbearance and confidence in the people which may have been misunderstood, and so to some extent may have undermined his authority. The lamentable absence of sufficient means to enforce the law which it was his duty to uphold placed him in an extremely difficult situation. This situation was made all the more delicate by the uncertain attitude of the Government.

The Commission has noted with satisfaction the action taken by the mandatory Power in setting up an impartial commission of enquiry and in communicating to the League its very full report. This report, with the evidence on which its conclusions are based, was of great assistance to the Permanent Mandates Commission in forming its own judgment. The presence before it of General Richardson, the responsible Administrator from 1923 to 1928, and the frankness of his statements were also very useful.

In view of the statement that the unrest in Samoa will probably continue until the League of Nations comes to a decision, the Permanent Mandates Commission considers it of the greatest importance that it should be clearly understood that the mandatory Power alone is responsible for maintaining law and order in accordance with the mandate.

The Commission is assured that adequate means for that essential purpose are now at the disposal of General Richardson's successor, and it trusts that the Samoans, when they realise that they have been misled, will resume their former attitude of confidence in the Administration, and that the mandatory Power will soon be able to re-establish peace and prosperity in Western Samoa by a policy both firm and liberal.

## OBSERVATIONS ON PETITIONS

The Commission, in the course of its thirteenth session, considered the petitions mentioned below, together with such relevant observations or information as were furnished in writing by the mandatory Powers or orally by their accredited representatives. Each of the petitions was, as usual, reported on in writing or orally by a member of the Commission. After discussion, the conclusions of the reports, which are printed below, were adopted by the Commission. The written reports are reproduced as annexes to the Minutes<sup>1</sup>.

### 1. Palestine.

Letter dated April 30th, 1928, and memorandum on the development of the Jewish National Home in Palestine in 1927-28, from the Zionist Organisation.

Observations from the British Government, dated June 5th, 1928 (document C.P.M.728).  
Report (see Minutes, Annex 5 F).

#### *Conclusions :*

The Commission, while considering that, generally speaking, the observations of the mandatory Power, supplemented by the explanations of its accredited representative, were satisfactory, deemed it advisable to repeat the following recommendations made at its ninth session :

“ The Commission trusts that every effort will be made to hasten the survey, the completion of which will be of the utmost importance for the general development of Palestine and in particular for the establishment of the Jewish National Home.

“ The Commission hopes that means may soon be found to utilise to the full the possibilities of the land in the Beisan area. ”

<sup>1</sup> As regards those petitions and observations of the mandatory Powers relating thereto, which the Commission has not considered necessary to forward to the Council and Members of the League, it recommends that copies should be kept in the League Library at the disposal of persons who may wish to consult them.

## 2. Syria and the Lebanon.

(a) Petition of the Lebanese Committee in Paris, dated June 13th, 1927 (document C.P.M.619).

Observations from the French Government, dated May 23rd, 1928 (document C.P.M.721).  
Report (see Minutes, Annex 5 B.)

### *Conclusions :*

The Commission holds that it is not necessary to submit to the Council any observations other than those which it formulated at its tenth session, namely, that the explanations of the mandatory Power were entirely satisfactory, and it hoped that the question of the prolongation of the period fixed for the formalities of opting would be decided as the petitioners desired. It decides that the petitions, the observations of the French Government and the text of the report submitted to the Commission by the Rapporteur shall be included in the Minutes of the present session as annexes.

(b) Petition of Mr. Ghaleb (document C.P.M.688).

Observations from the French Government, dated December 9th, 1927 (document C.P.M.688).

Report (see Minutes, Annex 5 C).

### *Conclusions :*

The Permanent Mandates Commission is of opinion that it has no power to consider this claim.

(c) Petitions of Messrs. Chekib Arslan, Ihsan El Djabri and Riad El Souh, dated September 1st, 1927, and October 20th, 1927 (documents C.P.M.625 and 683).

Observations from the French Government, dated May 23rd, 1928 (document C.P.M.722).  
Oral report (see Minutes of the twenty-second meeting).

### *Conclusions :*

The Commission considers that the report of the mandatory Power constitutes a complete reply to the petition of M. Chekib Arslan and his associates, in so far as the petition refers to the administration of the mandated territory. It consequently recommends that the Minutes of the session should be communicated to the petitioner together with these conclusions.

## 3. Togoland under French Mandate.

Petition from the "Bund der Deutsch Togoländer," dated August 9th, 1926 (document C.P.M.467).

Observations from the French Government, dated April 1st, 1927, and March 29th, 1928 (documents C.P.M.552 and 706).

Report (see Minutes, Annex 5 D).

### *Conclusions :*

The Commission, having noted the additional information forwarded by the mandatory Power, confirms the conclusion it reached at its eleventh session to the effect that the allegations of the petitioners are in all essentials without foundation.

## 4. Tanganyika.

Petition of Mr. Thawer, dated February 17th, 1927 (document C.P.M.684).

Observations from the British Government, dated November 28th, 1927 (documents C.P.M.684 and 685).

Report (see Minutes, Annex 5 A).

### *Conclusions :*

While abstaining from expressing any opinion whatever on the merits of the case, which is outside its immediate competence, the Mandates Commission, the prime concern of which is the welfare of the inhabitants of the mandated territories, might, however, express the hope that a favourable settlement may be found in the matter of withdrawing former German currency from circulation.



## 5. South-Western Samoa.

(a) Petition of Mr. Newton Rowe, dated June 1st, 1927 (document C.P.M.571).  
Observations of the New Zealand Government, dated August 3rd, 1927, and September 13th, 1927 (documents C.P.M.626 and 657).  
Report (see Minutes, Annex 5 E).

### *Conclusions :*

The Commission is of opinion that none of the allegations made by Mr. Rowe is worthy of special consideration and that the questions as a whole are covered by those which the Commission has considered in its final report to the Council, with regard to which it has given its conclusions.

(b) Petition of the " Anti-Slavery and Aborigines Protection Society ", dated July 19th, 1927 (document C.P.M.620).  
Observations from the New Zealand Government, dated September 19th, 1927 (document C.P.M.662).  
Report (see Minutes, Annex 5 G).

### *Conclusions :*

In view of the fact that the Permanent Mandates Commission has, at its present session, prepared a report to the Council dealing with the General Question of Samoan unrest and the complaints made against the local administration, it is not necessary to submit any special conclusions concerning the petition of the " Anti-Slavery and Aborigines Protection Society ", this petition having been taken into account in the preparation of the report.

(c) Petition dated March 9th, 1928, from certain natives of Western Samoa (document C.P.M.718).  
Observations from the New Zealand Government, dated April 24th, 1928 (document C.P.M.718) and from General Richardson, dated June 15th, 1928 (document C.P.M.742).

### *Conclusions :*

The Commission considers that none of the charges of any importance made in this petition against the Administration have been substantiated and that the petition contains no evidence of policy or action contrary to the mandate.

(d) Petition, dated March 29th, 1928, from Mr. Olaf Frederick Nelson.  
Observations from the New Zealand Government, dated April 19th, 1928 (document C.P.M.719) and from General Richardson, dated June 15th, 1928 (document C.P.M.744).

### *Conclusions :*

The Commission considers that none of the charges of any importance made in this petition against the Administration have been substantiated and that the petition contains no evidence of policy or action contrary to the mandate.

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SOCIÉTÉ DES NATIONS

MANDATS

14 11

**OBSERVATIONS DU GOUVERNEMENT BRITANNIQUE AU SUJET  
DE LA DÉCISION DU CONSEIL CONCERNANT LE RAPPORT DE LA  
COMMISSION PERMANENTE DES MANDATS SUR LES TRAVAUX  
DE SA DOUZIÈME SESSION<sup>1</sup>**

Londres, le 24 juillet 1928.

Monsieur le Secrétaire général,

Me référant à votre lettre N° 6 A/516/X, en date du 13 mars dernier, j'ai l'honneur, d'ordre du secrétaire d'Etat sir Austen Chamberlain, de porter à votre connaissance les observations ci-après sur la résolution adoptée le 5 mars par le Conseil de la Société, au sujet du rapport de la Commission permanente des mandats.

2. Dans le paragraphe A (1) de sa résolution, le Conseil demande à certaines Puissances mandataires de lui fournir des renseignements relatifs aux tarifs postaux dans les territoires sous mandat. Les enquêtes nécessaires des administrations des territoires sous mandat en ce qui concerne les points en question ne sont pas encore terminées et, en conséquence, une communication ultérieure vous sera adressée à ce sujet.

3. Le paragraphe A (2) de la résolution du Conseil demande des renseignements sur la suite donnée par les Puissances mandataires à la résolution du Conseil, en date du 23 avril 1923, concernant le statut des habitants des territoires sous mandats B. et C. La question de la législation propre à permettre aux habitants de ces territoires d'obtenir la naturalisation impériale a été discutée aux Conférences impériales de 1923 et de 1926, et les termes du projet de loi destiné à donner effet aux conclusions formulées font encore l'objet d'un examen de la part des divers Gouvernements intéressés. En ce qui concerne le quatrième paragraphe de la résolution, le Gouvernement de Sa Majesté en Grande-Bretagne estime que la question de la dénomination à accorder aux habitants indigènes du Cameroun britannique, du Togo britannique et du Tanganyika ne présente une importance pratique que dans la mesure où cette disposition concerne la désignation à inscrire sur les passeports accordés aux personnes en question. Le Gouvernement de Sa Majesté a décidé d'employer, sur les passeports accordés aux habitants indigènes des territoires en question, la formule suivante :

« Protégé britannique, originaire du territoire sous mandat du

{ Cameroun britannique,  
Togo britannique,  
Tanganyika. »

Les Gouvernements des Dominions mandataires fourniront certainement une réponse sur ce point, dans la mesure où la résolution concerne les habitants des territoires sous mandat C placés sous leur mandat.

4. Au sujet du paragraphe A (3) de la résolution du Conseil, le Gouvernement de Sa Majesté a pris note que la Commission permanente des mandats a exprimé le désir de recevoir une carte indiquant la délimitation définitive des frontières entre le Cameroun britannique et le Cameroun français, ainsi qu'entre le Togo britannique et le Togo français.

5. Les listes des conventions internationales générales et spéciales appliquées aux territoires sous mandat seront examinées et une communication ultérieure vous sera adressée dès que cet examen sera terminé. Autant qu'il sera possible, les rapports envoyés par le Gouvernement de Sa Majesté en Grande-Bretagne au sujet des territoires sous mandat, à partir des rapports relatifs à l'année 1928, comprendront les renseignements demandés par la Commission permanente des mandats en ce qui concerne : 1° l'application des conventions internationales générales et spéciales ; 2° les statistiques générales et, 3° les statistiques financières.

6. Les observations spéciales de la Commission permanente des mandats au sujet de l'Irak, du Cameroun britannique et du Togo britannique feront, autant que cela sera possible, l'objet d'une réponse dans les rapports annuels relatifs à ces territoires pour l'année 1927.

(Signé) R. H. CAMPBELL.

<sup>1</sup> Voir rapport de la Commission permanente des mandats (document C. 564, 1927. VI) ; Procès-verbaux (document C. 545. M. 194. 1927. VI) et résolution du Conseil, en date du 5 mars 1928 (*Journal Officiel*, neuvième année, N° 4, avril 1928, page 375).



Geneva, August 1st, 1928.

LEAGUE OF NATIONS

MANDATES

**OBSERVATIONS OF THE BRITISH GOVERNMENT ON THE COUNCIL'S  
DECISION CONCERNING THE REPORT OF THE PERMANENT  
MANDATES COMMISSION ON THE WORK OF ITS TWELFTH SESSION<sup>1</sup>**

To the Secretary-General :

London, July 24th, 1928.

With reference to your letter No. 6A/516/X of March 13th last, I am directed by Secretary Sir Austen Chamberlain to offer the following observations on the resolution adopted by the Council of the League on March 5th in regard to the report of the Permanent Mandates Commission.

2. In paragraph A (1) of their resolution the Council request certain mandatory Powers to furnish them with information concerning postal rates in mandated territories. The necessary enquiries of the Administrations of mandated territories on the points in question have not yet been completed, and a further communication will therefore be addressed to you on this point.

3. Paragraph A (2) of the resolution of the Council asks for information as to the action taken by mandatory Powers on the Council's resolution of April 23rd, 1923, regarding the status of inhabitants of territories under B and C mandates. The question of legislation to enable the inhabitants of such territories to obtain Imperial naturalisation was discussed at the Imperial Conferences of 1923 and 1926 and the terms of the Bill to give effect to the conclusions reached are still under consideration by the various Governments concerned. As regards the fourth paragraph of the resolution, His Majesty's Government in Great Britain believe that the question of the descriptive title to be accorded to the native inhabitants of the British Cameroons, British Togoland and Tanganyika is of practical importance only in so far as it concerns the description to be entered on passports granted to such persons. They have decided to use the following formula on passports granted to native inhabitants of the territories in question :

" British protected person, native of the mandated territory of

{ *British Cameroons.*"  
*British Togoland.*"  
*Tanganyika.*"

The Governments of the mandatory Dominions will doubtless return replies on this point in so far as it concerns the inhabitants of C mandated territories under their mandate.

4. As regards paragraph A (3) of the Council's resolution, His Majesty's Government note that the Permanent Mandates Commission will be glad to receive a map showing the final delimitation of the frontiers between British and French Cameroons and between British and French Togoland.

5. The lists of general and special international conventions applied to mandated territories will be examined and a further communication will be addressed to you when the examination has been completed. So far as is possible, the reports rendered by His Majesty's Government in Great Britain on mandated territories, beginning with the reports for the year 1928, will include the information for which the Permanent Mandates Commission has asked in regard to : (1) the application of general and special international conventions ; (2) general statistics ; and (3) financial statistics.

6. The special observations of the Permanent Mandates Commission in regard to Iraq, the British Cameroons and British Togoland will be dealt with so far as possible in the annual reports on these territories for the year 1927.

(Signed) R. H. CAMPBELL.

<sup>1</sup> See Report of the Permanent Mandates Commission (document C.564.1927. VI) ; Minutes (document C.545. M.194.1927. VI) ; and resolution of the Council dated March 5th, 1928 (*Official Journal*, 9th Year, No. 4, April 1928, page 375).

Geneva, November 11th, 1927.

LEAGUE OF NATIONS

15

**PERMANENT MANDATES COMMISSION****REPORT ON THE WORK  
OF THE TWELFTH SESSION OF THE COMMISSION**

(Geneva, October 24th to November 11th, 1927.)

*Submitted to the Council of the League of Nations.*

The Permanent Mandates Commission met at Geneva from October 24th to November 11th, 1927, for its twelfth session, during which it held twenty-eight meetings, one of which was public. All its members—except Sir Frederick Lugard and M. Yamanaka—and the representative of the International Labour Organisation were present.

The Commission studied the annual reports on the administration of six mandated territories, as well as several petitions and certain questions of a general nature. The annual reports were considered in the following order, with the assistance of the accredited representatives of the mandatory Powers, whose names are given below :

1. *Iraq (1926) :*  
Mr. B. H. BOURDILLON, C.M.G., Counsellor to the High Commissioner for Iraq; and  
Mr. T. I. K. LLOYD, of the Colonial Office;
2. *Pacific Islands under Japanese Mandate (1926) :*  
M. N. SATO, Minister Plenipotentiary, Director of the Japanese League of Nations Office;
3. *Cameroons under British Mandate (1926) :*  
The Right Honourable W. G. ORMSBY GORE, P.C., M.P., Under-Secretary of State for the Colonies;  
Mr. H. R. PALMER, C.M.G., C.B.E., Lieutenant-Governor of the Northern Provinces of Nigeria; and  
Mr. T. I. K. LLOYD;
4. *Togoland under British Mandate (1926) :*  
Mr. W. G. ORMSBY GORE;  
Mr. H. S. NEWLANDS, Provincial Commissioner in the Gold Coast; and  
Mr. T. I. K. LLOYD;
5. *Western Samoa (1926-27) :*  
Sir James PARR, K.C.M.G., High Commissioner for New Zealand in London;
6. *Ruanda-Urundi (1926) :*  
M. HALEWYCK DE HEUSCH, Director-General at the Ministry of the Colonies.

The Commission is glad to take this opportunity of thanking once more all the mandatory Powers and their accredited representatives for the valuable assistance they have given it in its work this year as in the past. It is particularly grateful to the British Government for sending as representative at the twelfth session its Under-Secretary of State for the Colonies, and also, for the discussion in 1927 of each of the reports on the five territories under the Mandate of Great Britain, a high official having first-hand experience of the situation in these territories.

Publications of the League of Nations

**VIA. MANDATES  
1927. VIA. 11.**

## GENERAL QUESTIONS

### 1. ECONOMIC EQUALITY : POSTAL RATES.

The Commission's attention has again been directed to the question of postal rates in the territories under A and B mandates. These territories are subject to a system of economic equality—, that is to say, the mandatory Powers are bound under the terms of the mandates to ensure in these territories, as between all States Members of the League and their nationals, complete economic, commercial and industrial equality. In most of these territories, however, if not in all, the mandatory Administrations have established, for communication with countries outside, postal rates which vary according to the destination. As a rule, correspondence despatched to the territory of the mandatory Power enjoys a lower rate than correspondence to the other States Members of the League. This system, it seems, is bound to favour to some extent the postal relations between the mandated territories and their Mandatories. It appears necessarily to involve in international competition a certain advantage for the commercial relations between the mandatory Powers and the mandated territories entrusted to them.

Accordingly, the Commission, whose members expressed the most divergent views, has been considering whether this practice is quite consistent with the strict application of the principle which it must do everything in its power to uphold.

On the other hand, the practical importance of the existing differentiation is not perhaps such as to call for intervention by the League.

With a view to forming a definite opinion on the matter, the Commission proposes, therefore, that the Council should request the mandatory Powers entrusted with the administration of territories under A and B mandates to furnish particulars concerning :

- (1) Their system of postal rates;
- (2) The reasons which have led them to adopt different rates;
- (3) The practical importance of the question from the financial point of view.

### 2. NATIONAL STATUS OF THE INHABITANTS OF TERRITORIES UNDER B AND C MANDATES.

The Commission would be glad to know what action the mandatory Powers have taken on the Council's resolution of April 23rd, 1923, regarding the national status of the inhabitants of territories under B and C mandates, and particularly on the fourth paragraph of this resolution.

### 3. FRONTIERS BETWEEN THE CAMEROONS UNDER FRENCH AND BRITISH MANDATE AND TOGOLAND UNDER FRENCH AND BRITISH MANDATE.

The Commission noted the declaration of the accredited representative of the British Government that, by common agreement, no important modifications of the frontiers between the spheres of the Cameroons and Togoland under British and French Mandate respectively are now considered necessary, and that the work of delimitation is being carried out with the minor rectifications which such an operation entails. When the work has been completed, the Commission would be glad to receive a map showing the final delimitation.

### 4. GENERAL AND SPECIAL INTERNATIONAL CONVENTIONS APPLIED IN THE MANDATED TERRITORIES.

The Permanent Mandates Commission has taken note of two lists drawn up at its request by the Secretariat. One indicates the general and special Conventions applied in each mandated territory, and the other shows the mandated territories in which each general international Convention is applied. These lists were drawn up on the basis of information figuring either in the annual reports of the mandatory Powers or in the *Treaty Series* of the League of Nations.

The Commission asks the Council to instruct the Secretary-General to forward a copy of these two lists to each mandatory Power, requesting it to check them, and to complete them if necessary.

Further, with reference to the Council's decisions of December 12th, 1923, and September 15th, 1925, the Commission suggests that the mandatory Powers should be requested to insert in their annual reports the data necessary to enable the Secretariat to keep these lists up to date.

### 5. GENERAL STATISTICS.

On September 4th, 1926, the Council instructed the Secretary-General to forward to the mandatory Powers statistical tables concerning the foreign trade, public finance, and the population of each of the mandated territories, with the request that they should revise and supplement

them. The Secretariat has informed the Commission that the revised tables have been received from all the mandated territories with one exception. The Commission proposes that these tables, which will undoubtedly be of great value both to the different organisations of the League and to the general public, should be reproduced in the *Official Journal*. Further, it would be well if the mandatory Powers would be good enough to supply the necessary information each year in their annual reports, so that the tables may be kept up to date.

#### 6. FINANCIAL STATISTICS.

In so far as they are not given in the tables mentioned in the preceding paragraph, the Commission would be glad to find in future annual reports statistics which would permit the reader to judge of the financial development of the territory under examination. These statistics should, therefore, show year by year, from the entry into force of the mandate, both under main heads and in total :

- (a) Revenue, including sums received from the mandatory Power, as : (i) loans and advances; and (ii) non-recoverable grants;
- (b) Expenditure shown in the accounts of the territory, and also any sums expended directly by the mandatory Power on behalf of the territory (e.g., defence) or its administration (e.g., High Commissioner);
- (c) Deficit or surplus, and how met or disposed of;
- (d) Assets and liabilities at the end of the financial year.

#### 7. RULES OF PROCEDURE : MODIFICATION IN ORDER TO MAKE THEM CONFORM TO RECENT DECISIONS OF THE COUNCIL.

The Rules of Procedure of the Permanent Mandates Commission were approved by the Council in their revised form on December 12th, 1923. Since then, the Council has taken various decisions which modify the Rules. The Commission considers that it would be desirable to bring the text of the Rules into conformity with these decisions, and to reproduce the text as thus revised in one document. It proposes that the Council should approve the following modifications :

*Rule 1, paragraph 1*, is at present worded as follows :

"The Permanent Mandates Commission will assemble for its ordinary session once a year at the seat of the League of Nations, as a rule in the second half of June."

Experience has shown that the Commission is invariably obliged to meet more than once a year in order to carry out its ordinary work, and the Council having approved this procedure<sup>1</sup>, it would seem advisable to draft this paragraph as follows :

"The Permanent Mandates Commission will assemble in ordinary session at least once a year, at the seat of the League of Nations, as a rule in the second half of June."

*Rule 3, paragraph 1*, is at present worded as follows :

"At any meeting, five members shall constitute a quorum."

The number of statutory members having been raised from nine to ten<sup>2</sup>, this paragraph should read as follows :

"At any meeting, six members shall constitute a quorum."

In accordance with the amendment to Rule 1, the Commission proposes that *the first sentence of Rule 4*, which at present reads :

"At the beginning of each ordinary session, the Commission shall elect from among its members, by secret ballot, a chairman and a vice-chairman, for the period of one year,"

shall be modified as follows :

"At the beginning of the first ordinary session of each year, the Commission shall elect from among its members, by secret ballot, a chairman and a vice-chairman, for the period of one year."

*Paragraph 1 of Rule 5* is worded as follows :

"The Commission shall be put in possession, at latest before May 20th, of the annual reports which, in conformity with the provisions of paragraph 9 of Article 22 of the Covenant, it is constituted to receive."

As a result of the decisions of the Council dated December 9th, 1925, September 4th, 1926, and March 7th, 1927, the Committee proposes that this paragraph should be drafted as follows<sup>3</sup> :

"The Commission shall be put in possession of the annual reports concerning Palestine, Syria, Camerouns and Togoland under French mandate, Tanganyika, South-West Africa,

<sup>1</sup> See Minutes of the Thirty-second Session of the Council, *Official Journal*, February 1925, page 207.

<sup>2</sup> See Minutes of the Council, Forty-sixth Session, *Official Journal*, October 1927, page 1120.

<sup>3</sup> See Minutes of the Council, Thirty-seventh Session, *Official Journal*, February 1926, page 135; Forty-second Session, *Official Journal*, October 1926, pages 1239 and 1309; Forty-fourth Session, *Official Journal*, April 1927, pages 347, 348, 427.

New Guinea and Nauru before May 20th; and those concerning Iraq, Cameroons and Togoland under British Mandate, Ruanda-Urundi, Pacific Islands under Japanese Mandate and Western Samoa before September 1st of each year."

The first sentence of Rule 8 is at present worded as follows :

" At the beginning of the ordinary session, the Commission shall undertake a separate examination and discussion of each of the annual reports submitted by the mandatory Powers."

The Commission feels that it would be desirable to draft this sentence in the following way :

" During the ordinary sessions, the Commission shall undertake a separate examination and discussion of each of the annual reports submitted by the mandatory Powers."

This change is justified not merely by the fact that the Commission meets more than once annually in ordinary session, but also because it seems unnecessary to lay down that the annual reports must be examined " at the beginning " of the sessions.

## OBSERVATIONS CONCERNING CERTAIN TERRITORIES UNDER A, B AND C MANDATES

The following observations have been formulated by the Permanent Mandates Commission after consideration of the situation in each territory in the presence of the accredited representative of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.

### TERRITORIES UNDER A MANDATE

#### Iraq.

##### GENERAL OBSERVATIONS.

The Commission much appreciated the oral statement made by the accredited representative, for his clear treatment of the more important of the outstanding problems in Iraq permitted it to obtain a more intimate knowledge of the general situation there. The statement thus served as a useful supplement to the annual report, which is in the main the work of the different departments of the Iraq Government, but for which, as the accredited representative confirmed, the mandatory Power assumes full responsibility.

##### SPECIAL OBSERVATIONS.

1. *Protection of Minorities.*—The Commission would be glad to be informed of the measures taken in pursuance of the recommendations of the Mosul Commission concerning minorities, and to have precise information in regard to the circumstances which have retarded the adoption of these measures or which might be obstacles to the fulfilment of these recommendations.

2. *Foreign Relations.*—The Commission noted with satisfaction that, according to the accredited representative, the position on the Persian, Syrian and Turkish frontiers had improved since the annual report was drafted. It regrets that certain difficulties still exist in the relations between Iraq and Persia, and that a more normal relationship has not been established between these two countries.

3. *Economic Equality.*—The attention of the Commission was drawn to Article 8 of the Customs Duty Drawback Law of 1926, which laid down that " prohibition against payment of drawback upon the re-exportation of goods, or any specified goods or classes of goods, to any specified foreign country or place may be prescribed by Royal Irada". It would be glad to receive further information concerning the purpose and nature of this provision and the views of the mandatory Power as to its compatibility with Article 11 of the Treaty of October 10th, 1922, between Great Britain and Iraq.

The Commission noted that, according to Article 6 of the Anglo-Persian Oil Concession of 1926, the period of the original concession was extended by thirty-five years, to 1996. It thanks the accredited representative for having promised to forward a copy of the D'Arcy Concession of 1901, the Protocol of 1913 and the Agreement of 1925, which are mentioned in the Concession of 1926, and it would like information concerning the relationship which these arrangements may have to Article 11 of the Treaty of October 10th, 1922. These documents will allow the Commission to follow the problems involved with all the care for which they call.

The Commission would also like to receive a copy of the text of the concession granted to the Turkish Petroleum Company.

4. *Public Health.*—The Commission would like further explanations concerning the results of the constant decrease in the expenditure on public health, as well as on the measures taken to combat malaria and to reduce the rate of infant mortality, particularly in Basra.

5. *Economic Development.*—The Commission gave considerable attention to the economic situation of the country, which has suffered from a depression in trade during the last two or three years. It appreciated the information given by the accredited representative on a series of special points, and it would be glad if a comprehensive survey of important developments affecting the economic life of the country were included in future reports.

6. *Labour.*—The Commission is grateful for the more complete information in the report for 1926 concerning labour legislation and conditions of labour in the country. It would be glad to receive data concerning the recruiting, transportation and contracts of the workers coming from India.

7. *Education.*—The Commission notes with satisfaction that, although a considerable decrease in the administrative expenses of the Department of Education of the Iraq Government has been brought about during the last two years, the total expenditure on education has continued to increase. It will follow with interest such success as may be achieved in securing a competent corps of schoolteachers, and will appreciate full information on this point.

8. *Religious Questions.*—The Commission is grateful for the information on the religious sects in the country which was furnished by the accredited representative.

It would appreciate precise information in the annual reports as to the use of Auqaf funds.

## TERRITORIES UNDER B MANDATE.

### Togoland and Cameroons under British Mandate.

#### OBSERVATIONS COMMON TO BOTH TERRITORIES.

*Public Health.*—The Commission notes the shortage of doctors in the territories of Togoland and the Cameroons, and hopes that the mandatory Power will make every possible effort to increase the higher medical staff available as well as the number of native assistants and dispensers.

The Commission appreciated the offer of the accredited representative to arrange to insert in future reports a statistical table showing the number of the medical personnel at work in each district in these territories, classified according to the positions held.

#### Togoland.

1. *Public Finance.*—The Commission notes that the mandated territory is debited with a part of the "expenses of raising" and a share of the service of certain loans obtained by the Gold Coast in recent years. It would like to have further information concerning the first of these items, and also to know what assets have been credited to the mandated territory as a result of these loans and the public works on which they have been employed.

The Commission noted the statement by the accredited representative to the effect that a proportionate share of the profits of the West African Currency Board would be credited to the mandated territory in the accounts published in future reports. It would be glad to receive eventually information as to the way in which this has been done and in particular to learn whether it will have retroactive effect.

The accredited representative informed the Commission that the mandatory Power was considering the advisability of introducing a system of native treasuries in the mandated territory. The Commission would be glad to learn of the conclusions reached by the mandatory Power on this matter.

2. *Labour.*—No reply was given in the annual report to the request made last year for "statistics regarding the number of labourers employed by various Government departments and for private enterprises in the territory". The Commission trusts that, as the result of the discussion with the accredited representative, the mandatory Power will be able to furnish the information desired.

3. *Liquor Traffic.*—Fuller information in future reports concerning the increasing amount of spirituous liquors introduced into the territory would be appreciated.

#### Cameroons.

#### GENERAL OBSERVATIONS.

The Commission regrets that the annual report for 1926 did not reach Geneva until more than a month after the date fixed by the Council.

It thanks the mandatory Power for having inserted in the report a valuable map of the Cameroons Province, showing the distribution of the tribes and the location of the administrative centres, schools and mission stations.

#### SPECIAL OBSERVATIONS.

1. *General Administration.*—The Commission will be glad to learn of the further steps taken to extend the administrative authority of the mandatory Power to those districts in the central part of the territory which have not yet been brought under control.

2. *Public Finance.*—The Commission would like to be informed of the results of such consideration as may be given by the mandatory Power to the problem of more properly apportioning the burden of taxation among the different classes of the native and European populations.

3. *Labour.*—Information concerning the further progress made towards the introduction of the new Labour Code mentioned in the report would be appreciated.

4. *Education.*—The Commission would be glad to be kept fully informed of any steps which the mandatory Power may consider it possible to take to establish rural schools in the northern districts of the territory, and of the success of the efforts made for the purpose of securing teachers for such schools.

5. *Ex-Enemy Property.*—The Commission begs to remind the mandatory Power that no reply has yet been received to the following question which was submitted to it as a result of the report adopted by the Commission at its seventh session :

“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 ?”

#### Ruanda-Urundi.

##### GENERAL OBSERVATIONS.

The Commission was distressed to learn of the famine from which the territory suffered in 1926 and which appears to have caused the death of many natives. It thanks the mandatory Power for the full information in the report on the emergency measures taken to minimise the effects of this scourge and to prevent its recurrence.

It is grateful for the complete collection of laws in force in the mandated territory up to the end of 1926 which was received from the mandatory Power, and also for the maps annexed to the report.

The annual report for 1926 was more than five weeks late in reaching Geneva, and the Commission trusts that the mandatory Power will find it possible in future to observe the date of September 1st, which was fixed by the Council.

##### SPECIAL OBSERVATIONS.

1. *Public Finance.*—The Commission notes with satisfaction the clearer and more complete way in which the financial statistics are presented in the report for 1926.

It would like to know the principles in accordance with which expenditure in the interests of the mandated territory and of the Belgian Congo, such as expenditure relating to the concessions at Kigoma and Dar-es-Salaam is divided.

2. *Labour.*—The Commission has heard with very great interest the details furnished by the accredited representative concerning the recruiting, transport and general treatment of workers enrolled for the service of the Union Minière of Katanga. It will follow with special attention the development of this experiment, and it hopes to find in future reports the most complete information on the matter.

3. *Education.*—The increase from 1926 to 1927 of about 60 per cent in the budget estimates for education was welcomed by the Commission.

4. *Mines.*—The Commission noted the offer of the accredited representative to insert in the next report full information concerning the granting of mining concessions.

#### TERRITORIES UNDER C MANDATE.

##### Pacific Islands under Japanese Mandate.

##### GENERAL OBSERVATIONS.

The Commission desires to express its thanks to the mandatory Power for the volume of laws, specially translated for the Commission's benefit, which was transmitted with the report, and for the detailed replies given concerning the observations made last year by the Commission and in answer to certain questions to be found in the Minutes of its tenth session.

##### SPECIAL OBSERVATIONS.

1. *Public Finance.*—The Commission fully appreciates the generosity displayed by the Japanese Government in making a considerable subsidy each year to cover the deficit incurred by the Administration of the Islands. It would be glad to have in the next report a table showing the total amount of such subsidies up to the year 1927 inclusive.

Further, it seems desirable, in order that the accounts for the mandated territory may be somewhat clearer, to establish a special budget for the annual revenue and expenditure of the Angaur mines and also the sums previously paid out of the local accounts for the purchase of those mines.

The Commission would be glad to learn by what methods equality in the payment of the poll-tax in cash and in copra is assured. It would also like to have information concerning the burden of taxation falling on an average on the native as compared with the non-native.

2. *Economic Development.*—The Commission has taken note of the offer of the accredited representative to have inserted in future reports more detailed information concerning land which contains phosphate rock. It would be glad to learn whether the natives receive an indemnity in return for the exploitation of the phosphate on their land.

3. *Education.*—The Commission highly appreciates the comprehensive information contained in the report concerning education and the efforts made in the matter of vocational education.

## Western Samoa.

### GENERAL OBSERVATIONS.

The full replies which were furnished by the mandatory Power to the observations adopted by the Commission last year, as well as to enquiries made orally by individual members at the tenth session, were greatly appreciated.

The Commission is grateful for the information which the mandatory Power and the accredited representative were good enough to furnish concerning the causes of the agitation in Western Samoa, and in particular for the report on the visit of the Minister of External Affairs to the territory. It is glad to note that a Royal Commission has been constituted to investigate the situation.

It is hoped that the Commission will be put in possession as soon as possible of the report of this Commission which was promised by the New Zealand Government, together with the observations of the mandatory Power, the conclusions which it has been led to adopt and the decisions which it may have taken in consequence of the report. Only when these documents are available will it be possible for the Permanent Mandates Commission to express its opinion on this important matter.

In order to supervise the observance of the mandates and to co-operate with the mandatory Powers with the most fruitful results, it seems desirable that the Commission should be kept fully informed each year of political movements of any consequence in the mandated territories. The Commission therefore noted with regret that no mention had previously been made of the underlying causes or the present agitation or of any symptoms of unrest which should have been brought officially to its notice before this year, particularly since references were found in some of the documents laid before it in 1927 to important signs of disaffection which had become evident in previous years.

The attention of the Commission was drawn to a speech in which the Administrator of the territory was reported as referring to the islands "as part of the British Empire" and to their inhabitants as "British subjects". The Commission was therefore glad to learn from the accredited representative that, in spite of the use of these phrases by the Administrator, the opinion of the mandatory Power on this question is in conformity with the principles of the mandates system as laid down in the Covenant and upheld by the Council and the Assembly.

### SPECIAL OBSERVATIONS.

1. *Public Finance.*—It would be of interest to the Commission to know whether the rents paid for lands belonging to the New Zealand Reparation Estates which are leased are credited to the budget of the territory.

2. *Economic Development.*—The Commission was greatly interested in the experiment by which the Administration is attempting to secure for native producers of copra a more equitable price by itself undertaking the marketing. It would be glad to have full information as to the methods used in carrying out any such operation and of the results obtained.

3. *Labour.*—The provisions of Section 17, sub-sections 7 and 18, of the Native Regulation (Samoa) Order of 1925 concerning the construction, maintenance and cleaning of roads and tracks under the authority of the District Councils make no mention of the payment of the workers employed. The Commission would be glad to be assured that these provisions do not in practice impose compulsory unpaid labour.

4. *Public Health.*—The Commission was glad to learn that, during the year, the mandatory Power had doubled the number of its dispensaries in the outlying districts.

5. *Population.*—The Commission desires to congratulate the mandatory Power on the fact that, although two epidemics of dysentery and influenza occurred during the year, the lowest death rate ever attained was recorded during this period.



## OBSERVATIONS ON PETITIONS

At its twelfth session, the Commission considered the petitions mentioned below, together with such relevant observations or information as were furnished in writing by the mandatory Powers or orally by their accredited representatives. Each of the petitions was reported on in writing or orally by a member of the Commission or by a Sub-Committee. After discussion, the conclusions of the reports, which are printed below, were adopted by the Commission. \*The written reports are reproduced as annexes to the Minutes<sup>1</sup>.

### 1. Palestine.

Three petitions from various Turkish nationals of Palestinian origin living in Honduras, San Salvador and Mexico respectively, dated April 23rd, June 10th, and September 19th, 1927 (C.P.M. 562, 628, 658).

Observations from the British Government, dated October 25th, 1927, on the first two petitions (C.P.M. 656).

Report (see Minutes, Annex 9. A.)

#### *Conclusions:*

The Commission is of the opinion that, both in law and in equity, the claim of the petitioners to be immediately registered as Palestinian citizens is not justified.

On the other hand, their attention might be drawn to Article 7, Section 5, of the Palestinian Citizenship Order in Council, which is as follows :

“ The High Commissioner may in any special case, if he thinks fit, grant a certificate of naturalisation, although the two years' residence has not been within the last three years immediately preceding the date of the application.”

### 2. Togoland under French Mandate.

Petition dated June 7th, 1927, from Mr. Casely Hayford, on behalf of certain members of the Adjigo Clan (C.P.M. 631).

Observations by the French Government, dated October 1st and November 4th, 1927 (C.P.M. 631 and 668).

Oral report (see Minutes of the twenty-fifth meeting).

#### *Conclusions:*

The Commission has received from the same source a new petition, concerning the case of certain natives of the Adjigo Clan, which formed the subject, in the last resort, of a report attached to the Commission's report to the Council on the work of its eleventh session.

In view of the information furnished by the mandatory Power, the Commission was of opinion that no new facts had been adduced which could cause it to modify the decision taken in the matter at its eleventh session.

The Commission would like to know why a petition from the same person, dated November 4th, 1926, relating to the same question, and which is alleged to have been transmitted to the Commissioner of the French Republic in Togoland, has not been communicated to it.

### 3. South-West Africa.

(a) Petition dated June 8th, 1927, from Mr. E. J. E. Lange (C.P.M. 640).

Observations by the Government of the Union of South Africa, dated September 17th, 1927 (C.P.M. 640).

Oral report (see Minutes of the twenty-fourth meeting).

#### *Conclusions:*

No new fact having been adduced by Mr. Lange in his last petition, there is no reason for the Commission to modify its decisions of 1924 and 1925. Accordingly, the Commission decides that no action can be taken on Mr. Lange's present petition any more than on his previous ones.

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<sup>1</sup> The Commission does not consider it necessary to forward to the Council and Members of the League copies of the petitions and observations of the mandatory Powers relating thereto. It recommends, however, that copies of these documents should be kept in the League Library at the disposal of persons who may wish to consult them.

(b) Petition dated November 26th, 1926, from certain burghers of the Rehoboth Community (C.P.M. 546).

Observations from the Administrator of South-West Africa transmitted by the Government of the Union of South Africa, dated December 21st, 1926 (C.P.M. 546); and the report of the Rehoboth Commission.

Report (see Minutes, Annex 9. B.).

*Conclusions:*

The Commission regrets exceedingly the long delays which have occurred in the treatment of this question by the mandatory Power as explained in the report made by Sir Frederick Lugard at the eleventh session, and in particular that it is not yet in possession of the views of the mandatory Power on the petition and on Mr. Justice de Villiers' report. As, however, those views are essential to a final consideration of the petition, the Commission has come to the conclusion that it can take no useful action except to repeat the request which was made to the Council in the report on its eleventh session, and to suggest that the mandatory Power should be urged to give this matter its immediate attention.

**4. Western Samoa.**

(a) Petition dated June 1st, 1927, from Mr. Newton Rowe (C.P.M. 571).

Observations from the New Zealand Government dated September 13th, 1927 (C.P.M. 657).  
Report (see Minutes, Annex 9. C.).

*Conclusions:*

As the allegations in the petition under examination only concern the Commission in so far as they relate to the general state of the administration of the territory—since personal questions of the kind mentioned in the petition, owing to their nature and delicate private character, are not matters which can properly be examined by the Commission—it proposes that judgment on the matter be reserved until it has received the further information to be given in the report of the Royal Commission, which the mandatory Power has promised to send.

(b) Petition from the Anti-Slavery and Aborigines Protection Society of London, dated July 19th, 1927 (C.P.M. 620).

Observations by the New Zealand Government dated September 19th, 1927 (C.P.M. 662).  
Report (see Minutes, Annex 9. D.).

*Conclusions:*

The Commission has come to the conclusion that it would be advisable to postpone its decision on this petition pending the receipt of the report of the Royal Commission and the views of the New Zealand Government on that report.

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Genève, le 8 août 1928.

SOCIÉTÉ DES NATIONS

COMMISSION PERMANENTE DES MANDATS

Treizième session.

COMMENTAIRES DU REPRÉSENTANT ACCRÉDITÉ DU  
GOUVERNEMENT BRITANNIQUE AU SUJET DES  
OBSERVATIONS DE LA COMMISSION CONCERNANT  
LE RAPPORT POUR 1927 SUR L'ADMINISTRATION DU  
TANGANYIKA.

Londres, le 18 juillet 1928.

Monsieur le Secrétaire général,

J'ai l'honneur d'accuser réception de votre lettre N° 6 A/4296/557 du 9 courant, à laquelle se trouvait joint le texte des observations de la Commission permanente des mandats sur le rapport de la Puissance mandataire concernant l'administration du Territoire du Tanganyika pour l'année 1927.

La seule remarque que je désire formuler au sujet de ces observations a trait à la première observation spéciale sur la défense du Territoire. Le terme « Administration » devrait, me semble-t-il, remplacer les mots « Puissance mandataire », puisque c'est le gouvernement local du Territoire qui (comme je l'ai déclaré à la Commission) s'opposerait à toute tentative visant à accroître la proportion des dépenses militaires qu'il supporte actuellement. Des propositions tendant à l'accroissement de cette proportion pourraient émaner, soit d'une dépendance britannique voisine, soit de la Puissance mandataire elle-même. La Puissance mandataire aurait, naturellement, le dernier mot à cet égard, et, dans ce cas, il ne semble pas que cette Puissance ferait obstacle à de semblables propositions. En tout cas, je n'étais pas et ne suis pas qualifié pour parler au nom de la Puissance mandataire, mais seulement au nom du gouvernement du Territoire, et comme, vraisemblablement, l'observation de la Commission est fondée sur les déclarations que j'ai faites devant elle le mois dernier, je serais heureux si l'on pouvait apporter, dans les termes que j'ai indiqués ci-dessus, une légère modification au texte des observations de la Commission, avant ou au moment de les soumettre au Conseil de la Société.

(Signé) J. SCOTT.

[Distributed to the Council,  
the Members of the League  
and the Delegates at the Assembly.]

**A. 25.** 1928. VI.

Geneva, August 8th, 1928.

**LEAGUE OF NATIONS**

**PERMANENT MANDATES COMMISSION**

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**Thirteenth Session.**

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**COMMENTS BY THE ACCREDITED REPRESENTATIVE OF THE  
BRITISH GOVERNMENT ON THE OBSERVATIONS  
OF THE COMMISSION CONCERNING THE REPORT  
FOR 1927 ON THE ADMINISTRATION OF  
TANGANYIKA.**

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London, July 18th, 1928.

To the Secretary-General.

I have the honour to acknowledge the receipt of your letter No. 6 A/4296/557 of the 9th instant enclosing an advance copy of the observations of the Permanent Mandates Commission on the report of the Mandatory Power on the administration of the Tanganyika Territory for the year 1927.

The only comment which I wish to offer on these observations is in respect of the first special observation on the defence of the Territory. Here the word "Administration" should, I think, be substituted for the words "mandatory Power", since it is the local Government of the Territory which (as I stated to the Commission) would resist any attempt to increase the proportion of military expenditure at present borne by it. Proposals that the proportion should be increased might come from either a neighbouring British dependency or from the mandatory Power itself. The mandatory Power would naturally have the last word in the matter, and in the circumstances there would seem to be no question of the Power resisting such proposals. In any case, I was not and am not empowered to speak on behalf of the mandatory Power, but only on behalf of the Government of the Territory; and as the observation of the Commission is presumably based on what I stated to it last month, I should be glad if the slight alteration in the wording indicated above may be made before or on submission of the Observations to the Council of the League.

(Signed) J. SCOTT.

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Geneva, August 15th, 1928.

LEAGUE OF NATIONS

**SLAVERY CONVENTION**

**ANNUAL REPORT BY THE COUNCIL**

*Note by the Secretary-General.*

In accordance with a resolution adopted by the Council on June 4th, 1928, the Secretary-General has the honour to forward to the Council, to the Members of the League and to the Delegates at the Assembly the following documents concerning the progressive abolition of slavery and conditions analogous thereto. They contain such information as has been communicated to the League of Nations by different Governments in consequence of the resolution adopted by the Assembly on September 25th, 1926 :

1. Letter from the Government of the Sudan, dated May 29th, 1928.
2. Letter from the Italian Government, dated July 9th, 1928.
3. Letter from the British Government, dated July 30th, 1928.

1.

**LETTER FROM THE GOVERNMENT OF THE SUDAN.**

Khartoum, May 29th, 1928.

In my despatch No. M.21, dated April 12th, 1927<sup>1</sup>, I provided certain supplementary information on the subject of the slavery problem in this country for inclusion in the document which is prepared annually by the Council for submission to the Assembly of the League of Nations as laid down in Resolution III adopted in connection with Article 7 of the Slavery Convention.

2. My despatch referred to above, after giving a brief survey of slavery in the Sudan and of the steps which have been taken to accelerate its disappearance, mentioned certain further points, to some of which reference must again be made in reviewing the progress achieved during the past year.

3. The question of affording financial assistance to manumitted slaves until such time as they can be established in a wage-earning capacity was referred to the provincial authorities, and the requisite funds have been allotted to Governors of provinces.

4. The steps contemplated in my previous despatch for securing fair treatment of freed slaves appearing before a Mohammedan Law Court have been taken. Freedom papers are now issued in the form of a decree which has been accepted as being binding on the Mohammedan Law Courts. Persons holding such decrees are considered by the Mohammedan Law Courts as being free.

5. The arrangements made for disposing of slaves freed through the efforts of His Majesty's Consul at Jeddah and forwarded by him to Port Sudan are proving completely satisfactory. Twenty-seven such cases were dealt with during the past year.

6. Special reference was made in my report last year to the fact that in one or two of the provinces, notably Kordofan and Kassala, the progress of manumission had not been so rapid as might have been desired.

I am glad now to report that, in Southern Kordofan, there has recently been a notable acceleration in the rate of progress and that 700 slaves have received freedom during the past year. A particularly satisfactory feature of this manumission has been the disposal of these ex-slaves, who, instead of being dispersed to seek a livelihood by precarious or doubtful means, have been settled into local colonies, which it has been found possible to absorb into the existing tribal administration.

7. The position as regards the conditions obtaining on the frontier between the Sudan and Abyssinia requires special mention.

<sup>1</sup> Document A. 37. 1927. VI.

(a) The records of the frontier provinces of Kassala and Fung show that parties of fugitives from Abyssinia frequently report themselves at the frontier stations of Gedaref, Roseires and Kurmuk. These refugees are allotted land for building and cultivation in selected localities at least sixty miles from the Abyssinian border, and, in certain cases, where large parties have entered the Sudan in a state of destitution, loans have been issued payable after the harvest. Claims, usually accompanied by charges of some kind of crime, are frequently received from former owners for the return of these refugees on the ground of their being slaves, but no fugitive is ever sent back to Abyssinia unless a criminal offence has been fully proved against him.

On the other hand, it is only fair to say that in one instance the local Abyssinian authorities in the neighbourhood of Gambeila returned an Annuak, who had been abducted into Abyssinia.

(b) Information which has recently been collected in the Fung and White Nile provinces has disclosed the existence of a number of slaves, totalling possibly several hundreds, brought by Arabs from the Abyssinian border during the last few years. The matter is being made the subject of a close investigation, which is not yet by any means complete, by the provincial authorities; but a number of slaves, chiefly Berta by race, have already been freed and in many cases convictions have been obtained against the purchasers. The problem of dealing adequately with this traffic is much complicated by the fact that on either side of the Abyssinian border, from its intersection with the Blue Nile to the Daga Valley, there are a number of debased Arab chieftains ruling over a servile negroid population. In so far as abuses are committed by persons resident within the borders of the Sudan, it should be possible to stamp them out; but it will be realised that the difficulties of doing so are greatly enhanced by the impossibility of bringing to book the more powerful and independent chieftains on the Abyssinian side of the border who are mainly responsible for the seizure and sale of these defenceless Berta.

(Signed) H. A. MACMICHAEL,  
Acting Governor-General of the Sudan.

2.

LETTER FROM THE ITALIAN GOVERNMENT.

[Translation.]

Rome, July 9th, 1928.

With reference to the resolution of the League of Nations Assembly adopted on September 25th, 1926, concerning information to be furnished by the various States with regard to the measures taken by them to suppress the slave trade, I have the honour to inform you that the Government of Tripolitania has for some time been aware that the slave trade was being carried on — although on a limited scale and in an irregular manner — by persons coming from places not under our direct jurisdiction.

As a result of enquiries, carried out with some difficulty, five Arabs who were suspected of carrying on this illicit trade were arrested in January last. Subjected to a skilful cross-examination, the accused confessed their guilt.

It was ascertained that the following persons had been sold away from Tripoli by the five individuals mentioned above :

1. A girl of 18 for 2,000 lire.
2. A boy of 8 for 1,400 lire.
3. A girl of 16 for 1,600 lire.
4. A woman of 45 for 1,300 lire.
5. A boy of 10 for 900 lire.

A young negress had also been conveyed to Tripoli, but had not yet been sold.

All the persons arrested were denounced to the judicial authorities.

As soon as the enquiry terminates I may be able to send you further information.

(Signed) GRANDI,  
Under-Secretary of State.

3.

LETTER FROM THE BRITISH GOVERNMENT.

London, July 30th, 1928.

With reference to the letter from this department No. A. 3942/16/52 of July 29th, 1927<sup>1</sup>, and to previous communications regarding measures taken in British colonies, protectorates

<sup>1</sup> Document A. 37. 1927. VI.

and mandated territories to give effect to the provisions of the Convention on Slavery, I am directed by Secretary Sir Austen Chamberlain to transmit to you herewith, for the information of the States Members of the League of Nations and parties to the Convention on Slavery, copy of a memorandum illustrative of measures taken in Sierra Leone, Jamaica, North Borneo and Northern Rhodesia and the Tanganyika Territory to ensure the effective suppression of slavery in those territories.

(Signed) R. L. CRAIGIE.

MEMORANDUM ON MEASURES TAKEN TO SUPPRESS SLAVERY, THE  
SLAVE TRADE AND CONDITIONS ANALOGOUS THERETO  
IN VARIOUS BRITISH DEPENDENCIES.

1. *Sierra Leone.*

"The Legal Status of Slavery (Abolition) Ordinance, 1927 — No. 24 of 1927" was enacted in consequence of an unexpected hiatus in local legislation, which was revealed by a decision of the Supreme Court that the previous legislation had not had the effect of making it illegal in the Sierra Leone Protectorate for a master to use a not unreasonable amount of force for the purpose of recapturing a runaway. This Ordinance came into force on January 1st, 1928.

Correspondence relating to domestic slavery in the Sierra Leone Protectorate was presented to Parliament by the Secretary of State for the Colonies in January 1928, and was published as Cmd.3020. A copy of this publication is attached<sup>1</sup>.

2. *Jamaica.*

The Governor has reported in a recent despatch that it is not necessary for any steps to be taken in Jamaica by way of legislative enactment to give effect to the measures of the Convention, as no form of slavery or forced labour exists in the Colony. All slaves in Jamaica were freed by Imperial legislation, viz., Act 3 and 4 William IV, c. 73. Copies of any laws and regulations which may be passed in the Colony in the future will be forwarded for transmission to the Secretary-General of the League.

3. *The State of North Borneo.*

The British North Borneo Company have explained that, in pursuance of Article 7 of the Company's Charter :

"The Company shall to the best of its power discourage and, as far as may be practicable, abolish by degrees any system of domestic servitude existing among the tribes of the coast or interior of Borneo; and no foreigner, whether European, Chinese, or other, shall be allowed to own slaves of any kind in the Company's territories."

A Slavery Ordinance (No. XIII of 1883) was duly issued in October 1883, and this in turn was repealed in December 1902 by Ordinance XVII of 1902. Copies of these two Ordinances are appended herewith<sup>2</sup>.

4. *Northern Rhodesia.*

The Governor reported in a recent despatch that no further steps remain to be taken in Northern Rhodesia to give effect to the provisions of the Convention. As regards Article 5 of the Convention, the only provision in the Statute Law of Northern Rhodesia which recognises anything in the nature of compulsory or forced labour for public purposes is contained in the Administration of Natives Proclamation 1916, Section 18 of which enacts that "all natives shall actively co-operate in any measures taken in matters of public urgency and particularly the promulgation of public orders and notices, the prevention of grass fires or bush fires and the repression of disease".

On the subject of legal machinery for dealing with infractions of laws and regulations enacted to give effect to the purposes of the Convention, there are no local enactments for this purpose; but, on the rare occasions when action has to be taken, prosecutions are instituted under the Imperial Act 5 Geo. IV, c. 113 (The Slave Trade Act, 1824), which has been held to apply to this territory.

5. *Tanganyika Territory.*

The Governor is of the opinion that the Involuntary Servitude (Abolition) Ordinance No. 13 of 1922 and Sections 367-371 and 374 of the Indian Penal Code are sufficient to give

<sup>1</sup> Note by the Secretariat: This document, entitled "Sierra Leone. Correspondence relating to Domestic Slavery in the Sierra Leone Protectorate", can be consulted at the League Secretariat.

<sup>2</sup> Note by the Secretariat: These Ordinances can be consulted at the League Secretariat.

effect to the obligations of the territory under the Convention. Reference has been made already to the 1922 Ordinance in the League of Nations document A.25(a).1924. A copy of the relevant sections of the Indian Penal Code is appended herewith<sup>1</sup>.

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### Appendix

#### NOTE BY THE SECRETARY-GENERAL.

By its letter of July 30th, the British Government forwarded the following laws and regulations :

1. *North Borneo* : Proclamation No. XIII of 1863, date October 25th, 1863;
2. *North Borneo* : Ordinance XVII of 1902, repealing Ordinance XIII of 1863;
3. *Tanganyika* : Sections 367, 368, 369, 370, 371, 374 of the Indian Penal Code;
4. *Sierra Leone* : Laws and regulations contained in the Command Paper No. 3020, entitled "Sierra Leone. Correspondence relating to Domestic Slavery in the Sierra Leone Protectorate " :
  - (a) Slavery Ordinance, dated August 31st, 1916;
  - (b) East India Company's Act, No. V of 1843;
  - (c) Protectorate (No. 2) (Amendment) Ordinance, 1926 (No. 9 of 1926);
  - (d) Legal Status of Slavery (Abolition) Ordinance, 1927 (No. 24 of 1927).

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<sup>1</sup> Note by the Secretariat: This document can be consulted at the League Secretariat.



Geneva, August 25th, 1928.

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LEAGUE OF NATIONS

**SLAVERY CONVENTION**

**ANNUAL REPORT TO THE COUNCIL**

*Note by the Secretary-General :*

The Secretary-General has the honour to circulate to the Assembly, as a supplement to document A.24.1928.VI, the following letter from the India Office, dated August 10th, 1928.

**LETTER FROM THE INDIA OFFICE TO THE SECRETARY-GENERAL.**

London, August 10th, 1928.

In continuation of the letter addressed to you on June 16th, 1927, No. E. & O. 4273/27, I am directed by the Secretary of State for India to transmit copies of a further memorandum regarding measures for the abolition of slavery in Burma.

*Secretary, Economic and Overseas Department.*

*(Signed) E. J. TURNER.*

**MEMORANDUM ON MEASURES FOR THE ABOLITION OF SLAVERY  
IN BURMA.**

In a memorandum dated June 14th, 1927, which was communicated to the League of Nations, it was explained that 3,445 slaves had been released in the Hukawng Valley during the cold weather of 1925-26 at a cost of Rs. 1,96,163, paid as compensation, and that Mr. T. P. Dewar, O.B.E., was visiting in 1926-27 the slaves who had been released during the previous season. It has since been reported that Mr. Dewar, on that occasion, besides checking released slaves and settling disputes between the freed slaves and their owners, released twenty more slaves whose existence was not known during the previous tour and paid compensation to the owners, amounting to Rs. 1,485.

Mr. Dewar visited the valley again in 1927-28 and found the condition of the freed slaves had greatly improved. They had settled down in new villages with headmen of their own, and relations between them and their late owners had become less strained. It has even been reported that a movement exists among the ex-slaves who left the valley to settle in administered territory to return to the valley.

The memorandum referred to further described the work of the expedition sent to the "Triangle" in 1926-27. The latest report is that, in that district and the adjoining areas

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of the North-East frontier of Burma, 3,989 slaves were freed at a cost of Rs. 2,70,375 in the touring season of 1926-27, when the operations had to be suspended on account of the attack on one of the slave-releasing parties, already reported. Punitive measures had to be undertaken against the tribes concerned in this attack, and when these were over the season was too far advanced for further touring. The release of the remaining slaves had, therefore, to be postponed till the open season of 1927-28.

The sanction of His Majesty's Secretary of State for India was obtained and an expedition for the release of the remaining slaves in the "Triangle" left Myitkyina on December 1st and 2nd, 1927. At the head of the expedition was Mr. J. T. O. Barnard, C.I.E., C.B.E., who conducted the slave-releasing operations in the Hukawng Valley in 1925-26 and in the "Triangle" in 1926-27. He had orders to release slaves in areas not already dealt with on payment of compensation to their owners at rates already fixed, but no compensation was to be paid for those slaves who had been wilfully concealed during the previous tour in areas already dealt with. Slaves belonging to the tribes who were the prime movers in the attack on the party during the previous season were to be released without compensation. The officers with the expedition were required to check and to enquire into the condition of the slaves already released.

The expedition left in two columns, the northern column under Mr. Barnard, with an escort of 100 Military Police under a British officer, and two Lewis guns, and the southern under Mr. P. M. R. Leonard, with an escort of equal strength. Mule transport had to be used throughout and 750 mules in charge of 150 Chinese muleteers were hired for the purpose. All rations for the columns, including rations for the mules and muleteers, had to be sent from Myitkyina, as no paddy or rice was available in the "Triangle".

The columns crossed into the "Triangle" on December 5th by a boat ferry established over the Mali Hka, and were met by many chiefs from the "Triangle", who gave Mr. Barnard assurance of a friendly reception. The columns then separated for their respective tours, and they returned to Myitkyina on April 14th and 15th, 1928. During the intervening period, almost the whole of the "Triangle" was visited, including villages which had never been visited by a British party, and the slaves released during the previous year were checked. The columns received a friendly reception from the people, who showed a disposition to help them, and great pains were taken by the headmen to make the camps comfortable. Travelling in the "Triangle" is arduous in the extreme, as roads do not exist; rough paths were, however, made for the use of the columns by the villagers, who were supplied with tools at the cost of the Government and rewards were paid for good work. The disturbed state of the country added to the difficulties of the tours. The people live in stockaded villages and are almost continuously at war, owing to the blood feuds that exist between families and villages and the constant dread of raids and reprisals. The peace of the country is disturbed even in a greater measure by what may be termed a "republican" movement among certain tribes, which began with the refusal of certain villagers to give the customary dues to their tribal chiefs and led to the people killing many of the chiefs. There is no peace in the areas where this movement prevails, and every year finds new crimes of murder and arson added to a long list. The advice of the officers of the expedition who entered the country in the previous year has been of no avail, and cases of murder and arson due to this movement have occurred since that expedition. A raid even occurred on a village in which the members of the column were stationed, and a house in which some of them were camped was set on fire. No untoward incidents of importance occurred otherwise. To the expedition the people were most friendly, and the Lewis gun demonstrations, display of Very lights and sports held by the columns attracted large crowds.

The condition of the slaves released during the previous season was found to be on the whole satisfactory. Owners had in some cases tried to keep slaves in their power by lying about the intentions of the Government, and some of the slaves remained with their old masters, as they did not fully realise the effect of their release. The condition also of many of the slaves at the time of their release was such that it was not possible for them to take immediate advantage of their freedom; those connected with the more powerful chiefs found it easier to stay on with their late owners than to set up for themselves. But many of the ex-slaves have already set up houses of their own and many others have expressed their intention of doing so early, so that in a year's time conditions should have changed for the better. It is satisfactory to note that many ex-slaves are settling down in their old villages, so that economic conditions will be disturbed as little as possible.

In the course of the operations, many slaves concealed during the previous season were discovered and set free without the payment of compensation. Slave-owners were not at all backward in putting forward false excuses for such concealment. One case was detected of a claimant receiving compensation for a slave who died five years ago. The parties to the swindle were made to refund the money. The release of slaves went on otherwise most smoothly and Mr. Barnard remarks "that freedom had brought joy to many hearts cannot be doubted, and in the course of the tours many happy reunions of families have been witnessed which, if it had not been for the British Government, would never have been possible". Mr. Barnard cites the instance of an old woman who came to him

fifteen marches to claim seven of her children who had been seized and sold into slavery in the " Triangle " many years ago. Only two of these were alive, and both were found and restored to her during this tour.

The total number of slaves released during this season was 1,028. Compensation, however, was paid for only 551, amounting to Rs. 43,365. In areas adjoining the " Triangle ", 353 slaves were released (66 by payment of compensation amounting to Rs. 5,180). To the latter, 17 should be added who were released last year but were left out through an oversight. The total number of slaves released and the total cost during the years 1925-26 to 1927-28 in both the Hukawng Valley and the North-East frontier thus amount to :

	Slaves.	Cost.	
		Rs.	A.
Hukawng Valley. . . . .	3,465	1,97,648	0
" Triangle " . . . . .	5,387	3,18,920	8
	<u>8,852</u>	<u>5,16,568</u>	<u>8</u>

The tour ended with the Kachin ceremony of dismantling the posts erected for the Durbar held by Sir Harcourt Butler in January 1927. This ceremony was held on the return of the expedition to Myitkyina, on April 25th, 1928, and was attended by 112 Kachin chiefs; they were all feasted and given presents by the Commissioner, Sagaing Division, who announced in a speech to the assembled chiefs the end of slavery in Kachin land. The results achieved by these expeditions are most satisfactory.

August 7th, 1928.

Geneva, September 17th, 1928.

LEAGUE OF NATIONS.

**MANDATES**

**REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.**

*Rapporteur* : COUNT DE PENHA GARCIA (Portugal).

The Sixth Committee has examined the Reports and Minutes concerning the execution of the provisions of Article 22 of the Covenant in the mandated territories during the period which has elapsed since the last meeting of the Assembly.

Through several of its members, it has paid a deserved tribute to the work of the Council, the Permanent Mandates Commission and the Mandates Section of the Secretariat. It greatly appreciated the competence, impartiality and common sense with which this work was carried out.

The good judgment of the Mandates Commission and the wisdom displayed by the Council have been instrumental in removing many of the difficulties presented by the application of the mandates system, which constitutes an innovation and which relates exclusively to certain territories specified in the Covenant, whose political, social and economic situations differ greatly from one another. At the same time, the Committee recognises the spirit of co-operation which inspires the various mandatory Powers, and which is evidenced by the assistance given to the Commission by past or present administrators of the mandated territories. The Committee notes with satisfaction this state of affairs, which is greatly to the credit of the League of Nations.

The Sixth Committee has noted the growing interest displayed by public opinion in the mandates system, and views with satisfaction the growth of the literature concerning mandates which has recently been enriched by two important works by members of the Mandates Commission.

Among the general questions discussed, three deserve the Assembly's special attention, namely, economic equality, the liquor traffic and the systematic and scientific organisation of the work of the Mandates Commission and of the Mandates Section of the Secretariat.

Economic equality is indeed one of the fundamental principles of the mandates system. The Covenant and the Mandates desired to place the territories subject to A and B Mandates under a regime of complete economic equality. The Mandates Commission is pursuing a detailed study of the application of this principle, and to this end the Council, at the Commission's suggestion, has requested the mandatory Powers to supply it with certain information.

The question of the increase in the liquor traffic in certain territories under mandate has from the outset engaged the Commission's attention, and it has already carried out important technical and statistical work in connection with this serious problem. The Council has requested it to pursue its enquiry, and has forwarded to the mandatory Powers requests for data with a view to revising the statistics, obtaining information on Customs tariffs, and determining the territories or parts of territories under mandate to which Article 4, paragraph 2, of the St. Germain Convention on the Liquor Traffic is applicable.

As regards the systematic and scientific organisation of the work of the Mandates Commission, great progress has already been achieved; but more remains to be done before perfection can be attained. Thanks to the efforts made by the Secretariat in pursuance of the resolution adopted at the fifth ordinary session of the Assembly, the documents concerning the administration of the mandated territories are published each year, and constitute excellent material for study and for making the system more widely known. An analytical index kept up to date would facilitate the study of these numerous and bulky reports, and the Sixth Committee considers that such an index could without great difficulty be compiled by the authors of the reports themselves.

The Mandates Commission's reports contain a considerable number of requests for information, observations or conclusions concerning the annual reports it has examined. The Council has instructed the Secretary-General to forward them to the Governments of each of the mandatory Powers concerned. The same has been done as regards certain petitions examined by the Commission. The mandatory Powers will no doubt make a ready response to these observations and requests for information, so as to permit of the gradual solution of the difficulties noted, and the elucidation of the questions which occupy the Commission's attention.

Thanks to the spirit of co-operation which inspires the activities of the various agents of the mandates system, a great work of peace and progress is in process of achievement for the benefit of the inhabitants of the territories under mandate and of the community of nations in general.

*Draft Resolution.*

“ The Assembly,

“ Having taken note of the work accomplished by the mandatory Powers, the Permanent Mandates Commission and the Council in execution of Article 22 of the Covenant ;

“ Desires to convey to them its admiration for their continued efforts and for the spirit of co-operation which has characterised their work ; and

“ Trusts that this will always continue to be the case.

“ The Assembly :

“ (a) Expresses the hope that the Permanent Mandates Commission's work on the question of the application of the principle of economic equality will be actively pursued, and that the mandatory Powers will supply all the information requested ;

“ (b) Hopes that the study of the question of the liquor traffic will, with the help of the mandatory Powers, lead to effective results ;

“ (c) Expresses the opinion that it is desirable that the mandatory Powers should furnish and keep up to date all the particulars necessary to complete the statistical tables already compiled by the Secretariat. ”

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Geneva, September 17th, 1928.

NINTH ORDINARY SESSION OF THE ASSEMBLY  
OF THE LEAGUE OF NATIONS.

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**SLAVERY CONVENTION — ANNUAL REPORT  
BY THE COUNCIL.**

**REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.**

*Rapporteur* : The Rt. Hon. G. LOCKER-LAMPSON, M.P. (*British Empire*).

The Sixth Committee had under consideration information communicated to the League of Nations by certain Governments respecting the progressive abolition of slavery and conditions analogous thereto. This information was forwarded in response to a resolution adopted by the Assembly at its seventh ordinary session on September 25th, 1926, and consisted of communications from the Governments of Great Britain, Italy, India and the Sudan. During the course of the discussion in the Sixth Committee, the Abyssinian delegation handed to the Secretariat a list of certain persons freed from slavery and of persons convicted of offences under the slavery laws of Abyssinia. This list forms an annex to a statement made by the Abyssinian representative to the Committee.

Since the Sixth Committee of the Eighth Assembly considered the question of slavery in 1927, the number of ratifications or final accessions to the Slavery Convention of 1926 has increased from 14 to 26. The following States have ratified or acceded to the Convention during the past year : Belgium, Canada, Republic of San Domingo, Ecuador, Egypt, Finland, Italy, Monaco, the Netherlands, Nicaragua, Norway and Sweden. Nevertheless, there are still several States whose ratification or accession is most important to ensure the universal application of the Convention, and who have not yet taken this step.

Apart from the communication of laws and regulations enacted to cope with the problem of slavery and conditions analogous thereto, the transmission of information to the League is not obligatory upon the States signatories of the Convention of 1926. Nevertheless, the Sixth Committee considers that the various Governments should spare no effort to furnish such general information on this subject in order to provide other States with the benefit of their experience.

The Committee submits the following resolution for adoption by the Assembly :

“ The Assembly notes the report of the Council regarding slavery (documents A.24.1928.VI and A.24(a).1928.VI) containing communications from the Governments of Great Britain, India, Italy and the Sudan and also notes a list submitted by the Abyssinian delegation. The Assembly hopes that no effort will be spared to furnish similar information in the future, as it is of considerable interest and utility to the States Members of the League.

“ The Assembly notes with satisfaction that the number of ratifications and accessions to the Convention of September 25th, 1926, has appreciably increased since its last session, and expresses the hope that all countries affected by this question will ratify or accede to the Convention in the immediate future. ”

Genève, le 17 septembre 1928.

NEUVIÈME SESSION ORDINAIRE DE L'ASSEMBLÉE

DE LA SOCIÉTÉ DES NATIONS

**CONVENTION DE L'ESCLAVAGE — RAPPORT ANNUEL  
DU CONSEIL**

**RAPPORT DE LA SIXIÈME COMMISSION A L'ASSEMBLÉE**

*Rapporteur : Le Très Honorable G. LOCKER-LAMPSON, M.P. (Empire britannique).*

La sixième Commission a pris connaissance des renseignements communiqués à la Société des Nations par un certain nombre de gouvernements au sujet de l'abolition progressive de l'esclavage et des conditions analogues. Ces renseignements ont été transmis en exécution d'une résolution adoptée, le 25 septembre 1926, par l'Assemblée, lors de sa septième session et font l'objet de communications émanant des Gouvernements de la Grande-Bretagne, de l'Inde, de l'Italie et du Soudan. Au cours des débats de la sixième Commission, la délégation éthiopienne a remis au Secrétariat une liste d'un certain nombre de personnes tirées d'esclavage, ainsi que de personnes reconnues coupables d'infractions à la législation éthiopienne sur l'esclavage; cette liste constitue une annexe à l'exposé présenté par le délégué de l'Éthiopie à la Commission.

Depuis que la sixième Commission de la huitième Assemblée a examiné, en 1927, la question de l'esclavage, le nombre des ratifications ou des adhésions définitives à la Convention de l'esclavage de 1926 a passé de 14 à 26. Les Etats qui ont ratifié la Convention, ou y ont adhéré au cours de l'année écoulée, sont les suivants : Belgique, Canada, République dominicaine, Egypte, Equateur, Finlande, Italie, Monaco, Nicaragua, Norvège, Pays-Bas et Suède. Néanmoins, il reste encore plusieurs Etats dont la ratification ou l'adhésion est des plus importantes pour assurer l'application universelle de la Convention et qui n'ont pas encore procédé à cette formalité.

En dehors de la communication des lois et règlements édictés pour résoudre le problème de l'esclavage et des conditions analogues, la transmission des renseignements à la Société n'est pas obligatoire pour les Etats signataires de la Convention de 1926. La sixième Commission estime, toutefois, que les divers gouvernements ne devraient épargner aucun effort pour fournir à ce sujet les renseignements généraux qui permettraient de faire bénéficier les autres Etats de leur expérience.

La Commission propose à l'Assemblée d'adopter la résolution ci-après :

« L'Assemblée prend acte du rapport du Conseil sur l'esclavage (documents A.24.1928.VI et A.24(a).1928.VI) contenant des communications des Gouvernements de la Grande-Bretagne, de l'Inde, de l'Italie et du Soudan, ainsi que d'une liste remise par la délégation éthiopienne.

« L'Assemblée espère que les gouvernements n'épargneront aucun effort pour fournir à l'avenir des renseignements analogues, qui présentent pour les Etats membres de la Société un intérêt et une utilité considérables.

« L'Assemblée constate avec satisfaction que le nombre des ratifications et des adhésions visant la Convention du 25 septembre 1926 a notablement augmenté depuis sa dernière session; elle exprime l'espoir que tous les pays que la question concerne en quelque manière ratifieront la Convention ou y adhéreront dans un avenir très prochain. »